

Rwanda

Regulations for International Gateway Traffic Verification System Regulation 4-ICT of 2012

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Rwanda

Regulations for International Gateway Traffic Verification System

Regulation 4-ICT of 2012

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Article 1 – Preamble

RURA has legitimate concerns about matters of service quality, key operational statistics for telecommunications, fair competition, transit and roaming traffic practices, telecommunications and network traffic fraud in relation to international incoming electronic communication traffic in the Republic of Rwanda;

The Regulatory Board of Rwanda Utilities Regulatory Agency hereinafter referred to as “RURA”;

Given the Law n° 39/2001 of 13 September 2001 establishing RURA, particularly Articles 5, 6(3), 13, 35, 40, 41, 48, and 50;

Considering Law No. N°21/2011 of 23/06/2011 governing Telecommunications in Rwanda particularly Articles 2, 3, 5 (paragraph 9), 14, 22, 39 (paragraph 7), 41 and 46;

Considering the Presidential Order giving special powers to the Regulatory Board particularly Articles 3 (vi, viii, ix and xi), 6 and 10;

Considering the Ministerial Order N° 5/DC/04 OF 07/06/2004 on the general conditions and pricing principles to be respected in interconnection agreements particularly Article 9 (iii), 10 (i & ii);

Considering the ITU-T Recommendations more specifically D-50 on international Internet connection, D-140 on charging and accounting rate principles in international telecommunication services, D-150 on general tariff principles and D-156 on network externalities in relation to the objectives for the establishment of an IGTVS System in Rwanda;

Considering the specific consultation done with the heads of the concerned licensed network operators on the establishment, operation and management by RURA of an International Gateway Traffic Verification System and its related benefits;

And whereas upon a due consideration and deliberation by the Regulatory Board of RURA in its Session of 07/05/2012;

Hereby issues the following Regulations on the establishment, operation and management by RURA of an International Gateway Traffic Verification System;

Article 2 – Definitions

- a) Unless the context otherwise requires, the terms used in these Regulations shall have the same meaning, if any, as they have in the Law Governing Telecommunications.

- b) The following terms in these Regulations shall have the meanings provided below. Any references to the singular include the plural and *vice versa* and any references in the masculine refer to feminine and *vice versa*.
- i. **“By-pass”** is the routing of international calls by a licensed network operator to a third party outside of any contractual or beams/trunks dedicated to domestic interconnection.
 - ii. **“CDR”** means Call Detail Records generated by telephone exchanges which contain detailed information about calls originating from, terminating at or passing through the exchange.
 - iii. **“CLI”** means Caller Line Identification.
 - iv. **“Effective Date”** means the date of signature and approval by the Regulatory Board.
 - v. **“Government”** shall mean the Government of Rwanda.
 - vi. **“Gateway”** refers to a device designed to connect telecommunications networks with different architectures or different protocols, or that provide different services from one another.
 - vii. **“IBCS”** means Interconnect Border Control System.
 - viii. **“IGTVS”** means International Gateway Traffic Verification System.
 - ix. **“ITU”** means International Telecommunications Union.
 - x. **“International incoming electronic communication traffic”** means incoming traffic to Rwanda including voice traffic.
 - xi. **“Monitoring”** means observation and supervision of telecommunications traffic, in particular C7 signaling, excluding the capability to record, monitor or tap into the content of any electronic communication. This limitation applies to voice communications but also to data communications such as SMS. It is extended also to location data in mobile communications.
 - xii. **“Network Operator”** means and includes licensed telecommunications operators offering fixed and mobile services.
 - xiii. **“OTMU”** means Operator Traffic Management Unit.
 - xiv. **“Regulations”** means these regulations.
 - xv. **“Regulatory Authority”** means the Rwanda Utilities Regulatory Agency (RURA).
 - xvi. **“VSATs”** means Very Small Aperture Terminal.
 - xvii. **“Working day”** shall mean Monday to Friday, but excluding public holidays in the Republic of Rwanda.

