



BANGLADESH TELECOMMUNICATION REGULATORY COMMISSION

IEB Bhaban, Ramna, Dhaka-1000

No. BTRC/LL/Vehicle Tracking (311)/2008-277

Date: 26-04-2009

REGULATORY AND LICENSING GUIDELINES (AMENDED)

FOR

ISSUING LICENSE

FOR

ESTABLISHING, OPERATING AND MAINTAINING

VEHICLE TRACKING SERVICES

IN

BANGLADESH

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BANGLADESH TELECOMMUNICATION REGULATORY COMMISSION

REGULATORY AND LICENSING GUIDELINES

ON

VEHICLE TRACKING SERVICES IN BANGLADESH

1. INTRODUCTION

- 1.01 The Bangladesh Telecommunication Regulatory Commission (“the Commission”) is empowered under section 36 of the Bangladesh Telecommunication Act 2001 (Act No. XVIII of 2001) (“the Act”) to issue Licenses for the operation and provision of telecommunication services, and to determine the eligibility criteria and other general terms and conditions of Licenses. In pursuance of Section 31 (2) (r) of the Act, the Commission is empowered to issue instructions/guidelines to be followed by the licensees and service providers relating to various apparatus as defined in the Act.
- 1.02 Having given due consideration to the principles of transparency, fairness, non-discrimination and all other relevant principles, the Commission has decided to issue Guidelines on Licensing Procedure of **Vehicle Tracking Services** as envisaged in the Licensing (Procedure) Regulation 2004.
- 1.03 These Guidelines, along with the terms and conditions of the License, should be read in conjunction with the Act, any subsequent legislation, and prevalent laws or sector policies framed by the Government, and other rules, regulations, decrees, orders, decisions, guidelines, directives and documents of general application issued by the Government or the Commission from time to time. The Act specifically provides, under Section 35 and 55, that the establishment, operation or use of telecommunication system including radio apparatus and provision of telecommunication services in Bangladesh without a License is an offence, punishable with imprisonment or a fine or both.
- 1.04 These Guidelines may be withdrawn, revised, updated or amended from time to time, without any prior notice, to take into consideration various factors including, but not limited to, any threat to public health, national security and change of statute or Court orders.

2. INTERPRITATIONS AND DEFINITION

The interpretations and definitions of the terms used in this document are annexed herewith as SCHEDULE-1 to the Generic Form of license appended with these guidelines as APPENDIX-1.

3. OBJECTIVES

- 3.01 These Guidelines have been prepared taking into account the objectives of the Government to facilitate the introduction of a modern telecommunication service in Bangladesh namely Vehicle Tracking System, thus improving the transport sector.
- 3.02 These Guidelines are intended to provide an overview of the licensing and regulatory framework for Applicant(s) seeking to obtain license/permission.
- 3.03 Vehicle Tracking License/permission to be issued under these Guidelines will authorize an operator to establish, operate and maintain Vehicle Tracking Services in Bangladesh. No person or business entity shall be allowed to provide Vehicle Tracking Services without a valid License/permission issued by the Commission.

4. SCOPE

- 4.01 These guidelines will provide an overview of the service as well as act as a framework to govern the organizations and Cellular Mobile & BWA Operators that intend to offer Vehicle Tracking Services in Bangladesh.
- 4.02 No organization shall be allowed to offer Vehicle Tracking Services in Bangladesh without obtaining license from the Commission by following the procedure as described in this Regulatory and licensing guidelines. Under the existing licenses Cellular Mobile & BWA Operators qualify to offer such telecommunication services subject to the Commission's permission including tariff approval.

5. DESCRIPTION

- 5.01 Vehicle Tracking System is a value added service or Service provided through a GPS Transponder device installed in a vehicle which enables a vehicle owner or a third party to track the vehicle's movement and other activities while both in stationary and running modes. The system is a convergence of an on board automotive device, wireless communication and global positioning system (GPS), to track vehicles via digital mapping application and reporting information system by using a web-interface, mobile phone and/or computer network.
- 5.02 This service can also be provided through Location Based Service (LBS) on the mobile network's ability to locate the geographical position of the SIM/RUIM or mobile device without employing GPS.

