



GUIDANCE ON THE IMPLEMENTATION OF THE TELECOMMUNICATIONS (MOBILE CONSUMER SAFEGUARDS) GUIDELINES

1.0 Introduction

The Board of Directors of ECTEL approved the Directorate's recommendation for Telecommunications (Mobile Consumer Safeguards) Guidelines ("Guidelines") for implementation of Mobile Consumer Safeguards in the ECTEL Member States, at the 88th Meeting of the Board held online on Monday 27th September, 2021.

These Guidelines are intended to mitigate the negative effects on retail consumers of *'bill shock'* from unexpectedly high mobile invoices or rapid credit or credit advance depletion.

The current telecommunications legislative framework, the applicable provisions of the Telecommunications Act¹ are presented for each Member State in Schedule A, provide that on ECTEL's recommendation, the National Telecommunications Regulatory Commission ("Commission") may publish Guidelines on any aspect of the Retail Tariff Regulations, in accordance with the current Telecommunications (Retail Tariff) Regulations ("Regulations")² in force.

The Directorate submits the recommended actions below to assist the Commissions with the publication of the Guidelines.

2.0 ECTEL Recommends that the Commission:

- a. Publishes the Guidelines on the Commission's website, once approved by the Board of Commissioners.

¹ Telecommunications Act in all Contracting States: Commonwealth of Dominica - Telecommunications Act, No. 8 of 2000 (as amended); Grenada - Telecommunications Act, Cap. 315C (as revised); St. Kitts and Nevis - Telecommunications Act, Cap. 16.05 (as revised); Saint Lucia - Telecommunications Act, Cap. 19.09 (as revised); St. Vincent and the Grenadines-Telecommunications Act, Cap. 418 (as revised).

² Each Contracting State has approved its Telecommunication (Retail Tariff) Regulations by various dates: Commonwealth of Dominica S.R.O. No. 40 of 2012; Grenada S.R.O. No. 54 of 2014; St. Kitts and Nevis S.R.O. No. 21 of 2015; Saint Lucia SI. No. 110 of 2015; St. Vincent and the Grenadines S.R.O. No. 23 of 2004.

- b. Makes the Guidelines available to the public at the Commission's office during business hours or make available to a person on payment of the prescribed fee.
- c. Publishes the Guidelines in the Official Gazette, if applicable.
- d. Communicates with the licensed service providers to:
 - (i) notify the applicable service providers of the effective date of the Guidelines; and
 - (ii) direct service providers to amend their retail tariff terms and conditions in line with the published Guidelines and submit a copy of the proposed amended retail tariff terms and conditions to the Commission within sixty (60) days of the effective date.
- e. Submits a copy of the proposed amended retail tariff terms and conditions to ECTEL within thirty (30) days of receipt.



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Managing Director (Ag.)
Eastern Caribbean Telecommunications Authority
[Date] November 2021

Schedule A

Applicable Provisions of the Legislative Framework in each Contracting State that empowers the NTRC to issue and enforce the Telecommunications (Mobile Consumer Safeguards) Guidelines

