



## **Benchmark of regulatory activities 2012**

Report for the Euro-Mediterranean Regulators' Group (EMERG)

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## **1. Introduction**

### **1.1 Objectives**

For the last three years the Euro-Mediterranean Regulators' Group (EMERG) has undertaken a benchmark of its member national regulatory authorities (NRAs), and the results formed the basis for its annual meetings to plan the Group's activities. The benchmark and the meetings identify a number of topics of common interest, and a programme of workshops is implemented during the following year. During 2012 the European Commission decided to extend its funding of the NATP-3 programme for a further three years and that the annual benchmark would be an integral part of this programme.

As with last year, the 2012 benchmark collects information about the extent to which countries in the MENA region followed the model of regulation that has developed in the European Union and certain key performance indicators. In addition a number of special themes that may be of common interest to EMERG members are examined. These concerned aspects of a NRA's legal powers, net neutrality, international roaming, spectrum management and the effects of the economic recession on the NRA's budget.

### **1.2 Process**

As in previous years, short-term experts assisted EMERG. They developed the questionnaire, and sent it to the individual NRAs in November for completion. This report contains an analysis and summary of the answers to the questionnaire. The tables in the Annex give more information about the answers to individual questions from each country.

At the time of writing this report, we had not received a completed questionnaire from Algeria, Greece and Malta. Hence these countries are not included in the analyses of Sections 3 and 4. Syria advised us that there had been no changes since the previous year, and that the answers for 2011 were still valid. We have included these in our analysis.

## 2. Statistical benchmark

### 2.1 Introduction

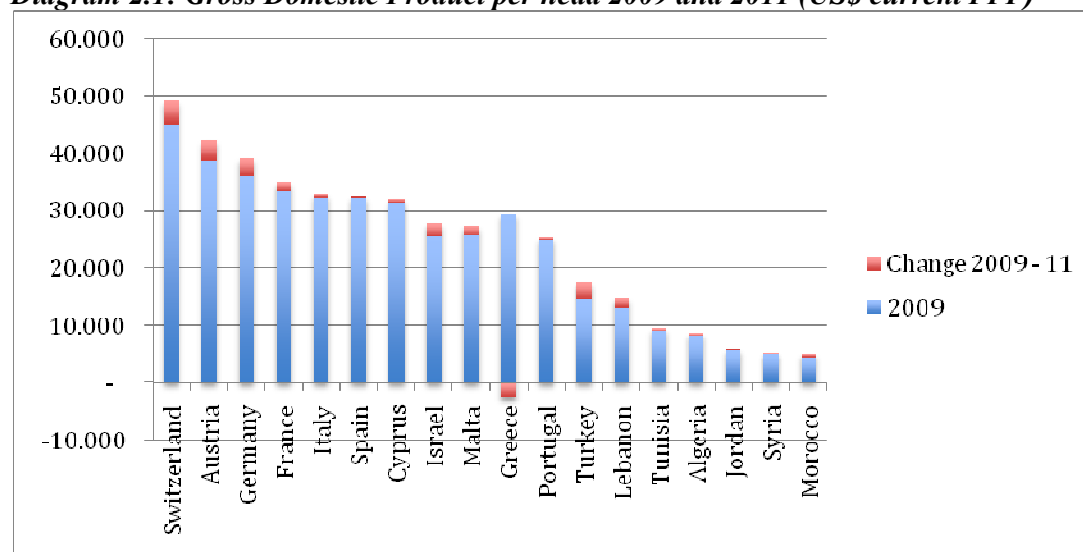
As in 2011, the EMERG countries provided data on the performance of their telecommunications industries, which is summarised in this section. The differences in the structure and performance of the industry help explain the different approaches taken to regulation.

The data has been provided by the EMERG members, or where this is lacking, by the International Telecommunications Union database<sup>1</sup>. For gross domestic product per head we have used the World Bank data<sup>2</sup> for 2011 in order to provide a consistent definition.

### 2.2 Gross Domestic Product

The graph below shows the Gross Domestic Product (GDP) per head of population for the EMERG countries. The height of the whole column shows GDP for 2011, with the blue column showing the GDP for 2009 and the red the change between 2009 and 2011.

**Diagram 2.1: Gross Domestic Product per head 2009 and 2011 (US\$ current PPP)**



Source: World Bank Quick Query database

The graph shows the clear distinction between the European countries (plus Israel), with a GDP of over 25,000 USD per year, and the MENA countries, with GDPs of less than 18,000 USD per year. The GDP of Greece shrank between 2009 and 2011, while those countries

<sup>1</sup><http://www.itu.int/ITU-D/ICTEYE/Indicators/Indicators.aspx#>

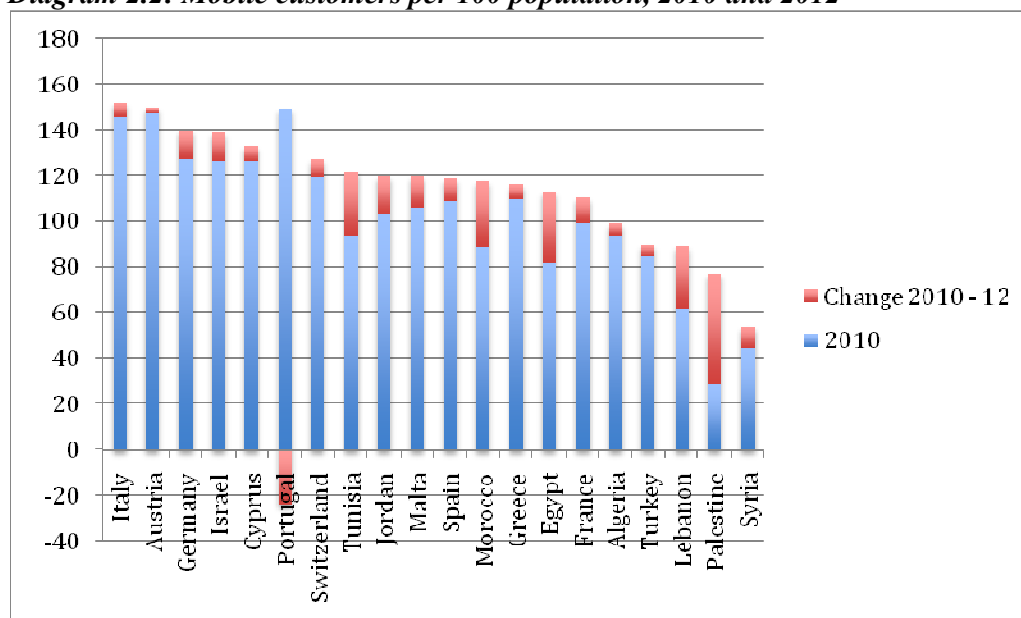
<sup>2</sup><http://databank.worldbank.org/ddp/home.do>

troubled by the euro crisis (Cyprus, Italy, Portugal and Spain) showed 2% growth or less. In contrast the GDP of Turkey grew over the two years by 21%.

### 2.3 Mobile penetration

The next graph compares mobile penetration rates in the EMERG countries.

**Diagram 2.2: Mobile customers per 100 population, 2010 and 2012**



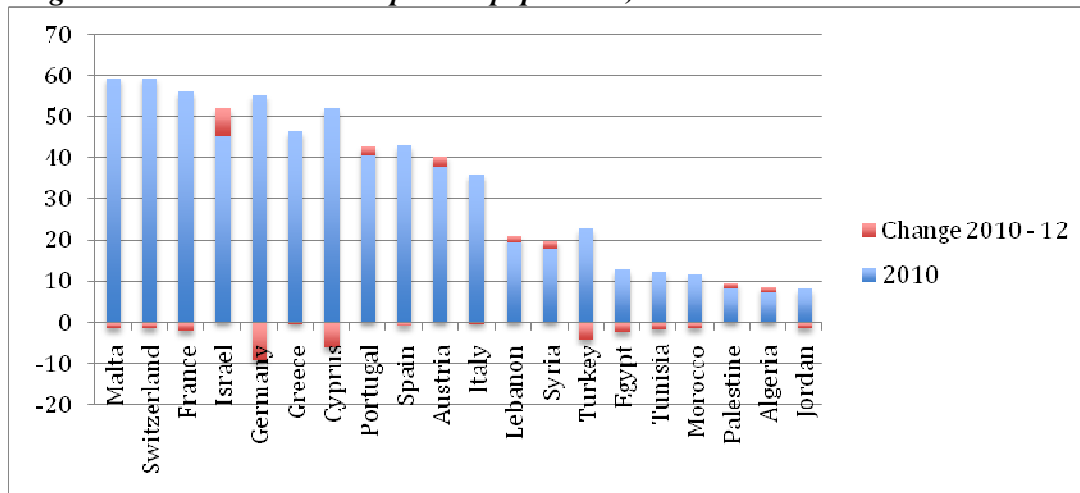
Source: National Regulatory Authorities

2011 data is used instead of 2012 data for Algeria, Greece, Malta and Syria

The mobile penetration rate is over 80 per hundred population in all EMERG countries, except in Syria and Palestine. The growth in mobile penetration has been greatest in Palestine (where the second operator started to provide service in 2010), Egypt, Lebanon, Morocco and Tunisia (all over 30% during the two years). In contrast Portugal has seen a decrease of 16%, reflecting the adverse economic conditions there.

### 2.4 Fixed penetration

The picture for the penetration of the fixed network is somewhat different. As in the diagram above, we show the 2012 penetration levels as the blue column, while the red column shows the change from 2010, which in many countries is negative.

**Diagram 2.3: Fixed customers per 100 population, 2010 and 2012**

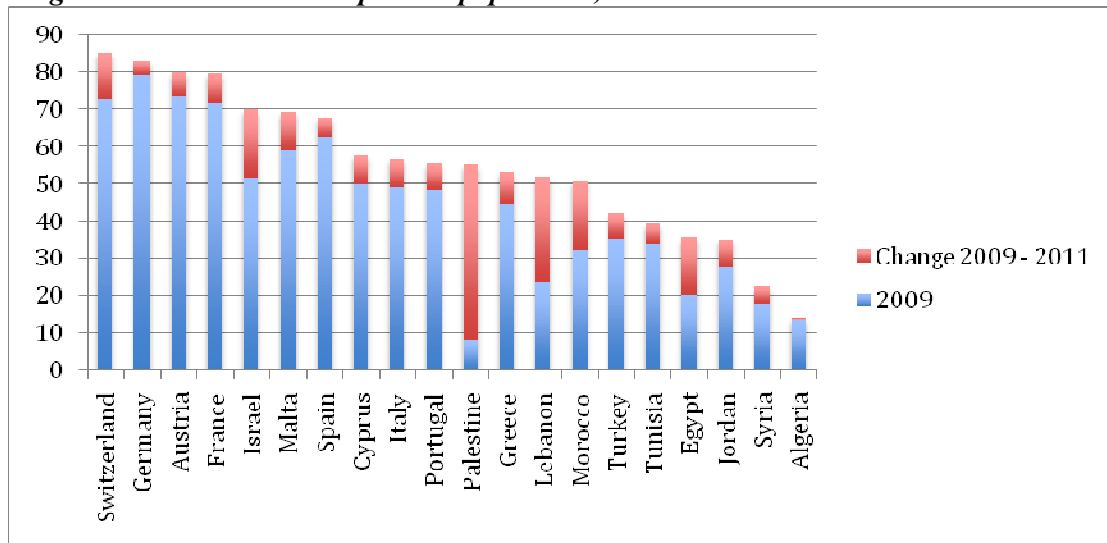
Source: National Regulatory Authorities

2011 data is used instead of 2012 data for Algeria, Greece, Malta, and Syria

This graph, in contrast to the mobile penetration graph, shows a clear difference between the EU countries, which have fixed penetration rates above 35%, and the MENA countries with penetration rates less than 25%. Four countries are showing some growth in fixed lines – Israel, Palestine, Syria and Algeria, while others – notably Cyprus, Germany, Jordan and Turkey – are showing significant declines.

## 2.5 Internet penetration

The following table shows the number of internet users per 100 population, which is different from the subscriber-based information shown in the tables above. User-based information includes facilities such as internet cafes. This information is produced by the ITU based on user survey data, and so may be less reliable than subscriber based data (for example, the growth in internet usage in Palestine may be overstated in the graph). An internet user is defined as a person using the internet from any device (including mobile phones) in the previous 12 months.

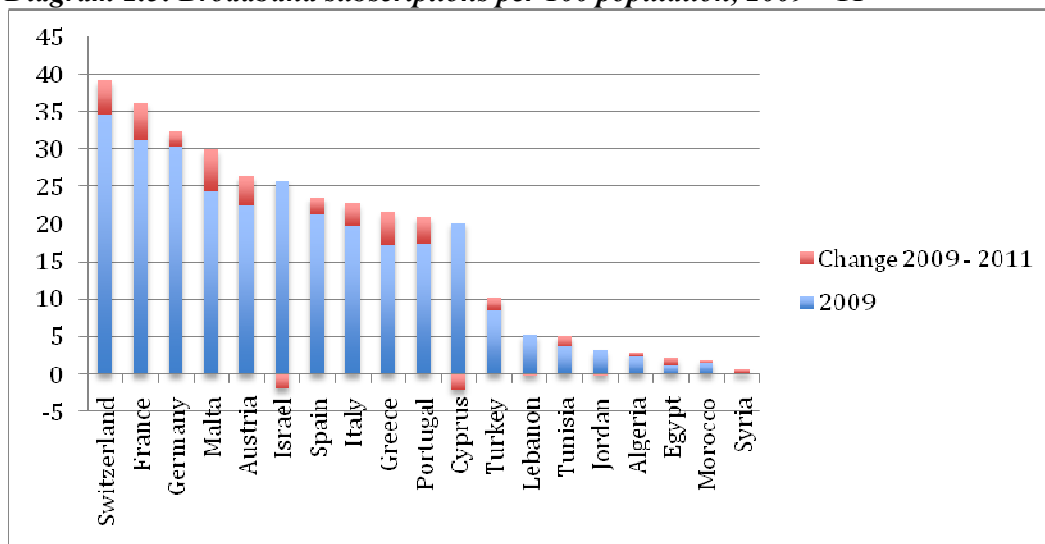
**Diagram 2.4: Internet users per 100 population, 2009– 11**

Source: ITU World Telecommunications Database

While internet penetration is generally higher in the European countries than in the MENA countries, growth is fastest in Israel, Lebanon and Morocco.

