



GIBRALTAR REGULATORY
AUTHORITY

ACCOUNTING SMP OBLIGATIONS

Decision Notice

22nd August 2022

CO4/22

FOREWORD

On 21st June 2022, the Authority published a public consultation proposing amendments to the accounting separation and cost accounting obligations (Accounting SMP Obligations) imposed on operators designated as having Significant Market Power (SMP) in Gibraltar.

Given that they are considered to be overly burdensome and resource intensive for an operator conducting its electronic communications business in a market the size of Gibraltar, the consultation proposed to remove the Accounting SMP Obligations.

By the close of the consultation period, the Authority received responses from the two operators listed below:

- *Gibtelecom Ltd*
- *Broadband Gibraltar Ltd.*

This Decision Notice summarises the operator's submissions and provides the Authority's final position.

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1. INTRODUCTION

The Communications Act 2006 (the "Act") requires the Gibraltar Regulatory Authority (the "Authority"), to define relevant markets appropriate to national circumstances and to analyse these markets to ensure that regulation remains appropriate in the light of changing market conditions, otherwise known as market reviews.

Under the provisions of the Communications (Access) Regulations 2006 (the "Access Regulations"), operators designated as having Significant Market Power ("SMP") in Gibraltar, may be required to provide accounting records, including data on revenues received from third parties, in order to facilitate the Authority's task of verifying that the SMP operator concerned has complied with the obligations imposed upon it.

On 21st June 2022, the Authority issued Public Consultation C03/22 on a review of the Accounting SMP Obligations¹. The purpose of the consultation was to propose amendments to the accounting separation and cost accounting obligations imposed on SMP operators, (the "Accounting SMP Obligations"). Considering the regulatory experience gained in conducting market reviews, it is the Authority's view that the current Accounting SMP Obligations imposed are burdensome and resource intensive for an operator conducting its electronic communications business in a market the size of Gibraltar. The Authority, therefore, proposed to adopt a more proportional approach by removing the Accounting SMP Obligations established in each of the markets listed below.

Accounting SMP obligations have been imposed in the following markets (*please see section 4 for complete list of obligations*):

- Wholesale call termination on individual public telephone networks provided at a fixed location
- Wholesale voice call termination on individual mobile networks
- Wholesale terminating segments of leased lines, irrespective of the technology used to provide leased or dedicated capacity
- Wholesale Broadband Access
- Wholesale (physical) network infrastructure access (including shared or fully unbundled access) at a fixed location.

At present, Gibtelecom is the only operator which is subject to these Accounting SMP Obligations.

The closing date for submitting comments was 25th July 2022. By the end of the consultation period, the Authority received responses from the two operators below:

- Gibtelecom Ltd ("Gibtelecom")
- Broadband Gibraltar Ltd ("u-mee").

¹ <https://www.gra.gi/communications/documents/public-consultation>

The Authority thanks the respondents for their submissions. Having considered the views of the respondents, the Authority's final decision regarding the proposed removal of the Accounting SMP Obligations across the five wholesale markets mentioned above, have been set out in section 6 of this document.

2. ACCOUNTING SEPARATION AND COST ACCOUNTING

Accounting separation

An accounting separation system is a comprehensive set of accounting policies, procedures and techniques that can be applied to the preparation of financial information that demonstrates compliance with non-discrimination obligations and the absence of anticompetitive cross-subsidies. The outputs from such a system must be capable of independent and auditable verification, and fairly present the transfer charge arrangements and relationship between product and service markets. Using accounting separation, the Authority imposes on the operator a set of rules on how accounting information should be collected and reported.

Accounting separation provides a higher level of detail of information than that derived from statutory financial statements to reflect as closely as possible, the performance of parts of the operator's business as if they had operated as separate businesses, and in the case of vertically integrated undertakings, to prevent discrimination in favour of their own activities and to prevent unfair subsidies.

In the case of transfer charges, these typically reflect the vertically integrated nature of the operator and will enumerate the wholesale/retail relationships between the economic markets and services within the undertaking's scope of activity. There should be a clear rationale for the transfer charges used and these should be clearly identified in sufficient detail to provide compliance with the transparency and non-discrimination obligations. The charge should be equivalent to the charge that would be levied if the product or service were sold externally rather than internally.

