



Liberia Telecommunications Authority

Regulations on the Wholesale Access to Telecommunications Networks for the Provision of Value-Added Services

LTA-REG-_____

2023

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PART 1: PRELIMINARY

1.1 Short Title

These Regulations may be cited as the “VAS Regulations 2023”.

1.2 Citation

These Regulations have been issued by the Liberia Telecommunications Authority (LTA) pursuant to the Telecommunications Act 2007 (the Act), specifically PART III “Functions and Operation of the Authority”, PART IV “Licensed Service Providers”, PART VII “Competition Policy”, PART VIII “Interconnection”, and PART IX “Tariffs”.

1.3 Purpose

These Regulations have been developed to:

- a. Facilitate development of the telecommunications sector;
- b. Promote the efficient and reliable provision of telecommunications services;
- c. Establish a fair, objective and transparent regulatory framework for service providers, including the licensing of service providers;
- d. Promote sustainable wholesale access of non-telecommunications services to telecommunications networks using USSD, SMS, and other telecommunications protocols, services, applications and platforms;
- e. Establish mechanisms for the control of anti-competitive conduct;
- f. Protect the interests of subscribers and other consumers of telecommunications services;
- g. Monitor and enforce quality of service standards;
- h. Promote the supply and use of new and more efficient technologies and services;
- i. Encourage sustainable investment in the telecommunications sector;
- j. Encourage Liberian participation in the ownership, control and management of communications companies and organizations and in the provision of telecommunications services.

1.4 Scope of Application

These Regulations shall apply to all licensed Mobile Network Operators (MNOs), and to other entities with access to, or seeking access to, telecommunications networks and subscribers for the provision of non-telecommunications services using telecommunications protocols, services, applications and platforms.

1.5 Definitions & Interpretations

The terms used in these Regulations are defined in this section or are otherwise applied as defined in the Act or other LTA Regulations. In the event of a conflict between definitions provided in these Regulations and the Act, the definitions in the Act shall apply.

1. **Access** - means the making available of telecommunications facilities and equipment, or services, or both facilities and services, by one service provider to another service provider for the purpose of providing interconnection, and includes access to network elements and associated facilities, access to physical infrastructure including buildings, ducts and masts, and access to network software systems including operational support systems;
2. **The Act** – the Telecommunications Act 2007
3. **Allocation** - means the designation of a number(s) or number block(s) by the LTA for a particular purpose or for use by a licensee upon Authorization.
4. **Application** – means a computing program or software that performs a specific function directly for an end-user or, in some cases, for another application based on carefully designed features. An application can be self-contained or a group of programs.
5. **Application Programming Interface (API)** - is a means for two or more computer programs to communicate with each other. It is a type of software interface, offering a service to other pieces of software.
6. **Assignment** - means the issuing of a number(s) for a specific purpose or provision of that number(s) to a third party, under relevant terms and conditions, by a licensee or the LTA.
7. **Authorization** - means the permit given by the LTA to licensees and others to utilize allocated numbers for the approved purpose.
8. **The Authority** – the Liberia Telecommunications Authority
9. **Co-location** - means accommodation of two or more switches, transmission equipment and antennas or other electronic communications equipment, or power generation equipment in, or on a single building, tower or other structure for the purposes of interconnecting communications networks or for other telecommunications purposes;

10. **Content** – in these Regulations means any text, graphic, picture, video, signal, sign, or other thing transmitted via telecommunications protocols, services, applications and platforms.
11. **Digital Financial Services (DFS)** – means the delivery of traditional financial services digitally, through devices such as computers, tablets and mobile phones. DFS includes a wide range of financial services, including payments, credit, remittances, and insurance. Examples of DFS include mobile banking and mobile money.
12. **Dominant Service Provider** - means a service provider designated to have significant market power or otherwise to be dominant in one or more telecommunications service markets;
13. **Essential Facility** - means a telecommunications facility owned by a service provider which cannot feasibly, whether economically or technically, be substituted and is declared to be an essential facility by the LTA;
14. **E.164 Number Format**- is an ITU recommended minimum of fifteen (15) digits international numbering format for public telephone systems in which each assigned number contains a country code, national destination code and a subscriber number.
15. **Integration** – for the purpose of these Regulations means the logical and or physical connection of an MNO network with a licensed VAS provider to enable access by MNO subscribers to VAS services.
16. **Interconnection** - means the physical and or logical linking of telecommunications networks used by the same or a different service provider in order to allow the users of one service provider to communicate with users of the same or another service provider; or to access the facilities and/or services of another service provider. The term interconnection includes ‘access’, meaning the making available of telecommunications facilities or services by one service provider to another for the purpose of providing telecommunications services;
17. **LTA** – the Liberia Telecommunications Authority
18. **Location-Based Content Services** – means applications that provide information based on the location of a device.

