

Tanzania

Tanzania Communications Act

Interconnection Regulations, 2001

Government Notice 323 of 2001

Legislation as at 31 July 2002

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Interconnection Regulations, 2001 (Government Notice 323 of 2001)

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Interconnection Regulations, 2001

Government Notice 323 of 2001

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[Note: This legislation has been thoroughly revised and consolidated under the supervision of the Attorney General's Office, in compliance with the Laws Revision Act No. 7 of 1994, the Revised Laws and Annual Revision Act (Chapter 356 (R.L.)), and the Interpretation of Laws and General Clauses Act No. 30 of 1972. This version is up-to-date as at 31st July 2002.]

[G.N. No. 323 of 2001]

1. Citation

These Regulations may be cited as the Interconnection Regulations.

2. Interpretation

In these Regulations, unless the context requires otherwise—

"**Act**" means the Tanzania Communications Act¹;

"**agreement**" means interconnection agreement;

"**co-location**" means accommodation of two or more switches or other telecommunications equipment in one building or premises, which may not necessarily belong to one operator for the purpose of integrating the provision of telecommunication services;

"**Commission**" means the Tanzania Communications Commission established under section 3 of the Act;

"**interconnection**" means the physical or logical linking of telecommunication networks used by operators to originate and terminate calls into their network;

"**interconnection charges**" means the price charged by network owner to another operator for the purpose of terminating calls into a network;

"**interconnecting operator**" means the operator seeking to be connected to another operator or any other network for the purpose of origination and termination of calls;

"**operator**" means an entity engaged in the provision of telecommunications services;

"**point of interconnection**" means a physical point where the system of one operator is connected to the system of the other operator for routing of calls from one system to the other;

"**telecommunication services**" means any transmission of information by wire, radio waves, optical media or other electromagnetic systems, between or among points of the user's choice.

3. Call type

Telephone calls provided by interconnected operators shall be categorised as follows:

- (a) mobile to mobile calls - Domestic and East Africa;
- (b) fixed to fixed calls - Domestic and East Africa;
- (c) mobile to fixed calls - Domestic and East Africa;
- (d) fixed to mobile calls - Domestic and East Africa;
- (e) mobile outbound international calls;
- (f) mobile inbound international calls; and
- (g) fixed transit services.

4. Interconnection negotiation procedure

The Commission shall issue an interconnection negotiation procedure and guidance on approval or rejection of Interconnection Agreements.

5. Conditions of Interconnection Agreements

- (1) The Interconnection Agreement shall be subject to the following general conditions—
 - (a) Interconnecting operators shall conclude agreements based on transparency and non-discriminatory principles;
 - (b) an operator engaged in the provision of telecommunications services, shall not apply less favourable technical and commercial conditions to any competitor than it would apply to itself, its subsidiaries or affiliates in the delivery of services;
 - (c) a network operator shall interconnect with another operator at cost based interconnection charges;
 - (d) a network operator shall offer an interconnecting operator adequate capacity to ensure that the interconnecting operator renders similar levels of quality of service;
 - (e) interconnecting operators shall agreed on interconnection charges for the delivery of telecommunication services;
 - (f) quality of service standards shall constitute part of the conditions of interconnection agreement.
- (2) The Commission shall make, each agreement approved under this regulation accessible to public at a fee as to be determined from time to time by the Commission.
- (3) Where operators to an interconnection agreement wish to amend the agreement, they shall submit to the Commission the proposed amendments for its determination whether or not the terms and conditions remain just, reasonable and non-discriminatory.
- (4) The operator shall make any necessary modifications in order to comply with the Commission's direction made under subregulation (3) of this regulation.

6. Protection of the network

- (1) An operator who is involved in an interconnection agreement shall ensure that—
 - (a) service that is offered to the public is restored as soon as it is practicable in the event of breakdown of the network;

- (b) in the event that a service that is offered to the public is not available due to a natural act, he endeavours to maintain the highest level of service standard to meet emergency services;
 - (c) the integrity of a public telecommunication network is maintained by remaining physically joined and operational at all times;
 - (d) inter-operability of services is maintained during the duration of their licence;
 - (e) protection of data stored in a technical system which is deemed confidential by either party.
- (2) The need to meet any of the requirements set out in subregulation (1) of this regulation shall not constitute a waiver by either party to interconnection agreement.

