

Telecommunications

TELECOMMUNICATIONS (INTERCONNECTION) REGULATIONS

2000-18

Repealed
Subsidiary
2001/088

Regulations made under ss. 13 and 47.

TELECOMMUNICATIONS (INTERCONNECTION) REGULATIONS, 2001

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Title .

1. These Regulations may be cited as the Telecommunications (Interconnection) Regulations, 2001.

Interpretation.

2.(1) For the purposes of these Regulations–

“the Commission” means the Commission of the European Communities;

“the EEA Agreement” means the agreement on the EEA signed at Oporto on 2 May 1992 as adjusted by the Protocol signed at Brussels on 17 March 1993;

“the Interconnection Directive” means Directive 97/33/EC of the European Parliament and of the Council of 30 June 1997 on interconnection in Telecommunications with regard to ensuring universal service and interoperability through application of the principles of Open Network Provision (ONP)¹ as amended by Directive 98/61/EC of the European Parliament and of the Council of 24 September 1998 with regard to operator number portability and carrier pre-selection² ;

“national regulatory authority” means the body or bodies, legally distinct and functionally independent of persons who have been granted an authorisation to operate telecommunications networks or provide telecommunications services or both, entrusted by a Member State with the granting of, and supervision of compliance with, authorisations;

“Organisation having Significant Market Power” means a person who the Authority has determined, in accordance with regulation 5, to be a person who has significant market power.

“the Relevant Market” means any market in–

- (a) the operation of any one or more of the networks referred to in regulation 4(5);

¹ OJ. No. L. 199, 26.7. 1997. P.32

² OJ. No. L. 268, 3.10. 1998 P. 37

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- (b) the provision of any one or more of the services referred to in regulation 4(5); or
- (c) both the operation referred to in paragraph (a) and the provision referred to in paragraph (b),

which the Authority considers to be such a market for the purpose of making a determination under regulation 5;

“special rights” means rights that are granted to a limited number of persons through a legislative, regulatory or administrative instrument which, within a given geographical area–

- (a) limits to two or more the number of persons authorised to provide a service or undertake an activity, otherwise than according to objective, proportionate and non-discriminatory criteria;
- (b) designates, otherwise than according to the criteria referred to in paragraph (a), several competing persons as being authorised to provide a service or undertake an activity; or
- (c) confers on a person otherwise than according to the criteria referred to in paragraph (a), legal or regulatory advantages which substantially affect the ability of any other person to provide the same service or to undertake the same activity in the same geographical area under substantially the same conditions.

(2) A reference in these Regulations to operating networks or providing services or both is a reference to any one or more of the following–

- (a) establishing or operating those networks;
- (b) establishing and operating those networks;
- (c) providing those services.

(3) A reference in these Regulations to an obligation to provide universal service is the same as a reference in sections 13(4) and (5) of the Ordinance to an obligation to provide universal service.

(4) Except where the context otherwise requires and subject to sub-regulations (1), (2) and (3), any word or expression used in these Regulations which is also used in the Ordinance has the same meaning in these Regulations as it has in the Ordinance.

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(5) Consequent upon the extension of the Interconnection Directive to the EEA by Decision no. 7/99 of the EEA Joint Committee which came into force on 30 January 1999 the references to “Member State” in these Regulations shall be interpreted as including a contracting party to the EEA Agreement.

Interconnection in Gibraltar and with Member States.

3.(1) Subject to the Ordinance and regulations made under it and save for the imposition of such restrictions as may be permitted under Community law, restrictions which prevent a person who has been granted an authorisation under the Ordinance to establish or operate, or establish and operate, public telecommunications networks and to provide publicly available telecommunications services from negotiating an agreement for the purposes of interconnection with—

- (a) another such person;
- (b) another person authorised in a Member State to establish or operate, or establish and operate, public telecommunications networks and to provide publicly available telecommunications services; or
- (c) a person referred to in paragraph (a) and a person referred to in paragraph (b),

are hereby abolished.

(2) Technical and commercial arrangements for interconnection shall, subject to these Regulations, be a matter for agreement between the parties to the agreement for interconnection.

(3) The Authority shall ensure that the public telecommunications networks listed and described in Schedule 1 are adequately and efficiently interconnected to the extent necessary to secure, for the benefit of users, the interoperability of publicly available telecommunications services.

(4) A person who interconnects his facilities to public telecommunications networks or publicly available telecommunications services or both such networks and services shall keep confidential such information as is transmitted or stored.

(5) A person who contravenes sub-regulation (4) is guilty of an offence and is liable—

- (a) on summary conviction to a fine not exceeding level 5 on the standard scale; and

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- (b) on conviction on indictment, to a fine.

Rights and obligations for interconnection.

4.(1) A person who has been granted an authorisation under the Ordinance to establish or operate, or establish and operate, public telecommunications networks and who is a person described in Schedule II, shall have a right and, when requested by—

- (a) another such person;
- (b) a person who has been authorised in a Member State to establish or operate, or establish and operate, public telecommunications networks and whose name has been notified to the Commission under Article 18 of the Interconnection Directive as a person covered by Annex II of that Directive; or
- (c) a person referred to in paragraph (a) and a person referred to in paragraph (b),

an obligation to negotiate interconnection with that other person for the purpose of providing the publicly available telecommunications services which the person requesting interconnection wishes to provide.

(2) A person to whom sub-regulation (1) applies and who does not comply with that sub-regulation is guilty of an offence and is liable—

- (a) on summary conviction, to a fine not exceeding level 5 on the standard scale; and
- (b) on conviction on indictment, to a fine.

(3) The Authority may, in a specific case, temporarily qualify the obligation referred to in sub-regulation (1) where in the opinion of the Authority—

- (a) there are technically and commercially viable alternatives to the interconnection requested; and
- (b) the requested interconnection is inappropriate in relation to the resources available to meet the request.

(4) The Authority shall ensure that a decision taken in accordance with sub-regulation (3) is fully reasoned and made available in accordance with regulations 15(3) and (4).

(5) A person who has been granted an authorisation under the Ordinance to establish or operate, or establish and operate, any one or more of the public telecommunications networks listed and described in Schedule 1 and to provide any one or more of the publicly available telecommunications services listed and described in Schedule 1 and who is an Organisation having Significant Market Power, shall meet all reasonable requests for access to its networks including, but without prejudice to the generality of the foregoing, reasonable requests for access at points other than the network termination points offered to the majority of end-users.

(6) A person to whom sub-regulation (5) applies and who does not comply with that sub-regulation is guilty of an offence and is liable—

- (a) on summary conviction, to a fine not exceeding level 5 on the standard scale; and
- (b) on conviction on indictment, to a fine.

Significant market power.

5.(1) The Authority shall determine, on the coming into force of these Regulations and from time to time, whether a person has significant market power.