19. **MNO** – means Mobile Network Operator, an entity licensed by the LTA to deploy telecommunications transmission network infrastructure and to provide converged voice, video and data services to subscribers via its transmission network.
20. **Numbers** – means a string of decimal digits that unambiguously identifies an end user, service or device in a given context. In this document, reference to numbers includes numbers and or number blocks.
21. **Numbering Plan** - means the method put in place for managing and administering numbering resources structured in a standard format to provide unique addresses and to specify the format and structure of the numbers used in identifying devices, services or subscribers connected to a network, which in turn can also be used for routing and billing.
22. **Non-Facility-Based Operators** - means telecommunications service providers not licensed to own or operate network transmission infrastructure.
23. **Non-Telecommunications Service** – for the purpose of these Regulations refers to services that are not directly related to the transmission of information over a communications network. These are services emanating from other service sectors such as banking, gaming, entertainment, health, and education. When these services utilize telecommunications protocols, applications, services and platforms for transmission of content over a public telecommunications network, they are deemed to be value-added services for telecommunications subscribers.
24. **Platform** – means a hardware or software system that serves as a foundation or basis for delivering telecommunications or value-added services.
25. **Premium Numbers** - means numbers used to offer services that generally cost higher than the normal call rate, and it is the caller who pays.
26. **Protocol** – means a system of rules that allows two or more parts of a communications system to transmit information via any variation of a physical quantity. The protocol defines the rules, syntax, semantics, and synchronization of communication and possible error recovery methods. Protocols may be implemented by hardware, software, or a combination of both. Examples of protocols include USSD, HTTP, and IMAP.
27. **Service Provider** - means an entity under license by the LTA that provides a telecommunications service to the public or that owns or operates a telecommunications network used to provide telecommunications services to the public.

28. **Short Codes** – means non-geographic and non-network specific numbers of fewer digits than the E.164 format.
29. **SMS A2P** – means the provisioning of SMS (Short Message Service) communications from an Application to a Person (A2P). This allows the efficient supply of Bulk SMS to a large number of subscribers, and the automatic transmission of service support, account information, and other alerts and messages to subscribers. SMS A2P is often used in conjunction with USSD for an exchange of service information with a subscriber and to confirm subscriber transactions.
30. **Special Numbering Resources (SNR)** - in these Regulations means Short Codes, including USSD, premium numbers, toll free numbers, machine-to-machine numbers, and other numbers that are not the standard E.164 telephone numbers. The National Numbering Plan more specifically defines SNRs.
31. **Toll Free Numbers** - means a single unique number used to call an organization with no charge to the caller.
32. **Telecommunications Facility** - means any facility, apparatus or other thing that is used or is capable of being used for the provision of telecommunications or for any operation directly connected with telecommunications.
33. **Telecommunications Service** – means any provision of the voice and data transmission; SIM cards and Pre-paid accessories; equipments and facilities to customers; or any form of transmission of signs, signals, text, images or other intelligence by means of a telecommunications network, but does not include a broadcasting service.
34. **USSD** – means Unstructured Supplementary Service Data. This is a communications protocol used for real time, menu-based, two-way messaging between a subscriber device and the network. USSD is not dependent on a data connection and may be accessed from any GSM device.
35. **Value-Added Service (VAS)** –In these Regulations, VAS encompasses non-telecommunications services provided to telecommunications subscribers over a public telecommunications network using telecommunications protocols, applications, services and platforms.
36. **Value-Added Service Provider (VASP)** – a licensed telecommunications entity providing VAS.

37. **Wholesale** – in these Regulations means the upstream provision of access and service by one telecommunications service provider to another on commercial terms and conditions.

38. **Wholesale Access** – in these Regulations means the provision by an MNO of access to its network and subscribers by another licensed service provider under commercial terms and conditions; or the provision of access by one entity to another in the VAS wholesale market.

1.6 Introduction

The use of telecommunications protocols, applications, services and platforms, such as SMS A2P, USSD and other short codes, and other Special Numbering Resources, for the supply of non-telecommunications services to subscribers of public telecommunications networks is a fast-growing, constantly evolving market segment that presents a number of consumer protection and competition issues. An ever-increasing number of businesses, including banking and digital financial services (DFS), mobile marketing and promotions, news & information, gaming & lotteries, health and agriculture services, sports & entertainment, and e-commerce, rely on telecommunications protocols, applications, services and platforms to deliver their services to subscribers of public telecommunications networks.

The LTA has up to present refrained from making regulatory interventions in this wholesale market segment in the interest of encouraging innovation and growth of the segment and allowing market forces to provide self-regulatory controls.

However, numerous complaints from non-licensees, and the LTA's own observations, about barriers to access to MNO networks, and less than optimum privacy, data protection, quality of service and other consumer protection concerns, have obligated the LTA to develop these Regulations to bring transparency and certainty to this market segment and establish ex ante controls to prevent anti-competitive conduct.

