



# Federal Republic of Nigeria

## Official Gazette

No. 43

Lagos - 15th March, 2021

Vol. 108

Government Notice No. 51

The following is published as supplement to this *Gazette* :

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Printed and Published by The Federal Government Printer, Lagos, Nigeria  
FGP 136/032021/1,200

Annual Subscription from 1st January, 2021 is Local : ₦45,000.00 Overseas : ₦60,500.00 [Surface Mail]  
₦75,000.00 [Second Class Air Mail]. Present issue ₦2,500 per copy. Subscribers who wish to obtain *Gazette*  
after 1st January should apply to the Federal Government Printer, Lagos for amended Subscriptions.

S. I. No. 26 of 2021

## THE ECOWAS TREATY

REGULATION ON ROAMING ON PUBLIC MOBILE  
COMMUNICATIONS NETWORKS IN THE ECOWAS REGION

[12th Day of February, 2018]

Commence-  
ment.

Publication of the Regulation C/REG. 21/12/17 on Roaming on Public Mobile Communications Networks in the ECOWAS Region.

1.—(1) The ECOWAS Community Regulation C/REG. 21/12/17 on Roaming on Public Mobile Communications Networks in the ECOWAS Region adopted on 13th to 14th December, 2017 in Abuja, is hereby published in the Federal Government Gazette.

Adoption.

(2) The Regulation is contained in the Schedule to this Notice.

2. This Notice may be cited as the Regulation on Roaming on Public Mobile Communications Networks in the ECOWAS Region Notice, 2020.

Citation.

Made at Abuja this 16th day of March, 2021.

DR. ISA ALI IBRAHIM (Pantami), FNCs, FBCS, FIM  
*Honourable Minister of Communications  
and Digital Economy*

## SCHEDULE

## REGULATION C/REG 21/12/17 ON ROAMING ON PUBLIC MOBILE COMMUNICATIONS NETWORKS IN THE ECOWAS REGION

THE COUNCIL OF MINISTERS,

MINDFUL of Articles 10, 11 and 12 of the Revised ECOWAS Treaty establishing the Council of Ministers and defining its composition and functions ;

MINDFUL of Article 33 of the Revised ECOWAS Treaty which provides that ECOWAS Member shall, in the area of telecommunications, develop, modernise, co-ordinate and standardise their national telecommunications networks in order to provide a reliable interconnection among Member States, and co-ordinate their efforts with a view to mobilising national and international financial resources through participation of the private sector in the provision of telecommunications services ;

MINDFUL of Supplementary Act A/SA 1/01/07 on the harmonisation of policies and the regulatory framework of the Information and Communication Technology (ICT) sector ;

MINDFUL of Article 13 of Supplementary Act A/SA 2/01/07 on access and interconnection in respect of ICT sector networks and services ;

MINDFUL of Supplementary Act A/SA 6/01/07 on universal access/service, as revised ;

MINDFUL of Decision A/DEC.14/01/05 relating to the adoption of a regional policy on telecommunications and development of a regional GSM Roaming in ECOWAS Member States ;

CONSIDERING that ECOWAS is strongly committed to establishing an appropriate legal framework for the reduction or even elimination of Community-wide roaming charges with a view to creating an integrated ICT market in the West African sub-region ;

NOTING that Community-wide roaming in the ECOWAS region is a tool for borderless communication and regional integration that can significantly improve the daily lives of citizens who move in the Community, but also a business opportunity for mobile network operators ;

CONSCIOUS that the reduction or elimination of Community-wide roaming charges will achieve digital ubiquity and further facilitate the integration of people within ECOWAS ;

DESIROUS of developing a harmonised regulation for roaming services in the ECOWAS region ;

ON THE RECOMMENDATION of the meeting of ECOWAS Ministers of Telecommunications/ICT held in Praia, CABO VERDE, on 6 October 2017 ;

ON THE OPINION of the ECOWAS Parliament.

## HEREBY ENACTS

## CHAPTER I—DEFINITIONS, OBJECTIVE AND SCOPE OF APPLICATION

## ARTICLE 1—DEFINITIONS

1. For the purposes of this Regulation, the definitions set out in Supplementary Acts A/SA 1/01/07 on the harmonisation of policies and the regulatory framework of the Information and Communication Technology (ICT) sector, A/SA 2/01/07 on access and interconnection in respect of ICT sector networks and services and A/SA 6/01/07 on universal access/service shall apply.

