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TANZANIA COMMUNICATIONS ACT, 1993

(No. 18 of 1993)

REGULATIONS

THE TANZANIA COMMUNICATIONS (TARIFF) REGULATIONS, 2005

ARRANGEMENT OF REGULATIONS

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TANZANIA COMMUNICATIONS ACT, 1993
(No. 18 of 1993)

REGULATIONS

(Made under section 22)

THE TANZANIA COMMUNICATIONS (TARIFF) REGULATIONS, 2005

PART I
PRELIMINARY PROVISIONS

- Citation **1.** These Regulations may be cited as the Tanzania Communications (Tariff) Regulations, 2005.
- Application **2.** These Regulations shall apply to providers of communication services.
- Interpretation
Act Nos 18 of
1993 and
12 of 2003 **3.** In these Regulations unless the context otherwise requires-
“Act” means the Tanzania Communications Act 1993;
“Authority” means Tanzania Communications Regulatory Authority established under the Tanzania Communications Regulatory Authority Act, 2003;
“communications service” means any transmission of information by wire, radio waves, optical media, postal or other means licensed by the Authority, between or amongst points of user’s choice;
“communications service provider” means a person or an entity licensed to provide or engage in communication services;
“dominant operator” means a communication service provider who acting alone can profitably and materially restrain or reduce competition in the market for a significant period of time and whose share of the market exceeds thirty five per cent;
“tariff” means any charges raised by a communication service provider for the services provided;
“tariff rebalancing” means the process of aligning the tariffs.

PART II
DETERMINATION OF TARIFFS

Tariffs to be objective and cost based

4.- (1) Setting of Tariffs for services shall be cost oriented made on the objective criteria.

(2) Tariff shall be sufficiently clear as to allow the end-user to determine the description of the service and the details of the nature of the service as well as the amounts and charges payable for such service.

(3) Tariffs shall be non-discriminatory and shall guarantee equality of treatment.

(4) The communications service provider may offer discounts schemes on tariffs and shall inform the Authority of any such scheme available to customers.

(5) The communications service provider shall provide accurate billing information on tariffs and usage in order for customers to verify whether or not they are billed correctly.

(6) A dominant communications service provider shall not apply tariffs that prevent market entry or distant competition by applying tariffs below the underlying cost of providing the service.

Change of rates

5. The communications service provider other than dominant operators shall inform the Authority in advance of any intended change in tariff by submitting notifications to the proposed changes.

Filing of tariffs

7. A Communications Service Provider shall upon approval by the Authority ensure that the tariffs or charges are published in the public media within a reasonable period before they are effected.

Tariff rebalancing

8. The communications service provider shall comply with any directive issued by the Authority on tariff rebalancing.

Decision of the Authority on proposed tariff

9. Where the Authority and the communication service provider fail to reach agreement on the proposed tariff and counter proposal, the Authority may make decision on the proposed tariff basing on the best information available in accordance with Act.

Appeal

10.- (1) Where the communication service provider is not satisfied with the decision of the Authority pursuant to regulation 10, may within thirty days appeal to the Fair Competition Tribunal established under the Fair Competition Act, 2003.

Act No.
8 of 2003

(2) The communication service provider who fails to lodge an appeal against the decision of the Authority within thirty days of the said decision shall be deemed to have accepted the counter proposal of the Authority.

Revocation
G.N.No.321
of 2001

11. The Tariff Regulations, 2001 are hereby revoked.

Dar es Salaam
3rd September, 2005

MARK J. MWANDOSYA
Minister for Communications and Transport