



USISPF Submission on TRAI Consultation Paper on the Ease of Doing Business in the Telecom and Broadcasting Sector

The U.S. India Strategic Partnership Forum (“**USISPF**”) welcomes the Telecom Regulatory Authority of India’s (“**TRAI**”) efforts to undertake a consultation on improving the ease of doing business (“**EoDB**”) in the telecom and broadcasting sector. Enhancing the EoDB in India is one of the Government’s key initiatives as EoDB is directly linked to increased investments, employment, and innovation. On behalf of our members, USISPF would like to highlight some of the reforms required in the regulatory processes, policies and procedures that will create a conducive business environment in these sectors.

Our recommendations include: (i) simplifying application processes and improving inter-ministerial coordination for approvals; (ii) creating online single window clearance systems; (iii) prescribing predictable and definitive timelines for approvals and introducing provisions for “deemed approvals”. These recommendations are focused on promoting an enabling and predictable regulatory framework, streamlining compliances and increasingly efficiencies to enhance EoDB.

Please see below our responses and recommendations to some of the questions raised in the TRAI Consultation Paper on EoDB in the Telecom and Broadcasting Sector.

Q1. Whether the present system of licenses/permissions/registrations mentioned in para no. 2.40 or any other permissions granted by MIB, requires improvement in any respect from the point of view of EoDB? If yes, what steps are required to be taken in terms of:

- a. **Simple, online and well-defined processes**
- b. **Simple application format with a need to review of archaic fields, information, and online submission of documents, if any**
- c. **Precise and well-documented timelines along with the possibility of deemed approval**
- d. **Well-defined and time bound query system in place**
- e. **Seamless integration and approvals across various ministries/departments with the end-to-end online system**
- f. **Procedure, timelines and online system of notice/appeal for rejection/cancellation of license/permission/registration**

Give your suggestions with justification for each license/permission/ registration separately with detailed reasons along with examples of best practices, if any.

USISPF Response: To improve the EoDB in the telecom and broadcasting sector, we recommend digitizing administrative processes, reducing the number of approvals / permissions required and avoiding the imposition of administrative fees as a source of revenue maximization. Automating processes will enable faster business decisions making the sector more competitive. Accordingly, we request TRAI to make the following recommendations to the Ministry of Information and Broadcasting (“**MIB**”):

- a. **Creation of an online “single window” clearance system:** The introduction of an online “single window” clearance system, which is integrated across all relevant ministries / departments will contribute to the EoDB. The portal could serve as a one-stop solution for all approvals and permissions, where all relevant documents and fees can be uploaded online, and permissions may be granted online in a time bound manner. While steps have been taken to set up such portals (for instance, “The Broadcast Seva” portal), there are currently no fully functional and completely integrated online portals.

At present, physical copies of documents are required to be submitted while filing applications and there are no defined timelines for approvals. Additionally, the entire process involves approvals of multiple ministries and departments other than MIB, such as Ministry of Home Affairs (“MHA”), Department of Space (“DoS”), empaneled auditors of MIB, Ministry of Corporate Affairs (“MCA”), Ministry of Finance (“MoF”) Wireless Planning Commission (“WPC”) and National Operations and Control (“NOCC”).

The involvement of multiple ministries causes delays and derails business planning as well as payment of valuable forex to foreign satellite operators. Therefore, we suggest that the WPC and NOCC process should be brought online and integrated into the single window clearance system. If the portal is integrated across various ministries/departments, the applications may be filed online with MIB and concerned Ministries/Departments may provide their comments online as well. The online portal should also have clearly prescribed timelines to ensure that applications are processed and approvals are granted in a time bound manner.

Procedural Clarifications and Clear timelines for e-filings

The process and procedural rules for electronic filings (including applications for licenses, permissions, and registrations) in both the telecom and broadcasting sector should also be clearly outlined and publicly available. For instance, we request procedural clarifications to be readily available, including: (i) checklists setting out the eligibility requirements for filings / licenses; (ii) details regarding the process for submitting payments; (iii) details regarding the method for making supplemental submissions; and (iv) clarifications regarding the significance of file numbers. Electronic filings for submissions to courts and arbitration forums internationally have clearly posted procedural rules which provide applicants the necessary information to successfully complete e-filings. To ensure the ease of doing business, operational bottlenecks that delay and complicate the licensing process should be addressed. We recommend that the electronic filing system should be brought at par with international standards by making the process user-friendly, seamless, and free from technical glitches.

To enhance and trust and confidence in the e-filing process, we recommend that e-filing portals should provide information and updates indicating the precise status of a submission under review. This will allow applicants to prepare and adjust business needs accordingly. Clear timelines for e-filings/submissions should be set out in the procedural rules and published on a website / portal. Ensuring such transparency will enhance business certainty and contribute to the ease of doing business.

- b. Acceptance of documents with digital signatures:** While online portals such as Broadcast Seva have been set up, physical submission of certain documents is still required for processing applications. To enhance the EoDB and simplify the application process, we suggest that documents with digital signatures be accepted online.
- c. Streamlining the process for changing Name and Logo of TV channels:** Given the dynamic nature of the satellite TV broadcast sector, businesses need to respond to evolving consumer interests and preferences based upon weekly system ratings. As broadcasters innovate and develop the content being delivered through TV channels, they may need to change the name and logo of their channels. We recommend that that the process for changing the name and logo may be simplified and streamlined through the following steps:
 - In some cases, a company may apply to change only the name and logo of a particular channel. In such cases, where there is no change in: (i) applicant company’s name; and (ii) technical parameters of an on-air channel (i.e., no change in teleport, no change in frequency, no change in satellite or transponder or no dual illumination involved), the process for obtaining approval can be simplified. Given the nature of the change, a mere intimation with the prescribed processing fee (if it is changed

within a year of getting license) should suffice. However, the applicant may be required to submit proof of Copyright and Trademark for the changed name and logo along with the intimation.

- If a company is only changing the name and logo of a channel, an intimation to WPC/NOCC (rather than an endorsement) should suffice to ensure that WPC/NOCC have updated their records.
- Additionally, in such cases, the requirement to apply for trademark registration of the new channel logo should be done away with. If the incumbent broadcaster adopts a channel logo which infringes the trademark of another entity, the same will be challenged in court. If a court finally adjudicates that the logo adopted by the broadcaster indeed infringes the mark of another entity, MIB may ask the broadcaster to change the logo of the channel or revoke the permission.
- If applications for change in name and logo of TV channels involve technical changes, such applications should be completed and processed online. To simplify the process and enhance EoDB, the requisite permissions should be issued by MIB, DOS and Department of Telecommunications (“DoT”) (i.e., WPC and NOCC) online within a fixed time frame.

