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S T A T U T O R Y I N S T R U M E N T S

2019 No. 88

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2019 No. 88

**The Uganda Communications (Interconnection and Access)
Regulations, 2019**

*(Under sections 58 and 93 of the Uganda Communications Act,
2013, Act 1 of 2013)*

IN EXERCISE of the powers conferred upon the Minister by section 93 of the Uganda Communications Act, 2013 and in consultation with the Uganda Communications Commission these Regulations are made this 5th day of July, 2019.

PART I - PRELIMINARY

1. Title

These Regulations may be cited as the Uganda Communications (Interconnection and Access) Regulations, 2019.

2. Application.

These regulations apply to—

- (a) interconnection between telecommunication operators under section 58 of the Act;
- (b) access to communications infrastructure and services by operators, access seekers and customers; and
- (c) pricing and tariffs for interconnection and access charges.

3. Objectives of Regulations.

The objective of these Regulations is to establish an effective and competitive framework for regulating interconnection and access, and providing mechanisms for the interoperability of communications networks, systems, and facilities through measures aimed at—

- (a) ensuring equality of access and universality; guaranteeing competitive interconnection of network facilities to enable the delivery and mutual exchange of communications services;
- (b) ensuring cost-oriented commercial leasing arrangements for network infrastructure, facilities, systems, components or elements;
- (c) ensuring adequate consumer protection, data privacy and maximising consumer welfare;
- (d) preventing operators and service providers with significant market power in interconnect and access markets from abusing their positions;
- (e) regulating the conduct of operators and providers in a manner proportionate to the market power or relative position in each separate market;
- (f) protecting access seekers and other third parties from artificial barriers erected by operators to protect their market share and products' offering from competition;
- (g) promoting fair competition, transparency of interconnection and access agreements, and compliance with technical standards by setting out rights and obligations of operators, third parties and service providers in infrastructure and services markets in regard to interconnection and access requests;
- (h) establishing a dispute resolution mechanism in respect of matters relating to access, equality of treatment and interconnection;
- (i) ensuring equality of treatment in tariffs, access and interconnect for infrastructure, connectivity and any other forms of access;
- (j) promoting efficient nationwide infrastructure roll out and deployment; and
- (k) promoting overall reduction of operator network costs by providing for infrastructure sharing frameworks to limit duplication of infrastructure in the delivery of communications services.

4. Interpretation

In these Regulations, unless the context otherwise requires—
“access” means—

- (a) the provision by an operator of any services, facilities or arrangements on a non-exclusive basis, through which another operator or authorised service provider is able to directly or indirectly make use of-
 - (i) any network, network element or service provided by the operator;
 - (ii) any facilities comprised in such a network or used for the purposes of the network or service; and references to providing network access include references to providing any such services, making available any such facilities or entering into any such arrangements;

“access seekers” means a person or entity who requests access services from an access provider;

“act” means the Uganda Communications Act, 2013;

“call” means voice or SMS traffic which originates from or terminates with a user in Uganda, regardless of routing;

“collocation” means physical collocation where an interconnect seeker rents space within an interconnect provider’s building or premises, by bringing its cables into the rented space and installing its own transmission equipment and frames there, and where the rented space is often delineated by a secure cage to which only the new entrant has access and the transmission equipment is connected to the interconnect provider’s equipment by short leads;

“commission” means the Uganda Communications Commission;

“communications” means telecommunications, data communications, radio communications, and postal communications; and includes broadcasting;

- “communications services” means services consisting of the dissemination or interchange of audio, visual or data content using postal, radio, or telecommunications media, data communication; and includes broadcasting;
- “determination” means a decision or order made and issued by the Commission under the Act;
- “facility” means any facility or equipment used or intended to be used in connection with the transmission of communications by means of electricity from one place to another place, either along a wire joining those two places or partly by wire from each of those two places and partly by radio communication;
- “infrastructure” means the underlying physical components associated with the provision of communications, including towers, masts, poles, antennae mounting, ducts, duct chambers or any other similar civil engineering works structure, which carry or route any telecommunication including softwares other than switching equipment associated with the provision of switched communications services;
- “interconnect provider” means an operator who is under a duty and who is obliged to interconnect its network and infrastructure to an interconnect seeker;
- “interconnect seeker” means an operator who requests interconnection or who is interconnected on the network or infrastructure of an interconnect provider;
- “interconnection” means the linking; whether directly or indirectly, by physical and logical means or by a combination of both, of communications networks, used by the same or a different operator, in order to allow the users of one operator to communicate with users of the same operator or to access services provided by another operator;
- “interconnection agreement” means an agreement of interconnection between an interconnect provider and an interconnect seeker;
- “interconnection charges” means charges made by an owner or an

operator of a communications network or service to an operator or service provider interconnecting with the operator, for access and use, including the conveyance of traffic;

“interoperability” means the ability of two or more facilities or networks to be connected to exchange information, and to use the information that has been exchanged;

“IP traffic” means conveyed traffic according to the internet protocol providing for transmission of packets of data, including voice from sources to destinations in accordance with applicable standards published from time to time by accepted international standards bodies;

“leased line” means a dedicated, always-on end-to-end communications link for the exclusive use by the acquirer for voice and data traffic;

“licence” means a licence issued under the Act;

“licensee” means an operator licensed under the Act to own or operate a public communications network;

“network” means a transmission, switching or routing system consisting of infrastructure and facilities for the conveyance of communications services;

“network element” means a facility or equipment used in the provision of a communications service and includes features, functions, and capabilities that are provided by means of the facility or equipment, including subscriber numbers, databases, signaling systems, and information sufficient for billing and collection or used in the transmission, routing, or other provision of communications service;

“operator” means any licensee providing communications services over a public communications network and includes a broadcaster operating a communications network;

