



GUIDELINES ON REGISTRATION

Consultation Document

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Comments in response to consultation due by 22 May 2021



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2. Introduction

2.1. Overview

The aim of this Consultation Document is to seek views from industry and the public on the proposed introduction of Guidelines on Registration by the National Communications Authority (ANC) for the telecommunications sector.

Decree-Law no. 15/2012 of 28 March 2012 on the Regulation of the Telecommunications Law (the Telecommunications Decree-Law) sets out for the ANC the objective of establishing and maintaining an open, non-discriminatory, technologically neutral, objective, transparent and proportionate telecommunications regulatory regime. With that objective in mind, it is the intention of ANC to adopt a registration regime that promotes organized and efficient entry into Timor-Leste's telecommunications market, all in a manner that is transparent and consistent with its policy of light regulation.

2.2. Purpose of the Consultation Document

This Consultation Document sets out the ANC's proposals based on its assessment of the situation, materials and information available to it at the time of writing. It does not represent the final view of ANC on any of the matters consulted upon.

In order for the ANC to have a better understanding of the sector's needs and requirements, the ANC, invites reasoned views and comments from industry and members of the public on its proposals contained in this Consultation Document. All respondents are encouraged to support all views and comments with relevant argument and where possible, applicable, data, analysis, benchmarking studies and information based on Timor-Leste's situation or on the experience of other countries. In providing views and comments, respondents are requested to indicate the question number, paragraph or section to which their views and comments relate.

The ANC is under no obligation to adopt the views and comments of any respondent.

3. Background

The Telecommunications Decree-Law in Article 5 tasks the ANC with managing the registration of persons wishing to provide telecommunications services and operate telecommunications networks. In order to perform this task and its other its functions and responsibilities under the Telecommunications Decree-Law, Article 19 permits the ANC to impose regulatory measures to secure the implementation of, and give effect to, any provision of the Telecommunications Decree-Law. The Guidelines proposed in this Consultation Document constitute regulatory measures that the ANC intends to introduce in order to manage registrations.



4. Proposal to introduce Guidelines on Registration

The ANC believes that the adoption of a comprehensive set of guidelines on registration will give effect to the registration requirements set out by the Telecommunications Decree-Law in a transparent, organised and efficient way. They will do so primarily by (i) clarifying the requirement for registration, (ii) detailing the procedural steps involved in registration, and (iii) setting out key obligations related registration. In general, the set of registration guidelines will essentially serve as a comprehensive regulatory framework for registration under the Telecommunications Decree-Law.

A draft of the proposed Guidelines on Registration (the Guidelines) is attached to this Consultation Document.

Proposal 1

ANC proposes to set out a comprehensive registration framework through a set of guidelines on registration.

Question 1

Is the introduction of a set of guidelines on registration appropriate for the telecommunications sector in Timor-Leste?

4.1. Requirement for registration

Article 30 of Chapter V of the Telecommunications Decree-Law sets out the following requirement for registration:

1. A person shall not supply a telecommunications service or operate a telecommunications network unless:
 - a) that person is registered with the Authority to supply such service and operate such telecommunications network in accordance with this Chapter; or
 - b) is exempt pursuant to this Chapter.

Persons intending to supply telecommunications services or operate telecommunications are therefore required to register with the ANC before commencing these activities. The ANC intends to reflect this requirement for registration in the Guidelines.

In order to clarify the scope of this requirement for registration, the ANC intends to include descriptions and examples of what constitutes the supply of telecommunications services and the operation of telecommunications networks:

Under the Telecommunications Decree-Law, telecommunications services mean any service normally provided for consideration which consists wholly or mainly in telecommunications.



Examples of telecommunications services provided by services-based operators include the following:

- a) International Simple Resale (ISR)
- b) Resale of Leased Circuit Services
- c) Public Internet Access Services
- d) Internet Exchange Services
- e) Virtual Private Network Services
- f) Managed Data Network Services
- g) Mobile Virtual Network Operation
- h) Live Audiotex Services
- i) Call-back/Call Re-origination Services
- j) Internet Based Voice and Data Services
- k) International Calling Card (ICC) Services
- l) Resale of Public Switched Telecommunication Services
- m) Store-and-Retrieve (S&R) Value-Added Network Services
- n) Store-and-Forward (S&F) Value-Added Network Services
- o) Public Chain Payphone Services
- p) Global Mobile Personal Communications by Satellite (GMPCS) Services
- q) IP Telephony Services
- r) Voice and Data Services with Masking of Calling Line Identity
- s) Satellite Mobile Telephone or Data Services
- t) Mobile Communications on Aircraft
- u) Machine-To-Machine (M2M) Services
- v) White Space Geo-Location Database Services
- w) Prepaid Services for other telecommunication services such as:
 - Call-back / Call Re-origination Services
 - Internet Based Voice and Data Services
 - International Calling Card (ICC) Services
 - Resale of Public Switched Telecommunication Services
 - Store-and-Retrieve (S&R) Value-Added Network Services
 - Store-and-Forward (S&F) Value-Added Network Services

Under the Telecommunications Decree-Law, telecommunications networks mean a system or series of systems capable of permitting the provision of telecommunications services.