- d. **Simplifying the process for Change in Language/Format of TV Channels:** All programming and content, in any language, is subject to a self-regulatory mechanism including adherence with the relevant code for programming and content. Therefore, once a broadcaster has acquired the necessary uplinking and downlinking permissions, we suggest that a change in language of a TV channel should be possible through an intimation by the respective broadcaster to MIB.

Additionally, once broadcasters have acquired the necessary uplinking and downlinking permissions, we suggest that they should be allowed to broadcast different variants of a TV channel such as SD, HD, 4K when the TV channel programming remains the same in all versions. However, the Ministry may require the broadcaster to pay separate fees for each of the formats.

- e. **Streamlining the Process for Restructuring of Companies and Transfer of Licenses:** In case of compromises, arrangements and amalgamation, Sections 230 & 232 of the Companies Act, 2013 require a notice of the meeting of shareholders and/or directors along with details of the scheme (as may be prescribed) to be sent to the relevant authorities. This includes income tax-authorities, the Reserve Bank of India, the Securities and Exchange Board of India, stock exchanges, Competition Commission of India, and other sectoral regulators (which in this case, would include TRAI and MIB). Further, the authorities are required to make their respective representations, if any, within a period of 30 days from receipt of such notice. If no representations are made within the stipulated period, it is presumed that they have no representations to make on the proposals. Given that companies often restructure to enhance their operational efficiency (i.e., undertake mergers, demergers or amalgamations), we suggest that the uplinking and downlinking guidelines should be aligned with the relevant provisions of the Companies Act, 2013. To bring about such alignment and improve the EoDB, we recommend the following:

- If both the transferor and transferee hold permission for uplinking a TV channel under the uplinking and downlinking guidelines, the ministry should grant permission for transfer of the permission held by the transferor company to the transferee company within the 30 day period set forth under section 230 of the Companies Act, 2013, subject to the net worth criteria being met by the transferee company post approval of the amalgamation, merger or demerger.
- We have a similar suggestion in case of a transfer of a business or undertaking (in whole or in part) by way of a slump sale or an asset transfer. In such cases, if both the transferor and the transferee hold permissions for uplinking a TV channel under the uplinking and downlinking guidelines, the ministry should grant approval within a stipulated period of 15/30 days’ subject to the transferee company meeting the net worth criteria.
- In cases where the transferee company has not obtained permission for uplinking a TV channel, the relevant ministry/department(s) should make their representation on any

proposals for merger, demerger, etc. within the time stipulated under the provisions of Section 230 of the Companies Act, 2013. In case no representations are made within the stipulated time, it should be presumed that approval has been granted (subject to security clearance and net worth criteria being met).

f. Streamlining the Temporary Uplinking process for Sporting Events: Currently, sports channels are treated as “non-news and current affairs” channels for the purpose of licensing by MIB. Accordingly, as any other channel in this category, sports channels must seek temporary permission for live uplink. However, unlike other channels in the “non-news and current affairs” category, the primary activity performed by sports channels is to reach consumers with live sports events. Given the nature of sports channels, we suggest that the following steps should be taken to streamline the temporary uplinking process for sporting events:

- We request MIB to consider issuance of short term/ temporary channel licenses to enable broadcasting multiple feeds of the same live event (such as a sporting event and entertainment events in various languages). This will be useful for audiences as they will be able to watch overlapping live events (including events of national importance).
- Pursuant to its order dated 13 December 2017, MIB introduced a processing fee per channel per day for temporary uplink of live events (INR 50,000 for regional channels and INR 1,00,000 for national channels). As sports channels usually showcase live sporting events and cater to various regions, the amount being paid by broadcasters towards temporary uplinking fees is mammoth. Broadcasters pay charges of frequency allocation in WPC and monitoring changes by NOCC through the teleport operators, who in turn charge the broadcasters. This is a deterrent to development of sports in India. Therefore, we request that the processing fee that MIB imposes on channels for live events (i.e., the fee charged for each day for temporary uplink for a live event) should be done away with.
- We request that a separate permission be issued for sports channels under which such channels can uplink from any location in India at any point of time without needing to seek individual permissions for every single match and venue. This would bring them at par with the “news and current affairs channels” as both are engaged primarily in live broadcasts.
- Sports channels mostly seek temporary uplink permissions to broadcast “events of national importance” as notified by MIB. Therefore, it is essential that the time consuming and cumbersome process for temporary uplink of sports channels be changed in the following ways:
 - Broadcasters are required to obtain prior approval from three different bodies i.e., MIB, WPC and NOCC for minor changes. This does not enable world class entertainment events or sporting events to be broadcast live by Indian channels.
 - Sports broadcasters should be allowed to broadcast live sporting events by way of self-declaration. As part of this self-declaration, sports broadcasters may be required to declare that they will only live uplink sporting events and no news / news related content shall be carried on such feed.
 - For both sports and GEC channels: In case of applications filed with MIB, we suggest that applications should require disclosure of only macro details of the event while seeking approval. For instance, the name of the tournament and teams involved, start and end date, details of the venue and a self-declaration that the live feed will only consist of sporting or general entertainment events. In case of last-minute changes (for instance, due to unavoidable reasons such as rain, law and order etc.), sports broadcasters should merely be required to intimate the authorities rather than await new approvals.
 - Sports broadcasters should be permitted to seek temporary uplinking permission for their entire annual calendar of sporting events in one go.

- The period prescribed for filing an application for temporary uplinking on a non-news channel should be reduced from 15 to 7 days. This will contribute to EoDB as many sports events do not have finalized schedules 15 days prior to the event.
- Broadcasters should be allowed to use single frequency in “Multi Channel per Carrier” (“MCPC”) mode for sending more than one contribution feed from the venue. This will enable better utilization of the bandwidth and allow advanced technology of multiple camera feeds to be provided to the viewers by the broadcaster.
- Broadcasters should be allowed to use the transmission frequency of a satellite transponder for which they may have frequency approvals to send contribution feeds from the venue to the teleport in a reverse direction. This technology allows the transponder used for channel transmission to be used for contribution as well, which increases efficiency.

