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THE ELECTRONIC AND POSTAL COMMUNICATIONS ACT,
(CAP. 306)

REGULATIONS

(Made under section 165)

THE ELECTRONIC AND POSTAL COMMUNICATIONS (TELE-TRAFFIC) (AMENDMENT)
REGULATIONS, 2023

ARRANGEMENT OF REGULATIONS

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Citation
GN. No
599 of 2021

1. These Regulations may be cited as the Electronic and Postal Communications (Tele-Traffic) (Amendment) Regulations, 2023 and shall be read as one with the Electronic and Postal Communications (Tele-Traffic) Regulations, 2021 hereinafter referred to as the “principal Regulations”.

Amendment of
regulation 3

2. The principal Regulations are amended in regulation 3 by-

(a) inserting in their appropriate alphabetical order the following new definitions:

“Application-to-Person Short Message Service” or also known by its acronym “A2P SMS” means a text message that is sent from a software application to a mobile subscriber;

“EAC international traffic” means the EAC roaming traffic and international direct dialling traffic originating and terminating within the EAC;

“EAC harmonized roaming tariff” means charges for the EAC roaming services that are agreed across the EAC region;

“EAC international traffic harmonized tariff” means charges for the EAC international traffic services that are

agreed across the EAC region;

“grey route” means a route used for termination of traffic where the originating party or operator does not have a commercial agreement or relationship with the receiving party or operator;

“Person-to-Person Short Message Service” or in its acronym “P2P SMS” means a text message that is sent between two mobile subscribers;

“Roaming Use Cases” means the various modes of usage of roaming services;

“SADC” means the region of the Southern African Development Community and any other country granted membership under the SADC Treaty;

“SADC harmonized roaming tariff” means charges for the SADC roaming services that are agreed across the SADC region;

“SADC roaming traffic” means roaming traffic originating and terminating within the SADC region;

“sender ID” means a numeric or alphanumeric identifier that denotes the sender of SMS;

“surcharge” means the charges added by the Government in addition to mobile termination charges.

(b) deleting the definition of the terms “international incoming telecommunication traffic” and “telecommunication traffic” and substituting for them the following:

“international incoming telecommunication traffic” means all successful and billed international incoming telecommunication traffic originating outside the United Republic and

terminating into telecommunications networks in the United Republic, excluding the EAC international traffic and the SADC roaming traffic; “telecommunications traffic” also known as “Tele-traffic” means a profile of signs, signals, writing, images and sounds or intelligence of any nature flowing within a telecommunication network;”;

(c) deleting the definition of the terms “tele-traffic” and “EAC Roaming Telecommunication Traffic”.

Amendment of regulation 6

3. The principal Regulations are amended in regulation 6 by deleting subregulation (6).

Addition of regulation 6A

4. The principal Regulations are amended by adding immediately after regulation 6 the following:

“Application of EAC harmonised tariff

6A.-The EAC international traffic harmonized tariffs shall-

- (a) apply only to a member state that has implemented the EAC harmonized roaming framework and removal of surcharges on international traffic originating and termination within EAC;
- (b) be inclusive of taxes and shall be as specified in the Second Schedule to these Regulations.”

Amendment of
regulation 7

5. The principal Regulations are amended in regulation 7(4) by deleting paragraph (g) and substituting for it the following:

“(g) block the incoming traffic from the suspected sources of the fraudulent traffic.”.

Addition of
regulation 9A

6. The principal Regulations are amended by adding immediately after regulation 9 the following:

“Management
of SMS traffic

9A. For purposes of controlling fraudulent SMS traffic, the licensee shall have an obligation to-

- (a) establish rules and controls for managing originators and sender IDs of A2P SMS traffic;
- (b) ensure that all A2P SMS traffic sender IDs are mapped to official company names or identification of the originator of the terminated traffic;
- (c) establish systems for detection and control of grey routes and other fraud techniques used to terminate international and national A2P SMS traffic;
- (d) submit to the Authority all agreements entered

into between the licensee and aggregators or originators of A2P SMS traffic;

- (e) establish controls for identifying, limiting and managing the number of transactions per second of SMS traffic terminated to their network; and
- (f) implement controls to filter all incoming SMS in order to detect and block fraudulent SMS.”.

Amendment of regulation 12

7. The principal Regulations are amended in regulation 12 (1) by -

- (a) deleting paragraph (c) and substituting for it with the following:

“(c) collect all revenues generated from the international incoming traffic transited through international gateways within the United Republic which terminate on national networks and remit 85% of the collected revenue to the terminating network;”;

- (b) deleting regulation paragraph (d);
- (c) deleting paragraph (e) and substituting for it the following:

“(e) submit to the Authority all agreements entered into between the licensee and the international

carriers;”;

(d) renaming paragraphs (e), (f), (g) and (h) as paragraphs (d), (e), (f) and (g) respectively.