“point of interconnection” means a physical point where the system of one operator is connected to the system of another operator for calls, signaling messages and other traffic to be handed over from one system to the other;

- “public communications network” means a communications network used, in whole or in part, for the provision of publicly available communications services;
- “RIO” means a reference interconnection offer which is required to be provided by any operator by these Regulations or by the Commission;
- “service provider” means a licensee that offers communications services to users, either by using the basic service and infrastructure provided by network operators on a re-sale basis, or by providing services through the service provider’s own infrastructure where it forms part of a network;
- “significant market power” or “SMP” has the meaning given to it in the Uganda Communications (Competition) Regulations, 2019;
- SMS” means short message service for transmitting text messages between mobile devices or via wireless networks;
- “termination” means the switching or routing of traffic at a terminating operator’s end office switch or equivalent facility, and delivery of the traffic to a called party’s premises;
- “traffic” means the total volume of calls or data signals being carried over one or more networks or between networks at any given point in time;
- “transit” means the conveyance of traffic between two networks through a third network to which each of those two networks are connected;
- “user” means a consumer or operator using or requesting publicly available communications services;
- “virtual point of interconnection” means a point at which connection can be made to the facilities of the interconnect provider and from which the interconnect provider extends connection using transmission facilities to a remote point of interconnection, with all charges applicable being as if the actual point of interconnection were at that virtual point of interconnection;
- “zonal access cities” means those cities and towns specified in

Schedule 1 to these regulations, where operators may be obliged to provide interconnection in accordance with regulation 5(4) (d).

PART II — OBLIGATION OF TELECOMMUNICATIONS OPERATORS TO INTERCONNECT

5. Obligation of telecommunications operators to interconnect.

(1) A telecommunications operator shall make available its infrastructure and facilities for interconnection with other operators.

(2) A telecommunications operator shall provide interconnection to other operators on an unbundled basis, as may be identified and determined by the Commission in accordance with regulation 10.

(3) All telecommunications operators designated by the Commission as having significant market power in a relevant market may be subject to additional obligations in respect of interconnection prescribed under these Regulations, or in their licences, or as determined by the Commission from time to time.

(4) An interconnect provider shall provide interconnection with the interconnect provider's infrastructure and facilities—

- (a) for the transmission and routing of communications services through origination, termination or exchange of traffic, including the obligation to terminate traffic and provide transit for traffic, which is generated directly by an interconnect seeker or indirectly by a third party and delivered by a transit provider and, where the operators agree, with a symmetric configuration;
- (b) subject to regulation 11(4), by connecting and keeping connected an interconnect provider's facilities and by establishing and maintaining one or more points of interconnection as may be reasonably required, and of sufficient capacity and in sufficient number, to enable traffic

- conveyed or to be conveyed by means of any of the facilities in a manner that meets all reasonable demands for the conveyance of traffic between an interconnect provider's facilities and an interconnect seeker's facilities;
- (c) to provide to the Commission every six months and on request, to interconnect seekers; under suitable non-disclosure conditions, details of capacity currently available by location, updated on a reasonably frequent basis, including planned growth, actual spare capacity and new spare capacity coming on-stream, available power and cooling capacity and other relevant data;
 - (d) establishing and maintaining a physical or virtual point of interconnection in all zonal access cities specified in Schedule 1 to these Regulations where it has facilities with a transmission capacity of at least 140 Mega Bits per second;
 - (e) at a level of quality that complies with standards set by the Commission and which is equal to that which an interconnect provider provides to itself or to a subsidiary, an affiliate, or any other party, and shall, to that extent, design interconnection facilities to meet the same technical criteria and service standards that are used within its own network; and
 - (f) on terms and conditions that are just, reasonable, and non-discriminatory in accordance with the terms and conditions of any agreement or licence, the requirements of the Act and any regulations made under the Act, including offering terms and conditions that are not less favourable than the terms and conditions upon which an interconnect provider provides interconnection to itself, including but not limited to the time within which the interconnect provider provides the interconnection.

(5) The Commission shall ensure that interconnect providers comply with subregulation (4) (e).

(6) A licensee who has ownership or control of infrastructure or facilities shall share the infrastructure and facilities with other operators providing public communications networks or services on the same basis as specified in subregulation (4) and generally under these Regulations.

(7) The facilities subject to the obligation in subregulation (6) include—

- (a) ducts and trenches for lines;
- (b) poles and masts for line and radio communication;
- (c) international facilities such as submarine cable and gateways; and
- (d) physical collocation at premises for interconnection and local loop access.

(8) The Commission shall, from time to time, issue interoperability standards and guidelines for broadcast services, terminals or equipment including common interface obligations.

6. Technically feasible interconnection.

(1) Where an interconnect provider denies a request for interconnection at a particular point in a network on the grounds that it is not technically feasible, the interconnect provider must provide the interconnect seeker with proof and justification in writing, stating why it is not technically feasible, within fifteen working days of submission of the interconnection request.

(2) An interconnect seeker denied a request under subregulation (1) may refer the matter to the Commission with supporting evidence and the Commission shall adjudicate as to whether the denial is reasonable or not, and shall issue a written decision copied to both parties within fifteen working days after the referral.

(3) Where the Commission finds that the denial of request by an interconnect provider is unreasonable, the Commission shall direct that interconnect provider to allow the interconnection request immediately on such terms as the Commission may deem fit.

(4) In considering the denial of interconnection on the grounds that it is not technically feasible; the Commission shall physically verify the operator's claim and apply internationally accepted interface or protocol standards and any other technical or other conditions approved by the Commission.

(5) A previously successful collocation interconnection at a particular point in a network constitutes substantial evidence that interconnection is technically feasible at that point, or at a substantially similar point in networks employing substantial facilities and adherence to the same interface or protocol standards.