Examples of telecommunications networks include:

- a) Wireless telecommunications systems (e.g., base stations, Wi-Fi transmitters, mobile switching centres) necessary for the supply of telecommunications services
- b) Fixed telecommunications systems (e.g., switches, optical fibre, submarine cable systems, international cable and satellite gateways) necessary for the supply of telecommunications services



Examples of telecommunications services provided by facilities-based operators over their telecommunications networks and facilities include the following:

- a) Public Switched Telephone Services
- b) Public Switched Integrated Services Digital Network (ISDN) Services
- c) Leased Circuit Services
- d) Public Radiocommunication Services
- e) Public Cellular Mobile Telephone Service (PCMTS)
- f) Public Trunked Radio Services (PTRS)
- g) Public Mobile Data Services (PMDS)
- h) Terrestrial Telecommunication Network for Broadcasting Purposes
- i) Satellite Uplink/Downlink for Broadcasting Purposes

Proposal 2

ANC proposes to organize activities that constitute the supply of telecommunications services and the operation of telecommunications networks into activities of services-based operators and activities of facilities-based operators.

Question 2

Do you agree with the proposed description and examples? What other descriptions and examples should be used?

4.2.Exemptions from registration

Article 31 of the Telecommunications Decree-Law allows the ANC to exempt the supply of particular telecommunications services or the operation of particular telecommunications networks from the requirement of registration if such services or networks are, and are likely to remain, so insignificant that there is no reasonably anticipated benefit from requiring compliance with the provisions in the Telecommunications Decree-Law relating to registered service providers.

Based on the considerations above, the ANC proposes to exempt from registration the following two activities:

- a) The operation of a telecommunications network used by a specific user group within premises under the network operator's control. For example, Local Area Networks (LAN) or wireless LAN (WLAN). However, a network operator who intends to offer telecommunication services for consideration within its premises is subject to registration.
- b) The operation of a private telecommunications network used for providing telecommunications for the network operator's own use. For example, the internal



signalling network for power network companies. The resale of capacity of such telecommunications networks is subject to registration.

- c) The value added IT services built upon the operation of a telecommunications network including the over the top (OTT) services. For example, web hosting, registration of domain names and digital certificates, email hosting, database services and business application services.
- d) The construction of network facilities and/or maintenance of telecommunication networks for a network operator.

The ANC may make further exemptions as the telecommunications market develops.

Proposal 3

The ANC proposes to exempt from the requirement of registration the operation of telecommunications networks in the following two cases:

- a) The operation of a telecommunications network used by a specific user group within premises under the network operator's control.
- b) The operation of a private telecommunications network used for providing telecommunications for the network operator's own use.

Question 3

Do you agree with the exemptions proposed? Should the supply of other telecommunications services or the operation of other telecommunications networks also be exempted?

4.3. Technology neutrality

In line with the ANC's technology-neutral approach, the ANC proposes to clarify in the Guidelines that a registered service provider may select the technologies of its choice for its telecommunications network, subject to any requirements of the Telecommunications Decree-Law and any relevant regulatory measures. For example, requirements in the form of international treaties, commitments, recommendations or standards legally binding upon Timor-Leste, including those of the International Telecommunications Union may limit a registered service provider's choice of technologies.

Proposal 4

ANC proposes to clarify in the Guidelines that a registered service provider may select the technologies of its choice for its telecommunications network.



Question 4

Do you agree with the clarification given? What further clarifications related to technology-neutrality should be provided?

4.4. Use of Radio Frequencies

The ANC proposes to clarify in the Guidelines that the use of radio frequencies to operate a wireless telecommunications network is not authorised under a registration pursuant to Chapter V of the Telecommunications Decree-Law and the Guidelines but instead under a separate authorisation process under Chapter VIII of the Telecommunications Decree-Law.

The Guidelines will also remind registered service providers to ensure that they have obtained all necessary authorisations to use the radio-frequency spectrum they require to operate their proposed telecommunications network before they commence operations.

