

**TELECOMMUNICATIONS NETWORKS INTERCONNECTION  
REGULATIONS 2003**



ARRANGEMENTS OF REGULATIONS

REGULATION :

PART I—RIGHTS AND OBLIGATIONS FOR INTERCONNECTION

1. The rights and obligations of any telecommunications operator to interconnection.
2. Powers and functions of the Commission with regard to interconnection.
3. Agreements on Interconnection.
4. Amendment and termination of interconnection agreements.

PART II—INTERCONNECTION PROCEDURES

5. Requests for interconnection.
6. Interconnection charges and costs.
7. Points of interconnection.
8. Telecommunications network specifications.
9. Requests for new services and systems change.

PART III—INTERCONNECTION OBLIGATIONS OF DOMINANT TELECOMMUNICATIONS  
OPERATORS

10. Interconnection agreement with dominant operators.
11. Principles of interconnection charges and costing to be applied by dominant telecommunications operators.
12. Separate accounts and financial information.

PART IV—INTERCONNECTION PRINCIPLES APPLICABLE TO ALL  
TELECOMMUNICATIONS OPERATORS

13. Essential requirements of interconnection.
14. Collocation. and facility sharing.
15. Technical standards.
16. Publication of and access to information.

PART V—INTERCONNECTION DISPUTES RESOLUTION

17. Interconnection disputes resolution procedures.

PART VI—MISCELLANEOUS PROVISIONS

18. Penalties.
19. Interpretation.
20. Citation.

SCHEDULE

LIST OF ISSUES TO BE COVERED IN THE TELECOMMUNICATIONS  
INTERCONNECTION AGREEMENTS

**B 122**

S. I. 13 of 2003

**NIGERIAN COMMUNICATIONS COMMISSION ACT  
(1992 No. 75)**

**Telecommunications Networks Interconnection Regulations 2003**

*Commencement* : 20th May, 2003

**In exercise of the powers conferred on it by section 26 of the Nigerian Communications Commission Act 1992, as amended, and of all other powers enabling it in that behalf, the NIGERIAN COMMUNICATIONS COMMISSION, with the approval of the Minister of. Communications, hereby make the following Regulations—**

**PART I—RIGHTS AND OBLIGATIONS FOR  
INTERCONNECTION**

**1.—(1)** Any licensed telecommunications operator shall have the right and, when requested by another licensed telecommunications operator, an obligation to negotiate interconnection with each other for the purpose of providing services in order to ensure the provision and inter-operability of services throughout the Federal Republic of Nigeria, subject to compliance with the terms and conditions on interconnection, the provisions of the Act, these Regulations and the Guidelines on Interconnection of Telecommunications Networks.

The rights and obligations of any telecommunications operator to interconnection.

**(2)** The Commission may agree to limit the obligation required under paragraph (1) of this regulation, if, as determined by the Commission in its reasonable discretion—

- (a)** an interconnection agreement is prohibited by law ; or
- (b)** the licence issued to an operator does not authorise the services for which interconnection is requested ; or
- (c)** the requested interconnection is rendered impossible as a result of technical specifications ; or
- (d)** such interconnection would endanger life or safety or result in injury or harm. to the property of the licensed telecommunications operator or hinder the quality of the services provided by the licensed operator.

**(3)** Any limitation imposed by the Commission pursuant to paragraph (2) of this regulation shall be published in accordance with paragraph (1) of regulation 16 of these Regulations.

## **B 124**

Powers and functions of the Commission with regard to interconnection.

**2.—(1)** The Commission shall—

(a) encourage and secure adequate interconnection and inter-operability of services ;

(b) carry out its functions in a way that promotes efficiency, sustainable competition and give the maximum benefit to users ; and

(c) take all necessary measures to remove any restrictions which may prevent effective negotiations on interconnection agreements between telecommunications operators.

**(2)** The Commission may—

(a) on its own initiative, intervene in negotiations on agreements for interconnection where no agreement is brought about between the negotiating telecommunications operators within twelve weeks of the commencement of the negotiations ;

(b) on its own initiative and at any time or if requested by either party, set time limits within which negotiations on interconnection are to be completed ;

(c) also intervene, if so requested by either party, in order to specify issues that shall be covered in the interconnection agreements and require changes to be made to interconnection agreements already concluded.