7. Traffic identification obligation.

(1) All interconnect parties shall provide to the interconnect partners, full Calling Line Identity (CLI) and Calling Party Number Delivery (CPND).

(2) An operator, authorised service provider or third party service provider, sending or receiving electronic communications shall not change the contents of the Operation Interface (OI) or CLI or CPND without authorisation by the Commission.

8. Interconnection through physical collocation.

(1) Where interconnection is through physical collocation, virtual collocation or both, an interconnect provider shall—

- (a) provide an interconnection point which is physically accessible by both interconnecting parties; and at which the wires or radio frequency carrying an interconnect seeker's circuits may be connected; or enter into the interconnect provider's premises, provided that the interconnect provider shall designate interconnection points as close as reasonably possible to its premises;
- (b) provide at least two interconnection points at each interconnect provider's premises at which there are at least two entry points for the interconnect provider's cable facilities, and at which space is available for new facilities in at least two of those entry points;

- (c) where technically feasible, permit interconnection of approved cables;
- (d) permit physical collocation of transmission facilities;
- (e) install and maintain collocated equipment within the same time periods and with failure rates that are no greater than those applicable to the performance of similar functions for comparable equipment of the interconnect provider itself;
- (f) allocate space for the collocation of equipment in accordance with the following requirements—
 - (i) an interconnect provider shall make available, space within or on its premises to interconnect seekers on a first-come, first-serve basis, but shall not be required to lease or construct additional space to provide for physical collocation when existing space is exhausted;
 - (ii) to the extent possible, an interconnect provider shall make contiguous space available to interconnect seekers that seek to expand their existing collocation space;
 - (iii) when planning renovations of existing facilities or constructing or leasing new facilities; an interconnect provider shall take into account projected demand for collocation of equipment;
 - (iv) an interconnect provider may retain a limited amount of floor space for its own specific future uses, on the same terms applicable to other communications carriers seeking to reserve collocation space for their own future use;
 - (v) an interconnect provider shall relinquish any space held for future use before denying a request for collocation on the grounds of space limitations, unless the interconnect provider proves that collocation at that point is not technically feasible; and
 - (vi) an interconnect provider may impose reasonable restrictions on the warehousing of unused space by interconnect seekers but shall not set maximum space limitations applicable to such carriers unless the

- interconnect provider proves that space constraints make such restrictions necessary;
- (g) permit interconnect seekers to collocate equipment and connect the equipment to unbundled network transmission elements obtained from the interconnect provider, and shall not require the interconnect seekers to bring their own transmission facilities to the interconnect provider's premises in which they seek to collocate equipment;
 - (h) permit an interconnect seeker to interconnect its network with that of another interconnect seeker at the interconnect provider's premises and to connect its collocated equipment to the collocated equipment of another interconnect seeker within the same premises, provided the collocated equipment is also used for interconnection with the interconnect provider or for access to the interconnect provider's unbundled network elements;
 - (i) provide the connection between the equipment in the collocated spaces of two or more interconnect seekers, unless the interconnect provider permits one or more of the collocating parties to provide the connection for themselves;
 - (j) require reasonable security arrangements to separate the interconnect seeker's space from the interconnect provider's facilities; and
 - (k) permit the interconnect seeker to subcontract the construction of physical collocation arrangements with contractors approved by the interconnect provider, and shall not unreasonably withhold approval of contractors.

(2) The total cost of physical interconnection shall be shared equally between the parties.

9. Interconnect of Mobile Virtual Network Operations.

(1) Every operator shall offer interconnection for mobile virtual network operators (MVNO) through the MVNO's host network.

(2) The Mobile Virtual Network Operations traffic shall be terminated at the same terms and rates as the host network's traffic.

(3) The Mobile Virtual Network Operator's host network shall bear full responsibility, including commercial, technical and quality of service for the Mobile Virtual Network Operators interconnection.

(4) The Commission shall maintain regulatory oversight of Host Mobile Virtual Network Operators commercial agreements.

(5) The Mobile Virtual Network Operators' commercial agreements referred to under subregulation (4) shall be negotiated in good faith.

(6) In this regulation "Mobile Virtual Network Operator" (MVNO) means a licensee that buys or receives mobile network capacity and who uses that this capacity to offer its own mobile subscriptions and services and are not agents for Mobile Virtual Network Operations from whom they buy capacity.

10. Interconnection of unbundled network elements.

(1) An interconnect provider, shall offer to an interconnect seeker other than in call termination markets —

(a) interconnection of network elements identified by the Commission and specified in Schedule 2 for that market under subregulation (2), on an unbundled basis with all the unbundled network element features, factors and capabilities, in a manner that allows an interconnect seeker to provide communications services that can be offered by means of that network element; and

(b) interconnection to an interconnect seeker on a technologically neutral basis and ensure network interoperability .

(2) The Commission shall identify and determine for each market, the network elements that shall be made available on an unbundled basis by an operator designated as having SMP in that market.

(3) An operator shall provide to an interconnect seeker, the elements and information about the elements specified in Schedule 2 to these Regulations on such conditions of confidentiality as set out in subregulation 12(4).

(4) Except upon request, an interconnect provider shall not separate requested network elements that an interconnect provider currently combines.

(5) Upon request by an interconnect seeker, an interconnect provider to which this regulation applies, shall perform the functions necessary to combine unbundled network elements that are not ordinarily combined in the interconnect provider's network, where the combination—

- (a) is technically feasible; and
- (b) would not impair the ability of other carriers to obtain access to unbundled network elements or to interconnect with the interconnect provider's network.