In terms of procedure, the Guidelines will encourage persons interested in operating a telecommunications network involving the use of radio frequencies to apply for the necessary authorisations to use such radio frequencies at the same time they submit their registration under the Guidelines. Where possible, the ANC proposes to take a coordinated approach to such requests by processing the authorisation to use radio frequencies at the same time as the registration filing when they are submitted together.

Proposal 5

ANC proposes to clarify in the Guidelines that registered service providers seeking to use radio frequencies are required to obtain an authorisation for their use under a separate process.

Where possible, the ANC intends to process requests for authorisations to use radio frequencies at the same time as registrations when they are submitted together.

Question 5

Do you agree with the clarification given? What more can the ANC do to coordinate the radio frequency authorisation process with that of the registration process?

4.5. Access to State-owned land and property

In a way similar to the use of radio frequencies, the ANC also seeks to clarify in the Guidelines that access to State-owned land and property for the purpose of installing, operating and maintaining telecommunications facilities, network resources and telecommunications equipment, and for providing telecommunications services is not authorised under a registration pursuant to Chapter V of the Telecommunications Decree-Law and the Guidelines but under a separate process under Chapter XV of the Telecommunications Decree-Law. Persons interested in operating a telecommunications



network involving the use of State-owned land and property should therefore direct their requests for authorisations to the Government official responsible for State-owned land and properties.

The Guidelines will also remind registered service providers to ensure that they have obtained all necessary authorisations to access the state-owned land and property they require to operate their proposed telecommunications network before they commence operations.

Proposal 6

ANC proposes to clarify in the Guidelines that registered service providers seeking to access State-owned land and property are required to obtain an appropriate authorisation from the Government official responsible for State-owned land and properties under a separate process.

Question 6

Do you agree with the clarification given? What can the ANC do to coordinate the authorisation process for access to State-owned land and property with that of the registration process?

4.6. Cross-border cables and facilities

The construction, deployment or repair of cross-border cables and facilities in the territory and waters of Timor-Leste involve a wide array of public concerns such as environmental protection, maritime safety, national security, and the use of State-owned land and property. As such the Guidelines will draw the attention of interested persons to the fact that additional authorisations will be necessary to pursue such activities.

Due to the legal and regulatory complexity involved, persons interested in pursuing such activities will be required to approach the ANC for information regarding the necessary authorisations.

Proposal 7

ANC proposes to clarify in the Guidelines that registered service providers seeking to construct, deploy or repair cross-border cables in the territory and waters of Timor-Leste are required to obtain additional authorisations before doing so. Such registered service providers are required to approach the ANC for more information.

Question 7

Do you agree with the clarification and advice given?



4.7. Eligibility for registration

Article 30.4 of the Telecommunications Decree-Law sets out the eligibility criteria for registration. As the wording used in the Article is clear, it has been reproduced largely unchanged in the Guidelines.

Proposal 8

The ANC proposes not to provide further clarifications in the Guidelines concerning eligibility for registration.

Question 8

Is a clarification regarding eligibility for registration necessary? What further clarifications or explanations can the Guidelines include to make the registration eligibility requirements better understood?

4.8. Procedure for registration

The Guidelines will set out the formalities required for the filing of a registration statement. Persons registering will be required to complete the registration statement form annexed to the Guidelines and file two hardcopies and one electronic copy (in PDF or Microsoft Word format) of the completed registration statement with the ANC.

Proposal 9

The ANC proposes to require the filing of two hardcopies and one electronic copy of the registration statement.

Question 9

Do you agree with these filing requirements? Should the ANC move towards accepting the electronic filing of registration statement forms only?

A standard registration statement form will be annexed to the Guidelines to facilitate the registration information collection and verification process. The information required in the registration statement form will largely reflect the information requirements set out under Annex 1 of the Telecommunications Decree-Law. To facilitate its regulatory functions, especially in the area of consumer protection and competition, the ANC proposes to require the following additional details in the registration statement form:



- 1) Details of the telecommunications services the registrant intends to supply, including the geographic scope, technologies used, projected subscriber numbers and the expected launch date:
- 2) Details of any wholesale telecommunications services to be used as input to provide the intended telecommunications services:
- 3) Details of any monetary deposits to be collected or prepaid cards to be issued for the collection of payments from customers:

Proposal 10

The ANC proposes to require that registration statements be filed in a specific format that will be annexed to the Guidelines. The information required will largely reflect the information requirements set out under Annex 1 of the Telecommunications Decree-Law with the requirement of additional details regarding the telecommunications services to be provided.