## 2.6 Fixed broadband penetration

Fixed broadband services are defined as speeds over 256 Kb/sec over fixed, mobile and wireless devices. The penetration rates for the EMERG countries are shown in Table 2.5.

**Diagram 2.5: Broadband subscriptions per 100 population, 2009 – 11**

Source: ITU World Telecommunications Database  
The database does not have 2011 data for Palestine

The European countries plus Israel have fixed broadband penetration rates of 18% and over, while the MENA countries, except Israel, have rates of under 11%.

## 2.7 Number of operators

Another measure of market development is the number of operators providing a commercial service to the public. The table below shows the number of mobile network operators and the number of mobile virtual network operators in each of the EMERG countries.

**Table 2.6: Number of mobile and fixed operators**

	Mobile network operators	Mobile virtual network operators	Fixed operators
Algeria	3		
Austria	4		Several hundred including resellers
Cyprus	3	1	7
Egypt	3		1
France	4	40	1288
Germany	4		1656
Greece	3		158
Israel	4	8	7
Italy	4	10	37
Jordan	3		1
Lebanon	2		1
Malta	3		5
Morocco	3		3
Palestine	2		1
Portugal	3	2	20
Spain	4	48	308
Switzerland	4	56	242
Syria	2		1
Tunisia	3		3
Turkey	3	47	209

*Source: National Regulatory Authorities*

*2011 data is used instead of 2012 data for Algeria, Greece, Malta and Syria*

With the exception of Lebanon and Syria every country has three or four mobile operators. In Syria a plan to auction a third mobile licence was abandoned in April 2012. In France, Spain, Switzerland and Turkey there are large numbers of mobile virtual network operators (MVNOs). Some countries have over a hundred fixed line operators – France, Germany, Greece, Spain and Switzerland. A fixed line monopoly is retained in Egypt, Jordan, Lebanon, Palestine and Syria.

There have been some changes since 2011:

- The number of mobile virtual network operators in France has increased from 35 to 40, and the number of fixed operators has increased by 13%
- A new fixed line operator has been licensed in Tunisia
- In Turkey fixed telephony operators are authorised either via notification or issuing right of use. At December 2012 there are 209 fixed telephony operators, 48 of which



were authorised via notification and 201 via right of use. There are 47 MVNOs authorized in Turkey, but only one MVNO has signed an agreement to offer SMS services with an MNO.

- In Portugal the number of fixed operators has fallen from 24 to 20.

## 2.8 Broadband speeds

Broadband connectivity is becoming an important indicator of market development because of its impact on the range of services possible over a telecommunications network. In the next table we show the fastest speed available to residential customers on the mobile and fixed networks in each country.

**Table 2.7: Fastest broadband speed (Mbit/sec)**

	Mobile networks	Fixed networks
Algeria	NA	NA
Austria	100	100
Cyprus	NA	100
Egypt	25	48
France	9.2	100
Germany	NA	NA
Greece	28.8	24
Israel	42	100
Italy	NA	NA
Jordan	40	16
Lebanon	1.5	8
Malta	14.4	100
Morocco	7.2	20
Palestine	NA	8
Portugal	100	400
Spain	7.2	100
Switzerland	42	100
Syria	3.6	8
Tunisia	42	20
Turkey	7.2	1000

*Source: National Regulatory Authorities*

*2011 data is used instead of 2012 data for Algeria, Cyprus, Greece, Malta and Syria*

There have been few changes in the fastest available speeds on fixed and mobile networks in the EMERG countries, with the exception of Austria, Israel and Jordan, where the speeds of mobile networks have increased significantly since 2011.

## 2.9 Broadband prices

We asked what is the most used speed on mobile and fixed broadband networks, and what is its price. We show the replies in the next table.

**Table 2.8: Most used broadband speed and monthly price**

	Mobile networks		Fixed networks	
	Most used speed (M/bits per sec)	Price (euros per month)	Most used speed (M/bits per sec)	Price (euros per month)
Algeria	NA		NA	
Austria	7.2		35	
Cyprus	NA	NA	6	NA
Egypt	2		0.5	6
France	9.2		22	29
Germany	NA		10	30
Greece	7.2		24	
Israel	NA		10	
Italy	NA		NA	
Jordan	24	11	1	
Lebanon	1.5	8	1	12
Malta	14.4		4	
Morocco	3.6	9	4	9
Palestine	NA		1	22
Portugal	2	13	10	
Spain	7.2	18	10	24
Switzerland	7.2		10	
Syria	NA		NA	
Tunisia	7.2	12	1	12
Turkey	7.2	12	8	12

Source: National Regulatory Authorities

2011 data is used instead of 2012 data for Algeria, Greece, Malta and Syria

It is difficult to compare prices fairly as the packages may include different services (eg email addresses and hardware), upload speeds, download limits, and terms (eg contract periods).

## 2.10 Market share of main operator

The final indicator used in the benchmark is the market share of the largest mobile or fixed operator. This is a simple measure of market concentration, and an indicator of the extent of competition in each market.

**Table 2.9: Market share of largest fixed operator and largest mobile operator**

	Fixed access lines	Fixed outgoing call minutes	Mobile subscribers
Algeria	NA	NA	NA
Austria	80	NA	41
Cyprus	87	80	71
Egypt	100	100	41
France	65	NA	NA
Germany	62	52	32
Greece	73	61	52
Israel	58	NA	34
Italy	66	55	33
Jordan	90	NA	37
Lebanon	70	100	54
Malta	76	72	78
Morocco	38	75	48
Palestine	100	100	80
Portugal	58	55	46
Spain	59	50	38
Switzerland	70	76	59
Syria	100	100	55
Tunisia	95	NA	53
Turkey	87	72	51

*Source: National Regulatory Authorities*

*2011 data is used instead of 2012 data for Algeria, Greece, Malta and Syria*

The incumbent fixed line operator maintains a market share of 50% and over in both access lines and outgoing calls in all the EMERG countries, except Morocco where the Wana restricted mobility network is included as a fixed network. Turkey has seen the largest fall in the incumbent's market share, which has decreased by 10 points in access lines and by 13 points in outgoing calls since 2011.

In about half of the EMERG countries the largest mobile operator has a market share of over 50%, and there have been no major changes in market shares since 2011.

### 3. EMERG regulation and the European Union model

#### 3.1 Introduction

In the 2011 benchmark we asked the MENA countries several questions about how far their regulatory regimes approximated to the model of regulation established by the European Union over the last fifteen years. This model is set out in the various Directives issued by the European Commission, which are usually enshrined in national legislation. This is not to hold up the European model as the only way forward; indeed a regulatory regime has to be appropriate to the particular political and market circumstances of each country, especially in such a diverse and changing region as the MENA area. We repeated the same questions in 2012 to see whether any significant changes had taken place in the approximation to the European model.

#### 3.2 Changes since 2011

There are few changes in the regulatory approaches of the MENA countries over the last year. The main changes noted in the questionnaires are as follows:

##### Egypt

- A unified licensing system is under preparation
- A cost model will be launched in q1 2013
- Work is being carried out on a Reference Interconnection Offer

##### Jordan

- The TRC now controls electronic certification
- Interconnection rates are now based on long run incremental costs rather than on fully allocated costs
- The TRC has the power to impose the remedy of functional separation

##### Lebanon

- The mandate of the first Board of the TRA expired in February 2012, and a successor Board yet to be appointed

##### Palestine

- Duct sharing is now mandated in the Interconnection Instructions
- LRIC cost models are being constructed for fixed and mobile networks, and it is intended that termination rates will be based on these models from March 2013

##### Turkey

- Wholesale line rental was introduced as a regulated service in February 2012, and now has about 215,000 customers.

Otherwise the regulatory positions set out in paragraphs 3.2 – 3.8 of the 2011 are still correct.

### 3.3 Summary

In 2011 we drew up a summary table, which indicated how similar the model of regulation used in each of the MENA countries is to the European model. We did this by totalling the number of times that a country has implemented the same features of the European model, as shown by the answers to the approximation questions. Clearly this is a simplistic approach because:

- a close investigation of local details may show some significant differences that are not revealed by a simple “yes” or “no” answer
- by giving equal weight to each answer, we ignore the likelihood that some aspects investigated in the questionnaire have more impact on the electronic communications market than others.

We emphasise that the model of regulation adopted in each country should reflect its political and market environment, and that aspects of the European model may not be appropriate for every MENA country. However the European model is regarded as good practice in many parts of the world, and an understanding of the differences between it and the situation in individual countries may enable a consideration of whether there are good reasons for the differences, and if not, whether a change in the model of regulation is desirable.

We show the total scores for each country for 2012 from the 35 questions in the table below:

**Table 3.1: Approximation scores**

Morocco	31
Turkey	31
Jordan	28
Tunisia	21
Palestine	17
Egypt	17
Israel	15
Lebanon	14
Syria	11
Algeria	NA

There is little change from the picture presented in 2011. As then, the countries with a model of regulation that is closest to the European model are Morocco, Turkey and Jordan. We are aware that in Lebanon many draft decrees based on the European model are awaiting approval from the Council of Ministers, but this is not reflected in the total score because they have not been implemented. Israel has deliberately adopted a model of market structure and regulation that is significantly different to the European model, and so its scores are low in this table. In Syria the liberalisation of the market and the establishment of an independent NRA are still in their early stages, and are unlikely to make any progress because of the current political situation there.

The scores of each country on the seven aspects analysed in this section are shown in the Annex, Table A12.

## 4. Special themes for 2012<sup>3</sup>

### 4.1 *The powers of the NRA to enforce its decisions*

National Regulatory Authorities (NRAs) have the essential role of ensuring, and when not in existence, of fostering fair competition in the market place. When doing so, NRAs often encounter resistance from operators; in most cases, by incumbent or dominant operators. But not always. Sometimes resistance also comes from other market players that, for example, may decide not to provide the required information to the NRA. NRAs need accurate market data about all players in order to take proper and informed regulatory decisions. Hence, the NRAs must be entitled to enforce the powers conferred to them by their national legislations vis-à-vis all market players.

Enforcing regulatory powers in some cases may require the ability to impose fines. Such power is in itself a good incentive for operators to comply with their obligations. However, the powers conferred to NRAs must in parallel come with an obligation for NRAs to act in a proportionate, objective and transparent manner.

#### **EMERG benchmark results**

In most of the analysed cases, NRAs have powers to investigate by requiring all sorts of information from market players. Austria is the exception, as the NRA does not have this power. The requests for information need to be reasonable. In general, the obligation to provide the required information covers all operators present in the market place. However, in Egypt the obligation is imposed on the licensed operators and in Morocco licensed operators and value-added service providers.

In Egypt, the NRA does not have the power to impose a sanction in case the requested information is not provided. This weakens the given power of the Authority. NRAs may generally enter the premises of the operators to collect information, with the exception of Austria and Morocco. However, in some cases the circumstances under which this power is exercised are limited and defined by the Law. For example, in France it is applicable in case of an ongoing administrative investigation.

All NRAs may issue binding administrative orders to do something or to stop doing something. In particular, Arcep details the answer by stating that it does have such power when there is an infringement of the Electronic Communications Code or of a decision adopted according to the provisions of the referred Code.

As mentioned above, the ability to impose fines is a necessary element when trying to enforce the powers of the NRAs. In all analysed cases, NRAs have the power to impose fines. There are significant differences, however, when analyzing the level of such fines. Insignificant fines may not achieve the objective of reinforcing the enforcement powers of

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<sup>3</sup>At the time of writing, we had not received answers from Algeria, Cyprus, Greece, Malta, Spain and Tunisia. These countries are therefore not included in this analysis.

the NRAs. Such may be the case in Austria, where there is a maximum amount permitted of 58,000 euros. Or in Cyprus, where the maximum is 100.000 euros.

In some countries, like Egypt or Lebanon there is no specific mention of the level of the fines that could be imposed. In Egypt, there is a reference to the provisions of the licence or to the amount of the damaged caused by the abuse. In other countries, the references are more precise. For example, In Germany there is a reference to a maximum amount of 500.00 euros, in Morocco 100,000 Dirhams, and in Jordan, 200,000 JDs for individual licences and 50,000 JDs for class licenses. In other countries, like France, Portugal, Switzerland, Turkey, Spain or Tunisia, the legislation refers to % of annual revenues, although with differences in the references ad the total of years accounted for in the calculations.

Some of the regulators, like in Lebanon, Portugal, Italy, Spain or Cyprus, may also impose coercive fines. In general, all countries set in their national Laws the principles governing the calculations of the fines. They must be reasonable and proportionate to the infringement and to the benefits obtained by the infringement.

In cases of serious and/or repetitive infringements, national legislation provides for the withdrawal of licences. Such is the case in Egypt, France, Jordan, Lebanon, Morocco, Switzerland, Spain, Cyprus, Tunisia and Turkey. In Austria this power is conferred to the Federal Communications Office. Where this possibility exists, all NRAs are subject to internal procedures that are transparent, non-discriminatory and accessible.

#### **4.2 Judicial review and its impact on NRA decision making**

NRAs take administrative decisions. The right to appeal such decisions should be guaranteed. However, for the NRAs to maintain a high degree of independence when taking their decisions, it is advisable that their decisions are revisited by a Court rather than by a higher administrative authority. A dependence on reviews by higher administrative bodies does diminish the degree of independence of NRAs. Another element of relevance is whether Courts can reverse the decisions of the NRA. A constant overturn may indicate uncertainty for the NRA and the regulation of the market. It would be interesting to analyse further in detail, where such overturn is the rule, what would be the reasons for this. It is important that decisions adopted by NRAs become effective immediately and that operators cannot – in general – suspend the effect of those decisions by the mere fact of appealing them before the Courts. Judicial review takes very long time to be finalised and, therefore, immediate suspension of the NRAs decisions following submission of an appeal would deter competition in the market place. However, there should also be mechanisms in place that provide for suspension of the NRAs decisions at Court level that ensure in cases of irreparable economic damage in case the decision is immediately implemented. These decisions should be taken in an agile and rapid manner.

