

CONSULTATION

Draft Access Regulation

Draft Access Regulation

A Consultation issued by the
Telecommunications Regulatory Authority on the
Draft Access Regulation

13 February 2005

Ref: ERU/0205/025

The address for responses to this document is:

The Director of Economic Affairs,

Telecommunications Regulatory Authority (TRA)

PO Box 10353, Manama, Kingdom of Bahrain

Alternatively, e-mail responses may be sent to the Authority's e-mail address at consult@tra.org.bh

The deadline for responses is 5pm on 5th March 2005

Purpose: To provide a framework for Access obligations and the requirements for the publication of a Reference Access Offer by Licensed operators that are declared to hold a Dominant position in a relevant market.



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1 Introduction

The Telecommunications Regulatory Authority (“TRA”) was established under Legislative Decree No. 48 of 2002 promulgating the Telecommunications Law (“the Law”). Under section 3(c) (13) of the Law, the TRA has the authority to encourage, regulate and facilitate “Access”. The regulation of Access is addressed in section 57(e) of the Law. This provides a regulatory framework within which a Licensed operator in a Dominant position in a relevant market shall offer Access to its telecommunications network and facilities on fair and reasonable terms to any other Licensed operator. In addition, the TRA may publish regulations on Access which may include regulations regarding a Reference Access Offer (“RAO”).

The TRA commenced addressing Access through a consultation paper entitled “Dominance in certain markets and the provision of Access services for the purposes of section 57(e) of the Telecommunications Law” (Ref: ERU/CN/014). The TRA has now prepared a report on the outcome of the Access Consultation which has been published on the same date as this present Consultation Report. Arising from the Access Consultation, the TRA has prepared this present Consultation Report which focuses on a draft Access Regulation. This draft Access Regulation has been based on the outcome of the Access Consultation.

The TRA welcomes comments on this Consultation and draft Access Regulation. Interested parties may answer all or any of the questions raised in this Consultation. The TRA also welcomes comments on any other issues related to the draft Access Regulation which interested parties may wish to raise. Comments should be received by the TRA by **5.00 pm on 5 March 2005**.

The address for making responses to this document is:

The Director of Economic Affairs
Telecommunications Regulatory Authority
PO Box 10353 Manama, Kingdom of Bahrain

Alternatively, responses may be sent to the TRA for the attention of the Director of Economic Affairs by email to consult@tra.org.bh or by facsimile to +973 17 532 125.

Following the receipt of responses, the TRA will review these and issue a Report on responses received. Depending on the nature of responses received, the TRA will then issue either a final Access Regulation, or, if appropriate, a further draft Access Regulation with a shorter consultation period, after which the TRA would review comments received and then issue a final Access Regulation.

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Apart from this introduction, this document consists of:

- Explanatory Notes on the draft Access Regulation; and
- The draft Access Regulation.

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2 Explanatory Notes on the draft Access Regulation

These Notes should be read in conjunction with the relevant article in the draft Access Regulation. It should be noted that some of the consultation questions below refer to aspects of the relevant article in the draft Regulation which are not specifically discussed in the Notes. The draft Regulation is set out in section 3 of this document.

Respondents are welcome to submit comments on any or all of the articles of the draft Access Regulation, there is no obligation to answer all questions posed by the TRA. Similarly, respondents are welcome to submit comments on any issues related to the draft Regulation which the TRA has not specifically raised below.

Definitions

This part of the Access Regulation sets out definitions of terms used in the Access Regulation.

Article 1 - Scope

In accordance with the provisions of section 57(e) of the Law the requirement to supply Access to telecommunications networks and telecommunications facilities applies only to Licensed operators in a Dominant position in a relevant market. As such, this Access Regulation applies to such Licensed operators.

In order to provide a robust Access regime which provides flexibility to meet industry requirements, the scope of the Access Regulation encompasses:

- processes to ensure that Access obligations are periodically reviewed;
- rights and obligations for those providing Access and those seeking Access; and
- procedures to ensure that Licensed operators are fully aware of Access rights and obligations.

Consultation:

The TRA seeks respondents' views on whether the scope of the Access Regulation is appropriate or whether the scope should be widened or narrowed, and if so, the reasons for this.