Cost accounting

A cost accounting system is a set of rules which supports the attribution of costs, revenues and capital employed to individual activities and services. More precisely, it describes a set of systems, processes and procedures that enable an operator to establish a record keeping regime necessary to meet its regulatory obligations which keeps track of and reports on revenues, costs, assets and capital employed.

When implementing a cost accounting system, the rules used for the allocation of costs should be displayed at a level of detail that makes clear the relationship between costs and charges of network components and services, and the basis on which directly and indirectly attributable costs have been allocated between different accounts needs to be provided.

The purpose of imposing an obligation to implement a cost accounting system is to ensure that fair, objective and transparent criteria are followed by the operator, when allocating their costs and services, and to provide the Authority with detailed and reliable information on their costs, in particular to ensure appropriate compliance with cost orientation for the prices in the relevant market.

3. LEGISLATION

The Authority considered the legislation below as a basis for its consultation.

Communications Act 2006

Delivery of proposed measures to the European Commission and to the regulatory authorities in the Member States.

22.(1) Except where otherwise provided in a recommendation or guideline adopted by the European Commission pursuant to the Directive and subject to sections 23 and 24, the Authority shall comply with subsections (2)-(5) whenever it intends to adopt a measure which –

...

(d) relates to the setting, modification or revocation of an SMP obligation,

and which, in the Authority's opinion, would affect trade in services between Gibraltar and one or more Member States.

(2) Before adopting a measure referred to in subsection (1), the Authority shall –

(a) comply with the public consultation procedure;

...

Public consultation procedure.

13.(1) The Authority or the Minister, as the case may be, shall comply with the procedure set out in this section whenever –

(a) specific reference is made to the public consultation procedure in this Act for the purpose of adopting a measure; or

(b) the Authority intends to adopt a measure which has a significant impact on a market for electronic communications networks or electronic communications services.

(2) Before adopting a measure referred to in subsection (1), the Minister or the Authority, as the case may be, shall –

(a) publish a notification of the proposed measure;

(b) provide the reasons for the proposed measure;

(c) set out the effect of the proposed measure; and

(d) invite interested parties, including users and consumers, to make representations on the proposed measure within such period as may be specified in the notification.

(3) Save in exceptional circumstances, that period must be one ending not less than one month after the day of the publication of the notification.

Communications (Access) Regulations 2006

Imposition, amendment or withdrawal of SMP obligations.

9.(8) An obligation imposed in accordance with the provisions of this regulation shall be –

...

(d) imposed only after a public consultation procedure and a consultation under section 22 of the Act have has been carried out.

9.(9) The Authority shall consider the impact of new market developments, such as commercial agreements, including co-investment agreements which may influence competitive dynamics.

(10) If the developments referred to in sub-regulation (9) are not sufficiently important to require a new market analysis in accordance with section 40 of the Act, the Authority shall assess whether to review the obligations imposed on persons designated as having significant market power and amend any previous decision by -

(a) withdrawing obligations; or

(b) imposing new obligations, in order to ensure that such obligations continue to meet the conditions set out in sub-regulation (8). Sub-regulation (8)(d) shall apply to such amendments.

4. ACCOUNTING SMP OBLIGATIONS

Gibtelecom is currently the only operator which is subject to Accounting SMP Obligations.

These have been imposed by the Authority pursuant to regulation 12 and 14 of the Access Regulations, which refer to accounting separation and price control and cost accounting obligations. Furthermore, the Authority published "Response to Consultation and Decision C05/16"² on 2nd November 2016, which outlines the key principles and compliance requirements for any operator imposed with Accounting SMP Obligations.

Set out below are the specific obligations and the markets within which they have been imposed.

Wholesale call termination on individual public telephone networks provided at a fixed location³

Accounting separation

Gibtelecom shall account separately for its wholesale fixed call termination business.

In addition, Gibtelecom shall prepare and submit to the GRA an audited Accounting Separation Report every year on 30th September.

Cost accounting

Gibtelecom shall ensure that:

- a) it operates and maintains a cost accounting system that complies with the specific requirements and guidelines issued by the GRA from time to time;
- b) it operates and maintains a cost accounting system suitable for ensuring compliance with Regulation 14 of the Access Regulations;
- c) it operates and maintains a cost accounting system which is annually verified by a qualified independent person;

² Review of cost accounting methodology – Accounting Separation, Cost Accounting Systems, Cost Orientation and Retail Price Notification, Response to Consultation and Decision C05/16 (<https://www.gra.gi/uploads/documents/Communications/Documents/Decisions/C05-16.pdf>), accessed 20th June 2022.

