

ORDERS OF THE COMMUNICATIONS REGULATORY AUTHORITY
AMENDMENTS TO THE REFERENCE INTERCONNECTION OFFERS OF
OOREDOO Q.S.C. AND VODAFONE QATAR AND TO THE REFERENCE
TRANSMISSION OFFER OF OOREDOO Q.S.C.
AND
PUBLICATION OF THESE WHOLESALE REFERENCE OFFERS

CRA 2016/10/13
October 13, 2016

This Order is issued to Ooredoo Q.S.C. (**Ooredoo**) and to Vodafone Qatar (**Vodafone**) holders of public fixed and mobile telecommunications networks and services Individual Licenses pursuant to Section 25 of the Telecommunications Law Decree No.34 of 2006 (**Telecommunications Law**).

Background

On May 21 2015, the Communications Regulatory Authority (**CRA**) approved the Reference Interconnection Offer (**RIO**) of Ooredoo (re. Order CRA 2015/05/21A), the RIO of Vodafone (re. Order CRA 2015/05/21D) and the Reference Transmission Offer (**RTO**) of Ooredoo (re. Order CRA 2015/05/21A).

On June 22 2016, the CRA approved, after consultation (re. Consultation CRARAC 2016/06/26), the Reference Infrastructure Access Offer (**RIAO**) of Ooredoo (re. Order CRA 2016/06/22), amending – among others – the clause related to the Acceptance Procedures.

The justifications and the rationale for the amendments were provided in the Response Document in Annex 2 to the Order CRA 2016/06/22 approving the RIAO of Ooredoo,

Vodafone, responding to the above-mentioned consultation, agreed on the needs to amend the clause on the Acceptance Procedures.

Ooredoo has been required to implement these changes in Order CRA 2016/06/22, clause ix, to amend Clause 2.5, Part One of the Main Body, of its Approved RIAO (re. Order CRA 2015/05/21A),

As consequence of the above amendment, the clause on the Acceptance Procedures included in the above-mentioned Approved RIOs and RTO is now different from that of the RIAO.

General provisions of the Wholesale Reference Offers, including the Acceptance Procedures, shall be alike for all Wholesale Reference Offers. This will facilitate the implementation of agreements based on Wholesale Reference Offers and simplify the relations between Access Providers and the Access Seekers, which can apply similar provisions in all their agreements. Indeed the above also ensures consistency in the regulatory approach.

FM
20

Legal Basis for this Order

The following legal provisions, which are not exhaustive, provide a basis for these Orders:

Article 23 of the Telecommunications Law provides that the CRA shall designate entities that, in one or more submarkets, are Dominant Service Providers (DSP), because they possess (in such submarkets), Market Power as defined in Article 40 of the Telecommunications Law. On completion of the second round of the Market Definition and Dominance Designation (MDDD, re. ICTRA 2011/10/31, dated October 31, 2011), Ooredoo, among other markets, was designated DSP in the Relevant Wholesale Market 9 (Call Termination on individual public telecommunications networks at a fixed location), 12 (Wholesale leased lines) and 14 (Termination on individual mobile network). While Vodafone was designated DSP in the Relevant Wholesale Market 9 (Call Termination on individual public telecommunications networks at a fixed location). On completion of the third round of MDDD (re. CRARAC 09/05/2016 A, dated May 09, 2016), Ooredoo and Vodafone have been again designated DSP in the above-listed Wholesale Relevant Markets.

Article 25 of the Telecommunications Law provides that the CRA shall determine the rights and obligations of a Dominant Service Provider that include any requirements relating to the contents and publication of an interconnection reference offer and access agreements.

Article 5 of the Telecommunications Law empowers the CRA to issue legal instruments including Orders for the implementation of the provisions of the Decree Law and its Executive By Laws. Article 6 of the Executive By Law for Telecommunications Law 2009 (Executive By Law) confers the same power, specifically in relation to regulating licensed telecommunications service providers.

Article 46 of the Executive By Law empowers CRA to issue regulation, orders or notices to specify interconnection and access terms, conditions and processes, including the types of interconnection and facilities access that shall be provided by one or more Service Providers.

Article 51(2) of the Executive By Law states that every Dominant Service Provider must prepare a reference interconnection offer for approval within the time prescribed by the CRA and must comply with any applicable instructions regarding the form and content of a reference interconnection offer as prescribed by the CRA.

Article 49(A)(2) of the Executive By Law provides that interconnection and access arrangements by Dominant Service Providers shall be in accordance with any applicable reference offer *approved* by the CRA for the Service Provider (emphasis added).

