

# **NATIONAL COMMUNICATIONS AUTHORITY**



---

## **PUBLIC CONSULTATION - VALUE ADDED SERVICES (VAS) GUIDELINES**

---

**JAN. 2026**

## **INVITATION FOR COMMENTS ON THE VALUE ADDED SERVICES GUIDELINES**

1. The National Communications Authority (NCA) intends to introduce guidelines for the provision of Value-Added services, 2025 under section 3(r) of the National Communications Authority Act 2008, Act 769. The purpose of the guidelines is to provide clarity on the regulatory framework for Value Added services in Ghana.
2. In line with our mandate under Section 27 of the Electronic Communications Act, 2008 (Act 775) and Section 4.1 of the National Telecommunications Policy 2005 (NTP'05), we invite views and comments from Licensed Telecom Network Service Providers, Value Added Service Providers, other Licensed Communications Service Providers, Broadcasters, consumers of Information and Communication Technology services, and the general public regarding the guidelines for communications value added services.
3. The draft Guidelines is available on the Authority's website([www.nca.org.gh](http://www.nca.org.gh)).
4. The public consultation begins on **6<sup>th</sup> January, 2026** and shall expire on **4<sup>th</sup> February, 2026**.
5. Submit all responses as email attachments in Microsoft Word format to [vas@nca.org.gh](mailto:vas@nca.org.gh)
6. All submissions must include a completed response cover sheet (refer to Page iii of this document).
7. We encourage respondents to specify the sections with which they agree or disagree. Where a respondent disagrees, provide a rationale with supporting evidence.
8. In the interest of transparency, all responses will be considered non-confidential and will be published on our website upon receipt.
9. By submitting your response, you grant the NCA the right to use the copyright and any associated intellectual property contained in your submission to meet its legal obligations.
10. Following the conclusion of the public consultation, the NCA will finalise the Guidelines for Communications Value-Added Services and gazette same.

### **Issued by**

*The Acting Director General*  
*6<sup>th</sup> January, 2026*

## COVER SHEET FOR RESPONSE TO PUBLIC CONSULTATION

### DETAILS

Name of respondent:

Representing (self or organisation/s):

Physical Address:

Digital Address:

Email Address:

Telephone Number:

### DECLARATION

I hereby confirm that the correspondence accompanying this cover sheet constitutes a formal consultation response. I consent to its full publication on the NCA website and authorize the NCA to utilize the information contained herein to fulfill its legal obligations. In the event that this response is transmitted via email, any standard disclaimer regarding the non-disclosure of email content and attachments shall be disregarded by the NCA.

Name:

Signed (if hard copy)

## FORMAT FOR COMMENTING ON THE DOCUMENT

Section Number	Section Title	Comment	Suggestion / Proposed Amendment

# VALUE ADDED SERVICE GUIDELINES

## PREAMBLE

1. The Electronic Communications Act, 2008 (Act 775) establishes the legal framework for the regulation of electronic communications networks and services in the Republic of Ghana, including the licensing, authorisation, and oversight of communications services, the promotion of fair competition, the protection of consumers, and the facilitation of innovation in the communications sector. In furtherance of these objectives, the Electronic Communications Regulations, 2011 (LI 1991), made pursuant to section 97 of Act 775, provide for the classification and regulation of different categories of electronic communications services, including Value Added Services.
2. Act 775 draws a clear statutory distinction between electronic communications services that are provided wholly or mainly for the conveyance of signals on electronic communications networks, and services whose principal function lies in the provision of applications, processing, modification, storage, interaction, or transactional functionality layered over licensed communications infrastructure. In particular, the Act defines an electronic communications service as a service provided wholly or mainly for the conveyance of signals by means of an electronic communications network, while a public electronic communications service is further characterised by the provision of such signal conveyance to the public generally or to a category of the public. At the same time, the Act expressly excludes from the scope of public electronic communications services those services that merely modify communications, restructure communications, add or supply information, or permit user interaction with information, unless such services offer a public telephone service involving the direct transport and switching of voice telephony in real time.
3. Within this statutory architecture, Value Added Services are defined under Act 775 as services that combine applications provided to users with telecommunications, but which do not include any public electronic communications service. This definition situates Value Added Services firmly at the application and service-logic layer of the communications ecosystem, and distinguishes them from services whose primary purpose is the conveyance of signals. Regulation 59 of LI 1991 further elaborates the nature of Value Added Services by identifying a non-exhaustive list of functional service types, including videotext, teletext, tele-action, teleprocessing, data processing, electronic mail, voice messaging, text messaging, and any other service classified as a value added communications service by the Authority. Taken together, these provisions recognise the dynamic and evolving character of Value Added Services, while anchoring their regulatory treatment in functional criteria rather than technology-specific descriptions.

4. The regulatory treatment of Value Added Services under Ghanaian law reflects a deliberate policy choice to promote innovation and market entry at the application layer, while preserving appropriate regulatory oversight. Accordingly, LI 1991 establishes that the provision of Value Added Services does not, as a general rule, require an individual licence, but is subject instead to a mandatory registration regime administered by the Authority. Registration enables the Authority to maintain visibility over the Value Added Services market, ensure compliance with applicable legal and regulatory obligations, and protect consumers and the public interest, without imposing the full weight of licensing requirements designed for network-level or signal-conveyance services.
5. At the same time, Act 775 preserves regulatory flexibility by empowering the Authority, under section 7, to grant Class Licences or authorisations for specified categories of services, including Value Added Services, where the nature, scale, or impact of such services so warrants. This discretionary power ensures that the Authority may, where necessary, subject certain Value Added Services to a higher level of regulatory control, particularly where such services exhibit characteristics akin to resale, aggregation at scale, extensive reliance on numbering or billing infrastructure, or other features with significant implications for competition, consumer protection, or the orderly development of the communications sector. The coexistence of the registration regime under LI 1991 and the Class Licence authority under section 7 of Act 775 reflects a graduated and proportionate regulatory approach, rather than an inconsistency or overlap in legal instruments.
6. These Guidelines are therefore issued to provide clarity, coherence, and regulatory certainty regarding the interpretation, classification, registration, and, where applicable, licensing of Value Added Services in Ghana. They are intended to articulate, in a transparent and technology-neutral manner, how the statutory definitions contained in Act 775 and the functional classifications set out in LI 1991 are to be applied in practice, including the criteria used by the Authority to distinguish Value Added Services from electronic communications services, and the circumstances under which a Value Added Service may be required to operate under a Class Licence pursuant to section 7 of the Act.
7. In issuing these Guidelines, the Authority does not seek to redefine any term established by statute, nor to expand or restrict the scope of Value Added Services beyond what is provided for in law. Rather, the Guidelines serve as an interpretive and administrative instrument, aimed at ensuring consistent regulatory treatment, facilitating compliance by service providers, supporting innovation and investment, and safeguarding the public interest in a rapidly evolving digital communications environment.

## **1. OBJECTIVES AND SCOPE**

### **1.1 Objectives of the Guidelines**

- 1.1.1 The primary objective of these Guidelines is to provide a clear, coherent, and legally grounded framework for the interpretation, classification, registration, and, where applicable, licensing of Value Added Services in Ghana, in accordance with the Electronic Communications Act, 2008 (Act 775) and the Electronic Communications Regulations, 2011 (LI 1991).
- 1.1.2 In furtherance of this objective, the Guidelines seek to clarify the statutory distinction between electronic communications services that are provided wholly or mainly for the conveyance of signals on electronic communications networks, and Value Added Services whose principal function lies in the provision of applications, processing, modification, storage, interaction, or transactional functionality layered over licensed communications infrastructure. By doing so, the Guidelines aim to clearly identify services that qualify as Value Added Services, define the scope of operation of different categories of Value Added Service Providers, and ensure that services are regulated on the basis of their dominant functional characteristics rather than their technological implementation or market presentation.
- 1.1.3 The Guidelines further set out the legal and regulatory requirements applicable to Value Added Services, including registration obligations, circumstances under which a Class Licence or authorisation may be required pursuant to section 7 of Act 775, and the respective roles and responsibilities of Value Added Service Providers, electronic communications network operators, and other stakeholders within the Value Added Services ecosystem.
- 1.1.4 In addition, the Guidelines are intended to promote transparency and consumer protection in the provision of Value Added Services by establishing principles relating to the disclosure of service information, including the nature of services offered, applicable prices, terms and conditions, and usage constraints. In this regard, the Guidelines seek to ensure that consumers are adequately informed at the point of sale, in advertising, and throughout the lifecycle of service usage.
- 1.1.5 The Guidelines also aim to strengthen consumer awareness and protection by reinforcing subscriber rights in relation to Value Added Services, including the right to privacy, the right to give or withhold consent, protection from unsolicited communications, and the ability of subscribers to opt in to or opt out of services in a fair and transparent manner.
- 1.1.6 Finally, the Guidelines seek to support the orderly development of the electronic communications sector by encouraging innovation, promoting

entry by local investors, fostering fair competition, and ensuring that regulatory obligations imposed on Value Added Services are proportionate to the nature, scale, and impact of the services provided, in order to deliver improved quality of service and greater choice for consumers.

## **1.2 Scope of Application**

- 1.2.1 These Guidelines apply to all persons who intend to provide, or who are providing, Value Added Services within the Republic of Ghana, whether such services are offered directly to the public, to a category of the public, or indirectly through licensed electronic communications network or service providers.
- 1.2.2 The Guidelines apply to Value Added Services delivered over any electronic communications platform or technology, including but not limited to fixed, mobile, satellite, and internet-based networks, to the extent that such services fall within the statutory definition of Value Added Services under Act 775 and the functional classifications recognised under LI 1991. The Guidelines are technology-neutral and are intended to remain applicable notwithstanding the emergence of new service models, platforms, or delivery mechanisms.
- 1.2.3 For the avoidance of doubt, these Guidelines do not apply to electronic communications services that are provided wholly or mainly for the conveyance of signals on electronic communications networks, including public electronic communications services and public telephone services, which remain subject to licensing under Act 775. Where a service exhibits characteristics of both a Value Added Service and an electronic communications service, the Authority shall determine the appropriate regulatory treatment based on the dominant functional role of the service, consistent with the Act, the Regulations, and these Guidelines.
- 1.2.4 The Guidelines also apply to matters relating to consumer complaints handling and dispute resolution in respect of Value Added Services, and are intended to complement existing statutory and regulatory mechanisms for the resolution of disputes between Value Added Service Providers, electronic communications network operators, and consumers.
- 1.2.5 Nothing in these Guidelines shall be construed as limiting the powers of the Authority under Act 775 to license electronic communications services, require the registration of Value Added Services, impose conditions or obligations in the public interest, or take enforcement action where necessary. The Guidelines are issued without prejudice to the application of other applicable laws and regulatory requirements administered by other competent authorities.



## **2. DEFINITIONS AND INTERPRETATION**

### **2.1 Definitions**

In these Guidelines, unless the context otherwise requires, terms used shall have the meanings assigned to them under the Electronic Communications Act, 2008 (Act 775) and the Electronic Communications Regulations, 2011 (LI 1991).