(2) The Authority shall, in making a determination under sub-regulation (1) but subject to sub-regulation (3), presume that a person who has more than twenty-five per cent (25%) of the Relevant Market is a person who has significant market power.

(3) The Authority may, after taking into account the matters referred to in sub-regulation (4)—

- (a) determine that a person who has less than twenty-five per cent (25%) of the Relevant Market is a person who has significant market power; and
- (b) determine that a person who has more than twenty-five per cent (25%) of the Relevant Market is a person who does not have significant market power.

(4) In making a determination under sub-regulation (3), the Authority shall take into account—

- (a) the ability of the person to influence conditions in the Relevant Market;

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- (b) the turnover of the person in relation to the size of the Relevant Market;
- (c) the control that the person may have of the means of access to end-users;
- (d) the access that the person may have to financial resources; and
- (e) the experience that the person may have in providing products and services in the Relevant Market.

Interconnection and universal service contributions.

6.(1) Without prejudice to sub-regulation (4), the Authority shall, should it determine in accordance with this regulation that an obligation to provide universal service represents an unfair burden on a person, establish a system for sharing the net cost of that obligation with other persons (if any) who have been granted an authorisation under the Ordinance to operate public telecommunications networks or provide publicly available voice telephony services or both.

(2) The system referred to in sub-regulation (1) may, inter alia, provide for the setting by the Authority of the contributions to be made to the cost of the obligation to provide universal service.

(3) The Authority shall, in setting the contributions to be made to the cost of the obligation to provide universal service in accordance with sub-regulations (1) and (2), act in a transparent, non-discriminatory and proportionate manner.

(4) The system referred to in sub-regulation (1) shall only allow the sharing of the cost of the obligation to provide universal service of a person who has been granted an authorisation under the Ordinance to establish or operate, or establish and operate, any one or more of the public telecommunications networks and to provide any one or more of the publicly available telecommunications services listed and described in Part I of Schedule I.

(5) The system referred to in sub-regulation (1) may, inter alia, provide for contributions to the cost of the obligation to provide universal service to—

- (a) be based on such a system as the Authority may specifically establish for the purpose;
- (b) take the form of a charge additional to such a charge as may be made for interconnection; or

- (c) be based on a system referred to in paragraph (a) and take the form of a charge referred to in paragraph (b).

(6) The system referred to in paragraph (a) of sub-regulation (5) may be administered by such a body as the Minister may designate which is independent of the person who has the obligation to provide universal service.

(7) A person who has an obligation to provide universal service shall, at the request of the Authority, calculate the net cost of such obligation in accordance with Schedule III.

(8) A person to whom sub-regulation (7) applies and who does not comply with that sub-regulation is guilty of an offence and is liable—

- (a) on summary conviction, to a fine not exceeding level 5 on the standard scale; and
- (b) on conviction on indictment, to a fine.

(9) The calculation referred to in sub-regulation (7) shall be audited by—

- (a) the Authority; or
- (b) such a body as the Minister may designate which is—
 - (i) independent of the person who has the obligation to provide universal service, and
 - (ii) approved by the Authority.

(10) The results of the calculation referred to in sub-regulation (7) and the conclusions of the audit referred to in sub-regulation (9) shall be open to public inspection in accordance with regulations 15(3) and (4).

(11) The Authority shall determine—

- (a) on the basis of the calculation referred to in sub-regulation (7); and
- (b) taking into account the market benefit which a person who offers universal service may obtain,

whether the application of the system referred to in sub-regulation (1) is justified.

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(12) The Authority shall ensure, where such a system as is referred to in sub-regulation (1) is established, that—

- (a) the principles upon which the sharing of the cost is based; and
- (b) such details of the system as the Authority shall consider appropriate,

are open to public inspection in accordance with regulations 15(3) and (4).

(13) The Authority shall ensure that a report is published annually which—

- (a) includes the estimated cost of the obligation to provide universal service; and
- (b) identifies the contributions made by all those who have the obligation to provide, or to contribute towards the obligation to provide, universal service.

(14) A person who has an obligation to provide universal service may, until such time as the procedures referred to in sub-regulations (7) and (9) to (13) are implemented, introduce charges for interconnection which include or serve as a contribution to the cost of that person's obligation to provide universal service.

(15) A person who has an obligation to provide universal service must, before introducing the charges referred to in sub-regulation (14) but without prejudice to sub-regulation (16), notify the Authority of his intention to introduce those charges.

(16) Without prejudice to regulation 16, a person who has applied or intends to apply the charges referred to in sub-regulation (14) shall, where the Authority has ascertained that those charges are excessive, reduce the same should the Authority so direct.

(17) A person who has an obligation to provide universal service and who does not comply with sub-regulation (15) or (16) or both is guilty of an offence and is liable—

- (a) on summary conviction, to a fine not exceeding level 5 on the standard scale; and
- (b) on conviction on indictment, to a fine,

for each such act of non-compliance.

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Non-discrimination and transparency.

7.(1) The Authority shall ensure that, for the purposes of interconnection to any one or more of the public telecommunications networks listed and described in Schedule 1 and operated by an Organisation having Significant Market Power in that market, the Organisation having Significant Market Power–

- (a) does not discriminate between those to whom he offers such interconnection;
- (b) when he provides such interconnection to persons who provide similar services, where similar circumstances apply, makes the provision of the interconnection subject to similar conditions;
- (c) provides, to those requesting the same, facilities for and information on interconnection under the same conditions and of the same quality as he provides for the purposes of his own services or those of his subsidiaries or partners;
- (d) makes available to such persons as are considering such interconnection, upon their request, such information and specifications as are necessary for the purposes of concluding an agreement for the interconnection;
- (e) includes in the information provided under paragraph (d), unless the Authority shall otherwise agree, information regarding such changes to the information and specifications referred to in that paragraph–
 - (i) as he intends to implement within a period of six months from the date when the request for information referred to in paragraph (d) shall have been made; and
 - (ii) as are relevant for the purposes of concluding an agreement for interconnection;
- (f) provides to the Authority a copy of each of such agreements for interconnection as he may have entered into;
- (g) makes available a copy of any agreement for interconnection that he may have entered into, save for such parts as may contain information on the commercial strategy of any of the parties to the agreement, to an interested party upon the request of any such party and in accordance with regulations 15(3) and (4);

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- (h) shall, notwithstanding paragraph (g), in respect of such agreements as are referred to in paragraph (f), make available to an interested party, upon the request of any such party and in accordance with regulations 15(3) and (4), details of –
- (i) the charges for interconnection;
 - (ii) the terms and conditions subject to which interconnection is provided; and, where relevant;
 - (iii) any contribution to the cost of the obligation to provide universal service;
- (i) who receives information from a person seeking interconnection shall only use that information for the purpose for which it was supplied; and
- (j) who receives information from a person seeking interconnection shall not pass on that information to–
- (i) such other of his departments;
 - (ii) any of his subsidiaries or partners or both; or
 - (iii) the departments referred to in paragraph (i) and the subsidiaries or partners or both referred to in paragraph (ii),

for whom such information could provide a competitive advantage.

