

GOVERNMENT NOTICE NO. 264 published on 9/9/2005

THE TANZANIA COMMUNICATIONS ACT, 1993

(No. 18 of 1993)

REGULATIONS

THE TANZANIA COMMUNICATIONS (INTERCONNECTION)
REGULATIONS, 2005

ARRANGEMENT OF REGULATIONS

Regulations Title

PART I
PRELIMINARY PROVISIONS

1. Citation.
2. Application.
3. Interpretation.

PART II
INTERCONNECTION

4. Traffic type .
5. Interconnection negotiation procedure.
6. Conditions of interconnection agreements.
7. Interconnection Agreement.
8. Period to enter into interconnection agreement
9. Interconnection with other operators.
10. Submission of Interconnection Agreement.
11. Protection of the network.

12. Network access.
13. Costs of interconnection.
14. Quality of services.
15. Network upgrading.
16. Inter-connection charges.
17. Arbitration.
18. Action by the Authority /Dispute Resolution.
19. Appeals

20. Penalties.
21. Revocation.

TANZANIA COMMUNICATIONS ACT, 1993
(No. 18 of 1993)

REGULATIONS

(Made under section 22)

THE TANZANIA COMMUNICATIONS (INTERCONNECTION)
REGULATIONS, 2005

PART 1
PRELIMINARY PROVISIONS

- Citation **1.** These Regulations may be cited as the Tanzania Communications (Interconnection) Regulations, 2005.
- Application **2.** These Regulations shall apply to all network service providers in relation to termination of traffic into operators' network.
- Interpretation
Act No.12 of
2003 **3.** In these Regulations, unless the context requires otherwise-
"Act" means the Tanzania Communications Act, 1993;
"agreement " means interconnection agreement;
"dominant operator" means a licensee provider who acting alone can profitably and materially restrain or reduce competition in the market for a significant period of time and whose share of the market exceeds thirty five per cent;
- Act No 12 of
2003 "Authority" means the Tanzania Communications Regulatory Authority established under the Tanzania Regulatory Authority Act, 2003;
"East Africa" means Member States of the East African Community;

“interconnection” means the physical or logical linking of one public electronic communication network to another network for the purpose of allowing the persons using one of them to be able:

(a) to communicate with users of another one; or,

(b) to make use of services provided by means of the other one;

“interconnection charges means the price charged by a network service licensee to another network service licensee for the purpose of terminating traffic into a network;

“interconnecting operator” means the network services licensee seeking to be connected to another network service licensee for the purpose of origination and termination of traffic;

“network service provider” means an entity licensed by the Authority to provide electronic communications network services;

“point of interconnection” means a physical point where the system of one network service provider is connected to the system of the another provider for routing of calls from one system to the other;

“electronic communication services” means any transmission of information by wire, radio waves, optical media or other electromagnetic systems, between or among points of the user’s choice.

PART II INTERCONNECTION OF NETWORKS

Traffic type

4. Telephone traffic provided by interconnected network service providers shall be categorized as follows:

(a) mobile to mobile traffic – Domestic and East Africa;

(b) fixed to fixed traffic – Domestic and East Africa;

(c) mobile to fixed traffic – Domestic and East Africa;

(d) fixed to mobile traffic – Domestic and East Africa; and

(e) fixed and mobile transit services.

Interconnection negotiation procedure

5. The Authority shall issue an interconnection negotiation procedure and guidance on approval or rejection of interconnection agreements on the grounds of the conditions set out in regulation 6.

Conditions of interconnection agreements

6.- (1) The interconnection agreements shall be subject to the following general conditions-

- (a) interconnecting network service providers shall conclude agreements based on transparency and non-discriminatory principles;
- (b) the network service provider engaged in the provision of electronic communications services, shall not apply less favorable technical and commercial conditions to any competitor than it would apply to itself, its subsidiaries or affiliates in the delivery of services;
- (c) a network services provider shall interconnect with another network service provider at cost based interconnection charges;
- (d) a network services provider shall offer an interconnecting provider adequate capacity to ensure that the interconnecting provider renders similar levels of quality of service; and
- (e) interconnecting network service providers shall agree on interconnection charges for the delivery of electronic communication services; and
- (f) quality of service standards shall constitute part of the conditions of interconnection agreement.

(2) The Authority shall make, each agreement approved in accordance with this Regulation accessible to public at a fee as shall be determined from time to time by the Authority.

(3) Where network service providers wish to amend the interconnect agreement, they shall submit to the Authority the proposed amendments for approval whether or not the terms and conditions remain just, reasonable and non-discriminatory.

Interconnection Agreement

7.-(1) Any interconnection agreement shall include, without limitation, the following-

- (a) method to be adopted to establish and maintain the connection;
- (b) connecting points of the network in which the connection is to be made;
- (c) necessary capacity to ensure reasonable quality of the signal, taking into account the overall capacity of the interconnecting network;
- (d) form in which signals must be transmitted and received at the terminal points of the network, including numbering arrangements and signaling methods;
- (e) way to ensure that any signal is received with a quality consistent with the recommendations of the International Telecommunications Union (ITU);
- (f) connection arrangements between the parties for signals transmitted to third parties by virtue of Interconnection, within or outside Tanzania; and
- (g) payment and payment methodology.