6. BENEFITS OF THE SERVICE

- 6.01 The Vehicle Tracking System would be a useful solution to gain considerable operational efficiency in managing a large fleet of vehicles. It will help mitigating the major safety concerns that exist in the transport sector in Bangladesh. The service will offer its customers an innovative Vehicle Tracking and management solutions that will bring efficiency in their vehicle fleet operations.
- 6.02 Vehicle Tracking System will allow offering of a range of services, like managing fleet of vehicles, locating roaming sales professionals and tracing stolen vehicles in an easier, productive and efficient manner. It will create opportunities for new businesses and employments, benefit the government and corporate bodies, road transport industry, motorists, vehicle owners and individual private users by helping them to reduce road

traffic accidents and unauthorized or inefficient vehicle usage and as well as generate revenue for the exchequer. The use of a simple cost-effective Vehicle Tracking Solutions will certainly increase productivity, reduce operational cost, improve customer service and enhance security for both driver and vehicle. The significant benefits offered by the service would be as follows:

- 6.02.01 **Increase vehicle safety and security:** Vehicle Tracking Services will increase vehicles and driver Safety. In case of an emergency the driver or the passenger can press the Panic Button to alert the vehicle owner.
- 6.02.02 **Ensure operational efficiency:** The service will allow managing and controlling the vehicle from a central point that helps to reduce fuel and maintenance costs and ensure operational efficiency
- 6.02.03 **Reduce unauthorized vehicle use:** The service allows to set rules against ‘Speed Violations’ and ‘Harsh Braking’ and helps to implement discipline against the drivers thus reduces the possibilities of rough and dangerous driving and unauthorized vehicle use.
- 6.02.04 **Operational Control:** The service may also reduce excessive ‘Idle Time’ and ‘Overtime claims’ that mainly happens with companies with large number of vehicles.
- 6.02.05 **Stolen Vehicle Recovery:** The service will allow the vehicle owner to track his/her vehicle through web or mobile. Using this service will increase the chances of recovering stolen vehicle.
- 6.02.06 **Asset Management:** Cargos and assets can be watched on a constant basis.
- 6.02.07 **Driver location management:** Through the LBS offer, a vehicle owner/user can obtain the general location of a driver reporting to him (based on SIM/RUIM location via BTS coverage area), so he can monitor the driver/driver pool more efficiently.
- 6.02.08 This system can also be used for managing Roaming Field Force efficiently.

7. ELIGIBILITY

- 7.01 Any organization/Company/Entity, which can source the wireless data transmission facility from a licensed Cellular Mobile & BWA Operator shall be eligible to apply for this license.
- 7.02 Cellular Mobile & BWA Operators are eligible to apply for approval of VTS.

8. GENERAL REQUIREMENTS

- 8.01 The following are the principal legal statutes governing the telecommunication industry in Bangladesh:
 - (i) The Bangladesh Telecommunication Act, 2001
 - (ii) The Wireless Telegraphy Act, 1933 and The Telegraph Act, 1885, for matters that are not covered by the Bangladesh Telecommunication Act, 2001.
- 8.02 In case of a Cellular Mobile & BWA Operator, the Commission may issue the ‘Service Approval’, subject to the operator’s request.

- 8.03 In case of an Organisation, which does not hold a Cellular Mobile & BWA License, the Commission will issue license by following an open licensing procedure, subject to satisfying minimum financial and technical criteria set by the Commission,
- 8.04 Licensees may be subject to additional terms and conditions where deemed necessary to be imposed in accordance with the public interest or in accordance with the National Telecommunications Policy 1998 and ILDTS Policy, 2007.
- 8.05 Applicant(s) shall be disqualified from obtaining a License if any provision listed in sub clauses (i) to (vii) below applies to its owner(s) or to any of its director(s) or partner(s) or to the Applicant(s) himself
- (i) he is an insane person;
 - (ii) he has been sentenced by a court under any law, other than this Act, to imprisonment for a term of 2 (two) years or more, and a period of 5 (five) years has not elapsed since his release from such imprisonment;
 - (iii) he has been sentenced by a court for committing of any offence under the Act and a period of 5 (five) years has not elapsed since his release from such imprisonment;
 - (iv) he has been declared bankrupt by the Court and has not been discharged from the liability of bankruptcy;
 - (v) he has been identified or declared by the Bangladesh Bank or by the court or by a bank or financial institution as a defaulter loanee of that bank or institution;
 - (vi) his license has been cancelled by the Commission at any time during the last 5 (five) years;
 - (vii) if prosecution is going on against the applicant(s) or its owner(s) or shareholder(s) or any of its director(s) or partner(s) for any violation of the Act or license conditions or any other illegal activities.
- 8.06 In addition to the mandatory grounds for disqualification from applying for a License referred to in Section-8.05, the Commission shall also consider whether the applicant satisfies other criteria including:
- (i) whether the applicant has sufficient financial capacity to operate the activities for which the application has been submitted and whether the applicant is likely to acquire the space for necessary installations and whether efficient manpower will be available;
 - (ii) how far the issuance of the License will be consistent with the broad objectives of the Commission; and
 - (iii) how far the issuance of the License will serve the public interest and National Security.
- 8.07 The Commission, on receipt of any application, shall examine and evaluate its acceptability in relation to the prevailing market situation and any other considerations that it may find necessary.

- 8.08 The “Vehicle Tracking Operator” shall maintain the promised level of accuracy/timeliness to customers. Except for force major event, the Vehicle Tracking Operator shall provide 24/7 client support facility through web-interface as well as call centre with queue management facility specialized for providing this type of service.