Article 3 – Purpose

- a) These Regulations determine the establishment and operation by RURA of an International Gateway Traffic Verification System (IGTVS) for ensuring the monitoring of quality of service (QoS), fair competition, fair international transit and roaming practices detect, the fighting and elimination of network traffic fraud and verification of the returns of licensed operators in the Republic of Rwanda for purposes of injecting certitude on the part of all stakeholders in Rwanda’s ICT sector;
- b) Equally, they define and outline conditions for the adoption and operation of an International Gateway Traffic Verification System more specifically a system of control with the conditions for the provision of international incoming electronic communication traffic in Rwanda, including but not limited to the installation and management of the necessary system for the monitoring of traffic by RURA.

Article 4 – Scope

- a) These Regulations shall apply to all licensed network operators that enter into international carrier agreements for the termination of International inbound voice services or that send and receive international incoming electronic communication traffic, including transit traffic through their own networks or other networks in the Republic of Rwanda.
- b) The Regulations are applicable to network operators' local traffic within Rwanda in matters relating to service quality and fraud prevention.
- c) Voice traffic circulating on leased lines and VSATs for private use or use of a closed group users is not affected by these Regulations provided that there shall be no gateway or connection with a public network.

Article 5 – Objectives of these Regulations

To attain and fulfil the purpose herein laid out, the specific objectives of these Regulations are to:

- i. Provide RURA with adequate regulatory tools that will enable it fulfil its statutory mandate and roles as Rwanda's National ICT regulator;
- ii. Enable RURA ensure the generation of reliable statistics for all incoming international calls through systems and services for measuring the incoming international traffic;
- iii. Ensure the detection and elimination of network traffic fraud;
- iv. Monitor quality of service (QoS) and ensure fair competition through systems and services for traffic monitoring within the International Gateway Traffic Verification System;
- v. Track, detect and block bypass fraud through an anti-fraud systems and services within International Gateway Traffic Verification System;
- vi. Ensure fair international transit and roaming practices among operators through international gateways monitoring and a billing system and service for incoming international calls;
- vii. Verify the returns of telephone operators and telecommunications in general
- viii. Ensure and enhance local and international traffic revenue assurance and International Market Watch services;
- ix. Creating a secondary opportunity by establishing an IGTVS for the creation of additional source of revenue for all players in the communications sector which revenue could be used further used in enhancing ICT service delivery in Rwanda;

Article 6 – Applicable rates

- a) A network operator shall charge international carriers the minimum rate per minute for termination in Rwanda of all international incoming electronic communication traffic, including transit traffic, as specified in the Schedule to this Regulation.
- b) Any network operator that charges a lesser rate than that specified in the Schedule to these Regulations shall be liable to pay to RURA a penalty of twice the difference between the specified rate and the rate actually charged.

Article 7 – No higher fees based on minimum rate

- a) No network operator shall, after the introduction of an International Gateway Traffic Verification System (IGTVS), charge its customers a higher fee for its service because of its adoption and application of the minimum rate for international incoming electronic communication traffic.
- b) A network operator that has increased the fees for its services because of the minimum rate for international incoming electronic communication traffic is liable to pay to RURA a penalty of twice the sum of the value of the increase.

Article 8 – Inspection

- a) RURA will be carrying out measures for ensuring compliance with the system which measures will include inspections and directing the network operators to provide RURA with any particular data or information in relation to the network operator.
- b) Any data or information so requested by RURA shall be provided by the network operator within seven working days and failure to submit the data or information within the time frame, without a reasonable cause communicated to RURA, shall attract a daily penalty payment of between Five Hundred Thousand Rwanda Francs (Rwf; 500,000) to Five Million Rwanda Francs (Rwf; 5,000,000) after the seventh working day up to the day the information or data is submitted PROVIDED RURA may not apply a penalty where a network operator gave RURA within the seven working days reasonable ground/s for any delay in the provision of the requested data or information.

