



Regulations SADC/CM/2015/3B of SADC Ministers Responsible for Postal, Telecommunications and ICT services Meeting of 26 June 2015 concerning the implementation of the regional directives on roaming services, Revised July 2020

SADC ROAMING REGULATIONS

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IT is hereby notified that SADC Member States have adopted the following regulations -



Part I

1. Title

- (1) These Regulations may be cited as Southern African Development Community Roaming Regulations, 2015.
- (2) These Regulations shall come into force on a date to be agreed upon by Member States.

2. Abbreviations

In these regulations, the following abbreviations have been used:

CDR	- Call Detail Records
CRASA	- Communications Regulator's Association of Southern Africa
CRTT	- CRASA Roaming Task Team
cUSD	- USD cent
GB	- Gigabyte
HN	- Home Network
ICT	- Information and Communications Technologies
IOT	- Inter Operator Tariff
ITC	- International Incoming Charge, can be either for Voice or for SMS
ITR	- International Incoming Revenue can be either for Voice or for SMS
MB	- Megabyte
Mn	- Minutes of traffic
MNOs	- Mobile Network Operators
MTR	- Mobile Termination Rate for Voice, usually regulated
NRAs	- National Regulatory Authorities
RLAH	- Roam Like at Home
SADC	- Southern African Development Community
SMS	- Short Message Services
USD	- United States Dollar
VAT	- Value Added Tax
VN	- Visited Network
WTA	- Weighted Traffic Average

3. Interpretation

In these regulations, unless the context otherwise requires: -

'Home country' means the country of origin of the roaming customer

'Home provider' means a mobile network operator that provides a roaming customer with mobile communication services either via its own network or as a mobile virtual network operator or reseller



'Home network' means a public mobile communications network located within a Member State and used by a home provider for the provision of mobile communications services to a roaming customer

'Inter Operator Tariff' means the wholesale rates charged between two roaming partners. The IOTs shall be calculated as the outbound roaming traffic weighted average per country. This entails calculating a weighted average of the IOTs faced by each MNO within a specific country

'Member State' means a country, which is a member of the Southern African Development Community

'Region' means Southern African Development Community

'Roaming' means the ability for a mobile subscriber to automatically make and receive voice calls, send and receive data, or access other services, including home data services, when travelling outside the geographical coverage area of the home network

'Roaming service' means electronic communication service provided seamlessly to a roaming customer by a visited network in a visited country

'Retail Charges' means prices charged to the end user of a roaming service

'Roaming customer' means a customer of a terrestrial mobile communications services, by means of a mobile network situated in the Region, whose contract or arrangement with his home provider permits the use of a mobile telephone or other device to make or to receive calls, to send or receive SMS messages, or to use packet switched data communications or any other electronic communication service on a visited network by means of arrangements between the operator of the home network and the operator of the visited network

'SADC Roaming Cost Model' means the model adopted by the CRTT based on which recommendations for roaming tariffs within the SADC region for various use cases were developed for adoption by the SADC ICT Ministers meeting

'Use Cases' means the various modes of usage of roaming services

'Visited network' means a terrestrial public mobile communications network situated in a Member State other than that of the home network and permitting a roaming customer to make or receive calls, to send or receive SMS messages or to use packet switched data communications, by means of arrangements with the operator of the home network

'Wholesale Charges' to be defined in relation to IOTs payable between MNOs



4. Application

These Regulations shall be applicable to and bind all Members States of the Southern African Development Community (SADC).

5. Purpose of the Regulations

- (1) The purpose of these Regulations is to:
 - a) Provide a coordinated regional response to the formulation of roaming regulations;
 - b) Facilitate the development of regionally acceptable standards on roaming charges; and
 - c) Ensure consumer protection on a regional level with regards to roaming.
- (2) These Regulations shall be construed in such manner as best ensures the attainment of the SADC Ministers' responsible for Postal, Telecommunications and Information Communication Technology Directive on Roaming.