11. Reference interconnection offer ("RIO").

(1) An operator allocated numbers under any numbering plan or scheme shall, in accordance with subregulations (5), (6), (7) and (8), prepare a RIO in respect of communications services they offer or provide at any time and shall make that RIO available to any interconnect seeker on request on a non-exclusive basis.

(2) Every operator obliged to prepare a RIO under subregulation (1) shall publish it by placing a copy prominently on its website and in a publicly accessible part of its office or public premises of the operator, in such a manner and in such a place to make it readily available for inspection, free of charge, by members of the public during normal working hours.

(3) An operator designated by the Commission as having significant market power in a relevant market, other than in call termination, shall publish its RIO within ten (10) days of final approval by the Commission in accordance with subregulation (3).

(4) An operator designated by the Commission as having significant market power in a relevant market shall, on the request of the Commission, submit a draft RIO to the Commission for its review and approval within thirty (30) days of receipt of the Commission's request.

(5) The RIO shall reflect no less favourable terms or conditions than those contained in any relevant interconnection agreement in effect to which the operator is party and shall comply with the decisions of the Commission and these Regulations.

(6) The Commission shall decide on the procedures and timetable for review and implementation of the RIO depending on the circumstances, including industry or public consultations in respect of the RIO.

(7) The Commission shall issue a decision to approve, modify or reject the RIO or part of the RIO as soon as reasonably practical but in any event no later than thirty (30) days after the submission of the draft.

(8) The RIO shall not be effective until approved by the Commission and shall comply with any requirements specified by the Commission, including stipulations relating to price, service quality or technical aspects.

(9) A RIO under this regulation shall include at least the information specified in regulation 12 (3) in respect of interconnection agreements and any other material, information or data specified by the Commission at the time of making the request including—

- (a) a list and description of the interconnection services offered;
- (b) information regarding the availability of interconnection services including—
 - (i) the address of each point of interconnection; and
 - (ii) the geographical boundaries of the area served by each point of interconnection;
 - (iii) the procedures that the interconnect provider will use to notify the interconnect seeker in the event that any interconnection service ceases to become available at any location;
- (c) a description of the quality of service that the interconnect provider will provide including—
 - (i) the means by which quality of service will be measured;
 - (ii) the timeframe within which any specific quality of service parameters shall be corrected;
 - (iii) the amount and manner in which the interconnect seeker will be compensated for any failure by the interconnect provider to meet the quality of service standards; and
 - (iv) the quality of service may reference one or more parameters in the schedule to the Uganda Communications (Quality of Service) Regulations, 2019.
- (d) a description of any operational and technical requirements that the interconnect seeker must comply with to avoid harm to the interconnect provider's network;
- (e) a description of any restriction or condition that the interconnect provider intends to impose on the terms of the offer contained in the RIO including—
 - (i) any situations in which capacity, technical or

operational constraints will limit the ability of the interconnect provider to meet requests for interconnection; or

- (ii) and any situation in which an interconnect provider will not offer or will limit or condition an offer of interconnection an applicant for interconnection;
- (f) a description of the means by which an interconnect seeker can order currently available interconnection services including-
- (i) the contact persons, the expected number of days from order to provisioning;
 - (ii) the means by which provisioning will be monitored, including quality of service testing procedures;
 - (iii) the procedures for reporting operational and technical problems;
 - (iv) the procedures and timeframes for correcting any such problems; and
 - (v) the amount and means by which the interconnect provider will compensate the interconnect seeker for any unreasonable provisioning delays;
- (g) a statement of the terms on which the interconnect provider will protect confidential information provided by the interconnect seeker and the terms on which the interconnect provider requires the interconnect seeker to protect its confidential information, in connection with any interconnection agreement and a description of the standards to be used to determine whether information is confidential;
- (h) a provision stating that, where the parties are unable to resolve disputes through negotiation within a reasonable period of time, either party may refer disputes regarding interconnection arising from the implementation of the RIO to the Commission for resolution; and

- (i) a provision stating that the interconnect provider will obtain the Commission's written approval before unilaterally suspending or terminating the interconnection agreement or services.

(10) A RIO shall be sufficiently unbundled, giving a description of the interconnection offerings broken down into components according to market needs and the associated terms and conditions including wholesale interconnect charges.

(11) An interconnect provider shall provide information on the charges and terms and conditions set out in a RIO in accordance with regulation 15, and shall revise a RIO; and any related interconnection agreements in force, in accordance with any determination in relation to interconnection charges issued by the Commission.

12. Negotiations.

(1) Upon receiving a request for interconnection, an interconnect provider shall, in accordance with section 58 of the Act, submit an application to the Commission and shall begin negotiations and subject to regulation 13, enter into a binding agreement with an interconnect seeker within 30 days after the notification.

(2) An interconnect provider and the interconnect seeker shall negotiate, in good faith, and in a timely manner, use all efforts to conclude and reach acceptable terms and conditions of an interconnection agreement in fulfillment of the obligation under the Act and these Regulations to interconnect.

- (3) In accordance with section 58 of the Act, the Commission—
 - (a) shall, within ninety days from the receipt of an application of an operator or within such other reasonable period in the circumstances; or
 - (b) may, on its own motion, impose an interconnection agreement on two operators if a negotiated agreement is

not possible or if the Commission determines that such an agreement does not promote fair competition.

(4) Subject to the execution by both parties of an agreed confidentiality undertaking, an interconnect provider shall provide to an interconnect seeker, and the Commission, technical information about its network facilities sufficient to allow the interconnect seeker to achieve interconnection, consistent with the requirements of this regulation.

(5) Where the parties fail to execute a confidentiality undertaking within ten days of request from the interconnect seeker, either of the parties shall refer the matter to the Commission and the Commission shall provide a standard form confidentiality undertaking which the parties must execute within three days after receipt.

