

## **Notification of the amendment to the transitional provision in the EC Bill, and minor modification to all licences and frequency authorisations.**

The Eastern Caribbean Telecommunications Authority (ECTEL) informed the Commission that its Council of Ministers at Part one (1) of its 40<sup>th</sup> Council of Minister's Meeting, held on 12<sup>th</sup> May 2020, made a decision to amend the transitional provision in the Electronic Communications Bill (EC Bill). Therefore, based on the agreed amendment, the transitional provision will now read as follows:

### **"157.TRANSITIONAL**

1. Notwithstanding any other provision in any other law, a person authorised to operate a telecommunications network, or provide a telecommunications service or use radio frequencies immediately before the date of entry into force of this Act, may continue to operate an electronic communications network, or provide an electronic communications service or use such radio frequencies for a period of one year after the commencement of this Act, as if they have been granted a licence or frequency authorisation under this Act.

2. Within one year of commencement of this Act, the Minister shall, acting on the recommendation of ECTEL, issue a licence subject to subsection (3) to a person under subsection (1) who makes a request within 12 months of commencement of this Act to be licensed.

3. A licence issued for the purposes of subsection (2) shall be subject to new terms and conditions in accordance with this Act and Regulations made under this Act."

Accordingly, a licensee or frequency authorisation holder may continue to operate under their licences and frequency authorisations granted under the Telecommunications Act [Cap. Xxx/ Chap xxx] for a period of one (1) year after the date of commencement of the Electronic Communications Act (once promulgated). Once the one (1) period has elapsed, the Minister with responsibility for electronic communications will, on the recommendation of ECTEL, issue new licences and frequency authorisations that are in line with the new Electronic Communications legal framework, to licensees and frequency authorization holders who make a request within twelve (12) months of the commencement of the Electronic Communications Act (once promulgated.)

All service providers were previously informed of the unanimous decision by Special Resolution of all five (5) members of the Council of Ministers consenting to the implementation of a proposed minor modification to all Individual licences and frequency authorisations in each Contracting State. ECTEL recommended that a minor

modification to all Individual licences and frequency authorisations be made, which will be in line with the Telecommunications Act in each Contracting State. The proposed minor modification is to insert the following "Change of Law" provision:

**"Notwithstanding any provision to the contrary, where the Act is amended, or repealed and replaced, the amendments or the new Act as the case may be, shall apply to this licence and this licence shall, immediately upon the coming into force of the amendments or new Act, be read as if the licence was issued under and in accordance with the provisions of the amended or new Act".**

Therefore, moving forward, this "Change of Law" provision will be inserted in all Individual licences and frequency authorisations issued to service providers under the Telecommunications Act by the Minister with responsibility for telecommunications. This will be done until the EC Bill and Regulations are passed into law and become the new legal framework for the sector. As outlined in a previous correspondence sent to all service providers, the function of this "Change of Law" provision within the individual licences and frequency authorisations is to make special provision for the application of the Electronic Communications Act and Regulations (once promulgated) to circumstances relating to licences, which would exist at the time the Electronic Communications Act and Regulations become the new legal framework.

During this transitional period, ECTEL will provide further updates to all service providers and other stakeholders on the development of the legislative reform under Electronic Communications framework.