Without limiting the generality of the foregoing, the following statutory definitions are of particular relevance to the interpretation and application of these Guidelines:

- 2.1.1 “Electronic communications service”** has the meaning assigned to it under section 101 of Act 775, namely a service provided wholly or mainly for the conveyance by means of an electronic communications network of signals, including telecommunications services and transmission services in networks used for broadcasting, but excluding services that provide or exercise editorial control over content transmitted using electronic communications networks.
- 2.1.2 “Public electronic communications service”** has the meaning assigned to it under section 101 of Act 775, and refers to an electronic communications service that is provided to the public generally or to a category of the public. For the avoidance of doubt, a service does not constitute a public electronic communications service solely because it modifies a communication, restructures, adds or supplies information, or permits user interaction with information, unless the service offers a public telephone service involving the direct transport and switching of voice telephony in real time.
- 2.1.3 “Value Added Service”** has the meaning assigned to it under section 101 of Act 775, and includes a service that combines applications provided to users with telecommunications, but does not include any public electronic communications service.
- 2.1.4 “Value Added Service Provider (VASP)”** means a person who provides a Value Added Service to the public or to a category of the public, whether directly or through a licensed electronic communications network or service provider.
- 2.1.5 “Authority”** means the National Communications Authority established under the National Communications Authority Act, 2008 (Act 769).
- 2.1.6 “Act”** means the National Communications Authority Act, 2008 (Act 769).

- 2.1.7** “EC Act” means the Electronic Communications Act, 2008 (Act 775).
- 2.1.8** “L.I. 1991” means the Electronic Communications Regulations, 2011 (L.I. 1991).
- 2.1.9** “Authority” or “NCA” means the National Communications Authority established under the National Communications Authority Act, 2008 (Act 769).
- 2.1.10** “Application” means any software-based mechanism, digital platform, or computer program designed to process, store, display, modify, or transmit information, enable interactive or content-based functionality, or provide value-enhancing features to end users when deployed over, or in conjunction with, electronic communications or internet-based infrastructure.
- 2.1.11** “Anti-competitive practices” means any conduct or action that has the object or effect of preventing, restricting, or distorting competition in the electronic communications market, including conduct that limits market entry, leads to unfair pricing, or hinders the ability of other service providers to compete effectively.
- 2.1.12** “Competent Government Agency” or “Competent Authority” means any ministry, department, agency, or public institution with legally conferred authority to regulate, supervise, or exercise oversight over a service or activity falling within its statutory mandate.
- 2.1.13** “Consumer Complaint Code” means a concise and easily understandable document issued by a provider of an electronic communications service or a Value Added Service, setting out procedures for the lodging, handling, and resolution of consumer complaints in accordance with applicable laws and guidelines.

All other words and expressions used in these Guidelines and defined in Act 775 or LI 1991 shall have the meanings respectively assigned to them in those enactments.

## **2.2 Interpretation Principles**

For the purposes of these Guidelines, the following principles of interpretation shall apply:

### **2.2.1 Statutory Primacy**

These Guidelines shall be interpreted and applied in a manner consistent with Act 775 and LI 1991. Where any ambiguity arises, the provisions of the Act and the Regulations shall prevail.

### **2.2.2 Functional Interpretation**

The classification of a service as a Value Added Service or as an electronic communications service shall be determined based on the dominant functional characteristics of the service, including whether the service is provided wholly or mainly for the conveyance of signals, or whether its primary function lies in the provision of applications, processing, modification, interaction, or transactional functionality layered over licensed communications infrastructure.

**2.2.3 Technology Neutrality**

The interpretation and application of these Guidelines shall be technology-neutral. A service shall not be classified solely by reference to the technology, platform, or delivery mechanism used, but by reference to the nature of the service provided and the role it performs within the electronic communications ecosystem.

**2.2.4 Non-Substitution Principle**

A Value Added Service shall not be deemed to be an electronic communications service merely because it is capable of substituting, from a user perspective, for a licensed communications service, provided that the Value Added Service does not itself convey signals on an electronic communications network or offer a public telephone service.

**2.2.5 Dependency on Licensed Infrastructure**

Where a Value Added Service relies on signaling, numbering, billing, authentication, or transmission capabilities, such reliance shall be construed as permissible only to the extent that those capabilities are provided by a licensed electronic communications network or service provider, and the Value Added Service Provider does not assume responsibility for signal conveyance, routing, or switching.

**2.2.6 Graduated Regulatory Treatment**

The regulatory treatment of Value Added Services under these Guidelines shall be proportionate and graduated. As a general rule, Value Added Services are subject to registration in accordance with LI 1991. However, where the nature, scale, or impact of a Value Added Service so warrants, the Authority may, pursuant to section 7 of Act 775, require the service to operate under a Class Licence or authorisation.

**2.2.7 No Redefinition of Statutory Terms**

Nothing in these Guidelines shall be construed as redefining, expanding, or limiting any term defined under Act 775 or LI 1991. References to definitions in these Guidelines are intended solely to clarify their application for regulatory and administrative purposes.

**2.2.8 Separation of Definitions and Classification**

Definitions provided in this Section establish the legal and conceptual meaning of terms only. Criteria for determining whether a service qualifies as a Value Added Service, and the categorisation of Value Added

Services, shall be addressed in **Section 3 (Classification of Value Added Services)**.

#### **2.2.9 Interpretive Scope of Recognised Services**

The identification of specific service types, platforms, or delivery models— including over-the-top applications, IoT-based services, and other emerging digital services—shall be addressed in **Section 4 (Scope of Services Recognised as Value Added Services)** and shall not be construed as altering statutory definitions.

### **2.3 Relationship with Other Laws and Regulatory Instruments**

These Guidelines shall be applied without prejudice to the application of other applicable laws, regulations, guidelines, or directives administered by the Authority or by other competent authorities. Where the provision of a Value Added Service intersects with additional regulatory domains, including but not limited to financial services, data protection, consumer protection, or competition law, compliance with the requirements of such laws and regulations shall be the responsibility of the relevant service provider.

## **3. CLASSIFICATION OF VALUE ADDED SERVICES**

### **3.1 Purpose of Classification**

The classification of Value Added Services under these Guidelines is intended to provide a structured and consistent framework for determining the regulatory treatment applicable to services that combine applications with telecommunications, in accordance with the Electronic Communications Act, 2008 (Act 775) and the Electronic Communications Regulations, 2011 (LI 1991).

For the avoidance of doubt, the classification set out in this Section does not redefine the statutory meaning of a Value Added Service. Rather, it provides interpretive guidance on how the Authority shall assess and categorise services, taking into account their dominant functional characteristics, their relationship to licensed electronic communications infrastructure, and their impact on the electronic communications ecosystem.

### **3.2 General Classification Principles**

In determining whether a service qualifies as a Value Added Service, and in assigning it to a particular category, the Authority shall be guided by the following principles:

#### **3.2.1 Integration with Telecommunications**

A service may be regarded as a Value Added Service where it integrates one or more application elements with telecommunications capabilities, where telecommunications involves the transmission, emission, or reception of signals, writings, pulses, images, sounds, or other intelligence by wire, radio, optical,

electromagnetic spectrum, or other technologically equivalent means, provided that the service itself is not provided wholly or mainly for the conveyance of such signals.

### **3.2.2 Enhancement of Core Services**

A Value Added Service typically enhances or augments basic electronic communications services, including but not limited to voice calls, messaging, and data transmission. Such enhancement may be effected by modifying a communication, restructuring information, adding or supplying supplementary information, enabling interactivity, or facilitating transactional or automated processes layered over licensed communications infrastructure.

### **3.2.3 Exclusion of Public Electronic Communications Services**

A service shall not be classified as a Value Added Service where it qualifies as a public electronic communications service within the meaning of Act 775. In particular, a service shall cease to qualify as a Value Added Service where it performs the direct conveyance, routing, or switching of communications to the public, or where it offers a public telephone service involving the real-time transport and switching of voice telephony between network termination points.

### **3.2.4 Reliance on Licensed Infrastructure**

Where a Value Added Service relies on signaling, numbering, billing, authentication, or transmission capabilities, such reliance shall be limited to the use of facilities and services provided by licensed electronic communications network or service providers. A Value Added Service Provider shall not assume responsibility for network-level signal conveyance, routing, or switching.

### **3.2.5 Functional Dominance Test**

Where a service exhibits characteristics of both a Value Added Service and an electronic communications service, the Authority shall determine the appropriate classification based on the dominant functional role of the service, having regard to the purpose for which the service is offered, the manner in which it is marketed, and the responsibilities assumed by the service provider.

## **3.3 Categories of Value Added Services**

Without limiting the generality of Regulation 59 of LI 1991, and recognising that Value Added Services continue to evolve, the Authority classifies Value Added Services, for regulatory and administrative purposes, into the following non-exhaustive categories:

### **3.3.1 Content and Application Services**

Content and Application Services are services that use electronic communications network resources, including but not limited to SMS, USSD, voice, or data channels, to push, pull, process, or present information to end users. These services rely on licensed electronic communications networks solely as a means of access and delivery, and do not require ownership or control of the underlying transmission infrastructure.

This category includes services that provide informational, interactive, multimedia, or application-based functionality, including over-the-top services that deliver content or communications applications layered over internet-based or similar networks, provided that such services do not themselves convey signals or offer a public telephone service.

### **3.3.2 Machine-to-Anything (M2X) Services**

Machine-to-Anything Services are services that enable automated or semi-automated data exchange between machines, devices, systems, platforms, services, or end users over licensed electronic communications networks.

Such services typically support applications in areas including, but not limited to, monitoring, control, telemetry, analytics, automation, and decision support, and derive their primary value from data processing, device management, and application-layer functionality rather than from the conveyance of signals.

### **3.3.3 Financial and Transactional Services**

Financial and Transactional Services are Value Added Services that leverage electronic communications infrastructure, including signaling, numbering, or billing capabilities provided by licensed network operators, to enable payments, collections, settlements, authentication, or other transactional processes.

The classification of a service under this category is without prejudice to the application of other applicable laws or regulatory requirements administered by competent authorities, including those relating to financial services, payment systems, or data protection.

### **3.3.4 Aggregator Services**

Aggregator Services are services provided by intermediaries that facilitate the integration, distribution, billing, routing, or technical enablement of Value Added Services between one or more Value Added Service Providers and licensed electronic communications network or service providers.

Aggregator Services may include platforms or interfaces that consolidate access to multiple communications resources or services, provided that the aggregator does not assume responsibility for signal conveyance or operate as a public electronic communications service.

### **3.4 Non-Exhaustive Nature of Classification**

The categories set out in this Section are indicative and non-exhaustive. The Authority may, having regard to technological and market developments, determine that a service not expressly listed falls within one or more of the Value Added Service categories identified above, provided that such determination is consistent with Act 775, LI 1991, and these Guidelines.

### **3.5 Regulatory Consequences of Classification**

The classification of a service as a Value Added Service under this Section shall, as a general rule, subject the service to registration in accordance with LI 1991. Where the nature, scale, or impact of a Value Added Service so warrants, the Authority may, pursuant to section 7 of Act 775, require the service to operate under a Class Licence or authorisation.