Contracting-State	Legislation	Regulation/Section	Applicable Provision
Commonwealth of Dominica	Telecommunications (Retail Tariff) Regulations S.R.O. No. 40 of 2012	Regulation 2 (Interpretation)	"tariff means the rates, terms and conditions applicable to a telecommunications service"
		Regulation 4 (2)(k)	"... the Commission has the authority to make such orders and issue such directions to a telecommunications provider in respect of tariffs as it considers appropriate."
		Regulation 49	"The Commission may from time to time, and after consultation with ECTEL, publish guidelines on any aspect of these regulations on its website, and such guidelines may be of general application or specific to a proceeding."
	Telecommunications Act, No. 8 of 2000 (as amended)	Section 15 (1)	"The Commission may, on the recommendation of ECTEL provide guidelines as to the cost and pricing standards on which the reasonableness of the rates, terms and conditions of interconnections will be determined and on other matters as prescribed."
		Section 15 (2)	"Guidelines determined by the Commission under subsection (1) shall be available to the public at the office of the Commission during business hours or made to available to a person on payment of the prescribed fee."
Grenada	Telecommunications (Retail Tariff) Regulations S.R.O. No.54 of 2014	Regulation 2 (Definition)	"tariff means the rates, terms and conditions applicable to a telecommunications service"
		Regulation 4 (2)(k)	"... the Commission has the authority to make such orders and issue such directions to a telecommunications provider in respect of tariffs as it considers appropriate."
		Regulation 49	"The Commission may from time to time, and after consultation with ECTEL, provide guidelines on any aspect of these regulations on its website, and such guidelines may be of general application or specific to a proceeding."
	Telecommunications Act, Cap. 315C (as revised)	Section 14 (1)	"The Commission may, on the recommendation of ECTEL provide guidelines as to the cost and pricing standards on which the reasonableness of the rates, terms and conditions of interconnections will be determined and on other matters as prescribed."

Contracting-State	Legislation	Regulation/Section	Applicable Provision
		Section 14 (2)	"Guidelines determined by the Commission under subsection (1) shall be available to the public at the office of the Commission during business hours or made to available to a person on payment of the prescribed fee."
St. Kitts and Nevis	Telecommunications (Tariff) Regulations S.R.O. No. 21 of 2015	Regulation 2 (Definition)	"tariff means the rates, retail price, terms and conditions applicable to a telecommunications service"
		Regulation 5 (2)(k)	"... the Commission shall have the authority to make such orders and issue such directions to a telecommunications provider in respect of tariffs as it deems appropriate."
		Regulation 50	"The Commission may from time to time, and after consultation with ECTEL, publish guidelines on any aspect of these regulations on its website, and such guidelines may be of general application or specific to a proceeding."
	Telecommunications Act, Cap. 16.05 (as revised)	Section 17 (1)(r)	"The Commission shall perform the following functions, that is to say, perform such functions as may be conferred on it by regulation made under this Act or by any other enactment."
Saint Lucia	Telecommunications (Retail Tariff) Regulations S.I. No. 110 of 2015	Regulation 2 (Interpretation)	"tariff means the rates, retail price, terms and conditions applicable to a telecommunications service"
		Regulation 4 (2)(n)	"... the Commission shall, after consultation with ECTEL- make decisions and issue directions to a telecommunications provider in respect of tariffs as the Commission considers appropriate;"
		Regulation 36	"The Commission may from time to time, and after consultation with ECTEL, publish guidelines on any aspect of these regulations on its website, and such guidelines may be of general application or specific to a proceeding."
	Telecommunications Act, Cap. 19.09 (as revised)	Section 14 (1)	"The Commission may, on the recommendation of ECTEL provide guidelines as to the cost and pricing standards on which the reasonableness of the rates, terms and conditions of interconnections will be determined, and on other matters as prescribed."
Section 14 (2)		"Guidelines determined by the Commission under subsection (1) shall be available to the public at the office of the Commission during business hours or made to available to a person on payment of the prescribed fee."	

Contracting-State	Legislation	Regulation/Section	Applicable Provision
St. Vincent and the Grenadines	Telecommunications (Retail Tariff) Regulations S.R.O. No. 23 of 2004	Regulation 3 (Interpretation)	"tariff means the rates, terms and conditions applicable to a regulated service"
	Telecommunications Act, Cap. 418 (as revised)	Section 13 (1)	"The Commission may, on the recommendation of ECTEL provide guidelines as to the cost and pricing standards on which the reasonableness of the rates, terms and conditions of interconnections will be determined and on other matters as prescribed"
		Section 13 (2)	"Guidelines determined by the Commission under subsection (1) shall be available to the public at the office of the Commission during business hours or made to available to a person on payment of the prescribed fee."