Permitting Payment of Annual Renewal Fees: The Annual Renewal Process for satellite TV channels needs to be simplified to improve the EoDB. This could be achieved by permitting the payment of annual renewal fee for 10 years at single go, while MIB may reserve the right to withdraw permission.

Clarification on waiver for obtaining DoS approval for shifting of channels to an approved teleport:

Following a notification issued by the MIB dated 22 February 2017 with respect to Clause 9.2 of the Uplinking Guidelines, the condition to seek DOS approval has been waived. However, Clause 9.2 relates to the process for obtaining permission for new channels. Accordingly, we request MIB to provide a clarification that the said exemption is also applicable to the existing permission holders who seek to move permitted channel(s) to an approved teleport. Further, to streamline the process, we request that all approved teleports/satellites should be listed online.

Similarly, foreign satellites are currently permitted to provide services only after the same have been coordinated with ISRO. We suggest that MIB should obtain a list of such Foreign Satellites (i.e., Foreign Satellites which are coordinated with ISRO) and make such list available on its website. This will enable broadcasters to be aware of such satellites and only avail services from them for uplinking signals. This would facilitate MIB’s process for approving new channels (or change of satellite in case of permitted channels). MIB would be able to refer to such list directly rather than sending the file to DOS each time. In any event, the specific frequency on which a channel is to uplinked is filed and approved by the WPC.

Telecom Sector:

We recommend alignment of licenses with technological functions to improve the ease of doing business in the telecom sector. Such alignment is reflected in the licensing regime for the broadcasting sector, which accounts for various activities with applicable licenses available. In contrast, the telecom sector licensing regime primarily includes two categories of licenses - Access License and VNO. These categories of licenses are not reflective of current technology as they do not account for the activities / business sought to be undertaken. Therefore, we recommend that the licensing regime applicable to the telecom sector should be aligned with technological functions.

The data residency requirements arising in the telecom sector are not in alignment with larger global principals and the conduct of multinational businesses. We recommend that these should be aligned.

Further, the licensing regime for the telecom sector contains several definitions / terms that are too broad or undefined. We recommend that the defined terms should be clarified and updated to reflect current technology and industry usage.

Q9. Whether the present system of licenses/clearances/certificates mentioned in para no. 3.94 or any other permissions granted by WPC, requires improvement in any respect from the point of view of Ease of Doing Business (EoDB)? If yes, what steps are required to be taken in terms of:

- a. Simple, online and well-defined processes
- b. Simple application format with a need to review of archaic fields, information, and online submission of documents if any
- c. Precise and well-documented timelines along with the possibility of deemed approval
- d. Well-defined and time bound query system in place
- e. Seamless integration and approvals across various ministries/departments with the end-to-end online system
- f. Procedure, timelines and online system of notice/appeal for rejection/cancellation of license/clearance/certificate

Give your suggestions with justification for each license/ clearance/certificate separately with detailed reasons along with examples of best practices, if any.

USISPF Response:

Broadcasting Sector:

- a. **Single Annual Applications and Improved inter-departmental co-ordination:** Introduction of new technologies and digitalization of the uplink process has allowed multiple channels to be carried on a single frequency. Accordingly, if WPC and NOCC permissions have been granted for a transponder on a certain frequency for a new channel, there should be no requirement to obtain fresh permissions for any additional channel applications by the same applicant on the same transponder and frequency. Moreover, last minute permissions granted by WPC and NOCC lead to the lapse of “operationalization” period validity as well as forfeiture of performance bank guarantees (“PBG”). As businesses incur heavy losses in terms of their rollout obligations due to these factors, major streamlining of WPC, NOCC and MIB processes is required.

To enhance the EoDB, stakeholders should be allowed to submit a single annual application to WPC/ NOCC for the entire year / relevant period. Despite being granted long-term/annual approvals, applicants may be required to separately notify WPC/ NOCC with respect to transponder capacity use. This will greatly reduce the possibility of accidental rogue carrier uplink, as the satellite, transponder and frequency will be allocated long-term.

- b. **Use of DSNG and Teleport for temporary Uplinking permission:** The Government of India aims to make the Indian Teleport Industry the Commercial Hub for the “Global Turnaround” of channels from east to west. For this proposition to succeed, the financial burden on the teleport & DSNG service providers of the country will need to be reduced. On behalf of our members, we suggest the following:
 - The process of applying to MIB for new permissions / amendments should be shifted to a 24x7 online system.
 - A single window clearance system for application / approval of temporary events should be introduced, which is integrated across MIB, WPC & NOCC. Currently, applicants have to undertake a cumbersome process of coordinating between three departments / ministries to get permission for the temporary live telecast of any event.
 - In case of sporting events, including ongoing tournaments and continuing events such as cricket /football, MIB should issue its permission on the basis of number of days and locations only. While

filing applications for such events, the exact time and date should not be included as mandatory fields as these are subject to frequent last-minute changes (i.e., on account of rain, power failure, elections, law & order situations etc). For instance, in the case of the Khelo India event or IPL, which is spread across several locations over a period of two months, MIB should issue permission for the complete duration (i.e. no of days) and locations mentioned in the application. By adding requirements for exact dates / timing, frequent changes create a rush for last minute approvals from the concerned ministries / departments. Additionally, due to unavoidable reasons if a particular stadium cannot be used for a sporting event, applicants should be allowed to use another stadium in the same city/town and broadcast it as planned under the existing approval.