(2) The Authority shall, should it be requested so to do by an interested party or should the Authority consider it appropriate, determine which parts of the agreement referred to in paragraph (f) of sub-regulation (1) contain the information on the commercial strategy referred to in paragraph (g) of that sub-regulation.

Interconnection charges and cost accounting systems.

- 8.(1) The Authority shall ensure that such persons–
- (a) as have been authorised to operate any one or more of the public telecommunications networks listed and described in Parts 1 and 2 of Schedule 1 or to provide any one or more of the publicly available telecommunications services listed and described in Parts 1 and 2 of Schedule 1 or both; and

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- (b) as have been notified under regulation 17 as Organisations having Significant Market Power,

comply with this regulation.

(2) A person who falls within the category of person described in sub-regulation (1) may only set such charges for the provision of interconnection as are—

- (a) transparent; and
- (b) based on the costs to that person of providing interconnection which costs may include a reasonable rate of return on investment.

(3) A person who falls within the category of persons described in sub-regulation (1) shall—

- (a) have the burden of proving that such charges as he may be charging for interconnection are based in accordance with paragraph (b) of sub-regulation (2);
- (b) comply with any request by the Authority to provide full justification for the charges referred to in paragraph (a); and
- (c) should the Authority consider that the charges referred to in paragraph (a) are in excess of such charges as are permissible under sub-regulation (2), adjust those charges to such an amount as may be allowed under sub-regulation (2).

(4) Sub-regulations (2) and (3) shall also apply to such persons as are listed and described in Part 3 of Schedule 1 and who are Organisations having Significant Market Power.

(5) A person who falls within the category of persons described in sub-regulation (1) shall publish, in accordance with regulations 15(1) and (2), the terms subject to which he is prepared to offer interconnection.

(6) The publication referred to in sub-regulation (5) shall include—

- (a) a description of the interconnection being offered containing such details as would be required by those likely to request such interconnection; and
- (b) the conditions and tariffs subject to which the offer referred to in paragraph (a) is being made.

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- (7) A person who falls within the category of persons described in sub-regulation (1)–
- (a) may set different terms, conditions and tariffs for such interconnection as he may offer to different categories of persons who are authorised to establish or operate, or establish and operate, networks and to provide services, including persons who have been authorised in a Member State to establish or operate, or establish and operate, public telecommunications networks and to provide publicly available telecommunications services and whose names have been notified to the Commission under Article 18 of the Interconnection Directive as persons covered by Annex II of that Directive, provided that the different terms, conditions and tariffs can be objectively justified on the grounds of–
 - (i) the type of interconnection provided;
 - (ii) the conditions subject to which the operation of networks or the provision of services or both may be authorised; or
 - (iii) the type of interconnection referred to in paragraph (a) and the conditions referred to in paragraph (b);
 - (b) may not set the different terms, conditions and tariffs referred to in paragraph (a) if this will distort competition;
 - (c) must apply the appropriate tariffs, terms and conditions in accordance with the principles set out in regulations 7(1)(a), (b) and (c) when providing interconnection for the purposes of its own services or those of its subsidiaries or partners; and
 - (d) must, where the Authority is of the view that such a change is justified, comply with a direction by the Authority to change, as the Authority may consider appropriate, the terms and conditions subject to which he offers interconnection.
- (8) Schedule IV sets out a non-exclusive list of examples of charges which may be taken into account when setting a charge for interconnection.
- (9) The Authority may apply with retrospective effect a change imposed under paragraph (d) of sub-regulation (7).
- (10) Charges for interconnection shall be sufficiently unbundled in order to ensure that the party requesting interconnection is not required to pay for

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a facility, service or network component not strictly related to the service which that party may have requested.

(11) A person who falls within the category of persons described in sub-regulation (1)–

(a) shall, in relation to interconnection, put in place a cost accounting system which–

(i) is suitable for the purposes of enabling it to comply with this regulation; and

(ii) includes such a level of detail as the Authority shall consider appropriate for the purpose of providing transparency in the calculation of charges for interconnection which level of detail may include the details listed and described in Schedule V; and

(b) shall make available to such a party as may have a legitimate interest, upon the request of that party–

(i) a description of the cost accounting system referred to in paragraph (a) which description shall list the main categories under which costs are grouped; and

(ii) the rules in accordance with which he allocates costs to the provision of interconnection.

(12) The Authority, or such a body as the Authority may designate which is–

(a) competent for the purpose;

(b) independent of the person who has put in place the cost accounting system referred to in paragraph (a) of sub-regulation (11); and

(c) approved by the Authority,

shall verify whether the person who has put in place the cost accounting system has properly applied that system.

(13) The Authority shall cause the annual publication of a statement as to whether persons to whom paragraph (a) of sub-regulation (11) applies have properly applied the cost accounting system referred to in that paragraph.

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(14) A person who falls within the category of persons described in sub-regulation (1) shall, when determining the level of detail that is to be made available under paragraph (b) of sub-regulation (11), take into account the need to be transparent in the calculation of interconnection charges so that such a party as may have a legitimate interest is in a position to ascertain that the charges have been fairly and properly calculated.

(15) Where a charge for the provision of interconnection includes an element which relates to the sharing of the cost of the obligation to provide universal service, that element shall be unbundled and identified separately.

(16) A person who falls within the category of persons described in sub-regulation (1) and who does not comply with any one or more of sub-regulations (2), (3), (5), (7), (10), (11), (14), (15), is guilty of an offence and is liable—

- (a) on summary conviction, to a fine not exceeding level 5 on the standard scale; and
- (b) on conviction on indictment, to a fine,

for each such act of non-compliance.

Accounting separation and financial information.

9.(1) The Authority shall ensure that a person who is operating public telecommunications networks or providing publicly available telecommunications services or both and who has been or is granted special or exclusive rights, whether in Gibraltar or in a Member State, to provide services in sectors other than in the telecommunications sector, shall—

- (a) account for such of his business activities as are related to telecommunications separately from such of his business activities as are related to such other sectors; and
- (b) in such accounts as he shall keep regarding such of his business activities as are related to telecommunications—
 - (i) identify all elements of cost and revenue;
 - (ii) demonstrate how such cost and revenue have been calculated;
 - (iii) establish how such cost and revenue have been attributed to such activities; and

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- (iv) include an itemised breakdown of fixed assets and structural costs; or
 - (c) separate such of his business activities as are related to telecommunications from such of his business activities as are related to such other sectors by putting the business activities related to telecommunications into a legal entity which is different to the legal entity into which the person has put the business activities related to the other sectors.
- (2) The Authority may choose not to apply sub-regulation (1) where the person referred to in that sub-regulation has an annual turnover in telecommunications activities within the European Community which is below the limit set in Part 1 of Schedule VI.
- (3) The Authority shall ensure that a person who—
- (a) is authorised under the Ordinance to operate any one or more of the public telecommunications networks listed and described in Parts 1 and 2 of Schedule 1 or who is providing any one or more of the publicly available telecommunications services also listed and described in Parts 1 and 2 of Schedule 1 or both;
 - (b) has been notified under regulation 17 as an Organisation having Significant Market Power; and
 - (c) is authorised under the Ordinance to offer interconnection to other persons,

accounts for his business activities in relation to interconnection, whether interconnection is provided to third parties or for the purposes of his own services or those of his subsidiaries, separately from his other business activities.

