

# ICT REGULATORY TRACKER

Indicator	Area	Description	Raw Values	Coding	Benchmark	0 pts	1 pt	2 pts	
1	Does a separate (independent in terms of finance, structure, and decision making from the operator(s) and the sector Ministry) Regulatory Authority exist for Telecommunication or Information and Communication Technology (ICT) in your country?	<b>Separate telecom/ICT regulator</b>	Having a separate Regulatory Authority (i.e. independent in terms of finance, structure, and decision-making from the operator(s) and the sector Ministry) is in line with international best practices. Independence heightens the effectiveness of a regulator, with regards to both procedural matters and easier maneuver of funding and actions to achieve the desired social and economic goals. Separation from other governmental agencies/ministries and service providers is generally seen as a factor that enables decisions to be taken in an impartial, fair and transparent manner. This does not negate, however, that in particular circumstances regulators that are not separate may be effective.	"Yes"; "No"	-	2	No	-	Yes
2	Is the Regulatory Authority autonomous in decision-making?	<b>Autonomy in decision making</b>	Autonomy is relevant to both the accountability and independence of the regulatory authority. It ensures that decisions are made consciously and with impartiality. As the specialized body with knowledge of the market, autonomy grants the regulatory authority with the tools to increase its efficiency and serve as a neutral broker in the market.	"Yes, for all decisions"; "Yes, for some decisions"; "No"	-	2	No	Yes, for some decisions	Yes, for all decisions
3	What are the reporting requirements of the Regulatory Authority? Who is responsible for approving the budget of the regulator? Who appoints the Members and the Head?	<b>Accountability</b>	Notwithstanding the need of independence, the regulatory authorities should be accountable for their actions to ensure effectiveness in legislation and enforcement of rules as well as impartiality in decision making. Having different governmental bodies deciding over the regulatory authority's structure and funding, in addition to the Head or the Board of the regulatory authority, avoids concentration of power and influence from one of the branches of the government over the regulatory decision. Particularly with regard to financial resources, appointment of the head of the regulator and reporting requirements, it is important to have another branch of the government reviewing the regulator's decisions. By doing so, the government will be implementing a system of checks and balances that is likely to prevent a regulator from, on one hand, over-spending (or over-charging the regulated entities) as well as, on the other hand, from conflicts of interest and lack of accountability. Although such controls may be seen as diminishing the regulator's ability to independently make decisions, it will result in the regulator implementing policies and programs needed by the telecommunications sectors and regulated entities are likely to feel a sense of regulatory security and transparency.	"Report to legislature"; "Report to Government (or Prime minister)"; "Report to other ministry"; "Annual report to the sector Ministry"; "No reporting requirements"; "Other" // "Parliament"; "Government"; "Head of government"; "Sector minister"; "Head of the regulator"; "Other, please specify" // "Head of state"; "Government Head of government"; "Sector minister"; "Parliament"; "Other, please specify"	Pre-coding: (In each sub-indicator:) for "Report to legislature" or "Parliament", code as "P"; "Report to Government (or Prime Minister)", "Report to sector Ministry", "Government", "Head of Government" or "Sector Minister", code as "G"; "No reporting" or "Head of regulator", code as "NR". Coding: 3 different answers = 2; 2 different answers = 1; 3 identic answers = 0. Note: "Government" and "Head of Government" can be considered as the same	2	The same entity is responsible for all areas	Two different entities are responsible	Three different entities are responsible
4	With regards to the last financial year, please indicate the sources of the Regulator's annual budget and the percentage of annual budget financed from each source	<b>Percentage of diversified funding</b>	The funding sources can directly impact the regulator's independence and political influence should be minimized to the extent possible. Having multiple sources of funding and not just financial sources from government appropriations is in line with international best practices. The funding sources and budgeting processes of regulators (i) may impact on independence, efficiency and cost of regulation and (ii) may directly impact the degree of a regulator's autonomy and competence when carrying out its responsibilities. Multiple sources of funding are generally associated with providing the regulator with more financial independence and greater autonomy in decision-making.	"Percentage of Award/auction of mobile license"; "Percentage of Award/auction of other license"; "Percentage of License fees"; "Percentage of Government appropriation"; "Percentage of Numbering fees"; "Percentage of Spectrum fees"	Consider only the percentage of government appropriation. If it represents between 0 and 33% of the annual budget, classify as "minimal influence" = 2; If it represents between 34 and 66% of the annual budget, classify as "moderate influence" = 1; If it represents more than 66% of the authority's annual budget, classify it as "strong influence" = 0.	2	Strong influence	Moderate influence	Minimal influence