Amendment of regulation 14

8. The principal Regulations are amended by deleting regulation 14 and substituting for it the following:

“Obligations relating to SADC roaming services 14. The licensee providing roaming services in SADC region shall ensure -

- (a) information on roaming services and applicable charges are available every time the roaming customer enters a visited network;
- (b) roaming customers are afforded the right to request and receive more detailed pricing information on roaming charges that apply in the visited country free of charge;
- (c) information on applicable roaming tariffs are easily accessible to the roaming customer on its website and other media;
- (d) an alert is sent to the roaming customer when the data roaming services have

reached fifty percent (50%) of the agreed volume limit in cases where the customer is using a roaming data package;

(e) roaming customers are informed that the roaming retail tariffs being charged are applicable within the SADC region;

(f) they comply with fair use policies as follows:

(i) the maximum time period since the date of activation of the roaming service shall be 90 days;

(ii) withdraw roaming services where abnormal usage patterns are detected;

(iii)charge
roaming
customers
extra fees
not
exceeding
50% of
prescribed
the SADC
retail
roaming
tariff on
per unit
basis in
the case
detection
of
abnormal
usage
patterns.”

Addition of
regulations 14A
and 14B

9. The principal Regulations are amended by adding immediately after regulation 14 the following:

“Applicable
SADC
roaming
tariffs

14A. The licensee shall-

- (a) apply rates as specified in Third Schedule for the wholesale and retail tariffs ceiling of the roaming use cases on voice, sms, data and any other roaming services within SADC region;
- (b) ensure that the wholesale charge applied include all cost element for

origination, transit and termination costs and shall not exceed the tariff ceilings as specified in the Third Schedule;

(c) ensure that the retail tariff (excluding Value Added Tax (VAT)) for the roaming services shall not exceed the tariff ceilings as specified in the Third Schedule; and

(d) ensure that billing processes for roaming customers are on the same terms and conditions as those provided to the domestic customers.

Implementati
on of SADC
roaming tariff

14B. The implementation of the cost based SADC roaming tariffs as specified in the Third Schedule shall be guided by the regional declaration on the SADC roaming agreement to be signed by the Minister responsible for Communications.”.

Amendment of of
regulation 19

10. The principal Regulations are amended by

deleting regulation 19 and substituting for it the following:

“Physical access to co-location space and inspection 19.-(1) The licensee shall, in the event of direct or indirect damage or where any other event impairs the ordinary functioning of a co-located equipment, report such damage to the Authority or an authorized agent.

(2) Upon receipt of information referred to in sub regulation (1), the Authority shall remedy the damage or such other anomaly at the earliest possible time, Provided that, subject to an existing agreement, the Authority may permit an authorized agent to carry out such a remedial work.”.

Amendment of regulation 22

11. The principal Regulations are amended in regulation 22(1) by-

(a) deleting paragraph (b) and substituting for it the following:

“(b) in the case of EAC international traffic, rates in a manner prescribed in the Second Schedule;”;

(b) adding immediately after paragraph (b) the following new paragraph:

“(c) in the case of SADC roaming traffic, rates in a manner prescribed in the Third Schedule.”.

Amendment of regulation 23

12. The principal Regulations are amended in regulation 23 by -

(a) deleting the words “committee” and “committees” wherever they appear in that regulation, and substituting for them the words “Technical Committee” and “Technical

Committees” as appropriate;

- (b) deleting sub regulation (2);
- (c) deleting subregulation (3) and substituting for it the following:

“(3) In appointing members, consideration shall be taken to at least include to the Technical Committee–

- (a) one representative from the Ministry responsible for communications;
 - (b) two representatives of licensed operators connected to the traffic monitoring system;
 - (c) three representatives from the Authority; and
 - (d) not more than two representatives from other institutions as the Authority may deem necessary.”
- (e) deleting sub regulation (4) and substituting for it the following:

“(4) The Technical Committees shall work under the directive of the Authority and shall be responsible for providing advice on the implementation and functioning of these Regulations.”.

Amendment of
Schedules

13. The principal Regulations are amended by deleting the First and Second Schedules and substituting for them the following:

—————
“FIRST SCHEDULE
—————

(Made under regulation 12)
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MINIMUM RATE FOR INTERNATIONAL INBOUND TRAFFIC
—————

	Subject Matter	Rate Per Minute [US Cents]	Percentage Rate [%]
1.	Minimum Rate for termination in TANZANIA of all international inbound (incoming) voice telecommunications traffic	18	100
2.	Licenseses’ share of per minute of incoming call.	9.36	52
3.	Revenue to be collected by TCRA and payable to Treasury	6.48	36
4.	TCRA payment for managing and operating the system	2.16	12