Part II

TRANSPARENCY AND SAFEGUARD MECHANISMS FOR CONSUMERS

6. Information on Applicable Services and Charges

- (1) Member States shall ensure transparency of retail charges for roaming calls, data and SMS Messages.
- (2) Member States shall ensure that Mobile Network Operators (MNOs) provide information on availability of roaming services and applicable charges, free of charge to the roaming customer's mobile telephone or other device by means of an SMS message, e-mail or any other mode of communication every time the roaming customer enters a visited Member States.
- (3) Member States shall ensure that the minimum information on applicable charges for roaming services provided by MNOs includes the following:
 - a) tariff per minute of incoming and outgoing calls within the visited SADC country, the home country and elsewhere in the SADC region;
 - b) tariff per SMS sent or received within the visited SADC country, the home country and elsewhere in the SADC region;
 - c) tariff per megabyte of data used; and



- d) a link to the home provider's website or customer service telephone number where updated retail roaming tariff information can be obtained.
- (4) Member States shall ensure that MNOs provide the blind or partially-sighted customers with basic pricing information automatically, by a voice call, free of charge, when they so request.
- (5) Member States shall ensure that MNOs afford roaming customers the right to request and receive, free of charge, more detailed pricing information on roaming charges that apply in the visited country on roaming services.
- (6) Member States shall ensure that MNOs make information on applicable roaming tariffs easily accessible to the roaming customer on its website and other media.
- (7) Member States shall ensure that MNOs inform the roaming customer of the risk of automatic and uncontrolled data roaming connections and downloads.
- (8) Member States shall ensure that MNOs send an alert to the roaming customer when the data roaming services have reached fifty percent (50%) of the agreed volume limit in cases where the customer is using a roaming data package.
- (9) Member States shall ensure that MNOs inform their roaming customers that the roaming retail tariffs being charged are designed for use during the periodic travel within the SADC region and will be implemented within the context of a 'fair use policy' to prevent abusive use of roaming service such as instances of permanent roaming.
- (10) Member States shall ensure that MNOs shall have to submit their respective fair use policies for SADC roaming for approval by their corresponding NRAs. The fair use policy shall make provision among others for:
- a) a maximum time period of 90 days during which a SIM card is eligible for the SADC roaming facility remaining active since the activation date of the roaming service;
 - b) Queries by MNOs to consumers in cases of abnormal usage patterns detected, with the possibility of the roaming facility being withdrawn by the MNO where abuse is established;
 - c) The charging of extra fees to consumers, which shall be not more than 50% of prescribed SADC retail roaming tariff ceilings, on per unit basis for calls, SMS and data consumed, in the case of abnormal usage patterns being detected; and
 - d) What constitutes abnormal usage patterns, which may be benchmarked as usage beyond the normal consumption on the roamer's home network.

7. Obligation to Provide Information on Roaming Services

- (1) Member States shall ensure that, upon request, MNOs provide information to the National Regulatory Authorities (NRAs) on roaming services as and when requested in the prescribed format.



- (2) Member States shall ensure that the NRAs ensure that appropriate mechanisms are in place to safeguard confidentiality.

Part III

COSTING FOR ROAMING CHARGES

8. Role of Member States in Determination of Charges

- (1) Member States shall take an active role towards establishing cost based roaming charges.
- (2) Member States shall empower NRA's to determine roaming charges through harmonised cost and pricing models.

9. Principles for Determining Roaming Charges and Tariffs

- (1) Member States shall establish the basis of regional roaming costs in consultation with MNOs. The establishment of cost-based regional roaming tariffs shall consider the related underlying wholesale and retail cost elements.
- (2) Member States shall consider the following direct cost elements among others in calculating cost based roaming tariffs:
- local access, origination, and termination costs;
 - local transmission costs;
 - international transmission costs;
 - roaming specific charges, including contract, billing and signalling charges; and
 - retail specific charges, including invoicing and international processing costs (including Call Detail Records (CDR) and Inter Operator Tariffs(IOT)).
- (3) Member States shall consider the cost elements in subsection (2) for voice, SMS and data services and any other roaming services in line with the general trend towards universal use of roaming services.
- (4) Member States shall ensure that the analysis of cost elements considers both prepaid and post-paid modes.
- (5) Member States shall consider the cost elements in subsection (2) in constructing detailed and harmonised roaming cost models on a regional basis.