**(3)** Where no agreement is reached within the time allowed, the Commission shall take steps to facilitate the conclusion of the interconnection agreement under the procedures laid down by the Commission in the Guidelines on Interconnection of Telecommunications Networks published in accordance with paragraph (1) of regulation 16 of these Regulations.

**(4)** Where a telecommunications operator—

(a) enters into an interconnection agreement with another telecommunications operator, the Commission has the right to review such interconnection agreement to ensure conformity with the provisions of the Act, these Regulations or the Guidelines on Interconnection of Telecommunications Networks ;

(b) has not interconnected its facilities, the Commission has the right, to require the operator concerned to interconnect its facilities in order to protect essential public interests and, where appropriate, “may set the terms and conditions of interconnection.

**(5)** The Commission shall ensure that—

(a) any telecommunications operator who acquires information from another telecommunications operator during the process of negotiating interconnection agreements, use such information solely for the purpose

for which it was supplied and respect, at all times, the confidentiality of the information transmitted or stored ; and

(b) the information referred to in sub-paragraph (a) of this paragraph shall not be passed to any other party, in particular, other departments, subsidiaries or partners for which such information may provide competitive advantage.

**3.—**(1) Interconnection agreements shall be negotiated freely and in good faith between the parties involved and each negotiating party shall not—

Agreements  
on  
interconnec-  
tion.

(a) intentionally mislead the other party ; or

(b) coerce the other party into making an agreement that it would not otherwise have made ; or

(c) intentionally obstruct negotiations.

(2) The terms and conditions for interconnection of telecommunications networks shall be set on the basis of the agreement reached between the interconnecting telecommunications operators in accordance with the provisions of these Regulations.

(3) The interconnection agreement shall be in writing and comply with—

(a) the provision of the Act, these Regulations and the Guidelines on Interconnection of Telecommunications Networks published by the Commission ; and

(b) the principles of neutrality, transparency, nondiscrimination, fair competition, cost orientation, universal coverage, access to information, equality of access and equal terms and conditions.

(4) An interconnection agreement shall cover all the issues set out in the Schedule to these Regulations and in particular, each interconnection agreement shall contain. mutual obligations and responsibilities of the interconnecting telecommunications operators to protect the interests of the users as well as the interconnecting operators.

Schedule.

(5) All interconnection agreements entered into by a telecommunications operator shall be filed with the Commission .not later than thirty days from the date of the execution of the interconnection agreement and made available on request to interested parties in accordance with regulation 16 of these Regulations.

(6) Any party to an interconnection agreement may, upon the filing of such agreement with the Commission, mark provisions containing trade or operating secrets, in which case such party shall in addition, submit to the Commission for review a modified version of the agreement which does not, in the view of that party disclose the said trade or operating secrets.

(7) Where the Commission considers the marking unjustified, it shall consult with the relevant telecommunications operator prior to taking a decision on allowing third parties to inspect such agreements, in whole or in part and it may subsequently restrict inspection to the modified version of the interconnection agreement.

(8) The parties to an interconnection agreement shall furnish to the Commission any additional information that the Commission requires in respect of an interconnection agreement and on evaluating the terms and conditions and the charges set out in the proposed interconnection agreement, the Commission may require the telecommunications operator to revise the agreement, if interconnection as contemplated therein is inconsistent with the provisions of the Act, these Regulations, or the Guidelines on Interconnection of Telecommunications Networks published by the Commission.

Amendment and termination of interconnection agreements.

**4.—**(1) The parties to an interconnection agreement that is already approved by the Commission may, with the approval of the Commission, amend or modify such agreement.

(2) No amendment under paragraph (1) of this regulation shall be made unless the parties give a written notice to the Commission accompanied by a copy of the proposed amendment or modification to the agreement.

(3) Where no additional information is required by the Commission and the Commission fails to give its written approval within 30 days of the receipt of the notice mentioned in paragraph (2) of this regulation, the amendment or modification shall become effective and shall be deemed to have been approved by the Commission.

(4) Where any modification to the interconnection agreement is directed by the Commission, the parties shall negotiate and make such necessary amendments to the agreement in accordance with such directives by the Commission.