A system is fair when judicial decisions are taken rapidly. There is no real Justice where justice is slow.

#### **EMERG benchmark results**

From the analysed cases, all countries have implemented judicial reviews of the NRAs decisions. In all cases, it is for the Court to review the appeals rather than a higher administrative authority. In France, depending on the type of decision, there are two possible

bodies reviewing the appeals: the Cour de cassation for dispute resolution decisions and the Conseil d'Etat for all other Arcep decisions. Although the Conseil d'Etat, for some of its tasks, a political body, its relation to Arcep's decisions is of judicial nature.

The submission of appeals against the decisions of the NRAs does not automatically suspend their effect, with the exception of Tunisia. And in all countries there are mechanisms to determine suspension, should the Court consider it appropriate. However, time applied to reach the decision by the Court is not determined in some cases (Jordan, Turkey, Portugal), or it takes a long time (in Lebanon 6 months). Only in Egypt and in Switzerland the decision is immediate, depending on the evidence. In Austria there is a reasonable time limit of 14 days.

Duration of the Court procedures is generally between one and two years (about one year in France, 1-2 years in Germany, 2 years in Lebanon, Spain and Cyprus, 1 year in Austria). In Morocco there is a maximum timeline of 2 months.

In general, the relationship between the number of appeals against the decision of the NRAs and the number of decisions overturned is reasonable. However, the case of Egypt and Lebanon should be analysed further in detail. In Egypt, numerous decisions have been appealed and the majority of them have been overturned; several due to reaching settlements with the claimant before the decision is passed. That is, the NRA negotiates with the claimant. In Lebanon, 22 out of 22 appealed decisions have been overturned. In France there is a low record of appealed decisions before the Conseil d'Etat as of 2887 decisions adopted between 2010-2012 only 15 have been appealed.

### **4.3 Secondary legislation**

NRAs may need to adopt provisions that reach all players in the market place. This is particularly so when determining regulatory practices that involve technical or administrative matters relating to issues such as portability, carrier pre/selection, analysis of commercial practices. However, there has been some debate at the national levels as to what empowers NRAs to adopt legislative measures, when they are economic regulators. In the end, as far as their general provisions are within the scope of their legal mandate to regulate the market place, the issue remains uncontroversial and generally accepted. In some cases these general provisions are binding (decrees, regulations) and in some other cases they have a guidance objective (guidelines, directives).

### **EMERG benchmark results**

Adoption of general provisions must be governed under the general principle of transparency. For this reason, it is important that at the national level, NRAs apply transparent and open procedures. Further, their decisions must be duly publicised to ensure regulatory certainty. In almost all the cases analysed, NRAs are entitled by their national legislations to adopt general provisions. Germany and Tunisia appear to be the exception (INTT believes that having the power to adopt secondary legislation would facilitate the achieving of effective regulation). In most cases, they take the form of regulations. In some cases, like Austria, they are ordinances. Some other regulators, like in Egypt, they adopt directives or guidelines in Lebanon. The case of Switzerland is interesting as they have clear scope for the adoption of general provisions: they must be technical and administrative regulations.



Transparency is duly complied with. In almost all cases (with the exception of Austria), there are regulated procedures to be followed before the adoption of any measure. This includes public consultations in most cases or consultation with other Federal Agencies (some issues in Switzerland are not subject to public consultation). In the case of Morocco, the answer refers to consultation with “the operator.” This would need clarification as it may be interpreted that they cannot adopt general provisions.

Finally, in all cases the final provisions are duly publicized. In most cases, this is done so both in the Official Gazette and in the NRAs websites. Only in Egypt and in Jordan publication is limited to their website.

#### **4.4 Net neutrality**

During the past three years, net neutrality became a very debated issue. Much has been discussed and, in general, it has been agreed that NRAs would monitor any anticompetitive behaviour relating to blocking or managing traffic and different types of services provided over the networks. In general, lawful content and applications and services would be treated in a non-discriminatory basis. Further, transparency and compliance with contractual terms and conditions would be required and closely monitored by NRAs.

#### **EMERG benchmark results**

In all countries except Egypt, Lebanon, Turkey and Morocco the NRAs have conducted investigations on this issue.

In all countries except for Tunisia, Egypt, Lebanon, Turkey and Morocco there has been public debate at Parliament, Trade Associations or Consumer Associations.

In those countries where the issue has been subject to public debate there has been an attempt to define net neutrality. Some countries, like Austria, have referred to the BEREC (Body of European Regulators for Electronic Communications) position. Others, like Jordan, have referred to pornographic or sexual content that is not to be permitted on the net. In Portugal, a definition was introduced in the Law. For the upcoming months, there will be relevant activity on the issue of net neutrality in France, Israel, Morocco and Portugal. In Israel, for example, there are plans to include all service providers under the NN clause.

EU members have been active within the BEREC activities. MENA countries have taken different positions. While Egypt and Morocco have actively defended their positions at international fora, such as WCIT in the case of Egypt, other countries like Jordan or Turkey have not taken official positions at those international fora. In Cyprus, the regulator has publicly defended net freedom.

Traffic management is used by operators. In general, there is no legal provision that limits it. It is generally agreed that traffic management per se is not a bad thing, as it may be used to improve the provision of the different services. In most countries there has not been even an attempt to provide a single definition of what a reasonable traffic management is. Only Switzerland has done work in this direction. In Israel they use the terms “proper and fair”. In France, Arcep – after work on this – has concluded that it would be difficult to define a priori the conditions of an “acceptable” traffic management practice or even prohibit traffic management by ISPs. In fact, only Switzerland and Israel have reported relevant complaints regarding traffic management techniques. In Switzerland complaints have come from end

users, operators and content providers equally. The regulator could not solve their complaints due to lack of legal basis to act upon them. In Portugal, Anacom has received some complaints against operators' practices to limit the speed of navigation and a few about blocking VOIP services. However, these complaints had more to do with consumer awareness and transparency in the contractual terms and conditions than with traffic management techniques. In Italy, AGCOM has also received complaints from consumers on the basis of differences between advertised speeds and actual speeds. Consumers that prove their case on the basis of a software provided by AGCOM, may demand from their ISPs real advertised speed (or cancellation of the contract if this is not achieved within 30 days). Israel has included in its legislation provisions that limit the use of traffic management. The authorities have received complaints and they warned the breaching operators to stop the illegal actions.

In general, all countries report a need to insist on transparency and compliance with contractual terms and conditions. However, with the exception of Austria, Israel and France, there is no policy mechanism to monitor compliance with the contractual conditions.

There is also high degree of divergence in the answers provided regarding the existence or not of definitions of quality of services of the Internet. Only Austria, Turkey and Lebanon have clear fixed definitions. In Turkey, minimum quality of service standards are imposed by law. France has chosen to have a flexible and evolving characterization of quality of services of the Internet in order to take into account the evolution of the nature of these services, referring to a sufficient high quality of service that ensures functional access to the reasonable and current uses of the moment, under good conditions. Austria, Lebanon and Morocco have legal provisions imposing minimum quality of service standards. In Jordan there are non-binding provisions regarding minimum quality of service standards.

A very relevant aspect of the net neutrality debate has been the net freedoms. However, with the exception of Jordan (where the Ministry issued instructions to provide and create an awareness of the safe use of Internet) and Israel, there have been no incidents referring to net freedoms and no public debate has been particularly active, with the exception of Switzerland.

Finally, with regard to the issue of network integrity and security, only Austria and Jordan have reported any debate on the topic.

## **4.5 International roaming**

### **European Union regulation**

Following public concern about the high charges levied on roaming customers, the European Union imposed regulated prices on mobile network operators based in EU countries for their customers who make calls or SMS messages or download data when they are travelling in other EU countries since 2007. The current regulation, adopted in 2012, extended the caps for wholesale and retail prices for retail voice calls, SMS and data downloads. The new rates are:

**Table 4.1: Maximum international roaming charges in the European Union (euro cents)**

	From July 2012	From July 2013	From July 2014
<b>Retail</b>			
Data (per Mb)	70	45	20
Voice calls made (per minute)	29	24	19
Voice calls received (per minute)	8	7	5
SMS (per text)	9	8	6
<b>Wholesale</b>			
Data (per Mb)	25	15	5
Voice calls (per minute)	14	10	5
SMS (per text)	3	2	2

Source: [http://europa.eu/rapid/press-release\\_MEMO-12-316\\_en.htm?locale=en](http://europa.eu/rapid/press-release_MEMO-12-316_en.htm?locale=en)

## EMERG benchmark results

In 2012 we repeated the questions asked in 2011:

- Are there any regulatory controls on international roaming voice charges (that is, the prices charged to mobile customers from your country making calls when travelling in other EMERG countries)?
- Are there any regulatory controls on international roaming SMS/MMS charges?
- Are there any regulatory controls on international roaming data charges?

As in 2011, the European Union countries answered “yes” to all these questions, while the MENA countries, along with Switzerland, answered “no”. However Tunisia stated its intention to regulate roaming charges in 2013.

## Opportunities for EMERG collaboration

The MENA members may consider that a seminar could usefully examine the value and practicality of co-operation on the regulation of international roaming charges in MENA countries, and the European Union countries could contribute their experience and views of the benefits and issues that such co-ordination would bring.

## 4.6 Spectrum management

Efficient management of the radio spectrum is a critical issue for the development of telecommunications, especially as the demand for wireless communications increases. In several countries the move to digital broadcasting is enabling the release of spectrum from analogue broadcasting to 4G/LTE mobile communications, and has triggered a wider debate about the more efficient use and reassignment of underused spectrum.

In the 2009 benchmark we asked a number of questions about spectrum management, and they were repeated in 2012, with the addition of further questions about the switchover of digital broadcasting:

- Is spectrum management the responsibility of the NRA?
- Is a national spectrum plan published?
- When will it next be reviewed (give year)?

- What is the basis for spectrum fees (eg cost recovery, etc)?
- Are there any plans to issue additional mobile spectrum?
- Are there any plans to issue additional fixed wireless spectrum?
- Has any spectrum been re-allocated to wireless communications from analogue broadcasting (digital switchover)?
- If the answer to above question is no, are there any plans for digital switchover?
- Is spectrum trading permitted?

The answers are shown in the Annex, Table A13

### Summary of position in 2012

- Spectrum management is the responsibility of the NRA in all countries except Austria, Cyprus, Italy, Spain and Tunisia
- A national spectrum plan is published in all countries, except Israel (where spectrum is regarded as a security issue) and Palestine (where spectrum is controlled by Israel)
- Spectrum plans are under active review in many countries; in Portugal the review was completed in 2012, and in France and Morocco the review is due to be completed by the end of 2012; in 2013 in Austria, Germany and Turkey will completed their reviews, and Israel will review its plan by 2014
- The basis for charging for spectrum fees vary – cost recovery is the main basis, but economic benefits are also included in France, Portugal and Turkey; in Austria spectrum auctions are used; and Egypt uses benchmarking
- Additional mobile spectrum is likely to be issued in all countries, except Portugal and Switzerland
- There are no plans to issue additional fixed wireless spectrum, except in Palestine and Turkey
- Additional mobile spectrum has been issued as a result of the switchover of broadcasting frequencies from analogue to digital in Austria, France, Germany, Israel, Italy, Morocco, Portugal, Switzerland and Turkey
- There are plans for a digital switchover in the remaining countries – Egypt, Jordan, Lebanon and Palestine, and the switchover in Morocco is due to take place in June 2015
- Spectrum trading is permitted in France, Germany, Portugal, Spain and Turkey, and in Italy it was permitted in association with the digital switchover.

### Opportunities for EMERG collaboration

The most obvious areas in which EMERG countries might collaborate more are:

- Sharing experience from spectrum reviews
- Lessons to be learned from the digital switchover and the reallocation of spectrum from broadcasting to mobile services.

### 4.7 NRA budgets

In some countries government spending has been reduced significantly as a response to the economic recession and the crisis in the euro countries. We thought it would be valuable to understand the effect that this was having on the regulation of telecommunications in the EMERG countries.

We therefore asked six questions:

- What is the NRA's operating budget for the current financial year?
- What proportion of the total budget was raised directly from operators (through licence fees, spectrum fees, etc)
- Was this budget more or less than the previous financial year?
- Will next year's budget be more or less than this year's budget?
- Is the NRA reducing its workload because of changes in its budget?
- If the answer to question 66 is yes, what activities are being reduced?

The answers are shown in the Annex, Table A14. Egypt was unable to provide us with answers to these questions. In Switzerland data on the budgets of Bakom are published, but it is not possible to distinguish between the budget for Bakom's regulatory tasks and the budget for Bakom's ministerial responsibilities.

### Summary of position in 2012

- Not surprisingly, the size of operating budget varies considerably from one NRA to another, reflecting differences such as the range of responsibilities and the complexity of the electronic communications market; Turkey has the largest budget for 2012 (104m euros) and Cyprus the smallest (5.5m euros)
- In terms of the proportion of the budget that is raised directly from operators, the NRAs fall into two main camps – those where more than 90% is raised directly (Cyprus, Italy, Morocco, Portugal, Tunisia and Turkey), and those where almost all revenues come from the government (France and Jordan). In Austria the proportion raised directly is 75%, and in Israel and Palestine the relevant Ministry undertakes the role of the NRA, and so is funded directly by government
- Some NRAs saw an increase in their budgets for 2012 compared with 2011 (Germany, Italy and Lebanon), while in Austria, Israel and Jordan it remained the same; in Turkey the 2012 budget is less than in 2011, in France there is a 15% decrease over the next three years, while Portugal saw a decrease of 5% and in Tunisia there was a decrease of 10%
- For 2013 the TRC in Jordan is expecting a significant increase in its budget (19%), and there will be an increase in Austria, Germany and Turkey; in Portugal the budget will be reduced by 9%, and decreases are expected in France and Lebanon; in Cyprus and Tunisia it is expected to remain the same as 2012
- In Portugal ANACOM carried out some activities connected with public campaigns on the digital switchover, which will not be repeated in future years, and renegotiated contracts for building maintenance in order to reduce future expenditure
- No NRA is expecting to reduce its workload as a result of changes in its budget.

