

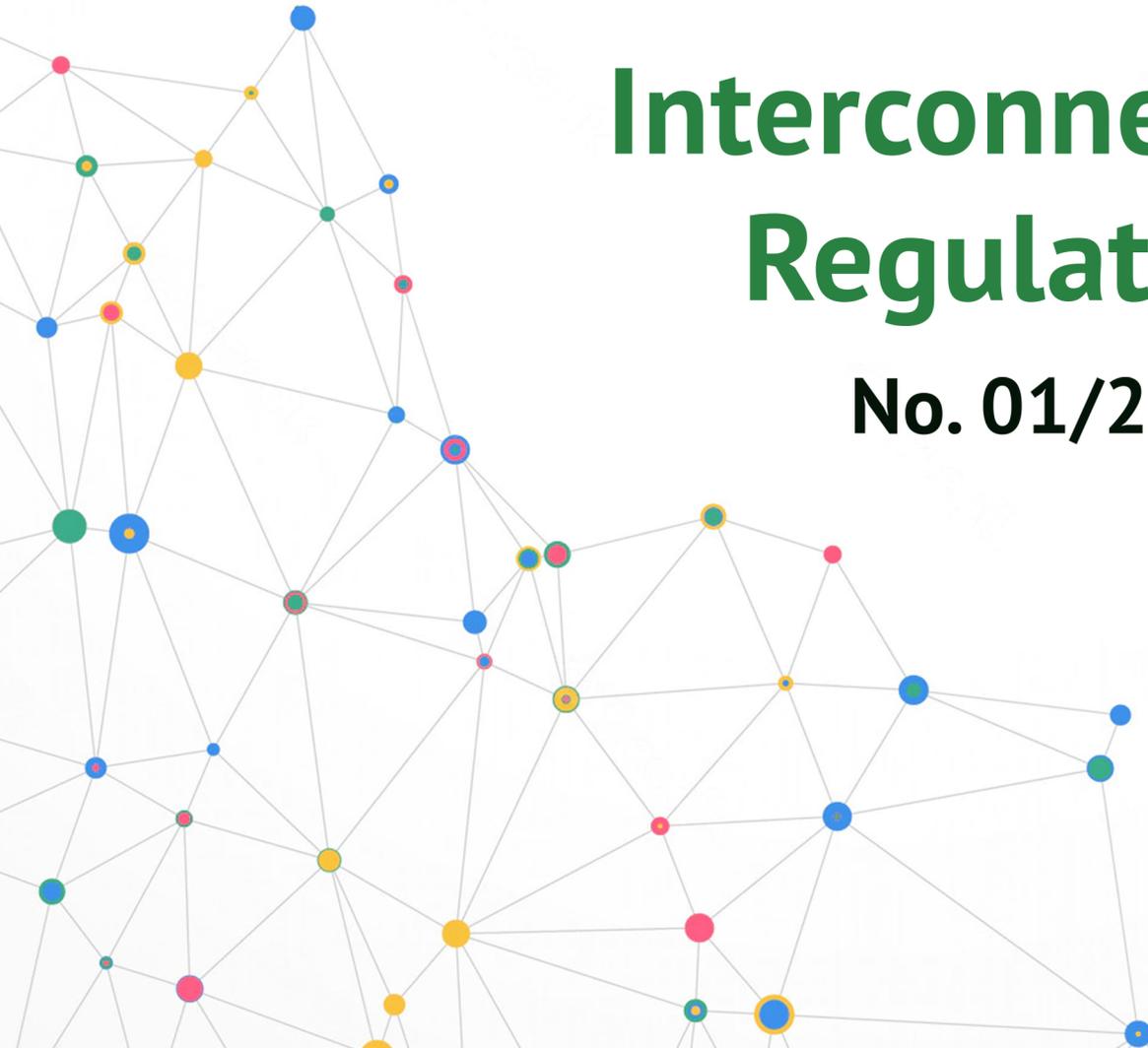


Republic of Somaliland

**MINISTRY OF INFORMATION
& COMMUNICATION TECHNOLOGY**

Interconnection Regulations

No. 01/2021



Contents

1. Short title and Enforcement.....	3
2. Interpretation:.....	3
3. Application:	4
4. Overriding principles and Objectives:	4
5. Role of the Ministry:	5
PART II – INTERCONNECTION	6
6. Call for Interconnection:	6
7. Request for a new or modified interconnection service:	6
8. Negotiations:.....	7
PART III – INTERCONNECTION AGREEMENTS	7
9. Terms and conditions of interconnection agreements	7
10. Confidentiality:	8
11. Filing with the Ministry:.....	8
12. Approval by the Ministry:.....	8
13. Amendments to interconnection agreements:	9
14. Establishment and location of points of interconnection:	10
PART IV – PRICING	10
15. Interconnection charges:	10
16. Prescription of charges:.....	10
PART V – DISPUTE RESOLUTION	11
17. Notification of a dispute:	11
18. Preliminary consideration of a dispute:.....	11
19. Mediation:.....	11
20. Nature of disputes:	11
21. Resolution of disputes:.....	12
PART VI – CONTRAVENTIONS AND PENALTIES	12
22. Non-compliance:	12
23. Amendments:.....	12
24. Enforcement:	12

PART 1 – PRELIMINARY

1. Short title and Enforcement

- 1.1. This regulation may be cited as the Interconnection Regulation, No. 01/2021.
- 1.2. This regulation shall come into force when the Minister signs and published in the Official Gazette.

2. Interpretation:

- 2.1. **“The Act”**: means the Somaliland Postal and Telecommunications Act **No. 50/2020**.
- 2.2. **“Ministry”**: means the Ministry of Information and Communication Technology established under the Act.
- 2.3. **“Interconnection”**: means reciprocal services offered by two or more operators providing a public telecommunication service in order to allow all users to communicate freely amongst themselves, regardless of the telecommunications networks to which they are connected or the telecommunications services they use.
- 2.4. **“Interconnection Agreement”** means an agreement concluded between two or more operators for the provision of Telecommunication Interconnection Services.
- 2.5. **“Interconnecting licensee”**: means a provider of telecommunication services who has interconnected or has requested to interconnect its telecommunications system to the telecommunications system of an interconnect provider.
- 2.6. **“Confidentiality of Information”** means any information disclosed by either party to the other party, either directly or indirectly, in writing or by inspection of tangible objects.
- 2.7. **“Colocation”**: means facility-sharing in which an operator houses equipment of its competitor to allow the access by end users to their respective networks.
- 2.8. **“Interoperability”**: means the ability of communication systems, units, or elements to provide services to and accept services from other systems, units or forces and to use the services exchanged to enable them to operate effectively together.
- 2.9. **“Operator”**: means a telecommunications service provider who is providing a public telephone service, a public network or a telecommunications service using leased lines under the terms of an individual licence.