2. In addition to the definitions referred to in paragraph 1, the following definitions shall equally apply :

*wholesale roaming access* means direct wholesale roaming access or wholesale roaming resale access which involves making available facilities and/or services by a mobile network operator to another undertaking, under defined conditions, for the purposes of providing Community-wide roaming services to roaming customers ;

*Community roaming arrangements* means the agreement between operators in different Member States governing their relations with respect to their Community-wide roaming offers ;

*Community roaming call* means a mobile voice call made by a roaming customer, originating on a visited network and terminating on a public communications network within the ECOWAS region or received by a roaming customer, originating on a public communications network within the ECOWAS region and terminating on the network visited by the customer ;

*roaming customer* means a customer of a provider of public mobile communications services, by means of terrestrial public mobile network situated in the Community, whose contract or arrangement with that roaming provider permits the use of roaming services in the ECOWAS region ;

*Community roaming provider* means an undertaking that provides a roaming customer with Community-wide retail roaming services ;

*Community roaming* means the use of mobile communications services by a roaming customer in the ECOWAS region, while in a Member State other than that in which the originating network is located, by means of arrangements between the home network provider and the visited network operator ;

*visited network* means a terrestrial public mobile communications network situated in an ECOWAS Member State other than that of the roaming customer's home network, through which she can enjoy Community-wide roaming services ;

*home network* means a public communications network situated in an ECOWAS Member State used by a Community roaming customer ;

*Community data roaming service* means a roaming service that makes it possible for a roaming customer to use data, send and receive MMS messages when she is connected to a visited network ;

*Community roaming SMS message* means an SMS message sent by a roaming customer, originating on a visited network and terminating on a public communications network within the ECOWAS region, including the visited country or received by a roaming customer, originating on a public communications network within the ECOWAS region, including the visited country and terminating on the network visited by the customer ;

*Community roaming tariff* means any tariff not exceeding the Community's maximum charge, which a roaming service provider may levy a roaming customer in the ECOWAS region for the provision of Community roaming calls ;

*fair use of roaming services* means the use of roaming services by a Community roaming customer from a visited network within the ECOWAS region, over a given period of time.

#### ARTICLE 2—OBJECTIVE AND SCOPE OF APPLICATION

1. The purpose of this Regulation is to set out a harmonised legal and tariff framework for roaming on public mobile communications networks with ECOWAS Member States.
2. This Regulation shall apply to all mobile communications service operators and providers established in an ECOWAS Member States.
3. It shall also apply to all mobile communications services originating and terminating in an ECOWAS Member State, regardless of their nature.
4. This Regulation shall not apply to mobile communications services not available to the public, as well as those provided by non-terrestrial networks.

#### CHAPTER II—OBLIGATIONS TO PROVIDE COMMUNITY-WIDE ROAMING SERVICES

##### ARTICLE 3—COMMUNITY WHOLESALE ROAMING ACCESS

1. Mobile communication service operators or providers shall meet all reasonable requests for Community wholesale roaming access, under objective, transparent and non-discriminatory conditions.
2. Wholesale roaming access shall cover access to all network elements and associated facilities, relevant services, software and information systems, necessary for the provision of Community-wide roaming services to customers.

3. Mobile communication service operators or providers shall enter into roaming arrangement with all operators in other ECOWAS Member States in order to optimise wholesale roaming services in the Community.

#### ARTICLE 4—SEPARATE SALE OF RETAIL ROAMING SERVICES

1. Mobile communication service operators or providers shall make it possible for their customers to access Community voice, SMS and data roaming services provided as a bundle by any roaming provider.

2. Mobile communication service operators or providers shall meet all reasonable requests for access to facilities and related support services relevant for the separate sale of Community retail roaming services. Access to those facilities and support services that are necessary for the separate sale of Community retail roaming services, including user authentication services shall be free of charge and shall not entail any direct charges to customers.

#### ARTICLE 5—COMMUNITY EMERGENCY ROAMING ACCESS

1. A Community roaming customer shall access emergency numbers of the visited country and receive emergency alerts under the same conditions as subscribers in the visited country.