5	Are public consultations mandatory before regulatory decisions are made?	<b>Public consultations mandatory before decisions</b>	It is in line with international best practices for the law or regulation to generally require the regulator to conduct public consultations before issuing regulatory decisions. This requirement may specify that consultations are required for regulatory decisions likely to have a significant impact on the market and/or on end users. Public consultations allow for a democratic environment that takes into account in the decision-making process the opinions of consumer associations and individual consumers, the views of established or potential investors as well as other interested parties. They also increase the transparency of the regulatory authority's actions and decisions, and allow for a buy-in from all parties involved in the market.	"Yes"; "In certain cases"; "No"	-	2	No	In certain cases	Yes
6	Does the separate regulator have enforcement power?	<b>Enforcement power</b>	Granting the regulator sufficient enforcement powers under the law is in line with best regulatory practice. To avoid political interference and ambiguous decisions influenced by the interests of market players, the regulatory authority should be empowered to enforce its decisions and regulations and thus ensure compliance with the rules set, improve the predictability of the regulatory frameworks in place and grow a level-playing field. Particularly, regulators should have sufficient powers to (i) enforce procedures in place; (ii) enforce regulations and licence conditions; and (iii) issue orders, directions to operators to carry out or cease certain activities, and (iv) impose sanctions, fines and other penalties for breach of legal/regulatory obligations.	"Yes"; "No"	-	2	No	-	Yes

1. Regulatory authority

mandate	7	What sanctions or penalties can the separate regulator impose?	<b>Sanctions or penalties imposed by regulator</b>	Empowering the regulator to enforce punitive measures, regulations or licence conditions by imposing penalties or sanctions for violations is in line with international best practices. Providing the regulator with sufficient legal grounding to exercise its enforcement functions is a key factor to ensure the legality/validity of the regulator's actions and decisions and to provide legal certainty to the sector.	"Monetary fines"; "Additional licence obligations"; "Modification of licence"; "Licence suspension"; "Licence revocation"	Sub-group "No sanction"; Sub-group "Moderate sanction" ("Monetary fines"; "Additional licence obligations"; "Modification of licence"); Sub-group "Strong sanction" ("Licence suspension"; "Licence revocation")	2	No sanction	Moderate sanction	Strong sanction	
	8	Does the regulatory framework set up a clear dispute resolution mechanism(s) to resolve disputes (e.g. on interconnection issues, customer complaints, etc.)?	<b>Dispute resolution mechanism</b>	As the ICT sector continues to evolve and become increasingly competitive, it is necessary to establish an effective dispute resolution system. Failure to resolve disputes can quickly limit competition, cause delays in the introduction of new services and technologies, block or reduce investment in the sector, and impede liberalization and development of the sector. Establishing clear dispute resolution mechanisms is in line with international practice. These procedures are critical to guarantee timely and effective intervention from regulators and contribute to the efficient functioning of competitive ICT markets as well as to the protection of consumers' rights.	"Yes"; "No"	-	2	No	-	Yes	
	9	Are appeals to the decision of the Regulatory Authority (entity in charge of regulation) allowed?	<b>Appeals to decisions</b>	Establishing clear and detailed procedures for appealing the regulator's major dispute resolution and enforcement decisions is consistent with good regulatory practices and is an important part of a comprehensive and effective regulatory framework. Allowing interested parties to appeal the regulator's decisions helps to ensure that the regulator is sufficiently accountable to stakeholders, including the state, service providers and consumers and affirms its credibility while providing the market players with the assurance of fairness and rule of law throughout the process.	"Yes"; "No"	-	2	No	-	Yes	
	10	Does your country have a Competition Authority?	<b>Existence of Competition authority</b>	Competition authorities overlook multiple market segments in order to avoid anticompetitive actions taken by operators with significant market power, actions which would harm other market players, potential new entrants as well as consumers.	"Yes"; "No"	-	2	No	-	Yes	
