



GIBRALTAR REGULATORY  
AUTHORITY

# Mobile Infrastructure Sharing

Public Consultation – second round

24th August 2020

CO6/20

# 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 undergo a second round of consultation aimed 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.*

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# 1. INTRODUCTION

The Gibraltar Regulatory Authority (“GRA”) has decided to embark on a second round of consultation for mobile infrastructure sharing.

Upon reviewing the comments provided by the respondents after the first round of consultation<sup>1</sup>, it was decided that the General Condition proposed would benefit from an element of simplicity and clarity and so, the purpose for carrying out a second round is so that respondents may consider their answers in light of a revised General Condition presented in this document (the “Revised General Condition”). It was further concluded that, in its original form, the proposed General Condition was too wide-reaching and therefore, all references to access and interconnection have been removed from the Revised General Condition. This way, the Revised General Condition will seek only to focus on ensuring that undertakings properly negotiate and successfully conclude transparent and non-discriminatory mobile infrastructure sharing agreements within a reasonable period and without undue delay.

Additionally, this second consultation is not designed to replace the C02/20 consultation, but instead should be read in conjunction and be viewed as an extension of it. With this in mind, the GRA will be taking into account the responses received during the first round of consultation as well as those made in light of the Revised General Condition. In the interests of fairness and transparency, the second round will remain open to anyone wishing to provide answers to the questions posed, and not just those who contributed during the first round.

The GRA welcomes comments from all interested parties on the questions presented in this public consultation. Written comments will be accepted no later than **7<sup>th</sup> September 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.

# 2. REVISED GENERAL CONDITION

The Revised General Condition is as follows:

## **Mobile Infrastructure Sharing**

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<sup>1</sup> <https://www.gra.gi/communications/public-consultations/c02-20-mobile-infrastructure-sharing>

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

**In order to facilitate the successful conclusion of sharing agreements in accordance with the above, Undertakings must ensure the following:**

**All Undertakings shall provide, to any Undertaking wishing to enter into a mobile infrastructure sharing agreement, without undue delay, all the relevant information required to enable the negotiation and successful completion of an agreement.**

**Undertakings shall share their mobile physical infrastructure under fair and reasonable terms and conditions without undue delay, including, but not limited to, price and quality.**

**Undertakings shall apply equivalent terms and conditions to every Undertaking with which it enters into mobile infrastructure sharing agreements including, but not limited to, price and quality.**

**Upon successful completion of a mobile infrastructure sharing agreement, Undertakings shall inform the Authority within 15 calendar days and provide a copy of the entire agreement.**

### **Definitions**

***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.***

## **3. QUESTIONS**

The GRA asks interested parties to consider, in conjunction with public consultation C02/20, and in consideration of the Revised General Condition, the five questions below. The GRA requests respondents who have already submitted answers during the first round of consultation and who wish for their submission to remain unchanged, that they advise accordingly to avoid any confusion.

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

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

**Q3. Do you agree that the imposition of the Revised General Condition 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 Revised General Condition 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 second round of consultation?**

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