- 2.10. “Point of Interconnection”:** a notional point identified as the centre at which different networks are connected and exchange telecommunications information with each other.
- 2.11. “Reference Interconnection Offer”:** a standardised outline of an operator's offer, including rates and terms of interconnection, often required to be published. The RIO may be the starting point for negotiations leading up to a specific interconnection agreement between two operators.
- 2.12. “significant Market Power”** an Operator shall be presumed to have significant market power when it has a share of more than forty 40%percent of a particular telecommunications market in Somaliland.
- 2.13. “Telecommunications”:** means any domestic or international transmission of information by wire, radio waves, optical media or other electromagnetic systems, between or among points of the user's choosing.

3. Application:

This regulation. shall apply to telecommunications licensees in the Republic of Somaliland.

4. Overriding principles and Objectives:

4.1. Telecommunication interconnection shall–

- a. Be an obligation to all licensed telecom operators.
- b. Clarify the arrangements for Interconnection and provisioning of Interconnection Services.
- c. Be fair and non-discriminatory terms, conditions and rates.
- d. Encourage good practice by Operators and promote the provision of high quality of service to users, through technical and economic efficiency.
- e. Be transparent and reasonable rates regarding economic feasibility.
- f. Be on a quality of service equal to all service providers.
- g. Be on the same level of quality and bandwidth as the licensees on-net network.
- h. Be on a sufficiently unbundled basis.
- i. Be referenced to abolish the scope and occurrence of disputes.

4.2. This Regulation is a publication of Reference Interconnect Offer (RIO) and shall:

- a. Ensure transparency by defining the Interconnection Services offered by the publisher of the RIO, the applicable rates for such services and the applicable conditions of use.
- b. Limit the scope of negotiations between Operators thus ensuring that Interconnection is offered on non-discriminatory terms.

5. Role of the Ministry:

5.1 In relation to telecommunication interconnection, the role of the Ministry shall be to

- a. ensure uniform interconnection regulation.
- b. encourage and secure adequate interconnection and interoperability of services in the interest of all stakeholders.
- c. ensure transparency, accountability, fairness and timeliness in regulating interconnection.
- d. carry out its functions in a way that promotes efficiency, sustainable competition and give the maximum benefit to customers.
- e. undertake measures to remove restrictions which may hinder telecommunications operators from effectively negotiating interconnection agreements between themselves.
- f. review interconnection agreements to ensure conformity with the provisions of the Act, this regulation on Interconnection and international standards adopted by the International Telecommunications Union.
- g. require a telecommunications operator that has not interconnected its facilities, to interconnect such facilities in order to protect essential public interest; and
- h. where appropriate, set the terms and conditions of an interconnection.

