



GIBRALTAR REGULATORY
AUTHORITY

Mobile Infrastructure Sharing

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FOREWORD

The sharing of mobile network infrastructure is an established feature of many European mobile markets.

Mobile infrastructure sharing describes the process by which Authorised Providers share infrastructure to deliver mobile services to customers.

In order to ensure full transparency for all market players, the GRA has decided to publish this document to clarify the main concepts associated with mobile infrastructure sharing, its advantages and disadvantages and consult with industry to find out whether the GRA can assist Authorised Providers achieve their objectives.

This document, therefore, proposes the imposition of General Conditions on Authorised Providers to share mobile network infrastructure.

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1. INTRODUCTION

The sharing of mobile network infrastructure is an established feature of many European mobile markets. Mobile infrastructure sharing describes the process by which Authorised Providers¹ share infrastructure to deliver mobile services to customers. Sharing exists in a variety of different forms and generally come about either as a result of commercial negotiation between Authorised Providers or as a result of regulatory intervention by National Regulatory Authority's ("NRAs") or other competent authorities.

In appropriate circumstances and subject to market context, where they comply with electronic communications legislation, network sharing agreements can bring benefits to customers. The objective, therefore, is to facilitate the enhancement of mobile connectivity, whilst promoting competition and protecting consumers.

Even though the regulatory framework is considered as technology neutral, the Gibraltar Regulatory Authority ("GRA") must consider the existing and future technologies where possible, used for the provision of mobile networks and services. How the technology is deployed and used will ultimately shape how the regulator assesses the market and determines if any intervention is required.

The GRA has recently conducted a consultation² on licensing mobile communications networks including 5G communications services, ("mobile licensing consultation"). The reallocation of available spectrum in the bands currently allocated for mobile services and the identification of additional spectrum has been considered together with how it can be offered effectively to established and new Authorised Providers.

The introduction of 5G technology is particularly suited to the provision of exceptionally faster mobile data services and improved quality of service, meaning that broadband delivered over a mobile network could be equally as fast as that delivered over a fixed network. The prospect of these technologies also offers new innovative services including the Internet of Things ("IoT")³ and machine-to-machine communications ("M2M"), which will provide Authorised Providers the platforms to offer services in a more economic manner, as well as the opportunity to offer more bespoke solutions.

Given that 5G mobile networks use higher frequency bands, the number of small cells and base stations may increase relative to existing networks. This network densification may therefore create a greater incentive for infrastructure sharing arrangements. Some Authorised Providers have already expressed an interest in the co-location and sharing of network elements given its beneficial effects on the environment and the need for efficient deployment in an area the size of Gibraltar.

¹ A legal person who is authorised to provide electronic communications networks pursuant to the provisions of the Communications Act 2006.

² Consultation C03/19. www.gra.gi.

³ A global infrastructure for the information society, enabling advanced services by interconnecting (physical and virtual) things based on existing and evolving interoperable information and communication technologies. As defined by the International Telecommunication Union.

In terms of mobile infrastructure sharing, the Body of European Regulators for Electronic Communications ("BEREC"), is of the common position that NRAs should, having regard to the particular circumstances of each case, support future network sharing agreements that comply with the objectives of NRAs while remaining in any case subject to competition law⁴.

Taking the above into account, and in order to ensure full transparency for all market players, the GRA has decided to publish this document to clarify the main concepts associated with mobile infrastructure sharing, its advantages and disadvantages and consult with industry to find out whether the GRA can assist Authorised Providers achieve their objectives.

This document, therefore, proposes the imposition of General Conditions on all Authorised Providers to share mobile network infrastructure.

The conditions shall ensure a consistent application of the electronic communications rules in the context of infrastructure sharing, while taking into account the specific characteristics present in the Gibraltar market.

The GRA welcomes comments from all interested parties on the questions posed in this public consultation (full list of questions is set out in Annex A). Written comments will be accepted no later than 24th March 2020.

