



SADC ROAMING POLICY

26 JUNE 2015

Walvis Bay, Namibia

1 PREAMBLE

- 1.1. Taking into consideration Article 10.7 of the Southern African Development Community (SADC) Protocol on Transport, Communications and Meteorology establishing the Communications Regulators' Association of Southern Africa (CRASA);
- 1.2. Recognizing the Directive on SADC Home and Away Roaming issued by SADC Ministers responsible for Postal, Telecommunications and Information Communication Technologies (ICTs) at the meeting held at Mangochi, Malawi on 21st November 2014; and
- 1.3. Acting in accordance with Article 3.1.5 of the CRASA Constitution which states that "the objective of the Association shall be to facilitate harmonization of Postal and ICT regulatory frameworks within the SADC region".
- 1.4. Now therefore, SADC Member States agree to adopt this Policy.

2 BACKGROUND

- 2.1. In July 2007, the SADC Ministers responsible for Telecommunications, Postal and ICTs directed the SADC Secretariat, working in conjunction with CRASA, to come up with a legal framework on roaming services within the Region.
- 2.2. To implement the Ministers' decision, CRASA engaged relevant stakeholders and consultants on harmonising the regulation of roaming services within the Region. Based on the findings of the studies and consultations, the SADC Ministers responsible for Telecommunications, Postal and ICTs resolved to develop a Policy and regulatory framework for roaming services within the Region.
- 2.3. This Policy, therefore, addresses the SADC Home and Away Roaming initiative aimed at harmonizing the regulation of roaming services within the Region.

3 JUSTIFICATION

- 3.1. Given the cross-border nature of roaming services, no single NRA is able to singlehandedly regulate roaming services, end to end. NRAs can only regulate wholesale arrangements in their respective countries. This means that any initiative aimed at reducing roaming charges within one Member State, would only serve to benefit operators and subscribers from other Member States. This is due to the fact that consumers of roaming services within the Member State with regulated wholesale arrangements would not receive the same benefit when they travel to other countries within the region. There is, therefore, need for

coordinated regional action, which will ensure reciprocal benefits to all consumers within the Region.

3.2. This, subsequently, justifies the adoption and implementation of the SADC Roaming Policy.

4 POLICY GOALS

4.1. The main goals of this Policy include the following:

- a) to facilitate the development of harmonised regulatory tools necessary for the provision of cost based roaming services within the Region;
- b) to stimulate and strengthen sustainable competition in the provision of various roaming services within the Region;
- c) to protect consumers of roaming services from excessive prices and bill shock; and
- d) to promote transparency in the charging of roaming services within the Region.

5 POLICY OBJECTIVES

5.1. The objectives of this Policy are as follows:

- a) to address the high charges on roaming services within the Region;
- b) to develop a roaming cost model for determining cost of roaming within the Region;
- c) to harmonize the costing and pricing of roaming services within the Region;
- d) to provide minimum safeguards for consumers of roaming services, to empower them to make informed decisions.

6 GUIDING PRINCIPLES

6.1. The following are the guiding principles for roaming within the Region:

- a) prices for roaming services must be transparent, fair, and non –discriminatory;
- b) consumers must be provided with adequate information with regards to the provision of roaming services in relation to retail prices and billing cycles;
- c) prices for all roaming services should not be less than underlying costs;

- d) prices for regional roaming services should be cost based and not be too excessive in comparison with prices charged for the same services at national level;
- e) prices charged and other obligations imposed on operators should not distort the competitive conditions between mobile operators within the Region;
- f) Any roaming network connection should be established with the user's consent; and
- g) The quality of service parameters for roaming services should at least be equivalent to those prescribed by the NRA of each Member State.

7 INSTITUTIONAL ARRANGEMENTS

7.1 Heads of State of Member States

7.1.1. Heads of State of Member States are encouraged to ensure the following:

- a) develop and/or review policies and legislation to provide for the effective implementation of the SADC Roaming initiative; and
- b) removal of additional taxes (surtaxes) imposed on the ICT activities especially on roaming services that contribute to increased roaming prices in the SADC.

