

Directive (3) of 2019 – The Data Centre Connectivity Directive, Version 1.0, issued – 24 September 2019

---

## **DIRECTIVE (3) of 2019**

---

# **Regarding Obligations to provide connectivity at data centres in the UAE**

**Version 1.0**

**Issue Date: 24 September 2019**

---

---

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

---

Directive (3) of 2019 – The Data Centre Connectivity Directive, Version 1.0, issued – 24 September 2019

# Directive (3) of 2019 Regarding Obligations to provide connectivity at data centres in the UAE

## Table of Contents

1	Introduction .....	3
2	Legal Background .....	4
3	Definitions and interpretation .....	5
4	General Provisions .....	8
5	Self-Provided Data Centres .....	9
6	Obligation to Provide Connectivity .....	9
7	Physical Separation of Telecommunications Networks .....	10
8	Non-Discrimination .....	11
9	Access to Licensee Infrastructure and Cross Connects .....	12
10	Rulings and Temporary Instructions .....	13
11	Publication of Directive .....	15
12	Acknowledgment .....	15
13	Final Provisions and Effective date .....	15

## 1. Introduction

There are various data centres operating in the UAE. These data centres provide purpose-built facilities and data storage/hosting services to themselves and/or to their customers including: international carriers, large enterprises, cloud service providers and content service providers. Reliable telecommunications connectivity is crucial at data centres in order that the data stored/hosted within the data centre can be accessed remotely.

International carriers, large enterprises and cloud and content service providers collocated in data centres typically require connectivity from more than one public telecommunications operator, to ensure diversity and redundancy and to mitigate the risk of disconnection in the case of a service outage. Redundancy through dual connectivity is a fundamental requirement for carriers and large enterprises.

The commercial data centres in the UAE can be broadly categorised as:

- data centres owned/operated/controlled by Licensees; or
- data centres owned/operated/controlled by non-licensees.

Some data centres are only served by a single telecommunications provider, and the customers collocated in those data centres do not have the certainty of obtaining connectivity services from more than one telecommunications operator. This is limiting the potential of the UAE as a preferred destination for data centre hosting and is contrary to the vision and objectives of the UAE leadership. As a result, potential customers are finding other countries more attractive as a base for their ICT needs, because of the availability of diverse connectivity at data centres in those countries.

Following an extensive study into the telecommunications requirements of data centres and data centre customers, the TRA has determined that the telecommunications sector is not meeting the required quality and standard of services as required by those customers. Specifically, the TRA has discovered certain demand for:

- the provision of dual connectivity at all data centres;
- the provision of dark fibre services; and
- direct access to submarine cables at the landing stations.

The TRA considers that the UAE telecommunications sector must better serve the needs of data centres and data centre customers in order to support the development of the UAE as an ICT hub in the region. The TRA further considers that dual connectivity is of the highest priority, and the scope of this Directive is limited to dual connectivity.

Directive (3) of 2019 – The Data Centre Connectivity Directive, Version 1.0, issued – 24 September 2019

The TRA may consider extending the scope of this Directive or issuing further Directives in the future to address other matters such as the provision of dark fibre and/or access to submarine cables.

## 2. Legal Background

- 2.1. Article (12) of Federal Law by Decree No. 3 of 2003 Regarding the Organisation of the Telecommunications Sector, as amended (the “**Telecommunications Law**”) establishes the Telecommunications Regulatory Authority (the “TRA”) as the competent authority to oversee the telecommunications sector and all Licensees in the UAE and pursuant to Article (13) of the Telecommunications Law, the TRA shall exercise its functions and powers under the Law to inter alia, ensure that the Telecommunications Services provided throughout the State, are sufficient to satisfy the public demands of those who wish to make use of such services; enhance the level of service provided by the telecommunications sector in order to promote the interests of subscribers; and ensure that Licensees meet quality standards of performance.
- 2.2. Article (14)3 grants the TRA the power to issue regulations, instructions, decisions and rules regulating the conditions, level and scope of services provided by the Licensees to subscribers...including the standards and quality of the provided services, terms of supply.
- 2.3. Having considered:
  - 2.3.1. the provisions of the Telecommunications Law, the Executive Order and the Regulatory Framework; and
  - 2.3.2. acting in the interests of ensuring that Licensees are meeting the quality standards of performance and the demands for specific telecommunications services; and
  - 2.3.3. acting in the interests of promoting the UAE as an ICT hub in the region,

the TRA, acting pursuant to the provisions of the Telecommunications Law and the powers vested in the TRA, issues this Directive to all Addressed Licensees.