In order to promote further openness and transparency, the GRA will publish the names of all respondents and their responses on its website and will also make available for inspection responses to the consultation at its offices. Please note that this is subject to confidentiality. Respondents are asked to clearly identify material which is to be treated as confidential.

⁴ See BEREC Common Position on Mobile Infrastructure Sharing, BoR (19) 110.
https://bereg.europa.eu/eng/document_register/subject_matter/bereg/regulatory_best_practices/common_approaches_positions/8605-bereg-common-position-on-infrastructure-sharing

2. OBJECTIVES AND LEGAL FRAMEWORK

2.1 OBJECTIVES

Section 19(1) of the Communications Act 2006 (the “Act”) states,

“The objectives of the Authority in exercising its functions under this Act shall be as follows–

(a) in relation to the provision of electronic communications networks, electronic communications services and associated facilities–

(i) to promote competition;

(ii) to contribute to the development of the European internal market; and

(iii) to promote the interests of users in Gibraltar,

(b) to ensure the efficient management and use of the electro-magnetic spectrum and of Gibraltar’s Numbering Plan in accordance with a direction by the Minister.”

Furthermore, Section 19(3) sets out the following:

“The Authority shall in, pursuit of the policy objectives set out in subsections (1) and (2), apply objective, transparent, non-discriminatory and proportionate regulatory principles by–

(a) promoting regulatory predictability by ensuring a consistent regulatory approach over appropriate review periods;

(b) ensuring that, in similar circumstances, there is no discrimination in the treatment of persons providing electronic communications networks and electronic communications services;

(c) safeguarding competition to the benefit of consumers and promoting, where appropriate, infrastructure-based competition;

(d) promoting efficient investment and innovation in new and enhanced infrastructure, including by ensuring that any access obligation takes appropriate account of the risk incurred by the person investing and by permitting various co-operative arrangements between investors and parties seeking access to diversify the risk of investment, while ensuring that competition in the market and the principle of non-discrimination are preserved;

(e) taking due account of the variety of conditions relating to competition and consumers that exist in Gibraltar; and

(f) imposing ex-ante regulatory obligations only where there is no effective and sustainable competition and relaxing or lifting such obligations as soon as that condition is achieved”.

Ultimately, by following the objectives and applying the principles above, an NRA must ensure effective competition. This can either be achieved through infrastructure-based competition, service-based competition or both.

Infrastructure-based competition ensures the independent ability and incentive to invest for Authorised Providers. It involves stand-alone network roll-out but may also involve passive infrastructure sharing. The prospect of protecting or increasing profitable sales by offering customers greater benefit (e.g. by improved coverage) or a better value offer due to efficiency enhancements drives investments and constitutes a central incentive for the build-up and expansion of mobile communications infrastructure.

The larger an Authorised Provider's market share is, the smaller is the incentive to make such investments in order to win additional customers from other competitors. The lower the competitive pressure of others, the smaller is the incentive to retain the existing customers through investments and better offers. At the same time, joint rollout and joint operation of mobile communications infrastructure, as opposed to several independent infrastructures, might bring savings in many areas. In areas with low usage the benefits from network sharing in mobile communications are comparatively high.

In some cases, infrastructure-based competition is not feasible as a new entrant may not be able to compete solely on the basis of its own infrastructure. In these scenarios, Authorised Providers may choose to compete by offering specific products or services with regard to price, quality of service, bandwidth, data volume and any other similar parameters. By sharing infrastructure and realising economies of scale, Authorised Providers may be able to provide the coverage, quality of service and reliability needed for a successful business plan.

2.2 LEGAL FRAMEWORK

EU Regulatory Framework

Article 8 of the EU Framework Directive⁵ states NRAs shall promote competition in the provision of electronic communications networks and services by encouraging infrastructure-based competition and innovation.

EU Directive 2009/140/EC⁶ highlights in particular that, "improving facility sharing can significantly improve competition and lower the overall financial and environmental cost of deploying electronic communications infrastructure for undertakings, particularly of new access networks".

