



United Arab Emirates



Violation Decision No. (2) of 2009

Ongoing Non-Compliance with Directive No. (3) of 2008

Non-Compliance with Violation Decision No. (1) of 2009

Telecommunications Regulatory Authority (TRA)
P O Box 26662, Abu Dhabi, United Arab Emirates (UAE)
www.tra.gov.ae



Violation Decision No. (2) of 2009, Ongoing Non-Compliance with Directive No. (3) of 2008, Non-Compliance with Violation Decision No. (1) of 2009, Issued 16th April 2009, REDACTED VERSION

1. Background

1.1. On 8th June 2008, the TRA issued its Directive No. (3) of 2008 wherein the TRA ordered that Etisalat, “...offer a commercially viable and technically functional Carrier Pre-Selection Interconnection Service within its entire network within six (6) months form the date of receipt of any request for CPS Interconnection Service.”

1.2. On 8th July 2008, the TRA was carbon copied on EITC’s letter (to Etisalat) reference RA/ETC/08/209 dated 8th July 2008. In its letter EITC made a formal written request for Etisalat to offer Carrier Pre Selection (“CPS”) Interconnection Service within six (6) months, as described in the TRA’s Directive. As per the TRA’s Directive No. (3) of 2008, this request established Etisalat’s performance deadline as 8th January 2009.

1.3. [REDACTED]

Accordingly, Etisalat did not offer CPS Interconnection Service to EITC on or before 8th January 2009.

1.4. On 16th March 2009, the TRA issued its Violation Decision No. (1) of 2009 based on Etisalat’s non-compliance with Directive No. (3) of 2008.

Article 4.2 of the TRA’s Violation Decision No. (1) of 2009 specifically required that, “...Etisalat comply with the TRA’s Directive No. (3) of 2008 by April 15th 2009.”

1.5. [REDACTED]

Accordingly, Etisalat did not offer CPS Interconnection Service to EITC on or before 15th April 2009.



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2. Legal Reference

- 2.1. The following references were taken into consideration with respect to Etisalat's obligation to offer CPS Interconnection Service.
- 2.2. Article 14 of Federal Law by Decree No. (3) of 2003, as amended, ("the Law") provides the General Authority for Regulating the Telecommunications Sector (TRA) with the power to issue regulations, orders, resolutions and procedures with respect to the telecommunications sector.
- 2.3. Specifically, Article 14 (2) of the Law relates that power directly to, "*...the Interconnection and access to Telecommunication Networks and Telecommunication Services provided by the Licensees...*".
- 2.4. Additionally, Article 49 of Executive Order No. (3) of 2004 ("the Executive Order") provides that the TRA may issue Instructions, Guidelines and Directives in relation to network interconnection.
- 2.5. Article 13.4.1 of Etisalat's Telecommunications License No. 1/2006 ("the License") stipulates that Etisalat shall, "*...implement carrier selection and carrier pre-selection according to the Regulatory Framework in effect at the time.*"
- 2.6. Furthermore, Article 13.4.2 of the License stipulates that Etisalat shall, "*...cooperate with Other Licensed Operators in the technical specification, development and implementation of carrier selection and carrier pre-selection in accordance with the Regulatory Framework in effect at the time.*"
- 2.7. Article 3 of the TRA's Interconnection Instructions, Version 1.2 identifies Carrier Pre Selection as one of the minimum Interconnection Services which Etisalat must offer, "*...for the purpose of enabling interoperability.*"
- 2.8. Article 1 of the TRA's Carrier Selection and Carrier Pre-Selection Policy ("CS/CPS Policy") stipulates that the, "*...TRA has determined that subscribers of fixed line telecommunication services shall have a choice of their provider for national and international calls.*"
- 2.9. Article 2 of the CS/CPS Policy stipulates that, "*Licensees shall ensure that their network equipment has the appropriate functionality to implement CS and CPS in a manner as determined by the TRA.*"



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- 2.10. Article 4.1 of the TRA's Directive No. (3) of 2008 ordered that Etisalat, "...offer a commercially viable and technically functional Carrier Pre-Selection Interconnection Service within its entire network within six (6) months from the date of receipt of any request for CPS Interconnection Service."
- 2.11. Due to Etisalat's non-compliance with the obligation stated in Article 2.10 above, the TRA issued its Violation Decision No. (1) of 2009 in which Article 4.2 required that Etisalat provide CPS Interconnection Service by 15th April 2009.
- 2.12. Based on the foregoing, the provisions of Etisalat's Public Telecommunications License No. 1/2006, Articles 16.3.2 and 16.3.3 are applicable.

3. Findings

- 3.1. As referenced above, the TRA's Regulatory Framework as well as Etisalat's Telecommunications License No. 1/2006 specifically create an obligation for Etisalat to offer CPS Interconnection Service.
- 3.2. Accordingly, the TRA's Directive No. (3) of 2008 required that Etisalat offer CPS Interconnection Service within six (6) months of a formal request. Based on EITC's written request for CPS Interconnection Service, Etisalat was obligated to offer CPS Interconnection Service by 8th January 2009.
- 3.3. Due to Etisalat's failure to offer CPS Interconnection Service by 8th January 2009, the TRA issued its Violation Decision No. (1) of 2009 which penalized Etisalat's non-compliance and ordered that Etisalat offer CPS Interconnection Service by 15th April 2009.
- 3.4. Due to Etisalat's failure to offer CPS Interconnection Service by 15th April 2009, the TRA considers that Etisalat is in breach of the order stipulated in Article 4.2 of the TRA's Violation Decision No. (1) of 2009 as well as in ongoing non-compliance with Article 4.1 of the TRA's Directive No. (3) of 2008.

Additionally, Etisalat is in violation of Article 13.4 of Etisalat's Public Telecommunication License No. 1/2006.



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4. The Violation Decision

4.1. At its discretion and without prejudice to the TRA's rights regarding any future actions with regard to this violation or any other incident, either related or unrelated, this Violation Decision shall serve as a formal sanction for Etisalat's non-compliance with the TRA's Violation Decision No. (1) of 2009 as well as Etisalat's ongoing non-compliance with the TRA's Directive No. (3) of 2008.

Furthermore, the TRA has assessed a financial penalty in the amount of Dirhams 400,000.

4.2. At its discretion and without prejudice to the TRA's rights regarding any future actions with regard to this violation or any other incident, either related or unrelated, the TRA hereby orders that Etisalat comply with the TRA's Directive No. (3) of 2008 by 16th May 2009.

5. Payment

Payment of the aforementioned penalty shall be made by Etisalat to the Telecommunications Regulatory Authority by 30th April 2009.

6. Publication

At its sole discretion, the TRA reserves the right to make public this Violation Decision, or any parts thereof.

7. Acknowledgement and Compliance

7.1. Etisalat shall notify the TRA in writing of its receipt of this Violation Decision within one (1) day of the date thereof.

7.2. Etisalat shall notify the TRA in writing on the day it has paid the penalty assessment.

7.3. Etisalat shall notify the TRA in writing of its compliance or non-compliance with Article 4.2 of this Violation Decision by 16th May 2009.