9. DOCUMENTS TO BE SUBMITTED WITH APPLICATION

Applicant(s) shall furnish the following information/documents (in English) as is applicable:

- (i) Letter of Application (in letterhead pad).
- (ii) Application Form (dully filed in, furnished, signed and sealed).

10. LICENSE/PERMISSION AWARDING PROCESS

- 10.01 Depending on whether the applicant already holds a license for Cellular Mobile & BWA or not, the following procedures will be applied:

- (i) If the applicant already holds a Cellular Mobile & BWA license, the “Service Approval Process” will be followed, whereby, after an evaluation of the proposed service, an “Approval” will be granted to the applicant to provide the Vehicle Tracking Services.
- (ii) If the applicant does not hold a Cellular Mobile & BWA Operator license, the applicant will provide to The Commission a detailed business model, along with details on infrastructural preparedness while seeking the license for Vehicle Tracking Services.
- (iii) After issuing the license awarding notification from the Commission the VTS applicant shall submit the proposed/draft agreement with Cellular Mobile/BWA Operator along with License Acquisition fee within 30 (thirty) days from the date of issuance of license awarding notification. The applicant also submit the proposed GPRS tariff for approval of the Commission.

11. DURATION OF LICENSE/PERMISSION

The duration of the Licenses/Permission, shall initially be for a term of 5 (five) years. Upon expiry of the initial term, the License/Permission may be renewed for subsequent terms, each of 5 years in duration, subject to the approval from the Commission and to such conditions, including the payment of any fees, as may be specified herein and/or by the Commission under the Act.

12. FEES AND CHARGES

Following fees and charges shall be applicable to the Licensees.

- 12.01 **Application fee:** The non refundable Application fee shall be Taka 5000/- (Taka five thousand) only to be submitted to the Commission in the form of pay order/bank draft for the applicants in favour of Bangladesh Telecommunication Regulatory Commission.
- 12.02 **The License Acquisition Fee:** The License Acquisition Fee for Vehicle Tracking Operator License and acquisition fee for Approval for Cellular Mobile & BWA operator is Tk. 3 (three) lac shall be paid after the license awarding notification issued by the Commission.

12.03 **Annual License Fee:** A sum of BD Taka 2 (two) lac payable by the Licensee (including Cellular Mobile Operators & Broadband Wireless Access Operators) in advance on each anniversary of the date of the License; and

12.04 **Gross Revenue Sharing:**

- (i) No Revenue (0%) shall be shared for the first year by the Vehicle Tracking Operator licensee. A sum equivalent to 1% (one percent) of the annual audited gross revenue of the Licensee, which shall be paid on a quarterly basis of calendar year within the first 10 (ten) days at the end of each quarter. The total amount shall be reconciled on an annual basis based on the Licensee's audited accounts for that year and if there has been any underpayment, the balance must be paid within 90 (ninety) days of the financial year-end of the Licensee. In the event of any overpayment by the Licensee, the Licensee may set off any excess amount against quarterly payments in the next year.
- (ii) The Cellular Mobile and BWA Operators those who will be accord for approval of VTS shall pay revenue to the Commission as per the existing revenue sharing rate and arrangements prescribed under their respective licenses.
- (iii) The percentage of revenue to be shared may be changed from time to time by the Commission and the licensee shall abide by it.

13. **APPLICATION FORM**

The application form of Vehicle Tracking Operator License is provided in APPENDIX-1.

14. **GENERIC FORM OF LICENSE**

The generic form of Vehicle Tracking Operator License is provided in APPENDIX 2.

15. **GENERIC FORM OF APPROVAL**

The generic form of Vehicle Tracking Operator License is provided in APPENDIX 3.

APPENDIX-1
BANGLADESH TELECOMMUNICATION REGULATORY COMMISSION

APPLICATION FORM

[Section 36(5) of the Act 2001]

For Vehicle Tracking Services License

Information Requirement

SL	Information required	Information furnished/compliance
01	Identity of Applicant(s) Name of Person/Company/Firm/ Partnership/ Consortium/ Society as the case may be.	
02	Business Address and Registered Office Address and Telephone number, facsimile number, E-mail and Website details.	
03	Business or Company's structure details For Applicant(s) that are corporate entities, include/ submit copies of Certified true copies of Memorandum and Articles of Association and Certificate of Incorporation/registration or other equivalent documents. If Applicant(s) company is in the name of a consortium which includes one or more corporate members or partnerships, include/submit documents for each corporate member or partnership as applicable along with up to date clearance certificate of Income Tax (if applicable) for each and individual member of the consortium. If Applicant(s) company is a partnership, provide copy of partnership deed or equivalent documents. If Applicant(s) is a society or other organisation, provide rules of society or equivalent documents. If the Applicant(s) is a Company/firm, provide documents of registration from the Registrar of Joint Stock Companies and Firms, as well as from the concerned Chamber of Commerce and Industries or equivalent trade bodies and also submit a clearance certificate of Income Tax paid (if applicable).	
04	Contact Person's Name and Position The person should be an appropriate senior level individual i.e. Chairman, Managing Director, Chief Operating Officer, Chief Executive Officer, Chief Technical Officer, Chief Commercial Officer, who would be an appropriate point of contact for general and/or technical enquiries.	

