

# Equivalence Compliance and Technical Committee

## Terms of Reference

### Second Version

#### 1 INTRODUCTION

- 1.1 The Equivalence Compliance and Technical Committee (the “**ECTC**”) is a committee established by the Telecommunications Regulatory Authority (the “**Authority**”) pursuant to section 4.13 of the Fixed Telecommunications Infrastructure Network Licence granted to Bnet B.S.C (c)(the “**Bnet Licence**”) and Article 3(c)(4), and 3(c)(18) of the Telecommunications Law promulgated by Legislative Decree No.48 of 2002.

#### 2 FUNCTIONS

- 2.1 The functions of the ECTC are to:

2.1.1 provide a forum to:

- (a) have access to certain KPIs and other non-confidential operational information (as determined by Bnet) to give comfort to the ECTC that in delivering its services, Bnet is achieving its equivalence of inputs parameters;
- (b) act as an initial consultation stage on any aspect of the Bnet Reference Offer including a forum to discuss new products or variations of existing ones and any other change related to the Reference Offer;
- (c) subject to clauses 2.2, enable Licensed Operators to raise concerns relating to equivalence with Bnet and for the parties to seek to resolve such concerns without formal action. In the event that the relevant concern cannot be resolved between the parties, either party may formally refer a formal complaint to the Authority for resolution;
- (d) enable Licensed Operators to raise and discuss with Bnet technical and procedural matters relating to the regulated wholesale products and services which Bnet is required to supply, including, but not

limited to, the preparation by Bnet of processes and procedures to support service requests, service delivery, in-life management and other relevant operational matters, as may be documented by Bnet in a joint working manual (or equivalent) and related operational documentation; and

- (e) facilitate the discussion and development of any new service / product request and outline of its scope, withdrawal of products, along with the commercial terms applicable to the scoping, development, testing, implementation, and supply of the new service / product, including:
  - (i) the framework, dependencies for, and scope of, any proposed testing and acceptance processes;
  - (ii) a draft timetable for the scoping, development, testing, implementation and supply of the new service / product; and
  - (iii) any other matters the Chairperson reasonably considers relevant to the new service / product request;
- (f) facilitate the discussion on compliance and equivalence; and
- (g) matters related to the Joint Working Manual.

2.1.2 provide recommendations to be implemented by Bnet concerning operational and/or technical matters relating to the supply of its regulated wholesale products and services;

2.1.3 carry out any other functions determined by the Authority as being within the remit of the ECTC.

2.2 The ECTC is not empowered to make binding decisions regarding assessment of Bnet's compliance with its obligations under the Bnet Licence and/or Reference Offer, or regarding resolution of complaints from Licensed Operators against Bnet. For the avoidance of doubt, the Authority retains the sole right and authority to monitor and investigate Bnet's compliance with its obligations under the Law, the various legal instruments and its licence and to adjudicate on any dispute between a licensed operator and Bnet.

2.3 The ECTC is not intended to provide a platform to discuss confidential matters or issues that may arise for a specific wholesale connection, which does not concern or

affect Licensed Operators and/or the industry more generally. The ECTC will put in place appropriate and proportionate measures to protect the confidential information of representatives which may include restricting discussion of specific matters or issues to certain representatives. For the avoidance of doubt, Bnet will not be required to divulge during any ECTC meeting or as part of its participation in the ECTC meetings any information that it considers to be confidential.

- 2.4 Subject to clause 2.2, the ECTC may request information from Bnet or any other Licensed Operator to enable it to carry out its functions.

### **3 COMPOSITION**

- 3.1 The ECTC shall be comprised of a Chairperson, and one representative by each Licensed Operator.
- 3.2 The Chairperson of the ECTC will be appointed by the ECTC through consensus by the ECTC and the person appointed will be independent of any Licensed Operator. The term of the appointment shall be for a period of twelve (12) months. The Authority shall not bear the costs associated with the Chairperson.
- 3.3 The Authority will act as the ECTC secretariat. In that capacity, a TRA official will attend all ECTC meetings, minute the proceedings and shall otherwise support the Chairperson as reasonably necessary.
- 3.4 The Authority acting always in its capacity as the ECTC secretariat, shall be notified of all representative appointments (and any change to such appointments) and Licensed Operators shall ensure that their appointed representatives have the relevant skills and experience and are of sufficient seniority and authority to fulfil their role.