Article 9 – Fraudulent traffic

- a) RURA shall consider International incoming electronic communication traffic as fraudulent when it is;
 - i. managed by an entity without the license or authorization issued by RURA required for the management of international voice traffic;
 - ii. managed by a licensed operator but not declared to RURA;
 - iii. managed by a licensed operator but sold at a rate below the minimum rate as provided for in the Schedule to these Regulations;
 - iv. any traffic by third parties or carriers that transmits traffic to Rwanda where a network operator is unable to bill or collect payment;
 - v. where there is a reasonable expectation that an end user is not likely to pay the telephone bill because the calls are disputed as not originating from the telephone line for which the respective end user is responsible;
 - vi. where calls are being made to inflate payments;
 - vii. The use of the telecommunications network with the intention of avoiding payment or without correct payment or with no payment at all;
- b) RURA shall provide the necessary regulatory surveillance by actively pursuing the elimination of fraudulent traffic. To achieve this and where applicable, RURA may further specifically direct or order for any of the following;
 - i. Network operators to effectively carry out or comply with any fraud surveillance obligations;
 - ii. The disclosure of fraud user sim;
 - iii. The deactivation of any fraud user sim;

- iv. To provision of a balance reporting on a fraud user sim;
- v. To enhancement of the collection of all bypass fraud evidence;
- vi. The sharing of fraud information;
- vii. That anything fraud or related criminal activity be further reported to any relevant entity or authority for address;
- c) The acceptance of and termination of international incoming electronic communication traffic are subject to network operators' license terms without regard to the routing protocol used. Any termination or delivery by any person or body corporate without a license is considered as fraudulent.
- d) The delivery and termination of international incoming electronic communication traffic by network operators is limited to the routing of calls to either customers of their own network and to the customers of other network operators with whom they have an interconnection agreement for the provision of transit and roaming service for the international incoming electronic communication traffic.
- e) By-pass is hereby not permitted and must be blocked and reported to RURA by any network operator.
- f) Network operators are allowed to block traffic without CLI or with modified CLI.
- g) Network operators must carry traffic with the CLI (unmodified).
- h) The RURA reserves the right to conduct on-site inspections as part of its mandate.
- i) All network operators must fight, by all means at their disposal, fraud or fraudulent termination of international incoming electronic communication traffic on their network and other network operators when fraud is initiated by one of their customers and or carriers. They are obliged to either cut or block such call terminations where fraud is detected or reported.
- j) The transit of international calls from one local network operator to another is permitted though operators are not required to accept international incoming electronic communication traffic routed through another operator for customers of their networks.
- k) Transit fees or charges for international incoming electronic communication traffic are determined by an interconnection agreement between the network operators.

Article 10 – IGTVS & antifraud service fee

- a) A network operator shall pay to RURA an IGTVS and antifraud service fee as provided for in the Schedule hereto together with the money to be collected by RURA and payable to the state treasury of Rwanda) for each minute of international inbound voice traffic terminated in their networks or transited to other licensed operators.
- b) RURA shall bill and collect from network operator money due as a result of the minimum rate of all international incoming electronic communication traffic.
- c) RURA shall be responsible and accountable for the further use of the money collected within the law governing its function, operation and mandate.
- d) An invoice by RURA to each operator shall have the following components:
 - i. The number of calls;
 - ii. The number of minutes;
 - iii. The amount owed based on the percentage;
 - iv. The due date for payment
- e) Network operators shall honour bills and invoices in their entirety and payment shall be made not later than fourteen days after their issue date.

- f) Any query relating to an invoice shall be raised and communicated to RURA within two-working days from the date of receipt and all such queries shall be addressed within seven working days.
- g) In the event of a late payment to RURA by a network operator, then RURA will apply a penalty of 5% of the amount due.

Article 11 – IGTVS system capability

- a) The IGTVS does not have the capability to actively or passively record, monitor or tap into the content of any incoming or outgoing electronic communication traffic, including voice, video and data existing discretely or on a converged platform whether local or international and no further regulatory measure under these Regulations shall give or ensure such capability.
- b) Further, to ensure that, all network operators shall carry a signaling data necessary for the management of the communications (origin, destination, service information, time and path of the call) over a dedicated link, in such a way that the dedicated link does not carry any other data and in particular the content of the electronic communications, location information for mobile services or SMS.
- c) An IBCS or monitoring hardware and software will only be installed over such dedicated links with signaling information where it shall be physically impossible for the public authorities to record, monitor or tap into the content of any electronic communication.