05	Contact Number of the contact person (Telephone, Fixed & Mobile, Facsimile and E-mail)	
06	Applicant's details	
07	Documents for financial capability to run the business	
08	Undertaking about not as a Bank Defaulter	
09	Network Diagram in details	
10	TIN Certificate and Latest Income Tax Clearance Certificate (if applicable)	
11	Information with relevant documents regarding the amount of VAT and Income Tax that the company has deposited to the Government fund for the last 3 (three) years.	
12	List of the Licenses from the Commission (if any)	
13	Business Proposal and other information	
14	Service Agreement between BWA/Cellular Mobile Operator (if applicable)	
15	Other supporting documents relevant for VTS	

I/we declare that all the information furnished in this application form is true and correct. I/we understand that approval from the Commission for this application is based on information as declared in this application. Should any of the information as declared be incorrect, then any License granted by the Commission may be cancelled.

I/we also declare that I/we have read, understood and undertake to comply, with all the terms and conditions outlined or referred to in the Commission document entitled Regulatory and Licensing Guidelines for invitation of application for granting of Vehicle Tracking Service License/Approval in the country, and those terms and conditions included in the License/Approval to be issued to us/me, if this application is approved by the Commission.

Name & Designation & Company Stamp

Date

**APPENDIX-2:
Generic Form of License**



**BANGLADESH TELECOMMUNICATION
REGULATORY COMMISSION**

IEB Bhaban, Ramna, Dhaka-1000

OPERATOR LICENSE

FOR

VEHICLE TRACKING SERVICES

ISSUED

TO

.....

UNDER

THE BANGLADESH TELECOMMUNICATION ACT, 2001

ON THE

..... DAY OF200



**BANGLADESH TELECOMMUNICATION
REGULATORY COMMISSION**

IEB Bhaban, Ramna, Dhaka-1000

OPERATOR LICENSE

FOR

VEHICLE TRACKING SERVICES

LICENSE NO:

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DATE :

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In Exercise of the Powers
under section 36 of the Bangladesh Telecommunication Act, 2001
(Act No. XVIII of 2001)

BANGLADESH TELECOMMUNICATION REGULATORY COMMISSION

is pleased to grant the license in favour of

.....

represented by its CHAIRMAN/MD/CEO having registered office at

.....

as an Operator of

Vehicle Tracking Services

in Bangladesh
whereby it is authorized
to establish, maintain and operate the Vehicle Tracking Systems and
provide services as specified in this license

ON NON-EXCLUSIVE BASIS

under the terms and conditions given in the following pages
including the schedules annexed hereto.

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BANGLADESH TELECOMMUNICATION REGULATORY COMMISSION

IEB Bhaban, Ramna, Dhaka-1000

VEHICLE TRACKING SERVICES LICENSE

(Issued under sections 36 of Bangladesh Telecommunication Act, 2001)

The Bangladesh Telecommunication Regulatory Commission (hereinafter referred to as the Commission) has been empowered under section 36 of the Bangladesh Telecommunication Act, 2001 (hereinafter referred to as the Act) to issue Licenses for the operation and provision of telecommunication services.

Having given due consideration to the principles of transparency, fairness, non-discrimination and all other relevant principles, the Commission has decided to issue License on Vehicle Tracking Services.

Therefore, in exercise of the powers under section 36 of the Bangladesh Telecommunication Act, 2001 Bangladesh Telecommunication Regulatory Commission is pleased to issue

LICENSE

To

.....

represented by its Chairman/CEO/MD having its registered office at.....
.....as a service provider
to establish, maintain and operate Vehicle Tracking Services, subject to the terms and conditions
detailed hereinafter.

1. INTERPRETATIONS AND DEFINITIONS

The interpretations and definitions of the terms used in this document are annexed herewith as SCHEDULE -1.

2. SCOPE OF THE LICENSE

- 2.01 The licensee shall establish, operate and maintain nationwide Vehicle Tracking System and Services.
- 2.02 This Vehicle Tracking Operator License is a stand-alone License which is independent of other types of operating Licenses.
- 2.03 The provisions of the Act shall regulate the License. The Wireless Telegraphy Act 1933 and the Telegraph Act 1885 as amended from time to time shall also be applicable on matters not covered in the Act. In addition, the Regulations published in gazette, the Guidelines set forth, Directives and the Executive Orders issued from time to time by the Commission in respect of the services shall also be applicable and binding on the Licensee.