- WPC fee should be based on an event basis rather than on frequencies to be used in the event. For instance, 21 days falling under a 2 or 3 month period attracts 3 months WPC fee subject to a single frequency spot. However, if the consistent frequency is not available, per frequency fee is multiplied. Therefore, if broadcasters use three different frequency slots (as consistent frequency for longer durations becomes very difficult to get) for a 3 month period, WPC fee becomes 9 times (3 x 3 months). This is a serious concern for broadcasters.
 - For temporary live uplinking services such as sports events which require the use of DSNG vans / terminals, the WPC wing should charge on an hourly / daily basis rather than for a whole month. We request MIB to take up this issue with the WPC wing in the interest of holding more sporting/mega entertainment events in the country. Alternately, a fee of INR 5,000 (min) or INR 25,000 (max) may be levied per event. For instance, in case of a temporary event for 3 days using 9 MHz satellite BW on any Indian satellite (i.e., from 30th March to 1st April), the WPC wing will be charging spectrum royalty for a minimum of 2 months, (i.e. for 60 days) even though the event is only for 3 days. Accordingly, in such a case, the user is paying BW charges (9MHz) for 3 days only to the satellite service provider (3 Days X INR 45,000 = INR 1,35,000) and WPC charges (9 MHz X INR1,40,000 /12 X 2 = INR 2,10,000 (royalty) + INR 1,000 (license fees). From this illustration, it becomes clear that for an event which last 3 days, WPC charges spectrum fee for 60 days. This should be reconsidered to enhance the EoDB.
 - Fee should be levied on a transmission basis irrespective of the frequency used. This practice is followed in countries such as Sri Lanka, Bangladesh, Singapore, UAE and UK.
 - Regulators in most countries charge nominal license fees for administrative purposes. No separate spectrum charges or satellite monitoring charges (such as NOCC fees) are levied. A single fee is being paid globally along-with nominal license fees for administrative purposes. OR
 - WPC fees should be charged on daily basis (i.e. per day charges) similar to the process followed by the NOCC. Moreover, all satellite operators across the globe charge a per day rate / per minute rate.
- c. **Removal of restrictions on the bit rate used for TV channels uplinked through a teleport:** Recently, the Telecommunication Engineering Centre (“TEC”) released its “Standard For Interface Requirements TEC 42012:2021”, which removed the restriction on bit rate that can be used per HD channel and SD channels. Additionally, there are no standards set by ITU or DVB with respect to a particular bit rate that must be used for the broadcast of TV signals over satellite. Hence, TEC has allowed broadcasters to select their desired bit rate as it would be in the broadcaster’s interest to ensure that the signal broadcasted by them is of the highest quality. This is also to ensure parity between channels uplinked from India and uplinked from other countries, where such “bit rate” restrictions are not in force.
- At present the bit rate per HD channel and SD channel enforced by WPC:

S No.	Compression Type	HD Bit Rate (min)	SD Bit Rate (min)
1	MPEG2	7.0 Mbps	2.0 Mbps
2	MPEG4 or h.264	5.0 Mbps	1.5 Mbps
3	HEVC or h.265	3.5 Mbps	1.5 Mbps

- The table below is an example of the number of channels that can be accommodated in a full transponder of 36 MHz excited by one carrier with one frequency, one MCPC and with DVB-S2, 8-PSK modulation with $\frac{3}{4}$ FEC if the archaic restriction is removed forthwith:

S. No.	Compression Type	HD channels	OR	SD channels
1	MPEG2	8	OR	30
2	MPEG4 or h.264	12	OR	40
3	HEVC or h.265	17	OR	40

- This will not only pave the way for futuristic technologies such as 4K technologies and 4K or UHD channels for Indian viewers, it will also reduce forex outflow as the majority of Indian broadcasters use foreign satellites and pay in foreign exchange.
- As the limit on bitrate has been removed by TEC, the same should be acknowledged and recognized by WPC so that broadcasters are allowed to use a data rate that best suits the requirement within the approved satellite capacity.

WPC ETA approval for BIS CRS products:

Certain products are exempted from import licensing requirements under the EXIM policy and operate in de-licensed frequency bands (such as bluetooth, Wi-Fi, NFC). Such products require Equipment Type Approval (“ETA”) from the WPC. These approvals are granted through a “self-certification” process on an online portal. Recently, there have been substantial delays in processing such applications and obtaining certification, which is proving to be a major hindrance for businesses. To improve the EoDB, we suggest the following steps should be taken:

- The timelines for approval of applications at each stage should be fixed and shared with applicants.
- Applicants should receive timely updates regarding the processing of the application.
- WPC ETA approvals were made online in 2019 to reduce timelines. However, the current lead time for granting certification based on self-declarations often exceeds 4 weeks. To increase efficiency and improve EoDB, approval timelines should not exceed a maximum of one week after submission of the application.
- The concept of “deemed approval” should be introduced wherein the application will be considered “deemed approved” if the application is not processed within a clearly defined time frame. For instance, the Telangana State Industrial Project Approval and Self-Certification System Rules, 2015 mandate time bound clearances and include provisions for “deemed approval” if clearances are not given by the stipulated time. This can be evidenced in the following excerpt from these rules, “...the government may notify the clearances in respect of which the failure of the competent authority to pass final orders on the application within the stipulated time shall result in deemed approval. Certificate so issued to the units shall be binding on all concerned departments.” We suggest that a similar approach should be followed for BIS certifications. Therefore, in case of any delays beyond prescribed timelines, the application should be deemed approved and the BIS number / WPC ETA should be granted.

Telecom Sector

- **Dealer Possession License:**

The Dealer Possession License (DPL) is renewed every calendar year. As per the existing renewal process, DPL holders are required to submit a stock register for the complete year while filing the renewal

application. Given that the validity of DPL expires on 31st December each year, license holders end up having to apply for renewal a month in advance (i.e., by 30th November). As a result, the stock register submitted with the application does not reflect the details for the month of December. Given that a complete stock register can only be provided by January, there is always a gap of at least 10 to 15 days between the expiry of old the DPL and its renewal for the next year. This has presented certain practical difficulties.

Since the introduction of “simplification of WPC import license for domestic OEM” (vide office memo “R11018/06/2019-PP” dated 27 July 2019), DPL holders are allowed to import via undertaking instead of obtaining an import license for each shipment. However, to obtain import clearances against the undertaking, details of a valid DPL need to be provided to release shipments. In such cases, the 10-15 days gap during the DPL renewal process causes disruption by delaying import clearances and interrupting the flow of supplies to customers. To overcome this practical difficulty and ensure the ease of doing business, we recommend that a DPL license should be issued for a period of five years instead of one year. DPL data may be submitted every year to the relevant authorities.

- **Details of valid Frequency allotted to Telecom Service Providers by Department of Telecommunications:**

As per the WPC guidelines (vide office memo “R11018/06/2019-PP” dated 27 July 2019), DPL holders are required to ensure that radiating equipment is supplied to Telecom Service Providers (**TSP**) having valid frequency issued from the Department of Telecommunications (**DoT**). However, the DoT portal does not disclose a list of eligible TSPs as a point of reference to validate this. Accordingly, we request TRAI to recommend that DoT should publish allotted frequencies to TSPs on a public portal for both backhaul and access spectrum. If such details are made publicly available on the portal, OEMs may access such details (along with the time, date and stamp) for DPL audit purposes.

