



CRAN

Communications Regulatory Authority of Namibia

OPENING REMARKS

FOR

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CHIEF EXECUTIVE OFFICER

AT THE

**PUBLIC HEARING ON COMPETITION REGULATIONS &
ENFORCEMENT AND PENALTY GUIDELINES**

05 DECEMBER 2017

- **Esteemed ICT stakeholders,**
- **CRAN Management,**
- **CRAN colleagues,**
- **Members of the media,**
- **Invited guests,**
- **Ladies and gentlemen,**

Good morning and a very warm welcome! Thank you for accepting our invitation to this important consultative meeting on competition regulations in the telecommunications sector and, enforcement and penalty guidelines.

Competition Regulations

In terms of the Regulations regarding rule-making procedures, the Communications Regulatory Authority of Namibia (CRAN) published in Government Gazette No. 6465 dated 08 November 2017 its intention to make regulations to provide a regulatory framework for the promotion of fair competition of Telecommunication Services in the Republic of Namibia.

Ladies and gentlemen

These Regulations will apply to the telecommunications markets, namely the fixed and mobile call termination market; wired end user access market; national data transmission market; and wireless end user access market. The Authority must ensure that an open and fair competition is facilitated and encouraged in relevant markets within the telecommunications sector.

CRAN is currently faced with an environment where licensees are behaving in an anti-competitive and even monopolistic manner. The rules of fair competition shall be based on the principles of Namibia's competition law.

The purposes of these intended Regulations are:

- To provide a regulatory framework for the promotion of fair competition and the protection against anti-competitive practices, in the telecommunications sector in the Republic of Namibia;
- To induce licensees to become more efficient in order to offer a greater choice of products and services at lower prices;
- To ensure that licensees exercise market power with due regard to consumer welfare and overall industry performance and not to abuse their market power;
- To ensure that essential facilities are available to competitors of licensees on reasonable terms;
- To ensure competitive outcomes in order to enhance consumer welfare;
- To make provision for tariff application and review; and
- To promote consumer protection in the telecommunications sector.

Ladies and gentlemen

Enforcement and Penalty Guidelines

The Authority seeks to formulate enforcement guidelines, which will specifically focus on:

- The manner in which investigations and inspections are conducted;
- How penalties are imposed in respect of offences prohibited in terms of the Communications Act; and
- The manner in which hearings are conducted.

The guidelines will set a framework that will direct CRAN on what it needs to investigate, and a prioritization framework that will be used to decide whether or not CRAN should open or continue with an investigation.

The guidelines do not cover complaints from individual consumers, as they are already handled in terms of the Regulations regarding Consumer Complaints.

However, in the event that it is considered appropriate, in particular where CRAN has received a number of complaints in relation to a similar issue, CRAN may decide to investigate such complaints on a generalized basis and will follow these new regulations we are discussing today, in conducting that investigation or inspection.

The guidelines will also ensure that CRAN carries out its functions and duties in terms of the Communications Act, in order to achieve its objectives in terms of Section 2 of the Communications Act.

Ladies and gentlemen

To conclude, the intention to make regulations to ensure fair competition in the telecommunications sector supports and aligns with the objectives of the Communications Act (No. 8 of 2009).

I trust that today's deliberations will be fruitful and that all invited stakeholders will take part in this consultative process.

I thank you!