(6) Interconnect providers designated by the Commission as having significant market power shall ensure that all negotiations and terms of interconnection agreements are based on the same charges and associated terms and conditions as set out in the RIO published by the interconnect provider under regulation 11(2).

(7) A party negotiating an interconnection agreement shall not—

- (a) intentionally mislead the other party;
- (b) coerce the other party into making an agreement that it would not otherwise have made; or
- (c) intentionally obstruct negotiations.

(8) The following actions or practices violate and breach the duty to negotiate in good faith—

- (a) failure to provide the other party with all the relevant information in a timely manner;
- (b) demands to sign non-disclosure agreements, which are coercive or unnecessarily broad or restrictive;

- (c) refusal to allow clauses within an agreement, which permit future amendments;
- (d) attempts to tie conditions within the agreement to resolution of other unrelated disputes;
- (e) actions intended to delay negotiations including—
 - (i) consistent refusal to designate a representative with authority to make binding commitments, leading to delay; and
 - (ii) refusal to provide information required to reach agreement;
- (f) requirement for a purchaser of interconnect services to commit to minimum periods of use before establishing a price for the service;
- (g) making it a condition of negotiations on an interconnect seeker's first obtaining clearance from the Commission;
- (h) intentionally misleading or coercing another party into reaching an agreement that it would not have otherwise made;
- (i) intentionally obstructing or delaying negotiations or resolutions of disputes; and
- (j) refusing to provide information necessary to reach agreement, including—
 - (i) refusal by an interconnect provider to furnish information about its network that an interconnect seeker reasonably requires to identify the network elements it needs in order to serve a particular customer; or
 - (ii) refusal by an interconnect provider to furnish cost data that would be relevant to setting rates if the parties were in arbitration.

(9) An operator who contravenes this regulation is considered to have engaged in unfair competition and to have committed an anti-competitive act or a breach of fair competition under the Act.

13. Interconnection agreements.

(1) An interconnection agreement between an interconnect provider and an interconnect seeker shall be entered into as soon as practicable, but in any event, not later than ninety days after an interconnect provider receives a request for interconnection, whether by negotiation or by imposition in accordance with these Regulations.

(2) The Commission may, where one of the parties to an interconnection negotiation is an operator designated as having significant market power by the Commission and which has published a RIO, stipulate a fast-track negotiation process that is shorter than the time prescribed in subregulation (1) and regulation 11(1).

(3) An interconnection agreement shall contain at least the following information and any other provisions required by the Act and these Regulations or by the Commission-

- (a) the type of equipment that will be interconnected, network termination points, and related technical arrangements, including, switches, location, type and function, interconnections circuits, location, number, speed, capacity and type, signalling, routing and synchronization;
- (b) the type of interconnection services and communications services provided via the interconnected networks;
- (c) the capacity required by the interconnect seeker and the commitments of the other party to the interconnection agreement to provide that capacity, including any requirements for providing forecasts of increases in capacity;
- (d) dates, time periods, and deadlines for establishing interconnection;
- (e) testing arrangements and protocols;
- (f) any special provisions required to maintain acceptable signal quality;
- (g) measures for the protection of the network and

- interconnected networks from damage or harm and for ensuring network safety;
- (h) additional cost components of the operator, or of the interconnect seeker, associated with the establishment of the agreed network termination points for interconnection;
 - (i) interconnection prices, other terms and conditions;
 - (j) obligations to disclose in a timely manner, the application of the numbering plan and to implement any proposal to be issued by the interconnect applicant and changes to the active numbering plan from other operators to maintain any to any connectivity;
 - (k) the procedures for network management;
 - (l) the common securing of emergency calls and operator assistance where applicable;
 - (m) the effective period of the interconnection agreement; procedures for amendment, renewal, suspension and termination of the agreement; and
 - (n) in the case of interconnection requested from or provided by an interconnect provider designated as having significant market power or as having market power, any additional relevant information required by regulation 10.

(4) An interconnection agreement shall not contain a termination provision which allows disconnection of networks without the prior written approval of the Commission.

(5) The Commission shall publish a model interconnection offer from time to time which shall serve as an indication of what the Commission regards as acceptable terms for interconnection agreements between operators in Uganda.

14. Termination of interconnection agreement.

(1) Where an interconnect provider proposes to terminate an interconnection agreement and to disconnect the respective networks according to the terms of the agreement, it shall obtain the approval of

the Commission before the disconnection.

(2) The Commission shall, within fifteen calendar days after receipt of the request for approval of disconnection, notify the interconnect provider—

- (a) of the approval of the disconnection; or
- (b) require the interconnect provider to maintain connectivity for a period not longer than sixty days while a solution is sought to the dispute.

(3) An Interconnect provider may terminate an interconnection agreement by providing 60 days notice to the operator or interconnection or access seeker on any of the following grounds—

- (a) fraud including falsification of communications' traffic or communications traffic records;
- (b) a finding by the Commission that the operator has committed serious and repeated breaches of the Act;
- (c) notice of termination of the operator's licence by the Commission;
- (d) insolvency under the Insolvency Act, 2011; and
- (e) failure to pay interconnect fees due under the interconnection agreement.

(2) Subject to provisions of the Act, the parties may refer the termination notice to the Commission for adjudication.

(3) The Commission may by notice in the Gazette provide for interconnection rates and procedures.

(4) The Commission may issue guidelines for termination of interconnection agreements.

15. Imposition and approval of agreements.

(1) A party negotiating an agreement under this regulation may, at any time during the negotiations, request the Commission to mediate any differences arising in the course of the negotiations.

(2) Where the parties to an interconnection negotiation cannot reach agreement within ninety days from the date of receipt of an application, either party to the negotiation may request the Commission to arbitrate in any contentious issue.