2. Calls to emergency numbers and emergency alerts shall be free of charge for the Community roaming customer.

3. Mobile communication service operators or providers are required to transfer free of charge all calls and other electronic communications to emergency numbers under the Community roaming regulation.

### CHAPTER III—REGULATION OF COMMUNITY ROAMING CHARGES

#### ARTICLE 6—

##### INTRA-COMMUNITY VOICE AND SMS ROAMING CHARGES

1. The intra-Community retail charge (excluding VAT) for a Community voice tariff which a roaming provider may levy on its customers travelling in the ECOWAS region for the provision of a Community roaming call shall not exceed the highest tariff for international calls from the visited country to other countries in the ECOWAS region.

Reception of Community roaming calls shall be free of charge within a maximum period of thirty (30) consecutive days in one of the ECOWAS Member States.

2. The intra-Community retail charge (excluding VAT) for a Community SMS tariff which a roaming provider may levy on a roaming customers shall not exceed the highest tariff for international SMS from the visited country to other countries in the ECOWAS region.

Roaming providers shall not charge their customers for the receipt of an SMS while roaming in the Community.

3. The intra-Community wholesale charge that the visited network operator may levy on the customer's roaming provider for the provision of a Community roaming call originating on that visited network shall not exceed 60% of the intra-Community retail charge.

4. The intra-Community wholesale charge that the visited network operator may levy on the customer's roaming provider for the provision of a Community roaming SMS originating on that visited network and terminating on another Member State's network, including the home country, shall not exceed 60% of the intra-Community retail charge.

#### ARTICLE 7—WHOLESALE AND RETAIL CHARGES FOR COMMUNITY ROAMING CALLS AND SMS

1. The local retail charge (excluding VAT) that a roaming operator may levy on its customers travelling in the ECOWAS region for the provision of a Community roaming call originating on that visited network and terminating on any network of the visited country shall not exceed the highest tariff for local calls from the visited country.

Reception of local roaming calls shall be free of charge within a maximum period of thirty (30) consecutive days in one of the ECOWAS Member States.

2. The local retail charge (excluding VAT) that an operator may levy on a roaming customer for an SMS originating on that visited network and terminating on any network of the visited country shall not exceed the highest tariff for SMS from the visited country.

Reception of community roaming SMS shall be free of charge.

3. The local wholesale charge that the visited network operator may levy on the customer's roaming provider for the provision of a Community roaming call originating on that visited network and terminating on any network of the visited country shall not exceed 60% of the retail charge for a local call.

4. The local wholesale charge that the visited network operator may levy on the customer's roaming provider for the provision of a Community roaming SMS originating on that visited network and terminating on any network of the visited country shall not exceed 60% of the retail charge for a local SMS.

#### ARTICLE 8—CHARGES FOR COMMUNITY DATA ROAMING SERVICES

1. The retail charge (excluding VAT) that a roaming provider may levy on a customer for the provision of Community roaming data services shall not exceed the highest megabyte rate in the visited country.

2. The wholesale rate that the visited network operator may levy on the customer's roaming provider for the provision of a Community roaming data services originating on that visited network shall not exceed 80% of the retail charge.

#### ARTICLE 9—COMMUNITY ROAMING VOICE MESSAGE

Receiving and listening to a voice message while roaming shall be free of charge

### CHAPTER IV—TRANSPARENCY IN THE SUPPLY OF ECOWAS ROAMING SERVICES

#### ARTICLE 10—GENERAL TRANSPARENCY RULES FOR ECOWAS ROAMING SERVICES

1. When the roaming customer enters a Member State other than that of his domestic provider, the latter shall deliver automatically, immediately and at no cost, by an SMS, e-mail or a pop-up window on the mobile device, basic personalised information on the roaming tariff (VAT included) applied once the customer makes or receives calls or SMS or uses data services in the Member States visited.

The basic personalised pricing information shall include charges (in the currency of the home bill provided by the customer's domestic provider) to which the roaming customer within ECOWAS may be subject, for :

- \* making roaming calls within the visited Member State and back to the Member State of his domestic provider, as well as for regulated roaming calls received ;
- \* sending roaming SMS messages while in the visited Member State ;
- \* using roaming data services while in the visited Member State (expressed in price per Megabytes).