Article 2 – Role and duty of the TRA

In accordance with the TRA's duties and powers under section 3 of the Law, the TRA is empowered to encourage, regulate and facilitate Access. Under the Access Regulation, the TRA will impose Access obligations on relevant Licensed

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operators, i.e., those declared by the TRA to hold a Dominant position in a relevant market.

Access obligations will be imposed on relevant Licensed operators by way of a determination issued by the TRA to the relevant Licensed operator pursuant to section 3(c)(1) of the Law. The Access obligations are specifically identified in Article 3 of the Access Regulation. In light of the dynamic nature of telecommunications markets, the TRA considers it appropriate that the Access obligations are subject to periodic review. Such review is intended to be conducted on the same timetable as provided for reviews under the Methodology for Determining Market Power, i.e., every 2 years.

In order to provide flexibility and to provide capability for the TRA to address matters expeditiously, the TRA may impose additional Access obligations on relevant Licensed operators. The TRA will, however, be required to provide for the relevant Licensed operator written reasons for doing so. Moreover, in exercising this capability, the TRA must give consideration to particular factors as required by Article 3.

In imposing Access obligations, the TRA must exercise its powers in a manner which is both appropriate and necessary to the circumstances. This ensures that the TRA does not interfere in the Access market without reasonable justification.

Consultation:

The TRA seeks respondents' views on the following:

- *Whether the imposition of Access obligations by way of a direction is appropriate? If not, why not?*
- *Is the linking of the review of Access obligations to the reviews in the Methodology for Determining Market Power appropriate? If not, why not?*
- *Is it appropriate for the TRA impose additional Access obligations? If not, why not?*

Article 3 – Access to, and use of, specific Telecommunications networks and Telecommunications facilities

The TRA intends to impose Access obligations on relevant Licensed operators where the TRA considers that the denial of Access or the imposition of unreasonable terms and conditions for Access would be likely to result in market failure, hinder the development of sustainable competition or would be detrimental to consumer interests. This provides the underlying rationale for the TRA's intervention in Access markets.

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A relevant Licensed operator may refuse to supply Access only on the basis of (i) the supply of Access is not technically feasible or (ii) network integrity is at risk. An Access Seeker who is refused supply of Access by a relevant Licensed operator may initiate a dispute under section 57(g) of the Law.

Article 3.3 provides a list of Access obligations which must be met by any Licensed operator which the TRA has declared to be dominant. These obligations concern the provision of Access within the relevant market. Article 3.4 provides a range of further Access obligations which may be imposed on a relevant Licensed operator by the TRA. Together Articles 3.3 and 3.4 have been derived from a review of practice in other jurisdictions and are considered by the TRA to be appropriate for application in Bahrain. They are designed to balance the interests of Access seekers and relevant Licensed operators.

Before the TRA imposes Access obligations on relevant Licensed operators, it must be satisfied that such action is appropriate and necessary to the circumstances. The TRA must give consideration to the following factors:

- technical and economic viability;
- feasibility of providing the form of Access; and
- the long term development of competition.

Article 3.6 provides a core list of Access services that a relevant Licensed operator may be required to provide. This list of Access services has been developed through the TRA's earlier consultation, and comprises those Access services which the TRA considers may be necessary to address market failures resulting from enduring market power. The TRA considers that these Access services are sufficient to address the current demand for Access services among Licensed operators in Bahrain. The service descriptions are broad providing flexibility for both the TRA (in its approval role) and relevant Licensed operators to adapt to technological developments. This is intended to ensure that appropriate Access services are offered to meet industry demand.

Under the Access Regulation, the TRA may by way of a determination pursuant to section 3(c)(1) of the Law remove Access services from, or add Access services to, the initial list. This provides flexibility to respond quickly to changes in demand for Access services in line with market developments.

Consultation:

The TRA seeks respondents' views on the following:

- *Is the range of Access obligations appropriate? Should the range of Access obligations be expanded or curtailed? If yes, what changes should be made and what are the reasons for the change?*

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- *Are the three factors that the TRA must consider in assessing whether an Access obligation is proportionate and appropriate adequate? If not, why not?*
- *Is the core list of Access services appropriate? Should the core list of Access services be expanded or curtailed? If yes, what changes should be made and what are the reasons for the change?*
- *Is it appropriate for the TRA to add or remove Access services from the core list of Access services by way of determination? If not, why not?*

Article 4 – Reference Access Offer

A relevant Licensed operator must make available a RAO which sets out a description of the services offered, relevant terms, conditions and tariffs. The RAO must also contain necessary and relevant technical information to enable Access seekers to effectively and efficiently acquire and use Access services. A relevant Licensed operator is required to provide those Access services and other telecommunications services on a wholesale basis as are specified by the TRA in accordance with Article 3.