Where a service ceases to meet the criteria of a Value Added Service, the Authority shall determine the appropriate regulatory treatment in accordance with the Act.

## **4. SCOPE OF SERVICES RECOGNISED AS VALUE ADDED SERVICES**

### **4.1 Purpose and Regulatory Context**

4.1.1 This Section sets out the scope of services that are recognised by the Authority as falling within the category of Value Added Services for the purposes of registration, oversight, and, where applicable, licensing under these Guidelines. The services identified in this Section are illustrative and non-exhaustive, and are intended to demonstrate how the classification principles and categories set out in Section 3 apply to contemporary and emerging service models.

4.1.2 For the avoidance of doubt, the recognition of any service under this Section does not alter the statutory definition of a Value Added Service under the Electronic Communications Act, 2008 (Act 775), nor does it exempt any service from compliance with other applicable legal or regulatory requirements administered by the Authority or by other competent government agencies.

### **4.2 Over-the-Top (OTT) Services**

4.2.1 Over-the-top services are application-based services delivered over the internet or similar packet-switched networks, which provide content, communications, or interactive functionality to end users without requiring ownership or control of the underlying electronic communications transmission infrastructure.

4.2.2 OTT services that provide add-on functionality, including but not limited to voice over internet protocol applications, messaging platforms, video on demand, streaming services, digital content delivery, electronic commerce platforms, and other interactive or information-enhancing services, are recognised as Value Added Services where such services:

- 4.2.2.1 rely on licensed electronic communications networks solely for connectivity and access;
- 4.2.2.2 do not themselves convey signals on an electronic communications network; and
- 4.2.2.3 do not offer a public telephone service involving the direct transport and switching of voice telephony in real time.

4.2.3 The recognition of OTT services as Value Added Services is without prejudice to the Authority's powers to assess, on a case-by-case basis, whether a particular OTT service has assumed characteristics of an electronic communications service requiring licensing under Act 775.

### **4.3 Internet of Things (IoT) and Machine-to-Anything (M2X) Platforms**

4.3.2 IoT and Machine-to-Anything platforms are services that enable automated or semi-automated data exchange between machines, devices, systems, platforms, services, or end users over licensed electronic communications networks.

4.3.3 Such platforms are recognised as Value Added Services where their primary function lies in application-layer services, including device management, data collection, processing, analytics, automation, or decision support, and where connectivity, signaling, and transmission are provided exclusively by licensed electronic communications network or service providers.

4.3.3 The provision of IoT or M2X services shall not, of itself, be regarded as the provision of an electronic communications service, unless the service provider assumes responsibility for signal conveyance, routing, switching, or the direct provision of connectivity to end users.

### **4.4 Communications Platform as a Service (CPaaS)**

4.4.1 Communications Platform as a Service refers to platforms that provide programmable interfaces, application programming interfaces (APIs), or other technical means through which enterprises, developers, or service providers can access communications functionalities such as messaging, voice, authentication, or notification services.

4.4.2 CPaaS offerings are recognised as Value Added Services where the platform facilitates or orchestrates access to communications capabilities provided by licensed electronic communications network or service providers, and where the CPaaS provider does not assume responsibility for signal conveyance,



numbering control, or the operation of a public electronic communications service.

- 4.4.3 Where a CPaaS provider directly controls numbering resources, performs call routing or switching, or presents itself as the provider of a public communications service to end users, the Authority may determine that the service falls outside the scope of Value Added Services and is subject to licensing under Act 775.

#### **4.5 Aggregation and Intermediation Platforms**

- 4.5.1 Platforms that act as intermediaries between Value Added Service Providers and licensed electronic communications network or service providers, for the purpose of service integration, distribution, billing facilitation, or technical enablement, are recognised as Value Added Services where such platforms operate strictly as aggregators and do not assume network-level responsibilities.
- 4.5.2 The classification of aggregation and intermediation platforms as Value Added Services shall depend on the functional role performed by the platform and the extent to which it relies on licensed infrastructure for signal conveyance.

#### **4.6 Financial and Transactional Digital Services**

- 4.6.1 Digital services that enable financial, commercial, or transactional activities through electronic communications networks, including payment initiation, collections, authentication, notifications, and related processes, are recognised as Value Added Services where such services leverage telecommunications infrastructure solely as an enabling platform.
- 4.6.2 The recognition of such services as Value Added Services is without prejudice to the application of other sector-specific laws, regulations, or supervisory frameworks administered by competent authorities.

#### **4.7 Non-Exhaustive Recognition and Case-by-Case Assessment**

- 4.7.1 The services identified in this Section are illustrative and do not constitute an exhaustive list of Value Added Services. The Authority may, having regard to technological developments, market evolution, and the functional characteristics of a service, recognise additional service models as Value Added Services, provided that such recognition is consistent with Act 775, LI 1991, and these Guidelines.
- 4.7.2 Nothing in this Section shall be construed as limiting the Authority's power to reassess the classification of a service where changes in functionality, scale, or market impact result in the service assuming the characteristics of an electronic communications service.

## **5. REGISTRATION AND LICENSING FRAMEWORK**

### **5.1 Regulatory Basis**

The registration and licensing of Value Added Services under these Guidelines shall be undertaken in accordance with the Electronic Communications Act, 2008 (Act 775) and the Electronic Communications Regulations, 2011 (LI 1991).

For the avoidance of doubt, Value Added Services are, as a general rule, not subject to individual licensing under Act 775. Instead, Value Added Services are regulated primarily through a registration regime established under LI 1991, supplemented by the Authority's discretionary power under section 7 of Act 775 to require specified categories of services to operate under a Class Licence or authorisation where the nature, scale, or impact of the service so warrants.

### **5.2 Mandatory Registration of Value Added Services**

Any person who intends to provide a Value Added Service within the Republic of Ghana shall, prior to the commencement of service, apply to the Authority for registration in accordance with Regulation 61 of LI 1991 and any applicable directives issued by the Authority.

Registration under this Section is intended to:

- 5.2.1 enable the Authority to maintain an accurate and up-to-date register of Value Added Service Providers;
- 5.2.2 facilitate regulatory oversight and compliance monitoring;
- 5.2.3 support consumer protection and transparency; and
- 5.2.4 ensure coordination between Value Added Service Providers and licensed electronic communications network or service providers.

Registration shall not be construed as a licence and does not confer exclusive rights or spectrum usage rights on the registrant.

### **5.3 Registration Requirements**

An application for registration as a Value Added Service Provider shall be submitted in the form and manner prescribed by the Authority and shall include such information as the Authority may reasonably require, including but not limited to:

- 5.3.1 the legal identity and ownership structure of the applicant;
- 5.3.2 a description of the Value Added Service(s) to be provided, including the applicable service category under Section 3 of these Guidelines;
- 5.3.3 details of any arrangements with licensed electronic communications network or service providers;

- 5.3.4 consumer-facing terms and conditions, including pricing and complaint-handling procedures; and
- 5.3.5 any other information necessary to enable the Authority to assess compliance with applicable laws and guidelines.

The Authority may require an applicant to provide additional information or clarification where necessary to complete the registration process.

#### **5.4 Validity and Maintenance of Registration**

Registration as a Value Added Service Provider shall remain valid for such period as may be determined by the Authority, subject to compliance with applicable laws, regulations, and guidelines.

A registered Value Added Service Provider shall:

- 5.4.1 notify the Authority of any material change to the registered service, ownership, or operational arrangements;
- 5.4.2 comply with applicable consumer protection, data protection, and competition obligations; and
- 5.4.3 maintain accurate records as may be required by the Authority for regulatory or audit purposes.

Where a registered provider introduces a new Value Added Service or materially modifies an existing service, the provider shall notify the Authority and, where required, apply for an update or variation of its registration.

#### **5.5 Class Licence or Authorisation under Section 7 of Act 775**

Notwithstanding the general registration regime, the Authority may, pursuant to section 7(1)(a) of Act 775, require specified categories of Value Added Services to operate under a Class Licence or authorisation where the Authority determines that registration alone is insufficient to address regulatory concerns arising from the nature, scale, or impact of the service.

In determining whether to require a Class Licence or authorisation, the Authority may have regard to factors including, but not limited to:

- 5.5.1 the extent to which the service interfaces with numbering, billing, or routing systems;
- 5.5.2 the scale of the service and its potential impact on consumers or competition;
- 5.5.3 the degree of reliance on aggregation, resale, or intermediation functions;

5.5.4 risks to consumer protection, network integrity, or public interest objectives; and

5.5.5 the need for uniform regulatory obligations across a defined category of services.

A requirement to operate under a Class Licence shall not, of itself, preclude the continued classification of the service as a Value Added Service, provided that the service does not assume the characteristics of an electronic communications service requiring individual licensing.

## **5.6 Escalation from Registration to Licensing**

Where the Authority determines that a registered Value Added Service has assumed characteristics of an electronic communications service, including responsibility for signal conveyance, routing, switching, or the provision of a public electronic communications service, the service shall cease to qualify as a Value Added Service for regulatory purposes.

In such cases, the Authority shall notify the service provider of the applicable licensing requirements under Act 775 and shall specify the timeframe within which the provider must regularise its regulatory status.

## **5.7 Compliance and Enforcement**

Failure to comply with registration or licensing requirements under these Guidelines may result in enforcement action by the Authority in accordance with Act 775, including suspension or cancellation of registration, administrative sanctions, or other measures as provided by law.

The Authority may issue directives, guidelines, or notices from time to time to give effect to this Section.

# **6. INTER-REGULATORY DOMAIN SERVICES AND SPECIAL REGULATORY REQUIREMENTS**

## **6.1 Purpose and Regulatory Rationale**

This Section establishes the regulatory principles applicable to Value Added Services that, by their nature, function, scale, or impact, fall within the regulatory mandate of other competent government authorities, but which are delivered over, or are critically dependent on, electronic communications networks and services.

The purpose of this Section is to ensure that such services are subject to appropriate coordination, oversight, and regulatory controls, in order to safeguard the public interest, while avoiding regulatory duplication, jurisdictional conflict, or unintended gaps in oversight.

For the avoidance of doubt, nothing in this Section shall be construed as expanding the definition of an electronic communications service under the Electronic Communications Act, 2008 (Act 775), or as asserting regulatory authority over matters falling exclusively within the statutory mandate of another competent government agency.

## **6.2 Inter-Regulatory Domain Services**

For the purposes of these Guidelines, Inter-Regulatory Domain Services refer to Value Added Services that:

- 6.2.1 are primarily regulated under another legal or sector-specific framework administered by a competent government authority;
- 6.2.2 are delivered through, or are functionally dependent on, electronic communications networks or services; and
- 6.2.3 have significant implications for public interest objectives, including financial integrity, national security, public safety, consumer protection, or critical infrastructure resilience.

Such services may include, but are not limited to, digital financial and transactional services, identity and authentication platforms, data-driven critical services, security-sensitive Machine-to-Anything (M2X) applications, and other services designated by the Authority in consultation with relevant regulators.