### 3. Definitions and interpretation

3.1. The terms, words, and phrases used in these Regulations shall have the same meaning as are ascribed to them in the Telecommunications Law unless these Regulations expressly provides for otherwise, or the context in which those terms, words and phrases are used in these Regulations requires otherwise. For the purposes of these Regulations, the following terms and words shall have the meanings ascribed to them below:

3.1.1. **“Addressed Licensees”** means – jointly and severally, those Persons listed in sub-article 4.1 and the term Addressed Licensee shall be extended to include Agents.

3.1.2. **“Agent”** means - any Person who can reasonably be construed as being a distributor, dealer, agent, subcontractor, or representative of an Addressed Licensee.

3.1.3. **“Application For Ruling”** means – a formal application including all supporting documents submitted to the TRA by the Person seeking a Ruling on any matter within the scope of this Directive.

3.1.4. **“Cross Connect”** means – any device or medium which is under the exclusive control of a Licensee and is used, or is intended to be so used, within the Licensee Equipment Room to enable an active connection between internal cabling in the Data Centre and infrastructure in the Licensee Equipment Room and thereby connecting the Data Centre Customer Equipment to the Public Telecommunications Network. Cross Connects are further described and illustrated in Figure 1. See 9.2 below.

3.1.5. **“Data Centre”** means – a specialised facility which may be a building, or dedicated space within a building, used for housing IT infrastructure (including but not limited to: switches, routers, networked servers, networked computers, networked data storage, software, and passive infrastructure including cages, cabinets, racks, cables, and fibre, etc.) in a secure and controlled environment and the term Data Centre shall be extended to include all forms of data centres including data centres configured and operated as so called, internet exchanges.

3.1.6. **“Data Centre Controller”** means – a Person who owns, controls or manages a Data Centre in the UAE and the term Data Centre Controller shall be extended to include agents of the Data Centre

Directive (3) of 2019 – The Data Centre Connectivity Directive, Version 1.0, issued – 24 September 2019

Controller; and the term Data Centre Controller shall also be extended to include a Licensee-Data Centre Controller.

- 3.1.7. **“Data Centre Customer”** means – a Person who has an arrangement with a Data Centre Controller to co-locate and use the facilities and services provided at the concerned Data Centre.
- 3.1.8. **“Data Centre Customer Equipment”** means – the IT infrastructure co-located in a Data Centre which infrastructure is owned or controlled by a Data Centre Customer.
- 3.1.9. **“Directive or “this Directive”** means – Directive No. (3) of 2019, regarding Licensee’s Obligations to provide connectivity at Data Centres in the UAE, including any annexure thereto, as issued by the TRA and as may be amended from time to time;
- 3.1.10. **“EITC”** means – Emirates Integrated Telecommunications Company and its successors.
- 3.1.11. **“EITC Licence”** means – Public Telecommunications Licence No. (2) of 2006 as granted to EITC.
- 3.1.12. **“Etisalat”** means – Etisalat Telecommunications Group and its successors.
- 3.1.13. **“Etisalat Licence”** means – Public Telecommunications Licence No. (1) of 2006 as granted to Etisalat.
- 3.1.14. **“Licensee-Data Centre Controller”** means – a Licensee who owns, controls or manages a Data Centre in the UAE and the term Licensee-Data Centre Controller shall be extended to include agents of the concerned Licensee.
- 3.1.15. **“Licensee Equipment Room”** means – a separately controlled room, location, or area, within or adjacent to a Data Centre which is, or can be considered, distinct from the Data Centre and used to co-locate Licensee’s infrastructure and network terminations. The Licensees Equipment Room serves as a point of demarcation between the Public Telecommunications Network and the Data Centre.
- 3.1.16. **“Person”** means - any natural or juridical person;