3. DURATION OF LICENSE

The duration of the Licenses, shall initially be for a term of 5 (five) years. Upon expiry of the initial term, the License/Permission may be renewed for subsequent terms, each of 5 years in duration, subject to the approval from the Commission and to such conditions, including the payment of any fees, as may be specified herein and/or by the Commission under the Act.

4. FEES AND CHARGES

- 4.01 The Licensee shall pay all the required fees within the stipulated time frame given hereafter. All fees, charges etc. paid by the Licensee are non-refundable and are payable in favour of Bangladesh Telecommunication Regulatory Commission in the form of bank draft or pay order from any scheduled bank of Bangladesh.
- 4.02 Following fees and charges shall be paid by the Licensee. Some of the charges or part thereof shall be in proportion to the Licensee's annual audited gross revenue.

1.	License acquisition fee	BD Taka 3 (three) lac
2.	Annual License Fee	BD Taka 2 (two) lac
3.	Gross Revenue Sharing	1% (one percent)

- 4.03 **The License Acquisition Fee:** The License Acquisition Fee for Vehicle Tracking Operator License is BD Taka 3 (three) lac shall be paid within 30 (thirty) days after the license awarding notification is issued by the Commission.
- 4.04 **Annual License Fee:** a sum of BD Taka 2 (two) lac payable by the Licensee in advance on each anniversary of the date of the License; and

- 4.05 **Gross Revenue Sharing:** No Revenue (0%) shall be shared for the first year. A sum equivalent to 1% (one percent) of the annual audited gross revenue of the Licensee, which shall be paid on a quarterly basis of calendar year within the first 10 (ten) days at the end of each quarter. The total amount shall be reconciled on an annual basis based on the Licensee's audited accounts for that year and if there has been any underpayment, the balance must be paid within 90 (ninety) days of the financial year-end of the Licensee. In the event of any overpayment by the Licensee, the Licensee may set off any excess amount against quarterly payments in the next year. The percentage of revenue to be shared may be changed from time to time by the Commission and the licensee shall abide by it.

5. GENERAL TERMS AND CONDITIONS

- 5.01 The Licensee shall commence operation within 6 (six) months from issuance of license and shall inform the Commission, in writing.
- 5.02 The rights granted to the Licensee do not include any rights to get spectrum. The Commission will not issuance any frequency for providing this VTS to the licensee.
- 5.03 The licensee shall ensure that the services established by him do not cause any damage or interference to any system and network of the company or any other telecommunication system and telecommunication service provider licensed by the Commission. The licensee shall also ensure that the circuits established by him operate strictly according to the recommendations laid down by the Commission and International Telecommunication Union (ITU).
- 5.04 The licensee shall not enter into any agreement or arrangements, which shall in any way, prevent or restrict competition in relation to the operation of any telecommunication service licensed by the Commission.
- 5.05 The licensee shall not be allowed to carry any voice and data traffic internationally.
- 5.06 The licensee shall not discontinue/terminate/wind-up his service or share of his service without prior approval of the Commission.
- 5.07 The licensee shall provide services using Vehicle Tracking equipment type approved by the Commission and shall refuse the offer of its services to any customer using un-approved or illegally acquired Vehicle Tracking equipment.
- 5.08 The customers shall have option to either use Vehicle Tracking equipment offered by the licensee or any other such equipment type approved by the Commission from any other licensed supplier whose equipment meets licensee's system specifications.
- 5.09 The licensee shall make satisfactory arrangements for inter-working between other licensed systems allowed to operate concurrently and in parallel, and shall make suitable accounting arrangements with the other licensees directly. The Licensee shall execute separate agreement(s) with other Licensees in this regard and shall file with the Authority copy of such agreement(s) within ten 10 (ten) days of its execution.
- 5.10 The licensee shall be responsible to install and have necessary technical, financial, managerial and other resources to ensure the provision of the services specified in the license and to implement the different plans approved by the Commission.