## **6.3 Regulatory Classification and Treatment**

The classification of a service as a Value Added Service under these Guidelines shall not, of itself, exempt the service from additional regulatory requirements where the service falls within an inter-regulatory domain.

Accordingly:

- 6.3.1 a service may remain classified as a Value Added Service for the purposes of Act 775 and LI 1991;
- 6.3.2 the service shall remain subject to registration or licensing under these Guidelines, as applicable; and
- 6.3.3 the service may additionally be subject to authorisation, licensing, approval, or supervision by one or more competent government authorities under their respective enabling laws.

The Authority shall assess such services on a **case-by-case basis**, having regard to their dominant function, risk profile, and public interest impact.

## **6.4 Financial and Transactional Value Added Services of Systemic Importance**

Without prejudice to Section 3.3.3, certain financial or transactional Value Added Services may, by reason of their scale, systemic relevance, or critical role in the economy, warrant enhanced regulatory treatment beyond registration.

Where a financial or transactional Value Added Service:

- 6.4.1 facilitates large-scale payments, collections, settlements, or financial messaging;
- 6.4.2 supports critical national or sector-wide payment infrastructure;
- 6.4.3 presents material risks to consumers, financial stability, or data protection; or
- 6.4.4 is designated as systemically important by a competent authority,

the Authority may, pursuant to section 7 of Act 775, require such service to operate under a Class Licence or authorisation, notwithstanding that the service does not constitute an electronic communications service.

Such licensing shall be limited to the communications-related aspects of the service and shall be applied in a manner that is proportionate, non-duplicative, and coordinated with the relevant sector regulator.

## **6.5 Security-Sensitive M2X and Critical Data Services**

Certain Machine-to-Anything (M2X) Value Added Services may involve the transmission, processing, or control of data or signals that are critical to national security, public safety, critical infrastructure, or essential services.

Where an M2X Value Added Service:

- 6.5.1 supports or interfaces with critical infrastructure, public safety systems, or essential services;
- 6.5.2 involves sensitive operational, location, biometric, or security-related data; or
- 6.5.3 poses heightened risks in the event of misuse, failure, or compromise,

the Authority may impose additional regulatory conditions, including enhanced registration requirements, reporting obligations, or, where justified, a requirement to operate under a Class Licence pursuant to section 7 of Act 775.

Such measures shall be taken in consultation with relevant competent government agencies and shall be proportionate to the identified risks.

## **6.6 Coordination with Competent Government Authorities**

In respect of Inter-Regulatory Domain Services, the Authority shall promote coordination and cooperation with competent government agencies through appropriate mechanisms, which may include:

- 6.6.1 information-sharing arrangements;
- 6.6.2 joint regulatory assessments;
- 6.6.3 coordinated compliance or audit processes; or
- 6.6.4 memoranda of understanding or other cooperative frameworks.

Nothing in these Guidelines shall be construed as conferring exclusive regulatory authority on the Authority over matters falling within the statutory mandate of another regulator.

### **6.7 Regulatory Safeguards and Non-Duplication**

In applying this Section, the Authority shall seek to:

- 6.7.1 avoid unnecessary duplication of regulatory requirements;
- 6.7.2 ensure proportionality in regulatory obligations;
- 6.7.3 respect the statutory mandates of other regulators; and
- 6.7.4 preserve legal certainty for service providers operating across regulatory domains.

### **6.8 Designation of Additional Services**

The Authority may, from time to time, designate additional categories of Value Added Services as Inter-Regulatory Domain Services, where such designation is necessary in the public interest and is consistent with Act 775 and other applicable laws.

### **6.9 Sector-Specific Regulatory Requirements**

Without prejudice to the generality of Section 6.3, the following sector-specific requirements shall apply:

#### **6.9.1 Personal Data Processing Services**

Where a Value Added Service involves the collection, processing, storage, transmission, or use of personal data, the applicant shall be required to demonstrate compliance with applicable data protection laws and shall, where required, be **registered or certified by the Data Protection Commission** prior to submitting an application to the Authority.

#### **6.9.2 Payment Systems and Electronic Money Services**

Where a Value Added Service involves payment systems, electronic money issuance, financial messaging, or other regulated financial transactions, the

applicant shall be required to obtain the relevant **authorisation or certification from the Bank of Ghana** before applying to the Authority.

Nothing in these Guidelines shall be construed as limiting the supervisory authority of the Bank of Ghana over such services.

#### **6.9.3 Mobile Insurance Technology Services**

Where a Value Added Service supports or facilitates insurance products, insurance distribution, or insurance-related digital platforms, the applicant shall be required to obtain the relevant **approval or certification from the National Insurance Commission** prior to submission of an application to the Authority.

#### **6.9.4 Mobile Gaming and Games of Chance**

Where a Value Added Service involves mobile gaming, betting, lotteries, or games of chance, the applicant shall be required to obtain the appropriate **licence or authorisation from the Gaming Commission** prior to applying to the Authority.

#### **6.9.5 Location-Based and Identification Services**

Where a Value Added Service involves location-based services, identity verification, tracking, authentication, or similar sensitive functionalities, the applicant shall be required to submit a **Police Clearance Report** in respect of the company's directors, shareholders, key management personnel, and such other staff as the Authority may determine.

The Authority may consult relevant security agencies in assessing such applications.

## **7. RIGHTS AND OBLIGATIONS OF VALUE ADDED SERVICE PROVIDERS**

### **7.1 General Principles**

Value Added Service Providers shall operate in a manner that is consistent with the Electronic Communications Act, 2008 (Act 775), the Electronic Communications Regulations, 2011 (LI 1991), these Guidelines, and any other applicable laws. The rights and obligations set out in this Section are intended to promote innovation and market entry while safeguarding consumers, competition, national security, and the public interest.

### **7.2 Rights of Value Added Service Providers**

#### **7.2.1 Right to Registration and Proportionate Regulation**

A Value Added Service Provider that meets the requirements of Act 775, LI 1991, and these Guidelines shall have the right to be registered by the Authority to provide Value Added Services in Ghana. Regulation of Value Added Services shall be proportionate to the nature, scale, and impact of the service provided.



#### **7.2.2 Right of Access to Licensed Infrastructure**

Subject to applicable laws and commercial arrangements, a registered Value Added Service Provider shall have the right to access electronic communications networks, platforms, and facilities operated by licensed electronic communications network or service providers for the purpose of delivering Value Added Services.

#### **7.2.3 Right to Regulatory Certainty and Transparency**

Value Added Service Providers shall have the right to clear, transparent, and predictable regulatory treatment, including timely guidance on classification, registration, licensing, and compliance obligations under these Guidelines.

#### **7.2.4 Right to Fair Competition**

A Value Added Service Provider shall have the right to operate in a competitive environment free from unfair or anti-competitive practices by other service providers, including discrimination, unjustified refusal of access, or abuse of market power.

#### **7.2.5 Right to Due Process**

Where the Authority proposes to impose sanctions, vary regulatory status, or require escalation from registration to licensing, the affected Value Added Service Provider shall be afforded due process, including notice and an opportunity to be heard, in accordance with applicable law.

### **7.3 General Obligations of Value Added Service Providers**

#### **7.3.1 Compliance with Laws and Guidelines**

A Value Added Service Provider shall comply with Act 775, LI 1991, these Guidelines, directives issued by the Authority, and all other applicable laws administered by competent government authorities.

#### **7.3.2 Registration and Notification Obligations**

A Value Added Service Provider shall:

- 7.3.2.1 register with the Authority prior to commencing service;
- 7.3.2.2 provide accurate and complete information during registration;
- and
- 7.3.2.3 notify the Authority of any material change in service offerings, ownership, control, or operational arrangements.

#### **7.3.3 Limitation of Activities to Registered Services**

A Value Added Service Provider shall offer only those services that fall within the scope of its registration or authorisation and shall not assume responsibilities that would constitute the provision of an electronic communications service without the requisite licence.

### **7.4 Consumer Protection and Transparency Obligations**

#### **7.4.1 Disclosure of Service Information**

A Value Added Service Provider shall ensure that consumers are provided with clear, accurate, and timely information regarding the nature of the service, applicable prices, terms and conditions, subscription mechanisms, and usage constraints at the point of sale, in advertising, and during service usage.

#### **7.4.2 Consent and Opt-In / Opt-Out**

A Value Added Service Provider shall respect consumer choice and consent, including the right of consumers to opt in to or opt out of Value Added Services in a simple, transparent, and cost-effective manner.

#### **7.4.3 Protection from Unsolicited Communications**

A Value Added Service Provider shall not send unsolicited electronic communications except in accordance with applicable laws and directives, and shall implement effective mechanisms to prevent misuse of its services for spam or other abusive practices.

### **7.5 Data Protection, Privacy, and Security Obligations**

#### **7.5.1 Protection of Personal Data**

Where a Value Added Service involves the processing of personal data, the provider shall comply with applicable data protection laws and requirements, including registration or certification by the Data Protection Commission where required.

#### **7.5.2 Security of Services and Systems**

A Value Added Service Provider shall implement appropriate technical and organisational measures to ensure the security, integrity, and availability of its services, systems, and data, taking into account the nature and sensitivity of the service provided.

#### **7.5.3 Security-Sensitive and Critical Services**

Where a Value Added Service falls within a security-sensitive category, including certain M2X or location-based services, the provider shall comply with any additional security requirements imposed by the Authority in consultation with relevant competent government agencies.

### **7.6 Inter-Regulatory Compliance Obligations**

Where a Value Added Service falls within an inter-regulatory domain as described in Section 6, the provider shall:

- 7.6.1** obtain all required authorisations, permits, or certifications from relevant competent government authorities prior to registration or licensing by the Authority;
- 7.6.2** maintain ongoing compliance with sector-specific regulatory requirements; and
- 7.6.3** cooperate with the Authority and other regulators in information sharing, audits, or joint assessments, as may be lawfully required.

## **7.7 Complaints Handling and Dispute Resolution**

A Value Added Service Provider shall establish and maintain effective mechanisms for handling consumer complaints and disputes, including the publication and implementation of a Consumer Complaint Code. Complaints shall be handled in a fair, timely, and transparent manner in accordance with applicable laws and guidelines.

## **7.8 Cooperation with the Authority**

A Value Added Service Provider shall cooperate with the Authority in the performance of its regulatory functions, including by providing information, submitting reports, and facilitating inspections or audits as lawfully required.

## **7.9 Consequences of Non-Compliance**

Failure by a Value Added Service Provider to comply with the obligations set out in this Section may result in enforcement action by the Authority, including suspension or cancellation of registration, escalation to a licensing regime, administrative sanctions, or other measures provided for under Act 775.

# **8. IDENTIFICATION, REGISTRATION STATUS, AND TRACEABILITY**

## **8.1 Purpose**

This Section establishes a uniform identification and traceability framework for Value Added Service Providers (VASPs) to enhance regulatory oversight, transparency, consumer awareness, and accountability in the provision of Value Added Services.

## **8.2 Unique Identification of Value Added Service Providers**

The Authority shall assign to each registered Value Added Service Provider a unique three-character identification code upon the issuance of a Certificate of Registration.