	20										
	11	Please indicate below which entities have responsibility for: - Enforcement of quality of service obligations measures - Service quality monitoring	<b>Traditional mandate: entity in charge of quality of service obligations measures and service quality monitoring</b>	Service quality monitoring is a tool to aid in decisions in order to help customers make informed choices, to understand the state of the market (and help operators achieve fair competition), to maintain or improve quality in presence or absence of competition, and also to make interconnected networks work well together. It is equally as important to establish measures for controlling/monitoring quality of service to set achievable and appropriate targets. We consider that an unbiased and independent regulatory authority is the most capable body to be in charge of service quality monitoring.	"Sector Ministry"; "Other Ministry or Government body"; "Regulatory Authority"; "Operator"; "Not regulated"	Combined and cumulative. Sub-group "Not regulated" ("Operator, "Not regulated") scores 0, Sub-group Government ("Sector Ministry", "Other Ministry or Government") scores 0.5 and "Regulatory Authority" scores 1	2	According to sub-groups cumulative answer			
	12	Please indicate below which entities have responsibility for licensing	<b>Traditional mandate: entity in charge of licensing</b>	Development and implementation of authorization policies determine the structure, adaptability and level of competition of ICT services. We consider that an unbiased and independent regulatory authority has the knowledge and tools to best allocate authorizations with the goal of maximizing market productivity and efficiency.	"Sector Ministry"; "Other Ministry or Government body"; "Regulatory Authority"; "Operator"; "Not regulated"	Sub-group "Not regulated" ("Operator, "Not regulated") scores 0, Sub-group Government ("Sector Ministry", "Other Ministry or Government") scores 1 and "Regulatory Authority" scores 2	2	Sub-group "Not regulated"	Sub-group "Government"	"Regulatory Authority"	
	13	Please indicate below which entities have responsibility for: - Interconnection rates - Price regulation	<b>Traditional mandate: entity in charge of interconnection rates and price regulation</b>	There is a consensus among economists and regulators that interconnection prices should promote economic efficiency, actively promoting competition, and additionally help achieve universal service. In the presence of market failures, price regulation is also important to avoid the exercise of market power, promote economic efficiency and competition and ensure that the prices are fair given the quality of service provided. We consider that an unbiased and independent regulatory authority is the most capable body to be in charge of interconnection rates and price regulation.	"Sector Ministry"; "Other Ministry or Government body"; "Regulatory Authority"; "Operator"; "Not regulated"	Combined and cumulative. Sub-group "Not regulated" ("Operator, "Not regulated") scores 0, Sub-group Government ("Sector Ministry", "Other Ministry or Government") scores 0.5 and "Regulatory Authority" scores 1	2	According to sub-groups cumulative answer			
	14	Please indicate below which entities have responsibility for: Spectrum Management - Radio frequency allocation and assignment (licensing)	<b>Spectrum: Entity in charge of radio frequency allocation and assignment</b>	Spectrum is a scarce resource and its efficient use can make an impact upon economic prosperity. Specific technical and service rules govern spectrum allocations and, as a result, they are a crucial determinant of the structure and performance of industry and of institutions devoted to ensuring public safety, security and national defense. We consider that an unbiased and independent regulatory authority has the knowledge to best allocate spectrum authorizations	"Sector Ministry"; "Other Ministry or Government body"; "Regulatory Authority"; "Operator"; "Not regulated"	Sub-group "Not regulated" ("Operator, "Not regulated") scores 0, Sub-group Government ("Sector Ministry", "Other Ministry or Government") scores 1 and "Regulatory Authority" scores 2	2	Sub-group Not regulated	Sub-group Government	Regulatory Authority	
	15	Please indicate below which entities have responsibility for the functions listed: Spectrum Management - Monitoring and Enforcement	<b>Entity in charge of Spectrum Monitoring and Enforcement</b>	Spectrum monitoring aids spectrum managers to plan and use frequencies, avoids incompatible usage and identifies sources of harmful interference. Spectrum use planning and resolution of spectrum scarcity issues can be accomplished through study and analysis of spectrum occupancy data. We consider the regulatory authority to be the best suited body to deal with compliance regarding rules and regulations, interference issues, frequency use and occupancy.	"Sector Ministry"; "Other Ministry or Government body"; "Regulatory Authority"; "Operator"; "Not regulated"	Sub-group "Not regulated" ("Operator, "Not regulated") scores 0, Sub-group Government ("Sector Ministry", "Other Ministry or Government") scores 1 and "Regulatory Authority" scores 2	2	Sub-group Not regulated	Sub-group Government	Regulatory Authority	