Article 12 of Directive 2009/140/EC empowers NRA's, "taking full account of the principle of proportionality", to require networks to share network elements and associated facilities

⁵ Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services (Framework Directive).

⁶ Directive 2009/140/EC of the European Parliament and of the Council of 25 November 2009 amending Directives 2002/21/EC on a common regulatory framework for electronic communications networks and services, 2002/19/EC on access to, and interconnection of, electronic communications networks and associated facilities, and 2002/20/EC on the authorisation of electronic communications networks and services. Recital 43.

“including buildings, entries to buildings, building wiring, masts, antennae, towers and other supporting constructions, ducts, conduits, manholes, cabinets.”

Gibraltar Regulatory Framework

Access Regulations

Regulation 6 of the Communications (Access) Regulations 2006⁷ states,

“6.(1) The Authority shall, having regard to these Regulations and to its objectives as set out in section 19 of the Act, encourage and, where appropriate, ensure adequate access, interconnection and interoperability of services in such a way as to secure–

- (a) efficiency on the part of persons operating in electronic communications markets;
- (b) sustainable competition between such persons;
- (bb) efficient investment and innovation; and
- (c) the greatest possible benefit for end-users of public electronic communications services.

(2) Without prejudice to any SMP obligations that it may impose pursuant to regulation 9, the conditions which the Authority may set pursuant to sub-regulation (1) include conditions which–

(a) for the purpose of securing end-to-end connectivity for the end-users of public electronic communications services provided by means of a series of electronic communications networks–

(i) impose obligations on a person controlling network access to any of those networks; and

(ii) require the interconnection of the networks;

(ab) in justified cases, and to the extent that is necessary, impose obligations on a person who controls access to end-users, to make the services interoperable; and

...

(5) Any obligation or condition imposed by the Authority pursuant to sub-regulations (1), (2) or (3) and any modification to any such obligation or condition, shall be–

(a) objectively justifiable in relation to the access, interconnection or interoperability of services to which it relates;

(b) not such as to discriminate unduly against particular persons or against a particular description of persons;

(c) proportionate to what it is intended to achieve;

⁷ As amended by the Communications (Access)(Amendment) Regulations 2011.

(d) in relation to what it is intended to achieve, transparent; and

(e) applied in accordance with the public consultation procedure and with section 22 of the Act.

(6) The Authority may, subject to these Regulations and to sections 13, 22 and 92 or 96 of the Act, exercise its powers on any matter concerning access or interconnection, referred to in sub-regulation (1) on its own initiative, where it appears to the Authority that a question with regard to access or interconnection has arisen and needs to be determined.

(7) The Authority shall, when exercising its powers pursuant to sub-regulation (6), seek to secure the achievement of the objectives set out in section 19 of the Act”.

Broadband Infrastructure Regulations

In accordance with the provisions of the Broadband Infrastructure Regulations⁸, any network operator⁹ shall provide access to its physical infrastructure¹⁰ under fair and reasonable terms including price, if it receives a reasonable request for access from an Authorised Provider in order to deploy elements of high-speed electronic communications networks¹¹.

A request for access to physical infrastructure may only be refused inter alia, on objective, transparent and proportionate criteria, involving safety and public health concerns, availability of space and integrity and security of any network.

⁸ Broadband Infrastructure Regulations 2020 transposing EU Directive 2014/61/EU.

⁹ An undertaking providing or authorised to provide public electronic communications networks as well as an undertaking providing a physical infrastructure intended to provide- (a) a service of production, transport or distribution of - (i) gas; (ii) electricity, including public lighting; (iii) heating; (iv) water, including disposal or treatment of waste water and sewage, and drainage systems; or (b) transport services, including roads, the port and airports.