The identification code shall serve as the official identifier of the Value Added Service Provider for regulatory and consumer-facing purposes.

## **8.3 Use of Identification Code**

A registered Value Added Service Provider shall ensure that its unique identification code:

- 8.3.1** accompanies all Value Added Services provided by the VASP, including but not limited to service messages, notifications, billing references, and customer communications, as may be applicable; and

**8.3.2** forms part of the service signature or identifier in a manner that allows subscribers and the Authority to readily identify the service provider responsible for the service.

#### **8.4 Public Register of Value Added Service Providers**

The Authority shall maintain and publish on its official website a **public register of registered Value Added Service Providers**.

The public register shall include, at a minimum:

- 8.4.1** the name of the Value Added Service Provider;
- 8.4.2** the unique identification code assigned to the VASP;
- 8.4.3** the category or categories of Value Added Services provided; and
- 8.4.4** customer service contact details, including telephone number, email address, and website, where applicable.

#### **8.5 Accuracy and Updating of Information**

A Value Added Service Provider shall ensure that all information associated with its unique identification code and published in the public register remains accurate and up to date.

Any change to a VASP's contact details, service offerings, or other relevant information shall be notified to the Authority within such period as may be specified by the Authority.

#### **8.6 Regulatory Use of Identification Information**

The Authority may use the identification and registration information maintained under this Section for purposes including, but not limited to:

- 8.6.1** consumer complaint resolution;
- 8.6.2** compliance monitoring and enforcement;
- 8.6.3** coordination with telecommunications network providers and other competent government authorities; and
- 8.6.4** public information and consumer awareness initiatives.

#### **8.7 Effect of Suspension or Cancellation**

Where the registration of a Value Added Service Provider is suspended or cancelled, the Authority shall update the public register accordingly and may direct telecommunications network providers to take such measures as are necessary to give effect to the suspension or cancellation, in accordance with applicable law.

### **9. OPERATIONAL OBLIGATIONS OF VALUE ADDED SERVICE PROVIDERS**

#### **9.1 General Operational Readiness**

A Value Added Service Provider shall maintain the organisational, technical, and operational capacity necessary to provide its registered Value Added Services in a reliable, secure, and professional manner.

Without prejudice to the generality of the foregoing, a Value Added Service Provider shall:

- 9.1.1** maintain a registered operational office within Ghana;
- 9.1.2** operate an official website and maintain valid telephone and electronic mail contacts for official correspondence and customer support; and
- 9.1.3** notify the Authority in writing of any change to its registered address, contact details, or operational status within the period prescribed by the Authority.

## **9.2 Commencement and Continuity of Operations**

A Value Added Service Provider shall commence the provision of its registered services within **two (2) years** from the effective date of its Certificate of Registration.

A Value Added Service Provider shall establish customer care and support facilities before commencement of operations or within **three (3) months** of commencement, whichever is earlier.

Where a Value Added Service Provider fails to commence operations within the stipulated period without reasonable justification, the Authority may take appropriate regulatory action in accordance with applicable law.

## **9.3 Technical Compliance and Equipment Approval**

A Value Added Service Provider shall ensure that all equipment, systems, and applications used in the provision of Value Added Services comply with applicable technical standards, guidelines, and regulatory requirements.

In particular:

- 9.3.1** all electronic communications equipment deployed by a VASP shall be type-approved in accordance with the National Communications Authority Type Approval Guidelines, 2015, the Electronic Communications Equipment Regulations, or any successor instruments;
- 9.3.2** the VASP shall submit to the Authority a complete list of devices to be installed, together with relevant technical documentation, including manufacturer specifications and functional descriptions; and
- 9.3.3** no equipment shall be deployed until the required approvals have been obtained, where applicable.

## **9.4 Record-Keeping, Documentation, and Audits**

A Value Added Service Provider shall maintain accurate, complete, and up-to-date records relating to its operations, including records of:

- 9.4.1** services provided and service configurations;
- 9.4.2** clients, partners, and contractual arrangements;
- 9.4.3** equipment, systems, and network interfaces; and
- 9.4.4** operational, billing, and service performance information.

The Authority may, by written notice or by inspection authorised under applicable law, require access to such records for purposes of compliance monitoring, audit, or investigation.

## **9.5 Inspection and Access**

The Authority may, in accordance with Act 775, authorise its officers to inspect the facilities, systems, and records of a Value Added Service Provider at reasonable times, including inspections conducted without prior notice where permitted by law.

A Value Added Service Provider shall cooperate fully with authorised officers of the Authority and shall provide access to facilities, documents, and information as may be lawfully required.

## **9.6 Numbering and Resource-Related Obligations**

Where a Value Added Service Provider is authorised to request numbering resources on behalf of its clients, such requests shall be made strictly in accordance with the National Electronic Communications Numbering Plan and any applicable guidelines issued by the Authority.

A Value Added Service Provider shall:

- 9.6.1** complete and submit periodic numbering resource audit forms as required by the Authority;
- 9.6.2** use assigned numbering resources solely for their approved purposes; and
- 9.6.3** not transfer, assign, or otherwise deal in numbering resources without the prior written approval of the Authority.

## **9.7 Compliance with Laws, Directives, and Standards**

A Value Added Service Provider shall comply with all applicable laws, regulations, policies, guidelines, directions, and instructions issued by the Authority from time to time, including quality of service indicators applicable to Value Added Services.

A Value Added Service Provider shall not engage in any conduct that is unlawful, misleading, anti-competitive, or otherwise inconsistent with the orderly development of the electronic communications sector.

## **9.8 Data Protection and Information Security**

Where a Value Added Service involves the processing of user or personal information, the VASP shall ensure that such information is processed, stored, and protected in accordance with applicable data protection laws, including the Data Protection Act, 2012 (Act 843), and any relevant directives of the Data Protection Commission.

A Value Added Service Provider shall implement appropriate technical and organisational security measures to protect systems, data, and services against unauthorised access, misuse, or compromise.

## **9.9 Upgrades, Additions, and Service Modifications**

A Value Added Service Provider shall obtain the prior written approval of the Authority before introducing any upgrade, add-on, or material modification to its registered Value Added Services.

For the avoidance of doubt, a Value Added Service Provider shall not provide any service that has not been approved by the Authority or specified in its Certificate of Registration.

## **9.10 Localisation, Capacity Building, and Workforce Development**

A Value Added Service Provider shall comply with applicable localisation requirements, including minimum Ghanaian ownership and workforce participation thresholds, as may be prescribed by law or policy.

A Value Added Service Provider shall design and implement training and capacity-building programmes to ensure:

- 9.10.1** the technical competence and suitability of personnel responsible for service operations;
- 9.10.2** effective maintenance and management of systems and equipment; and
- 9.10.3** the development of electronic communications and digital service engineering capabilities.

The VASP shall submit to the Authority such reports or returns relating to training and workforce development as may be prescribed.

## **9.11 Financial Reporting and Accounting Obligations**

A Value Added Service Provider shall maintain proper books of account and financial records in accordance with applicable accounting standards and laws.

Without prejudice to the foregoing, a VASP shall submit its audited financial statements to the Authority **by the end of April** of each year, commencing from the first anniversary of its Certificate of Registration, or within such period as the Authority may prescribe.

The Authority may issue directions requiring the provision of accounting information or reports necessary for the discharge of its regulatory functions.

## **9.12 National Security and Public Interest Obligations**

A Value Added Service Provider shall not engage in any act or omission that threatens the security, sovereignty, or public order of the Republic of Ghana, or that violates any applicable law.

Where a Value Added Service involves location-based, identification-based, or security-sensitive functionalities, the VASP shall comply with any additional requirements imposed by the Authority in consultation with relevant competent government agencies.

# **10. OBLIGATIONS OF TELECOMMUNICATIONS NETWORK PROVIDERS**

## **10.1 General Regulatory Duty**

A Telecommunications Network Provider shall support the orderly development of Value Added Services in Ghana in accordance with the Electronic Communications Act, 2008 (Act 775), the Electronic Communications Regulations, 2011 (LI 1991), and these Guidelines.

In performing its functions, a Telecommunications Network Provider shall act in a transparent, non-discriminatory, and competitively neutral manner in its dealings with Value Added Service Providers.

## **10.2 Engagement with Registered Value Added Service Providers**

A Telecommunications Network Provider shall:

- 10.2.1** engage only with Value Added Service Providers that are duly registered or authorised by the Authority;
- 10.2.2** not connect, partner, subcontract, or otherwise facilitate the provision of Value Added Services by an unregistered entity; and
- 10.2.3** not provision any Value Added Service that has not been registered with the Authority.

Where a Telecommunications Network Provider becomes aware that a Value Added Service is being provided in contravention of these Guidelines, it shall notify the Authority without delay.



### **10.3 Provisioning and Onboarding Obligations**

A Telecommunications Network Provider shall provide access to its network for the provision of registered Value Added Services in accordance with agreed commercial terms and within the lead times published pursuant to Section 10.4.

Save for technical constraints, lawful directives, or failure by the Value Added Service Provider to meet agreed commercial obligations, a Telecommunications Network Provider shall not unreasonably refuse or delay the provisioning of registered Value Added Services or associated numbering resources.

### **10.4 Transparency of Provisioning Timelines**

Upon the publication of these Guidelines, and thereafter as may be required by the Authority, a Telecommunications Network Provider shall:

- 10.4.1** publish on its official website the lead times applicable to the provisioning of Value Added Services on its network; and
- 10.4.2** submit the same information to the Authority.

Any revision to published lead times shall be communicated to the Authority prior to implementation.

### **10.5 Reporting and Information Obligations**

A Telecommunications Network Provider shall furnish the Authority with accurate and timely information relating to Value Added Services provisioned on its network.

Without prejudice to the foregoing, a Telecommunications Network Provider shall submit to the Authority:

- 10.5.1** a list of all registered Value Added Service Providers operating on its network;
- 10.5.2** details of the types of Value Added Services provided;
- 10.5.3** associated numbering resources; and
- 10.5.4** such information on traffic volumes, customer numbers, and revenues as the Authority may lawfully require.

The information required under this subsection shall be submitted **twice yearly**, during the last week of February and August, or within such period as the Authority may direct.

### **10.6 Numbering and Traffic Management**

A Telecommunications Network Provider shall:

**10.6.1** ensure that only assigned and authorised numbering resources are used for the provision of Value Added Services;

**10.6.2** not forward traffic from prohibited, invalid, or unassigned numbers; and

**10.6.3** comply with all numbering-related directives issued by the Authority.

## **10.7 Non-Discrimination and Competition Safeguards**

A Telecommunications Network Provider shall not:

**10.7.1** engage in anti-competitive practices in the provision of Value Added Services;

**10.7.2** block, throttle, or otherwise prevent a registered Value Added Service Provider from offering its services on the network in order to avoid or restrict competition; or

**10.7.3** discriminate unfairly between Value Added Service Providers in terms of access, quality, or commercial conditions.

## **10.8 Intellectual Property Protection**

A Telecommunications Network Provider shall respect the intellectual property rights of Value Added Service Providers and other rights holders.