³ Wholesale call origination on the public telephone network provided at a fixed location, Wholesale call termination on individual public telephone networks provided at a fixed location - Decision Notice C11/15, 16th October 2015 (<https://www.gra.gi/uploads/documents/Communications/Documents/Decisions/C11-15%20-%20Decsion%20Notice.pdf>), accessed 20th June 2022.

d) it publishes in its annual accounts a statement concerning his compliance with the cost accounting system he is required to operate;

e) it maintains cost accounting systems which produce appropriate information to demonstrate compliance with cost-orientation.

Wholesale voice call termination on individual mobile networks⁴

Accounting separation

Gibtelecom shall account separately for its wholesale mobile termination business.

In addition, Gibtelecom shall prepare and submit to the Authority an audited Accounting Separation Report every year on 30th September.

Cost accounting

Gibtelecom shall ensure that:

a) it operates and maintains a cost accounting system that complies with the specific requirements and guidelines issued by the GRA from time to time;

b) it operates and maintains a cost accounting system suitable for ensuring compliance with Regulation 14 of the Access Regulations;

c) it operates and maintains a cost accounting system which is annually verified by a qualified independent person;

d) it publishes in its annual accounts a statement concerning his compliance with the cost accounting system he is required to operate;

e) it maintains cost accounting systems which produce appropriate information to demonstrate compliance with cost-orientation.

Wholesale terminating segments of leased lines, irrespective of the technology used to provide leased or dedicated capacity⁵

Accounting separation

Gibtelecom shall account separately for its wholesale leased lines services.

⁴ Wholesale voice call termination on individual mobile networks, Wholesale SMS termination on individual mobile networks - Decision Notice C10/15, 16th October 2015 (<https://www.gra.gi/uploads/documents/Communications/Documents/Decisions/C10-15%20-%20Decsion%20Notice.pdf>), accessed 20th June 2022.

⁵ *Ibid*

Cost accounting

Gibtelecom shall maintain cost accounting systems which produce appropriate information to demonstrate compliance with cost-orientation.

Wholesale broadband access⁶

Accounting separation

Gibtelecom shall account separately for its wholesale broadband services.

Cost accounting

Gibtelecom shall maintain cost accounting systems which produce appropriate information to demonstrate compliance with cost-orientation.

Wholesale (physical) network infrastructure access (including shared or fully unbundled access) at a fixed location⁷

Accounting separation

Gibtelecom shall account separately for its unbundling services.

Cost accounting

Gibtelecom shall maintain cost accounting systems which produce appropriate information to demonstrate compliance with cost-orientation.

⁶ *Ibid*

⁷ Wholesale fixed markets - Decision Notice 04/08, 11th August 2008 (https://www.gra.gi/uploads/documents/Communications/Documents/Decisions/04_08.pdf), accessed 20th June 2022.

5. RESPONSES TO CONSULTATION

The Authority has summarised the respondents' views and submissions under the question posed in Public Consultation C03/22. After having considered these, the Authority sets out its conclusions below.

Q1. Please provide your views on the Authority's proposed removal of the Accounting SMP Obligations.

Views of respondents

U-mee agreed with the Authority's reasoning and conclusion, on the basis that it only relates to the wholesale market.

Gibtelecom stated that since the introduction of the accounting obligations, it has had to produce sixteen reports which, as the Authority acknowledged, have been heavily taxing on an operator running its business in a market the size of Gibraltar. It added that on numerous occasions it had expressed its views on the relevance and applicability of producing such extensive reports in light of the costs involved, the resources required, and time invested on an annual basis.

Gibtelecom also confirmed that it had never received any queries in relation to its published accounting separation reports ("ASR") and acknowledged that the Authority had not required to analyse the accounting data within a report during the course of any dispute or investigation. Furthermore, Gibtelecom agreed entirely with the Authority's proposal to remove the Accounting SMP Obligations and the impact assessment to be carried out, as they believed that this action would in no way restrict or distort competition in the electronic communications market and that this was the most reasonable and proportionate way forward.

Authority's Position

The Authority notes that both operators agree with its proposal to remove the Accounting SMP Obligations. No views were expressed to the contrary during the course of the consultation.