2. Roaming providers shall inform roaming users of harmonised roaming rates for voice calls, SMS and data services while roaming within the Community, as well as the roaming rates for their network.

3. Each operator shall provide clear, precise and up-to-date information on ECOWAS roaming services, on its website and through printed material.

4. Roaming providers shall also provide their roaming customers with updates on applicable roaming charges without undue delay, in the event of any change.

5. Roaming customers shall have the right to request and receive, free of charge and irrespective of their location within ECOWAS, through a mobile voice call or by SMS, more detailed personalised pricing information on the roaming charges that apply in the visited network to voice calls, SMS and data services, and information on the transparency measures applicable by virtue of this Regulation. Such a request shall be to a toll-free number designated for this purpose by the roaming provider.

6. Roaming providers shall make available to their customers information on how to avoid inadvertent roaming in border regions.

#### ARTICLE 11—SPECIFIC TRANSPARENCY RULES FOR ECOWAS ROAMING SERVICES

1. Roaming providers shall provide basic personalised pricing information on roaming voice, SMS and data services automatically, by voice call, free of charge, to blind or partially-sighted customers if they so request.

2. Roaming providers shall notify roaming customers of the duration and cost of each called made while roaming within ECOWAS.

3. Roaming providers shall inform their customers, before the conclusion of a contract and at regular intervals thereafter, of the risk of automatic and uncontrolled data roaming connection and download. Furthermore, roaming providers shall notify to their customers, free of charge and in a clear and easily understandable manner, how to switch off these automatic data roaming connections in order to avoid uncontrolled consumption of data roaming services.

#### CHAPTER V—CHARACTERISTICS OF COMMUNITY ROAMING SERVICES

##### ARTICLE 12—REASONABLE USE OF COMMUNITY ROAMING SERVICES

1. Reasonable use shall be the convenient use of Community roaming services as roaming users travel within ECOWAS over a period of thirty (30) consecutive days. Roaming providers shall comply with the stated period of reasonable use of Community roaming services.

2. The domestic operator shall notify its roaming customer seven (7) days before the end of the period of reasonable use, by message or a voice call.

##### ARTICLE 13—QUALITY OF COMMUNITY ROAMING SERVICES

1. Roaming services provided to users roaming within ECOWAS shall be of comparable quality to those offered by the operator of the network visited to its subscribers.

2. No roaming provider, domestic operator or operator of a visited network shall modify the technical features of Community roaming services in such a way as to make them different from the technical features of the same services provided in its domestic market.

## CHAPTER VI—CONTROL AND MONITORING OBLIGATIONS

### ARTICLE 14—MEMBER STATES' OBLIGATIONS

1. Member States shall comply with this Regulation within their territory and shall provide the public with updated and easily accessible information concerning implementation of the Regulation.

2. Member States shall equally be alert to the particular case of inadvertent roaming in the border regions of neighbouring Member States and shall monitor whether traffic-steering techniques are used to the disadvantage of customers and take the relevant necessary measures.

3. Member States shall have the power to require companies subject to obligations under this Regulation to supply all information relevant to the implementation of this Regulation. These companies shall provide such information promptly on request and in accordance with the request by the Member State.

4. Member States shall ensure that operators provide adequate access and interconnection in order to guarantee the end-to-end connectivity and interoperability of roaming services, in conformity with Supplementary Act A/SA 2/01/07 relating to access and interconnection of ICT sector networks and services.

5. Member States shall ensure that all surcharges are removed for incoming intra-Community traffic within ECOWAS, within the framework of implementation of this Regulation on Community roaming.

6. Member States shall ensure that communication campaigns on Community roaming are carried out in the country.

7. A Member State which notices the violation of the obligations set out in this Regulation within its territory, shall demand an immediate end to the violation.

8. To prepare for the review of this Regulation, Member States shall monitor developments in wholesale and retail prices of voice calls and data, including SMS and MMS, for customers roaming within the Community.