(5) Where the terms and conditions of any agreement or amendment made thereto become unreasonable, the requested party shall, within 30 days of the notification of the unreasonableness, offer to the requesting party an amended agreement or agree with the requesting party to amend the interconnection agreement, so that its terms and conditions become reasonable.

(6) The termination of any interconnection agreement shall be strictly in line with the terms and conditions of the interconnection agreement between the parties.

(7) The licensed operator providing interconnection shall give the other party a 6 months written notice of its intention to terminate the agreement specifying the grounds of termination.

(8) In the case of any breach of the terms and conditions of the agreement, the requested party shall give to the requesting party a 3 months written notice to remedy the breach and if the party in breach fails to remedy the breach within the period, the requested party may then terminate the agreement without giving further notice.

(9) No operator shall terminate any interconnection agreement without the written consent of the Commission first sought and obtained.

## PART II—INTERCONNECTION PROCEDURES

5.—(1) Where the requesting party desires to interconnect its telecommunications networks with that of the requested party, a request shall be made to the requested party.

Requests for interconnection.

(2) Any request made pursuant to paragraph (1) of this regulation shall—

(a) be made in writing to the requested party ;

(b) contain sufficient information in relation to—

(i) the type of interconnection,

(ii) the suggested date for the commencement of negotiations,

(iii) the date from which the interconnection is required, and

(iv) an estimate of the interconnection capacity required; and

(c) be brought to the notice of the Commission by the requesting party.

(3) The requested party shall inform the requesting party in writing within 28 days of the receipt of a request for interconnection, if—

(a) it shall be able to supply the form of interconnection requested ; and

(b) it shall be able to do so within the time frame requested by the requesting party.

(4) A request for interconnection may be refused only on reasonable grounds and shall be justified in writing by the party requested to provide the interconnection and the Commission shall be notified of the reason for the refusal.

(5) Where the parties are unable to agree, within 90 days from the date of first request as to the date upon which to commence negotiations, the Commission shall have the power to compel both parties to commence negotiations on an interconnection agreement on a date as may be prescribed by the Commission.

6.—(1) Subject to any default interconnection charges that may be approved by the Commission, the charges set by operators, with special focus

Interconnection charges and costs.

put on the dominant operators providing interconnection to their telecommunications networks in accordance with the Guidelines on Interconnection of Telecommunications Networks shall—

(a) be set on objective criteria, the principles of transparency and cost orientation ;

(b) be sufficiently unbundled to ensure that an operator requesting interconnection is not required to pay for network elements or facilities not strictly required for the service to be provided ;

(c) not include hidden cross-subsidies, particularly of an anti-competitive nature ;

(d) reflect underlying cost categories ;

(e) include a fair share, according to the principle of proportionality, joint and common costs and the costs incurred in providing equal access and number portability and the costs of ensuring essential requirements ; and

(f) be approved or, if needed, set by the Commission.

(2) Interconnection charges that do not conform to the provisions of these Regulations may be varied by a determination of the Commission.

Points of interconnection.

**7.—(1)** Any point of interconnection shall—

(a) only be requested after the conclusion and coming into force of the interconnection agreement ; and

(b) be established and maintained at any technically feasible point in the telecommunications network of a dominant operator requested by another operator seeking interconnection.

(2) The requesting party shall provide sufficient details to the requested party in relation to a point of interconnection in order to enable the requested party to assess what system conditioning may be required and to estimate the costs of establishing the point of interconnection.

(3) The costs of interconnection incurred by both interconnecting operators may vary depending on the points of interconnection.

(4) Any dominant operator shall indicate, in its Reference Interconnection Offer, the standard points of interconnection of its telecommunications networks at which the networks of other operators can interconnect with its networks.

(5) Where a new entrant into the telecommunications networks desires to interconnect at points other than the standard point of interconnection, such interconnection shall be made available upon request and the requesting party may be required to pay charges that reflect the cost of the construction of the necessary additional facilities.

(6) The points of interconnection shall be established as soon as practicable following a request but not later than 45 days from the date of the request.

(7) The calling line identification and all necessary signalling data shall be exchanged between the interconnecting parties in accordance with accepted international standards, the provisions of these Regulations and the Guidelines on Interconnection of Telecommunications Networks issued by the Commission.