(3) A party requesting the Commission to arbitrate shall, at the time of submitting the request, provide the Commission and the other party with copies of all relevant documents relating to the negotiations and in particular—

- (a) the unresolved issues as between the applicant for interconnection and the network operator;
- (b) the position of each party with respect to those issues; and
- (c) any other issue discussed and resolved by the parties.

(4) A party requesting the Commission to arbitrate shall provide a copy of the request letter and any other documentation to the other party, not later than the day on which the Commission receives the request.

(5) The other party to the negotiations may respond to the requesting party's submission and provide any additional information within fifteen calendar days after the Commission receives the request.

(6) The Commission shall limit its consideration of any request to arbitrate and any response to it, to the issues in the request and in the response, if any, filed with the Commission.

(7) The Commission may require the requesting party and the responding party to provide such information as may be necessary for the Commission to reach a decision on the unresolved issues and where any party refuses or fails to respond within the time given, to any reasonable request from the Commission, the Commission may proceed with the arbitration on the basis of the information available

to it.

(8) The Commission shall resolve each issue in a request within sixty days after the date of receipt of the request and may impose, appropriate conditions upon the parties to the agreement.

(9) The refusal by any party to negotiations, to participate further in the negotiations, to cooperate with the Commission in carrying out its function as an arbitrator, or to continue to negotiate in good faith in the presence or with the assistance of the Commission, shall be considered as a failure to negotiate in good faith.

(10) The Commission shall, in resolving by arbitration any issues and imposing conditions, upon the parties to an agreement—

- (a) ensure that the resolution and conditions meet the requirements of the Act and these Regulations;
- (b) establish rates for interconnection services or network elements; and
- (c) provide a schedule for implementation of the terms and conditions by the parties to the agreement.

(11) An interconnection agreement adopted by negotiation between two operators, shall be submitted for approval to the Commission within 7 days of adoption or agreement and the Commission shall approve or reject the agreement, giving reasons in writing.

(12) The Commission may reject an agreement or any portion of it, adopted by negotiation, where it finds that—

- (a) the agreement, or a portion of the agreement, discriminates against an operator who is not a party to the agreement;
- (b) the implementation of the agreement or a portion of it is not consistent with the public interest, convenience, or necessity; or
- (c) the agreement is contrary to the principles of fair competition under the Act, these regulation or the Uganda Communications (Competition) Regulations, 2019.

(13) Any interconnection agreement entered into by an operator, before the coming into force of these Regulations shall, upon the coming into force of these Regulations, be submitted to the Commission for scrutiny and approval.

(14) The Commission may direct operators to make changes to specific clauses in the agreements referred to in subregulation (13) where the agreement inconsistent with the Act and the Uganda Communications (Content) Regulations 2019.

16. Interconnection charges and cost accounting systems.

(1) Subject to subregulations (2) or (3), interconnection shall be provided at charges that are cost oriented, reasonable, transparent and non-discriminatory.

(2) The Commission may prescribe charges for interconnection services for all operators in a relevant market or only for those operators designated as having significant market power in a relevant market.

(3) The charges prescribed under subregulation (2) may include—

- (a) a fixed monetary amount;
- (b) a formula such as retail-minus cost methodology; or
- (c) minimum or maximum charges.

(4) The Commission may, in prescribing charges for interconnection services, conduct an industry-wide consultation exercise and shall set its pricing on any or a combination of the following principles—

- (a) costs, subject to the application of an appropriate cost methodology, such as incremental costs or fully allocated actual costs;
- (b) a fair return on capital; or
- (c) international or regional benchmarks.

(5) Where the Commission prescribes interconnection charges under subregulations (2), (3) and (4), the Commission shall publish

reasons for the interconnection charge.

(6) The Commission may require the operators who are subject to charges prescribed under this regulation to undertake a full analysis of their costs of providing interconnection services.

(7) The Commission shall issue a notice to the operator concerned setting out the requirements and the deadlines by which such analysis and information shall be delivered to the Commission.

(8) An operator issued with a notice under subregulation (7) shall make available to the Commission, upon request, detailed cost based calculation of the interconnection charges for any interconnection services.

(9) Where an interconnect provider has been notified under subregulation (7), the interconnect provider shall ensure that all charges are based on the same costing principles and cost allocation basis so that —

- (a) interconnection charges are kept separate from any universal service obligation contributions or access deficit contributions that may be applicable;
- (b) interconnect seekers pay for only those elements of the network that are necessary for the service agreed upon for them to use and that these are duly taken into account in the charging structure to reflect optimum routing factors;
- (c) charges for interconnection offered by an interconnect provider are sufficiently unbundled so that the interconnect seeker is not required to pay for anything not strictly related to the service requested;
- (d) interconnection pricing shall enable new entrants to plan the location of their points of interconnection in a way that allows them to minimise costs;
- (e) interconnection charging is subject to review on a retroactive basis, to resolve a dispute or reflect contemporaneous

- pricing; and
- (f) where an interconnection provider is required to publish a RIO the interconnection charges are published as part of the RIO and updated as appropriate.

(10) An interconnection provider shall charge individual prices for each network component or facility provided to the interconnect seeker and the pricing structure comprising the interconnection cost based charges may be divided as follows—

- (a) charges to cover initial implementation of the physical interconnection, based on the costs of providing the specific interconnection requested, such as specific equipment and resources and compatibility testing;
- (b) rental charges to cover the on-going use of equipment and resources; and
- (c) traffic related charges, for the conveyance of traffic to and from the interconnected network.

(11) Cost-based interconnection charges may, according to the principle of proportionality, include a fair share of joint and common costs and the cost of ensuring essential requirements including maintenance of the network integrity, network security in cases of emergency, interoperability of services and protection of data.