10. Application of the Cost-Based Pricing Approach

- (1) The mechanisms for calculation of the wholesale and retail price ceilings in [First Schedule] which were determined after the development of the SADC Roaming Cost Model in year 2019, shall apply to the following use cases:
- a. Voice:
 - a. Roaming mobile call made within the visited country to a local subscriber;
 - b. International call back to home country from visited country;
 - c. Incoming call while roaming that originates from home country or from within visited country; and
 - d. Call from inside a visited country to a third country
 - b. SMS;
 - c. Data; and
 - d. Any other roaming services

11. Ceiling for Wholesale Charges of Cost-based Pricing Approach

- (1) Member States shall ensure that the wholesale charge applied by MNOs of a visited network which they may levy from the operator of a roaming customer's home network for the provision of a roaming service originating on that visited network, including origination, transit and termination costs shall not exceed the price ceilings included under [First Schedule].
- (2) Member States shall ensure that MNOs are permitted to make a distinction between peak and off-peak charges.
- (3) Member States shall ensure that the wholesale charges referred to in subsection (1) apply between any pair of MNOs and shall be calculated over a twelve-month (12) period or any such shorter period as may remain before the end of the period of application of a maximum average wholesale charge as provided for in these regulations.



12. Ceiling for Retail Charges of Cost-based Pricing Approach

- (1) Member States shall ensure that the retail charge (excluding Value Added Tax (VAT)) for roaming services that a home operator may levy from its roaming customer for the provision of a regulated roaming service shall not exceed the price ceilings included under the [First Schedule].
- (2) The retail prices referred to in subsection (1) shall be calculated over a twelve-month (12) period or any such shorter period as may remain before the end of the period of application of a maximum average retail charge as provided for in these regulations.

13. Approval Process for Roaming Charges

- (1) Member States shall ensure that NRAs approve wholesale roaming agreements to ensure compliance with these regulations.
- (2) Member States shall ensure that MNOs do not impose any tariff or charge for the provision of regional roaming services unless the NRA approves the tariff rates in accordance with these regulations.

Part IV

CHARACTERISTICS OF ROAMING SERVICES

14. Technical Characteristics

- (1) Member States shall ensure that MNOs of a home provider or operator of a visited network do not alter the technical characteristics of regulated roaming services in such a way as to make them differ from the technical characteristics of same services provided within its domestic network.
- (2) Member States shall encourage MNOs to establish direct routes to connect and roam with operators in other Members States.
- (3) Member States shall encourage MNOs to adopt a fair usage policy to avoid instances of Network abuse through permanent roaming by roaming customers.

15. Quality of Service for Roaming Services

- (1) Member States shall ensure that the Quality of Service (QoS) provided to a consumer of roaming services by the visited network shall not differ from the quality of service within its domestic network as provided under [Second Schedule].
- (2) Member States shall ensure that NRAs take necessary steps to reduce inadvertent roaming through cross border frequency coordination to avoid bill shock.



- (3) Member States shall ensure that billing arrangements for roaming customers are provided on the same terms and conditions as those provided by MNOs within their domestic network.

Part V

MONITORING AND ENFORCEMENT

16. Mechanisms for Monitoring and Enforcement

- (1) Member States shall ensure that NRAs monitor and enforce compliance with these regulations. In particular Member States shall ensure the following:
- that NRAs submit up-to-date information to SADC on the implementation of these regulations as and when required;
 - that NRAs monitor developments in wholesale and retail charges for the provision of regional roaming services;
 - that NRAs coordinate to reduce inadvertent roaming in border regions of neighbouring Member States and monitor whether traffic steering/manipulation techniques are used to the disadvantage of consumers of roaming services; and
 - that NRAs may intervene on their own initiative in order to ensure compliance with these regulations. In particular, they shall, where necessary, make use of their national regulatory powers to ensure adequate access and interconnection in order to guarantee the end-to-end connectivity and interoperability of roaming services.

17. Dispute Resolution

- (1) Member States shall ensure that appropriate dispute resolution mechanisms are put in place. In particular, Member States shall take into consideration the following:
- disputes in connection with the obligations laid down in these regulations between MNOs providing electronic communications networks or services in a Member State; and
 - disputes involving a consumer or end-user and concerning an issue falling within the scope of these regulations.