Where there is credible evidence that provisioning a Value Added Service would violate intellectual property rights, the Telecommunications Network Provider may withhold provisioning, subject to:

**10.8.1** providing written justification to the affected Value Added Service Provider; and

**10.8.2** notifying the Authority of the basis for such action.

Pending determination by a competent adjudicating authority, any revenue generated in respect of the disputed service shall be handled in accordance with applicable legal orders or directives.

## **10.9 Fees, Charges, and Cost Transparency**

A Telecommunications Network Provider shall communicate to the Authority any fees or charges applicable to the provisioning or activation of Value Added Services, including short codes and onboarding costs, prior to the implementation of any revision to such fees or charges.

## **10.10 Suspension or Termination of Value Added Services**

A Telecommunications Network Provider shall not unilaterally suspend or terminate a Value Added Service except:

**10.10.1** in compliance with an order or directive of the Authority;

**10.10.2** pursuant to a lawful order of a competent court or authority; or

**10.10.3** in accordance with the terms of an applicable service level agreement, provided that due process has been followed and the Authority has been notified.

Where subscriber complaints are received in relation to a Value Added Service, the Telecommunications Network Provider shall investigate the matter, afford the affected Value Added Service Provider an opportunity to be heard, and keep the Authority informed of the outcome.

### **10.11 Cooperation with Consumer Protection Measures**

A Telecommunications Network Provider shall cooperate with the Authority in the implementation of consumer protection measures, including mechanisms to prevent unsolicited electronic communications and to support “Do Not Disturb” or similar systems established by the Authority.

## **11. NUMBERING AND OTHER RESOURCE REQUIREMENTS**

### **11.1 Regulatory Basis and Scope**

This Section governs the allocation, use, management, and oversight of numbering resources and other regulatory resources required for the provision of Value Added Services.

All numbering resources remain national assets administered by the Authority in accordance with the Electronic Communications Act, 2008 (Act 775), the Electronic Communications Regulations, 2011 (LI 1991), the National Electronic Communications Numbering Plan, and any applicable guidelines or directives issued by the Authority.

### **11.2 Eligibility for Numbering and Other Resources**

A registered Value Added Service Provider shall be eligible to apply for numbering resources and such other regulatory resources as may be required for the provision of its registered Value Added Services.

Eligibility under this Section does not confer any ownership rights in numbering resources and is subject to compliance with applicable laws, guidelines, and conditions imposed by the Authority.

### **11.3 Application for Numbering Resources**

Applications for numbering resources shall be made using the prescribed forms and procedures published by the Authority.

Where applicable, applications shall:

- 11.3.1 specify the intended use of the numbering resource;
- 11.3.2 demonstrate consistency with the registered Value Added Service; and
- 11.3.3 comply with the National Electronic Communications Numbering Plan and any special numbering resource administrative guidelines issued by the Authority.

#### **11.4 Conditions of Use of Numbering Resources**

A Value Added Service Provider shall:

- 11.4.1 use assigned numbering resources strictly for their approved and intended purposes;
- 11.4.2 comply with all technical, operational, and consumer protection conditions applicable to the assigned resource; and
- 11.4.3 ensure that numbering resources are not misused, hoarded, or applied in a manner that misleads consumers.

#### **11.5 Prohibition on Transfer or Assignment**

Numbering resources assigned to a Value Added Service Provider shall not be transferred, leased, sublicensed, assigned, or otherwise dealt in, in whole or in part, without the prior written approval of the Authority.

Any unauthorised transfer or use of numbering resources shall constitute a breach of these Guidelines and may attract regulatory sanctions.

#### **11.6 Numbering Resource Audits and Reporting**

A Value Added Service Provider shall comply with all numbering resource audit and reporting requirements imposed by the Authority, including the submission of periodic numbering resource audit forms.

The Authority may conduct audits or require additional information to ensure efficient and lawful use of numbering resources.

#### **11.7 Withdrawal, Modification, or Reassignment of Resources**

The Authority may, in accordance with applicable law and the National Electronic Communications Numbering Plan:

- 11.7.1 withdraw, modify, or reassign numbering resources where such action is necessary in the public interest;
- 11.7.2 address inefficiencies, misuse, or non-compliance; or
- 11.7.3 accommodate changes in numbering policy or demand.

Where practicable, the Authority shall provide reasonable notice of such action, except where immediate action is required.

## **11.8 Other Regulatory Resources**

In addition to numbering resources, a Value Added Service Provider may be required to obtain or comply with requirements relating to other regulatory resources, including identifiers, codes, or access mechanisms administered by the Authority.

The allocation and use of such resources shall be subject to conditions specified by the Authority from time to time.

## **12. FEES, CHARGES, AND FINANCIAL OBLIGATIONS**

### **12.1 Authority to Prescribe Fees and Charges**

The Authority shall determine and prescribe fees and charges applicable to the registration, regulation, and oversight of Value Added Services in accordance with the National Communications Authority Act, 2008 (Act 769), the Electronic Communications Act, 2008 (Act 775), and any applicable regulations.

The Authority may revise such fees and charges from time to time, having regard to regulatory costs, market conditions, and public interest considerations.

### **12.2 Application and Registration Fees**

An applicant for registration as a Value Added Service Provider shall pay a **non-refundable application fee** prior to the submission of an application, in accordance with the Authority's prevailing Schedule of Fees.

Upon approval of an application, the applicant shall pay the prescribed **initial registration fee** before the issuance of a Certificate of Registration.

### **12.3 Annual Regulatory Fees**

A registered Value Added Service Provider shall pay an **annual regulatory fee** as may be specified by the Authority.

The annual regulatory fee shall be payable on each anniversary of the effective date of the Certificate of Registration, or within such period as the Authority may prescribe.

## **12.4 Method and Timing of Payment**

All fees and charges payable under these Guidelines shall be paid in the manner and within the timeframes prescribed by the Authority.

The Authority may specify acceptable modes of payment, including banker's draft or electronic payment mechanisms, and may issue directives regarding payment procedures from time to time.

## **12.5 Late Payment and Interest**

Where a Value Added Service Provider fails to pay any fee or charge within the prescribed timeframe, the outstanding amount shall attract interest at the prevailing commercial lending rate or such other rate as may be determined by the Authority.

The accrual of interest shall not preclude the Authority from taking enforcement action for non-compliance.

## **12.6 Consequences of Non-Payment**

Failure to pay prescribed fees or charges may result in regulatory action by the Authority, including suspension of registration, refusal to process applications or requests, or such other measures as may be permitted under applicable law.

## **12.7 Financial Record-Keeping and Disclosure**

A Value Added Service Provider shall maintain accurate financial records relating to its Value Added Services and shall make such records available to the Authority upon request, for the purposes of regulatory oversight, audit, or investigation.

# **13. COMMERCIAL ARRANGEMENTS, COST STRUCTURE, AND REVENUE SHARING**

## **13.1 General Principles Governing Commercial Arrangements**

Commercial arrangements relating to the provision of Value Added Services shall be based on fair, transparent, and commercially negotiated agreements between the relevant parties, including Value Added Service Providers, Telecommunications Network Providers, aggregators, developers, content owners, and other stakeholders.

Nothing in this Section shall be construed as imposing mandatory pricing, tariff regulation, or fixed revenue-sharing ratios, except where the Authority determines that intervention is necessary in the public interest or to address anti-competitive conduct in accordance with applicable law.

## **13.2 Indicative Cost Components of Value Added Services**

For the purposes of promoting transparency, equitable negotiations, and informed commercial arrangements, the Authority recognises that the cost of providing a Value Added Service may comprise multiple components, including but not limited to:

- 13.2.1** service development and intellectual property costs, including conceptualisation, research and development, source code creation, licensing, upgrades, and maintenance;
- 13.2.2** hosting and infrastructure costs, including servers, platforms, security systems, and associated facilities;
- 13.2.3** aggregation and distribution costs, including connectivity, transmission links, and integration platforms;
- 13.2.4** branding, marketing, and advertising costs;
- 13.2.5** billing, revenue collection, and accounting costs;
- 13.2.6** transport and signalling costs associated with conveying service requests and content; and
- 13.2.7** customer care and support services.

The relative weight of each cost component may vary depending on the nature of the service and the functions performed by each party.

### **13.3 Revenue Sharing Arrangements**

Revenue generated from the provision of Value Added Services may be shared among participating stakeholders in a manner agreed contractually, having regard to the respective roles, investments, risks, and cost contributions of each party.

Revenue-sharing arrangements shall:

- 13.3.1** be clearly documented in written agreements;
- 13.3.2** reflect the functions actually performed by each party; and
- 13.3.3** comply with applicable laws, including competition and consumer protection laws.

For the purpose of promoting transparency, informed negotiations, and equitable commercial arrangements among stakeholders in the Value Added Services ecosystem, the Authority provides the indicative cost components set out in Table 1 below.

The table is intended solely as a guidance tool and shall not be construed as prescribing mandatory pricing, cost allocation, or revenue-sharing ratios. Actual cost structures and revenue-sharing arrangements may vary depending on the nature of the service, the functions performed by each party, and commercial negotiations between the parties, subject to applicable laws and these Guidelines.

**Table 1: Indicative Value Added Service Product Cost Structure**

<b>S.N.</b>	<b>Cost Component</b>	<b>Indicative Weight (%)</b>
1	Development cost: conceptualisation, research and development, intellectual property, source code, third-party licences, upgrades and maintenance	40
2	Hosting cost: servers, power systems, hosting platforms, security systems, call logging and related infrastructure	20
3	Aggregation and distribution cost: VPNs, fibre connectivity, multiple transmission links between aggregators and network operators	10
4	Branding and advertising	10
5	Billing, revenue collection, and accounting	10
6	Transport cost associated with transferring customer requests and conveying content to subscribers	8
7	Customer care and call centre operations	2

### **13.4 Submission of Commercial Agreements to the Authority**

All commercial agreements relating to revenue sharing, billing, or settlement arrangements for Value Added Services shall be submitted to the Authority for record-keeping and regulatory oversight.

The submission of such agreements shall not be construed as approval of commercial terms, except where the Authority determines that intervention is necessary to ensure compliance with applicable laws or regulatory obligations.

### **13.5 Authority Oversight and Alignment**

The Authority may, where necessary:

**13.5.1** review commercial arrangements to assess compliance with these Guidelines and applicable laws;

**13.5.2** issue directions to address anti-competitive conduct, unfair practices, or consumer harm; or

**13.5.3** facilitate alignment of commercial arrangements with regulatory objectives, including transparency and fair competition.

Any intervention by the Authority under this Section shall be proportionate, evidence-based, and consistent with its statutory mandate.



## **13.6 Revenue Collection Mechanisms**

Revenue for Value Added Services may be collected through various lawful mechanisms, including but not limited to:

- 13.6.1** deductions from prepaid or postpaid subscriber accounts;
- 13.6.2 direct billing or invoicing arrangements; or**
- 13.6.3** other payment mechanisms agreed between the parties and permitted under applicable law.

A content owner or developer may engage an aggregator or Telecommunications Network Provider to collect revenue on its behalf, subject to agreed commercial terms.