### **4 ROLE OF THE CHAIRPERSON**

- 4.1 The role of the Chairperson is to:
- 4.1.1 at all times act independently;
  - 4.1.2 convene and chair meetings of the ECTC;
  - 4.1.3 determine the agenda for meetings and share the agenda with the ECTC at least two weeks prior to the subsequent ECTC meeting;

- 4.1.4 ensure that agenda items being discussed are strictly limited to the terms of reference of the ECTC;
- 4.1.5 ensure that written minutes are prepared of each meeting; and
- 4.1.6 ensure that confidential information is not disclosed nor discussed.

## 5 **ECTC MEETINGS**

- 5.1 The first meeting of the ECTC following these amendments shall be coordinated by the Secretariat. During that meeting, the members of the ECTC will appoint the chair from the persons attending the meetings from amongst themselves.
- 5.2 The meetings of the ECTC will be held on a bi-monthly basis. Provided that any member of the ECTC may request the Chairperson to call for an extraordinary ECTC meeting when the urgency of a matter so requires.
- 5.3 The Chairperson will ensure that notices of the ECTC meetings are sent at least two (2) weeks in advance of the subsequent ECTC meeting.
- 5.4 The ECTC meetings will be held at the Authority's premises, unless otherwise agreed by the ECTC.
- 5.5 At the end of each ECTC meeting, the representatives or their steads will discuss any matter related to the Joint Working Manual.
- 5.6 Any Licensed Operator may request the Chairperson to include an item on the agenda to be discussed at the subsequent ECTC meeting. However, the Chairperson shall ensure that agenda items proposed to be discussed correspond strictly to the terms of reference of the ECTC.
- 5.7 Licensed Operators shall inform the Secretariat of the identity of their nominated representative and shall ensure that only the nominated representative attends the ECTC meetings. Provided that each Licensed Operator may be accompanied by one additional person in ECTC meetings to assist in technical and other operational discussions. Provided further that in that instance, the Licensed Operator shall inform the Secretariat in advance.
- 5.8 The Chairperson will invite representatives and share the proposed agenda two (2) weeks in advance of each meeting and shall finalise and circulate the agenda in advance of each meeting, having regard to any representations received and any requests made pursuant to section 5.4 above.

- 5.9 Matters not on the agenda may only be discussed at an ECTC meeting with the consent of all Licensed Operators present at the ECTC meeting.
- 5.10 Draft written minutes of ECTC meetings shall be circulated promptly following each meeting by the Secretariat for the ECTC to review. The draft minutes will be approved by a simple majority of the representatives at the next ECTC meeting.
- 5.11 Following approval, the Secretariat will circulate the final version of the minutes to the representatives.
- 5.12 The Chairperson and four representatives shall constitute a quorum sufficient for a meeting of the ECTC to take place, provided that one representative appointed by Bnet must be present. In the event that an ECTC meeting cannot be held for lack of quorum, it shall be adjourned to a date and time agreed by those representatives present (or, failing agreement, as determined by the Chairperson), which shall be notified to all representatives in accordance with the notice provisions set out above. The quorum requirements shall not apply to any adjourned meeting.
- 5.13 Where a representative is unable to attend an ECTC meeting, the representative shall give the Chairperson written notice at least twenty-four (24) hours in advance of the meeting. Where a representative is unable to attend or, having considered the agenda, considers that another person would have the relevant expertise relating to the matters to be discussed, that representative may appoint an alternate to attend in that representative's place.

## **6 AMENDMENT**

- 6.1 These terms of reference may be amended from time to time by the Authority on the recommendation of the ECTC.

## **7 TERMINATION**

- 7.1 The Authority may terminate the ECTC at any time by serving 30 days' written notice on the representatives.

## **8 THE STATUS OF THE ECTC**

- 8.1 The ECTC is intended as an advisory and consultative forum designed to assist industry with the implementation of the technical and equivalence related issues. The establishment of the ECTC and the functions entrusted to it shall not impair, prejudice,

restrict in any way or replace the regulatory functions, powers and duties of the Authority.