Article 12 – Specific obligations

Article 12.1 – Transparency obligations

- a) All network operators shall provide RURA with the following information:
 - i. The declaration on traffic including total number of minutes and revenue for the termination of international inbound voice traffic, including transit traffic, in their own network which shall include the statistics of international incoming electronic communication traffic of calls completed on their own network and calls completed on third party networks;
 - ii. Interconnection, transit and roaming agreements signed with third party operators or carriers;
 - iii. Statements and invoices by international carriers or operators for the traffic terminated in Rwanda or invoices sent to international carriers or operators;
 - iv. the number of minutes and revenue for traffic terminated to each international carrier contracting the termination service with the licensed operator;
 - v. the CDRs for voice traffic, both for international inbound traffic and for national voice traffic in a format to be defined and determined by RURA.
 - vi. all the necessary information about the management of their networks for the provision of voice services, including their networks SS7 data links, recorded traffic data, contracts and invoices with other carriers etc
- b) The report and CDRs mentioned above shall be submitted to RURA before the sixth calendar day after the end of each calendar month and the CDRs will be subject to CDR comparison process.
- c) Network operators shall allow RURA, or entity acting on behalf of RURA, to audit the network operator's networks for the objectives not limited to reconciliation process between the operators, RURA and any relevant third party.
- d) Network operators shall allow RURA or entity acting on behalf of RURA, to monitor in real time any traffic related information.

- e) RURA will carry out audits to verify the accuracy of any information provided through the IGTVS.

Article 12.2 – Site survey obligations

- a) RURA will initiate site surveys in order to determine and ascertain the aspects of feasibility or requirements for the inter-network connectivity.
- b) Network operators are obliged to allow and permit for the conduct of a survey to facilitate any implementation or connectivity requirements of the IGTVS System.
- c) Any conduct of a site survey by RURA or its authorized representatives will be done together with or in the present of an authorised representative of a network operator.

Article 12.3 – Monitoring process

- a) RURA is responsible for monitoring network operators' monthly statistics of incoming international electronic communication traffic to Rwanda and parameters relating to quality of service and fraud detection. That RURA has the mandate to collect certain information from the network operators including appropriate data in order to ascertain among other things quality of service and calculate the volume of traffic carried over the network of the network operators.
- b) RURA within its mandate is equally authorized to acquire, install and operate monitoring devices and signalling for measuring the volume and quality of local and international incoming electronic communication traffic of the networks operators as well as to sanction and fight against fraud including the unlawful termination of international telephone to any network in Rwanda.
- c) RURA or any entity acting on its behalf shall be allowed by the network operators, to install on the operator's networks the necessary equipment, including an IBCS, hardware and software, for the monitoring in real time of the voice traffic managed by the network.
- d) All network operators shall collaborate by providing all the required support for the installation of the aforementioned monitoring system including the provision of access to their premises, provision of space in their premises for the installation of hardware and allow for the maintenance of the equipment installed in their premises.
- e) Network operators shall facilitate the interconnection links, including connectivity to any fiber, between RURA's monitoring systems installed at their switch centres and RURA's main operating centre for the transport of signalling messages.
- f) For guaranteeing the correct management of the signalling data extracted from the network operators, signalling data shall be processed and stored exclusively for the purpose of monitoring compliance with the license obligations.
- g) Signalling data received will be stored in modified versions, either encrypted or with the last three digits of the calling numbers with the called numbers eliminated.
- h) All signalling data are to be processed and stored through the right security measure and it shall be stored only for the duration necessary for the purpose of monitoring compliance with the license obligation.
- i) Signalling data received by RURA under these shall never be transmitted or given to third parties, public or private, with the exception of an order of a court of competent jurisdiction.
- j) Network operators shall file or register all signed interconnection and international carrier agreements with RURA and that these agreements shall be kept with the strictest confidence by RURA at all times. This shall help RURA with, among other things, the understanding and effects of any tariff fluctuation resulting from the actions of international carriers directly interconnected with local operators.