- 5.11 The licensee shall comply with the Commission's directions for modernization of its system or for replacement, improvement of any apparatus, equipment used by it within the time prescribed by the Commission in this regard.
- 5.12 The licensee would be entitled to sell Management units, which will be installed in the customer's vehicles. A record of all such sales, customer's antecedents and vehicle information will be provided to the Commission at the end of each quarter of the year.
- 5.13 The license will not be permitted to build any infrastructure if such infrastructures of other operators are already available for sharing according to the provisions of Guidelines for Infrastructure sharing.
- 5.14 The Licensee shall not transfer or assign (franchise or sublet) the ownership of the system resulting in a change of management without prior approval of the Commission.
- 5.15 The Licensee shall submit to the Commission the proposed tariffs and charges for the VTS and obtain approval from the Commission prior to start offering the service.
- 5.16 The Licensee shall separately label all revenue earned in connection with the Vehicle Tracking Services.
- 5.17 The Licensee shall pay revenue to the Commission as per the existing revenue sharing rate and arrangements prescribed under the respective license.
- 5.18 The Licensee shall not discontinue/terminate/wind-up offering of the service without prior approval of the Commission.
- 5.19 The Licensee shall obtain permission from the Commission for importing equipment for Vehicle Tracking System.
- 5.20 The Licensee shall be entitled to sell GPS Transponder Device to be installed in the customer's vehicles. A record of all such sales and customer's information will be provided to the Commission at the end of each financial year.
- 5.21 The Licensee may partner with and or may sign agreement(s) with organizations engaged in automobiles or similar businesses for providing sales, installation, maintenance and hardware related support services to customers. The Licensee shall develop a standard template of such agreement and get it approved from the Commission to be used on subsequent occasions.
- 5.22 The Licensee may enter into agreements with organizations intending to offer VTS service on commercial basis through using the Cellular Mobile & BWA Operators network and infrastructure.
- 5.23 The Licensee may refuse to offer its service to customers using un-approved or illegally acquired Vehicle Tracking equipment
- 5.24 The Licensee shall be obliged to allow access to places where VTS equipment is installed to be visited by the Commission personnel or its authorized representative for the purpose of inspection.
- 5.25 The Licensee shall provide the service on 24 hours a day, 7 (seven) days a week basis except downtime as per Service Level Agreement (SLA) with the subscriber.

- 5.26 The Licensee will make adequate arrangements for customer care and to receive and respond customer complaints.
- 5.27 The Licensee shall not be held responsible or shall be exempted from any liability if the performance of service is delayed or prevented by causes resulted from unavoidable circumstances or force measure which shall include but not limited to Acts of God, lockout, strike, attack by locust, war, revolution, fire, epidemic or government actions.
- 5.28 The Licensee while providing the said service shall continue to comply with the requirements of Bangladesh Telecommunications Act 2001, rule, regulations or directives issued by the Commission from time to time including any other existing law of the land.
- 5.29 Failure to comply with terms and condition of this Guidelines and Act, rules and regulations of the Commission may result in cancellation of the permission.
- 5.30 The Commission shall time to time reserve the right to change/modify above conditions and incorporate new condition (s), if it deems fit.

6. TARIFFS AND PRICING

- 6.01 The Licensee shall, before providing any Services, submit to the Commission in writing:
- (i) a tariff chart/schedule containing the maximum and minimum charges that it proposes to charge for the Services, and its justification for the charges;
 - (ii) the description of the Services, the terms and conditions and all other relevant information which it proposes to publish to its customers. The information to be published must be in a form that is readily available, current and easy to understand; and
 - (iii) subscriber application forms for Services.
- 6.02 The Licensee shall not start providing any Services before obtaining the approval of the Commission for its tariff and shall comply with conditions as may be imposed by the Commission.
- 6.03 The Licensee shall obtain the written approval of the Commission before making any changes to the approved tariff charges.

7. INFORMATION, INSPECTION AND REPORTING

- 7.01 The Licensee shall furnish necessary information and other related matters as may be sought by the Commission from time to time.
- 7.02 The Licensee shall furnish to the Commission on quarterly basis the information on the type and capacity of its installations, the number of active subscribers, the number and type of end-user connectivity, pending demand, QoS reports, traffic data of each installation as well as the type and capacity of the transmission links owned and taken on lease. In addition, the Licensee shall also be required to furnish any information on Systems and Services any time if asked for by the Commission.

7.03 The Commission or any person authorized by the Commission shall have unfettered right and authority to take the copies of records, documents and other information relating to the Licensee's business, for the purpose of enabling the Commission to perform its functions under the Act and provisions in the License.

7.04 The Commission or its authorized representatives shall have free access to the installations and equipment of the licensee and shall have each and every right and authority to inspect such installations at any time and the Licensee shall always provide all sorts of cooperation and assistance including but not limited to use of suitable office accommodation for the purpose of inspection, tests and monitoring.

8. CHANGES IN MANAGEMENT STRUCTURE

8.01 The Licensee shall seek written approval of the Commission before making any change in its ownership or shareholding. Any change in the ownership or shareholding shall not be valid or effective without the prior written approval of the Commission.

8.02 The Licensee shall neither transfer any share nor issue new shares without prior written permission of the Commission.

8.03 Any breach of the above conditions contained in this License shall result in cancellation of the License.

9. AMENDMENTS

The Commission has the right and authority to change, amend, vary or revoke any of the terms and conditions of this License and also to incorporate new terms and conditions necessary for the interest of national security, or public interest, or any other reason, in consonance with the provisions of the Act and Regulations.