Directive (3) of 2019 – The Data Centre Connectivity Directive, Version 1.0, issued – 24 September 2019

- 3.1.17. **“Regulatory Framework”** means - the complete body of resolutions, licences, authorisations, policies, regulations, instructions, directives- including this Directive, orders, determinations, reports, procedures, guidelines, and other such regulatory instruments as issued and as may be issued by the TRA and as may be amended from time-to-time.
- 3.1.18. **“Ruling”** means – a formal and binding decision made and issued by the TRA on any matter that is within the scope of this Directive and which matter is referred to the TRA for its consideration.
- 3.1.19. **“Telecommunications Law”** means - Federal Law by Decree No. 3 of 2003 Regarding the Organisation of the Telecommunications Sector, as amended;
- 3.1.20. **“Temporary Instructions”** means – the binding instructions that the TRA may issue pursuant to sub-article 10.2 of this Directive; and
- 3.1.21. **“TRA”** means - the Telecommunications Regulatory Authority, which pursuant to the provisions of Article 6 of the Telecommunications Law is the General Authority for Regulating the Telecommunications Sector”.
- 3.2. In interpreting the provisions of this Directive, unless this Directive expressly provides otherwise, or the context requires otherwise:
- 3.2.1. words importing one gender shall be construed as importing all genders;
- 3.2.2. words importing the singular shall be construed as importing the plural and vice-versa;
- 3.2.3. references to articles, sub-articles, annexure, and attachments shall be construed as being references to articles, sub-articles, annexure, and attachments in or to this Directive;
- 3.2.4. headings and sub-headings in this Directive are intended for guidance and shall not be construed as limiting the effect of the provisions this Directive.

Directive (3) of 2019 – The Data Centre Connectivity Directive, Version 1.0, issued – 24 September 2019

- 3.3. This Directive may be referred to by its short name- the “**Data Centre Connectivity Directive**”.

#### 4. General Provisions

- 4.1. For the purposes of this Directive the Addressed Licensees are:

4.1.1. Etisalat;

4.1.2. EITC; and

4.1.3. Such other Person that may be licensed, or exempted, by the TRA to provide connectivity in the UAE and is formally notified of its obligation to meet the provisions of this Directive.

- 4.2. This Directive applies equally to all Addressed Licensees.

4.3. This Directive is in addition to and complements other applicable UAE laws and other provisions of the Regulatory Framework. Nothing in this Directive shall be construed as waiving or modifying obligations to comply with any other applicable laws in the UAE, or other applicable provisions of the Regulatory Framework.

- 4.4. Any and all obligations of the Addressed Licensees covered by this Directive are subject to the following:

4.4.1. all reasonable cooperation and assistance by the concerned Data Centre Controllers, Data Centre Customers or any other third party exercising control over such Data Centres or the relevant buildings, facilities, premises or locations hosting such Data Centres, including without limitation, grant of physical access and other necessary rights;

4.4.2. all reasonable cooperation and assistance by land owners or other third party exercising control over any plots of land, the access to and use of is reasonably necessary for the fulfilment of such obligations by the Addressed Licensees, including without limitation, grant of physical access, rights to deploy network infrastructure (including, but not limited to: trenches; channels; ducts; sub-ducts, cables; fibres; circuits; active equipment; and all network infrastructure

leading up to the Data Centre) and any other similar rights required for fulfilment of such obligations;

- 4.4.3. granting by the competent authorities all the relevant approvals, authorisations, permits, consents, NOCs or other similar prerequisites required for fulfilment of such obligations.

## **5. Self-Provided Data Centres**

- 5.1. Nothing in this Directive shall be construed as preventing any Person from providing a Data Centre and associated data centre services to itself and in the case of self-provision, the Data Centre Controller and the Data Centre Customer would be the same person and shall acquire all rights afforded by this Directive.

## **6. Obligation to Provide Connectivity**

- 6.1. Addressed Licensees shall act in good faith and in a timely manner to fulfil all reasonable requests for the provision of network connectivity made by Data Centre Controllers.