- **ATA Carnet Import:**

WPC import licenses or NOCs have not been required for customs clearance of ATA Carnet shipments (i.e., shipments that are temporary time-bound imports into India, which are exempted from customs clearance under ATA Carnet). However, we understand that in practice, customs officers have started requiring a WPC Import license or NOC (in the absence of a license) when shipments are examined for customs clearance. This requirement is neither specified in the customs rules nor the WPC guidelines. Given that there is no official notification from WPC authorities confirming that temporary import is exempted from WPC license/ NOC requirements, it is likely that businesses will face challenges related to customs clearances going forward. Companies often import products under ATA Carnet for testing /trials/demos for a short duration. To avoid any disruption to this process, we request TRAI to suggest that DoT grant a general exemption for ATA Carnet shipments.

- **Experimental License - Demo and Testing:**

We recommend that DPL holders should be exempted from the experimental license (non-radiating type) required for in-house demo and testing purposes (especially, for business locations covered under the license). Under the existing DPL rules, DPL holders submit already submit these details at the time of the annual DPL renewal in Form 5.

- **Integration of WPC tool with ICE gate:**

We recommend that the WPC portal should be integrated with the ICE gate portal of the customs authorities. This will facilitate customs authorities to validate licenses online during the shipment assessment, which is a part of the customs clearance process.

- **BIS referring CRS scheme:**

BIS is issued to the manufacturing unit (India/overseas) rather than a brand. Therefore, obtaining BIS details from overseas suppliers is time consuming and often challenging for import clearance. Accordingly, we recommend that BIS data related to CRS should be made available online and integrated with the customs portal for speedy and smooth clearance.

Q10. Whether the present system of permission/approval mentioned in para no. 3.101 or any other permissions granted by NOCC, requires improvement in any respect from the point of view of Ease of Doing Business (EoDB)? If yes, what steps are required to be taken in terms of:

- a. Simple, online and well-defined processes
- b. Simple application format with a need to review of archaic fields, information, and online submission of documents, if any
- c. Precise and well-documented timelines along with the possibility of deemed approval
- d. Well-defined and time bound query system in place
- e. Seamless integration and approvals across various ministries/departments with the end-to-end online system
- f. Procedure, timelines and online system of notice/appeal for rejection/cancellation of permission/approval

Give your suggestions with justification for each permission/approval separately with detailed reasons along with examples of best practices if any.

USISPF Response: The core challenges to the EoDB include those related to assignment of frequencies by WPC. To resolve this, inter-departmental coordination needs to be improved, clear-cut timelines need to be identified and an enabling framework for new technologies needs to be created. At present, the EoDB challenges with respect to obtaining WPC and NOCC clearances are as follows:

- The process of obtaining clearances from WPC and NOCC needs restructuring and rationalization. Even though WPC and NOCC fall under DoT, they are in different buildings and the endorsement/approval happens one after the other. This leads to delays in obtaining required approvals within the stipulated timeline. Additionally, operators are asked to pay bandwidth/frequency allocation and monitoring charges separately.
- WPC has been adopting a six-monthly window system for assignment of broadcast frequencies after the 2G verdict of the Hon'ble Supreme Court in 2012. It is incumbent upon DoT to seek clarification from the Hon'ble Supreme Court regarding the assignment of broadcast frequencies as the same is for "captive" purposes as against telecom spectrum.
- If WPC and NOCC permissions have been given for a transponder on a certain frequency for a new channel, any additional channel applications by the same applicant on the same transponder and frequency should not necessitate fresh WPC and NOCC permissions. A mere intimation to WPC and the NOCC in respect of such additional channels should suffice as WPC actively monitors channels.
- Delayed / last minute permissions from WPC and NOCC lead to lapse of validity period of "operationalization" as well as forfeiture of PBGs. As a result, businesses incur a heavy loss in terms of rollout obligation.

Therefore, we request that major streamlining be undertaken between WPC, NOCC and MIB to facilitate the EoDB. This could be achieved through the creation of an online portal for NOCC permissions that is integrated with the “single window clearance system.”

Q11. Whether the present system of permissions/approvals mentioned in para no. 3.107 or any other permissions granted by TEC, requires improvement in any respect from the point of view of EoDB? If yes, what steps are required to be taken in terms of:

- a. Simple, online and well-defined processes
- b. Simple application format with a need to review of archaic fields, information, and online submission of documents, if any
- c. Precise and well-documented timelines along with the possibility of deemed approval
- d. Well-defined and time bound query system in place
- e. Seamless integration and approvals across various ministries/departments with the end-to-end online system
- f. Procedure, timelines and online system of notice/appeal for rejection/cancellation of permission/approval

Give your suggestions with justification for each permission/approval separately with detailed reasons along with examples of best practices, if any.

USISPF Response: We would like to make the following recommendations to improve the present system of permissions granted by TEC:

- a. **Well-defined and process:** To ensure a well-defined process, any new phase of the MTCTE scheme should have minimum one-year timeline for implementation after the phase is notified. This will help OEMs to gear up for certification in multiple areas, arrange the required samples that may need to be imported, conduct trial testing in the accredited labs to prepare for the requirements, address short comings, seek clarity and give adequate window for supply chain and sales functions. Further, inclusion of high-volume products in any phase of the MTCTE scheme needs to be taken keeping in view the: (i) readiness of TEC (manpower, portal, etc.); (ii) readiness of labs (competence, number of labs having facility to cover full scope of MTCTE ERs); and (iii) coverage under any existing certification scheme. Any product that falls in some other scheme should be excluded.

Increased transparency in processing applications: the various departments or sections involved in processing applications within TEC should be disclosed to applicants.

Digitizing the application process: The entire application process should be online without any requirement for physical copies of documents to be submitted. To ensure this, documents with digital signatures should be accepted. Additionally, if applications are to be submitted online, adequate file size for test reports and other documents should be enabled. Files may contain drawings and pictures which require larger file sizes.