10. TRANSFER, ASSIGNMENT AND PLEDGE AS SECURITY

10.01 The Licensee shall take prior written permission of the Commission to take any loan. The Licensee shall not assign or pledged the License as security to take any loan.

10.02 This License and any right accrued hereunder shall not be transferred, wholly or partly, and as such transfer, if any shall be void.

10.03 The Licensee shall not subcontract out any part of the Services or the System without prior written permission of the Commission.

11. SUSPENSION, CANCELLATION AND FINES

11.01 For Violation of Law or the License:

Violation of any provision of any law or any condition of this License shall render the Licensee to be prosecuted as per the relevant provisions of the relevant Law.

11.02 For Disclosure of Disqualifications of the Licensee:

On the disclosure of any of the disqualifications being suppressed by the Licensee, the License shall be cancelled and the Licensee shall be liable to be punished under the relevant provisions of law.

11.03 For any other reasonable cause:

The License may be cancelled for any reason(s) including but not limited to those described below:

- (i) in the event of the Licensee's liquidation, bankruptcy or state of insolvency, or in the event that an application for declaration of bankruptcy or similar declaration or order is filed by the Licensee itself or a third party against the Licensee;
- (ii) in case the Licensee ceases to carry on business mentioned in this license;
- (iii) in case the Licensee refrains from complying with any decision or written directive of the Commission;
- (iv) in case of the activities of the Licensee becomes thereat against National Unity, National integrity and National Security; or
- (v) in case of violation of license condition contained in the license.

12. IMPACT OF CANCELLATION OF LICENSE

Cancellation of License for any reason whatsoever shall not prejudice any other legal rights or remedies of the Commission conferred by the Act or any other law for the time being in force or the License. Cancellation shall not relieve the Licensee from any obligations accrued and due under any law or this License.

13. MISCELLANEOUS

- 13.01 The Licensee shall comply with all terms and conditions of this License, applicable legislation including the Bangladesh Telecommunication Act, 2001 and any applicable subsidiary legislation and all directions issued by the Commission from time to time.
- 13.02 The Licensee shall also comply with the provisions of any existing enactment, the rules and regulations made there under by the Government and/or the Commission, and the changes and modifications including any new enactments as may be considered expedient and necessary from time to time.
- 13.03 The Commission reserves exclusive right and authority to explain or interpret any provision of this License, if any confusion arises regarding the actual sense or import of any provision of this License. The explanation of the Commission shall be final and binding on the Licensee.
- 13.04 Violation of any of the conditions of the License shall render the License to be cancelled.
- 13.05 Unless otherwise stated –
 - (i) all headings are for convenience only and shall not affect the interpretation of the provisions of this License;
 - (ii) the words importing the singular or plural shall be deemed to include the plural or singular respectively;
 - (iii) any expression in masculine gender shall denote both genders;

- (iv) any reference in this License to a person shall be deemed to include natural and legal persons;
 - (v) all references to legislation or guidelines or directions issued by the Commission shall include all amendments made from time to time;
 - (vi) the term 'or' shall include 'and' but not vice versa;
 - (vii) any reference in this License to "writing" or "written" includes a reference to official facsimile transmission, official e-mail, or comparable means of communication;
- 13.06 None of the provisions of this License shall be deemed to have been waived by any act of or acquiescence on the part of the Commission, but only by an instrument in writing signed/issued by the Commission. No waiver of any provision of this License shall be construed as a waiver of any other provision or of the same provision on another occasion.
- 13.07 Privacy and Confidentiality: Vehicle Tracking Service Provider will maintain strict privacy and confidentiality of the subscribers. Vehicle tracking service information can only be disseminated according to the subscription agreement with the subscriber. In case of requests from Law Enforcement Agencies, LIC process will be followed. All the licensees should follow this privacy and confidentiality with utmost priority.
- 13.08 Transfer of ownership: The licensees/permission holders shall make provision in the agreement to be executed with the subscriber that the vehicle tracking subscriber will inform the service provider on any type of service/vehicle ownership change.
- 13.09 Coverage MAP: To offer VTS each licensee/permission holder should have adequate coverage in terms of developing location map.
- 13.10 The Licensee shall obtain permission from the Commission for importing equipment for Vehicle Tracking System.
- 13.11 The Licensee shall register the SIM which is used for Vehicle Tracking Services.
- 13.12 The Licensee shall not bind their subscribers with network locked function i.e the subscriber shall have the option to choose the service provider without changing the Vehicle Tracking devices.
- 13.13 This License shall be governed by and construed in accordance with the laws of Bangladesh.