Article 12.4 – IGTVS connectivity

- a) As outlined above, there will be a link between the network operators and RURA's OTMU.
- b) All equipment to be connected to or for the IGTVS shall be of international standards with satisfactory quality and fit for their purpose.
- c) A network operator shall allow and permit the installation by RURA in its premises an Interconnection Border Control System and the linking the same to RURA's monitoring centre.
- d) The planning and interfacing with existing networks operators' international gateway shall be performed without affecting or changing their current traffic routing and carrier configurations as provided in their existing international gateway licenses that allow them to terminate and send international traffic in partnership with carriers of their choice.
- e) The network operators shall have the obligation to provide RURA with any information relating to the entity or carrier managing international inbound traffic including but not limited to their International Mobile Subscriber Identity (IMSI) or the Base Transceiver Station (BTS) used for a specific call.
- f) RURA will adopt measures for the control and regulation of international VoIP gateways in Rwanda.
- g) The IBCS and any co-location equipment, for the purposes of IGTVS, shall not cause any interference to the network operators' equipment, plant, facilities, networks and the equipment of any other operator, in the co-location space, including when installing the IBCS equipment. In the event of any interference, all concerned parties shall take in good faith reasonable measures to resolve the problem promptly.
- h) Procedures regarding the physical access to the co-location space and the inspection of the co-location space and equipment by RURA representatives or staff shall be determined by RURA at the time of the installation of the IBCS, any related telephone traffic measurement equipment, anti-fraud software including complex GSM and CDMA fraud detection systems and any other equipment.
- i) In the event of any direct damage to the co-location plant, network equipment or facilities, arising out of or during the course of installation, operation, maintenance, replacement or repair of the concerned co-located plant or network in the premises of a network operator, the damage shall be reported to RURA representative or staff, and it shall be, subject to any agreement, rectified without delay.
- j) RURA or its representative shall be responsible for the operation or maintenance of its co-location equipment or as may be mutually agreed with a network operator.
- k) Either party shall ensure that its employees, agents and approved sub-contractors comply with the procedures for access including any further directions put in place by RURA for the effective implementation of these Regulations.
- l) The IBCS and all other co-location equipment must be marked to clearly indicate their specifications and for which party it represents.
- m) RURA and network operators shall ensure that their staff observe and comply with all applicable or specified safety rules for the purposes of the link.
- n) RURA and the network operators shall agree on the costs relating to collocation which cost shall include but not limited to the rent for the collocation space, electricity, the E1 channel needed to put RURA's system into operation, etc.

Article 12.5 – Service suspension

Network operators shall comply with a written request of RURA to suspend service to entities managing international inbound voice traffic in a 24 hours term for reasons or in connection with these Regulations or matters affecting any of its provisions or the implementation thereof.

Article 12.6 – Implementing the Regulations

- a) The Director General of RURA shall establish a special committee for purposes of implementing or ensuring compliance with these Regulations especially in the overall required monitoring for service quality and compliance with license terms.
- b) The membership of this special committee shall comprise a representative of each network operator, a representative of any of RURA's independent contractors working on the IGTVS and as many representatives of RURA and members of other public or private entities are appointed.
- c) The Director General of RURA shall be the chairperson of this special committee provided that he or she may delegate a staff of RURA to act on his or her behalf at certain times.
- d) RURA shall maintain a database for the purposes of these regulations.
- e) All other matters relating to dispute resolution arising out of or in the course of the implementation of these Regulations and sufficiently not catered for or addressed by these Regulations shall be determined by the relevant laws and particularly the licensing regulations of RURA.

Article 13 – Further determinations by RURA

- a) Before or after the setting up of the IGTVS, RURA may determine the following;
- b) Establish a revenue assurance benchmarks before and after the fixation of the minimum rate as per the Schedule hereof;
- c) Consider and adopt a new operator interconnection billing standards and settlement procedures;
- d) Develop a new operator support and supervision agreement in order to facilitate the provisions of any relevant legislation and or these Regulations for the control of international traffic flows, including regional traffic, in and out of Rwanda;
- e) Define the technical terms and conditions of support and supervision among the operators as well as the mechanisms for the supply, maintenance and operation of Rwanda's C7 signalling control systems;
- f) Consider a the planning, migration, operation and maintenance of all parts of the IGTVS for purposes of supervision and management of national and international traffic in Rwanda;
- g) Consider some technical assistance and training on the management of interconnection management systems and infrastructure for the purposes of these Regulations;