- (4) The Authority shall ensure that a person referred to in sub-regulation (3) shall, in such accounts as he shall keep regarding his business activities in relation to interconnection—
- (a) identify all elements of cost and revenue;
 - (b) demonstrate how such cost and revenue have been calculated;
 - (c) establish how such cost and revenue have been attributed to such activities; and

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(d) include an itemised breakdown of fixed assets and structural costs.

(5) The Authority may choose not to apply sub-regulations (3) and (4) where the person referred to in sub-regulation (3) has an annual turnover in telecommunications activities within the European Community which is below the limit set in Part 2 of Schedule VI.

(6) A person operating public telecommunications networks or providing publicly available telecommunications services or both shall promptly provide to the Authority such financial information and in such detail as the Authority may request.

(7) The Authority may publish such information relating to interconnection as may contribute to an open and competitive market provided that, before deciding whether to so publish, the Authority shall take into account considerations of commercial confidentiality.

(8) A person operating public telecommunications networks or providing publicly available telecommunications services or both shall—

- (a) draw up annual accounts and the accounts referred to in paragraph (b) of sub-regulation (1) and in sub-regulation (4);
- (b) have the accounts referred to in paragraph (a) audited by independent auditors; and
- (c) publish such accounts.

(9) A person operating public telecommunications networks or providing publicly available telecommunications services or both who does not comply with sub-regulation (6) or (8) or both is guilty of an offence and is liable—

- (a) on summary conviction, to a fine not exceeding level 5 on the standard scale; and
- (b) on conviction on indictment, to a fine,

for each such act of non-compliance.

General responsibilities of the Authority with regard to interconnection.

10.(1) In exercising the functions conferred on it by or under the Ordinance and these Regulations, the Authority shall—

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- (a) in the interest of users, encourage and ensure adequate interconnection; and
 - (b) discharge the responsibilities referred to in paragraph (a) in a way that provides the maximum—
 - (i) economic efficiency; and
 - (ii) benefit to end-users.
- (2) The Authority shall, in discharging the responsibilities referred to in paragraph (a) of sub-regulation (1), have regard in particular to—
- (a) the need to ensure, for the benefit of users, such end-to-end communication as shall be satisfactory;
 - (b) the need to encourage competition in the telecommunications market;
 - (c) the need to ensure the fair and proper development of a harmonised telecommunications market;
 - (d) the need to co-operate with the regulatory authorities charged with responsibility for telecommunications in the Member States;
 - (e) the need to promote—
 - (i) the establishment and development of trans-European networks and services;
 - (ii) the interconnection of such networks as provide services in Gibraltar as a whole;
 - (iii) the interoperability of services; and
 - (iv) access to such networks and services as are referred to in paragraphs (i),(ii) and (iii);
 - (f) the principles of non-discrimination, including the application of these principles to carrier pre-selection, and proportionality; and
 - (g) the need to maintain and develop universal service.
- (3) The Authority—

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- (a) may set general conditions which must be included in interconnection agreements which general conditions must be published—
 - (i) in accordance with regulations 15(1) and (2); and
 - (ii) prior to their implementation; and
- (b) shall ensure that references to the publication of such general conditions as are referred to in paragraph (a) are published in the Gazette.

(4) Without prejudice to the generality of sub-regulation (3), the Authority, as regards agreements for interconnection between such persons as are described in Schedule II and between such a person and persons who have been authorised in a Member State to establish or operate, or establish and operate, public telecommunications networks and whose names have been notified to the Commission under Article 18 of the Interconnection Directive as persons covered by Annex II of that Directive—

- (a) may, prior to their implementation, set conditions for inclusion in such agreements covering such areas as are listed in Part I of Schedule VII; and
- (b) shall encourage the coverage in such agreements of the issues listed in Part 2 of Schedule VII.

(5) The Authority may, in discharging the responsibilities referred to in paragraph (a) of sub-regulation (1), intervene at any time in negotiations relating to an agreement for interconnection, and shall do so if requested by a party to such negotiations, in order to—

- (a) direct that specific issues be covered in the agreement;
- (b) direct that specific conditions be observed by one or more parties to the agreement; or
- (c) give the direction referred to in paragraph (a) and the direction referred to in paragraph (b).

(6) The Authority may, in exceptional circumstances and where the Authority shall consider that it is so justified, direct that changes be made to such agreements for interconnection as may have been concluded in order to ensure—

- (a) effective competition;

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- (b) the interoperability of such services as are being or are to be offered to users; or
 - (c) the competition referred to in paragraph (a) and the interoperability referred to in paragraph (b).
- (7) The Authority may include in such conditions as it may set under this regulation, conditions–
- (a) designed to ensure effective competition;
 - (b) of a technical nature;
 - (c) relating to tariffs;
 - (d) on supply and usage;
 - (e) relating to compliance with relevant standards;
 - (f) relating to compliance with such conditions as may be imposed as a result of essential requirements;
 - (g) designed to protect the environment; and
 - (h) designed to ensure the maintenance of end-to-end quality of service.
- (8) The Authority may, on its own initiative at any time or if so requested by a party to an agreement for interconnection, set time limits within which negotiations for the provision of interconnection are to be completed.
- (9) If agreement for interconnection is not reached within the time limits referred to in sub-regulation (8), the Authority shall introduce the procedure to be followed in order to bring about such an agreement.
- (10) The Authority shall ensure that information relating to the procedures referred to in sub-regulation (9) is made available to the public in accordance with regulations 15(3) and (4).
- (11) The Authority shall have the right to inspect, in their entirety, all agreements for interconnection that a person who has been authorised to operate public telecommunications networks or provide publicly available telecommunications services or both may have entered into.
- (12) The Authority shall, in the event of a dispute concerning interconnection between persons in Gibraltar, at the request of any of the

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parties to such a dispute, take such steps as it shall consider necessary to resolve the dispute within a period of six months from the date of the request.

(13) The Authority shall resolve a dispute referred to in sub-regulation (12) in such a manner as shall represent a fair balance between the legitimate interests of the parties to the dispute.

