

Self Assessment Tool for Regulators

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Agenda

- What is the self assessment tool?
- Why is it different?
- What topics does it cover?
- How does it work?

What is the self assessment tool?

- High-level tool for regulators to self-assess their regulatory structure and performance
- Starting point when planning for possible institutional reforms or changes in institutional structure
- Source of comparative analysis of different types of ICT regulatory agencies and their institutional ability to adapt to a converged ICT environment

Why is it different?

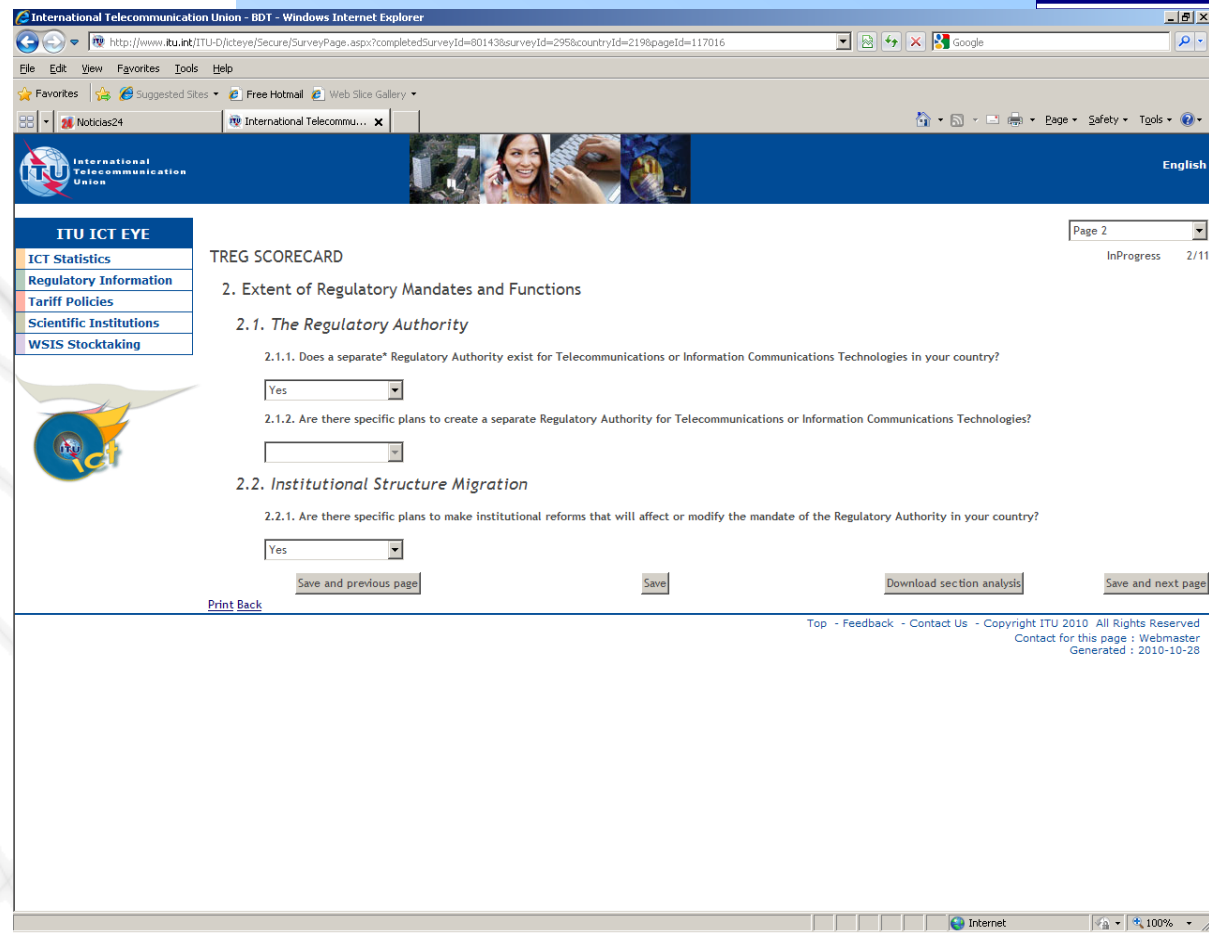
- **Tailored responses**: the tool elicits information from participants and returns answers tailored to the responses provided
- **Flexibility**: allows participants the flexibility to explore the topics that interest them
- **Wealth of international references**: offers specific examples of international best practices from a diverse set of countries and regions around the world
- **TREG 2010**: Builds on the results of World Telecommunications Regulatory Survey 2010 (TREG 2010)

What topics does it cover?