¹⁰ Any element of a network which is intended to host other elements of a network without becoming itself an active element of the network, such as pipes, masts, ducts, inspection chambers, manholes, cabinets, buildings or entries to buildings, antenna installations, towers and poles, but cables, including dark fibre, as well as elements of networks used for the provision of potable water as defined in the Public Health Act are not physical infrastructure within the meaning of these Regulations.

¹¹ An electronic communication network which is capable of delivering broadband access services at speeds of at least 30 Mbps.

3. SHARING AGREEMENTS

3.1 TYPES OF SHARING

The term “mobile network infrastructure sharing” is used to denote different types of arrangement whereby two or more Authorised Providers share some network or infrastructure elements to deliver services. Currently, there are no established criteria used to define the various types of infrastructure sharing, however for the purposes of this consultation the GRA will follow the explanatory material as provided for by BEREC¹².

Please note the terms below may change in the future in order to adapt to technological evolution and a dynamic electronic communications landscape.

There are two main types of sharing infrastructure, passive sharing and active sharing.

Passive network sharing is the most common form of wireless network infrastructure co-operation and is supported and incentivised in most countries from a regulatory standpoint.

3.2 PASSIVE SHARING

Passive sharing is the common use by two or more Authorised Providers of passive elements of their respective networks. Passive elements are those which are not able to process or convert telecommunication signals in any way and which are not integrated parts of the system dedicated specifically to the conveyance of signals. Passive elements are sometimes referred to as ‘unpowered components’ as these elements usually do not require a power supply. This is however not always the case. For instance, air conditioning for cooling equipment might be considered a passive element, but usually requires an external power supply. Passive sharing can encompass the sharing of passive backhaul elements.

Co-location is a form of **passive sharing** where the Authorised Providers share the same location (such as compound, base station sites, rooftops, etc.) for the construction of the base stations. It could be limited to a common access to the location. It could also include the use of common masts and other mounting/supporting constructions or cabinets including related installations (such as air conditioning, power supply etc.).

Site sharing is a form of **co-location** where two or more Authorised Providers agree to deploy their masts or other supporting constructions in the same location. Typically, each Authorised Provider provides own mast, backhaul, cabinets and active equipment.

Mast sharing is a form of **co-location** where two or more Authorised Providers agree to use the same mast or other supporting construction. Generally, each Authorised Provider provides its own backhaul, cabinets and active equipment.

¹² See BEREC Common Position on Mobile Infrastructure Sharing, BoR (19) 110.
https://berec.europa.eu/eng/document_register/subject_matter/berec/regulatory_best_practices/common_approaches_positions/8605-berec-common-position-on-infrastructure-sharing

3.3 ACTIVE SHARING

Active sharing is the common use by two or more Authorised Providers of active elements of their respective networks. Active elements are those which are able to generate, process, amplify and control signals. Examples of active elements are very diverse and include many different types of electronic equipment (hardware and software) capable of various functions (transmitters, receivers, amplifiers, decoders etc.).

While antennas have been traditionally classified as passive elements, technology advance has led to a paradigm shift to active antenna systems (AAS), which are considered a key enabler for 5G networks. Such antennas (or antenna arrays) can also be considered as active when equipped with radio frequency units such as amplifiers and signal processing elements. Furthermore, 5G, including virtualization technology, may enable new forms of network sharing, in particular for building common network slices tailored to specific services.

Radio Access Network (RAN) sharing is a form of **active sharing** where two or more Authorised Providers agree to use the same access network equipment, including base station active equipment and possibly the antenna. Each Authorised Provider uses its own core network. This type of active sharing itself can typically be split into two types, depending on whether Authorised Providers share the same spectrum or not:

Multi-Operator Radio Access Network (MORAN) sharing is a form of **RAN sharing** where only equipment is shared (i.e. not spectrum). The customers of each Authorised Provider access the services and frequencies of their respective Authorised Provider.