(12) An operator shall take into account the charging principles specific to each interconnection service prescribed in Schedule 3 to these Regulations.

17. Changes in the network.

- (1) A network change shall apply to—
 - (a) changes of physical network, like switch closure or re-location; and
 - (b) upgrade of electrical or signalling specification.

(2) An interconnect operator shall notify the other parties to an interconnection agreement within 30 calendar days prior to the change, of any changes made in its network that may require another operator to make any changes to the configuration or location of any of its infrastructure or facilities.

(3) A party making network changes shall pay the reasonable and justifiable costs of the other operator where the changing party's alterations cause the other party to change its system or network, except where the change is agreed upon or where the alteration is part of a planned upgrade programme.

PART III — OBLIGATIONS TO PROVIDE ACCESS

18. Application of Part.

This Part applies to—

- (a) active access to a communications network, enabling receipt or transmission of communications traffic, whether one-way or simultaneously including termination of such traffic on consumer communication devices;
- (b) passive access to infrastructure provided by an operator to allow for deployment of cabling, wiring, ducts, pipes or access by any other media to facilitate communications; and
- (c) access to consumer data, whether proprietary data or other data in possession of an operator.

19. Obligation by operators to provide mandatory access.

(1) All operators subject to compliance with technical requirements set by the Commission shall be obliged to provide access to authorised parties to deliver content over their communication networks.

(2) Any person who seeks access shall apply to the Commission for authorisation to connect through a licensed communications network.

(3) An authorisation issued by the Commission under subregulation (2) shall require a person to—

- (a) comply with the Uganda Communications (Content) Regulations, 2019;
- (b) maintain a complaints resolution framework in accordance with the Uganda Communications (Consumer Protection) Regulations, 2019;
- (c) comply with the Data Protection and Privacy Act, 2019; and
- (d) prohibit transmission of unsolicited messages whether message spam or printed spam under the Uganda Communications (Text and Multimedia Messaging) Regulations, 2019.

(4) The Commission may restrict access—

- (a) to any data under these regulations, including in a state of emergency; and
- (a) to certain consumer data which may infringe on the customer's privacy without their express consent.

(5) The Commission may publish from time to time classes of data that are subject to mandatory sharing under any access agreement.

20. Authorisation subject to content regulation.

An authorisation issued by the Commission under regulation 21(2) shall subject the person authorised to—

- (a) content regulation by the Commission; and
- (b) prohibition on unsolicited messages under the Uganda Communications (Text and Multimedia Messaging) Regulations, 2019.

21. Access for postal and courier services.

(1) A postal service licensee shall allow access to all or part of its postal network with other postal licensees.

(2) A postal service licensee shall, in allowing access onto and through its postal network, grant access on a non-discriminatory and equal basis.

(3) A postal service licensee granting access shall enter into an access agreement with the postal service operator allowed to access and the agreement shall be filed with the Commission.

(4) Negotiations for access, access agreements and other related matters shall be in accordance with these Regulations.

22. Must carry obligations and pricing of carried services.

(1) Every broadcast public infrastructure provider shall fulfill the "must carry" obligation in respect of the public broadcaster.

(2) The Commission may require the broadcast public infrastructure provider to provide equitable access to all other content service providers subject to contractual obligations between the parties.

(3) The Commission shall, in requiring broadcast public infrastructure provider to provide equitable access under subregulation (2) take into account economic and technical feasibility.

(4) A free to air content service provider shall carry general public interest content including national events.

23. Guidelines for authorisations.

The Commission may issue guidelines to operators—

- (a) to provide non-discriminatory access to authorised parties in accordance with the Act; and
- (b) to regulating access and sharing of customer data by operators and access seekers.

24. Application of Part II to access seekers.

The provisions of Part II of these Regulations shall apply with necessary modifications to access seekers and access agreements under this Part.

PART IV – MISCELLANEOUS

25. Guidelines.

(1) The Commission may—

- (a) issue a framework for international terminal dues under the Uganda Communications (Intelligent Network Monitoring Solution) Regulations, 2019;
- (b) issue a framework for fees' authorisations for access under these Regulations;
- (c) impose obligations for the domestic remittance of postal items by third party couriers; and
- (d) impose obligations for making credit or debit transactions across different networks.

(2) Guidelines issued under subregulation (1) may relate to matters including non-discrimination, pricing, liability and quality of service.

26. Breach of Commission directives.

(1) Every violation or non-compliance with Commission directives under these Regulations amounts to a serious breach under section 41 of the Act.

(2) The Commission may suspend or revoke the licence of an operator or licensee who—

- (a) submits false or misleading information to an applicant for interconnection or to the Commission;
- (b) imposes interconnection fees above the maximum rates imposed by the Commission under the Act.

27. Failure to interconnect or provide access.

(1) Where an operator intentionally denies another operator interconnection or access to its facilities, the Commission may

- (a) requires the operator to pay a fine not exceeding ten percent of the operator's gross annual revenue.
- (b) suspend the operator's licence; or
- (c) revoke the operator's licence.

(2) Where an operator fails to implement a decision or directive of the Commission within the prescribed time, the Commission may suspend or revoke the operator's licence.

28. Offences.

Any person who intentionally submits false or misleading information to an applicant for interconnection or to the Commission for any of the purposes of these Regulations commits an offence and is liable, on conviction, to a fine not exceeding forty eight currency points or imprisonment not exceeding twenty four months or both.

29. Appeals.

Any person dissatisfied with the decision of the Commission under these Regulations may appeal to the Uganda Communications Tribunal within 30 days of receipt or notification of the decision.

30. Revocation of S.I No. 25 of 2005.

The Communications (Interconnection) Regulations, 2005 are revoked.

31. Revocation of General Notice No. 536 of 2006.

General Notice No.536 of 2006 is revoked.

