

Interim Directives related to Inflight Communication (IFC)

Services

Background

1. Whereas Nepal Telecommunications Authority is mandated by the Telecommunications Act, 1997 to grant license, regulate and systematize telecommunications services in Nepal and the Telecommunications Regulation, 1997 designates the Authority to specify terms and conditions for the use of radio frequency in such services;
2. Whereas Nepal has expressed its consent to the Convention on International Civil Aviation (Chicago Convention) which states that the aircraft have the nationality of the State in which they are registered, and licenses issued or rendered valid by the contracting State in which the aircraft is registered shall be recognized as valid by the other contracting States;
3. Whereas people are more and more dependent on Internet connectivity, and it is the function and duty of the Authority to cause to develop and extend the telecommunications service in such a way that it protects the rights and interests of the consumers;
4. Whereas numerous foreign airlines provide telecommunication service during flight, and such services are authorized by the competent authority of the respective States;
5. Whereas many countries have issued authorization and/or no objection to provide Inflight Communication (IFC) services while foreign registered aircraft is overflying their airspace and these service providers are seeking authorization to provide such services while the aircraft is overflying the airspace of Nepal;
6. Whereas airlines registered in Nepal are also requesting information about regulatory provisions to make IFC services available in their aircraft, and such provisions not only assist for the ubiquitous access of telecommunication, but also assists the promotion of Nepal's airlines;
7. In reference thereof, the Authority has issued these interim Directives in order to inform all the stakeholders the current legal and regulatory provisions regarding IFC Services.

Definitions and Classification

8. An airline is an organization that offers air transportation services for passengers. Airlines utilize aircraft to provide these services.
9. IFC Service Provider is an organization that delivers the inflight telecommunications services to the travelling passengers. In doing so, it generally obtains the connectivity from satellite operators and sets up access network inside the aircraft. IFC Service Provider can be a national or international entity, but must have legal standings in the country of registration.

10. Currently, IFC services are classified in two broad categories for the purpose of regulating these services:
 - (a) IFC services onboard Nepal registered aircraft.
 - (b) IFC services onboard foreign registered aircraft.
11. Both of these categories may include services that use unlicensed frequency bands (e.g. ISM Bands) and/or licensed frequency bands (e.g. Cellular Bands).

IFC services onboard Nepal registered aircraft

12. Airlines in Nepal wishing to offer IFC services in aircraft registered in Nepal shall file an application addressing the Authority with following documents:
 - (a) Cover Letter;
 - (b) Information regarding the service to be offered:
 - (i) Type of Service: WIFI/ Cellular etc.;
 - (ii) Frequency to be used;
 - (iii) Technology: IEEE, IMT (2G/ 3G/ 4G) etc.;
 - (iv) Satellite and earth station details;
 - (v) Architecture or block diagram of the services.
 - (c) Profile of the IFC Service Provider;
 - (d) Memorandum of Understanding or Contract between the airlines and the IFC Service Provider;
 - (e) Recommendation letter from Civil Aviation Authority of Nepal;
 - (f) Other relevant documents.
13. The application shall be reviewed by the Authority, and Provisional No Objection Certificate (NOC) may be issued to Nepal's airlines for IFC services. A sample of the Provisional NOC is presented as Annex I.
14. When Nepal's airlines receive Provisional NOC for IFC services, a Notification Letter shall be issued to the IFC service provider stating they are permitted to provide service to the corresponding airlines. A sample of the Notification Letter is presented in Annex II.
15. The terms and conditions applicable to the airlines and IFC service providers are specified in the Provisional NOC and Notification Letter.
16. The issuance of such NOC and Notification Letters shall be communicated to the Ministry of Communication and Information Technology and the Civil Aviation Authority of Nepal.

IFC services onboard foreign registered aircraft

17. For aircraft registered outside Nepal, the respective airlines or the corresponding IFC Service Provider shall be granted the NOC, if request for authorization is received by the Authority. A sample of the Provisional NOC is presented as Annex III.
18. The request letter (application) shall include the following documents/ information:
 - (a) Cover Letter;
 - (b) Information regarding the service to be offered:
 - (i) Type of Service: WIFI/ Cellular etc.;
 - (ii) Frequency to be used;
 - (iii) Technology: IEEE, IMT (2G/ 3G/ 4G) etc.;
 - (iv) Satellite and earth station details;
 - (v) Architecture or block diagram of the services.
 - (c) Profile of the IFC Service Provider;
 - (d) Airlines for which the services will be offered including the approval by the respective States;
 - (e) Other relevant documents.
19. The terms and conditions applicable while offering IFC services as per the NOC are specified in the NOC.
20. The issuance of such NOC shall be communicated to the Ministry of Communication and Information Technology and the Civil Aviation Authority of Nepal.

Authorization for Connectivity Providers

21. To provide connectivity for the IFC services, the IFC Service Provider and satellite communication provider shall enter into a contract, and such contract may be submitted while applying for the NOC.
22. If the satellite communication provider is not the IFC Service Provider in itself, no authorization from the Authority is required for providing the connectivity.
23. If equipment is to be installed by the connectivity provider or service provider inside the aircraft registered in Nepal, approval and certification from the Civil Aviation Authority of Nepal may be required.