2. Regulatory

16	Please indicate below which entities have responsibility for: Universal Service/Access	<b>Entity in charge of universal service/access</b>	Telecommunications markets are dynamic, new technologies are constantly emerging and new services rapidly become popular and then indispensable. Thus, UAS aspirations rise over time and effective regulation could help fulfilling some of these aspirations. We consider the regulatory authority the body most suitable to be responsible for UAS for its industry sector expertise and skilled technical, economic and financial staff; moreover it has a degree of independence perceived to be one step removed from politics and also holds credibility with the industry (the main partner in the implementation of UAS policy).	"Sector Ministry"; "Other Ministry or Government body"; "Regulatory Authority"; "Operator"; "Not regulated"	Sub-group "Not regulated" ("Operator, "Not regulated") scores 0, Sub-group Government ("Sector Ministry", "Other Ministry or Government") scores 1 and "Regulatory Authority" scores 2	2	Sub-group Not regulated	Sub-group Government	Regulatory Authority	
17	Please indicate below which entities have responsibility for: Entity in charge of broadcasting (radio and TV transmission)	<b>New mandate: entity in charge of broadcasting (radio and TV transmission)</b>	Having a converged regulator with authority over ICT and media/broadcasting is in line with international best practices. Since a single authority is charged with regulating these services, the need for formal coordination processes between agencies/authorities is no longer present, often allowing for more efficiency at planning and introducing converged technologies and services to the market. Because of this, converged regulators are conducive to enabling market integration in a converged environment.	"Sector Ministry"; "Other Ministry or Government body"; "Regulatory Authority"; "Operator"; "Not regulated"	Sub-group "Not regulated" ("Operator, "Not regulated") scores 0, Sub-group Government ("Sector Ministry", "Other Ministry or Government") scores 1 and "Regulatory Authority" scores 2	2	Sub-group Not regulated	Sub-group Government	Regulatory Authority	
18	Please indicate below which entities have responsibility for the functions listed: Entity in charge of broadcasting content	<b>New mandate: entity in charge of broadcasting content</b>	Cf. description of question 17.	"Sector Ministry"; "Other Ministry or Government body"; "Regulatory Authority"; "Operator"; "Not regulated"	Sub-group "Not regulated" ("Operator, "Not regulated") scores 0, Sub-group Government ("Sector Ministry", "Other Ministry or Government") scores 1 and "Regulatory Authority" scores 2	2	Sub-group Not regulated	Sub-group Government	Regulatory Authority	
19	Please indicate below which entities have responsibility for: Internet content	<b>New mandate: entity in charge of Internet content</b>	Cf. description of question 17.	"Sector Ministry"; "Other Ministry or Government body"; "Regulatory Authority"; "Operator"; "Not regulated"	Sub-group "Not regulated" ("Operator, "Not regulated") scores 0, Sub-group Government ("Sector Ministry", "Other Ministry or Government") scores 1 and "Regulatory Authority" scores 2	2	Sub-group Not regulated	Sub-group Government	Regulatory Authority	
20	Please indicate below which entities have responsibility for: Information Technology	<b>New mandate: entity in charge of IT</b>	Cf. description of question 17.	"Sector Ministry"; "Other Ministry or Government body"; "Regulatory Authority"; "Operator"; "Not regulated"	Sub-group "Not regulated" ("Operator, "Not regulated") scores 0, Sub-group Government ("Sector Ministry", "Other Ministry or Government") scores 1 and "Regulatory Authority" scores 2.	2	Sub-group Not regulated	Sub-group Government	Regulatory Authority	
21	Is the Regulatory Authority responsible for: 1a. Providing comparative tariff information 1b. Informing consumers of their rights (consumer education) 2. Handling consumer complaints	<b>Consumer issues: entity responsible for comparative tariff information, consumer education and handling consumer complaints</b>	If the regulator does not have the ability to demand information from operators, particularly incumbent operators, to assess overall market performance and/or investigate alleged violations, then service providers can engage in anti-competitive practices to the detriment of consumers. As a result, the entire regulatory system can be undermined, thus creating uncertainty and constraining market development. Regulators that have the ability to address consumer complaints, allowing consumers another avenue of redress for complaints that are not resolved directly with the operators, ensure transparency and increased social welfare.	"Yes"; "No"	Combined and cumulative: - for questions 1a and 1b, "Yes" scores 0.5 and "No" scores 0 - for question 2, "Yes" scores 1 and "No" scores 0	2	According to cumulative score.			