7. Network access

- (1) An operator shall, pursuant to the existing legislation, install a network facility on, over or under public or private land and share at the point of interconnection where physical, or technical constraints deprive another operator of access to a viable interconnection alternative.
- (2) An operator shall provide access to poles, towers, ducts, conduits, land and buildings as part of the operator's right-of-way to any other entities, for reasons associated with, but not limited to town and country planning, environmental and technical factors provided that the parties negotiate the commercial and technical details thereto.
- (3) An operator shall provide non-discriminatory access to a network on an unbundled basis to any requesting operator at any technically feasible point on rates, terms, and conditions that are just and reasonable for the provision of the service.

8. Costs of interconnection

An operator requesting access to an existing network shall meet its portion of the interconnection cost except co-location facility if there is available capacity.

9. Co-location

With respect to co-location the operator shall:

- (a) file with the Commission a Schedule of fees charged for co-location;
- (b) agree on a meet-point with another operator seeking interconnection and designating a location for interconnecting the network;
- (c) provide reasonable, just, and non-discriminatory rates, terms and conditions for collocation of equipment necessary for interconnection or for providing access to the unbundled network elements at the operator's premises;
- (d) resort to virtual collocation, requiring interconnection at a place outside the operators usual premises such as switching, transmission, or main distribution frame room if it is demonstrated that physical collocation is not practical for technical reasons or due to space limitations; and
- (e) agree with an operator seeking interconnection on a facility that is based on the operating premises of either party to complete the transmission.

10. Quality of service

- (1) An operator shall ensure that a service passing through its network is delivered at the level of quality prescribed by the Commission.
- (2) An operator shall ensure that the prescribed quality of service is not impaired on interconnection.

11. Network upgrading

- (1) In order to achieve the quality of inter-operability to the prescribed level an operator shall—
 - (a) notify the Commission and operator interconnecting in the network of any planned change in the network capacity, technology, structure and configuration, within fifteen months of effecting the intended change; and
 - (b) provide details relating to any change in the operators network including traffic forecast to the Commission.
- (2) An operator who fails to notify the Commission and other operator interconnecting into the network of any planned change to the network or fails to provide details of proposed changes as required under subregulation (1) commits an offence and is liable upon conviction to fine of the equivalent in Tanzanian shillings of 18,000 USD.

12. Interconnection charges

- (1) All operators shall agree on a price for the delivery of a telecommunication service based on the following conditions, namely—
 - (a) the design of the interconnection rates based on the standard charge for the provision of a similar service to the Licensee's Customer plus adjustment that enables the Licensee to cover long run incremental cost as stipulated in the respective licence conditions;
 - (b) compensation arrangement which is reciprocal for the transportation and termination of traffic;
 - (c) coverage of the appropriate cost of providing the physical inter network links and associated equipment; and
 - (d) an operator to avail an interconnecting operator with information required to determine the interconnection charges with one month.
- (2) In the event that the operator fails to avail another operator with the necessary information within the time stipulated under paragraph (d) of subregulation (1), the Commission shall direct in writing the other operator to avail the information within a period which the Commission may stipulate.

13. Arbitration

- (1) Where the period for negotiations has lapsed and there failure to reach agreement or a dispute arises between parties under interconnection agreement, then any aggrieved party may petition to the Commission to arbitrate any open issues and submit a copy of the same to the other party.
- (2) An operator that petitions to the Commission shall at the time submitting the petition provide all relevant documentation concerning—
 - (a) unresolved issues;
 - (b) the position of each of the parties with respect to these issues; and
 - (c) any other issue discussed and resolved by the parties.
- (3) A non-petitioning operator to a negotiation under this regulation shall respond to the other operator's petition and provide additional information required within twenty-one days.

14. Action by the Commission

- (1) The Commission may require the petitioning operator and responding operator to provide such information as may be necessary for the Commission to reach a decision on the unresolved issues.

- (2) If any operator refuses or fails to respond within thirty days from date of any request from the Commission, the Commission may proceed to resolve such issues on the basis of the best information available to it from whatever source derived.
- (3) In resolving any dispute on interconnection, the Commission shall:
 - (a) resolve each issue set forth in the petition and the response, if any, by imposing appropriate conditions on implementation of the terms and conditions by the parties to the agreement;
 - (b) ensure that such resolution and conditions meet the requirements of these Regulations.

15. Penalties

Any operator who contravenes any provision of these Regulations where no penalty is expressly provided shall be liable to pay a fine the equivalent in Tanzanian shillings of 5,000 USD.