(14) The Authority shall, in the resolution of a dispute referred to in sub-regulation (12), take into account, inter alia—

- (a) the interests of users;
- (b) any regulatory obligations or constraints imposed upon any of the parties to the dispute;
- (c) the desirability of –
 - (i) stimulating the provision of innovative services;
 - (ii) providing users with a wide range of telecommunications services within Gibraltar and the European Community; and
 - (iii) ensuring that arrangements for the provision of access to networks or services or both are non-discriminatory;
- (d) the availability of technically and commercially viable alternatives to the interconnection the subject of the dispute;
- (e) the need to maintain—
 - (i) the integrity of public telecommunications networks;
 - (ii) the interoperability of services; and
 - (iii) universal service;
- (f) the nature of the request in relation to the resources available to meet the request for interconnection the subject of the dispute;
- (g) the relative market position of the parties;
- (h) the public interest which interest may include, but without prejudice to the generality of the foregoing, the protection of the environment; and

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- (i) the promotion of competition.

(15) The Authority shall make available, in accordance with such procedures as it may establish, such a decision as it may make regarding a dispute referred to in sub-regulation (12).

(16) The Authority shall give the parties to a dispute referred to in sub-regulation (12), a full statement of the reasons upon which such a decision as is referred to in sub-regulation (15) is based.

(17) The Authority may, as a last resort, in accordance with the principle of proportionality and in the interests of users—

- (a) in order to protect essential public interests, require that persons—

(i) who are authorised to operate public telecommunications networks or to provide publicly available telecommunications services or both; and

(ii) who have not interconnected their facilities,

provide interconnection to their facilities; and, where appropriate,

- (b) set terms subject to which the persons referred to in paragraph (a) are to provide such interconnection.

(18) The parties to a dispute referred to in sub-regulation (12) shall abide by any decision the Authority may make regarding such a dispute.

(19) A party referred to in sub-regulation (18) who does not abide by a decision of the nature referred to in that sub-regulation is guilty of an offence and is liable—

(a) on summary conviction, to a fine not exceeding level 5 on the standard scale; and

(b) on conviction on indictment, to a fine.

Essential requirements and interconnection.

11.(1) Without prejudice to such action as may be taken in accordance with Articles 3(5) and 5(3) of the ONP Framework Directive, essential requirements shall, for the purposes of these Regulations, apply to interconnection to public telecommunications networks as set out in sub-regulations (3) to (9).

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- (2) The Authority—
- (a) may direct that such conditions as it may specify, based on essential requirements, are to be included, whether individually or generally, in agreements for interconnection;
 - (b) shall cause to be published, in accordance with regulations 15(1) and (2), the conditions referred to in paragraph (a); and
 - (c) shall ensure that references to the publication of those conditions are published in the Gazette.

Security of network operations

(3) A person shall take all necessary steps to ensure that, insofar as is practicable in all the circumstances, the availability of such public telecommunications networks as he operates are maintained in—

- (a) the event of a catastrophic breakdown of such networks;
 - (b) exceptional cases of force majeure such as extreme weather, earthquakes, flood, lightning or fire; or
 - (c) the event referred to in paragraph (a) and in the cases referred to in paragraph (b).
- (4) A person who operates public telecommunications networks—
- (a) shall, should any of the circumstances referred to in paragraphs (a) or (b) of sub-regulation (3) occur, take all such steps as shall be necessary to maintain, insofar as is practicable, the highest level of service in order to meet any requirements that the Authority may specify; and
 - (b) shall not refuse to negotiate terms for interconnection to his networks on account of his obligation to meet the requirements of sub-regulation (3) or paragraph (a) or both.

(5) The Authority shall ensure that a person who is authorised under the Ordinance to operate public telecommunications networks may only impose conditions for interconnection to his networks with a view to preserving the availability of its networks in the event of accidents if these conditions are—

- (a) proportionate;
- (b) non-discriminatory; and

(c) based on objective criteria which criteria shall be identified prior to or at the stage when the agreement for interconnection is entered into.

(6) A person who operates public telecommunications networks—

(a) shall take all steps necessary to ensure that the integrity of such public telecommunications networks is maintained; and

(b) shall not refuse to negotiate terms for interconnection to its networks on account of his obligation to meet the requirement referred to in paragraph (a).

(7) The Authority shall ensure that a person who operates public telecommunications networks may only impose conditions for interconnection to his networks which are related to the protection of the integrity of the networks if these conditions are—

(a) proportionate;

(b) non-discriminatory; and

(c) based on objective criteria which criteria shall be identified prior to or at the stage when the agreement for interconnection is entered into.

Interoperability of services

(8) Without prejudice to the generality of paragraph (a) of sub-regulation (2), the Authority may impose conditions in agreements for interconnection in order to ensure the interoperability of services which conditions may—

(a) include conditions designed to ensure such end-to-end quality as the Authority shall consider to be satisfactory;

(b) provide for the adoption of any one or more of such—

(i) specific technical standards;

(ii) specifications;

(iii) codes of practice,

as may be agreed by such parties as the Authority shall consider appropriate; or

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- (c) include the conditions referred to in paragraph (a) and provide as contained in paragraph (b).

Protection of data

(9) Without prejudice to the generality of paragraph (a) of sub-regulation (2), the Authority may impose conditions in agreements for interconnection in order to ensure any one or more of the following—

- (a) the protection of data;
- (b) compliance with such regulatory provisions as may be applicable to the protection of data including the protection of personal data;
- (c) the confidentiality of such information as may be processed, transmitted or stored;
- (d) the protection of privacy.

(10) A person who operates public telecommunications networks and who does not comply with any one or more of sub-regulations (3), (4), (6), is guilty of an offence and is liable—

- (a) on summary conviction, to a fine not exceeding level 5 on the standard scale; and
- (b) on conviction on indictment, to a fine,

for each such act of non-compliance.

Collocation and facility sharing.

12. (1) The Authority shall, where a person operating public telecommunications networks or providing publicly available telecommunications services or both—

- (a) has the statutory right to install facilities on, over or under public or private land;
- (b) may take advantage of a procedure for the expropriation or use of property; or
- (c) has the right referred to in paragraph (a) and may take advantage of the procedure referred to in paragraph (b),

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encourage the sharing of such facilities or property or both with such other persons as may be establishing or operating, or establishing and operating, telecommunications networks, in particular, where essential requirements deprive such other persons of access to such alternative facilities or property or both as may be viable.

(2) Without prejudice to sub-regulation (3), the terms and conditions, which may include commercial and technical terms and conditions, subject to which—

- (a) the facilities referred to in sub-regulation (1) are to be collocated;
- (b) the facilities or property or facilities and property referred to in sub-regulation (1) are to be shared; or
- (c) the collocation referred to in paragraph (a) and the sharing referred to in paragraph (b) are to take place,

shall in normal circumstances be a matter for negotiation between the parties concerned.