Nevertheless, the Authority would highlight the fact that whilst the production of ASRs has been, as per Gibtelecom's comments, "heavily taxing", the decision to embark on Public Consultation C03/22 has been triggered by the fact that the Authority recognises that in the current circumstances, the need for an ASR is superfluous. More importantly however, the Authority acknowledges that current circumstances are far different to those in 2008, when Gibtelecom faced little, if any, competition. Indeed, in carrying out its regulatory functions, the Authority fervently assesses the state of the electronic communications market, and such monitoring is what leads to developments such as those found in this decision.

Whilst in hindsight, one could be led to conclude that the ASRs produced by Gibtelecom were unnecessary, the Authority is of the view that imposing the Accounting SMP Obligations was a prudent measure which amounted to good regulatory practice. Whilst it must be stressed that Gibtelecom has not been the focus of investigations requiring information adduced from ASRs, Gibtelecom has nevertheless, been in a position to exert anti-competitive practices and so, the requirement to submit an annual ASR has remained an essential mechanism to ensure the Authority was equipped to deal with complaints related to *inter alia*, anti-competitiveness.

Furthermore, when the Authority first considered imposing the Accounting SMP Obligations, it was of the view that ASRs were required on an annual basis, as they offered a valuable insight into an operator's business and also provided a means of assessing compliance with other SMP obligations imposed, such as non-discrimination and price controls. In considering the impact of market developments, namely the levelling of some of the retail markets as a result of new entrants, the Authority took the view that the need for ASRs was hugely diminished.

In determining whether to embark with Public Consultation C03/22, the Authority also conducted an impact assessment on the removal of the Accounting SMP Obligations and found that there would be no threat to the level of competition or competitive outcomes in the relevant electronic communications markets. Nevertheless, it must be noted that the Authority retains the regulatory capabilities to conduct reviews in future years, which may lead to the imposition of obligations similar to the Accounting SMP Obligations, should market conditions require this. This decision to remove them, therefore, should not be taken to mean that the Authority will not impose these in the future.

In light of the regulatory and legal experience acquired during the last ten years, it is the Authority's view that the removal of the Accounting SMP Obligations is the most relevant, reasonable and proportionate way of dealing with the issues presented by the Authority within Public Consultation C03/22. Moreover, "Response to Consultation and Decision Notice C05/16" of 2nd November 2016 will cease to have effect as the key principles and compliance requirements for any operator imposed with Accounting SMP Obligations will no longer apply.

6. REMOVAL OF SMP OBLIGATIONS

Taking the utmost account of the operator's responses, the Authority has decided to remove the Accounting SMP Obligations as outlined in section 4.

It is the Authority's view that by removing the Accounting SMP Obligations, an appropriate balance will be achieved between significantly reducing the burden on SMP operators and maintaining the ability to require relevant financial information on demand.

The removal of the accounting obligations will affect all operators currently designated with SMP and will be taken into account when considering which obligations should be imposed on SMP operators in the future. This implies that the removal of such obligations may assist and benefit operators who are designated as having SMP in any market.

Consequently, "Response to Consultation and Decision C05/16"⁸ will cease to have effect.

Following this review, it is also important to note, that the Authority will be closely monitoring these markets and reserves its right to re-evaluate its position if necessary.

Pursuant to the provisions of regulation 9(10) of the Access Regulations, the Authority hereby withdraws the Accounting SMP Obligations on Gibtelecom in the markets defined above.

In order to ensure a smooth transition, the Authority shall ensure that the parties affected by the withdrawal of an SMP obligation receive an appropriate notice period. The Authority shall, therefore, adopt a notice period of 30 calendar days following the publication of the final decision notice concerning these markets.

The Authority believes that this notice period is justified and sufficient to allow the relevant stakeholders to make necessary arrangements for the new regulatory approach to the wholesale markets identified.

The notice period for the removal of the Accounting SMP Obligations shall be 30 calendar days following the publication of this final decision notice.

⁸ See footnote 1 above.

7. REMAINING SMP OBLIGATIONS

For the avoidance of doubt, following the removal of the Accounting SMP Obligations, the SMP obligations below will remain in place. These are outlined below, for ease of reference, on a per market basis.