### Opportunities for EMERG collaboration

- Comparative studies of the efficiency and value for money of NRAs.



## Annex: Benchmark tables

**Table A1: The powers of the NRA to enforce its decisions**

<b>The powers of the NRA to enforce its decisions</b>	<b>EGYPT</b>	<b>SWITZERLAND</b>	<b>AUSTRIA</b>	<b>FRANCE</b>	<b>LEBANON</b>	<b>MOROCCO</b>	<b>PORTUGAL</b>	<b>JORDAN</b>
Do the NRA's powers of investigation include the obligation of operators to provide any information that is reasonably necessary for implementing the NRA's tasks?	yes	Yes	No	Yes	Yes	Yes	Yes	Yes
If the answer to question 1 is Yes, please provide the reference to the Law/Decree,/regulation and the appropriate article within it	law 2003 of telecommunication	Law Art. 59	N/A	Articles L. 36-13 (law), L. 32-4 (law) and D. 98-11 (decree) of the code des postes et des communications électroniques ( <a href="http://www.legifrance.gouv.fr/affichCode.do?cidTexte=LEGITEXT000006070987&amp;dateTexte=20121119">http://www.legifrance.gouv.fr/affichCode.do?cidTexte=LEGITEXT000006070987&amp;dateTexte=20121119</a> )	Law 431	License and Law (Art.29.10 of the Law 24-96)	Article 108 of Law 5/2004 (Law of electronic communications; new version given by Law 51/2011)	First: The Telecom law paragraph (m) in Article (6): The Commission shall undertake the following duties and responsibilities: "To gather information related to the telecommunications and information technology sectors in order to prepare and publish reports, pamphlets, and

								<p>guidelines for Beneficiaries, as well as to prepare media programs required to increase the public awareness of the importance of these sectors and the extent to which these may positively impact the economic and social development in the Kingdom".</p> <p>Also Paragraph (b) in Article (29):</p> <p>"The Licensee's commitment to submit the information and data relevant to the subject matter of the license, which are required from time to time or periodically by the Commission, and the Commission staff shall be entitled to verify the correctness of the said information".</p> <p>Second: The License Paragraph (3.2.1.2) in Article (3) from the individual license states that: "In accordance with Article 29(b) of</p>
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Who has this obligation – everyone or just selected operators e.g. the ones with a licence?	operators with license	Everyone obliged by telecommunications legislation	N/A	All electronic communication's operators have the obligation to provide any information that is reasonably necessary for implementing the NRA's tasks.	Everyone	All licensed operators and value-added service providers	All the operators under the general authorization regime	All licensees
Can the NRA set a deadline for providing answers to information requests?	yes	Yes	No	Yes	N/A	Yes	Yes	Yes, always
If the answer to question 4 is Yes, please provide the reference to the Law/Decree,/regulation and the appropriate article within it	operator license	Law Art. 59	N/A	Same answer as in question 2.	Waiting for the regulation to be issued	License term of operator	Article 108 of Law 5/2004 (Law of electronic communications; new version given by Law 51/2011)	There is no specific reference but the deadline can be set at the TRC's discretion but it must be reasonable and justified in light of the answer to question number 1 and 2 above.
Is there a sanction on not responding, or giving incorrect information?	no	Yes	Yes	Yes	Yes	Yes	Yes	Yes

<p>If the answer to question 6 is Yes, please provide the reference to the Law/Decree,/regulation and the appropriate article within it</p>		<p>Law Art. 60</p>	<p>§ 109 para 1 subpara 12 TKG</p>	<p>Article L36.11 (Law) of the Code des Postes et des Communications Electroniques</p>	<p>Law 431 Art 38 (4)</p>	<p>Art. 29 bis of the Law 24-96</p>	<p>Article 110 of Law 5/2004 (Law of electronic communications; new version given by Law 51/2011)</p>	<p>There is no specific provision but every case is considered in its context, for example you can refer to the Unfair competition law Number 15 of the Year 2000. However we emphasize here that any incorrect information is investigated according to the circumstances related to a particular case. And to be more specific the Article 40 of the Telecom Law states that: "The Board may cancel the License entirely or for a specific service or in a specific area if the Licensee commits a violation of the License conditions or the provisions of this Law or the By-Laws issued pursuant to it, or the instructions of the Board, or causes harm to others and fails to correct his situation within 30 days of a written warning by the Chairperson, or if he exceeds 30</p>
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Can the NRA also collect information actively, i.e. by entering premises and taking custody of documents, computers etc.?	yes	Yes	No	Yes, in the case of administrative investigation and by authorised employees	Yes	No	Yes	Yes
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<p>If the answer to question 8 is Yes, please provide the reference to the Law/Decree,/regulation and the appropriate article within it</p>	<p>operator license</p>	<p>Law on Administrative Procedure, Art. 41</p>	<p>N/A</p>	<p>Articles L32.4 and L32.5 of the Code des Postes et des Communications Electroniques</p>	<p>Law 431 Art 38 (1-2)</p>	<p>There is no discrimination on the traffic carried by operators in the country</p>	<p>Article 112 of Law 5/2004 (Law of electronic communications; new version given by Law 51/2011)</p>	<p>Article (59) in the Telecom law states that: The Commission shall verify the Licensees' compliance with the License conditions and the provisions of the Law, and may take any actions it deems appropriate for this purpose, including:</p> <ul style="list-style-type: none"> <li>a. Conducting a physical on-site inspection of network locations and Telecommunications equipment.</li> <li>b. Examining the Licensee's technical records and ensuring that sound and accurate systems are being used for issuing invoices.</li> <li>c. Ensuring the standard of service provided to Beneficiaries and their complaint.</li> <li>d. Reviewing the Licensee's records of maintenance and defects to ensure the efficiency of the service management.</li> </ul>
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Can the NRA issue a binding administrative order to do something or stop doing something?	yes	Yes	Yes	In case of infringement of provisions of the code des postes et des communications électroniques or decisions adopted pursuant to this code, ARCEP can order an operator to do something or stop doing something. If the operator does not comply with this order, ARCEP can either suspend or withdraw a licence, or impose punitive fines.	Yes	Yes	Yes	Yes
If the answer to question 8 is Yes, please provide the reference to the Law/Decree,/regulation and the appropriate article within it	law 2003 of telecommunication	Law Art. 58	§ 109 TKG, via Federal communications Office	Article L36.11 (Law) of the Code des Postes et des Communications Electroniques	Law 431 Art 24 (2)	Art. 29 bis of the Law	Articles 110 and 114 of Law 5/2004 (Law of electronic communications; new version given by Law 51/2011)	This is in light of the general provision in the telecom law through Article (40).
Can the NRA impose punitive fines (one-off payment for infringements)	Yes	Yes	Yes,	Yes	Yes	Yes	Yes	Yes

If the answer to question 12 is yes, what is the maximum amount?	According to license, or according to the amount of damaged caused by the abuse.	up to 10 % of relevant turnover (average of the last three years)	EUR 58.000	The maximum amount is 3% of the annual revenue of the operator (5% for a second offence). If the operator does not have any annual revenue the maximum amount is 150 000 euros (375 000 euros for a second offence).	No amount mentioned	100.000 dirhams	If practiced by a big company, fines may be from €20.000 to €5.000.000	200,000 JDs in the case of the individual license and 50,000 JDs in the case the class license.
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<p>If the answer to question 12 is Yes, please provide the reference to the Law/Decree,/regulation and the appropriate article within it</p>	<p>Operators' License and Law 10/2003</p>	<p>Law Art. 60</p>	<p>§ 109 para 4 TKG</p>	<p>Article L36.11 (Law) of the Code des Postes et des Communications Electroniques</p>	<p>Law 431 Art 41 (3)</p>	<p>Article 29 bis of the Law</p>	<p>Article 113 of Law 5/2004 (Law of electronic communications; new version given by Law 51/2011)</p>	<p>in the individual license in Article (4): Paragraph (4.4): "Adherence to terms of Licensing Without limiting any other right or remedy available to the TRC under law, if the Licensee fails to comply with any of its material obligations under the Telecommunications Law, any of its material obligations under any Regulations or any of its material obligations under this License Agreement, it shall be subject to a maximum fine payable to the TRC in an amount not to exceed two hundred thousand Jordanian Dinars (JD 200,000) in respect of each such compliance failure. The amount of any sanction imposed pursuant to this Section 4.4 shall be determined by the TRC with reference to the severity of the</p>
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Can the NRA impose a coercive fine (forfeit of sum for every day that operator refuses to comply)?	Not necessarily a financial fine, but punitive action is taken according to license provisions and law 10 empowerment to NTRA	No	No, Skimming off of unlawful earned amount possible	No	Yes	No	Yes	Not Applicable!
If the answer to question 12 is Yes, what is the maximum per day or a total cap?		NA	max 10 of yearly turnover	Irrelevant	No amount mentioned		The daily amount can range between €2.000 and €100.000, but may not exceed the maximum amount of €3.000 and a maximum of 30 days.	Not Applicable! May be the reference correct is Q15 but not Q12!
If the answer to question 12 is Yes, please provide the reference to the Law/Decree, regulation and the appropriate article within it	operator license	NA	§ 111 TKG		Law 431 Art 41 (3)		Article 116, Law no. 5/2004, of February 10, changed and republished by Law n. ° 51/2011 of 13 September.	Not Applicable! May be the correct reference is Q15 but not Q12!



How does the NRA determine the appropriate sum of a fine?	Either as mentioned in provisions of the license, some fines are determined after an economic assessment of the amount of damage caused by the abuse	relevance of infringement and financial resources of the company	catalogue of punitive behaviour	The sum of the fine must be in due proportion to the seriousness of the infringement and the benefits derived from these infringements.		It is determined by the Law regarding the information not provided	The penalty is determined according to criteria of reasonableness and proportionality, given the turnover of the offender in the preceding calendar year and the negative impact caused by failure in the market and to users - Article 116, No. 3 of the Law no. 5/2004, of February 10	According to the severity of the breach or infringement
Please provide the reference to the Law/Decree,/regulation and the appropriate article within it	Operators' License	Law Art. 60	§ 109 TKG	Article L36.11 (Law) of the Code des Postes et des Communications Electroniques	Law 431 Art 41 (3)		Article 116, Law no. 5/2004, of February 10, changed and republished by Law n. ° 51/2011 of 13 September.	Paragraph (4.4) in both the individual license and the Class license.
Is the NRA empowered to suspend or withdraw a licence?	yes	Yes	No, Federal Communications Office may withdraw permission to use transmission equipment	Yes	Yes	Yes	N.a. (there are no licences but only general authorizations)	Yes

							<p>N.a. (there are no licences but only general authorizations)</p>	<p>In the telecom law:          Article (40):          The Board may cancel the License entirely or for a specific service or in a specific area if the Licensee commits a violation of the License conditions or the provisions of this Law, the by-Laws issued pursuant to there to, or the instructions of the Board, or causes harm to others and fails to correct his situation within 30 days of a written warning by the Chairperson, or if he exceeds 30 days not carrying out the Commission's instructions without a reason that is acceptable to the Board.          Article (41):          The license shall be cancelled if the Licensee fails to pay the set returns for renewal of the License on the due date.          Article (42):          The License shall be</p>
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Is the internal procedure used for enforcement transparent, non-discriminatory and accessible?	Yes	Yes	Yes		The procedure is yet to be prepared and enacted	Yes	Yes	Yes
Are these requirements established by law?	Yes	Yes	Yes		The Law 431 generally provides for these principles	Yes. Art. 30 of the Law	Yes	Yes

							<p>Article 13 and from article 108 to 116 of Law 5/2004 (Law of electronic communications; new version given by Law 51/2011)</p>	<p>TRC -Jordan acts in accordance with the general legal principles such as : the constitution of Jordan of the year 1952 and its amendments in , the criminal law , telecom law and the jurisbrudance issued by the court of cassation and the higher court of justice, all the above mentioned references stated that there is no crimes (violations ) and penalites unless thwere is a clear provision, constitution aticle 6 stated that all the Jordaninan treated equally . Article (6) in the Telecom Law states that "The Commission shall undertake the following duties and responsibilities: "(a) To regulate telecommunicati ons and information technology services in the Kingdom in accordance with the established general policy so as to ensure</p>
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<b>The powers of the NRA to enforce its decisions</b>	<b>ISRAEL</b>	<b>GERMANY</b>	<b>TURKEY</b>	<b>ITALY</b>		
Do the NRA's powers of investigation include the obligation of operators to provide any information that is reasonably necessary for implementing the NRA's tasks?	Yes	Yes	Yes	Yes,		
If the answer to question 1 is Yes, please provide the reference to the Law/Decree,/regulation and the appropriate article within it	Communications law 1982 Article 4c1 and Chapter 7ii, telecommunication regulations 1986	TKG Art. 127	As per art. 12/2(f) of Electronic Communications Law no. 5809 : "Rights and obligations of the operators: To submit information and documents to the Authority" and art. 59/3 of Law no. 5809 "The Authority, whilst performing its tasks assigned to it by this Law, shall be entitled to request information and documents which it deems necessary for the performance of its tasks from public corporations and institutions, natural persons and legal entities." which also includes operators.	art. 10 of decree no. 259/03 (Code of electronic communication)		