6.1.1. In this context ‘fulfilling requests for network connectivity’ means extending the Addressed Licensee’s Public Telecommunications Network to a Licensee Equipment Room and providing relevant and fully functional Public Telecommunications Services at the concerned Data Centre, and ‘relevant and fully functional Public Telecommunications Services’ shall refer to the entire range of retail business connectivity products in their respective portfolios, retail bespoke solutions and wholesale services including point-to-point connectivity services, for which the concerned Addressed Licensee has all the relevant TRA approvals.

6.1.2. If an Addressed Licensee considers a request for network connectivity to be unreasonable, the concerned Addressed Licensee shall within thirty (30) calendar days of the date of such request, apply to the TRA for a Ruling. In addition to the information required generally by sub article 10.3, the Application For Ruling shall provide a detailed account of why the concerned Addressed Licensee considers the application in question to be unreasonable.

Directive (3) of 2019 – The Data Centre Connectivity Directive, Version 1.0, issued – 24 September 2019

- 6.2. Addressed Licensees shall act in good faith and in a timely manner to fulfil all reasonable requests from a Data Centre Customer for Cross Connect such that the Data Centre Customer can access the Public Telecommunications Services provided by that Addressed Licensee from within that Data Centre. If the Addressed Licensee considers a request for Cross Connect to be unreasonable the concerned Addressed Licensee shall within five (5) working days of the date of the request, apply to the TRA for a Ruling. In addition to the information required generally by sub article 10.3, the Application For Ruling shall provide the name of the Data Centre Customer and his contact details, and a detailed account of why the concerned Addressed Licensee considers the application in question to be unreasonable.
- 6.3. In circumstances where a Data Centre Customer requests an Addressed Licensee to provide Cross Connect within a Data Centre where that Addressed Licensee does not have a Licensee Equipment Room, the concerned Addressed Licensee shall treat the request as a request to provide network connectivity directly to the Data Centre Customer Equipment. The Addressed Licensee shall act in good faith and liaise with the Data Centre Customer and the Data Centre Controller as required in order to fulfil the request in a timely manner. If the Addressed Licensee considers the request for connectivity to be unreasonable, the concerned Addressed Licensee shall within thirty (30) calendar days of the date of the request, apply to the TRA for a Ruling. In addition to the information required generally by sub article 10.3, the Application For Ruling shall provide the name of the Data Centre Customer and his contact details, and a detailed account of why the concerned Addressed Licensee considers the application in question to be unreasonable.

## 7. Physical Separation of Telecommunications Networks

- 7.1. To the extent possible and subject to the facilities, and in particular the Licensee Equipment Rooms, provided at the Data Centre, the Addressed Licensees shall ensure that their respective Public Telecommunications Network infrastructure (including, but not limited to: trenches; channels; ducts; sub-ducts, cables; fibres; circuits; active equipment; and all network infrastructure leading up to the data centre) are physically separated from each other so as to provide the highest degree of redundancy based on physical separation of the Public Telecommunications Networks at the concerned Data Centre.

Directive (3) of 2019 – The Data Centre Connectivity Directive, Version 1.0, issued – 24 September 2019

7.2. In circumstances where an Addressed Licensee considers that it would be unreasonable to physically separate the public network connections, or where certain pre-requisites (see sub-article 4.4 above) for fulfilling such obligation are not satisfied, the concerned Addressed Licensee shall, without undue delay apply to the TRA for a Ruling. The application for a Ruling shall contain all relevant details including:

7.2.1. a detailed account of why the concerned Addressed Licensee considers: physical separation of the public networks is not possible because certain pre-requisites for fulfilling such obligation by the Addressed Licensee are not satisfied; or physical separation is unreasonable; or physical separation is economically unfeasible; and

7.2.2. alternative proposals to secure dual connectivity at that Data Centre.

7.3. An application made for a Ruling under sub-article 7.2 above shall not relieve the concerned Addressed Licensee from its obligations arising under Article 6 to provide connectivity and/or Cross Connects at the Data Centre.

## 8. Non-Discrimination

8.1. In responding to requests for connectivity from a Data Centre Controller and/or a Data Centre Customer, Addressed Licensees and their Agents shall always act in good faith; in a timely manner; and without discrimination.