22										
22	What types of licences are provided in your country	<b>Types of licences provided</b>	Issuing service-specific licenses, which refer to a particular type of service over a specific type of network, is a customized and lengthy process that does not keep up with the innovations and developments of the ICT sector. Multi-service individual licenses represent a further, although not optimal, step into dropping the barriers for service innovations. General, unified/global licenses stand for increased market liberalization and the application of equal conditions to all service providers, enabling a more competitive environment. It should be noted that issuing individual licenses for the radio spectrum authorizations remains a common practice throughout the world, particularly where the demand for the use of a particular frequency band exceeds availability.	"Service-specific individual licences"; "Multi-service individual licenses"; "Unified/global licences"; "General authorizations"; "Simple notification"; "Licence exempt"	Although the question allows multiple answers, the scoring is not cumulative, the highest score (1 or 2) is taken only once.	2	Only Service-specific individual licenses	Only Multi-service individual licenses	Unified/global licences, General authorizations or Simple notification	
23	What types of licences are provided in your country	<b>License exempt</b>	An open entry market allows for competitive behaviour and self-regulating, thus ever-adapting, market conditions. Without the licensing barrier to overcome, service providers can focus their investment into infrastructure building, innovation and competitive services.	Service-specific individual licences; "Multi-service individual licenses"; "Unified/global licences"; "General authorizations"; "Simple notification"; "Licence exempt"	Only the option "Licence exempt" was taken into account; all other answers were considered as blank.	2	-	-	Licence exempt	
24	Do you require any operators to publish Reference Interconnection Offer (RIO)?	<b>Operators required to publish Reference Interconnection Offer (RIO)</b>	When operators are required to publish RIO, new entrants have sufficient information about the network to allow for decision-making, thus reducing entry time, and to provide a baseline for negotiation. The publication of a standard offer, in the form of a RIO, narrows the scope for a dominant operator to discriminate among applicants for interconnection.	"Yes"; "No"	-	2	No	-	Yes	
25	Are interconnection prices made public?	<b>Interconnection prices made public</b>	Making interconnection agreements public opens the discussion to other parties that might have issues at stake, it also ensures transparency for both the population and other market players about the interconnection environment.	"Yes"; "No"	-	2	No	-	Yes	
26	Is quality of service monitoring required?	<b>Quality of service monitoring required</b>	Measuring the quality of service of operators helps consumers make their choices considering not only pricing but also the service standards provided by the operator. Moreover, QoS monitoring helps portray the market standards in a realistic way and assists operators in achieving fair competition, especially in the case of secondary trading and infrastructure sharing.	"Yes"; "No"	-	2	No	-	Yes	

rk	3. Regulatory regime										
	27	Is infrastructure sharing for mobile operators permitted (e.g. Mobile Virtual Network Operators)?	<b>Infrastructure sharing for mobile operators permitted</b>	Network-sharing agreements can optimize the use of the coverage for operators, generally reducing costs, thus being beneficial for both the service providers and the consumers. It can also serve as incentive to network deployment. MVNNOs allow for other market players - operators - to resell existing products and services from another provider or even bulkbuying minutes and data, increasing the profitability of the market.	"Yes"; "No"	-	2	No	-	Yes	
	28	Is infrastructure sharing mandated (towers, base stations, posts, ducts, etc.) or actively incentivized?	<b>Infrastructure sharing mandated</b>	Infrastructure sharing between market operators or with other industries can decrease expenditures by the joint deployment and maintenance of facilities as well as increase productivity of the usage of scarce resources.	"Yes"; "No"	-	2	No	-	Yes	
	29	Is co-location/site sharing mandated or actively incentivized?	<b>Co-location/site sharing mandated</b>	Passive infrastructure sharing is aesthetically, environmentally and economically positive. It provides the opportunity for investment on the improvement of services, greater coverage and innovation due to reduced fixed costs.	"Yes"; "No"	-	2	No	-	Yes	