Multi Operator Core Network (MOCN) sharing is a form of **RAN sharing** where all elements of the radio access network, including spectrum, are shared. The customers of each Authorised Provider can access the services of their respective Authorised Provider through all the frequencies that are shared in the access network. The frequencies can be provided by one or several Authorised Providers that are part of the sharing. When the frequencies of several Authorised Providers are used, it is called **MOCN with frequency (or spectrum) pooling**.

Please note frequency or spectrum pooling is not available in Gibraltar and is not considered further in this document.

National/local roaming is a form of active sharing where one Authorised Provider uses the mobile service of another Authorised Provider within the same country for the purpose of providing services to its customers.

3.4 OTHER TYPES OF SHARING

Core Network sharing is a form of sharing where Authorised Providers agree to share elements of their core network, either on a standalone basis or in addition to sharing elements of their access network(s). Core network sharing can be limited to data transmission rings which connect the core network components and can extend to components themselves (such as switching centres and billing platforms).

Backhaul sharing is a form of sharing where one or more Authorised Providers share

backhaul elements. It is a form of passive sharing when the shared elements are passive, for example ducts and poles. It is a form of active sharing when it is the common use of network components for data transmission.

4. BENEFITS AND DRAWBACKS OF SHARING AGREEMENTS

This section details the potential benefits and drawbacks resulting from infrastructure sharing. All outcomes resulting from infrastructure sharing agreements will depend on the specific characteristics of a given market. Nonetheless, it is possible to identify potential benefits and drawbacks associated with infrastructure sharing agreements in general terms.

4.1 POTENTIAL BENEFITS OF INFRASTRUCTURE SHARING

Cost reduction

Cost reduction is a driver for Authorised Providers to engage in infrastructure sharing. Where NRAs have available estimates, there is a general view that sharing can save costs. Saving potentials will vary depending on network design, roll out and context. Furthermore, factors such as location, timing and type of technology will also have to be considered by Authorised Providers when requesting these agreements.

Given the potential benefits, Authorised Providers may also choose to transfer at least part of these savings to customers in the form of improved coverage, quality of service and price reductions.

Improved coverage and efficiency

Infrastructure sharing is associated with the acceleration of coverage in areas where coverage costs for a single Authorised Provider is high in terms of deployment. Both active and passive sharing can also be identified as a means of overcoming challenges related to the roll out of network elements in areas where replicability of infrastructure is difficult and even where finding new sites is extremely limited. These scenarios are often present in highly dense areas, old city centres and highly secured places.

Administrative efficiency improvements may also be experienced by Authorised Providers if sharing agreements can be concluded swiftly and in relation to sites where other Authorised Providers are already present. Documentation requirements may decrease if negotiating sharing agreements on sites which already have the necessary permits in place for example.

Enhanced consumer choice

Sharing agreements can provide benefits to customers as long as they are not detrimental to the competitive environment. In certain instances, increased customer choice may exist in areas where it would otherwise be uneconomical to serve on an individual basis given that multiple Authorised Providers may provide competing services in the same area and ultimately benefiting social and financial development.

By sharing infrastructure, Authorised Providers may also be motivated to diversify their products and services and even lower prices in order to stay ahead of the competition.

Environmental and health concerns

As with the other benefits highlighted above, environmental and health concerns will be highly market and context specific. Gibraltar has a unique size and topography when compared to EU Member States and therefore issues can only be identified and potentially solved by taking into account the geographical areas highlighted for infrastructure sharing and the regulatory framework applied.

Sharing in this context, will reduce the visual impact of mobile networks on the landscape and may also reduce energy consumption, thereby lowering the carbon footprint of the electronic communications sector and contribute to the fight against climate change. By decreasing the physical presence of widespread networks, concerns and complaints over radiation levels for example, may also decline.

4.2 POTENTIAL DRAWBACKS OF INFRASTRUCTURE SHARING

Reduced incentives to invest

Sharing agreements can negatively impact incentives for participants to invest in their own infrastructure, as any gains in service offering (relating, for example, to coverage, network quality etc.) resulting from a new investment are likely to be shared with other parties involved. The degree to which other parties benefit from this will necessarily depend on the sharing agreement type.