—————
SECOND SCHEDULE
—————

(Made under regulation 6A and 22(1))
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A. EAC ROAMING CHARGES
—————

	Subject Matter	Rate Per Minute [US Cents]
	Maximum retail charge for voice roaming traffic originating and terminating within EAC	10
	Maximum wholesale charges (IOT)	7
	Charges for receiving calls while roaming	0

B. EAC INTERNATIONAL DIRECT DIALING CHARGES

	Subject Matter	Rate Per Minute
	Maximum retail charge for International Direct Dialling voice traffic originating and terminating within EAC	10
	Maximum wholesale charges (IOT)	7
	Charges for receiving international calls	0

THIRD SCHEDULE

(Made under regulations 14A, 14B and 22(1)(c))

WHOLESALE AND RETAIL TARIFFS FOR SADC ROAMING TRAFFIC

User case	IOT Proposition	Retail Proposition
Use Case 1: Local Call	2.9cUS\$/mn	RLAH (Out of bundle) or IOT + 25% mark up whichever is higher
Use Case 2: Home Call	2.2cUS\$/mn + ITC[VN->HC]	2.8cUS\$/mn + ITC[VN->HC]
Use Case 3: SADC Call	2.2cUS\$/mn + ITC[VN->SADC]	2.8 cUS\$/mn + ITC[VN->SADC]
Use Case 4: Incoming Calls	0cUS\$/mn	2.8cUS\$/mn + ITC[HN->VN]
Use Case 6: SMS	Utilizing existing IoTs while at the same time, MNOs should renegotiate the existing IoTs whichever the IoT is higher than the proposed retail tariff.	1cUS\$/SMS + Average ITC SMS up to 6cUS\$/SMS
Use Case 10: Data	Equivalent Retail Tariff of 1MB from a prepaid 30-day 1GB in bundle offer + 0.14cUS\$/mb	RLAH (Out of bundle) of IOT + 25% mark up whichever is higher

Where: -

cUS\$/mn

Cent US\$ per minute

HN

Home Network

HC

Home Country

IOT

Inter Operator Tariff

ITC

International Termination Charge

ITR

International Termination Revenue

VN

Visited Network

VC

Visited Country

RLAH

Roam Like At Home

SMS

Short Message Service

ITC[VN->HC]

Charge paid by the Visited Network to call the Home Country

ITC[VN->SADC]

Charge paid by the Visited Network to call SADC countries

(averaged on the area)

ITC[HN->VN]

Charge paid by the Home Network to call the Visited Network.

NETWORK ELEMENTS AND ASSOCIATED UNIT COST USED IN THE CALCULATIONS

Use Case	VN stand-alone costs-for IoT Preposition
Use Case 1: Local Call <i>(Roaming mobile call made within the visited country to a local</i>	$VN.MTR + VC.TR + VN.OVH + VN.TAP + VN.SIG$ - cost element values in c/US\$ = $1+1 + 0.5 + 0.1 + 6*0.05 = 2.9$ cUS\$/mn

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<i>subscriber)</i>	
Use Case 2: Home Call <i>(International call back to home country from visited country)</i>	$VN.MTR + (VN \rightarrow HC).ITC + VN.OVH + VN.TAP + VN.SIG$ $2 + XX + 0.5 + 0.1 + 12 * 0.05 = 2.2 + XX \text{ cUS\$/m}$
Use Case 3: SADC Call <i>(call from inside a visited country to a third country within the SADC region)</i>	$VN.MTR + (VN \rightarrow SADC).ITC + VN.OVH + VN.TAP + VN.SIG$ – cost element values in c/US\$ = $2 + YY + 0.5 + 0.1 + 12 * 0.05 = 2.2 + YY \text{ cUS\$/mn}$
Use Case 4: Incoming Call <i>(Incoming call while roaming that originates from home country or from within visited country)</i>	$VN.MTR - (HC \rightarrow VN).ITR + VN.OVH + VN.TAP + VN.SIG$ – cost element values in c/US\$ = $ITR \text{ cUS\$/mn}$
Use Case 6: SMS	$VN.SMS \text{ TR} + (VC \rightarrow HN).ITC - HN.SMS \text{ TR} + VN.OVH + VN.TAP + VN.SIG$
Use Case 10: data	$VN.DNC + VN.ITD + VN.GRX + VN.OVH + VN.TAP + VN.SIG$ – cost elements values in cUS\$ = $ZZ + 0.1 + 0.2 * 0.1 + 0.4 * 0.05 = ZZ + 0.14 \text{ cUS\$/MB}$

Where:-

A mark up of 25% was added to the IoT proposition to arrive at Retail Proposition for Use Case No. 2 and No. 3.

XX and YY are directly linked to the International Incoming Rate charged by SADC Countries

Dodoma,
22nd June, 2023

NAPE M. NNAUYE,
*Minister Information, Communications and
Information Technology*