18. Penalties

- (1) Member States shall lay down the rules on penalties applicable to infringements of these regulations and shall take all necessary measures to ensure that they are implemented. The penalties provided for must be effective, proportionate and deterrent.

Part VI

GENERAL

19. Review

- (1) Member States shall review these regulations as and when necessary. In so doing, the member states shall review, inter alia:
- the developments in wholesale and retail charges for the provision of roaming services to consumers of communication services, and the corresponding development in mobile communications services at domestic level in the Member States, both for pre-paid and post-paid customers separately, and in the quality and speed of these services;
 - the availability and quality of services including those which are an alternative to roaming (voice, SMS and data), in particular in light of technological developments;
 - the extent to which consumers have benefited through real reductions in the price of roaming services or in other ways from reductions in the costs of the provision of roaming services and the variety of tariffs and products which are available to consumers with different calling patterns; and
 - the degree of competition in both the retail and wholesale markets, in particular the competitive situation of smaller, independent or newly started operators, including the competition effects of commercial agreements and the degree of interconnection between operators.
- (2) Member States shall submit reports to SADC on the implementation of these regulations as and when required.
- (3) Member States shall also assess methods other than price regulation which could be used to create a competitive internal market for roaming and in so doing shall have regard to developments in the sector.



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20. Binding Nature

- (1) These regulations shall be domesticated by the SADC Member States within twenty-four (24) months of their approval by the SADC ICT Ministers.



FIRST SCHEDULE

CALCULATION OF WHOLESALE AND RETAIL COST-BASED PRICE CEILINGS AND ROADMAP FOR IMPLEMENTATION

The wholesale and retail cost-based price ceilings (determined from the SADC Roaming Cost Model) shall be determined as follows:

USE CASE	IOT PROPOSITION	RETAIL PROPOSITION
Use Case 1: Local Call	$1 + 1 + 0.5 + 0.1 + 6 * 0.05 = 2.9 \text{ cUSD/mn}$	RLAH [out of bundle]
Use Case 2: Home Call	$1 + \text{ITC [VN->HC]} + 0.5 + 0.1 + 12 * 0.05 = 2.2 \text{ cUSD/mn} + \text{ITC [VN->HC]}$	$2.2 * 1.25 + \text{ITC [VN->HC]} = 2.8 \text{ cUSD/MN} + \text{ITC [VN->HC]}$
Use Case 3: SADC Call	$1 + \text{ITC [VN->SADC]} + 0.5 + 0.1 + 12 * 0.05 = 2.2 \text{ cUSD/mn} + \text{ITC [VN->SADC]}$	$2.2 * 1.25 + \text{ITC [VN->SADC]} = 2.8 \text{ cUSD/mn} + \text{ITC [VN->SADC]}$
Use Case 4: Incoming Call	0 cUSD/mn	$2.2 * 1.25 + \text{ITC [HN-> VN]} = 2.8 \text{ cUSD/mn} + \text{ITC [HN-> VN]}$
Use Case 6: SMS	Utilise existing IoTs while at the same time, MNOs should renegotiate the existing IoTs wherever the IoT is higher than the proposed retail price	1c/SMS + average ITC SMS Up to 6 cUSD/SMS
Use Case 10: Data	Equivalent retail tariff of 1MB from a Prepaid 30-day 1GB in bundle offer of the VN+ $0.01 + 0.1 + 0.2 * 0.1 + 0.4 * 0.05 =$ Equivalent retail tariff of 1MB from a prepaid 30-Day 1GB in bundle offer + 0.14 cUSD/MB	RLAH [out of bundle]

Where:

- i. use case 2 : ITC [VN->HC] = charge paid by the VN to call the Home country
- ii. use case 3 : ITC [VN->SADC] = charge paid by the VN to call SADC countries [averaged on the area]
- iii. use case 4 : ITC [HN-> VN] = charge paid by the Home Network to call the visited Network



The roadmap for implementation of the wholesale and retail cost-based price ceilings (determined from the SADC Roaming Cost Model) would be follows:

Phases	Timeline	Actions	Stakeholder
Phase 1	2020-2022	Implement propositions for the specific Use Cases 1 to 10 (listed in Table 3). Where applicable, the current specific ITRs and ITCs are to be maintained but MNOs are to be encouraged to lower them through bilateral negotiations and these negotiations should be done by the 31 st December 2020.	NRA, MNOs, CRTT
		Attend to changes into regulations to allow harmonisation of ITRs and ITCs in preparation of Phase 2.	Ministry, NRA, CRTT
Phase 2	2023-2025	Harmonised ITRs and ITCs in a glide path manner, where by January 2023 the ITR of 20.3 Us/cents per minute would be used and by 2025, the country ITR should be equal to the country's MTR.	NRAs, MNOs, CRTT



SECOND SCHEDULE

Part 1

Roaming Quality Of Service Parameters

The quality of service parameters regarding all types of roaming services provided in the roaming region shall include the following:

- a. **Seamless caller ID:** (where a “caller” should be understood as a customer calling or sending an SMS to another customer who is roaming): the roaming customer should be able to identify a caller in the same way as when using his/her home network;
- b. **Areas where no service is available:** – where a domestic mobile service is available, the roaming service should be available as well; this does not mean that the home provider should provide roaming services in any area of the visited country covered by at least one operator; in practice it only means that in a competitive roaming market the home operator should be able to conclude an interconnection contract with at least one operator with national coverage;
- c. **Transparency** –: operators should fulfil their obligation of providing roaming customers with appropriate basic personalised pricing information on the roaming charges according to Article 6 of the Regulation; they should also be able to limit the number of legitimate bill correctness complaints; the number of bill correctness complaints regarding roaming services should not be much higher than those regarding domestic services; and
- d. In the case of voice and SMS, the reference point for quality of service parameters should be the quality of the international equivalents of these services.

PART II

Specific Quality Of Service Parameters

(1) Voice Services

Additional quality parameters, resulting from the specific nature of voice services should include the following:

- a. **Call set up time:** the time to establish a voice call should be the same for a roaming customer making a call as a domestic customer on the same network making an international call;
- b. **Possibility to access the home operator’s general customer information centre/information hotline:** the possibility of using it should be similar, irrespective of whether the customer is roaming or using his/her home network; however, where at home user usually connects to the hotline with a short code, the operator may choose to provide an appropriate regular phone number for the same purpose when the customer is roaming;



- c. **Response times for customer information centre/information hotline regarding roaming services:** the waiting time to connect to the information hotline on roaming services should be reasonable and should not prevent customers from using it;
- d. **Unsuccessful call ratio:** the ratio of unsuccessful to successful roaming voice calls on one hand should not be higher than the ratio of unsuccessful to successful international voice calls originated from the same network, and on the other hand not significantly higher than in the case of national calls – both for non-roaming users;
- e. **Aborted calls (drops):** the ratio of interrupted to uninterrupted roaming calls on one hand should not be higher than the ratio of interrupted to uninterrupted international voice calls originated from the same network, and on the other hand not significantly higher than in the case of national calls – both for non-roaming users; and
- f. **Sound:** the quality of sound during the roaming voice call should be equal to the quality of an international call on the same network and not significantly lower than in the case of national calls – both for non-roaming users.

(2) Short Message Service (SMS)

Additional quality parameters, resulting from the specific nature Short Message Services should include the following:

- a. **Number of SMS undelivered:** the ratio of undelivered to delivered roaming SMS on one hand should not be higher than the same ratio for international SMS messages sent from the same network, and not significantly higher than in the case of national messages – both for non-roaming users; and
- b. **Number of SMS delivered late:** the ratio of SMS delivered late to SMS delivered on time should not be higher than the same ratio for the international SMS messages sent from the same network, and not significantly higher than in the case of national messages – both for non-roaming users.

(3) Data services

Additional quality parameters, resulting from the specific nature of data services should include the following:

- a. **Speed of data transmission:** actual speeds of roaming data transmission should be equal to the ones provided for domestic users of the visited network for non-roaming users; and
- b. **Transparency:** the roaming market should be transparent enough so that customers do not experience bill-shock and that clear information is available on the tariffs to be applied for the service.