Article 4 sets out the minimum information that must be provided in a RAO. These information requirements have been derived from a review of practice in other jurisdictions and are considered by the TRA to be appropriate for application in Bahrain. This is intended to result in robust and comprehensive RAOs being available to Access seekers in Bahrain consistent with industry requirements.

The Access Regulation deliberately does not specify the format in which the RAO is to be published. Rather, the TRA considers that two options should be available to a relevant Licensed operator:

- Complete separation into individual RO's that cover Interconnection, Access and Wholesale services separately, so that the definitions and terms and conditions applicable to each type of service may not be confused; or
- A combined RO, in which the differences in definition and terms and conditions for each of Interconnection, Access and Wholesale are clearly discernable. This view holds as long as it can be clearly demonstrated that the terms and conditions applicable to Access services (and for that matter Wholesale services) are not made more stringent on Licensed operators other than those requesting interconnection services.

Consultation:

The TRA seeks respondents' views on:

- *whether the minimum information requirements in a RAO are sufficient to result in robust and comprehensive RAOs being available to Access seekers. If not, why not?*
- *whether there is need to specify the format of the RAO any more tightly in the Access Regulation?*

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Article 5 – Approval of the Reference Access Offer

A relevant Licensed operator has 30 days from the date of being determined by the TRA to hold a Dominant position in a relevant market to submit to the TRA a RAO for the TRA's approval. Subsequently, a relevant Licensed operator shall submit to the TRA a revised RAO where the TRA has changed Access obligations or in any case 6 months after the date of the publication of the most recent RAO. This process is intended to ensure that the RAO of a relevant Licensed operator is kept up to date and in line with market developments.

The TRA will approve a RAO submitted for approval on the basis of whether the RAO contains terms, conditions and tariffs which are fair, reasonable and Non-discriminatory and which comply with the Law. Where the TRA considers that a RAO submitted for approval does not meet these requirements it will issue an order (an "Access Order") specifying the terms, conditions or tariffs that it does not approve. It should be noted that an Access Order does not trigger the procedure under the Law for orders imposed pursuant to section 35 of the Law. Rather, an Access Order is subject to the procedure as set out in Article 5.4. This provides that the relevant Licensee, having been provided with the TRA's concerns regarding the RAO in the form of a draft Access Order, would have a chance to respond. The TRA would consider the Licensee's response and write again to the Licensee setting out the TRA's remaining concerns. The Licensee would then have an opportunity to inform the TRA whether it accepts the amendments required by the TRA in its draft Access Order. If not, the TRA would then impose the Access Order. This is similar to the process used for the TRA's review of Reference Interconnection Offers.

A RAO approved by the TRA or which has been subject to a TRA Access Order, must be published by the Licensed operator within two weeks. Such a RAO will remain in force until a revised RAO is approved by the TRA and published by the Licensed operator.

Approved RAOs must be:

- provided by the Licensed operator to any person requesting a copy;
- available at the head office of the Licensed operator free of charge during normal office hours; and
- posted on the Licensed operator's website.

Consultation:

The TRA seeks respondents' views on the following:

- *Whether the process and timetable for RAO approval is appropriate? If not, why not?*

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- *Whether the procedure for imposing an Access Order is appropriate? If not, why not and what alternative procedure is appropriate?*
- *Whether the requirements for making an approved RAO available to the public are appropriate? If not, why not?*

Article 6 – Tariffs

Tariffs for (i) Access services and (ii) other telecommunications services provided on a wholesale basis must meet certain requirements which are set out in the Telecommunications Law. Tariffs for such services must reflect forward looking incremental costs.

The TRA may seek detailed cost information and justification for tariffs from a relevant Licensed operator. Article 6.2 is intended to place the burden of proof on the relevant Licensed operator to ensure that such requirements are met.

The TRA has included wholesale services in this Article on the basis that it should not take an overly narrow approach to Access services and that wholesale services are a specific means of access to the underlying networks and facilities.

