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LEGAL UPDATE

Macau's New Radiocommunications Law

The new Radiocommunications Law (Law no. 21/2024, of 11 November) (the “Law”) was just approved and is expected to enter into effect on 1 January 2025.

The Law further repealed Decree-Law no. 18/83/M, of 12 March, which provides for the measures relating to the use of radiocommunications in Macau, Decree-Law no. 48/86/M, of 3 November (Administrative regime for Radiocommunications Services) and several provisions of the Amateur Radiocommunications Regulation, as approved by Decree-Law no. 29/94/M, making the Law a 3-in-1 type of legal framework. The new Law has been introduced to update the previous regime, as it had become outdated and no longer aligned with the current framework (including on supervision actions on radiocommunications

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equipment, administrative procedures, and penalties regime). We analyze below the main aspects introduced by this new Law:

1. The new Law introduces some changes in the concept of 'Radiocommunications'. It now defines 'Radiocommunications' as all types of telecommunications transmitted by radioelectric waves (further defined as electromagnetic waves with a frequency below 3000 GHz that propagates in space without artificial guidance).
2. In the previous regime, the use of radiocommunications networks or stations was subject to prior governmental authorization. Under the new Law, the use of radiocommunications networks or stations is subject to a license. The new Law exempts more radiocommunications equipment from the licensing requirement, including equipment used by the Commission Against Corruption and the Macau Garrison of the People's Liberation Army.
3. The regulation on the management and use of radio spectrum is addressed in more detail, albeit with no change in the legal framework on the allocation of frequency bands, which the Government makes by assignment to licensees, as necessary for the operation of radio networks and stations. The Law provides expressly that in the event the Chief Executive determines any change or termination in the frequency allocation, the licensees are entitled to compensation.
4. The Law introduces a new 'Special License' for the usage of radiocommunications networks and stations for a short period (up to 60 days).
5. While in the previous regime the governmental authorization for the use of radiocommunications networks or stations was for an unlimited duration, the new license for the use of radiocommunications networks or stations has the validity of 5 years, renewable for equal or shorter periods.
6. The license for the use of radiocommunications networks or stations may not be transferred to other parties, unless in specified cases, and only for a transitory period.

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7. Radiocommunications equipment still requires type approval under the new legal framework. However, as per paragraph 2., above, is the Law now exempts more radiocommunications equipment from licensing and approval requirements.
8. The penalties for administrative infractions have been aggravated under the new Law, with fines now ranging from MOP 1,000 and MOP 200,000.

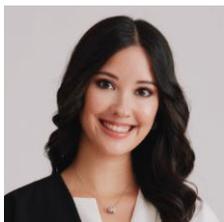
Our Contributors:



José Leitão
Partner
jose.leitao@mdme.com
[Visit Profile](#)



Julia Herold
Counsel
julia.herold@mdme.com
[Visit Profile](#)



Daniela Guerreiro
Associate
daniela.guerreiro@mdme.com
[Visit Profile](#)