Question 10

Do you agree with the information required? What other information requirements should be added to the registration statement?

Given the limited resources of the ANC to process registrations and monitor registered service providers for regulatory compliance, the ANC would like to ensure that persons registering have a real intention to supply telecommunications services or operate telecommunications networks. In order to do so the ANC proposes to require a registration deposit of USD 5,000 to be paid to the ANC upon filing of a registration statement. The deposit paid will be applied towards the payment of that person's first annual regulatory fee instalment. The ANC believes that this requirement would encourage registered service providers to commence services or operations without imposing additional costs.

Proposal 11

The ANC proposes to require the payment of a registration deposit of USD5,000 upon the filing of a registration statement. The deposit paid will be applied towards the payment of that registered service provider's first annual regulatory fee instalment.

Question 11

Do you agree with the requirement of a deposit? Are there better ways of discouraging frivolous registrations?



4.9. Additional information and non-effective registration

The Telecommunications Decree-Law is clear in describing the ANC's power to require additional information (Article 30.8) and to issue notices of non-effective registrations (Article 30.9). As such, these have been reproduced substantially unchanged in the Guidelines.

Proposal 12

The ANC proposes not to provide further clarifications in the Guidelines concerning its prerogative to require additional information and to issue notices of non-effective registration.

Question 12

Are clarifications regarding the ANC prerogative to require additional information and to issue notices of non-effective registration necessary? What further clarifications or explanations can the Guidelines include to make these provisions better understood?

4.10. Effective registration

The ANC proposes to clarify that pursuant to the Telecommunications Decree-Law, registrations will be deemed to be effective automatically on the forty-fifth day after the ANC receives the registration statement unless additional information is required or if the registration filing is declared non-effective.

The Guidelines will also set out the documents that the ANC will deliver to the registered service provider after its effective registration. In particular, the ANC will deliver to the registered service provider a certificate of effective registration, the form of which will be set out in an annex to the Guidelines.

Proposal 13

The ANC proposes to clarify that under the Telecommunications Decree-Law, registrations will be deemed to be effective automatically on the forty-fifth day after the ANC receives the registration statement unless additional information is required or if the registration filing is declared non-effective.

The ANC also proposes to provide an example of a certificate of effective registration in the Guidelines.

Question 13

Do you agree with the clarification and the example given? Are further clarification and more examples related to effective registration necessary?



4.11. Commencement of services and operations

The ANC proposes to clarify in the Guidelines that a registered service provider is allowed to supply telecommunications services or operate telecommunications networks from the date its registration takes effect, subject to the Telecommunications Decree-Law or relevant regulatory measures relating to the use of radio-frequency spectrum, numbers, equipment, use of land and any other matter.

Proposal 14

The ANC proposes to clarify in the Guidelines that a registered service provider is allowed to supply telecommunications services or operate telecommunications networks from the date its registration takes effect.

Question 14

Do you agree with this clarification? Is further clarification related to the commencement of services and operations necessary?

4.12. Publication of information

For the purposes of transparency, the ANC intends to state in the Guidelines that it will publish and keep updated on its website the registration statement requirements and an up-to-date database of all names and contact information of registered service providers.

Proposal 15

The ANC proposes to clarify in the Guidelines that it will publish and keep updated on its website the registration statement requirements and an up-to-date database of all names and contact information of registered service providers.

Question 15

Do you agree with this clarification? Is further clarification related to the publication of information necessary?

4.13. Limitations on the number of persons that register

The ANC intends to state in the Guidelines that it does not restrict the number of persons that may register to supply telecommunications services and operate telecommunications networks.



Proposal 16

The ANC intends to clarify in the Guidelines that it does not restrict the number of persons that may register to supply telecommunications services and operate telecommunications networks.

Question 16

Do you agree with this clarification? Is further clarification related to limitations on the number of registrations necessary?

4.14. Information and reporting requirements

Pursuant to Article 22 of the Telecommunications Decree-law, the ANC proposes to require registered service providers to file the periodic reporting requirements that have been set out in an annex to the Guidelines. These requirements include information on subscriber numbers, traffic and revenue earned.

Proposal 17

The ANC intends to require registered service providers to file the periodic reporting requirements that have been set out in an annex to the Guidelines.

Question 17

Do you agree with the periodic reporting requirement? What other information should be reported? Should reporting be on a more or less frequent basis?

4.15. Duration of registrations

The Guidelines will clarify that a registration is valid for 3 years for services-based operators and upto 15 years for facilities-based operators unless it is suspended and/or revoked by the ANC or if it is surrendered by the registrant. A registration is renewable for the same period of validity.