Consultation:

The TRA seeks respondents' views on the following:

- *Whether it is appropriate for the TRA to place the burden of proof on the relevant Licensed operator to ensure that tariffs are justified? If not, why not?*
- *Whether it is appropriate for the TRA to seek additional information from relevant Licensed operators to provide justification for tariffs? If not, why not?*
- *Whether it is appropriate for the TRA to include wholesale services in the Access Regulation? If not, why not?*

Article 7 – Confidentiality

This article is intended to protect the commercial interests of Access seekers and relevant Licensed operators. This article intends to protect the confidentiality of

(i) information exchanged between Access seekers and relevant Licensed operators in the process of Access negotiation and (ii) information submitted to the TRA. Such information shall remain confidential and should not be used for any purpose other than that for which it is originally provided.

Consultation:

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The TRA seeks respondents' views on whether it is appropriate to reinforce the confidential nature of information supplied in relation to the operation of the Access Regulation. If not, why not?

Article 8 – Enforcement and penalties

This article provides that the TRA shall enforce the Access Regulation through decisions, determinations and orders as are provided for in the Law.

A breach of the Access Regulation would be deemed to be a material breach of the Law and if appropriate a breach of a telecommunications licence held by a relevant Licensed operator. This is intended to ensure that relevant Licensed operators are deterred from breaching the Access Regulation.

Consultation:

The TRA seeks respondents' views on whether the penalty provision is adequate. If not, why not?

Article 9 – Entry into force

This article sets out the date of entry into force of the Access Regulation.

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A Regulation issued by the Telecommunications Regulatory Authority on Access

[date]

Regulation [x] of 2005

Purpose: To provide a framework for Access obligations and the requirements for the publication of a Reference Access Offer by Licensed operators that are declared to hold a Dominant position in a relevant market.

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Preamble

This Regulation is issued by the Telecommunications Regulatory Authority (TRA) of the Kingdom of Bahrain under Sections 3(c)(1), 57, 58 and 65 of the Telecommunications Law. Section 57(e) of the Telecommunications Law requires a Licensed operator in a Dominant position in a relevant market to offer Access to its Telecommunications network and Telecommunications facilities on fair and reasonable terms. Section 57(e) empowers the TRA to publish regulations in connection with such Access.

Where this document is a translation of the original version, and any discrepancies exist between the two, the original version shall prevail.

Definitions

Any word, phrase or expression used in this Access Regulation shall, unless the context requires otherwise or it is expressly defined herein, have the same meaning as it has in the Legislative Decree No. 48 of 2002 promulgating the Telecommunications Law (the "Telecommunications Law") and the terms below shall have the following meaning:

Access Order means an Order imposed pursuant to Article 5.4 of this Regulation and pursuant to section 3(c)(1) of the Telecommunications Law.

Access Obligation means an obligation imposed pursuant to Article 3.3 of this Regulation.

Access Seeker means a Licensed operator seeking Access from a Licensed operator holding a Dominant position. It does not include, apply or refer to Access by end users.

Methodology for Determining Market Power means the Methodology for Determining Market Power Determination issued by the Telecommunications Regulatory Authority on 19 April 2003 as may be amended by the TRA from time to time.

Methodology for the Definition of Telecommunications Markets means the Methodology for the Definition of Telecommunications Markets Determination issued by the Telecommunications Regulatory Authority on 19 April 2003 as may be amended by the TRA from time to time.

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Month means a Gregorian calendar month unless otherwise specified.

Order means an Order issued by the TRA pursuant to the provisions of sections 3(c)(1) and 35 of the Telecommunications Law.

Week means a consecutive period of seven calendar days unless otherwise specified.

Article 1 – Scope

1.1 This Regulation applies to Licensed operators which have been declared by the TRA to hold a Dominant position in a relevant market.

Article 2 – Role and duty of the TRA

2.1 The TRA may impose by way of an Access Order one or more of the Access obligations identified in Article 3 on a Licensed operator declared to hold a Dominant position in a relevant market. The TRA may impose by way of an Access Order other Access obligations on a Licensed operator declared to hold a Dominant position in a relevant market. Where such other Access obligations are imposed, the TRA shall provide written reasons to the Licensed operator. Access obligations cannot be imposed on any Licensee that has not been declared by the TRA as holding a Dominant position in a relevant market.

2.2 The TRA will review those Access obligations that are in force when it conducts its periodic reviews under the Methodology for Determining Market Power. In doing so, it will consider whether to amend or withdraw Access obligations that are in force and whether to impose additional Access obligations.