8.—(1) Interconnected telecommunications networks shall be technically compatible and parties to an interconnection agreement shall ensure that—

Tele-communications network specifications.

(a) any operator seeking interconnection provides information on the technical characteristics of its telecommunications network ;

(b) the dominant operator and any new entrant into telecommunications sector, shall not, on the grounds that the standards and specifications are proprietary, withhold information necessary to ensure efficient interconnection arrangements for both sides ; and

(c) every dominant operator and new entrant into the telecommunication sector shall take account of the standards defined as being suitable for the purpose of interconnection, including the international standards and specifications adopted by the International Telecommunications Union.

9.—(1) Where the requesting party requests a new form of interconnection, it shall do so in writing and provide the requested party with reasonable information in relation to the following matters—

Requests for new services and systems change.

(a) the form of interconnection ;

(b) the approximate date the interconnection is required ; and

(c) an estimate of the capacity required.

(2) All requests for new interconnection services shall be filed with the Commission.

(3) The requested party shall inform the requesting party in writing within 14 days of the provision of the information mentioned in paragraph (1) of this regulation if—

(a) it is able to supply the form of interconnection requested ; or

(b) it will be able to do so within the time frame requested by the requesting party.

(4) Where the requested party has informed the requesting party that it is able to provide the interconnection, the requesting party shall ensure that the system conditioning and the provisional procedures required to provide that

interconnection are undertaken within the time frame required by the requested party.

(5) Where the requested party rejects the interconnection request of the requesting party as unreasonable, then the requesting party may appeal to the Commission and the Commission shall decide on the case in accordance with the dispute resolution procedures set out in Part V of these Regulations.

(6) Any dominant operator who intends to make changes to its telecommunications networks shall give 6 months written notice to any interconnected operator connected to its telecommunications networks of any such planned changes that may materially impact on the telecommunications services of the interconnected operator.

**PART III—INTERCONNECTION OBLIGATIONS OF DOMINANT TELECOMMUNICATIONS OPERATORS**

Intercon-  
tion  
agreement  
with  
dominant  
operators.

**10.—**(1) Any telecommunications operator who is determined by the Commission as a dominant operator shall—

(a) meet all reasonable requests for access to its public telecommunications network, and in particular, access at any point that is technically feasible on its telecommunications network ;

(b) comply with the principle of non-discrimination with regard to interconnection offered to other teleeommunications operators, in particular, it shall apply similar conditions in similar circumstances to interconnected telecommunications operators providing similar services and provide interconnection facilities and information to other telecommunications operators under the same conditions and of the same quality as it provides for its own services or those of the group of companies or partners ;

(c) make available on request to other telecommunications operators considering interconnection with its public telecommunications network, all information and specifications reasonably necessary, in order to facilitate conclusion of an agreement for interconnection, including information on changes planned for implementation within the next six months, unless agreed otherwise by the Commission ;

(d) submit to the Commission for approval and publish a Reference Interconnection Offer, sufficiently unbundled, giving description of the interconnection offerings broken down into components according to market needs and the associated terms and conditions including tariffs ; and

(e) provide access to the teohnical standards and specifications of its telecommunications network with which another operator shall be interconnected.

(2) The Commission may impose or prohibit conduct by a dominant telecommunications operator, if the operator is violating the obligations imposed on it and declare interconnection agreements wholly or partially invalid to the extent that such dominant telecommunications operator abuses its dominant position in the market.

(3) The Commission shall, before taking the action in paragraph (2) of this regulation, first of all request the dominant telecommunications operator to refrain from the abuse to which the objection has been made.

**11.—(1)** A dominant telecommunications operator shall set charges for interconnection on objective criteria and observe the principles of transparency and cost orientation and the burden of proof that charges are derived from actual costs lies with the telecommunications operator providing the interconnection service to its facilities.

Principles of interconnection charges and costing to be applied by dominant telecommunications operators.

(2) The Commission has the right to request that the dominant telecommunications operator justify fully its interconnection charges and where appropriate may request for the adjustment of the charges.

(3) The burden of proof that charges are derived from relevant costs, including a reasonable rate of return on investment, shall lie on the dominant operator providing interconnection to its facilities.