Passive sharing may affect coverage competition but with independent core networks, the provisioning of services could be largely in competition. However, within the ambit of active sharing, these issues may become more apparent as more architecture is shared and will limit the ability for Authorised Providers to diversify and replace active equipment.

The reduction in incentives to invest and the ability to compete may detrimentally affect consumer choice, however the degree to which these concerns impact market dynamics will depend on the type of agreement and context.

Increased co-operation between Authorised Providers

Sharing agreements may require greater co-operation between participating parties which will need to share some information to collaborate on network deployment and interoperability. This may create a risk of collusion which could ultimately have a negative impact on competition.

From an operational viewpoint, sharing could also require extensive periods of planning which may result in delays and joint decision-making processes could add a layer of added bureaucracy to the already complex process.

In terms of passive sharing, host network sites may become significantly loaded with additional equipment installed by guest Authorised Providers which could ultimately limit potential future network development such as the installation of new equipment modules related to the introduction of new technologies. The extent and impact of this drawback is likely to depend on sharing type and network design.

Reduced network resilience

Shared infrastructure might reduce the overall resilience of mobile networks in a given geographic area. This is because with fewer independent mobile networks, infrastructure and mobile coverage as a whole may be more vulnerable as there is less redundancy and less option for connecting to mobile services. This is particularly important when trying to contact emergency services or when natural disasters occur. Similarly, when networks are shared to a greater degree, problems may affect a greater number of consumers due to their being less network diversification.

As with the other potential drawbacks highlighted above, a balance must sometimes be made between having a network sharing agreement between Authorised Providers and having no network presence at all.

5. POWER TO SET CONDITIONS

A “General Authorisation” is defined as the legal framework established under and pursuant to the Act ensuring rights for the provision of electronic communications networks or electronic communications services or both and laying down the conditions and, where applicable, the specific obligations for such provision.

Regulation 17 of the Communications (Authorisation and Licensing) Regulations 2006 (the “Regulations”) sets out the GRA’s powers to set conditions to a General Authorisation. They also provide that a General Condition is a condition listed in Part A of the Schedule to the Regulations and that every communications provider holding a General Authorisation, i.e. Authorised Providers shall comply with the conditions applicable to them.

The GRA also has the power to modify conditions under the provisions of Regulation 18 of the Regulations provided that any modification is objectively justifiable in relation to the networks or services to which the modification relates and is proportionate to what the modification is intended to achieve. Whenever the GRA intends to make a modification, it shall comply with the public consultation procedure¹³ unless the proposed modification is minor and has been agreed with the Authorised Providers concerned.

The GRA therefore proposes to set the following General Conditions in relation to mobile infrastructure sharing and would welcome your feedback on the questions found below:

General Conditions

Undertakings shall negotiate and successfully conclude mobile infrastructure sharing agreements with other Undertakings within a reasonable period and without undue delay.

Undertakings shall share and make available their mobile physical infrastructure under fair and reasonable terms and conditions, including price and quality, in response to a reasonable request for access and/or interconnection. The provision of access and/or interconnection shall be provided within a reasonable period and without undue delay.

Undertakings shall provide access and/or interconnection to their mobile physical infrastructure by applying equivalent terms and conditions including price and quality, to other Undertakings in order to provide equivalent services.

In the case where the access and/or interconnection sought by the requesting Undertaking is the same as the access and/or interconnection already self-provided by the requested Undertaking, then the access and/or interconnection shall be provided under the same terms and conditions including price and quality, as the requested Undertaking provides to itself.

All Undertakings shall provide the relevant information required to enable the

¹³ Section 13 of the Communications Act 2006.

negotiation, successful completion of mobile infrastructure sharing agreements and the provision of access and/or interconnection to mobile physical infrastructure, within a reasonable amount of time and without undue delay.