Operation of IFC Services

24. When the aircraft is above the territory of Nepal, the IFC service shall operate only when the aircraft is flying at 10,000 feet and above, and on a Non-Interference/Non-Protection basis.

25. The operation of IFC services below 10,000 feet, including while taxiing, take-off and landing inside the territory of Nepal is prohibited. However, this clause applies only for public communication. For communication between aircraft and aeronautical stations, authorization from the competent authority may be required.
26. To provide telecommunication services inside the airports of Nepal including while taxiing, take-off and landing, appropriate License as per the Telecommunications Act of Nepal, 1997 is mandatory.
27. When the aircraft registered in Nepal is over the territory of other countries, the authorization, and regulations of the respective country must be followed.
28. Other conditions regarding the operation of the IFC services are specified in the NOC Letter.

Validity of the NOC Letter

29. Terms and conditions of the no objection are subject to change according to the future legislative provisions in Nepal.
30. The Authority retains the right to suspend or revoke the no objection at any time.
31. The entity holding the NOC or Notification Letter shall comply to the specified terms and conditions, including any change made from time to time, suspension, and revocation.

Contact Address:

Nepal Telecommunications Authority

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Published Date:

06 FEB 2023

ANNEX I

(Sample Provisional No Objection Certificate for Nepal's airlines)

Date:

M/S

Provisional No Objection Certificate

In response to your letter/ email about ... [subject] ... dated DD/MM/YYYY, it is to inform you that Nepal Telecommunications Authority (NTA) has no objection to the use of in-flight telecommunication system/service in aircraft operated by your Airlines, subject to the following conditions:

1. The installation and operation of the system/service shall be authorized and licensed by the Civil Aviation Authority of Nepal, including the airworthiness certification and supplement type certification.
2. The system/services shall be in accordance with the relevant provisions as set by International Telecommunication Union (ITU), International Civil Aviation Organization (ICAO), and other international and regional agencies.
3. The usage of the frequencies for the system/service shall be in accordance with the regulations and policies of Nepal.
4. The system/service shall operate only when the aircraft is flying at 10,000 feet and above the territory of Nepal on a Non-Interference/Non-Protection basis:
 - a. The system mounted on the aircraft shall not cause harmful interference to any other electronic telecommunication services provided by licensed service providers in Nepal.
 - b. The coverage of the system/services should be limited within the aircraft only.
5. Any transaction between the airline and the in-flight communication service provider shall be in accordance with the prevailing laws of Nepal.
6. Any on-board transaction between the Airlines and the consumers of the in-flight communication service shall be in accordance with the prevailing international laws and treaties.
7. Any information related to the system/services shall be provided to NTA or other Nepalese Authorities as and when required.
8. Terms and conditions of this no objection are subject to change according to the future legislative provisions in Nepal. NTA retains the right to suspend or revoke this certificate at any time.

Authorized Signature,

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ANNEX II

(Sample Notification Letter for IFC Service Provider of Nepal's airlines)

Date:

M/S

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Notification Letter

It is to inform you that Nepal Telecommunications Authority (NTA) has issued **Provisional No Objection Certificate** to **Airlines** for the use of in-flight telecommunication system/service in aircraft operated by the respective Airlines. NTA has no objection on **Inc.** providing inflight communication services to the respective Airlines as long as:

1. The Provisional NOC issued to the **Airlines** is valid.
2. The Contract between the **Airlines** and **Inc.** is valid.

The provisions stated in the NOC are also applicable to you (... .. **Inc.**) whenever relevant. The NOC issued to the **Airlines** is attached herewith.

Authorized Signature,

.....

Attachment:

1. NOC issued to **Airlines**

ANNEX III

(Sample No Objection Certificate for foreign airlines or corresponding service provider)

Date:

M/S

... ..

No Objection Certificate

In response to your letter/ email about ... [subject] ... dated DD/MM/YYYY, it is to inform you that Nepal Telecommunications Authority (NTA) has no objection to the use of in-flight telecommunication system/service while overflying the airspace of Nepal in the aircraft registered in the countries other than Nepal, subject to the following conditions:

1. The installation and operation of the system/service shall be authorized and licensed by the appropriate authorities of the Country in which the aircraft is registered, including the airworthiness certification by its National Civil Aviation Authority.
2. The system/services shall be in accordance with the relevant provisions as set by International Telecommunication Union (ITU), International Civil Aviation Organization (ICAO), and other international and regional agencies.
3. The usage of the radio frequencies for the system/service shall be in accordance with the regulations and policies of Nepal.
4. The system/service shall operate only when the aircraft is flying at 10,000 feet and above the territory of Nepal on a Non-Interference/Non-Protection basis:
 - a. The system mounted on the aircraft shall not cause harmful interference to any other electronic telecommunication services provided by licensed service providers in Nepal.
 - b. The coverage of the system/services should be limited within the aircraft only.
5. Any information related to the system/services shall be provided to NTA or other Nepalese Authorities as and when required.
6. Terms and conditions of this no objection are subject to change according to the future legislative provisions in Nepal. NTA retains the right to suspend or revoke this certificate at any time.

Authorized Signature,

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