(3) The Authority may, at the request of a party to a dispute concerning—

- (a) the collocation of the facilities referred to in sub-regulation (1);
- (b) the sharing of the facilities or property or facilities and property referred to in sub-regulation (1); or
- (c) the collocation referred to in paragraph (a) and the sharing referred to in paragraph (b),

intervene to resolve the dispute.

(4) The Authority shall, in resolving a dispute referred to in sub-regulation (3), take into account the matters listed in regulation 10 (14).

(5) If the Authority intervenes to resolve a dispute referred to in sub-regulation (3), the Authority shall take such steps as the Authority shall consider necessary to resolve the dispute within a period of six months from the date of the request to intervene.

(6) The Authority shall resolve a dispute referred to in sub-regulation (3) in such a manner as shall represent a fair balance between the legitimate interests of the parties to the dispute.

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(7) The Authority shall make available, in accordance with such procedures as the Authority may establish, such a decision as the Authority may make regarding a dispute referred to in sub-regulation (3).

(8) The Authority shall give the parties to a dispute referred to in sub-regulation (3) a full statement of the reasons upon which a decision regarding such a dispute is based.

(9) The parties to a dispute referred to in sub-regulation (3) shall abide by any decision the Authority may make regarding such a dispute.

(10) The Authority may impose arrangements for–

- (a) the collocation of the facilities referred to in sub-regulation (1);
- (b) the sharing of the facilities or property or both referred to in sub-regulation (1); or
- (c) the collocation referred to in paragraph (a) and the sharing referred to in paragraph (b),

after an appropriate period of public consultation during which all interested parties must be given an opportunity to express their views.

(11) The Authority may include rules for apportioning the costs of–

- (a) collocating facilities;
- (b) sharing facilities or property or both; or
- (c) the collocation referred to in paragraph (a) and the sharing referred to in paragraph (b),

in such arrangements as the Authority may impose pursuant to sub-regulation (10).

(12) A party referred to in sub-regulation (9) who does not abide by a decision of the nature referred to in that sub-regulation is guilty of an offence and is liable–

- (a) on summary conviction, to a fine not exceeding level 5 on the standard scale; and
- (b) on conviction on indictment, to a fine.

Numbering, addressing and naming.

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13.(1) On the date when these Regulations come into operation, the ownership and right to design the telecommunications numbering, addressing and naming plan for Gibraltar shall, by virtue of these Regulations, vest exclusively in the Government.

(2) The Authority shall, insofar as is practicable in all the circumstances and without prejudice to sub-regulation (1), control and administer the telecommunications numbering, addressing and naming plan for Gibraltar.

(3) Any person who, at the date when these Regulations come into operation, has control of or administers, or both has control of and administers, all or any part of the telecommunications numbering, addressing and naming plan for Gibraltar shall transfer such control and administration to the Authority.

(4) The Minister and the Authority shall take all reasonable steps necessary to ensure, insofar as is practicable in all the circumstances, the availability of such—

- (a) individual numbers;
- (b) range of numbers;
- (c) addresses;
- (d) prefixes;
- (e) short codes; and, where applicable;
- (f) names,

as shall be adequate for the provision of publicly available telecommunications services.

(5) The Authority shall, without prejudice to sub-regulation (1), introduce procedures for allocating the individual numbers, ranges of numbers, addresses, prefixes, short codes and names listed in sub-regulation (4) which procedures shall be transparent, equitable and timely.

(6) The Authority shall carry out the allocation referred to in sub-regulation (5) and shall do so in such a manner as shall be proportionate, objective, transparent and non-discriminatory.

(7) The Authority may, without prejudice to sub-regulation (1), set conditions for the use of specific prefixes or specific short codes or both in particular, but without prejudice to the generality of the foregoing—

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- (a) where these are used for services of general public interest, for instance, freephone services, kiosk billed services, directory services and emergency services;
- (b) to ensure carrier pre-selection; or
- (c) where these are used for the services set out in paragraph (a) and for the purpose referred to in paragraph (b).

(8) The Authority after consultation with the Minister shall ensure that, subject only to such limitations as may be imposed on the grounds of the security of Gibraltar, the main elements of the telecommunications numbering, addressing and naming plan for Gibraltar and all subsequent additions or amendments thereto are published in accordance with regulations 15(1) and (2).

(9) The Authority shall encourage the introduction, as soon as reasonably practicable, of operator number portability whereby subscribers who so request can retain at any location such number or numbers as they may have been allocated on a fixed public telephone network or on an integrated services digital network (ISDN) or both irrespective of the person providing service.

(10) The Authority shall ensure that—

- (a) the facility referred to in sub-regulation (9) is available in Gibraltar by such a date as the Authority shall consider appropriate;
- (b) a person who provides interconnection shall charge such a price as is reasonable for such interconnection as may be related to the provision of the facility referred to in sub-regulation (9); and
- (c) without prejudice to sub-regulation (11), a person who has been allocated a range of numbers avoids undue discrimination in the number sequences used to give access to the publicly available telecommunication services provided by such other person as may have been granted an authorisation under the Ordinance to operate public telecommunications networks and to provide those services.

(11) The Authority shall ensure that the numbering plan referred to in sub-regulation (1) and the procedures referred to in sub-regulation (5) are applied in a manner which is fair and non-discriminatory to all providers of publicly available telecommunications services.

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(12) The Authority shall ensure that—

- (a) at least persons—
 - (i) operating any one or more of the public telecommunications networks listed and described in Part 1 of Schedule I; and
 - (ii) notified under regulation 17 as Organisations having Significant Market Power,

enable their subscribers including, but without prejudice to the generality of the foregoing, those subscribers using integrated service digital networks (ISDN), to access the switched services of any interconnected provider of publicly available telecommunications services;
- (b) facilities which allow the subscriber to choose the switched services referred to in paragraph (a) by means of pre-selection with a facility to override any pre-selected choice on a call-by-call basis by dialling a short prefix are in place within such a period of time as the Authority shall consider appropriate;
- (c) the price for such interconnection as is related to the provision of the facilities referred to in paragraph (b) is cost-oriented; and
- (d) any direct charges to consumers for the provision of the facility referred to in paragraph (b) do not act as a disincentive for the use of that facility.

(13) A person to whom sub-regulation (3) applies and who does not transfer the control and administration referred to in that sub-regulation to the Authority is guilty of an offence and is liable—

- (a) on summary conviction, to a fine not exceeding level 5 on the standard scale; and
- (b) on conviction on indictment, to a fine.

Technical standards.

14. (1) Without prejudice to Article 5(3) of the ONP Framework Directive, the Authority shall ensure that persons operating public telecommunications networks or providing publicly available telecommunications services or both take full account of such standards as may be listed in the Official

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Journal of the European Communities as being suitable for the purpose of interconnection.