Confidentiality concerns: Maintaining the confidentiality of a product before it is launched needs to be built within the application system. Applicants should be allowed to choose the date of publication of the certificate after the due process of scrutiny and grant of the application has been completed. This will prevent leakage of product details before the official launch of the product/model.

Increased engagement with stakeholders: The current process of obtaining stakeholder inputs for the MTCTE scheme and technical inputs for ERs is archaic. A formal process of involving stakeholders is required to enable the industry and TEC to understand and contribute together. The views of the industry are important for any scheme to succeed.

Acceptance of international standards: The International Telecommunications Union (“ITU”), the International Accreditation Forum (“IAF”) and the International Laboratory Accreditation Cooperation (“ILAC”) have signed a Memorandum of Understanding. Accreditation bodies independently evaluate the compliance of conformity assessment bodies against recognized international standards, verifying their competence and impartiality. TEC can continue to accept ILAC reports if it is meeting the required standards. This will help OEMs to comply with the requirements in a flexible manner leveraging local labs and international labs as suitable for one requirement.

b. Formats:

- The format for any scheme needs to be discussed with industry stakeholders and inputs for improvements should be considered. Often, OEMs struggle to understand the fields of information requested to be provided as part of the application process.
- If applications are to be submitted online, adequate file size for test reports and other documents should be enabled. Files may contain drawings and pictures which require larger file sizes.

c. Precise timelines and “deemed approval”:

- The timelines should be visible to applicants at each stage of processing to avoid ambiguity and increase transparency. Applicants should be allowed to track the stage at which an application is being processed. For instance, on completion of each stage, the actual date of completion should also be highlighted.
- Timelines may be shown as follows for scrutiny and review at each stage (and for each department if more than one department is involved):

Department	Expected date	(Actual) Completion date	Remarks
A			
B			

- Certificates should be granted within two weeks of submitting the application.
- If the processing of an application crosses the defined timeline threshold, the application should be “deemed approved.” This will ensure that OEMs are not penalized for delay at the TEC end.

d. Well-defined Query System and Formats for Queries:

- In case of queries arising during the application process, query resolution details may be made available in the following format:
 - Query raised on [•]
 - Query details [•]
 - Query response submitted on [•]

Department	Expected date	(Actual) Completion date	Remarks
A			
B			

- An adequate space for submitting responses at each stage should be provided online.
- If the response to a query is found to be inadequate, sufficient reasons and explanations should be given to enable the respondent to understand and modify the response.

e. **No comment**

f. **Procedure, timelines and online system of notice/appeal for rejection/cancellation of permission/approval:** If more information is required, adequate reason for such request should be clear. Additionally, if at any stage, the applicant is not satisfied, an escalation matrix should be provided with clear SLA and timelines.

Q12. What measures should be taken to ensure that there is no duplicity in standards or in testing at BIS, WPC, NCCS, and TEC? Which agency is more appropriate for carrying out various testing approvals? Provide your reply with justification.

USISPF Response: Inter-ministerial/departmental dialogue is necessary to ensure that no more than one ministry/department/authority is working on standards / certification on any specific area. If multiple sets of standards have been framed on any issue, the relevant ministries / departments should undertake an inter-ministerial consultation to discuss and finalize which standards will prevail. Issuance of conflicting standards is burdensome for the industry and contrary to the EoDB.

For instance, for certification of ICT/IT products such as Smart Cameras, Ministry of Electronics and Information Technology (“MeitY”) / Bureau of Indian Standards (“BIS”) had included Smart Watch as part of the existing CRO process under gazette notification no S.O. 2742(E) dated 17 August 2017. As a result, testing and certification under this order was conducted and many brands and models have been certified successfully. This CRO Scheme has been applicable for the last four years and the industry (including labs and OEMs) are now acquainted with the process and requirements. End consumers have also become aware of the BIS registration number for Smart Watch. However, despite having this system in place, Smart Watch is being included in the TEC notification for MTCTE Phase-3 dated 22 September 2021. As a result, a single product is now going to be tested and certified by two separate government agencies. The TEC notification comes at a time when there are several lacunae in the MTCTE certification process itself. For instance, it is likely that no lab at present has the competence to test all the functionalities set out in the TEC MTCTE ER requirements. Consequently, OEMs are having to approach multiple labs for carrying out mandatory testing. The absence of adequate testing facilities is extending timelines and increasing costs. Moreover, the uncertainty of meeting the requirements of a new regulator puts an unnecessary and undue pressure on the industry leading to major EoDB challenges. Another example is the security testing of mobile devices. While BIS LITD-17 has published mobile security testing requirements, the DoT-NCCS wing has also published another set of documents for the same product.

To enhance EoDB, the authorities should allow existing certification schemes to continue for those products which are already undergoing certification / testing under an existing government scheme. New products and product categories that are not undergoing certification within an existing scheme may be put under a new scheme such as the TEC MTCTE scheme. This will simplify the process by ensuring that fragmentation, duplicity and overlap is avoided for the certification of a single product.

Further, the expertise and knowledge of a department needs to be factored in while deciding which department / authority should be supervising the certification process and framing the relevant rules/ guidelines. For instance, consumer ICT end products (such as smart watches and phones) may be certified by MeitY / BIS as the certification process for such products will have to focus on applications, software, safety and security. On the other hand, core telecom nodes and equipment such as the mobile switching elements, gateways, radio and access products (i.e., products which talk directly to core switching nodes such radio base stations) can be tested and certified by TEC. TEC would be the right fit as it has adequate experience and know-how of the intricacies of such telecom and wireless core and radio products and solutions.

Q13. Whether the present system of getting fresh and additional space segment capacity on Indian and foreign satellites for various services mentioned in para no. 4.15 or any other new service from DOS, requires improvement in any respect from the point of view of EoDB? If yes, what steps are required to be taken in terms of

- a. Simple, online and well-defined processes
- b. Simple application format with a need to review of archaic fields, information, and online submission of documents if any
- c. Precise and well-documented timelines along with the possibility of deemed approval
- d. Well-defined and time bound query system in place
- e. Seamless integration and approvals across various ministries/ departments with the end-to-end online system
- f. Procedure, timelines and online system of notice/appeal for rejection/cancellation of space segment capacity

Give your suggestions with justification for allocation of space segment capacity for each service separately with detailed reasons along with examples of best practices, if any.