	30	Is unbundled access to the local loop required?	<b>Unbundled access to the local loop required</b>	Unbundling reduces infrastructure deployment costs and avoids unnecessary duplication of sections of the incumbent's infrastructure. By reducing the amount of initial investment - fixed costs -, market entry is stimulated, driving competition forward.	"Yes"; "No"	-	2	No	-	Yes	
	31	Is secondary spectrum trading allowed?	<b>Secondary trading allowed</b>	Secondary trading promotes optimal, thus more economically productive, use of spectrum. It also helps to create a self-regulating environment given the more effective usage of the frequency bands, both by the new entrant and the network operator who already possesses the rights.	"Yes"; "No"	-	2	No	-	Yes	
	32	Is band migration allowed?	<b>Band migration allowed</b>	If band migration is allowed, the market participants can provide new services within their existing license. This increases incentives for innovation and more efficient use of the networks, as well as decreasing the cost of a new license.	"Yes"; "No"	-	2	No	-	Yes	
	33	Is number portability required from: a) Fixed-line operators?/ If yes, is this service currently available to fixed subscribers?	<b>Number portability available to consumers and required from fixed-line operators</b>	Number portability increases competition and quality of services among service providers in order to retain their current clients (which are no longer held back by the imposition of a new telephone number).	"Yes"; "No" // "Yes"; "No"		2	No	Partial	Yes	
	34	Is number portability required from: b) Mobile operators?/ If yes, is this service currently available to subscribers?	<b>Number portability available to consumers and required from mobile operators</b>	Cf. description of question 33.	"Yes"; "No" // "Yes"; "No"		2	No	Partial	Yes	
	35	Are individual users allowed to make voice over IP (VoIP) or Internet telephony phone calls?	<b>Individual users allowed to use VoIP</b>	As an option to the traditional telephony, the VoIP services represent a different way of placing calls that has been improving over time and imposing competition on the historical market players. It stimulates traditional business models to become more efficient, innovative and reduce costs in order to keep their places in the market.	"Yes"; "No"		2	No	-	Yes	
36	Has your country adopted a national plan (initiative, policy, strategy, etc) to promote broadband?	<b>National plan that involves broadband</b>	The adoption of a national plan that includes broadband reinforces the necessity of a consensus and coordination for both the infrastructure deployment and the regulation of the services to be provided. A more coordinated and accountable environment, in turn, accelerates innovation, boosts investment and raises productivity, all of which, along with the universal access goal of the broadband plan, contribute to higher penetration and competition levels.	"Yes"; "No"		2	No	-	Yes		
							30				
37	Level of competition: Basic services (Local fixed line services, Domestic fixed long distance, International fixed long distance)	<b>Level of competition in local and long distance (domestic and international) fixed line services</b>	International best practices favor competition over monopolies in the ICT market since competitive markets are known to increase consumer welfare by lowering prices, promoting innovation, improving consumer choice and raising the quality of services. Note: the question refers to what is legally permissible in each member state.	"Monopoly"; "Partial competition"; "Full competition" // "Monopoly"; "Partial competition"; "Full competition" // "Monopoly"; "Partial competition"; "Full competition"		2	Average score of the three sub-indicators				
38	Level of competition: IMT (3G, 4G, etc.)	<b>Level of competition in IMT (3G, 4G, etc.) services</b>	Cf. description of question 37.	"Monopoly"; "Partial competition"; "Full competition"		2	Monopoly	Partial competition	Competition		
39	Level of competition: Broadband services (DSL, Cable modem, Fixed Wireless Broadband)	<b>Level of competition in cable modem, DSL, fixed wireless broadband</b>	Cf. description of question 37.	"Monopoly"; "Partial competition"; "Full competition" // "Monopoly"; "Partial competition"; "Full competition" // "Monopoly"; "Partial competition"; "Full competition" // "Monopoly"; "Partial competition"; "Full competition"		2	Average score of the four sub-indicators				
40	Level of competition: Leased lines	<b>Level of competition in leased lines</b>	Cf. description of question 37.	"Monopoly"; "Partial competition"; "Full competition"		2	Monopoly	Partial competition	Competition		