(2) The Authority shall, in the absence of such standards as are referred to in sub-regulation (1), encourage the provision of technical interfaces for interconnection according to the standards or specifications listed below in order of priority—

- (a) standards adopted by European standardisation bodies such as the European Telecommunications Standards Institute (ETSI), or the joint European Standards Institution (CEN/Cenelec),

or, in the absence of such standards;

- (b) international standards or recommendations adopted by the International Telecommunication Union (ITU), the International Organisation for Standardisation (ISO) or the International Electrotechnical Committee (IEC),

or, in the absence of such standards,

- (c) such standards as the Minister may prescribe.

Publication of and access to information.

15. (1) The Authority shall ensure the publication of the information, as the same may be updated from time to time, referred to in regulations 8(5) and (6), 10(3), 11(2) and 13(7).

(2) The information referred to in sub-regulation (1) shall be published in such a way as to provide easy access to that information to such parties as may have a legitimate interest and the Authority shall publish references to the publication of that information in the Gazette.

(3) The Authority shall ensure that the information, as the same may be updated from time to time, referred to in regulations 4(4), 6(10) and (11), paragraphs (g) and (h) of regulation 7(1) and regulation 10(10), is made available on request to such parties as may have a legitimate interest, free of charge and during normal working hours.

(4) Reference shall be made by the Authority in the Gazette to the times and location at which the information referred to in sub-regulation (3) is available.

Procedure for resolving disputes between persons etc.

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16.(1) The procedure set out in sub-regulations (2) to (4) shall be available for the resolution of disputes on interconnection between a person operating pursuant to an authorisation granted under the Ordinance and a person operating pursuant to an authorisation granted by a Member State where such dispute does not fall within the responsibility of one national regulatory authority exercising its power in accordance with Article 9 of the Interconnection Directive.

(2) Where a complaint concerning interconnection is brought by a person who has been granted an authorisation in a Member State to establish or operate, or establish and operate, public telecommunications networks and to provide publicly available telecommunications services and whose name has been notified to the Commission under Article 18 of the Interconnection Directive as a person covered by Annex II of that Directive, against a person operating in Gibraltar pursuant to an authorisation granted under the Ordinance to establish or operate, or establish and operate, public telecommunications networks and to provide publicly available telecommunication services and whose name has been notified under regulation 17, the Authority shall take such steps as are necessary to resolve the dispute in accordance with the procedures and timescale referred to in regulations 10(12) to (16).

(3) Where there are concurrent disputes on interconnection between the same two persons as are referred to in sub-regulation (1), the Authority shall, at the request of either party to the disputes, make every effort to co-ordinate with the national regulatory authority in the Member State concerned in order to resolve the disputes in accordance with the principles set out in regulations 10(1) and (2) and within a period of six months from the date when such a request is made.

(4) The disputes referred to in sub-regulation (3) shall be resolved in such a manner as shall—

- (a) represent a fair balance between the legitimate interests of the parties to any such disputes; and
- (b) be consistent with the rules for interconnection which apply, in Gibraltar and in the Member State concerned.

Notification.

17. The Commission shall be notified of the names of those persons who fall within any one or more of the following categories—

- (a) persons who have an obligation to provide universal service as part of their operation of such public telecommunications networks and provision of such publicly available

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telecommunications services as are set out in Part 1 of Schedule 1 and who are authorised to collect directly a contribution to the net cost of universal service in accordance with regulation 6(5);

- (b) persons who are subject to those provisions of these Regulations which are applicable to Organisations having Significant Market Power;
- (c) persons who are described in Schedule II.

SCHEDULE I

Regulations 3, 4, 6, 7, 8, 9, 13 and 17

PUBLIC TELECOMMUNICATIONS NETWORKS AND PUBLICLY AVAILABLE TELECOMMUNICATIONS SERVICES

(referred to in regulations 3(3), 4(5) and 7(1))

PART 1

(referred to in regulations 6(4), 8(1)(a), 9(3)(a), 13(12)(a)(i) and 17(a))

- (a) Fixed public telephone networks.
- (b) Fixed publicly available telephone service.

PART 2

(referred to in regulations 8(1)(a) and 9(3)(a))

Leased lines service

1. A leased lines service is the provision of leased lines where leased lines are the telecommunications facilities which provide for transparent transmission capacity between network termination points and which do not include on-demand switching.
2. On-demand switching are switching functions which the user can control as part of the leased line facility.
3. A leased lines service may include systems which allow flexible use of the leased line bandwidth, including such routing and management capabilities as the Authority may consider appropriate for the purpose of this definition.

PART 3

(referred to in regulation 8(4))

- (a) Public mobile telephone networks.
- (b) Publicly available mobile telephone service.

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SCHEDULE II**

Regulations 4, 10 and 17

**PERSONS WITH RIGHTS AND OBLIGATIONS TO NEGOTIATE
INTERCONNECTION WITH EACH OTHER IN ORDER TO
ENSURE THE PROVISION OF SERVICES THROUGHOUT THE
EUROPEAN COMMUNITY**

(referred to in regulations 4(1), 10(4) and 17(c))

Persons who—

- (a) have been granted an authorisation under the Ordinance to provide switched and unswitched bearer capabilities to users upon which other telecommunications services depend;
- (b) operate fixed public switched telecommunications networks or mobile public switched telecommunications networks or both; or
- (c) have been granted an authorisation of the nature referred to in paragraph (a) and operate either or both of the types of networks referred to in paragraph (b); and,

in so doing, control the means of access to one or more network termination points identified by one or more unique numbers in the telecommunications numbering plan for Gibraltar.

Footnote

- (1) Control of the means of access to a network termination point is—
 - (a) the ability to control the telecommunications services available to the end-user at that network termination point;
 - (b) the ability to deny other service providers access to the end-user at that network termination point; or
 - (c) the abilities referred to in paragraph (a) and in paragraph (b).
- (2) Control of the means of access may entail—
 - (a) ownership or control of the physical link to the end-user (whether wire or wireless);

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- (b) the ability to change or withdraw the Gibraltar number or numbers needed to access the network termination point of an end-user; or
- (c) the ownership or control referred to in paragraph (a) and the ability referred to in paragraph (b).

SCHEDULE III

Regulation 6

**CALCULATING THE COST OF THE OBLIGATION TO PROVIDE
UNIVERSAL SERVICE**

(referred to in regulation 6(7))

1. The cost of the obligation to provide universal service shall be calculated as the difference between the net cost to a person of operating—

- (a) on the one hand, with the obligation to provide universal service; and, on the other hand,
- (b) without the obligation to provide universal service.

2. The calculation referred to in paragraph 1 shall apply whether the network of that person is fully developed or is still undergoing development and expansion.