Wholesale call termination on individual public telephone networks provided at a fixed location

Transparency

1. Gibtelecom shall make public the terms and conditions of its wholesale fixed call termination services in a Reference Interconnection Offer (RIO). The RIO should include appropriate technical specifications, and should explain the mechanism for publishing charges.
2. The terms and conditions applicable to wholesale fixed call termination services may be subject to amendment and/or direction by the GRA.
3. Gibtelecom shall be obliged to notify the GRA 45 days in advance of changes to terms and conditions and price increases. In addition, the GRA proposes the same obligation to apply to prices of new services.
4. Gibtelecom shall be obliged to notify the GRA 30 days in advance for price reductions.
5. Gibtelecom shall also be obliged to publish changes to terms and conditions, information on increase to tariffs and information on prices for new services 30 days in advance. Publication shall include direct notification to all other operators in the market.
6. In terms of a decrease in tariffs, Gibtelecom shall be obliged to publish this information at least 14 days in advance. Publication shall include direct notification to all other operators in the market.

Non-discrimination

1. Gibtelecom shall not unduly discriminate between wholesale customers.
2. Gibtelecom shall apply equivalent conditions in equivalent circumstances to other persons providing equivalent services.
3. Gibtelecom shall provide services and information to others under the same conditions, and of the same quality, as it provides to itself, its subsidiaries and partners.

Access

1. Gibtelecom shall meet reasonable requests for access to, and use of, specific network elements and associated facilities in situations where the GRA considers that denial of such access or unreasonable terms and conditions having a similar effect would hinder the emergence of a sustainable competitive market at the retail level, or would not be in the end-user's interest.

Gibtelecom shall be required:

- a. to negotiate in good faith with undertakings requesting access;
 - b. not to withdraw access to facilities already granted;
 - c. to grant open access to technical interfaces, protocols or other key technologies that are indispensable for the interoperability of services;
 - d. to provide specified services needed to ensure interoperability of end-to-end services to users, including facilities for intelligent network services or roaming on mobile networks;
 - e. to provide access to operational support systems or similar software systems necessary to ensure fair competition in the provision of services; and f. to interconnect networks or network facilities.
2. Gibtelecom shall be required, if the GRA is of the view this will promote effective competition, to provide co-location or other forms of facility sharing, including duct, building or mast sharing.
3. Regulation 13(2)(3) of the Access Regulations provides that the GRA may attach conditions to ensure that requests for access are made and responded to in a fair and reasonable manner, and that compliance is timely. In the event of a dispute between an entity and Gibtelecom regarding the reasonableness of the entity's request for access to wholesale voice call origination services, the GRA shall intervene if either party writes to the GRA seeking intervention. The GRA shall determine whether the request is reasonable within a period of 60 days following receipt of a written request for intervention. The Authority shall be guided by Regulation 13(1) "Obligations of access to and use of specific network facilities" of the Communications (Access) Regulations 2006 when assessing whether an access request is reasonable.

Price controls

1. The Authority has set the following rates for wholesale fixed call termination:

Date	Wholesale fixed call termination rate (€cents/min)	Wholesale fixed call termination rate (p/min)
1 st December 2015 onwards ⁹	0.0983 ¹⁰	0.0718

Wholesale voice call termination on individual mobile networks

Transparency

1. Gibtelecom shall make public the terms and conditions of its wholesale mobile call termination services in a Reference Interconnection Offer (RIO). The RIO shall include appropriate technical specifications, and shall explain the mechanism for publishing charges.

2. The terms and conditions applicable to wholesale mobile call termination services may be subject to amendment and/or direction by the GRA.

3. Gibtelecom shall be obliged to notify the GRA 45 days in advance of changes to terms and conditions and price increases. In addition, the Authority proposes the same obligation to apply to prices of new services.

4. Gibtelecom shall be obliged to notify the GRA 30 days in advance for price reductions.

5. Gibtelecom shall also be obliged to publish changes to terms and conditions, information on increase to tariffs and information on prices for new services 30 days in advance. Publication shall include direct notification to all other operators in the market.

6. In terms of a decrease in tariffs, Gibtelecom shall be obliged to publish this information at least 14 days in advance. Publication shall include direct notification to all other operators in the market.

⁹ The fixed call termination rate will be in force until further reviewed by the Authority.

¹⁰ This figure has been calculated as the average termination rate between Member States which have implemented a BU-LRIC model. The Member States are Bulgaria, Czech Republic, Spain, France, Hungary, Ireland, Italy, Luxembourg, Malta, Romania, Slovenia, Slovakia and UK as stipulated by the BEREC FTR Benchmark Report (as of January 2015).