8.2. Notwithstanding the generality of sub-article 8.1, all forms of discrimination are prohibited including but not limited to:

8.2.1. Discrimination based on the ownership or affiliation of the Data Centre Controller or the ownership or affiliation of the Data Centre Customer;

8.2.2. Discrimination based on the ownership or affiliation of any Addressed Licensee who already provides, or who may provide, infrastructure, connectivity, and/or services to the Data Centre or the Data Centre Customer.

Directive (3) of 2019 – The Data Centre Connectivity Directive, Version 1.0, issued – 24 September 2019

- 8.2.3. Discrimination based on the geographic location of the Data Centre within the UAE;
  - 8.2.4. Discrimination based on the location of, or the ownership/control of, a 'far-end' data centre, or far-end Data Centre Customer Equipment to which point-to-point connectivity is requested by a Data Centre Controller and/or a Data Centre Customer.
  - 8.2.5. Discrimination based on price including, without limitation, the prices charged for: network connection(s), Cross Connect(s), line rental, and consumption charges, etc.;
  - 8.2.6. Discrimination based on quality of service; and
  - 8.2.7. Discrimination based on provisioning times.
- 8.3. Under no circumstances shall any Addressed Licensee block, hinder, or refuse to fulfil requests for any type of connectivity which may arise under Article 6, based on the existence, or possible existence, of other infrastructure (including Cross Connects) installed, or to be installed, by another Addressed Licensee at the concerned Data Centre.
  - 8.4. Under no circumstances shall a Licensee-Data Centre Controller block or in any way prevent, restrict, limit or hinder a Data Centre Customer located in any Data Centre that is controlled by that Licensee-Data Centre Controller from requesting and/or obtaining connectivity from any other Addressed Licensee.

## 9. Access to Licensee Infrastructure and Cross Connects

- 9.1. Nothing in this Directive shall be construed as giving any Person other than the relevant Licensee, any rights to access the Licensee Equipment Room, or any other location at which Licensee's infrastructure is installed in a Data Centre.
- 9.2. Nothing in this Directive shall be construed as giving any Person other than the relevant Licensee, any rights to install Cross Connects, whether directly or indirectly. An illustration of the location and function of Cross Connects is given in Figure 1 below.

Directive (3) of 2019 – The Data Centre Connectivity Directive, Version 1.0, issued – 24 September 2019