- Extent of Regulatory Mandates and Functions
- Leadership
- Staffing
- Financing
- Oversight Functions
- Responsiveness of the Regulator
- Transparency
- Openness and Competitiveness of the Market
- Adaptability of Regulatory Framework to New Technologies
- Relationship/Collaboration with other Government Authorities

How does it work?

- On-line questionnaire
- 55 questions
- 10 sections



The screenshot shows a web browser window displaying the ITU ICT EYE survey. The browser title is "International Telecommunication Union - BDT - Windows Internet Explorer". The address bar shows the URL: <http://www.itu.int/ITU-D/icteye/Secure/SurveyPage.aspx?completedSurveyId=001438surveyId=295&countryId=2190pageId=117016>. The page content includes a navigation menu on the left with options: "ICT Statistics", "Regulatory Information", "Tariff Policies", "Scientific Institutions", and "WSIS Stocktaking". The main content area is titled "TREG SCORECARD" and displays the following sections:

- 2. Extent of Regulatory Mandates and Functions
 - 2.1. The Regulatory Authority
 - 2.1.1. Does a separate* Regulatory Authority exist for Telecommunications or Information Communications Technologies in your country?
 - 2.1.2. Are there specific plans to create a separate Regulatory Authority for Telecommunications or Information Communications Technologies?
 - 2.2. Institutional Structure Migration
 - 2.2.1. Are there specific plans to make institutional reforms that will affect or modify the mandate of the Regulatory Authority in your country?

At the bottom of the form, there are buttons for "Print Back", "Save and previous page", "Save", "Download section analysis", and "Save and next page". The footer of the page includes: "Top - Feedback - Contact Us - Copyright ITU 2010 All Rights Reserved. Contact for this page : Webmaster. Generated : 2010-10-28".

How does it work?

- After each section is completed, a partial report can be retrieved
- A final report is produced once the questionnaire is finalized

Extent of Regulatory Mandates and Functions

2.1.1. Does a separate* Regulatory Authority exist for Telecommunications or Information Communications Technologies in your country?

Having a separate Regulatory Authority (i.e., independent in terms of finance, structure, and decision-making from the operator(s) and the sector Ministry) is in line with international best practices. Separation from other governmental agencies/ministries and service providers is generally seen as a factor that enables decisions to be taken in an impartial, fair and transparent manner.

International references

WTO - International Trade Commitments

As part of the 1997 Agreement on Basic Telecommunications under the General Agreement on Trade in Services (GATS) treaty, the World Trade Organization (WTO) published a Telecommunications Reference Paper setting out the definitions and principles of a regulatory framework for the basic telecommunications services. Article 5 of the Reference Paper provides that: "The regulatory body is separate from, and not accountable to, any supplier of basic telecommunications services. The decisions of and the procedures used by regulators shall be impartial with respect to all market participants."

Europe

In the European Union, Member states are required "to guarantee the independence of national regulatory authorities by ensuring that they are legally distinct from and functionally independent of all organizations providing electronic communications networks, equipment or services." In addition, "Member States that retain ownership or control of undertakings providing electronic communications networks and/or services shall ensure effective structural separation of the regulatory function from activities associated with ownership or control." [Article 3.2 of Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services (Framework Directive)]

ECOWAS

The Economic Community Of West African States' (ECOWAS) policy on the Harmonization of the Policies and of the Regulatory Framework of the ICT Sector clearly establishes the necessity of implementing an independent regulator: "Member States shall guarantee the independence of the national regulatory authorities with respect to the political authorities and all organizations providing telecommunications networks, equipment or services, or otherwise active in the sector, by ensuring that the former are legally distinct from and functionally independent of the latter." [Supplementary Act/SA/1/01/07, Chapter IV, Article 11.2.]

Thank you!

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