7.2 SADC Ministers Responsible for Postal, Telecommunications and ICT services

7.2.1. SADC ministers are urged to ensure the following:

- a) empower NRAs to implement Regional regulatory tools on roaming services;
- b) permit NRAs to adopt harmonised SADC costing and pricing models for roaming services;
- c) allow NRAs to co-operate through treaties/agreements with other NRAs in the Region;
- d) empower NRAs to obtain relevant information from operators for purposes of implementing this Policy; and
- e) authorise NRAs to share information collected from operators with other NRAs in the Region.

7.3 SADC Secretariat

7.3.1. The SADC Secretariat should urge Member States to ensure that CRASA and NRAs submit a report to the Ministers on Roaming Services on an annual basis.

7.4 CRASA Secretariat

7.4.1. The CRASA Secretariat shall do the following:

- a) work with NRAs to facilitate implementation of the SADC Roaming Framework;
- b) ensure that NRAs provide information to CRASA as and when required and in the prescribed format; and
- c) monitor and evaluate the implementation of the SADC Roaming Framework.

7.5 National Regulatory Authorities (NRAs)

7.5.1. NRAs shall do the following:

- a) implement SADC policies and regulations on roaming services;
- b) implement SADC harmonised costing and pricing models for roaming services;
- c) co-operate through treaties/agreements with other NRAs on roaming services within the Region;
- d) obtain relevant information from operators for purposes of implementing this Policy; and
- e) share information collected from operators with other NRAs within the Region.

7.6 Mobile Network Operators (MNOs)

7.6.1. MNOs shall do the following

- a) provide all required information on roaming services to NRAs; and
- b) enter into bilateral roaming agreements, for both postpaid and prepaid roaming services, with all operators in the Region.

8 POLICY IMPLEMENTATION PLAN

- a) In order to facilitate the regulation of roaming services at a Regional level, Member States are urged to develop new policies or review current ones to cover the regulation of roaming services provided within the SADC Region. This is due to the fact that most Member States do not regulate roaming and if they do, their NRAs have different levels of authority and legislative powers that would facilitate harmonized implementation of the SADC Roaming Policy.
- b) CRASA to come up with the necessary regulatory tools to implement the SADC Roaming Policy.
- c) Member States to adopt the regulatory tools on SADC Roaming Policy for implementation in their respective countries.

9 POLICY REVIEW

- 9.1. SADC shall periodically review the Policy and its implementation as and when deemed necessary.

10 MONITORING AND ENFORCEMENT PLAN

- 10.1. The following are the monitoring and enforcement requirements:
 - a) NRAs to provide bi-annual reports to monitor measure and evaluate progress in the implementation of the Policy by the MNOs.
 - b) CRASA to provide bi-annual reports to consolidate the information on progress regarding the implementation of the Policy by MNOs.

GLOSSARY OF TERMS

In order to ensure consistency in the project, the concepts of “roaming”, “home roaming” and “away roaming” will continue to be understood as follows:

‘Home roaming’ (or ‘national’ roaming) refers to an agreement among operators within an individual nation or state to provide services in geographical areas where one, or other, operator has no coverage.

‘Roaming’ means the ability for a mobile subscriber to automatically make and receive voice calls, send and receive data, or access other services, including home data services, when travelling outside the geographical coverage area of the home network;

The following additional definitions are used (slightly amended from the definitions introduced in the questionnaire):

‘Inbound roamer’ is a term used by a network within the visited country to refer to a subscriber of another network (that is operating in SADC Region), that is receiving services or who has received services whilst roaming on that network within the visited SADC country.

‘Member State’ means a country, which is a member of the Southern African Development community;

‘Outbound roamer’ is a term used by the home network to refer to a subscriber that has visited or is visiting another SADC country and is receiving a service whilst roaming on one of the networks in that visited country.

‘Region’ means Southern African Development Community;

‘Subscriber’ refers to a consumer who uses a SIM card or network card of a network licensed and operating in SADC and such consumer is on either prepaid or post-paid (contract) subscription.