Upon successful completion of a mobile infrastructure sharing agreement and/or the provision of access and/or interconnection, Undertakings shall inform the GRA within 15 calendar days and provide a copy of the entire agreement including full details of any terms and conditions, prices, any cost sharing arrangements, site location/s and any other details as contained in such agreement.

Undertaking means a legal person who is authorised to provide electronic communications networks pursuant to the provisions of the Communications Act 2006.

Mobile physical infrastructure means any element or associated facility of an electronic communications network which includes but not limited to, pipes, masts, ducts, cables, inspection chambers, manholes, cabinets, buildings or entries to buildings, rooftops, antenna installations, towers, poles, software, computer systems and any other relevant infrastructure under the control or ownership of the Undertaking which is directly or indirectly associated with the provision of mobile communications networks and/or services.

Q1. Do you agree with the imposition of the General Conditions above? Please give reasons for your answer.

Q2. Do you agree that the imposition of the General Conditions above, shall promote competition in the mobile sector? Please give reasons for your answer.

Q3. Do you agree that the imposition of the General Conditions above, are in the interests and benefit of mobile customers in Gibraltar? Please give reasons for your answer.

Q4. Do you agree that the imposition of the General Conditions above, shall facilitate the development of mobile infrastructure sharing agreements and the deployment of mobile physical infrastructure? Please give reasons for your answer.

Q5. Should any other factors be considered by the GRA in order to promote mobile infrastructure sharing or competition in the mobile sector within the scope of this consultation?

6. DISPUTE RESOLUTION

If an Authorised Provider is dissatisfied with the process of negotiating or completing any infrastructure sharing agreements or is unhappy with the provision or non-provision of access and/or interconnection to another Authorised Provider's mobile physical infrastructure, they can request the resolution of a dispute from the GRA.

The Act empowers the GRA to handle and resolve disputes. These powers and procedures are contained in section 92 to section 98 of the Act.

The GRA has a duty to resolve disputes which fall within the scope of Section 92(1) of the Act.

Section 92(1) of the Act provides:

"This section applies in the case of any dispute if:

(a) it relates to rights, conditions or obligations conferred or imposed by or under this Act;

(b) it is a dispute between persons authorised to provide electronic communications services, electronic communications networks or to make associated facilities available in Gibraltar; and

(c) it is not an excluded dispute."

Section 92(2) of the Act provides that any one or more of the parties to a dispute, as defined in Section 92(1) of the Act, may refer the dispute to the GRA.

Section 92(3) of the Act provides that a reference for dispute resolution made under Section 92 is to be made in such manner as the GRA may require.

Section 92(4) of the Act provides as follows:

"The way in which a requirement under subsection (3):

(a) is to be imposed; or

(b) may be withdrawn or modified,

is by a notice issued under section 12 published in such manner as the Authority considers appropriate for bringing the requirement, withdrawal or modification to the attention of the persons who, in its opinion, are likely to be affected by it."

The GRA has also published, "Notice C01/2020 – Authorised Provider complaints and disputes procedures". These procedures should be carefully considered by any Authorised Provider if and when they want to raise a dispute with the GRA. The procedures include an explanation of the characteristics of a dispute, the process to be followed by Authorised Providers and the GRA and the format and timing for submitting a request to resolve a dispute.

ANNEX A: CONSULTATION QUESTIONS

Q1. Do you agree with the imposition of the General Conditions above? Please give reasons for your answer.

Q2. Do you agree that the imposition of the General Conditions above, shall promote competition in the mobile sector? Please give reasons for your answer.

Q3. Do you agree that the imposition of the General Conditions above, are in the interests and benefit of mobile customers in Gibraltar? Please give reasons for your answer.

Q4. Do you agree that the imposition of the General Conditions above, shall facilitate the development of mobile infrastructure sharing agreements and the deployment of mobile physical infrastructure? Please give reasons for your answer.

Q5. Should any other factors be considered by the GRA in order to promote mobile infrastructure sharing or competition in the mobile sector within the scope of this consultation?

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