Who has this obligation – everyone or just selected operators e.g. the ones with a licence?	All telecom operators		As per art. 59/3 of Law no. 5809 The Authority, shall be entitled to request information and documents which it deems necessary for the performance of its tasks from public corporations and institutions, natural persons and legal entities which includes all operators, as well.	everyone		
Can the NRA set a deadline for providing answers to information requests?	yes	Yes	Yes	yes		
If the answer to question 4 is Yes, please provide the reference to the Law/Decree,/regulation and the appropriate article within it	Communications law 1982 Article 4c1 and Chapter 7ii, telecommunication regulations 1986	TKG Art. 127 (3)	As per art. 19/1(a) of By-Law on Authorization for Electronic Communications Sector: "Submission of information and documents to the Authority: Operator is obliged to provide information, document and data as true and without any defect within the prescribed time by Authority"	the deadlines depend on the proceedings. They are specified in regulation no. 401/10/CONS, that implement the disposition of the law no. 241/90 and 69/09.		
Is there a sanction on not responding, or giving incorrect information?	Yes. No distinction between not responding and giving incorrect informations.	Yes	Yes	yes		

<p>If the answer to question 6 is Yes, please provide the reference to the Law/Decree,/regulation and the appropriate article within it</p>	<p>Article 1 in part 2 of Appendix to the Communications Law</p>	<p>TKG Art. 127 (10)</p>	<p>As per art. 6 of By-Law on Administrative Fines and Sanctions Imposed by ICTA: "Not providing timely information and document: The Authority shall be entitled to charge operators with administrative fine with the amount up to one percent of the previous calendar year's net sales in case of not providing the requested information and document within the specified deadline which have been requested by Authority or requested to be sent under the scope of relevant legislation." and art. 7 of the same By-Law: "Providing information and document after specified deadline :The Authority shall be entitled to charge operators with administrative fine as stated in art. 6 of this By-Law or The Authority shall be entitled not to charge operators with any administrative fine on the concrete circumstances of the case as per the art. 32. of this By-Law"</p>	<p>art. 98 of decree no. 259/03</p>		
<p>Can the NRA also collect information actively, i.e. by entering premises and taking custody of documents, computers etc.?</p>	<p>Yes, as long as premises is not for residence. No authority to take a study, but can require printing or photocopying and if declined - sanctions are possible.</p>	<p>BNetzA has the power to access the premises for auditing. However, searches may be carried out solely by order of a local court.</p>	<p>Yes</p>	<p>yes</p>		

<p>If the answer to question 8 is Yes, please provide the reference to the Law/Decree,/regulation and the appropriate article within it</p>		<p>TKG Art. 127 (6)</p>	<p>As per art 59/2 of the Law no. 5809: "Officials in charge of inspection shall, in the presence of the entities or facilities which are subject to audit, be entitled to examine all kinds of documents and assets including the registers, data stored in electronic environment, electronic communications infrastructure, equipments, systems, software and hardware." and art. 7/1(a-b) of By-Law on the Inspection Activities of ICTA: "1) Competencies of the inspector regarding to inspection are as follows: a) To enter to administrative places, buildings and other additional buildings of the inspected party and to execute inspection activities in these fields as well. b) To examine all kinds of documents, data stored in electronic environment, electronic communications infrastructure, equipments, systems, software and hardware of the party subject to the audit."</p>	<p>law no. 481/95 (art. 2, paragraph 12); regulation no. 220/08/CONS)</p>		
<p>Can the NRA issue a binding administrative order to do something or stop doing something?</p>	<p>yes</p>	<p>Yes, E.g., the information request is a binding administrative order.</p>	<p>Yes</p>	<p>yes</p>		



If the answer to question 8 is Yes, please provide the reference to the Law/Decree,/regulation and the appropriate article within it	Article 11 Communications Law, Telecommunication regulations 1986	TKG, in different articles, e.g. Art. 126	As per art. 60/3 of the Law no. 5809 : "With a view to protect the public order and as regards the requirements of public service, the Authority shall be entitled to abort the operator's activities temporarily or to impose on operator to implement concrete measures in order to remedy the breach in instances determined beforehand by a regulation by the Authority. "	law no. 481/95 (art. 2, paragraph 20); decree no. 259/03 (art. 98, paragraph 11)		
Can the NRA impose punitive fines (one-off payment for infringements)	yes	Yes	Yes	yes		
If the answer to question 12 is yes, what is the maximum amount?	maximum fines derived from the company's income, e.g. Cellcom (largest mobile) can be fined up to 15,000,000 NIS.	different amounts for different fines, but the maximum is 500.000 Euros	The maximum amount is up to three percent of the previous calendar year's net sales of the operator. moreover depending on the case that the operator engaged with, the maximum amount may increase up to one million Turkish Liras	154.937.069 .73 euro		

<p>If the answer to question 12 is Yes, please provide the reference to the Law/Decree,/regulation and the appropriate article within it</p>	<p>Chapter 7a Communications law</p>	<p>TKG Art. 149</p>	<p>As per art 60/1 and art. 60/3 of the Law no.5809: "(1)The Authority shall be entitled to monitor and audit the adherence to the legislation, right of use and other authorization requirements; to charge operators with administrative fine with the amount up to three percent of the previous calendar year's net sales...(3)In case that the operator has just been engaged with electronic communications services, considering the criteria such as the type of breach, whether any profit has been gained as a result of the breach, good will and voluntary declaration, the Authority shall be entitled to impose administrative fine with an amount from one thousand Turkish Liras up to one million Turkish Liras"</p>	<p>law no. 481/95; law no. 249/97; decree no. 259/03</p>		
<p>Can the NRA impose a coercive fine (forfeit of sum for every day that operator refuses to comply)?</p>	<p>yes</p>	<p>No, But BNetZA may impose penalties to enforce compliance with its orders and administrative decisions. These can be imposed repeatedly in case of enduring non-compliance.</p>	<p>No</p>	<p>Yes, regulation no. 73/11/CONS provides the possibility to impose forfeit of sum in case of dispute between operators and consumers</p>		
<p>If the answer to question 12 is Yes, what is the maximum per day or a total cap?</p>	<p>2% per day. Distinction between telecom and broadcasting.</p>			<p>maximum (7,50 per day)</p>		

If the answer to question 12 is Yes, please provide the reference to the Law/Decree,/regulation and the appropriate article within it	Chapter 7a Communications law			see no. 14		
How does the NRA determine the appropriate sum of a fine?	Broadcasting - fixed, telecom - guidelines.	Decision is based on the individual case. BNetzA has discretion for these cases.	NRA determines the appropriate sum of fine in accordance with legal regulations.	criteria: seriousness of the breach; if the agent try to remove or mitigate the consequences of the violation; the operator's personality; economic conditions.		
Please provide the reference to the Law/Decree,/regulation and the appropriate article within it	Chapter 7a Communications law		As per art 60/3 of the Law no.5809: ".considering the criteria such as the type of breach, whether any profit has been gained as a result of the breach, good will and voluntary declaration" and art 32 of of By-Law on Administrative Fines and Sanctions Imposed by ICTA:"The Board considered the following factors in determining the administrative fine: The type of breach, The amount of damage, Whether any profit has been gained as a result of the breach and the amount of that unlawfull profit, Repeated or ongoing violation, Respecting the rules in the past, Good will and Voluntary declaration"	law no. 689/81 (art. 11)		

Is the NRA empowered to suspend or withdraw a licence?	yes		Yes	no		
If the answer to question 20 is Yes, please provide the reference to the Law/Decree,/regulation and the appropriate article within it	Article 4 Communications law	There are no licences for network operators.	Article 60 of the ECL.			
Is the internal procedure used for enforcement transparent, non-discriminatory and accessible?	yes	not applicable	Yes	yes		
Are these requirements established by law?	yes	not applicable	Yes	yes		
If the answer to question 23 is Yes, please provide the reference to the Law/Decree,/regulation and the appropriate article within it		not applicable	Administrative Monetary Penalties to be Imposed by Telecommunication Authority on Operators and Other Sanctions and Measures	law no. 241/90		

**Table A2: Judicial review**

	<b>EGYPT</b>	<b>SWITZERLAND</b>	<b>AUSTRIA</b>	<b>FRANCE</b>	<b>LEBANON</b>	<b>MOROCCO</b>	<b>PORTUGAL</b>	<b>JORDAN</b>
Is there a system of judicial review / appeals against decisions taken by the NRA?	Yes	Yes	Yes	Yes	Yes	yes	Yes	Yes
Is the appeal made to a Court or a special appeal board just for the subject?	Administrative Court	Special Court	Court	Appeals are made to different Courts depending on the decision: - appeals against dispute resolution decisions are made to the Cour d'appel de Paris, - appeals against other decisions taken by ARCEP's board are made to the Conseil d'Etat.	Appeal made to a Court, the State Council (art 14)	administrative court	Yes	the operators have the right to appeal directly to the board of commissioners against any decisions issued by the board, and the right to go to civil courts (first instance, appealing court and court of cassation).
Is there a higher Court to review the decision of the Court of first instance?	Yes, Supreme Administrative Court (Consid erata)	Yes	The appeal body is the administrative court and/or the Constitutional court	Decisions of the Cour d'appel de Paris are subject to review by the Cour de cassation and there is no higher Court to review decisions of the Conseil d'Etat	No	yes	Yes	Yes
Is / are the Courts specialized or trained in any way with regard to the subject?	No, but may refer to relevant experts whenever needed	No	Yes, specific senates	In the Court of Appeal of Paris, the chamber is competent for ARCEP's decisions	No	yes	Yes	yes

<p>After an appeal is launched against a decision of the NRA, does this automatically suspend its implementation?</p>	<p>No, only a judgement does</p>	<p>No</p>	<p>No</p>	<p>No, except for tax recovery</p>	<p>No</p>	<p>no</p>	<p>No. The proposal of a special administrative action in court (that is contested in an administrative act) does not have suspensive effect. In accordance with Article 50, paragraph 2 of the Code of Administrative Court Procedure (CPTA), the appeal of an administrative act only suspends the effectiveness of this act when it is only concerned the payment of a determined sum, without having a sanctioning nature, and were it was given assurance by any of the ways provided for in the tax law.</p>	<p>No</p>
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<p>Or is there a special emergency procedure to ask the Court for a judgment on the suspension pending the final verdict?</p>	<p>Yes</p>	<p>Yes</p>	<p>Yes, for rare cases, but mostly will not be approved because of public interest</p>	<p>Yes, execution of the decision of dispute resolution may be deferred, if it is likely to lead to obviously excessive consequences or if new circumstances of exceptional gravity have arisen since notification.</p>	<p>Yes</p>	<p>no</p>	<p>In case of an administrative act which is not restricted to impose the payment of a determined sum, and if, apart from challenging the act of NRA, the applicant also intends to obtain the suspension of efficacy of that act, he will have to propose an injunction process suspending the effectiveness of the administrative act. The precautionary process has urgent nature and is independently processed in respect to the main proceedings, although it may be initiated as preliminary or as an incident of the respective process. In either situation the injunction process is appended to the main proceedings (see Articles 112 to 114 of the CPTA). Up to date, precautionary procedures suspending the effectiveness of actions that have been filed against ANACOM (which are few) have preceded the proposal of the corresponding primary action.</p>	<p>Yes, according to article no 32 of the</p>
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What is the average or estimated duration of the time it takes to reach the decision of the Court of first instance	Relative	NA	N/A	For the Cour d'appel de Paris the average duration is 1 year. For the Conseil d'Etat: - the average duration is 10 months, - the maximum duration was 2 years and a half - the minimum duration was 5 months.	Average 2 yrs	maximum 2 months	The principal actions have some delay - ranging from process to process and depending on the type of action that is in question. We cannot indicate an average duration of an action, because it has been quite variable (depending on the vicissitudes that the process suffers). Normally the action lingers in court for several years.	notdetermied, depends on the case
What is the average or estimated duration of the additional time it takes for higher appeal	Relative	NA	approx 1 year	For the Cour de cassation the average duration is 1 year	N/A	maximum 2 months	It is not possible to indicate an average, because the impeachments of regulatory administrative acts performed by ANACOM haven't been subject to substantive decision, even in the 1st instance. The few cases decided were, as a rule, due to procedural or formal questions; or because they have become useless; or even because the impugnant dropped the requests that they had formulated.	not determined



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What is the average or estimated duration of the time it takes until a decision has been reached about suspending the obligation while the appeal is undecided?	Instant opening availability of evidence	immediately	limited to 14 days	The average duration is 1,5 month	Average 6 months	6	Between six and eight months.	it depends on the court decisions
What is the number of appeals that have been submitted against the decisions of the NRA in the past three years?	Numerous	NA	approx 15	Before the Conseil d'Etat, 15 complaints have been lodged between 2010 and the present day. (In 2010 and 2011, ARCEP adopted a total of 2887 decisions.) Since 2010, 4 dispute resolutions decisions out of 19 have been appealed before the Court of Appeal of Paris.	22	0	10 administrative special actions were interposed, in which regulatory decisions were contested <i>latusensu</i> - 3 of these actions are related to the definition and method of costs calculation of universal service, 1 refers to the revocation of rights to frequencies use and 2 are decisions of disputes between operators regarding interconnection.	36
How many of these appeals have overturned the NRA decision?	the Majority	NA		Only one decision has been overturned by the Cour d'appel de Paris	22	0	No, since none was decided.	1

In how many cases was the decision or complaint withdrawn or changed without waiting for the final decision of the courts, because the judicial review would take too long to wait for?	Several due to reaching of a settlement between claimant and NTRA before a decision is passed	NA		None	0	0	That ground has never been invoked.	one case
<b>JUDICIAL REVIEW</b>	<b>ISRAEL</b>		<b>GERMANY</b>		<b>TURKEY</b>			
Is there a system of judicial review / appeals against decisions taken by the NRA?	Yes. Every appeal will only take place in court		Yes		Yes			
Is the appeal made to a Court or a special appeal board just for the subject?	to a court		Court		The appeal is made to the court			
Is there a higher Court to review the decision of the Court of first instance?	yes		Yes		Yes			
Is / are the Courts specialized or trained in any way with regard to the subject?	partially		Yes, administrative courts, usually only one or two chambers specialised in TC regulation		No			

After an appeal is launched against a decision of the NRA, does this automatically suspend its implementation?	Depends on the case	No, on the contrary: the decision stays in force and is immediately applicable	No		
Or is there a special emergency procedure to ask the Court for a judgment on the suspension pending the final verdict?		Yes	Yes		
What is the average or estimated duration of the time it takes to reach the decision of the Court of first instance	several months	As the appeal duration of the main proceedings is concerned it can take up from one to two years to get a final decision of the Administrative Court (court of first instance).	It depends the complexity of the case.		
What is the average or estimated duration of the additional time it takes for higher appeal	several months	De iure the courts are asked to give legal protection in an appropriate time frame. Fixed terms in deciding appeal procedures are not foreseen by law. De facto: If the judgement of the Administrative Court is appealed, the proceedings can take another 1-2 years. However, an appeal to the Federal Administrative Court is only admissible under certain limited conditions, i.e. in cases of fundamental importance or if the Administrative Court deviates from case law of the Federal Administrative Court.	It depends the complexity of the case.		