USISPF Response: All broadcasters use satellites for the delivery of channels to the recipient DTH operators, MSOs and LCOs, as applicable. As Indian Space Research Organisation (“ISRO”) satellites are not readily available or available with sufficient capacity, many Indian broadcasters use foreign satellites in addition to INSAT/GSAT satellites. Broadcasters bear considerable costs to lease transponder capacity and the foreign satellites used by broadcasters are usually bound by long term contractual obligations, which are difficult to break away from. Additionally, if broadcasters are forced to prematurely migrate to Indian satellites and the artificial scarcity of spectrum allocation is highlighted, then the implementation of “open sky” policy will be hampered. While there is no scarcity of orbital spectrum as of now (as foreign satellites are used), mandatory uplinking from India to Indian satellites may cause scarcity of transponders and restrict growth of the broadcast sector. To make an informed decisions while choosing satellites for broadcast of TV channels, broadcasters will need access to the technical parameters of the Indian satellites, which are not currently available. Furthermore, Indian satellites are not well equipped to provide replacements or backups in cases of technical glitches.

Against this backdrop, we suggest the following:

- The validity of the permission/approval issued by DoS for use of satellites and transponders be the same as the uplink and downlink permission for TV channel issued by MIB. The Uplink Downlink permission issued by MIB is valid for a period of 10 years whereas the validity of the DoS permission/approval is valid for 3 years.
-

- Foreign satellites are permitted to provide services only after coordination with ISRO. MIB could obtain a list of such foreign satellites from DoS and such list could be made available on MIB's website. Any application on these satellites should obtain automatic approvals. If this process is carried out, broadcasters would be aware of the list of permitted foreign satellites, and avail services only from such permitted Foreign Satellites for uplinking signals. The specific frequency on which the channel is to be uplinked is in any event filed and approved by the WPC. This could facilitate MIB's process for approving new channels as it could directly refer to such list for every new applicant rather than sending the files to DOS each time. Only those satellites which are not coordinated should be referred to DOS /ISRO for their comments / approval. Once the application has been approved, broadcasters should be free to sign-up with satellite providers, so they are not unduly having to pay foreign satellite companies (for periods up to a year), without being able to commence services.
- Satellite Bandwidth (“**BW**”) should be pre – approved when leased out to the users. Accordingly, when DOS allocates any satellite BW to users, the said BW should be pre – approved by the various agencies such as MIB, NOCC, WPC to ensure that the user can use the BW immediately after the allocation. This will ensure faster / efficient utilization (of bandwidth). If this is not possible, DOS should charge users/ applicants from the day of actual use of the BW (after all the requisite approvals have been obtained) by granting a reasonable period of around 3 months for such approval.
- To incentivize Indian broadcasters to use Indian satellites, DOS should start charging broadcasters from the day they obtain all the necessary clearances from MIB, WPC and NOCC.
- The process for filing applications for INSAT capacity reservation / allocation for these services (i.e., teleport / TV uplinking, SNG/DSNG & VSAT) should be online. This will not only facilitate ease and efficiency in application / processing but will also be a sustainable and environmentally friendly approach. Accordingly, all details should be made available on the websites of ISRO/Antrix and WPC, all applications must move electronically, and all approvals should be granted online with online intimation to applicants.
- Users should not be required to make deposits for booking / allocation of the satellite capacity. However, for due compliance by users and protection of ISRO's interests, there may be provisions for bank guarantees in line with the industry and international best practices.
- There should be open sky policy for all the satellite requirements in India.
- Forex remittance authorizations could be made available for the entire period of the contract between the approved satellite service provider and the broadcasters. The contract between the broadcaster and the satellite provider is submitted to the MIB as part of the original application from the broadcaster. However, broadcasters could continue to file details of the foreign remittances made for transponder charges on a yearly basis. RBI has already given general permission for payments to foreign satellites for uplinking services, subject to MIB approval. The requirement for MIB approval in this regard should be done away with as such payments are current account payments made in the normal course of business through Authorised Dealers.
- **Other concerns / recommendations:**
 - Satellites have a definite lifespan. Once the lifespan of a satellite has expired, satellite operators provide a fall back / replacement satellite on the same location or co-located orbital position. We recommend that the fall back / replacement satellite on the same / co-located orbital position should have an automatic approval from all regulatory authorities to provide a smooth and uninterrupted services to broadcasters.
 - If a satellite has been given an NoC by ISRO, any additional channel on the same satellite should not again require an NoC from ISRO and should be approved at MIB itself without again being referred to ISRO.
 - If a satellite is replaced by ISRO due to end of life or other reasons, the teleport approvals on the satellite should automatically get transferred to the new satellite, without users having to make a fresh teleport application to the new satellite.

- If a broadcaster(s) shifts its set of channel(s) from one approved teleport in one city to another approved teleport in another city of already on-air channel(s), MIB should not refer the application to DOS provided there is no change in satellite/transponder; bandwidth/frequency allocation and no other amendments in the uplinking and downlinking permissions. The issue primarily pertains to SACFA clearance from WPC only.

Q14. Whether the existing procedures to acquire a license for providing satellite-based services in the existing framework is convenient, fast, and end-to-end online for the applicants? If not, what other measures are required to simplify the various processes to enable ease of doing business in India for satellite-based services? Give details along with justification.

USISPF Response: Please refer to our response to (13) above.

Q15. Whether the present system of permissions/registrations mentioned in para no. 5.10 or any other permissions granted by MeitY along with BIS, requires improvement in any respect from the point of view of EoDB? If yes, what steps are required to be taken in terms of:

- a. Simple, online and well-defined processes
- b. Simple application format with a need to review of archaic fields, information, and online submission of documents if any
- c. Precise and well-documented timelines along with the possibility of deemed approval
- d. Well-defined and time bound query system in place
- e. Seamless integration and approvals across various ministries/ departments with the end-to-end online system
- f. Procedure, timelines and online system of notice/appeal for rejection/cancellation of permission/registration

Give your suggestions with justification for each permission/ registration separately with detailed reasons along with examples of best practices if any.

USISPF Response: The timelines for obtaining BIS certifications have substantially increased. This has impacted the certification of products covered under the CRO, delayed launches of new products and caused businesses to incur losses. To ensure EoDB, clear timelines for certification and introduction of provisions of “deemed approval” are required. Increased certainty with respect to timelines will go a long way in bringing certainty and predictability to a business environment dependent on approvals. To enhance the EoDB, we recommend that the following changes be made to the BIS certification process:

a. Well-defined process:

Announcement of new phases: New phases should be announced after ensuring that lab infrastructure and accreditation is in place. Moreover, on the day of notification, both FAQs and TRF should be published. If there is a delay in publishing the TRF, OEMs cannot start the certification/changeover process.