41	Level of competition: International Gateways	<b>Level of competition in International Gateways</b>	Cf. description of question 37.	"Monopoly"; "Partial competition"; "Full competition"		2	Monopoly	Partial competition	Competition		
42	Status of the main fixed line operator (public, partially privatized/partially private, fully privatized/private)	<b>Status of the main fixed line operator</b>	Both the regulatory authority and the incumbent being overseen by the same entity is not optimal as the decision-making process could be biased to lean towards the interests of the incumbent rather than promote market competition, quality of services and greater welfare for the population.	"State-owned", "Partially privatized", "Partially private", "Fully privatized", "Fully Private"		2	State-owned	Partially privatized/Partially private	Fully privatized/Private		
43	National anti-trust/competition law recognizes the concept of "dominance" or Significant Market Power (SMP)	<b>Legal concept of dominance or SMP</b>	Defining the concept of Significant Market Power (SMP) is an important step to avoid anticompetitive behaviour. When operators are classified as having significant market power, it is possible for the regulator to impose ex ante regulations (i.e. mandatory publication of Reference Interconnection Offers) to avoid erroneous use of this power.	"Yes"; "No"		2	No	-	Yes		

4. Competition framework

44	Criteria used in determining “dominance” or SMP (geographical, market share, control of essential facilities, easy access to financial resources, strength of the countervailing power of consumers, economies of scale and scope)	<b>Criteria used in determining dominance or SMP</b>	Because market share by itself does not imply significant market power, it is important to have multiple criteria contributing to the definition of SMP - thus increasing the chances of recognizing those operators with power enough to impose anticompetitive environment to other market players.	“Geographical”; “Market share”; “Control of essential facilities”; “Easy access to financial resources”; “Strength of the countervailing power of consumers”; “Economies of scale and scope”	2	No criteria in place	One or two criteria in place	Three or more criteria in place
45	Restrictions to foreign participation/ownership: Facilities-based operators	<b>Foreign participation/ownership in facilities-based operators</b>	Foreign investment facilitates the growth and development of the telecommunications sector, increasing access to capital for network development and modernization, and allowing for the transfer of technology and know-how leading to increased productivity, innovation and competitiveness.	“No restriction”; “Controlling interest”; “50%”; “Minority interest”; “No foreign ownership allowed”	2	Full control	Moderate control	Loose control
46	Restrictions to foreign participation/ownership: Spectrum-based operators	<b>Foreign participation/ownership in spectrum-based operators</b>	Cf. description of question 45.	“No restriction”; “Controlling interest”; “50%”; “Minority interest”; “No foreign ownership allowed”	2	Full control	Moderate control	Loose control
47	Restrictions to foreign participation/ownership: National service operators (Local service operators & Long-distance service operators)	<b>Foreign participation/ownership in local service operators/long-distance service operators</b>	Cf. description of question 45.	“No restriction”; “Controlling interest”; “50%”; “Minority interest”; “No foreign ownership allowed”// “No restriction”; “Controlling interest”; “50%”; “Minority interest”; “No foreign ownership allowed”	2	Average score of the two sub-indicators		
48	Restrictions to foreign participation/ownership: International service operators	<b>Foreign participation/ownership in international service operators</b>	Cf. description of question 45.	“No restriction”; “Controlling interest”; “50%”; “Minority interest”; “No foreign ownership allowed”	2	Full control	Moderate control	Loose control
49	Restrictions to foreign participation/ownership: Internet Service Providers (ISP)	<b>Foreign participation/ownership in Internet Service Providers (ISPs)</b>	Cf. description of question 45.	“No restriction”; “Controlling interest”; “50%”; “Minority interest”; “No foreign ownership allowed”	2	Full control	Moderate control	Loose control
50	Restrictions to foreign participation/ownership: Value-added service providers	<b>Foreign participation/ownership in value-added service providers</b>	Cf. description of question 45.	“No restriction”; “Controlling interest”; “50%”; “Minority interest”; “No foreign ownership allowed”	2	Full control	Moderate control	Loose control