What is the average or estimated duration of the time it takes until a decision has been reached about suspending the obligation while the appeal is undecided?		1-3 month, These so-called summary proceedings already provide a high degree of legal certainty within a short time frame from 1 to 3 months.	It depends on the complexity of the case.		
What is the number of appeals that have been submitted against the decisions of the NRA in the past three years?		414, including special emergency procedures	150		
How many of these appeals have overturned the NRA decision?		59, including special emergency procedures; usually the decision overturns only parts of the decision and not the whole decision of BNetzA	3		
In how many cases was the decision or complaint withdrawn or changed without waiting for the final decision of the courts, because the judicial review would take too long to wait for?		0	None		

**Table A3: Secondary legislation**

<b>NRA'S POWERS IN SECONDARY LEGISLATION</b>	<b>EGYPT</b>	<b>SWITZERLAND</b>	<b>AUSTRIA</b>	<b>FRANCE</b>	<b>LEBANON</b>	<b>MOROCCO</b>	<b>PORTUGAL</b>	<b>JORDAN</b>
Does the NRA make secondary regulations?	Yes (Directives/Decrees)	Yes	Yes	Yes	Yes	yes	Yes	Yes
Does the national legislation allow the NRA to adopt secondary regulations?	Yes	Yes	Yes	Yes	Yes	yes	Yes	Yes
If the answer to question 38 is Yes, please provide the reference to the Law/Decree, regulation and the appropriate article within it	Law 10/2003	Telecommunications legislation, different art.	§ 23 para 3, § 25 para 2 TKG	See E-mail	Law 431	article 29 of the law and decrees	Article 9 of Decree-Law 309/2001 (ANACOM's statutes) and Article 125 of Law 5/2004 (Law of electronic communications; new version given by Law 51/2011)	Article (6) in the Telecom Law.
What type of general provisions does your NRA normally adopt (decrees, instructions, regulation, rules....)?	Directives/Rules/Regulations	Technical and administrative regulations	Ordinances	Regulation decisions	Regulations, Decisions, Guidelines	regulation, instructions, decision	Regulations	Regulations are the main type but usually associated with decrees.
Where does the NRA publish the general provisions adopted (Official Gazette, Website, newspapers....)?	Website (after approval by Board Members)	Official Gazette, Website	Official Gazette, Webpage	ARCEP publishes its general provisions in the Official Gazette ("Journal officiel de la République Française") and on its website (www.arcep.fr).	Official Gazette and website	official bulletin	At the Official Gazette and at ANACOM's website	Website

What is the procedure used by the NRA to adopt such general provisions?	Drafting, Public Consultations, Amendments, Board Voting, Publish on Website	Consultation of other federal offices, according to importance: public consultation	consensus decision	According to article L. 32-1, III (law) of the code des postes et des communications électroniques, ARCEP must carry out a public consultation before adopting such general provisions. Decisions adopted pursuant to article L. 36-6 of the code des postes et des communications électroniques must be homologated by the minister for electronic communications.	First draft submitted for public consultation; resulting draft submitted to State Council for opinion	consultation of operator, concertation then decision	It is called the regulatory procedure, under the terms of article 11 of Decree-Law 309/2001 (ANACOM's statutes)	Public Consultation
Is this procedure set out in regulations?		Administration Organisation Act/Consultation Procedure Act	No	The procedure is set out in the code des postes et des communications électroniques	No (mentioned in Law 1975)	yes	Yes	Yes

Is this procedure transparent (eg does it give stakeholders to give their opinion)?	Yes	In case of public consultation: yes	Yes	Yes	Yes	yes	Yes	Yes
Does this procedure allow stakeholders to give their opinion, eg through public consultation?	Yes	In case of public consultation: yes	public consultation	Yes	Yes	yes	Yes	Yes
If the answer to question 37 is No, does the NRA modify the licences when it needs to add a new obligation for the operators?		NA	N/A	Irrelevant	N/A		N.a. (there are no licences but only general authorizations)	Not Applicable!
If the answer to question 37 is No, do you think the NRA should have the power to adopt secondary regulations?		NA	N/A	Irrelevant	N/A		n.a	Not Applicable!
What are your reasons for your answer to question 47?		NA	N/A	Irrelevant	N/A		n.a	Not Applicable!

**Table A4: Net neutrality**

<b>NET NEUTRALITY</b>	<b>EGYPT</b>	<b>SWITZERLAND</b>	<b>AUSTRIA</b>	<b>FRANCE</b>	<b>LEBANON</b>	<b>MOROCCO</b>	<b>PORTUGAL</b>	<b>JORDAN</b>
Has the NRA conducted any research or investigation on this issue?	no	Yes	Yes	Yes	No	no	Yes, There was a broad debate, in 2010, on "Net neutrality: network and content regulation", during ANACOM's annual conference ( <a href="http://www.anacom.pt/render.jsp?contentId=1037597">http://www.anacom.pt/render.jsp?contentId=1037597</a> ) and ANACOM issued a study on the quality of the broadband Internet access service, on July 2010 ( <a href="http://www.anacom.pt/render.jsp?contentId=1056551">http://www.anacom.pt/render.jsp?contentId=1056551</a> ).	Yes
Has there been any public policy debate at Parliament, Trade Associations, Consumer or User Associations?	no	Yes	Yes	Yes	No	not yet	Yes	Yes
Has there been any attempt to produce a definition of net neutrality?	No	yes	No, BEREC position used	Yes	No		Yes	Yes



If the answer to question 51 us Yes, what is the definition?		<i>all electronic communication passing through a network is treated equally</i>	N/A	see E-mail	N/A		In 2011, there were two political parties initiatives regarding net neutrality (one from the Portuguese Communist Party and other from the <i>Bloco de Esquerda</i> (Left Bloc). Under the terms of the draft law proposal issued by the Portuguese Communist Party (2011) ), net neutrality was defined as follows: 1 - Operators are required to comply with the security of network neutrality and equal treatment in terms of the transport of data packets. 2 - Do not block, interfere with, discriminate against, limit, filter, limit or restrict any user access to electronic communications networks, based on criteria for prioritization of commercial content, applications or services, depending on their origin or ownership . 3 - The provision of television services via IP or others can not harm or interfere with meeting the quality levels of users' access to the Internet. The legislative procedure of this law proposal is still under way.	The Pornographic content is in violation of public morality and contrary to the Penal Code and the Crimes Act Information Systems it represents a material containing sex hardcore explicit or implicit, starting with the image ordinary reagents for roughness, and reaching to the film, which depicts the sexual relationship, children who were or old, and to provoke sexual arousal when the reader or listener or viewer, whatever the means by which exposure
Is there any initiative planned for the upcoming months regarding net neutrality?	No	No	No	yes	No	yes	Yes	No

If the answer to question 53 is Yes, please specify			N/A	see E-mail	N/A	meeting and debate	ANACOM active participation at BEREC's activities on the subject, namely at NN EWG, where currently are being discussed issues such as traffic management, transparency and QoS. Further information: BEREC Draft Guidelines for quality of service in the scope of net neutrality ( <a href="http://berec.europa.eu/eng/document_register/subject_matter/berec/public_consultations/44-berec-draft-guidelines-for-quality-of-service">http://berec.europa.eu/eng/document_register/subject_matter/berec/public_consultations/44-berec-draft-guidelines-for-quality-of-service</a> ), BEREC findings on traffic management practices in Europe ( <a href="http://berec.europa.eu/eng/document_register/subject_matter/berec/download/0/45-berec-findings-on-traffic-management-pra_0.pdf">http://berec.europa.eu/eng/document_register/subject_matter/berec/download/0/45-berec-findings-on-traffic-management-pra_0.pdf</a> ) and BEREC Draft Report "Assessment of IP-interconnection in the context of net neutrality" ( <a href="http://berec.europa.eu/eng/document_register/subject_matter/berec/download/0/33-berec-draft-report-assessment-of-ip-inte_0.pdf">http://berec.europa.eu/eng/document_register/subject_matter/berec/download/0/33-berec-draft-report-assessment-of-ip-inte_0.pdf</a> ).	
Has your country defended any specific position on this issue in international meetings?	yes	No	No	Yes	No	yes	Yes	No

<p>If the answer to question 55 is Yes, please specify</p>	<p>WCIT</p>		<p>N/A</p>	<p>In Europe, ARCEP has taken part in many works related to Net neutrality. In the BEREC (Body of european regulators of electronic communiati ons), ARCEP has chaired a specific group on these issues. France is also answering all the consultatio ns made by the European Commissio n.</p>	<p>N/A</p>	<p>infavour of net neutrality</p>	<p>See answer to the question 54.</p>	
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<p>Please describe the techniques used in your country by operators to manage traffic (understood that traffic management per se is not bad and it is in many cases necessary to ensure quality of services).</p>		<p>MPLS, DiffServ, IntServ, DPI</p>	<p>contractual</p>	<p>Traffic shaping Buffer management Traffic scheduling Service blocking (VoIP, P2P...) ...</p>	<p>There is no discrimination on the traffic carried by operators in the country</p>		<p>Throttled access, specialized services affecting the Internet access, p2p blocking, VoIP blocking, blocking specific providers, specific type of over-the-top traffic given preferential treatment, restriction on the type of terminal allowed, or tiered pricing depending on the used terminal.</p>	<p>It is depend on what and which product does the Internet service provider operate in order to Block the web sits that have the "pornographic content"; it may be an customise software or a popular application.</p>
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<p>Has there been any attempt to define what "reasonable" traffic management is?</p>		<p>Yes</p>	<p>No</p>	<p>in its proposals of September 2010, ARCEP set the framework for what it considered permissible traffic management practices (which should respect the general principles of relevance, proportionality, efficiency, non-discrimination and transparency). However, it would be difficult to define a priori the conditions of an "acceptable" traffic management practice or even prohibit traffic management by ISPs.</p>	<p>No</p>	<p>no</p>	<p>No.</p>
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<p>Have you detected or have your NRA received complaints regarding traffic management practices related to blocking, traffic deterioration, destination routing prioritization, throttling?</p>		<p>Yes</p>	<p>Minor</p>	<p>Some known practices that may run counter the provisions in the framework (in particular art 8.4.g of the EC framework directive) – but there has not been formal complaints so far. Nevertheless, some related tensions exist in the markets (between some local content &amp; applications providers and telecom operators, or around interconnection conditions) and have been generally solved informally. In the mobile market, the situation shows signs of improving – at least on the supply side of things,</p>	<p>No</p>	<p>no</p>	<p>Please see question 63.</p>	<p>No</p>
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<p>If yes, who submitted the complaints (end users, operators, content providers)?</p>		<p>all three</p>	<p>N/A</p>	<p>Note that consumers do not have the possibility to file formal complaints with NRAs on such topics.</p>	<p>N/A</p>		<p>Complaints are sent by users/subscribers, referring to situations reported in answer to question 63.</p>	
<p>How have you dealt with these situations?</p>		<p>Told them that we don't have a legal basis to act upon</p>	<p>N / A, supervision of Terms and conditions</p>	<p>see answers 59 and 60</p>	<p>N/A</p>		<p>Please see question 63.</p>	<p>by sending an official letters to the Internet service providers in order to block such websites.</p>