(4) The Commission has the right to request dominant operators to provide full justification for their interconnection charges and the dominant operators shall comply with any adjustment required by the Commission.

(5) The dominant operators may set different tariffs, terms and conditions for interconnection of different categories of telecommunications services where such differences can be objectively justified on the basis of the type of interconnection provided.

(6) The Commission shall ensure that the differences mentioned in paragraph (5) of this regulation, do not result in the distortion of competition and in particular that the dominant operators apply the appropriate interconnection tariffs, terms and conditions when providing telecommunications for its own services or those of its subsidiaries or affiliates in accordance with the principle of non-discrimination,

(7) A dominant telecommunications operator shall—

(a) give written notice of any proposal to change any charges for interconnection services in accordance with the procedure set out in the Guidelines on Interconnection of Telecommunications Networks and the provisions of the operating licence ;

(b) sufficiently unbundle charges for interconnection, so that the

**B 132**

telecommunications operator requesting the interconnection is not required to pay for any item not strictly related to the service requested ;

(c) maintain a cost accounting system which—

(i) in the opinion of the Commission is suitable to demonstrate that its charges for interconnection have been fairly and properly calculated, and

(ii) provides any information requested by the Commission ; and

(d) make available to any person with a legitimate interest, on request, a description of its cost accounting system showing the main categories under which costs are grouped and the rules for the allocation of costs to interconnection and the Commission or any other competent body independent of the dominant telecommunications operator and approved by the Commission, shall verify compliance of the dominant telecommunications operator with the cost accounting system and the statement concerning compliance shall be published by the Commission annually.

Separate accounts and financial information.

**12.**—(1) Where interconnection services are not provided through a structurally separated subsidiary, a dominant operator shall keep separate accounts as if the telecommunications activities in question were in fact carried out by legally independent companies, so as to identify all elements of cost and revenue with the basis of their calculation and the detailed attribution methods used.

(2) Every dominant operator shall maintain separate accounts in respect of interconnection services and its core telecommunications services and the accounts shall be submitted for independent audit and thereafter published.

(3) Every dominant operator shall supply financial information to the Commission promptly on request and to the level of detail required by the Commission.

(4) The Commission may publish any information which in its opinion will contribute to an open and competitive telecommunications market, while having considerations for commercial confidentiality.

**PART IV—INTERCONNECTION PRINCIPLES APPLICABLE TO ALL TELECOMMUNICATIONS OPERATORS**

Essential requirements of interconnection.

**13.**—(1) Every telecommunications operator shall maintain the highest level of service and meet any priorities set by the Commission.

(2) The Commission shall take all necessary steps—

(a) to impose, including, where appropriate, conditions on interconnection, to ensure that the availability of the public telecommunications

network is maintained in the event of catastrophic network breakdown' or in exceptional cases of *force majeure*, such as extreme weather condition, earthquakes, flood, lightning or fire.

(b) to ensure that the integrity of the public telecommunications network is maintained and the need to maintain network integrity does not, however, constitute a valid reason for refusal to negotiate terms of interconnection

(3) The Commission shall ensure that all the conditions for inter-connection relating to the protection of telecommunications network integrity are proportionate and non-discriminatory in nature and are based on objective criteria identified in advance.

(4) The Commission may impose conditions in interconnection agreements in order to ensure—

(a) inter-operability of services, including conditions designed to ensure satisfactory end-to-end quality and such conditions may include implementation of specific technical standards, specifications or codes of conduct ; and

(b) the protection of data, to the extent necessary to ensure compliance with relevant legal and regulatory provisions on the protection of data, including protection of personal data, the confidentiality of information processed, transmitted or stored and the protection of privacy.

(5) Where the Commission imposes conditions in an interconnection agreement based on the essential requirements set out in this regulation, these conditions shall be published in accordance with paragraph (1) of regulation 16 of these Regulations.

**14.—**(1) Where a telecommunications operator has the right to install facilities on, over or under a private land or take advantage of a procedure for the expropriation or use of property, the Commission shall encourage the sharing of such facilities and property with other telecommunications operators, in particular, where other telecommunications operators do not have access to viable alternatives.

Collocation and facility sharing.