Non-discrimination

1. Gibtelecom shall not unduly discriminate between wholesale customers.
2. Gibtelecom shall apply equivalent conditions in equivalent circumstances to other persons providing equivalent services.
3. Gibtelecom shall provide services and information to others under the same conditions, and of the same quality, as it provides to itself, its subsidiaries and partners.

Access

1. Gibtelecom shall meet reasonable requests for access to, and use of, specific network elements and associated facilities in situations where the Authority considers that denial of such access or unreasonable terms and conditions having a similar effect would hinder the emergence of a sustainable competitive market at the retail level, or would not be in the end-user's interest.

Gibtelecom shall be required:

- a. to negotiate in good faith with undertakings requesting access;
- b. not to withdraw access to facilities already granted;
- c. to grant open access to technical interfaces, protocols or other key technologies that are indispensable for the interoperability of services;
- d. to provide specified services needed to ensure interoperability of end-to-end services to users, including facilities for intelligent network services or roaming on mobile networks;
- e. to provide access to operational support systems or similar software systems necessary to ensure fair competition in the provision of services; and
- f. to interconnect networks or network facilities.

2. Gibtelecom shall be required, if the Authority is of the view this will promote effective competition, to provide co-location or other forms of facility sharing, including duct, building or mast sharing.

3. Regulation 13(2)(3) of the Access Regulations provides that the Authority may attach conditions to ensure that requests for access are made and responded to in a fair and reasonable manner, and that compliance is timely. In the event of a dispute between an entity and Gibtelecom regarding the reasonableness of the entity's request for access to wholesale voice call origination services, the Authority shall intervene if either party writes to the Authority seeking intervention. The Authority shall determine whether the request is reasonable within a period of 60 days following receipt of a written request for intervention. The Authority shall be guided by Regulation 13(1) "Obligations of access to and use of specific network facilities" of the Communications (Access) Regulations 2006 when assessing whether an access request is reasonable.

Price controls

1. The Authority has set the following rates for wholesale mobile call termination:

Date	Wholesale mobile call termination rate (€cents/m)	Wholesale mobile call termination rate (p/m)
1 st December 2015 onwards ¹¹	0.9201 ¹²	0.6721

Wholesale terminating segments of leased lines, irrespective of the technology used to provide leased or dedicated capacity

Transparency

1. Gibtelecom shall make public in response to a reasonable request or requests for wholesale terminating segments of leased lines a Reference Leased Lines Offer (RLLO) within 60 days of any such reasonable request or requests being made.
2. The RLLO shall describe relevant offerings and their associated terms and conditions, including prices.
3. The terms and conditions applicable to wholesale broadband services in the RLLO may be subject to amendment and/or direction by the Authority.
4. Gibtelecom shall notify the Authority at least 60 days in advance of changes to terms and conditions (excluding price decreases).
5. Gibtelecom shall notify the Authority at least 30 days in advance for price reductions.
6. Gibtelecom shall publish changes to terms and conditions (excluding price decreases) at least 30 days in advance of implementation.
7. Gibtelecom shall provide at least 14 days notice to publish a decrease in prices.
8. Publication shall include a prominent notice on the company's website.

¹¹ The mobile call termination rate will be in force until further reviewed by the Authority.

¹² This figure has been calculated as the average termination rate between Member States which have implemented a BU-LRIC model. The Member States are Austria, Belgium, Denmark, Greece, France, Croatia, Hungary, Italy, Poland, Portugal, Sweden and UK as stipulated by the BEREC MTR Benchmark Report (as of January 2015).

Non-discrimination

1. Gibtelecom shall not unduly discriminate between customers.
2. Gibtelecom shall apply equivalent conditions in equivalent circumstances to other authorised operators providing equivalent services.
3. Gibtelecom shall provide services and information to other authorised operators under the same conditions and of the same quality as it provides for its own services.

Access

1. Gibtelecom shall meet reasonable requests for access to, and use of, specific network elements and associated facilities as described in Regulation 13.
2. Gibtelecom shall meet access requests made under 1 above using terms which are fair and processes which are timely.
3. In the event of a dispute between an entity and Gibtelecom regarding the reasonableness of the entity's request for access to wholesale terminating segments of leased lines, the Authority shall intervene if either party writes to the Authority seeking intervention. The Authority shall determine whether the request is reasonable within a period of 60 days following receipt of a written request for intervention. The Authority shall be guided by Regulation 13(1) "Obligations of access to and use of specific network facilities" of the Communications (Access) Regulations 2006 when assessing whether an access request is reasonable.