Proposal 17

The ANC intends to clarify that a registration is valid for 3 years for services-based operators and upto 15 years for facilities based operators unless it is suspended or revoked by the ANC or surrendered by the registered service provider.



Question 17

Do you agree with the clarification? Is further clarification related to the duration of registrations necessary?

4.16. Surrender of registrations

Currently, there is no regulatory procedure set out for the voluntary surrender of registrations. As some registered service providers may no longer want to continue to supply telecommunications services or operate telecommunications networks, the ANC believes that the adoption of a registration surrender procedure would ensure the orderly exit of such persons from the market.

The ANC proposes to include in the Guidelines a provision allowing registered service providers to surrender their registration. Under this proposal, a registered service provider may surrender its registration by requesting the approval of the ANC to do so. A request for approval must provide reasons for the surrender.

As a condition for surrender, the ANC will require a registered service provider to fulfil its obligations under the Telecommunications Decree-Law and any regulatory measures made under it.

Proposal 18

The ANC proposes to include a provision allowing registered service providers to surrender their registration.

Question 18

Should registered service providers be allowed to surrender their registrations? What obligations, if any, should be imposed on registered service providers as a condition for the surrender?

4.17. Transfer of registrations

Article 30.11 of the Telecommunications Decree-Law sets out in detail the procedure required to carry out a transfer of a registration. This procedure will be reproduced in the Guidelines with the proposed additional requirement of the payment of a registration deposit in line with all new registrations.

Proposal 18

The ANC intends to reproduce the transfer procedure set out in the Telecommunications Decree-Law with the proposed additional requirement of the payment of a registration deposit.



Question 18

Is further clarification regarding the transfer of registrations necessary?

4.18. Mergers and acquisitions

Regulatory requirements concerning mergers and acquisitions are addressed by the Telecommunications Decree-Law in Article 35. The ANC intends to reflect these requirements in the Guidelines in order to bring it to the attention of registered service providers.

The ANC intends to also clarify that the requirement of ANC approval does not apply to internal restructurings or name changes that do not result in a change in ownership interest over the registered service provider or its assets.

Proposal 19

The ANC proposes to reflect the Telecommunications Decree-Law's requirements on mergers and acquisitions in the Guidelines.

The Guidelines will also clarify that the requirement for ANC approval does not apply to internal restructurings or name changes that do not result in a change in ownership interest over the registered service provider or its assets.

Question 19

Are clarifications regarding the requirements concerning mergers and acquisitions necessary in the Guidelines? What further clarifications can the Guidelines include to make the requirements better understood?

4.19. Suspension, revocation and application of specific conditions

Article 32 of the Telecommunications Decree-Law sets out the circumstances under which the ANC may suspend or revoke a service provider's registration or apply specific conditions to its supply of telecommunications services and operation of telecommunications networks. The ANC proposes to reflect these provisions in the Guidelines substantially unchanged.

Proposal 20

The ANC does not intend to provide further clarification in the Guidelines concerning the circumstances under which it may suspend or revoke a service provider's registration or apply specific conditions to its supply of telecommunications services and operation of telecommunications networks.



Question 20

Are clarifications concerning suspensions, revocations and the application of specific conditions necessary? What clarifications can the Guidelines include to make these provisions better understood?

5. The Consultation Process

This consultation process is as follows:

Interested persons may submit responses to this Consultation Document to the ANC. Submissions must be received by the ANC by 22 May 2021. Submissions received after that date shall not be considered.

Hard copy submissions may be addressed by mail or delivered by hand to:

Autoridade Nacional de Comunicações (ANC)
Ground floor, Telecom Building
Avenida Xavier do Amaral No.8
Caicoli, Dili, Timor-Leste
Telp: +670 3311415
Fax: +670 3311323
E-mail: info@anc.tl

Soft copy submissions (in Microsoft Word or PDF format) may be sent by e-mail to [**consultation@anc.tl**](mailto:consultation@anc.tl).

The ANC assumes that all submissions to this Consultation Document are not made in confidence unless otherwise specified. The ANC reserves the right to reproduce and publish the submissions in whole or in part in any form (including disclosing the identity of the respondent) and to use, adapt, or develop any proposals put forward without seeking permission or providing acknowledgement of the party making the proposal. Any part of the submission, which is considered by a respondent to be commercially sensitive or confidential should be clearly marked and set out in a separate annexure, which the ANC will take into account when disclosing the submission.

For clarifications concerning this consultation process, please write to: [**info@anc.tl**](mailto:info@anc.tl).