Digitising the process:

- To simply the process and reduce timelines, digital signatures should be accepted in addition to physical signatures.
- In case there is a change in the management information of an applicant, soft copies of relevant documents and online payments need to be accepted. Currently, demand drafts are required to be submitted in such cases.

- Changes in the online process and tools should be informed well in advance to the stakeholders and applicants. For instance, LIMS process/ tool was introduced by BIS in August 2021 for labs and OEMs without any prior intimation to the stakeholders and impacted parties. This created for labs as they did not have any experience in using the new tools and were unaware of the data required to be uploaded on the portal, which resulted in delays. Given the delays in generating test requests and uploading test reports, there was overall delay in issuing certificates to applicant OEMs.
 - To ensure transparency and predictability, any maintenance or upgrade in the online portal or existing process should be informed to stakeholders well in advance.
- b. Formats:** The BIS portal (crsbis.in) allows one login for each factory. In the current manufacturing ecosystem, one factory produces models for different brands. Accordingly, we suggest that under the master login, one more level of login should be made available for each brand. To ensure confidentiality, persons working on one brand may be allowed to access only the relevant information pertaining to that brand.
- c. Timelines:** Given the recent delays in the certification process, a well-defined timeline for each stage will improve the transparency and efficiency of the entire process.
- Certificates should be granted within a week of submitting the application on the portal
 - A well-defined timeline for each stage of the application process should be made available to the applicant on the portal to show the lifecycle of the application from submission to approval including all intermediate steps. The format for this could be as follows:
- | Department | Expected date | (Actual) Completion date | Remarks |
|------------|---------------|--------------------------|---------|
| A | | | |
| B | | | |
- If an application crosses the defined timeline threshold, the application should be “deemed approved.” The addition of provisions with respect to “deemed approval” will ensure that OEMs are not penalized for delays at the MeitY/BIS end.
 - Other applications viz. change of authorised Indian representative, management details should also have well defined timelines. While such changes can take 30-45 days, these need to be reduced to a maximum of one week.
- d. Query Format:** The system for requesting information and providing responses to such queries needs to be further clarified. This can be achieved in the following ways:
- The queries and responses for a particular product/model/factory need to be aligned as similar queries are asked for different products/ factories even when responses have already been submitted and accepted.
 - The query resolution details may be made available in the following format at the portal:
 Query raised on [●]
 Query details [●]
 Query response submitted on [●]
 Query resolution handled by Department [●]
 Expected date of completion [●] days
 Actual completion date [●]
 - The portal should provide adequate space for submitting responses and each stage should be visible online.
 - If the response to a query is found inadequate, sufficient reason and explanation should be given to enable the respondent to understand and modify the response appropriately.

- e. **Integration across Ministries:** The status of an application across departments/ministries should be made available to the applicant on the portal with well-defined timelines for each stage.
- f. **No comment.**

Other concerns / recommendations:

- Surveillance Challenges: Some of the ongoing surveillance challenges arise as: (i) the lead time for sample collection is insufficient; (ii) lab competency to test the complex products is lacking; and (iii) no predictability of overall process timelines for final completion of MS Order.
- The current process of burdening compliant OEMs with repeat testing needs to be modified. If MeitY grants relaxations to compliant OEMs with respect to market surveillance, it will encourage other OEMs to comply.
- TRAI should mandate all the licensed distribution platforms operators to only use BIS certified equipment to ensure Quality of Service (“QoS”) standards for end consumers, protection of content and prevent revenue leakages.

Q20. What measures are required to be taken to simplify the various submissions/filings made by teleport operators, DTH operators, MSOs, and other stakeholders at MIB? Provide your detailed reply with justifications.

USISPF Response: The registration process of Last-Mile Cable Operators (“LCO”) should be made online on the dedicated portal of MIB with due verification process. This will help clarify the number of LCOs in the country and their obligations to licensing ministries and stakeholders, including broadcasters, consumers as well as the government.

Q21. TRAI seeks multiple reports through its multiple divisions at predefined frequency intervals. Reports submitted by operators are examined and for non-compliances, show cause notices are issued and financial disincentives are imposed, wherever applicable. Do you think there is a need to improve reporting and compliance system in TRAI? Please elaborate your response with justifications.

USISPF Response: Pursuant to the Telecommunication (Broadcasting and Cable) Services Register of Interconnection Agreements and all such other matters Regulations, 2019, broadcasters are required to upload information with respect to interconnection agreements. The BIPS portal has been evolving since its launch in January 2020. Broadcasters face multiple issues such as: (i) screen freeze in case any new functionality is added; (ii) difficulty uploading documents; and (iii) absence of options to edit information while uploading the information sought by TRAI. Broadcasters have written multiple letters to bring these issues to TRAI’s notice. However, certain concerns continue to remain unaddressed.

Additionally, while information was required to be filed once a year (i.e., by July 31st), the same information is now required to be filed upon execution of the interconnection agreement (s) with DPOs on ongoing basis. At times, broadcasters are required to upload such information daily. This makes the entire process cumbersome and is not in the spirit of EoDB. Therefore, we suggest that the information should be required on a quarterly/half-yearly basis with the ability to upload bulk data in Microsoft excel format. The BIPS portal should allow extraction of data from the Microsoft excel file, which can then be uploaded under relevant heads on the BIPS portal. We also recommend that TRAI should not request broadcasters for information that is being made available online on a regular basis as it leads to duplication of submission. To enhance the EoDB, we request TRAI to consider the information being regularly updated by broadcasters on the BIPS portal.



Q22. Identify those redundant items which require deletions and at the same time the items that need to be included in the reporting and regulatory compliance systems due to the technological advancements. Suggest such changes with due justifications.

USISPF Response: We suggest that the BIPS portal be equipped with artificial intelligence tools that will help in faster resolution of issues faced by broadcasters while uploading requisite information. There are software(s) that assist in editing/incorporating correct date/numbers/spellings in case of typographical errors. Adoption of artificial intelligence tools will minimize errors and will make the entire process faster and more efficient.