Price controls

1. Gibtelecom shall ensure that its prices are cost oriented.

Wholesale Broadband Access

Transparency

1. If by 31 December 2009 other authorised network operators have not purchased products off the Reference Unbundling Offer (RUO), Gibtelecom shall make available in response to a reasonable request or requests thereafter, wholesale broadband access services in the form of a Reference Wholesale Broadband Access Offer (RWBAO) within 60 days of any such reasonable request or requests being made.
2. The RWBAO shall describe relevant offerings and their associated terms and conditions, including prices.
3. The terms and conditions applicable to wholesale broadband services in the RWBAO may be subject to amendment and/or direction by the Authority.

4. Gibtelecom shall notify the Authority at least 60 days in advance of changes to terms and conditions (excluding price decreases).
5. Gibtelecom shall notify the Authority at least 30 days in advance for price reductions.
6. Gibtelecom shall publish changes to terms and conditions (excluding price decreases) at least 30 days in advance of implementation.
7. Gibtelecom shall provide at least 14 days notice to publish a decrease in prices.
8. Publication shall include a prominent notice on the company's website.

Non-discrimination

1. Gibtelecom shall not unduly discriminate between customers.
2. Gibtelecom shall apply equivalent conditions in equivalent circumstances to other authorised operators providing equivalent services.
3. Gibtelecom shall provide services and information to other authorised operators under the same conditions and of the same quality as it provides for its own services.

Access

1. Gibtelecom shall meet reasonable requests for access to, and use of, specific network elements and associated facilities as described in Regulation 13.
2. Gibtelecom shall meet access requests made under 1 above using terms which are fair and processes which are timely.
3. In the event of a dispute between an entity and Gibtelecom regarding the reasonableness of the entity's request for access to wholesale broadband access services, the Authority shall intervene if either party writes to the Authority seeking intervention. The Authority shall determine whether the request is reasonable within a period of 60 days following receipt of a written request for intervention. The Authority shall be guided by Regulation 13(1) "Obligations of access to and use of specific network facilities" of the Communications (Access) Regulations 2006 when assessing whether an access request is reasonable.

Price controls

1. Gibtelecom shall ensure that its prices are cost oriented.

Wholesale (physical) network infrastructure access (including shared or fully unbundled access) at a fixed location

Transparency

1. Gibtelecom shall make available unbundled services and make public the terms and conditions in a Reference Unbundling Offer (RUO) by 1 January 2009.
2. The RUO shall describe relevant offerings and their associated terms and conditions, including prices, as specified in Regulation 10(7).
3. The terms and conditions applicable to unbundled services in the RUO may be subject to amendment and/or direction by the Authority.
4. Gibtelecom shall notify the Authority at least 60 days in advance of changes to terms and conditions (excluding price decreases).
5. Gibtelecom shall notify the Authority at least 30 days in advance for price reductions.
6. Gibtelecom shall publish changes to terms and conditions (excluding price decreases) at least 30 days in advance of implementation.
7. Gibtelecom shall provide at least 14 days notice to publish a decrease in prices.
8. Publication shall include a prominent notice on the company's website.

Non-discrimination

1. Gibtelecom shall not unduly discriminate between customers.
2. Gibtelecom shall apply equivalent conditions in equivalent circumstances to other authorised operators providing equivalent services.
3. Gibtelecom shall provide services and information to other authorised operators under the same conditions and of the same quality as it provides for its own services.

Access

1. Gibtelecom shall meet reasonable requests for access to, and use of, specific network elements and associated facilities as described in Regulation 13.
2. Gibtelecom shall meet access requests made under 1 above, using terms which are fair and processes which are timely.
3. In the event of a dispute between an entity and Gibtelecom regarding the reasonableness of the entity's request for access to wholesale (physical) network infrastructure access (including shared or fully unbundled access), the Authority shall intervene if either party writes to the Authority seeking intervention. The Authority shall determine whether the request is reasonable within a period of 60 days following receipt of a written request for

intervention. The Authority shall be guided by Regulation 13(1) "Obligations of access to and use of specific network facilities" of the Communications (Access) Regulations 2006 when assessing whether an access request is reasonable.

Price controls

1. Gibtelecom shall ensure that its prices are cost oriented.

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