Article 3 - Access to, and use of, specific Telecommunications networks and Telecommunications facilities

3.1 The TRA may, in accordance with the provisions of Article 2, impose obligations on Licensed operators to meet reasonable requests for Access to, and use of, specific elements of Telecommunications networks and Telecommunications facilities.

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- 3.2 A Licensed operator that is obliged to meet all reasonable requests for Access, in the forms mandated by the TRA from time to time, may only refuse to provide such Access on the basis of objective criteria related to technical feasibility or maintenance of network integrity. Where an Access seeker takes the view that any such refusal is not based on such objective criteria, it may initiate dispute resolution pursuant to the procedures set out in Section 57(g) of the Telecommunications Law.
- 3.3 A Licensed operator that has been declared by the TRA to hold a Dominant position in a relevant market, shall:
- (a) continue to offer, and not withdraw, Access to Telecommunications networks and Telecommunications facilities already granted;
 - (b) negotiate in good faith with Access seekers; and
 - (c) make available a Reference Access Offer in accordance with Article 4.
- 3.4 Where a Licensed operator is declared to hold a Dominant position in a relevant market, the TRA may additionally require it to:
- (a) give third party Licensed operators Access to specified elements of either or both of Telecommunications networks and Telecommunications facilities;
 - (b) provide Access seekers with Access services;
 - (c) provide telecommunications services as may be specified by the TRA on a wholesale basis for resale by third party Licensed operators;
 - (d) grant open Access to technical interfaces, protocols or other key technologies that are indispensable for the interoperability of telecommunications services or virtual network services;
 - (e) provide co-location or other forms of facility sharing, including duct, building or mast sharing;
 - (f) provide specified Access services needed to ensure interoperability of end-to-end services to Users, including facilities for intelligent network services; and

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- (g) provide Access to operational support systems or similar software systems.
- 3.5 When considering whether to impose an Access obligation, the TRA will assess whether such an Access obligation is proportionate and appropriate, taking into account:
- (a) the technical and economic viability of installing competing facilities, in light of the level and rate of market development;
 - (b) the feasibility of providing the form of Access, particularly in light of the available capacity; and
 - (c) the TRA's duty to safeguard and encourage the long-term development of competition.
- 3.6 Where a Licensed operator is declared to hold a Dominant position in a relevant market, the TRA may require it to provide access under Article 3.3(b) to various access services, including the following:
- (a) wholesale leased lines;
 - (b) international capacity;
 - (c) wholesale DSL;
 - (d) unbundled local loop; and
 - (e) narrowband dial-up access to the Internet.

The TRA may, by way of a determination, add to, remove from, or otherwise amend this list of Access services which Licensed operators declared as holding a Dominant position may be required to provide.

Article 4 - Reference Access Offer

- 4.1 Any Licensed operator which is subject to Access obligations under Article 3 shall make available a Reference Access Offer. A Reference Access Offer must include offers for all Access services that the Licensed operator is

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required to provide, and must set out a description of the relevant offerings, broken down into components according to market needs, together with the associated terms, conditions and tariffs. A Reference Access Offer must also contain all necessary information regarding technical specifications and network characteristics for Access seekers to be able to effectively and efficiently acquire and use each Access service.

4.2 As a minimum the following information must be provided in a Reference Access Offer:

- (a) description of the services and facilities to be provided, including their technical characteristics;
- (b) location of the points of access and of other associated facilities (including co-location space);
- (c) technical standards for access (including any usage restrictions and other security issues);
- (d) conditions for access to ancillary, supplementary and advanced services (including operational support systems, information systems or databases for pre-ordering, provisioning, ordering, maintenance and repair requests and billing);
- (e) ordering and provisioning procedures;
- (f) tariffs, terms of payment and billing procedures;
- (g) interoperability tests, where applicable;
- (h) traffic/network management;
- (i) maintenance and quality of access services;
- (j) measures to ensure compliance with requirements for network integrity;
- (k) intellectual property rights;
- (l) dispute resolution procedure between parties before requesting TRA intervention;
- (m) confidentiality of non-public parts of the agreements;
- (n) rules for allocation between operators when supply is limited (for example concerning co-location); and

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- (o) standard terms and conditions of supply.
- 4.3 Where a Licensed operator is required to make available both a Reference Access Offer and a Reference Interconnection Offer, the Licensed operator may:
- (a) make available a Reference Access Offer which is completely separate from its Reference Interconnection Offer; or
 - (b) combine its Reference Access Offer with its Reference Interconnection Offer provided that the services and the related terms and conditions for each Offer are clearly distinguished.