(2) The terms and conditions for collocation or sharing of facilities shall be subject to a commercial and technical agreement between the parties concerned and the Commission nevertheless may intervene to resolve disputes arising thereof, as provided for in Part V of these Regulations.

**15.** Every telecommunications operator shall—

Technical standards.

(a) provide technical interfaces for interconnection in accordance with relevant enactments, law or regulations in Nigeria ; and

(b) comply with the requirements of administrative documents and standards in the telecommunications sector in the Federal Republic of Nigeria

and such other international standards or recommendations as may be adopted, from time to time, by the International Telecommunications Union or any other international organisation of which Nigeria is a member.

Publication of and access to information.

**16.**—(1) The Commission shall, from time to time, publish or ensure that there is published an up-to date information on interconnection agreements and the information shall be published in such a way as to provide easy access for users of that information and be made available on request to interested parties during normal working hours.

Interconnection disputes resolution procedures.

(2) All telecommunications operators shall provide the Commission with all such technical, operational and accounting information as the Commission may reasonably require in order to ensure that the publication requirement are met.

(3) The Commission shall ensure that all information provided to it which is expressed to be confidential is maintained as such in accordance with the provisions of paragraphs (6) and (7) of regulation 3 of these Regulations.

**PART V—INTERCONNECTION DISPUTES RESOLUTION**

**17.**—(1) Where no agreement is reached in any interconnection negotiations between telecommunications operators within 90 days of the commencement of the negotiations, either party may appeal to the Commission and the Commission shall decide on the case, taking into consideration the interests of both parties.

(2) An appeal shall be made in writing, setting out the reasons on which is based, in particular the areas of agreement and dispute, including but not limited to when interconnection was requested, what communications network or service offerings were requested and on what issues agreement failed to be reached.

(3) An appeal may be withdrawn.

(4) The Commission may refuse to resolve the dispute in a case where non of the telecommunications operators involved is dominant in the relevant market.

(5) Upon any of the interconnecting parties filing an appeal—

(a) the Commission shall give the parties concerned the opportunity to state their case ;

(b) a preliminary enquiry phase shall introduced when initial consideration is given, so that the Commission can decide if there is a case to answer or to proceed to a detailed investigation ;

(c) the Commission shall inform the complainant of the outcome of the preliminary enquiry phase within four weeks ;

(d) the preliminary enquiry phase shall be followed by an investigation phase involving the gathering of analysis and assessment of more detailed information ;

(e) the Commission may require written argument with supporting facts and research, if necessary, to assist in clarifying the issues in dispute ;

(f)(a) where appropriate, the Commission may give representatives of business circles affected by the dispute the opportunity to state their case ;  
and

(g) the Commission may also consider inviting other interested parties to comment on the issues.

(6) The Commission shall decide on the dispute based on oral or written submissions and public proceedings and subject to the agreement of the parties concerned, a decision can be reached without oral submission.

(7) Where the presence of the public may pose a threat to public order, specifically to national security or to an important business or operating secret, the public may, at the request of one of the parties concerned or by a determination of the Commission be excluded from the proceedings or from any part thereof.

(8) The Commission shall take into due consideration the interests of the users and the entrepreneurial freedom of each telecommunications operator in its decision.

(9) The Commission—

(a) may, given the urgency of the case, issue an interim order before arriving at a decision ; and

(b) shall decide the case within six months, beginning from the date of the appeal.

(10) The parties to the dispute shall be—

(a) notified of the Commission's decision and. the decision shall be published ; and

(b) given the statement of the reasons on which the decision is based.

(11) The Commission shall have the power to set the effective date of any determination retroactively to the date at which the dispute was referred to the Commission.

(12) Any party that is not satisfied with the decision of the Commission may apply or. notice to the Federal High Court for a review of the decision and a copy of the application shall be lodged with the Commission within 30 days from the date of the decision.

**PART VI—MISCELLANEOUS PROVISIONS**

Penalties. **18.** Any telecommunications operator who contravenes or is in breach of any of the provisions of these Regulations shall be liable to such fines, sanctions or penalties as may be determined by the Commission, from time to time.