Article 14 – Serious breaches

The following actions by network operators or their representatives shall be considered as serious breaches of the obligations imposed by these Regulations;

- i. The provision of international inbound voice services without license;
- ii. The termination of all international incoming electronic communication traffic, including transit traffic at a price below the minimum rate stipulated in the Schedule to these Regulations;
- iii. The refusal or delay by a network operator to pay to RURA the fee prescribed by these Regulations;
- iv. The refusal by a network operator to meet the transparency obligations prescribed by these Regulations;
- v. The refusal or obstacle by a network operator to allow the installation of an IBCS or any equipment for monitoring under these Regulations;
- vi. Failure by network operators to file or register all interconnection and international carrier agreements with RURA;

Article 15 – Sanctions for the serious breaches

- a) The breaches defined by these Regulations shall be sanctioned by RURA with the higher of the following two quantities:
 - i. Three times the benefit obtained with the action defined as a breach.
 - ii. A payment of 10% of a verified billable amount as may be determined by RURA;
- b) Should the network operator commit three breaches of this regulation, RURA may consider stopping it from the provision of voice services in Rwanda.
- c) Notwithstanding any other provision of these Regulations, a delay in payments to RURA for more than three consecutive months shall be sanctioned with a fine of 50% of the quantity sum invoiced or requested by RURA.

Article 16 – Amendment

The rate and percentage in the Schedule to this Regulation may be amended depending on the circumstances within the sector.

Article 17 – Transitional provisions

- a) It is hereby recognized that a number of actions must be taken by both RURA and the concerned licensed operators before the IGTVS is finally set up and be made ready for operation.
- b) Immediately after the effectiveness and coming into force of these Regulations, the network operators shall, within a period of sixty (60) days (hereinafter called the “transitional period”) address, carry out and or effect the realisation of the following;
 - i. Cause a review and amendment of their existing carrier agreements;
 - ii. File with RURA all their amended interconnection and carrier agreements;
 - iii. Reach an agreement with RURA or its representative, where applicable and necessary, on all matters relating to the collocation of any IGTVS equipment;
 - iv. Having an agreement, where applicable, on all the required network and service parameters for the purposes of these Regulations;
 - v. Identify and appoint a member of their staff as their representative for the special committee in line with these Regulations;
 - vi. Assist RURA’s representatives in the conduct of any survey for the purposes of these Regulations;
 - vii. Having an identified place or space for connection and collocation of the Interconnect Border Control System (IBCS);
 - viii. Identified all requirements for the connectivity of the IBCS to the switch and networks of the concerned operators;
 - ix. An established and complete network with a functional and operational IGTVS;
 - x. Any other thing or requirement further identified by RURA that has the effect of ensuring the effective and efficient implementation of the IGTVS as conceived by these Regulations;
- c) The transitional period begins from date of approval and signature by the Regulatory Board.

- d) It shall be considered as a serious breach on the part of a concerned licensed operator who fails to achieve any of the above transitional terms and or comply with any requirement identified by RURA during the course of the transitional period.

Article 18 – Repealing provision

All previous provisions or regulations governing, determining or relating to gateway and international incoming electronic communication traffic contrary to these Regulations are hereby repealed.

Article 19 – Publication

These regulations shall be published on RURA website and in the Official *Gazette* of the Republic of Rwanda.

Article 20 – Coming into force

These Regulations shall come into force from the date of approval and signature by the Regulatory Board.

Schedule

No	Subject matter	Rate per minute
1	Minimum Rate for termination in Rwanda of all international incoming electronic communication traffic;	US\$ 0.22
A	The Operators' share of per minute minimum rate of the international incoming call;	US\$0.12
	RURA's service fees including the repayment for IGTVS system and its operations within the minimum rate;	US\$0.07
	Money to be collected by RURA and payable to the State Treasury (Rwanda) within the minimum rate;	US\$0.03