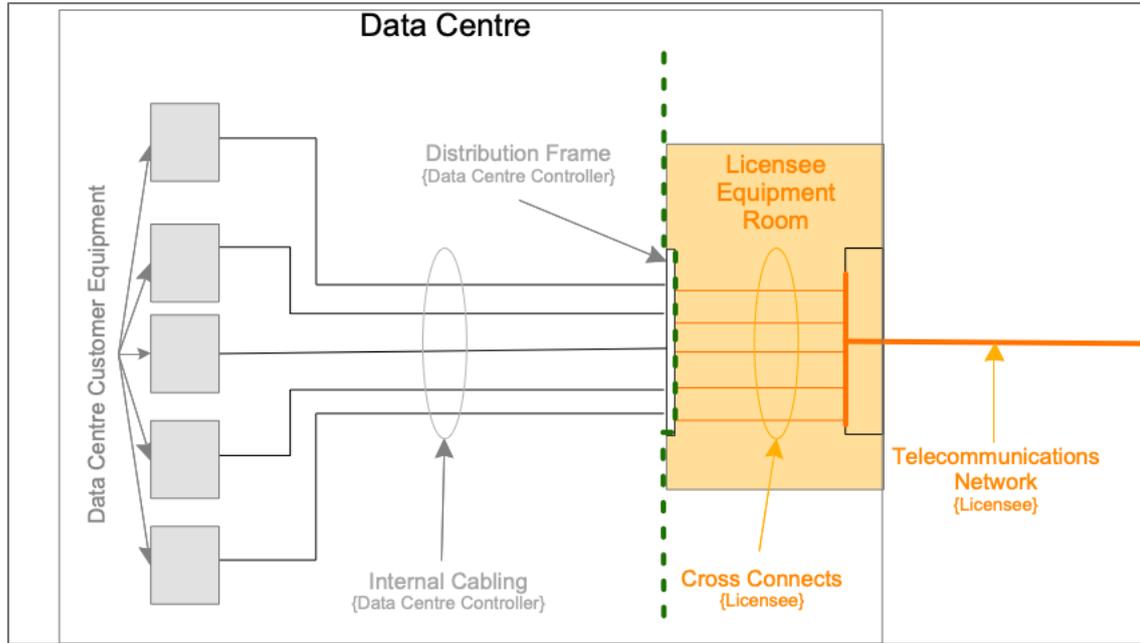


Figure 1: Illustration example of Cross Connects in a Licensee Equipment Room

- 9.3. Nothing in this Directive shall be construed as preventing any Person from providing active or passive connections between items of Data Centre Customer Equipment via internal cabling within the Data Centre, provided that such connection is not made in contravention of the provisions of the Telecommunications Law and the Regulatory Framework.
- 9.4. Nothing in this Directive shall be construed as preventing Licensees from using their respective equipment and/or infrastructure installed in or at a Data Centre from being used as a Point of Interconnection “POI” for the purposes of interconnecting the Licensee’s respective Telecommunications Networks provided always that such use is not made in contravention of the provisions of the Telecommunications Law and the Regulatory Framework.

## 10. Rulings and Temporary Instructions

- 10.1. Any Data Centre Controller and/or any Data Centre Customer having a grievance with the actions or performance (including any non-action or any non-performance) of an Addressed Licensee under this Directive may submit an Application For Ruling. In addition to the information required generally by sub article 10.3, the Application For

Directive (3) of 2019 – The Data Centre Connectivity Directive, Version 1.0, issued – 24 September 2019

Ruling shall provide the following specific information: the standing of the applicant; and a detailed account of the grievance including details of all actions taken, or not taken, by the concerned Addressed Licensee.

10.2. Prior to making any Ruling, in relation to any application arising under any of the provisions in this Directive, the TRA may issue Temporary Instructions to one or more Persons, including the person applying for the Ruling, and/or an Addressed Licensee. Such Temporary Instructions shall be binding on the Person(s) to whom they are issued for the duration set out in the Temporary Instruction.

10.3. In addition to any specific information and/or details as may be specified elsewhere in this Directive, an Application For Ruling shall provide the following information:

10.3.1. the name, address, and contact details of the applicant;

10.3.2. the name, and location of the Data Centre;

10.3.3. the name, and contact details of the Data Centre Controller;

10.3.4. a detailed account of the case supported by relevant document which may include:

- a) a copy of the application for connectivity;
- b) a copy of the application for Cross Connect;
- c) documentation, including quotations, supplied by an Addressed Licensee in response to a request for connectivity;
- d) plans and drawings of the Data Centre and its immediate surroundings including the location of telecommunications network infrastructure etc.; and
- e) plans and drawings of the location of the Licensee Equipment Room(s) and/or the location of the Data Centre Customer Equipment.

10.4. The TRA may reject an Application For Ruling if the TRA considers that the applicant does not have sufficient standing, or if the

Directive (3) of 2019 – The Data Centre Connectivity Directive, Version 1.0, issued – 24 September 2019

application concerns some matter which is outside the scope of this Directive.

10.5. In processing any Application For Ruling, the TRA may at its discretion request the applicant to provide such further information as the TRA may consider to be relevant and necessary, and the TRA may reject the application if the applicant fails to provide such requested information in a timely manner.

10.6. In processing any Application For Ruling, the TRA may at its discretion instruct any concerned Person to provide such information and data as the TRA may require to process the case.

## **11. Publication of Directive**

11.1. The TRA shall publish this Directive in full on its website.

## **12. Acknowledgment**

12.1. Each Addressed Licensee shall notify the TRA in writing of the receipt of this Directive within one (1) business day of the date it is received.

## **13. Final Provisions and Effective date**

13.1. Unless a contrary intention is specifically stated for specific provisions contained herein, this Directive shall enter into force on the day on which it is issued.

13.2. This Directive shall remain in force until otherwise determined and announced by the TRA.

13.3. The following instruments are hereby repealed:

13.3.1. No earlier instruments are repealed

--- End of Directive ---