Is there any legal or policy provision that limits the use of traffic management?		no	No	see e-mail "traffic management regulation"	No		Traffic management (or even called traffic shapping) performed by operators can not, in principle, be seen as illegitimate or illegal, since made within the limits of the law. The law of electronic communications (LCE) admits that companies offering public communications networks or electronic communications services accessible to the public to adopt procedures to measure and shape traffic generated by their customers. This possibility is associated with two objectives: a) Prevent the capacity is exhausted on a network segment [Article 47. thereof, n. 1, d)]; b) Prevent the contracted capacity is exceeded [Article 47. thereof, n. 1, d) and Article 48., no. 1, c)]. According to the LCE and to ANACOM's determination of 10.10.2011 (1) on the subject and form of disclosure of the conditions for supply of electronic communications services, the opportunity to operate this type of intervention should be provided for in the contracts [c) of n. 1 of article 48. °] and it should be subject to clear and adequate disclosure to users and subscribers.	No
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<p>Have you detected or have your NRA received complaints regarding commercial practices that include some form of traffic management?</p>		yes	Yes, minor	see answer 59 and 60	No	no	<p>Yes, ANACOM has received, in particular in the 1st 2012 semester, complaints on the practice of traffic shapping by operators (reducing speeds to users contracted during the contract period). ANACOM received only a few complaints from consumers reporting problems with the use of VoIP. But consumers do frequently complain about differences between the advertised and the actual speed when accessing the Internet. Consumers are not aware that the contract foresees limitations and that the service provider cannot guarantee the maximum speed advertised at all time. Consumers are also not aware and complain about the designated "fair use policy" rule present in all contracts, which enables providers to limit Internet access in certain circumstances. This type of complain occurs mainly with the designated "unlimited" Internet access offers. So, there are no severe user complaints about traffic management practices by ISP in the access to Internet. Due to this fact, besides the information necessary to be included in the contract to provide comparability between operators, it is not foreseen any guidance or regulation to govern traffic management practices. In the future, based on the results of the QoS measurement platform and relevant information on network neutrality no compliance, other steps and measures could be considered.</p>	Yes
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<p>If yes, how have you dealt with it?</p>		<p>Told them that we don't have a legal basis to act upon</p>	<p>transparency obligation</p>	<p>Open relationships with operators This freedom of access and use of the internet implies open and lasting relationships between ISPs, ISVs and all of the players (transit operators, CDN providers<sup>17</sup>, etc.) who convey content/services/applications so that these items are truly available in their entirety through internet access. More specifically, in the same vein as the above recommendations that apply to ISPs, the open nature of internet access requires that ISVs comply with an obligation to treat all</p>	<p>N/A</p>		<p>After consideration of both the clauses relating to traffic and speed, under contract for access to broadband Internet in use, and the respective supply conditions provided by the operators, ANACOM adopted some measures, while others are still in progress:</p> <ul style="list-style-type: none"> <li>• Establishment of offence processes for use of contracts not deposited in ANACOM, in accordance with Article 48., No.10 of the LCE, in line with article 20 of the Universal Service Directive;</li> <li>• Acting in accordance with Article 48, Paragraph 10 of the LCE, which allows the NRA to immediately terminate or adapt contracts in use by service providers, which are not in line with the rules laid down in legislation;</li> <li>• In case of lack of information and supply conditions on contracts, the NRA may eventually determine to any service providers to make information available to their subscribers on any procedures put in place to measure and shape traffic, so as to avoid being depleted capacity in a network segment or prevent the contracted capacity is exceeded, indicating the impact of this measure on the quality of service offered, pursuant to subsection d) paragraph 1 of Article 47-A of the LCE (in line with Article 21 of the Universal Service Directive);</li> <li>• Possible clarification on the use of certain expressions used to qualify and describe the offers of communications services, in order to promote the provision of clear information, demanding transparency in the terms of</li> </ul>	<p>by sending an official letter to the Internet service providers in order to block such websites, because it were used in fraud.</p>
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<p>Were the offers transparent and informative enough to the consumers?</p>		<p>Mostly</p>	<p>Yes</p>	<p>This requirement means that end users must be contractually informed of the technical properties of their internet access, so that they can know the resources that have been assigned to them and the performance they can expect under "normal conditions" (i.e. "best effort" operations). Also included here is information on the way in which internet access (potentially) shares available connectivity (or capacity) resources with other electronic communication services. This stipulation</p>	<p>N/A</p>	<p>67</p>	<p>No. After analysis of both supply conditions and tariffs of several operators, ANACOM concluded that, generally, they did not contain adequate, transparent and comparable information, under the terms of the LCE and the above mentioned ANACOM Determination. The most relevant information is contained in notes and other indications are only accessible through successive links.</p>	<p>No</p>
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Is there any policy or mechanism in place to monitor compliance with the content of the contracts with the consumers?		no	Yes	see answer 65	No		No	No
Is there any legal or policy provision that limit these commercial practices?		yes	No	Yes	No		Yes	No
Are there any specific transparency requirements within your national legislation?		no	Yes	Yes	No		Yes	Yes

<p>If the answer to question 68 is Yes, please specify</p>			<p>§ 24 TKG</p>	<p>In the pre-contractual matters, ARCEP is competent to lay the rules relating to information and protection of users (CPCE, D.98-12) In contractual matters, the Consumer Code (section 11) specifically governs contracts for electronic communications services</p>	<p>N/A</p>		<p>ANACOM's Decision amending determination on the object and form of disclosure of conditions of provision and use of electronic communications services, 10.10.2011, applicable to all undertakings providing public communications networks and publicly available electronic communications services, at <a href="http://www.anacom.pt/render.jsp?contentId=1101389&amp;languageId=1">http://www.anacom.pt/render.jsp?contentId=1101389&amp;languageId=1</a>). By determination of 21 April 2006, ANACOM approved a decision on the object and form of public disclosure of the conditions of provision and use of electronic communication services. Having been put in place measures to enforce this determination, by checking websites of service providers and points of sale, it was found that it was difficult to monitor compliance with the determination. Thus, there were grounds to adjust the obligations laid down with regard to the disclosure of conditions of provision and use of electronic communication services to the current features of those provisions, so as to ensure that effective and transparent information is provided thereon, thus ensuring that the rights and interests of end-users, specially of consumers, are protected.</p>	<p>Paragraph number (111) in the Government Statement in ICT sector (2007) and it is published on the Ministry web sit (<a href="http://www.moict.gov.jo">www.moict.gov.jo</a>)</p>
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Are there any policy non-binding provisions to ensure transparency in commercial offers?		no	No	Yes	No		No	NA
If the answer to question 70 is Yes, please specify			N/A	In co-regulation, ARCEP works with operators and consumer associations to improve transparency of offers of service	N/A		n.a.	NA
If applicable, have there been obvious clear positive results of transparency rules with regard to the net neutrality?			N/A	On-going study	N/A		n.a.	NA

Is there any definition regarding quality of service of the Internet?		No	Yes	What constitutes a satisfactory quality of service level will evolve over time, depending on how consumption habits evolve. It must correspond to a sufficiently high quality of service that ensures functional access to the reasonable and current uses of the moment, under good conditions.	Yes	no	In 2010, ANACOM published a Study on the quality of the broadband Internet access service ( <a href="http://www.anacom.pt/render.jsp?contentId=1056551&amp;languageId=1">http://www.anacom.pt/render.jsp?contentId=1056551&amp;languageId=1</a> ). The objective of this study was to analyze the results obtained from a technical approach, allowing conclusions to be drawn the levels of performance perceived by the consumer/residential particular, including through the following applications more widespread use: loading pages on the Internet (Web Browsing), transferring files via FTP (File Transfer Protocol), transfer files through P2P, network latency or packets propagation delay, indicators of availability of 3G mobile networks. Additionally other indicators were measured with less notoriety among users but also important and that complement the performance analysis, including time of page resolution (DNS resolution time), the variance of latency or jitter and packet loss.	No
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Are there any legal provisions in your legislation imposing minimum quality of service standards?		No	Yes	see e-mail	Yes	yes	No, there is no specific legislation imposing minimum quality of service standards. However, one shall refer to ANACOM's Decision amending determination on the object and form of disclosure of conditions of provision and use of electronic communications services, 10.10.2011, applicable to all undertakings providing public communications networks and publicly available electronic communications services, at <a href="http://www.anacom.pt/render.jsp?contentId=1101389&amp;languageId=1">http://www.anacom.pt/render.jsp?contentId=1101389&amp;languageId=1</a> ). Nevertheless, by determination of ANACOM's Administration Board, on the 29th of December 2011, it was launched an international public tender for the acquisition of infrastructure to measure quality of service provided by the Internet access service. For more details please consult the following link: <a href="http://www.anacom.pt/render.jsp?contentId=1113020&amp;languageId=1">http://www.anacom.pt/render.jsp?contentId=1113020&amp;languageId=1</a> . Related to the imposition of minimum quality of service requirements, for the time being it is not foreseen any actions before detailed results of the measurement platform or specific and proven user complaints. However, this possibility will be evaluated, namely considering the work to be developed in 2012 in the scope of the BEREC's WG on net neutrality.	NA
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<p>If the answer to question 74 is Yes, please specify</p>			<p>§ 24 para2 TKG</p>	<p>see e-mail</p>	<p><u>Please refer to published Quality of Service regulation at <a href="http://www.tra.gov.lb">www.tra.gov.lb</a></u></p>	<p>annex quality of service of the licence term of operator</p>	<p>Under the terms of the above mentioned ANACOM's determination (10.10.2011), undertakings must provide the following levels of quality:</p> <ul style="list-style-type: none"> <li>- Provide clear and accurate information for the various service offers, distinguishing upload/download speeds, the maximum and the average access speed estimated by the provider.</li> <li>- Supplement it, where appropriate, with a warning stating that the provided speed may not be ensured for each and every connection, as this depends on the level of use of the network and server which the customer connects to.</li> <li>- Provide clear and accurate information on migration between offers, specifically to meet a customer request to change its maximum speed. It is recommended that providers make available and duly highlight at their websites a feature that allows interested parties to measure their access upstream/downstream speed for a given period, whether instant or average. This determination provides for greater clarity in access speeds (maximum speed and average), functionality to the user to measure on-line the access speed and in the indication of the restrictive policies of traffic management.</li> </ul>	
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Are there any policy non-binding provisions in your country regarding minimum quality of service standards?		No	Yes	see e-mail	Yes		No.	Yes
If the answer to question 76 is Yes, please specify			only for USO	see e-mail	<u>Please refer to published Quality of Service regulation at <a href="http://www.tra.gov.lb">www.tra.gov.lb</a></u>			
Is there any guidance from the NRA or the Ministry on net neutrality and competition related issues?		No	Yes	see e-mail	No	no	No.	No
If the answer to question 78 is Yes, please specify			BEREC position	see answer 78	N/A		n.a.	

If the answer to question 78 is No, please indicate whether there is undergoing work on this or any planned activity.		Yes, amendment planned	law N/A	see answer 78	No	still in reflexion	See answer to question 74, regarding the international public tender for the acquisition of infrastructure to measure quality of service provided by the Internet access service. Moreover, as previously said, ANACOM participates actively at BEREC's work on net neutrality, namely at NN EWG, where currently are being discussed issues such as traffic management, transparency and QoS.	There is a new version of the Government Statement which will address some paragraphs in this regard.
Has there been any incident relating to net freedoms and net neutrality? If yes, please elaborate.		no	No	see e-mail	No	no	No	Yes, the blockage of Porn graphic websites.
Has there been any debate in your country on net neutrality and net freedom? Please provide details.		yes	No, survey undertaken	see e-mail	No	no	No	Yes, the blockage of Porn graphic websites.

Has there been any public declaration from the NRA or Government or Parliament on this issue? If yes, please specify.		no	No, survey undertaken	see e-mail	No	no	No	Yes, instructions by the ministry to provide and create an awareness regarding the save use of the internet.
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<p>Has any legal provision been adopted regarding this issue? If yes, please provide details.</p>		no	No	see e-mail	No	no	<p>No. However, one shall refer that, regarding network security issues, the Decree law 7/2004, of 7 January, establishes that "The courts and other competent entities, namely the supervision entities, are entitled to restrict the freedom of movement of a given information society service from another Member State of the European Union where it seriously damages or threatens to damage:</p> <ul style="list-style-type: none"> <li>a) Human dignity or public policy, including the protection of minors and the fight against any incitement to hatred for reasons of race, sex, religion or nationality, namely on grounds of the prevention of, or combat against, crimes or offences against public policy;</li> <li>b) Public health;</li> <li>c) Public security, namely the safeguarding of national security and defence;</li> <li>d) Consumers, including investors".</li> </ul> <p>Please refer to Article 7 of the Decree-Law 7/2004 at: <a href="http://www.anacom.pt/render.jsp?contentId=978408&amp;languageId=1">http://www.anacom.pt/render.jsp?contentId=978408&amp;languageId=1</a></p>	No
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<p>Has there been any debate regarding the need to ensure network security and integrity and this has caused some net neutrality related problems?</p>		No.	Yes	see e-mail	No	??	<p>No. However, in 2009, ANACOM has commissioned a study to analyse infrastructure and resources of network operators and service providers of electronic communications as well as policies, measures, practices, plans, tools and resources they allocated to the security of networks and information. This study also intended to identify and characterize the main types of interdependencies between different networks and electronic communications services as well as to evaluate and characterize the risk associated with the situation found in terms of the key vulnerabilities identified and some threat scenarios.</p>	Yes	
<p><b>NET NEUTRALITY</b></p>	<p><b>ISRAEL</b></p>	<p><b>GERMANY</b></p>		<p><b>TURKEY</b></p>					
<p>Has the NRA conducted any research or investigation on this issue?</p>	yes	Yes		No					

Has there been any public policy debate at Parliament, Trade Associations, Consumer or User Associations?	yes	Yes	No				
Has there been any attempt to produce a definition of net neutrality?	yes		No				
If the answer to question 51 is Yes, what is the definition?	"the possibility for a subscriber to use any service or application provided over the Internet"						
Is there any initiative planned for the upcoming months regarding net neutrality?	yes		No				

<p>If the answer to question 53 is Yes, please specify</p>	<p>bill to include all service providers under the NN clause</p>						
<p>Has your country defended any specific position on this issue in international meetings?</p>	<p>?</p>		<p>No</p>				
<p>If the answer to question 55 is Yes, please specify</p>	<p>?</p>						
<p>Please describe the techniques used in your country by operators to manage traffic (understood that traffic management per se is not bad and it is in many cases necessary to ensure quality of services).</p>	<p>no knowledge</p>						



<p>Has there been any attempt to define what "reasonable" traffic management is?</p>	<p>we do not use the term "reasonable" regarding traffic' but "proper and fair"</p>		<p>No</p>				
<p>Have you detected or have your NRA received complaints regarding traffic management practices related to blocking, traffic deterioration, destination routing prioritization, throttling?</p>	<p>yes</p>		<p>No</p>				
<p>If yes, who submitted the complaints (end users, operators, content providers)?</p>	<p>end users and service providers</p>						

How have you dealt with these situations?	breaching operators were warned and required to stop the illegal actions						
Is there any legal or policy provision that limits the use of traffic management?	yes		No				
Have you detected or have your NRA received complaints regarding commercial practices that include some form of traffic management?	yes		No				
If yes, how have you dealt with it?	breaching operators were warned and required to stop the illegal actions						

Were the offers transparent and informative enough to the consumers?	no		No				
Is there any policy or mechanism in place to monitor compliance with the content of the contracts with the consumers?	yes		No				
Is there any legal or policy provision that limit these commercial practices?	yes		No				
Are there any specific transparency requirements within your national legislation?	no		No				
If the answer to question 68 is Yes, please specify							

Are there any policy non-binding provisions to ensure transparency in commercial offers?	no		No				
If the answer to question 70 is Yes, please specify							
If applicable, have there been obvious clear positive results of transparency rules with regard to the net neutrality?	n/a						
Is there any definition regarding quality of service of the Internet?			Yes, There are some definitions regarding quality of service of internet within By Law on Quality of Service in the Electronic Communications Sector.				