5.2 The Ministry shall –

- a. on its own initiative, intervene in negotiations on agreements for interconnection where no agreement is brought about between the negotiating telecommunications operators within thirty days of the commencement of the negotiations.
- b. on its own initiative and at any time or if requested by either party, set time limits within which negotiations on interconnection are to be completed; where the agreement is not reached within the time allowed, the Ministry shall take steps to facilitate the conclusion

of the interconnection agreement under the procedures laid down by the ministry in this regulation.; or

- c. Intervene if so, requested by either party, in order to specify issues that shall be covered in the interconnection agreements.

PART II – INTERCONNECTION

6. Call for Interconnection:

- 6.1** All telecom licensees shall respond to the call for interconnection made by the Ministry within **fourteen days**.
- 6.2** The parties shall finalize the interconnection agreement within **forty days** from the date of the interconnection call made by the Ministry.

7. Request for a new or modified interconnection service:

- 7.1** Where an operator who is the requesting party, requests for a new or modified form of interconnection, the request shall -
 - a. be in writing.
 - b. contain the date of the request.
 - c. contain the operator's technical requirements, based on the technical requirements of the interconnection provider.
 - d. indicate the type of new or modified interconnection required.
 - e. suggest the date of commencement of new or modified interconnection negotiations.
 - f. indicate the date from which the new or modified interconnection is required; and
 - g. be copied to the Ministry.
- 7.2** The requested party shall inform the requesting party in writing within **seven days** of the receipt of a request for a new or modified interconnection providing:
 - a. The necessary information for the requested interconnection.
 - b. The time frame requested by the requesting party; and
 - c. Any further requirements for the interconnection to be completed.
- 7.3** The parties shall finalize the new or modified interconnection agreement within **forty days** from the date of the new or modified interconnection request.

8. Negotiations:

- 8.1.** Interconnection agreements shall be negotiated freely and in good faith between the parties.
- 8.2.** Parties to an interconnection agreement shall at first instance use their reasonable means to resolve disputes relating to interconnection among themselves.
- 8.3.** A party to an interconnection agreement negotiation shall not –
 - a.** intentionally mislead the other.
 - b.** coerce the other into making an agreement that it would not otherwise have made; or
 - c.** intentionally obstruct negotiations.

PART III – INTERCONNECTION AGREEMENTS

9. Terms and conditions of interconnection agreements

- 9.1** The terms and conditions of an interconnection agreement shall permit the interconnecting operators to exchange traffic over one another's telecommunications networks in the most efficient manner.
- 9.2** Interconnection agreements shall address the following –
 - a.** definition of terms and abbreviations.
 - b.** technical scope of the interconnection including –
 - i.** description of the purpose of interconnection.
 - ii.** description of the interconnection services sought.
 - iii.** description of the technical specifications of the interconnection.
 - iv.** mechanisms for change to the purpose, scope and specifications of the interconnection; and
 - v.** details regarding access to data by parties.
 - c.** point of interconnection which includes –
 - i.** location of point of interconnection and related facilities specification.
 - ii.** mechanisms for changes to the location of point of interconnection or related facilities.
 - iii.** signalling and bandwidth of interconnection description; and
 - iv.** charges for each point of interconnection, if any.
 - d.** billing and settlement which includes –

Telecommunications Union, and any other laws, standards or regulations relevant to the agreement.

12.3 The Ministry may request from interconnecting parties' additional information which may be necessary to evaluate the terms and conditions and the charges set forth in the interconnection agreement before approval of the agreement.

12.4 The Ministry shall make a decision regarding an interconnection agreement within **seven days** of receipt.

12.5 Where the Ministry does not approve an interconnection, it shall inform each party in writing of the reasons for its decision and where modifications to the interconnection agreement are requested, the parties shall negotiate and make what amendments are necessary to the agreement in order to comply with the Ministry's decision under this regulation.

12.6 Interconnecting parties shall submit a revised interconnection agreement to the Ministry within **fourteen days** of the receipt of the Ministry's request and where the Ministry does not request additional modifications or rule on the revised interconnection agreement within **seven days**, the revised interconnection agreement shall be deemed approved.