## **13.7 Settlement and Remittance of Revenue**

Commercial agreements shall specify timelines and procedures for the settlement and remittance of revenue accruing to each party.

Where settlement is delayed beyond the agreed timeframe, interest may be applied at the prevailing commercial lending rate or at such rate as may be contractually agreed between the parties.

## **13.8 Flexibility and Market Evolution**

The Authority recognises that cost structures and commercial models for Value Added Services evolve over time. Accordingly:

- 13.8.1** cost components and revenue-sharing arrangements may be adjusted by mutual agreement of the parties;
- 13.8.2** additional cost elements may be introduced where justified by service characteristics; and
- 13.8.3** commercial flexibility shall be preserved, subject to compliance with these Guidelines.

## **14. CONTRACTUAL ARRANGEMENTS AND SERVICE LEVEL AGREEMENTS**

### **14.1 Requirement for Written Agreements**

All arrangements relating to the provision of Value Added Services between Telecommunications Network Providers, Value Added Service Providers, aggregators, developers, content owners, and any other relevant parties shall be governed by **written contractual agreements**.

Such agreements shall clearly define the rights, responsibilities, and obligations of the parties and shall be consistent with Act 775, LI 1991, and these Guidelines.

## 14.2 Service Level Agreements (SLAs)

A Telecommunications Network Provider and a Value Added Service Provider shall enter into a **Service Level Agreement (SLA)** governing the provisioning, operation, and maintenance of Value Added Services on the network.

The SLA shall be binding on the parties and may be relied upon by the Authority in the resolution of disputes arising from the provision of Value Added Services.

## 14.3 Minimum Content of Service Level Agreements

A Service Level Agreement shall, at a minimum, specify:

**14.3.1** a description of the Value Added Service(s) covered by the agreement;

**14.3.2** service provisioning and activation timelines;

**14.3.3** applicable service availability and performance commitments, where relevant;

**14.3.4** pricing, billing, and payment terms;

**14.3.5** roles, responsibilities, and obligations of each party;

**14.3.6** fault management, maintenance, and service restoration procedures;

**14.3.7** complaint handling and dispute resolution mechanisms and timelines;

**14.3.8** confidentiality and data protection provisions; and

**14.3.9** procedures for suspension, termination, or modification of services.

## 14.4 Confidentiality and Non-Disclosure Agreements

Parties to a contractual arrangement for the provision of Value Added Services shall enter into appropriate **confidentiality and non-disclosure agreements** to protect commercially sensitive information, intellectual property, and personal data.

Confidentiality obligations shall survive the termination or expiry of the underlying agreement.

## 14.5 Notification of Maintenance, Upgrades, and Service Changes

Contractual agreements shall include provisions governing notification to affected parties of:

**14.5.1** planned maintenance, system upgrades, or service changes;

**14.5.2** expected service disruptions or downtime; and

**14.5.3** service termination or migration.

Planned maintenance shall, where practicable, be communicated to affected parties at least **fourteen (14) days** in advance.

In the case of emergency maintenance or upgrades, notice shall be provided as soon as practicable and, where possible, not less than **twenty-four (24) hours** prior to the activity.

#### **14.6 Assessment of Impact and Coordination**

Prior to scheduling planned maintenance or significant service changes, the parties shall assess the potential impact on Value Added Services and subscribers and shall coordinate to minimise service disruption.

#### **14.7 Termination or Suspension of Services**

A Telecommunications Network Provider shall not unilaterally suspend or terminate a Value Added Service except:

- 14.7.1** in accordance with the terms of the applicable SLA;
- 14.7.2** pursuant to a lawful order or directive of the Authority; or
- 14.7.3** in compliance with a court order or other legally binding decision.

Where suspension or termination is contemplated due to complaints or alleged breaches, the affected Value Added Service Provider shall be afforded an opportunity to be heard, and the Authority shall be notified.

### **15. CONSUMER PROTECTION AND CUSTOMER RIGHTS**

#### **15.1 General Principles**

Value Added Service Providers and Telecommunications Network Providers shall ensure that the provision of Value Added Services is conducted in a manner that is transparent, fair, non-misleading, and respectful of consumer choice and privacy. Consumer protection obligations under this Section apply in addition to any obligations imposed under other applicable laws, regulations, or consumer codes.

#### **15.2 Transparency of Service Information**

Prior to activation or subscription, consumers shall be provided with clear and accurate information regarding:

- 15.2.1** the nature and functionality of the Value Added Service;
- 15.2.2** applicable prices, charges, and billing frequency;
- 15.2.3** service validity periods and renewal conditions; and
- 15.2.4** procedures for activation, de-activation, and cancellation.

Such information shall be made available through appropriate channels, including service messages, websites, applications, advertisements, or other consumer-facing interfaces.

#### **15.3 Consent, Activation, and Double Confirmation**

A Value Added Service shall not be activated without the **express consent** of the consumer.

Where activation is initiated through any channel, including outbound dialing, interactive voice response systems, wireless application protocols, mobile internet, USSD, SMS, telecalling, or similar mechanisms, the provider shall implement a **two-step confirmation process** to obtain a second and explicit confirmation from the consumer before activation.

In the absence of the required confirmation, the service shall not be activated.

#### **15.4 Activation and Response Timelines**

For activation requests:

**15.4.1** USSD-based activations shall be processed within **ten (10) seconds**;

**15.4.2** SMS-based activations shall be confirmed within **sixty (60) minutes**.

Where no confirmation is received within the applicable timeframe, the request shall be treated as **not activated**, and no charges shall apply.

#### **15.5 De-Activation and Unsubscription Rights**

Consumers shall have the right to de-activate or unsubscribe from a Value Added Service at any time, without undue delay or cost.

Accordingly:

**15.5.1** non-transactional and promotional services shall support standard **“START”** and **“STOP”** commands for activation and de-activation;

**15.5.2** unsubscription requests shall be sent to the same short code or channel from which the service was delivered; and

**15.5.3** a toll-free de-activation mechanism issued or approved by the Authority shall be provided, and de-activation requests shall be executed within **four (4) hours** of receipt.

#### **15.6 Renewal and Refunds**

Automatic renewal of a Value Added Service shall not be implemented without prior notification to the consumer.

Consumers shall be informed of impending renewal through SMS or outbound dialing at least **twenty-four (24) hours** before renewal.

Where airtime or charges are deducted without valid consent, the amount involved shall be refunded to the consumer within **twenty-four (24) hours** of the consumer's request.

## **15.7 Notification of Subscription Status**

A Value Added Service Provider shall notify consumers of:

- 15.7.1** successful subscription or activation;
- 15.7.2** successful unsubscription or de-activation; and
- 15.7.3** any material change to the service affecting pricing, functionality, or terms.

Notifications shall be timely and clear.

## **15.8 Freedom of Choice and Competition**

Consumers shall be free to subscribe to, unsubscribe from, or switch between competing Value Added Services without unreasonable barriers or penalties.

## **15.9 Protection Against Unsolicited Electronic Communications**

Value Added Service Providers and Telecommunications Network Providers shall implement measures to prevent unsolicited electronic communications, including spam and unwanted promotional messages.

Providers shall comply with any “Do Not Disturb,” “Text Me Not,” or similar mechanisms established or recognised by the Authority.

## **15.10 Consumer Complaints Handling**

A Value Added Service Provider shall establish and maintain a **dedicated toll-free line** or equivalent mechanism for consumer enquiries and complaints.

Each provider shall develop, publish, and implement a **Consumer Complaint Code**, which shall include:

- 15.10.1** procedures for lodging complaints;
- 15.10.2** steps for investigation and resolution;
- 15.10.3** timelines for resolving complaints; and
- 15.10.4** contact details for complaint handling.

The Consumer Complaint Code shall be made available to consumers at the time of contracting or subscription.

## **15.11 Complaint Resolution and Reporting**

Consumers shall first lodge complaints relating to wrongful subscriptions or service issues with the Telecommunications Network Provider, where applicable.

Complaints shall be resolved within the timeframe specified in the Consumer Complaint Code.

Telecommunications Network Providers shall record and categorise complaints relating to Value Added Services and shall submit aggregated complaint data to the Authority on a **monthly basis**, not later than the fifteenth day of each month.

#### **15.12 Authority-Facilitated Consumer Protection Measures**

The Authority may establish or facilitate systems, including a national “Do Not Disturb” mechanism, to enhance consumer protection and to curb unsolicited electronic communications.

Value Added Service Providers and Telecommunications Network Providers shall cooperate fully with such measures.

You are correct — the two sections are **substantively identical** and should be **collapsed into a single section** to avoid internal inconsistency and drafting weakness.

### **16. MONITORING, COMPLIANCE, AND REGULATORY OVERSIGHT**

#### **16.1 Purpose and Scope**

This Section establishes the framework for the monitoring, supervision, and compliance oversight of Value Added Services and Value Added Service Providers in accordance with the Electronic Communications Act, 2008 (Act 775), the Electronic Communications Regulations, 2011 (LI 1991), and these Guidelines.

The objective of this Section is to ensure continuous compliance with applicable legal and regulatory requirements, protect consumers, safeguard fair competition, and enable timely and proportionate regulatory intervention where risks or non-compliance are identified.

#### **16.2 Regulatory Monitoring Framework**

The Authority shall monitor the provision of Value Added Services on a continuous basis to ensure compliance with these Guidelines and applicable laws.

Monitoring activities may include, but are not limited to:

- 16.2.1** review of registration details and service information submitted by Value Added Service Providers;
- 16.2.2** analysis of service usage, traffic patterns, and consumer complaints;
- 16.2.3** review of commercial arrangements and revenue-sharing agreements submitted under Section 13;

- 16.2.4** compliance checks relating to numbering resources and other regulatory requirements; and
- 16.2.5** coordination with Telecommunications Network Providers and other competent government authorities.

### **16.3 Reporting and Information Requirements**

For the purposes of regulatory monitoring, the Authority may require a Value Added Service Provider or a Telecommunications Network Provider to submit periodic or ad-hoc reports, including information relating to:

- 16.3.1** services provided and service performance;
- 16.3.2** subscriber numbers and usage trends;
- 16.3.3** consumer complaints and complaint resolution outcomes;
- 16.3.4** revenues, billing practices, and settlement arrangements;
- 16.3.5** compliance with inter-regulatory authorisations and certifications; and
- 16.3.6** any other information reasonably required for the discharge of the Authority's statutory functions.

All information submitted shall be accurate, complete, and provided within the timelines specified by the Authority.

### **16.4 Inspections, Audits, and Investigations**

The Authority may, in accordance with Act 775, conduct inspections, audits, or investigations of the facilities, systems, records, and operations of Value Added Service Providers and Telecommunications Network Providers.

Such inspections or audits may be conducted:

- 16.4.1** routinely as part of regulatory oversight;
- 16.4.2** in response to complaints or suspected non-compliance; or
- 16.4.3** where required to assess risks to consumers, competition, national security, or the public interest.

Entities subject to inspection shall cooperate fully with authorised officers of the Authority.