Are there any legal provisions in your legislation imposing minimum quality of service standards?	no		Yes				
If the answer to question 74 is Yes, please specify			The purpose of By Law on Quality of Service in the Electronic Communications Sector is to determine the procedures and principles regarding providing services and/or operating network within national and international service quality standards by operators				
Are there any policy non-binding provisions in your country regarding minimum quality of service standards?	no		No				
If the answer to question 76 is Yes, please specify							

Is there any guidance from the NRA or the Ministry on net neutrality and competition related issues?	no		No				
If the answer to question 78 is Yes, please specify							
If the answer to question 78 is No, please indicate whether there is undergoing work on this or any planned activity.	an internal study group was formed to determine "proper and fair traffic management"		There is no planned activity				
Has there been any incident relating to net freedoms and net neutrality? If yes, please elaborate.	yes/ attempt to block VOIP over HSPA networks and attempts to degrade tethering by mobile operators		No				

<p>Has there been any debate in your country on net neutrality and net freedom? Please provide details.</p>	<p>no</p>		<p>No</p>				
<p>Has there been any public declaration from the NRA or Government or Parliament on this issue? If yes, please specify.</p>	<p>no</p>		<p>No</p>				
<p>Has any legal provision been adopted regarding this issue? If yes, please provide details.</p>	<p>Yes. Telecom municatio ns Law was ammende d to include NN for mobile operators</p>	<p>Yes, TKG Art 41b</p>	<p>No</p>				

Has there been any debate regarding the need to ensure network security and integrity and this has caused some net neutrality related problems?	no		No				
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**Table A5: Institutional framework**

Countries	90 Is the NRA independent of providers of electronic communications services (this includes the State)?	91 Does the NRA set its own budget?	92 Can the Ministry overrule the NRA's decisions?	93 Does the NRA have the power to take binding decisions to resolve disputes between operators?	94 Is there a right of appeal against a decision of the NRA to an independent body?	95 Is the appeal process effective in terms of expertise and timeliness?	96 Must the NRA carry out public consultation on measures that have a significant impact before they are implemented?	97 Have there been any changes in the institutional set-up of the NRA during the last year?	98 If yes, what have been the most important changes?
Algeria									
Egypt	No	Yes	Yes	Yes	Yes	Yes, timeliness is debatable	NTRA usually does	No	
Israel	Yes	No	NA	Yes	Yes	Yes	Yes	No	NA
Jordan	Yes	Yes	No	Yes	Yes	?	Yes	Yes	TRC was given responsibility for Electronic Certificates New Board members appointed
Lebanon	No	Yes	No	Yes	Yes	Not always	Yes	Yes	
Morocco	Yes	Yes	No	Yes	Yes	Yes	Yes	No	
Palestine	Yes	No	NA	Yes	Yes	No	Yes	No	NA
Syria	Yes	Yes	Yes	Yes	Yes	Yes/No	No	No	
Tunisia	No	Yes	No	Yes	Yes	Yes	No	Yes	No
Turkey	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	The right of way was transferred to the Ministry

**Table A6: Authorisations and licences**

<b>Countries</b>	<b>99</b> <b>Is market entry allowed for new operators and service providers on the basis of simple registration or authorisation, without any need for approval by the authorities (except in case scarce resources are required)?</b>	<b>100</b> <b>Do the authorities in charge of radio frequency spectrum periodically publish a spectrum management plan indicating the availability of new spectrum licences?</b>	<b>101</b> <b>Are stakeholders consulted about the need for and design of new spectrum licences?</b>
Algeria			
Egypt	No	No	Yes
Israel	No	No	No
Jordan	Yes	Yes	Yes
Lebanon	No	No	Spectrum refarming plan under consultation with stakeholders
Morocco	No	No	Yes
Palestine	No	No	Yes
Syria	Not yet	Under preparation for the civil use	Yes
Tunisia	No	Yes	Yes
Turkey	Yes	Yes	Yes

**Table A7: Significant market power**

<b>Countries</b>	<b>102 Is the imposition of regulatory obligations strictly limited to operators/service providers with SMP, based on market analysis?</b>	<b>103 Are the criteria for SMP defined in legislation or regulations?</b>	<b>104 Are the remedies/types of obligations that can be imposed on operators/service providers with SMP listed in legislation?</b>	<b>105 Is an obligation in place for the authorities to apply the least intrusive of these obligations relative to the problem that it aims to address (proportionality)?</b>	<b>106 Are operators/service providers that do not have SMP completely free to set retail prices at any level?</b>
Algeria					
Egypt	No	No	No	No	No
Israel	No	No	Yes	Yes	Yes
Jordan	Yes	Yes	No	Yes	Yes
Lebanon	Yes	Yes	Listed in the Regulation	Yes	Yes
Morocco	Yes	Yes	Yes	Yes	Price floor must not fall below cost of interconnection
Palestine	Partial analysis	Yes	Yes	Yes	Yes
Syria	In progress	Yes	Yes	No	No -SyTRA sets price floors and celiings
Tunisia	No	No	Yes	No	No

Turkey	No	Yes	Yes	Partially Yes	ICTA sets price ceilings for mobile operators. The fixed incumbent operator Turk Telekom notifies its retail tariffs to the ICTA before their launch. ICTA examines these tariffs during the notification period and the tariffs can be launched by the operator unless otherwise is stated by ICTA.
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**Table A8: Regulatory accounting**

<b>Countries</b>	<b>107</b> <b>Are SMP operators required to produce regulatory accounts?</b>	<b>108</b> <b>Is the regulatory accounting obligation used to secure accounting separation between regulated and unregulated services?</b>	<b>109</b> <b>Are the regulatory accounts used to secure cost orientation in wholesale services?</b>	<b>110</b> <b>Are the regulatory accounts used to secure cost orientation in retail services?</b>
Algeria				
Egypt	Yes	Yes, on Telecom Egypt	Targeted	Targeted
Israel	No	No	NA	NA
Jordan	Yes	Yes	Yes	No
Lebanon	Not yet	Not yet	Not yet	No
Morocco	Yes	Yes	Yes	No
Palestine	Yes	No	No	No
Syria	Yes	Strategic target for the future	Not yet	Not yet
Tunisia	Yes	No	No	No
Turkey	Yes	Yes	Yes	No

**Table A9: Access and interconnection**

<b>Countries</b>	<b>111 Is a RIO published by SMP operators?</b>	<b>112 Is a RIO submitted for the approval of the NRA?</b>	<b>113 Are fixed line SMP operators required to provide Carrier Selection?</b>	<b>114 Are fixed line SMP operators required to provide Local Loop Unbundling?</b>	<b>115 Are fixed line SMP operators required to provide Wholesale Line Rental?</b>	<b>116 Are tariffs of wholesale services provided by SMP operators cost oriented (if so, based on which methodology?)</b>	<b>117 Is duct sharing mandatory?</b>	<b>118 Is sub-loop unbundling mandatory?</b>	<b>119 Is fixed number portability available?</b>	<b>120 Is mobile number portability available?</b>
Algeria										
Egypt	Not Yet	Yes	No	Line sharing	Line sharing	Only termination charges are cost oriented	No	Yes	No	Yes
Israel	NA	NA	Yes	No	No	NA	No	No	Yes	Yes
Jordan	Yes	Yes	Yes	Yes	Not yet	Yes - LRIC	Not yet	Yes	No	No
Lebanon	Not yet	Not yet	No	Yes	Yes	No	Not yet	No	No	No
Morocco	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Palestine	Yes	Yes	Yes	Yes	No	No	No	No	No	In process
Syria	Work in progress	Yes	No	No	No	Not yet	Not yet	No	No	No
Tunisia	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No
Turkey	Yes	Yes	Yes	Yes	Yes from February 2012	Yes	Yes	Yes	Yes	Yes

**Table A10: Universal service**

<b>Countries</b>	<b>121</b>	<b>122</b>
	<b>Does one operator have responsibility for providing fixed line communications on a request from a subscriber (universal service)?</b>	<b>Is there a system, such as a universal service fund, in operation to compensate the universal service operator for the costs of universal service?</b>
Algeria		
Egypt	Yes	Yes
Israel	Yes	No
Jordan	Yes	Yes
Lebanon	No	No
Morocco	Yes	Yes
Palestine	Yes	No
Syria	Yes	No
Tunisia	Yes	No
Turkey	Yes	Yes

**Table A11: Other questions**

<b>Countries</b>	<b>123</b> <b>Is a national numbering plan published?</b>	<b>124</b> <b>Are non-discriminatory procedures for granting public rights of way available?</b>	<b>125</b> <b>Are there schemes available to facilitate the sharing of masts?</b>	<b>126</b> <b>Does the NRA have powers to require the separation of functions in the incumbent operator?</b>
Algeria				
Egypt	Yes	Yes	Yes	Yes
Israel	Yes	Yes	No	Yes
Jordan	Yes	Yes	Yes	Yes
Lebanon	Not yet	Not yet	Not yet	No
Morocco	Yes	Yes	Yes	No
Palestine	In process	Yes	No	Yes
Syria	Not yet	Not yet	No	Yes
Tunisia	Yes	Yes	Yes	No
Turkey	Yes	Yes	Yes	No



**Table A12: Scores for approximation to the European Union model of regulation**

<b>Countries</b>	<b>Institutional framework</b>	<b>Authorisations and Licences</b>	<b>Significant Market Power (SMP) and regulatory obligations</b>	<b>Regulatory accounting</b>	<b>Access and Interconnection</b>	<b>Universal Service</b>	<b>Other</b>	<b>Total score</b>
Algeria	0	0	0	0	0	0	0	0
Egypt	4	1	0	0	4	2	4	15
Israel	5	0	3	0	3	1	3	15
Jordan	6	3	4	3	6	2	4	28
Lebanon	5	2	5	0	2	0	0	14
Morocco	7	2	4	3	10	2	3	31
Palestine	4	1	4	1	5	1	1	17
Syria	4	1	2	1	1	1	1	11
Tunisia	5	2	1	1	8	1	3	21
Turkey	7	3	3	3	10	2	3	31
Maximum score	7	3	5	4	10	2	4	35

**Table A13: Spectrum management**

	Is spectrum management the responsibility of the NRA?	Is a national spectrum plan published?	When will it next be reviewed (give year)?	What is the basis for spectrum fees (eg cost recovery, etc)?	Are there any plans to issue additional mobile spectrum?	Are there any plans to issue additional fixed wireless spectrum?	Has any spectrum been re-allocated to wireless communications from analogue broadcasting (digital switchover)?	If the answer to question 58 is no, are there any plans for digital switchover?	Is spectrum trading permitted?
Algeria									
Austria	No	Yes	2013	Auction	Yes for LTE	No	Yes	NA	No
Cyprus	No								
Egypt	Yes	Yes	Periodically (When needed)	Benchmarking/auctions	Yes	Not yet	No	Yes	No
France	Yes	Yes	End of 2012	Benefits derived from the use of spectrum and cost recovery	Prospects for future mobile bands are in discussion in the framework of the RSPP and the CMR-2015 ; LTE refarming of 1800 MHz band is currently examined	Open issue at European and national level	Yes	NA	Yes, for selected frequency bands, including mobile spectrum.
Germany	Yes	Yes	2013		Yes		Yes	NA	Yes
Greece									
Israel	Yes	No	2014		Yes	To be decided	Yes	NA	No

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Italy	No	Yes	No plans	Administrative costs, operating frequency, number of radio links, bandwidth	Yes	No	Yes - switchover completed in July 2012	NA	Permitted for digital switchover
Jordan	Yes	Yes	NA		Yes	No	No	Yes	No
Lebanon	Yes	Yes	It is under review and will be available in 2013	Cost recovery	Yes, under review	No	Not yet	Yes	No
Malta									
Morocco	Yes	Yes	The plan is under review, and will be published at the end of 2012	The spectrum fees are according to the allocated spectrum	It depends of study on 4G licenses which will be issued in future	No	Yes, it is the spectrum band 790-862 MHz (the digital dividend)	The digital switchover is planned for 17 June 2015	No
Palestine	Yes	No	NA	Benchmarking	Yes	Yes	No	Yes	No
Portugal	Yes	Yes	It was reviewed in 2012	Cost recovery and opportunity cost	No	No	Yes	NA	Yes
Spain	No	Yes	In 2030		Yes	-	Yes 790-862 MHz	NA	Yes
Switzerland	Yes	Yes	NA	Cost recovery	No	No	Yes, auction 2012	NA	No
Syria									
Tunisia	No								
Turkey	Yes	Yes	2013	Cost recovery and incentives for efficient usage	Yes	Yes	Yes	Yes	Yes

**Table A14: NRA budgets**

	84 What is the NRA's operating budget for the current financial year (euro m)?	85 What proportion of the total budget was raised directly from operators?	86 Was this budget more or less than the previous financial year?	87 Will next year's budget be more or less than this year's budget?	88 Is the NRA reducing its workload because of changes in its budget?
Algeria					
Austria	10	75%	Constant	Small increase	NA
Cyprus	6	100%	Yes	Same	5.5
Egypt	NA	NA	NA	NA	NA
France	7	0%	Small decrease	Small decrease	No
Germany			More	More	No
Greece					
Israel	10	0%	Same	Same or slightly less	
Italy	84	99%	More	NA	No
Jordan	6	1%	Same	More by 19%	No
Lebanon	9	NA	More	Less	No
Malta					
Morocco	19	91%			No
Palestine					
Portugal	51	98%	Less by 5%	Less by 9%	No
Spain					
Switzerland	NA	NA	NA	NA	NA
Syria					
Tunisia	5	98%	Less of 10%	Same as 2012	No

Turkey

104

90%

Less

More

No