Article 43(2) of the Telecommunications Law requires Dominant Service providers to supply access and interconnection related services on the same terms and conditions as it provides such services and facilities to itself. Article 49(B)(2) of the Executive By Law says essentially the same.

Article 43(5) of the Telecommunications Law prohibits Dominant Service providers from "monopolising the use of scarce facilities or resources or exclusive use with the effect of denying a competing service provider from using such facilities or resources.

Article 15(5) of Emiri Decree (42) of 2014, empowering the CRA to set regulations for interconnection and access.

Article 5 "Effect of Variation", Part One, Main Body, of the above-mentioned approved Wholesale Reference Offers allows CRA to mandate amendments to Wholesale Reference Offers.

Order to Vodafone to amend its Approved RIO

Vodafone is ordered to amend Clause 2.5, Part One of the Main Body of its Approved RIO (re. Order CRA 2015/05/21D) as follows (emphasis added to highlight changes):

Notwithstanding the provisions in clause 3, Vodafone will notify the OLO within ten (10) business days of whether it finds the Acceptance Notice conforming or non-conforming under clause 3.1 and provide reason if the Notice is found non-conforming.

If Vodafone fails to notify the OLO within the above-mentioned ten (10) business days, the Acceptance Notice is deemed conforming.

Except to the extent Vodafone finds the Acceptance Notice to be non-conforming under clause 3.1, and subject to clause 3, Vodafone and the OLO will, following submission by the OLO of the Acceptance Notice, use their reasonable endeavors to complete discussions to conclude an Agreement within sixty (60) Days of the receipt of the Acceptance Notice.

If with the Acceptance Notice the OLO has notified Vodafone that it is willing to enter into an Agreement based on the RIO approved by the CRA without amendments, Vodafone shall sign that Agreement within ten (10) Days of the Notification that the Acceptance Notice is conforming.

Order to Ooredoo to amend its Approved RIO and Approved RTO

Ooredoo is ordered to amend Clause 2.5, Part One of the Main Body of its Approved RIO (re. Order CRA 2015/05/21A) and Approved RTO (re. Order CRA 2015/05/21A) as follows (emphasis added to highlight changes):

Notwithstanding the provisions in clause 3, Vodafone will notify the OLO within ten (10) business days of whether it finds the Acceptance Notice conforming or non-conforming under clause 3.1 and provide reason if the Notice is found non-conforming.

If Vodafone fails to notify the OLO within the above-mentioned ten (10) business days, the Acceptance Notice is deemed conforming.

Except to the extent Vodafone finds the Acceptance Notice to be non-conforming under clause 3.1, and subject to clause 3, Vodafone and the OLO will, following submission by the OLO of the Acceptance Notice, use their reasonable endeavors to complete discussions to conclude an Agreement within sixty (60) Days of the receipt of the Acceptance Notice.

If with the Acceptance Notice the OLO has notified Vodafone that it is willing to enter into an Agreement based on the RIO {or RTO} approved by the CRA without amendments, Vodafone shall sign that Agreement within ten (10) Days of the Notification that the Acceptance Notice is conforming.

Order to Vodafone and Ooredoo to publish the amended Wholesale Reference Offers

In light of the above, the CRA directs Ooredoo and Vodafone to make available their attached approved RIOs and RTO via a dedicated section on their official website within five (5) working days from the date of this Order.

The Service Providers are required to notify the CRA on the publication of their Wholesale Reference Offer(s).

Other remarks

These Orders are effective immediately.

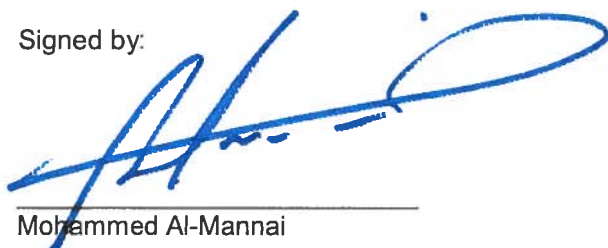
The approved amended Wholesale Reference Offers are annexed to these Orders:

1. RIO of Ooredoo (re. CRA 2016/10/13A);
2. RTO of Ooredoo (re. CRA 2016/10/13B);
3. RIO of Vodafone (re. CRA 2016/10/13C).

CRA will publish the above-amended Wholesale Reference Offers of the Service Providers on its webpage immediately.

Any clarification required on this Order must be made in writing. Please note that any query or clarification from Ooredoo and/or Vodafone shall not affect Ooredoo's and/or Vodafone's obligation to comply with this Order.

Signed by:



Mohammed Al-Mannai
President
Communications Regulatory Authority