3. The calculation of the cost of the person to provide universal service shall be based upon the costs attributable to—

- (a) elements of the service which the person is obliged to provide and which can only be provided
 - (i) at a loss; or
 - (ii) under cost conditions which fall outside normal commercial standards,

which elements may include services such as access to emergency telephone services, provision of such public pay telephones as the Authority may consider appropriate for the purpose of this calculation, provision of such services or equipment for disabled people as the Authority may consider appropriate for the purpose of this calculation, and so on; and

- (b) specific end-users or groups of end-users who, taking into account—
 - (i) the cost of providing the network and service;
 - (ii) the revenue generated; and

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(iii) any averaging of prices imposed upon the person,

can only be served at a loss or under cost conditions falling outside normal commercial standards.

4. The end-users or groups of end-users referred to in paragraph 3(b) include those end-users and groups of end-users who would not be served by a commercial operator who did not have an obligation to provide universal service.
5. Where the network through which universal service is to be provided is still undergoing expansion, the cost calculation shall be based on the additional cost of serving those end-users or groups of end-users who an operator applying the normal commercial principles of a competitive environment would choose not to serve.
6. Revenues shall be taken into account in calculating the net costs.
7. Costs and revenues should be forward-looking.

SCHEDULE IV

Regulation 8

LIST OF EXAMPLES OF CHARGES FOR INTERCONNECTION

(referred to in regulation 8(8))

Charges for interconnection may include, for instance–

1. charges to cover the initial physical interconnection based on the costs of providing the specific interconnection requested, for instance, the provision of–
 - (a) specific equipment and resources; and
 - (b) compatibility testing;
2. rental charges to cover the on-going use of equipment and resources (connection maintenance and so on);
3. variable charges for ancillary and supplementary services, for instance,–
 - (a) access to directory services;
 - (b) operator assistance;
 - (c) data collection;
 - (d) charging;
 - (e) billing;
 - (f) switch-based services;
 - (g) advanced services;and so on;
4. traffic related charges for the conveyance of traffic to and from the interconnected network, for instance, the costs of switching and transmission, which charges may be calculated on–
 - (a) a per minute basis;

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- (b) the basis of such additional network capacity as may be required; or
- (c) both the basis referred to in sub-paragraphs (a) and (b);

5 a charge for each network component or facility provided to the interconnected party; and

6. a fair, proportionate share of—

- (a) joint and common costs;
- (b) the costs incurred in providing carrier pre-selection;
- (c) the costs incurred in providing number portability; and
- (d) the costs of ensuring—
 - (i) maintenance of network integrity;
 - (ii) network security in cases of emergency;
 - (iii) interoperability of services; and
 - (iv) protection of data.

SCHEDULE V

Regulation 8

**DETAILS WHICH MAY BE INCLUDED IN COST ACCOUNTING
SYSTEMS FOR INTERCONNECTION**

(referred to in regulation 8(11))

Paragraphs 1 to 4 contain details which may be included in cost accounting systems for interconnection.

The cost standard

1. The cost standard used shall be long-run average incremental costs or such other standard as the Authority, after consultation with the person who has to put in place the cost accounting system, shall consider appropriate.

The cost elements included in the interconnection tariff

2. The cost elements included in the interconnection tariff shall identify all the individual cost components which together make up the charge for interconnection, including any profit element.

The degrees and methods of cost allocation, in particular the treatment of joint and common costs

3. The degrees and methods of cost allocation shall include—

- (a) the degree to which direct costs are analysed; and
- (b) the degree and method by which joint and common costs are included in charges for interconnection.

Accounting conventions

4. The accounting conventions used for the treatment of costs covering—

- (a) the timescale for depreciation of major categories of fixed asset, for instance, land, buildings, equipment, and so on; and
- (b) the treatment, in terms of revenue versus capital cost, of other major items of expenditure.

SCHEDULE VI

THRESHOLDS FOR TELECOMMUNICATIONS TURNOVER

PART 1

(referred to in regulation 9(2))

The limit referred to in regulation 9(2) is fifty million euros (EUROs 50 million.)

PART 2

(referred to in regulation 9(5))

The limit referred to in regulation 9(5) is twenty million euros (EUROs 20 million).

SCHEDULE VII

Regulation 10

FRAMEWORK FOR THE NEGOTIATION OF AGREEMENTS FOR INTERCONNECTION

PART 1

Areas where the Authority may set ex ante conditions

1. The procedure for the resolution of disputes.
2. The publication of or the giving of access to, or both—
 - (a) agreements for interconnection; and
 - (b) such other information as may have to be published on a periodic basis.
3. The provision of—
 - (a) carrier pre-selection; and
 - (b) number portability.
4. The provision of facility sharing, including collocation.
5. Essential requirements.

2000-18

Repealed
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6. The allocation and use of numbering resources including access to—
 - (a) directory services;
 - (b) emergency services; and
 - (c) pan-European numbers.
7. The maintenance of end-to-end quality of service.
8. Where applicable, the determination of the unbundled part of the charge for interconnection which represents a contribution to the net cost of the obligation to provide universal service.

PART 2

(referred to in regulation 10(4)(b))

OTHER ISSUES THE COVERAGE OF WHICH IN AGREEMENTS FOR INTERCONNECTION IS TO BE ENCOURAGED

1. The description of such interconnection services as are to be provided.
2. The terms of payment, including billing procedures.
3. The location of the points of interconnection.
4. Technical standards for interconnection.
5. Tests for interoperability.
6. Such measures as may be taken in order to comply with essential requirements.
7. Intellectual property rights.
8. The definition and limitation of liability and indemnity.
9. The definition of the charges for interconnection and their evolution over time.
10. The procedure for the resolution of disputes between parties before these may request the intervention of the Authority.
11. The duration and renegotiation of agreements for interconnection.

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12. The procedure to be established in the event of a party proposing alterations to his network or the services being offered by him.
13. Achieving carrier pre-selection.
14. Facility sharing.
15. The access to ancillary, supplementary and advanced services.
16. The management of traffic or the network or both.
17. The maintenance and quality of services for interconnection.
18. The confidentiality of those parts of agreements for interconnection which are not for publication.
19. The training of staff.

2000-18

Repealed
Subsidiary
2001/088

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TELECOMMUNICATIONS (INTERCONNECTION) REGULATIONS

2000-18

**Repealed
Subsidiary
2001/088**

LN. 2002/048

Under regulation 15(2) of the Telecommunications (Interconnection) Regulations 2001, the incumbent operator Gibraltar Nynex Communications (GNC) has published information on the terms subject to which it is prepared to offer interconnection.

This interconnection offer contains details that would be required by those likely to request such interconnection and relating to conditions and tariffs subject to which the offer is made.

The interconnection offer can be viewed and obtained from the Nynex Communications website– www.gnc.gi.