SCHEDULE 1

Regulations 4 and 5(4) (d).

ZONAL ACCESS CITIES AND MUNICIPAL AREAS

Cities/Towns in Uganda in which interconnect providers may be obliged to provide physical or virtual interconnection.

1. Kampala
2. Jinja
3. Mbarara
4. Gulu
5. Mbale
6. Masaka
7. Kabale
8. Arua
9. Bushenyi-Ishaka
10. Kasese-Rwenzori
11. Fort Portal
12. Hoima
13. Soroti
14. Lira
15. Tororo-Busia-Malaba
16. Iganga

SCHEDULE 2

Regulation 10 (1) (a) and (3)

NETWORK ELEMENTS

This Schedule sets out the list of network elements identified by the Commission.

1. Operators are obliged to provide the following network elements to requesting operators—
 - (a) transmission links; and
 - (b) Aggregation and disaggregation facilities.
2. In paragraph 1—
 - (a) “transmission links” means facilities (including all ancillary facilities) providing for the conveyance of traffic between two nodes, each of which is part of one operator’s network; and
 - (b) “aggregation and disaggregation facilities” means facilities connected to one or more transmission links allowing traffic to be combined with other traffic before, or separated after, sharing the capacity of the transmission link.
3. The designated operator will provide on request to an interconnect seeker, under conditions of confidentiality, details of any transmission facilities under its direct control.
4. The information in paragraph 2 shall be updated every three months and shall include—
 - (a) the location of each transmission equipment node;
 - (b) the type of transmission equipment at each node;
 - (c) the connectivity between the transmission equipment identifying the links;
 - (d) the utilised, reserved and unused capacity on all transmission links;

- (e) the potential expansion capacity on all transmission links;
- (f) an indication that a link or a node has no spare capacity; and
- (g) an indication that it is not possible to upgrade a link or node, together with an explanation of why it is not possible.

SCHEDULE 3

Regulation 16 (12)

CHARGING PRINCIPLES FOR INTERCONNECTION SERVICES

Tariffs for interconnection services shall be prescribed in accordance with the following principles

Service	Charging structure	Charging level
Interconnection links	Monthly charge, which may be shared between the parties in proportion to traffic volumes.	No set tariff list. Priced by negotiation, but cost based. Reference point: compare costs to a retail 2Mbps leased line between end points, making allowance for higher availability requirements.
Termination of TDM calls to fixed locations	Duration based, per second. Regional (meaning in this case delivery to the POI designated for this type of call) and national (meaning delivery at a POI that has not been designated for this type of call) tariffs. Peak and off peak.	Tariffs set by UCC's cost model output.

Service	Charging structure	Charging level
Termination of TDM Calls to Mobile Terminals	Duration based, per second. National tariff only	Tariffs set by UCC's cost model output.
Termination of TDM Calls to Terminals using Special Numbers	Tariffs to be set by separate UCC Regulations on Special Number Services	
Termination of TDM calls to International locations	Duration based by country code possibly by dialed number (mobile vs. fixed destination). No regional/national split – expect this to be offered at only one point. Peak and off peak	Retail minus X% (discount to be specified by the Commission based on benchmarks/ regional comparators)
Termination of IP traffic to fixed location	Based on peak capacity and class of service for each type of data stream.	Cost based. Recommended approach is that tariffs be set by consideration of effective bandwidth requirements
Origination of TDM calls from fixed terminals	Duration based, per second. Regional (meaning in this case delivery to the POI in the same region as the calling party) and national (meaning delivery at any other POI) tariffs. Peak and off peak.	Tariffs set by model output.

Service	Charging structure	Charging level
Basic Transit of TDM Calls	Duration based, per second. Regional (meaning in this case delivery to the POI in the same region as the POI to the third network) and national (meaning delivery at any other POI) tariffs. Peak and off peak.	Tariffs set by model output.
Basic Transit and Termination of TDM Calls	Duration based, per second. Regional (meaning in this case delivery to the POI in the same region as the called number) and national (meaning delivery at any other POI) tariffs. Peak and off peak.	Capped by sum of transit and termination tariffs, plus an allowance for billing, admin, risk, value of cost avoidance etc, but operators are not forced down this route.
Basic Transit of IP Traffic	Uses peak capacity and class of service for each type of data stream. No regional and national concept as not practical to establish geography from IP address in most cases	Cost based Recommended approach is that tariffs be set by consideration of effective bandwidth requirements
Transit Conveyance and termination of IP Traffic	Uses peak capacity and class of service for each type of data stream. No regional and national concept as not practical to establish geography from IP address in most cases	Cost based. Recommended approach is that tariffs be set by consideration of effective bandwidth requirements

Service	Charging structure	Charging level
Leased lines	Same structure as equivalent retail tariff, less a discount	Retail minus X%
Transmission elements	By negotiation	Cost based. Prices to be tested by comparison with retail leased line services, imputed stack test.
Transmission aggregation/disaggregation elements	By negotiation	Cost based. Prices to be tested by comparison with retail leased line services, imputed stack test.
Collocation of equipment within a building	By negotiation	Cost based. Prices tested against local rental rates
Collocation of equipment in a shelter	By negotiation	Cost based. Prices tested against local rental rates
Collocation of radio equipment	By negotiation	Cost based. Prices tested against local rental rates

Cross References

The Bankruptcy and Insolvency Act, 2011.

The Uganda Communications Act, 2013.

The Uganda Communications (Intelligent Network Monitoring Solutions) Regulations, 2019.

The Uganda Communications (Competition) Regulations, 2019.

The Uganda Communication (Pricing and Accounting) Regulations, 2019.

The Uganda Communications (Text and Multimedia Messaging) Regulations, 2019.

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