Period to enter into interconnection agreement

8. The licensee shall, within three months of a request by another licensee, enter into an interconnection agreement with such other licensee.

Interconnection with other operators

9. Any network service provider shall have the right to interconnect with the Network of any other network service provider in the United Republic and permit such other network service provider to interconnect its network on reasonable terms and conditions set out in an Interconnection Agreement.

Submission of Interconnection Agreement

10. Interconnection Agreement between any network service provider and other operators shall be submitted to the Authority within one month before the licensee's network becomes operational.

Protection of the network

11.-(1) The network service provider who is involved in an interconnection agreement shall ensure that-

- (a) service that is offered to the public is restored as soon as it is practicable in the event of breakdown of the network;
- (b) in the event that a service that is offered to the public is not available due to a natural act, endeavors to maintain the highest level of service standard to meet emergency services;
- (c) the integrity of a public electronic communications network is maintained by remaining physically joined and operational at all times;
- (d) inter-operability of services is maintained during the duration of their license; and
- (e) protect of data stored in a technical system which is deemed confidential by either party.

(2) The need to meet any of the requirements set out in sub-regulation (1) of this regulation shall not constitute a waiver by either party to interconnection agreement.

Network
access

12.-(1) The network service provider shall, pursuant to the existing legislation, install a network facility on, over or under public or private land and share at the point of interconnection where physical, or technical constraints deprive another provider of access to a viable interconnection alternative.

(2) The network service provider shall provide access to poles, towers, ducts, conduits, land and buildings as part of the network service provider's right-of-way to any other entities, for reasons associated with, but not limited to, town and country planning, environmental and technical factors provided that the parties negotiate the commercial and technical details thereto.

Costs of
interco-
nnection

13. The network service provider requesting access to an existing network shall meet its portion of the interconnection cost except co-location facility if there is available capacity.

Quality of services

14.-(1) The network service provider shall ensure that a service passing through its network is delivered at the level of quality prescribed by the Authority.

(2) The network service provider shall ensure that the prescribed quality of service is not impaired on interconnection.

Network upgrading

15. In order to achieve the quality of inter-operability to the prescribed level a network service provider shall-

(a) notify the Authority and another network service provider interconnecting in the network, of any planned change in the network capacity, technology, structure and configuration, within fifteen months of effecting the intended change; and

(b) provide details relating to any change in the network service provider's network including traffic forecast to the Authority.

Inter-connection charges

16.-(1) All network services providers shall agree on a price for the delivery of an electronic communication service based on:

(a) the design of the interconnection rates based on forward looking economic long run average incremental costs;

(b) compensation arrangement which is reciprocal for the transportation and termination of traffic;

(c) coverage of the appropriate cost of providing the physical inter-network links and associated equipment; and

(d) availing to an interconnecting network service provider, information required to determine the interconnection charges within one month.

(2) In the event that the network service provider fails to avail another network service providers with the necessary information within the time stipulated under paragraph (d) of sub-regulation (1), the Authority shall direct in writing the other network service provider to avail the information within a period which the Authority may stipulate.

**PART III
GENERAL PROVISIONS**

Arbitration

17.-(1) Where the period for negotiations has lapsed and there is failure to reach agreement or a dispute arises between parties under an interconnection agreement, then any aggrieved party may petition to the Authority to arbitrate any open issues and submit a copy of the same to the other party.

(2) A network service provider that petitions to the Authority shall at the time of submitting the petition provide all relevant documentation concerning-

- (a) unresolved issues;
- (b) the position of each of the parties with respect to these issues; and
- (c) any other issue discussed and resolved by the parties.

(3) A non-petitioning network service provider shall respond to the other provider's petition and provide additional information required within twenty one days from the date the petition was filed with the Authority.

Action by the
Authority
/Dispute
Resolution

18.-(1) The Authority may require the petitioning network service provider and the responding provider to provide such information as may be necessary for the Authority to reach a decision on the unresolved issues.

(2) If any network service provider refuses or fails to respond within thirty days from the date of any request from the Authority, the Authority may proceed to resolve such issues on the basis of the best information available to it from whatever source derived.

- (3) In resolving any dispute on interconnection, the Authority shall-
- (a) resolve each issue set forth in the petition and the response, if any, by imposing appropriate conditions on implementation of the terms and conditions by the parties to the agreement; and
 - (b) ensure that such resolution and conditions meet the requirements of these Regulations.

Appeals
Act No.8
of 2003

19.- (1) Where the communication service provider is not satisfied with the decision of the Authority pursuant to regulation 10, may within thirty days appeal to the Fair Competition Tribunal established under the Fair Competition Act, 2003

(2) The communication service provider who fails to lodge an appeal against the decision of the Authority within thirty days of the said decision shall be deemed to have accepted the counter proposal of the Authority.

Penalties

20. Any network service provider who contravenes any provision of these Regulations commits an offence and shall be liable on conviction to a fine of the equivalent in Tanzanian shillings of United State dollars five hundred.

Revocation of
GN No 323 of
2001

21. The Interconnection Regulations, 2001 are hereby revoked.

Dar es Salaam,
3rd September, 2005

MARK J. MWANDOSYA
Minister for Communications and Transport