



Nigerian Communications Commission – Spectrum Trading Guidelines 2018

We write to inform you of the recent publication of the Spectrum Trading Guidelines (“the Guidelines”) by the Nigerian Communications Commission (“NCC”). We believe these Guidelines, which became effective on the 12th of April 2018, are a welcome initiative by the NCC and they will further promote competition in the telecommunications sector by allowing operators to trade with their idle spectrum.

We have provided a brief overview of the guidelines below. The full Guidelines can be reviewed by clicking [here](#).

Commencement Date:	12 th April 2018
Objective:	To outline the procedure and conditions for Spectrum Trading in the Nigerian Communications Sector
Scope:	Eligible transactions through which Spectrum can be traded on the Secondary Market: <ul style="list-style-type: none"> i. Spectrum Transfer ii. Spectrum Leasing Spectrum Sharing
Eligibility:	A Licensee will be eligible to trade and participate in the Secondary Market for any eligible Spectrum Licence if the following criteria are met: <ul style="list-style-type: none"> i. The Buyer is a Licensee of the Commission. Where an intending Buyer does not have the requisite individual operating Licence that permits the deployment of access Spectrum, it will be required to obtain one before it can acquire the Spectrum. ii. The Board of Directors of the Seller and Buyer have passed resolutions consenting to the transaction. These resolutions shall be submitted to the Commission together with an application for Spectrum Trading. iii. The Seller has held the Spectrum for a minimum of 2 (two) years. iv. Where applicable, the Seller must have achieved at least 25% of the Roll-Out Obligation specified in the Spectrum Licence.

	<ul style="list-style-type: none"> v. Any Spectrum Licence that is to be traded must still have a validity period of at least one year before the expiration of its tenure. Based on the above, Spectrum Licences that have a one-year tenure are not eligible for trading. vi. Both the Seller and Buyer must be in good regulatory and financial standing with the Commission.
Restrictions:	<ul style="list-style-type: none"> i. For purposes of these Guidelines, the Commission will only consider applications for trading of access Spectrum Licences. ii. Spectrum Licenses to be traded must still have a validity period of at least one year before the expiration of its tenure and the Seller must have held the Spectrum for a minimum of 2 (two) years
Other Key Provisions	<p>Section 5: Requirements for spectrum trading; Section 6: Procedure for spectrum trading; Section 7: Fees; Section 8: Renewal of traded spectrum; Section 9: Withdrawal of spectrum trading approvals and Section 10: Effect of spectrum trading on roll-out obligations.</p> <p>These provisions set out the requirements, procedure and administrative fees for Spectrum Trading, as well as the circumstances surrounding the renewal or withdrawal of Spectrum Trading approvals.</p>

If you would like us to schedule a telephone call to further discuss the Guidelines and the effect they could have on your business operations, kindly send an email to tmt@uubo.org .

Thank you.