

THE NIGERIAN TELECOMMUNICATIONS REGULATORY ENVIRONMENT

**Presented by
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Introduction

- ▶ Modern communications technologies have defined a new era that is transforming the world at a rapid pace.
- ▶ A robust telecommunications infrastructure, coupled with an effective regulatory environment is also important for economic growth
 - In Q3 2015, the Information and Communication sector contributed 9.80% to the total GDP of Nigeria

Guiding Principles for NCC

Towards achieving its statutory mandate, the Nigerian Communications Commission (NCC) adheres to the following principles:

- ▶ Fair
- ▶ Firm
- ▶ Forthright

Regulatory Instruments

- ▶ Nigerian Communications Act 2003
- ▶ Subsidiary Legislations – Regulations and Guidelines
- ▶ Business Rules
- ▶ Directions
- ▶ Determinations

Subsidiary Legislation

- ▶ Over the years, the Commission has through an inclusive process, developed robust Regulations and Guidelines for the industry. These include:
 - Quality of Service Regulations
 - Nigerian Communications (Enforcement Processes, etc) Regulations
 - Competition Practices Regulations
 - Mobile Number Portability Regulations
 - Telecommunications Networks Interconnection Regulations
 - Registration of Telephone Subscribers Regulations
 - Annual Operating Levy Regulations
 - Consumer Code of Practice Regulations

Subsidiary Legislation (contd.)

- ▶ Guidelines On Procedure For Granting Approval To Disconnect Telecommunications Operators
- ▶ Guidelines on Short Code Operation in Nigeria
- ▶ Guidelines on Advertisements & Promotions
- ▶ Guidelines for the Installation of Telecommunications Masts and Towers
- ▶ Guidelines for the Provision of Internet Service
- ▶ Guidelines on Collocation and Infrastructure Sharing
- ▶ Guidelines for Dispute Resolution

Key Players in the Telecoms Industry

- ▶ Nigerian Communications Commission
 - Regulator
- ▶ Ministry of Communication
 - Performs oversight functions
- ▶ Major Mobile Network Providers
 - MTN (39% Market Share)
 - Glo (24% Market Share)
 - Airtel (21% Market Share)
 - Etisalat (15% Market Share)
- ▶ Consumers
- ▶ National Assembly

Other Players in the Telecoms Industry

- ▶ Interconnect Exchanges
- ▶ Private Network Links
- ▶ Internet Service Providers
- ▶ Infrastructure Sharing & Collocation Service Providers
- ▶ Value Added Service Licensees
- ▶ Submarine Cable Licensees

Interconnection

- ▶ Telecommunications Interconnection Regulations
- ▶ Section 97 mandates interconnection upon request
- ▶ No disconnection except with approval of the Commission
- ▶ Interconnection debt not a reason for unilateral disconnection
- ▶ Interconnect Exchange Operators licensed to provide a solution have become part of the problem.
- ▶ Disconnection Guidelines

Registration of Telephone Subscribers

- ▶ All subscribers required to register their numbers
- ▶ Security reasons
- ▶ Curbed crime to a great extent
- ▶ Gaps in legislation are calling for review
- ▶ Operators not complying with registration details
- ▶ Imposition of fines for noncompliance

ICT Infrastructure

- ▶ Vandalism of ICT infrastructure
- ▶ Disruption to communications
- ▶ Extant Criminal Justice Miscellaneous Provisions Act
- ▶ Cybercrime (Prohibition and Prevention, etc) Act 2015
- ▶ Proposing Critical National ICT Infrastructure Bill

Regulatory Milestones

- ▶ Backbone Transmission Infrastructure Project (BTRAIN) subsidized by USPF is subsidy-based project designed to facilitate the connection of rural and semi-urban areas to the national transmission backbone infrastructure.
- ▶ The Commission is licensing Infrastructure Companies (Infracos) to also address the infrastructure legacy challenge and boost broadband penetration.
- ▶ 2 Infracos have been selected from a 'Beauty Contest'. The process of licensing 5 more Infracos to cover the remaining regions in the country will commence soon.

Regulatory Milestones

- ▶ Do-Not-Disturb Database – The Commission directed all network operators to activate the 2442 shortcode that would allow subscribers opt-out of unsolicited communications by June 30, 2016. Monitoring exercises are currently being carried out to ensure full compliance.
- ▶ Guidelines on SIM Replacement – This was developed by the Commission in order to curb cases of fraudulent replacement of SIM cards.
- ▶ Enforcement of the Code of Corporate Governance – The Commission is embarking on a mandatory enforcement of the Code, after the expiration of two (2) years of voluntary compliance.

Conclusion

The Commission plays a critical role in balancing the interests of the Government, the Operators and the Consumers. The Regulator monitors risks and intervenes where the industry fails to deliver to the Consumers. It provides an enabling legal environment for investors and all players in the industry.

THANK YOU