13. Amendments to interconnection agreements:

13.1 Parties to an interconnection agreement may request from the Ministry to amend or modify the interconnection agreement in a written form with a copy of the proposed amendment or modification requested.

13.2 The Ministry shall evaluate the requested amendment or modification submitted by the parties within **seven days**.

13.3 Where the Ministry accepts the modifications to an interconnection agreement, the parties shall negotiate and make what amendments are necessary to the agreement within **fourteen days** in order to comply with the Ministry's decision and;

13.4 Where the terms and conditions of any agreement or amendment made cease to be reasonable, the requested party shall, within **fourteen days** offer to or agree with the requesting party to amend the interconnection agreement so that its terms and conditions are reasonable.

14. Establishment and location of points of interconnection:

- 14.1** Parties to an interconnecting agreement shall establish and maintain points of interconnection at any technically feasible points agreed by the parties.
- 14.2** Points of interconnection shall be established as soon as practicable following the agreement and not later than **forty days** from the date of the agreement.
- 14.3** Unless otherwise determined by the Ministry, interconnecting licensees shall be responsible for the cost of building and maintaining the points, data fill and switching capacity to support the interconnection and for the costs of transport from their points of origination to points of interconnection.
- 14.4** Licensees providing interconnection services may mutually agree on the point of interconnection and share the costs of establishing such points of interconnection.
- 14.5** Where a licensee seeking interconnection from any interconnection licensee requests that its facilities for interconnection be co-located with the facilities or premises of the interconnection licensee, such co-location may be provided and the costs of such co-location shall be mutually agreed by the parties.

PART IV – PRICING

15. Interconnection charges:

- 15.1** All charges for interconnection services shall—
- a. be objective, independently verifiable and fair.
 - b. be charged for each type of telecommunications service related to interconnection.
 - c. not be designed to facilitate cross-subsidies by an interconnect provider of its network.
 - d. be below the regional charges levied by the interconnect provider for the provision of its regional interconnect and above of on-net charges.
 - e. Not include any promotion by the interconnecting parties.

16. Prescription of charges:

The Ministry shall prescribe guidelines on interconnection charging methodology from time to time.

PART V – DISPUTE RESOLUTION

17. Notification of a dispute:

17.1 A dispute notified to the Ministry shall be in writing and shall set out the details of the alleged dispute.

17.2 A party lodging a dispute shall provide the Ministry with sufficient information and documentation to support the claims made.

18. Preliminary consideration of a dispute:

18.1 Upon notification of a dispute, the Ministry shall first ensure that the parties have

- a. notified the other parties of the existence of the dispute.
- b. made attempts to resolve the dispute and failed; and
- c. served the other parties with the relevant documents supporting the claims made.

18.2 Whether the parties have not complied with sub-regulation (1), the Ministry shall require them to comply before the Ministry considers the dispute.

19. Mediation:

Where an operator or operators refer to the Ministry for determination of a dispute as to reasonableness or inability to negotiate, either party may request the Ministry's assistance in resolving the dispute through mediation prior to an operator referring the dispute to the Ministry for a final determination.

20. Nature of disputes:

20.1 The Ministry shall mediate or make final determination on matters relating to or arising from these regulations especially if there has been contravention or failure to comply with:

- a. a request for negotiation of an interconnection agreement.
- b. principles of negotiation in good faith.
- c. an interconnection agreement in force.
- d. fair competition laws and regulations.
- e. any other relevant law, regulation or standards.

20.2 The Ministry may on its own motion or at the request of a party undertake investigations for allegations made under sub-regulation (1).

21. Resolution of disputes:

22.1 The Ministry shall resolve a dispute within **thirty days** from the date of the request.

21.2 A decision made by the Ministry to resolve an interconnection dispute shall represent a fair balance between the legitimate interests of both parties.

21.3 The parties shall be notified of a decision made by the Ministry and be issued with detailed statements of the reasons on which it is based.

PART VI – CONTRAVENTIONS AND PENALTIES**22. Non-compliance:**

Upon a determination of non-compliance by the Ministry, the Ministry may impose a fine as prescribed in the Telecommunications Act.

23. Amendments:

This regulation will be amended according to the Ministry when needed.

24. Enforcement:

This regulation will be enforced by the Ministry when signed by the Minister of Communications and technology and published in the official gazette.

08/12/2021

Dr. Abdiweli Abdillahi Soufi

Minister of Information and Communications Technology

Republic of Somaliland



Republic of Somaliland

**MINISTRY OF INFORMATION
& COMMUNICATION TECHNOLOGY**

www.mict.sldgov.org