Interpretation. **19.** In these Regulations, unless the context otherwise requires—

“Act” means the Nigerian Communications Commission Act 1992, as amended, and any succeeding legislation thereto ;

“Commission” means the Nigerian Communications Commission ;

“dominant operator” means a licensed telecommunications operator determined by the Commission to be a dominant operator in a relevant market segment who has a share of at least 50 *per cent* of the relevant telecommunications market in a geographical area of the Federal Republic of Nigeria within which it is authorised to operate and the Commission may presume that an operator which has a share of at least 30 *per cent* of such a relevant market segment has a dominant market position, which however, has to be substantiated by further evidence and the Commission may, from time to time, prescribe detailed criteria for determining market dominance and shall make a ruling according to these criteria ;

“Interconnection” means the physical and logical linking of telecommunications networks used by the same or a different telecommunications operator in order to allow the users of one telecommunications operator to communicate with the users of the same or another telecommunications operator to access services provided by a telecommunications operator and the services may be provided by the parties involved or other parties who have access to the telecommunications network ;

“Guidelines on Interconnection” means the Guidelines on interconnection of telecommunications networks issued by the Commission setting out the requirements for interconnection between telecommunications operators ;

“licence” means a licence granted or having effect as if granted under section 12 of the Act ;

“public telecommunications network” means telecommunications network used in whole or in part for the provision of publicly available telecommunications services provided either by the operator of that telecommunications network or a third party ;

“requested party” means a telecommunications operator who has been asked by another telecommunications operator to provide interconnection to the telecommunications network of the other telecommunications operator ;

“requesting party” means a telecommunications operator who desires to interconnect its telecommunications network with the telecommunications network of another telecommunications operator ;

“telecommunications” means any form of transmission, broadcast or reception of signs, signals, texts, images, sounds or data by wire, optical means, microwave or other electromagnetic means ;

“telecommunications network” means any form of installation or group of installations which ensure either the transmission or the transmission and routing of telecommunications signals and the associated exchange of the control and operational information between network termination points ;

“telecommunications operator” means a provider of telecommunications services duly licensed to manage and operate a public telecommunications network ;

“telecommunications services” means services whose provision consists wholly or partly in the transmission and routing of signs, signals, texts, images, sounds or data or a combination of these functions on telecommunications networks using telecommunications process ;

“users” means a person, (including but not limited to an operator, reseller or value-added service provider) who has entered into a contract with an operator for the provision of telecommunications services on the operator’s terms and conditions approved in accordance with relevant conditions of the operator’s licence.

**20.** These Regulations may be cited as the Telecommunications Networks Interconnection Regulations 2003. Citation.

**LIST OF ISSUES TO BE COVERED IN THE  
TELECOMMUNICATIONS INTERCONNECTION AGREEMENTS**

1. Description of interconnection services to be provided.
2. Terms of payment, including procedures.
3. Points of interconnection and interconnection facilities.
4. Technical standards for interconnection.
5. Tests on inter-operability.
6. Measures to comply with essential requirements.
7. Intellectual property rights.
8. Interconnection charges and their evolution over time.
9. Dispute resolution procedure between parties before requesting for the intervention of the Commission.
10. Procedures for alterations being proposed to the telecommunications network or service offerings of one of the parties.
11. Achievement of equal access.
12. Provision of facility sharing, including collocation.
13. Access to ancillary, supplementary and advanced services.
14. Traffic and network management.
15. Operational and maintenance procedures:
16. Maintenance of end-to-end quality of interconnection services.
17. Confidentiality of non-public parts of the agreements.
18. Publication and access to interconnection agreements.
19. Duration and renegotiation of agreements.
20. Termination procedures.
21. Definition and limitation of liability and indemnity.
22. Force majeure situation.
23. Assignment of agreement
24. Training of staff.
25. Any other general contract terms and conditions, (applicable laws, regulatory approvals, legal interpretation).
26. Any other terms and conditions as may be agreed upon, from time to time, by the parties.

MADE at Abuja this 20th day of May, 2003.

ERNEST NDUKWE  
*Executive Vice-Chairman*

**EXPLANATORY NOTE**

*(This note does not form part of the above Regulations  
but is intended to explain its purport)*

The Regulations provide for guidelines, standards and procedures governing any interconnection agreement between telecommunications operators in the telecommunications industry in Nigeria.