### ARTICLE 15—OBLIGATIONS OF NATIONAL REGULATORY AGENCIES

National Regulatory Agencies shall be responsible for :

— putting in place and ensure reliability of subscriber identification systems,

- putting in place a committee to check fraud in the area of Community roaming,
- getting to know the complaints and demands about Community roaming services made by subscribers,
- monitoring developments in wholesale and retail prices for Community roaming services,
- cooperating with one another to reduce inadvertent roaming in the border areas of Member States,
- ensuring compliance with regulations on Community roaming,
- forward to ECOWAS Commission up-to-date information on the implementation of this Regulation,
- forwarding the roaming tariff ceilings provided for in Articles 6, 7 and 8 to ECOWAS Commission and updating same every two years,
- notifying roaming providers of Community roaming tariff ceilings once these have been forwarded by the ECOWAS Commission.

#### ARTICLE 16—OBLIGATIONS OF ECOWAS ROAMING SERVICE PROVIDERS

Community roaming providers shall be responsible for :

- conveying to national regulatory agencies, information on Community roaming set in conformity with this Regulation,
- implementing Community roaming tariff ceilings, no later than 3 months after National Regulatory Agencies give notice of them.

#### ARTICLE 17—OBLIGATIONS OF ECOWAS COMMISSION

ECOWAS Commission shall be responsible for :

- consolidating the Community roaming tariff ceilings forwarded by National Regulatory Agencies,
- forwarding the consolidated Community tariff ceilings to all National Regulatory Agencies no later than One (1) month after the deadline for transmission of Community tariff ceilings by the National Regulatory Agencies.

#### ARTICLE 18—REVIEW

1. ECOWAS Commission shall review the implementation of this Regulation and shall present a report to the ECOWAS Council of Ministers no later than 31st December, 2020.

2. ECOWAS Commission shall, in particular, assess the attainment of the objectives of this Regulation on Community roaming and shall prepare a report accordingly.

3. Should the report show that the structural measures set out in the Regulation on Community roaming were inadequate to strengthen competition in the internal market for roaming services for the benefit of all ECOWAS

users or that the differences between ECOWAS roaming rates and national rates have not been eliminated, the Commission shall make appropriate proposals to the Council of Ministers to remedy the situation and thereby achieve ultimately, an internal market for mobile communication services, with no difference between national rates and Community roaming rates.

## CHAPTER VII—SETTLEMENT OF CROSS-BORDER COMMUNITY ROAMING DISPUTES AND SANCTIONS REGIME

### ARTICLE 19—SETTLEMENT OF CROSS-BORDER COMMUNITY ROAMING DISPUTES

In the event of a dispute arising from the obligations set out in this Regulation, among Community roaming operators located in separate Member States, the procedures for dispute settlement stated in Articles 16 and 17 of Supplementary Act A/SA 1/01/07 relating to the harmonisation of policies and the regulatory framework for the Information and Communication Technologies (ICT) sector shall apply.

### ARTICLE 20—SANCTIONS REGIME

1. Member States shall determine the sanctions to be applied to violations of this Regulation and shall take all measures necessary to enforce same.
2. The sanctions set out shall be effective, proportionate and dissuasive.

## CHAPTER VIII—TRANSITIONAL ARRANGEMENTS

### ARTICLE 21—APPLICATION OF COMMUNITY ROAMING CHARGES

National regulatory agencies and Community roaming providers shall have six (6) months from the entry into force of this Regulation, to implement Community roaming charges.

### ARTICLE 22—COMMUNICATION AND IMPLEMENTATION DEADLINE

1. The National regulatory agencies shall forward to the ECOWAS Commission, Community roaming tariff ceilings, no later than 31st January, 2018.
2. The ECOWAS Commission shall forward to national regulatory agencies, consolidated Community roaming charges no later than 28th February, 2018.
3. Roaming providers shall sign roaming agreements in conformity with this Regulation and shall implement same no later than 31st May, 2018.

## CHAPTER IX—FINAL PROVISIONS

### ARTICLE 23—ENTRY INTO FORCE AND REVISION

1. This Regulation shall enter into force upon its signature and shall be binding in its entirety and directly applicable in all ECOWAS Member States.
2. It shall be revised four years after the Regulation has entered into force.

### ARTICLE 24 PUBLICATION

1. This Regulation shall be published by the ECOWAS Commission in the Official Journal of the Community within thirty (30) days of the date of Signing by the Chair of the Council of Ministers.
2. It shall also be published by each Member States in its National *Gazette* within thirty (30) days of notification by the Commission.

DONE at Abuja, this 16th day of December, 2017.

PROF. ROBERT DUSSEY  
*Chairman*  
*for the Council*