Article 5 - Approval of the Reference Access Offer

- 5.1 Any Licensed operator which is required to make available a Reference Access Offer under Article 4 shall, within 30 days of being declared by the TRA to hold a Dominant position in a relevant market, submit its Reference Access Offer to the TRA for approval. Such Licensed operators shall also periodically submit a revised Reference Access Offer to the TRA for approval, either when the TRA mandates additional Access obligations or amends Access obligations or, in any event, within every six months of the date of publication of its most recently published Reference Access Offer.
- 5.2 Where the TRA determines that the terms and conditions or tariffs contained in a Reference Access Offer that has been provided to it for approval are fair, reasonable and Non-discriminatory and in compliance with the Telecommunications Law, it will approve the Reference Access Offer.
- 5.3 Where the TRA determines that any of the terms and conditions or tariffs contained in a Reference Access Offer that has been provided to it for approval are not fair, reasonable and Non-discriminatory, it will issue an Access Order specifying the terms and conditions or tariffs it does not approve and shall state the terms and conditions as shall apply. Such terms and conditions and tariffs as specified in the Access Order become effective in the Reference Access Offer. Such Access Orders shall be effective from the date of issue, unless the TRA specifies another date in its Access Order.
- 5.4 Before imposing an Access Order, the TRA shall provide the relevant Licensed operator with a letter setting out the terms of the Access Order in draft form ("the draft Access Order"). The Licensed operator shall have the chance to respond to the draft Access Order, which shall not be less than two weeks. The TRA, taking into account the Licensed operator's response, shall write again to the Licensee setting out the TRA's remaining concerns

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in the form of a further draft Access Order (which may be identical to the first draft Access Order). The Licensed operator shall have an opportunity to inform the TRA whether it accepts the amendments required by the TRA to its RAO as per the further draft Access Order. If not, the TRA shall impose the Access Order.

- 5.5 A Licensed operator which has submitted a Reference Access Offer that has been approved by the TRA or that has been subject to an Access Order by the TRA must publish the approved or amended by order Reference Access Offer within two weeks of the grant of such approval or Access Order. After publication a Reference Access Offer shall remain in force until such time as a revised Reference Access Offer is approved by the TRA and published by the Licensed operator.
- 5.6 Copies of Reference Access Offers that have been approved by the TRA must be provided to any person (natural or legal) requesting a copy, must be made available at the head office of the Licensed operator which produced the particular Reference Access Offer for inspection free of charge during normal office hours and must be posted on the relevant Licensed operator's website.

Article 6 – Tariffs

- 6.1 Tariffs for all Access services, other than specified telecommunications services provided on a wholesale basis for resale in accordance with Article 3.4(c), shall reflect forward-looking incremental costs. Tariffs for specified telecommunications services provided on a wholesale basis for resale shall be fair, equitable and non-discriminatory.
- 6.2 The burden of proof that tariffs are derived from the relevant cost base under Article 6.1, including a reasonable rate of return, lies on the relevant Licensed operator. The TRA may require a Licensed operator to provide full justification for its tariffs and may, where appropriate, require that any or all tariffs in a Reference Access Offer be adjusted.

Article 7 – Confidentiality

- 7.1 Where a Licensed operator acquires information from another Licensed operator before, during or after the process of negotiating Access or in relation to the provision or acquisition of Access, it must use that information solely for the purpose for which it was supplied, and must respect at all times the confidentiality of information transmitted or stored. Information received in such circumstances must not be provided (in any form) to any other party, including other departments or subsidiaries or partners of the recipient.

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Article 8 – Enforcement and penalties

- 8.1 The TRA shall enforce this Regulation and measures made thereunder through decisions, determinations, and orders made in particular under Sections 3, 35 and 65 of the Telecommunications Law.
- 8.2 Any breach of this Regulation shall be deemed to constitute a material breach of the Telecommunications Law and, where appropriate, of any relevant telecommunications licence held by the relevant Licensed operator.

Article 9 - Entry into force

- 9.1 This Regulation shall enter into force on [].