### **16.5 Risk-Based and Proportionate Regulation**

In exercising its monitoring and oversight functions, the Authority shall adopt a risk-based and proportionate regulatory approach, taking into account:

- 16.5.1** the nature, scale, and complexity of the Value Added Service;
- 16.5.2** the service's impact on consumers and the market;
- 16.5.3** systemic importance, including financial, data-protection, or security

sensitivity; and

**16.5.3** the compliance history of the service provider.

## **16.6 Inter-Regulatory Monitoring and Coordination**

Where a Value Added Service falls within an inter-regulatory domain, the Authority may coordinate monitoring activities with relevant competent government authorities through information-sharing, joint reviews, or aligned compliance actions.

Such coordination shall respect the statutory mandates of the respective authorities and avoid unnecessary duplication of regulatory requirements.

## **16.7 Compliance Directives and Corrective Measures**

Where monitoring activities identify non-compliance or emerging regulatory risks, the Authority may issue directives requiring corrective action within a specified timeframe.

Corrective measures may include, but are not limited to:

**16.7.1** modification, suspension, or restriction of specific service components;

**16.7.2** enhanced reporting, audit, or disclosure requirements;

**16.7.3** consumer remediation measures; or

**16.7.4** escalation of regulatory status in accordance with Section 5 of these Guidelines.

## **16.8 Linkage to Enforcement Actions**

Failure to comply with monitoring requirements, reporting obligations, inspections, audits, or corrective directives issued under this Section shall constitute grounds for enforcement action in accordance with **Section 17 (Sanctions and Administrative Penalties)** and other applicable provisions of these Guidelines.

# **17. COMPLAINTS, DISPUTE RESOLUTION, AND ENFORCEMENT**

## **17.1 Purpose and Scope**

This Section establishes procedures for the handling of complaints, the resolution of disputes among stakeholders, and the enforcement of these Guidelines. It applies to Value Added Service Providers (VASPs), Telecommunications Network Providers (TNPs), aggregators, and any other entities involved in the provision of Value Added Services.

## **17.2 Complaints Escalation Framework**

### **17.2.1 Consumer Complaints**



Consumers shall initially lodge complaints relating to Value Added Services through the complaint-handling mechanisms of the relevant Telecommunications Network Provider or Value Added Service Provider, as applicable.

Where a complaint is not resolved within the timeframe specified in the applicable Consumer Complaint Code, the consumer may escalate the complaint to the Authority.

### **17.2.2 Provider-to-Provider Complaints**

Disputes arising between VASPs, TNPs, aggregators, or other service partners shall first be addressed through the dispute resolution mechanisms provided in the applicable Service Level Agreement or contractual arrangement.

Where such mechanisms fail to resolve the dispute, either party may refer the matter to the Authority for intervention.

## **17.3 Authority's Dispute Resolution Role**

The Authority may, upon receipt of a complaint or dispute:

- 17.3.1** require the submission of information, documents, or records relevant to the matter;
- 17.3.2** convene meetings or hearings with the parties;
- 17.3.3** facilitate mediation or issue non-binding guidance; or
- 17.3.4** make binding determinations where empowered to do so under applicable law.

The Authority shall seek to resolve disputes in a fair, timely, and proportionate manner.

## **17.4 Grounds for Enforcement Action**

Without prejudice to any other remedies available under law, the Authority may take enforcement action where it determines that a Value Added Service Provider or any other regulated entity has:

- 17.4.1** furnished[sic] furnished false, misleading, or incomplete information in an application or submission to the Authority;
- 17.4.2** obtained registration through misrepresentation or suppression of material facts;
- 17.4.3** violated any provision of these Guidelines or conditions of registration or authorisation;
- 17.4.4** transferred shares, ownership, or control without the prior written approval of the Authority where such approval is required;

- 17.4.5** engaged in unlawful, fraudulent, or anti-competitive conduct;
- 17.4.6** disclosed or participated in the unauthorised disclosure of information that threatens national security, public order, or the integrity of Ghana;
- 17.4.7** failed to commence operations within the prescribed period;
- 17.4.8** ceased operations without notification to the Authority; or
- 17.4.9** failed to comply with lawful directives of the Authority.

### **17.5 Enforcement Measures**

Where the Authority establishes non-compliance, it may impose one or more of the following measures, in accordance with applicable law:

- 17.5.1** issuance of warnings or directives to remedy the breach;
- 17.5.2** imposition of administrative sanctions or fines;
- 17.5.3** suspension of registration or authorisation;
- 17.5.4** cancellation or revocation of registration or authorisation;
- 17.5.5** escalation of regulatory status, including a requirement to operate under a Class Licence; or
- 17.5.6** referral of the matter to another competent government authority or law enforcement agency.

### **17.6 Suspension or Cancellation of Registration**

The Authority may suspend or cancel the registration of a Value Added Service Provider where:

- 17.6.1** the provider is liquidated, declared bankrupt, or insolvent;
- 17.6.2** the provider ceases to carry on business for a continuous period of two (2) years following the issuance of a Certificate of Registration;
- 17.6.3** the provider hides, withholds, or falsifies tariff, revenue, or operational information; or
- 17.6.4** continued operation poses a risk to consumers, competition, national security, or the public interest.

### **17.7 Due Process and Right to be Heard**

Before imposing suspension, cancellation, or other significant enforcement measures, the Authority shall provide the affected party with notice of the alleged breach and an opportunity to be heard, except where immediate action is required in the public interest.

Notices issued under this Section may take immediate effect or such later date as may be specified.

### **17.8 Publication and Effect of Enforcement Decisions**

The Authority may publish enforcement decisions, notices of suspension or cancellation, or general directives on its website or in national media, where such publication is necessary for transparency, consumer awareness, or regulatory effectiveness.

### **17.9 Return of Certificate of Registration**

Where a Certificate of Registration expires, is suspended, or is cancelled, the Value Added Service Provider shall return the Certificate to the Authority within the period specified by the Authority.

### **17.10 Preservation of Other Legal Remedies**

Nothing in this Section shall preclude any party from pursuing other remedies available under applicable laws or from seeking relief before a court or other competent adjudicating authority.

## **18. SANCTIONS AND ADMINISTRATIVE PENALTIES**

### **18.1 Purpose and Legal Basis**

This Section sets out the sanctions and administrative penalties applicable to breaches of these Guidelines, pursuant to the Electronic Communications Act, 2008 (Act 775), the Electronic Communications Regulations, 2011 (LI 1991), and any other applicable laws.

Sanctions imposed under this Section shall be proportionate, transparent, and consistent with due process, and shall be without prejudice to any civil, criminal, or regulatory proceedings that may be instituted under other enactments.

### **18.2 Grounds for the Imposition of Sanctions**

The Authority may impose sanctions or administrative penalties where a Value Added Service Provider, Telecommunications Network Provider, or any other regulated entity:

- 18.2.1** fails to comply with any provision of these Guidelines or any condition of registration, authorisation, or licence;
- 18.2.2** provides or facilitates the provision of unregistered or unauthorised Value Added Services;
- 18.2.3** fails to comply with monitoring, reporting, inspection, audit, or **information-request requirements issued by the Authority;**
- 18.2.4** violates consumer protection, consent, data protection, or unsolicited communications obligations;

- 18.2.5** furnishes false, misleading, or incomplete information to the Authority;
- 18.2.5** fails to comply with lawful directives, corrective measures, or decisions of the Authority;
- 18.2.5** engages in anti-competitive, fraudulent, or deceptive conduct; or
- 18.2.6** engages in conduct that threatens national security, public safety, public order, or the integrity of Ghana's electronic communications ecosystem.

### **18.3 Types of Sanctions and Administrative Penalties**

Depending on the nature, gravity, and recurrence of the breach, the Authority may impose one or more of the following measures:

- 18.3.1** written warnings or compliance notices;
- 18.3.2** directives requiring corrective action within a specified timeframe;
- 18.3.3** administrative fines or penalties as provided under Act 775 or regulations made thereunder;
- 18.3.4** suspension of registration, authorisation, or access to numbering or other regulatory resources;
- 18.3.5** cancellation or revocation of registration or authorisation;
- 18.3.6** escalation of regulatory status, including a requirement to operate under a Class Licence pursuant to section 7 of Act 775; or
- 18.3.7** referral of the matter to another competent government authority or law-enforcement agency.

### **18.4 Determination of Administrative Penalties**

In determining the appropriate sanction or administrative penalty, the Authority shall take into account:

- 18.4.1** the nature and seriousness of the breach;
- 18.4.2** the duration and frequency of the non-compliance;
- 18.4.3** the actual or potential harm caused to consumers, competition, or the public interest;
- 18.4.4** whether the breach was intentional, negligent, or inadvertent;
- 18.4.5** any remedial actions voluntarily taken by the regulated entity; and
- 18.4.6** the compliance history of the regulated entity.

### **18.5 Due Process and Right to be Heard**

Before imposing any sanction or administrative penalty, the Authority shall notify the affected entity of the alleged breach and afford it a reasonable opportunity to respond, except where immediate action is required in the public interest.

Where interim measures are imposed to prevent ongoing or imminent harm, such measures shall be subject to subsequent review.

## **18.6 Publication of Sanctions**

The Authority may publish information relating to sanctions, enforcement actions, or compliance directives on its official website or through other appropriate means where such publication is necessary for transparency, deterrence, or consumer protection.

## **18.7 Effect of Sanctions**

The imposition of a sanction under this Section shall not relieve a regulated entity of its obligation to comply with these Guidelines, any applicable law, or any contractual obligations, nor shall it preclude the Authority from taking further action where warranted.

# **19. TRANSITIONAL ARRANGEMENTS AND EFFECTIVE DATE**

## **19.1 Transitional Arrangements for Existing Service Providers**

Value Added Service Providers and Telecommunications Network Providers that are lawfully providing services prior to the coming into force of these Guidelines shall take all necessary steps to comply with these Guidelines within the transitional period specified by the Authority.

Unless otherwise directed by the Authority, the transitional period shall not exceed **six (6) months** from the effective date of these Guidelines.

## **19.2 Transitional Compliance Measures**

During the transitional period, affected service providers shall, as applicable:

- 19.2.1 regularise the registration, authorisation, or classification of their services in accordance with these Guidelines;
- 19.2.2 align consumer protection, consent, complaints handling, and “Do Not Disturb” mechanisms with the requirements of these Guidelines;
- 19.2.3 review and update contractual arrangements and service level agreements to ensure consistency with these Guidelines; and
- 19.2.4 submit any outstanding information, documentation, or certifications required by the Authority.

The Authority may issue transitional directives or guidance to facilitate orderly compliance.

### **19.3 Ongoing Applications, Complaints, and Disputes**

Applications, complaints, investigations, or disputes pending before the Authority at the time these Guidelines come into force shall be dealt with in accordance with these Guidelines, unless the Authority determines that the application of the previous framework is necessary in the interest of fairness or legal certainty.

### **19.4 Savings and Continuity**

Nothing in these Guidelines shall invalidate any lawful registration, authorisation, approval, agreement, or enforcement action undertaken prior to the effective date, provided such action was consistent with the law in force at the time it was taken.

### **19.5 Effective Date**

These Guidelines shall come into force on such date as may be determined and published by the Authority.