Signed on thisday of, 200
for and on behalf of the
Bangladesh Telecommunication Regulatory Commission

Commissioner

Chairman

SCHEDULE-1

INTERPRETATION AND DEFINITIONS

1. **“Act”** means the Bangladesh Telecommunication Act, 2001 (Act No. 18 of 2001).
2. **“Cellular Mobile & BWA Licensee”** means a Cellular Mobile & BWA Operator having a license issued by the Commission for ANS services;
3. **“Cellular Mobile & BWA Operator”** means a Cellular Mobile & BWA Operator, licensed by the Commission to provide wireless telecommunication services to the end-user without any limitation on mobility.
4. **“Commission”** means the Bangladesh Telecommunication Regulatory Commission established under the Bangladesh Telecommunication Act, 2001;
5. **“Data service”** means a telecommunication service that involves electronic transfer of non-voice content;
6. **“GPS”** means Global Positioning System;
7. **“GPS Transponder device”** means a portable device mounted in vehicle which acquires vehicle data (position, vehicle condition, etc.), and transmits the data via wireless networks to a designated Vehicle Tracking server;
8. **“Gross revenue”** means turnover or gross income exclusive of trade discount, shown on invoice of bills, derived from sale of goods or from rendering, giving or supplying services or benefits or from execution of contracts, for the licensed services or business.
9. **“LBS”** means Location Based Service;
10. **“License”** means an authorization issued by the Commission under Section 36 of the Act, and Regulations issued by the Commission for establishing, operating and maintaining BWA systems and services;
11. **“Organization”** means any organization other than Telecommunication Operator that intends to offer Vehicle Tracking Service in Bangladesh;
12. **“Regulation”** means the regulations made under the Bangladesh telecommunication Act 2001;
13. **“Service provider”** means any Organization or Cellular Mobile & BWA Operator, who obtains license/permission to offer Vehicle Tracking Services in Bangladesh;
14. **“Telecommunication service”** carry the same meaning as defined in the Bangladesh telecommunication Act 2001;
15. **“Telecommunication network”** means a combination of a set of nodes and links that establish telecommunication between two or more points;
16. **“Value-added service (VAS)”** is a non-core telecommunication service. Services beyond standard voice calls and fax transmissions generally fall under VAS. In mobile industry, technologies like SMS, MMS and GPRS are usually considered value-added services;
17. **“Vehicle Tracking Services (VTS)”** means a telecommunication service used for locating and managing the movement of a vehicle by installing a terminal equipment in the vehicle tracked using GPS satellites, and sending data via a wireless data network;

APPENDIX-3:
Generic Form of Approval



Bangladesh Telecommunication Regulatory Commission

IEB Bhaban, Ramna, Dhaka-1000

No. BTRC/LL/Vehicle Tracking(311)/2008-

Date: - -2009

Subject: Approval of Vehicle Tracking Services.

Reference:

Bangladesh Telecommunication Regulatory Commission (the Commission), in exercise of the power conferred in the Bangladesh Telecommunication Act (BTA) 2001, is pleased to approve the offer of the Vehicle Tracking System Service to build, maintain, Operate and provide in Bangladesh subject to the following terms and conditions:

1. **The Acquisition Fee:** The Acquisition Fee for the Approval of Vehicle Tracking Services is BD Taka 3 (three) lac shall be paid after the license awarding notification is issued by the Commission.
2. **Annual License Fee:** a sum of BD Taka 2 (two) lac payable by the Operators in advance on each anniversary of the date of the License; and
3. **Gross Revenue Sharing:** The operators shall pay revenue to the Commission as per the existing revenue sharing rate and arrangements prescribed under the respective licenses of Cellular Mobile & BWA.
4. The Licensee shall not start providing any Services before obtaining the approval of the Commission for Vehicle Tracking Services (VTS) tariff and shall comply with conditions as may be imposed by the Commission. The Licensee shall also obtain the written approval of the Commission before making any changes to the approved tariff charges.
5. The operator shall separately label all revenue earned in connection with the Vehicle Tracking Services.
6. The operator shall obtain permission from the Commission for importing equipment for Vehicle Tracking System.
7. The operator shall register the SIM which is used for Vehicle Tracking Services.
8. The operator shall be allowed to sell GPS Transponder Device to be installed in the customer's vehicles.
9. The operator may partner with and organizations engaged in automobiles or similar businesses for providing sales, installation, maintenance and hardware support services to customers.

10. The operator may enter into agreements with organizations intending to offer VTS service on commercial basis.
11. The operator shall offer reduced tariff approved by the Commission to their competing VTS licensee.
12. The operator shall not bind their subscribers with network locked function i.e the subscriber shall have the option to choose the service provider without changing the Vehicle Tracking devices.
13. The operator may refuse to offer its service to customers using un-approved or illegally acquired Vehicle Tracking equipment.
14. The right and obligations created under this approval will be governed by the law prevailing in Bangladesh.
15. The Commission has the right and authority to change, amend, vary or revoke any of the terms and conditions of this Approval and also to incorporate new terms and conditions necessary for the interest of national security, or public interest, or any other reason, in consonance with the provisions of the Act and Regulations.

Commissioner

Chairman