PART 2. WHOLESALE ACCESS MARKET FOR VALUE-ADDED SERVICES

2.1 In these Regulations, wholesale access includes the provision by MNOs, on commercial terms and conditions, of access to their networks by other licencees riding on USSD, SMS and other telecommunications protocols, services and applications to provide value-added services to end user subscribers.

2.2 Wholesale access also includes the upstream access by non-licensees in the VAS value chain to the facilities and services of licensed VAS Aggregators and VAS Application & Service Providers.

2.3 For the purpose of these Regulations, Value-Added Services are those non-telecommunications services that enhance a telecommunications subscriber's experience by providing convenient access to a plethora of content, including mobile banking and other digital financial services (DFS); mobile advertising, sales, marketing and promotions; gaming and lotteries; news & information; location-based content services; service & transaction notifications and alerts; surveys and polling; e-commerce; e-health; and music, videos, sports and other entertainment.

VAS are usually external third-party hosted functionalities which are physically and logically not part of the switching or signalling infrastructure of the MNO network.

2.4 VAS Market Structure

The following categories of business generally make up the VAS market structure:

2.4.1 Mobile Network Operators - functions & responsibilities:

-
- a) Shall provide network integration and access services for Value-Added Service Providers (VASPs) and transmission services between network subscribers and VASPs.
- b) Shall protect subscribers from unwanted and unauthorized value-added services in accordance with the LTA's directives and the provisions of these Regulations.
- c) May provide billing, revenue collection, publicity and e-marketing services for VASPs who wish to outsource these services to the MNO.
- d) Shall ensure that VASPs requesting access to MNO networks possess a valid VAS License and valid Authorization from the LTA to use Special Numbering Resources (SNRs).

2.4.2 VAS Aggregators - functions & responsibilities:

- a) Shall provide direct and secure connection between VAS Content and Application Providers and MNOs. This may involve multiplexing signals from VASPs and Developers and distributing same to any or all MNOs as may be requested.
- b) Shall securely transmit content to and from MNOs and VASPs.
- c) May provide co-location services for other VASPs when required.
- d) May provide intermediation for billing verification.
- e) May provide marketing, promotions, revenue collection and sales services.

- f) Shall apply to the LTA for Special Numbering Resources on behalf of non-licensees when requested.
- g) Must possess a VAS License.

2.4.3 VAS Application & Content Providers - functions & responsibilities:

- a) Installation & management of hardware and software systems for hosting applications and content.
- b) May develop its own content and applications.
- c) Hosting and distribution of third-party applications and content.
- d) Responsibility for billing the customer and for revenue collection, either by installing an in-house billing platform or outsourcing it to third parties. The Content and Application Provider may collect payment directly from the subscriber.
- e) Responsibility for user authentication, traffic management, security, customer service and service delivery. These activities may be out-sourced to an MNO, VAS Aggregator, or other third party.
- f) Monitor and manage end-to-end quality of service in conjunction with other market players.
- g) There is no restriction to the types of value-added services a VAS Content & Application Provider can offer within the confines of National Laws, Regulations of Government agencies, and LTA Regulations, Orders and Notices. Content and Application Providers holding a license or authorization from another regulatory agency are prohibited from providing VAS services that are not specifically permitted under that license or authorization.
- h) There is no requirement for Application & Content Providers to hold a VAS License unless they integrate directly with an MNO for distribution of applications and content.

2.4.4 VAS Application & Content Developers - functions & responsibilities:

- a) Development of VAS applications and content.
- b) Distribution of applications and content through VAS Content & Application Providers or directly through VAS Aggregators.
- c) Responsible to obtain third party consent, rights, licenses, franchises, copyrights, patents and permissions, as required, for the distribution of third-party applications and content through Application & Content Providers and Aggregators.
- d) Responsible for payment of all fees and royalties pertaining to use of third-party applications and content.
- e) Liable for payment of all fines and legal fees arising from litigation over dissemination of third-party applications and content.
- f) There is no requirement for Application & Content Developers to hold a VAS License.

PART 3: GENERAL CONDITIONS AND PRINCIPLES

3.1 Requirement to Hold a License

Pursuant to the Act and the Telecommunications Licensing Authorization Regulations (LTA-REG-0001, Amended 2015), all entities interconnecting or integrating with an MNO for the purpose of providing value-added services to subscribers of public telecommunications networks using telecommunications protocols, platforms, applications and services are required to possess a Value-Added Service License granted by the LTA. A Value-Added Service License is an Individual Non-Facility Based License. Applicants for a VAS License must show evidence of a minimum 20% Liberian ownership.

3.1.1 Procedures for the Application and Granting of a License

- a) The application for a VAS License shall follow the procedures specified in the Telecommunications Licensing Authorization Regulations (LTA-REG-0001, Amended) for a Non-Facility Based Individual License.
- b) Where the types of services contemplated by a service provider require authorization from other government agencies, the applicant must first obtain such authorization for presentation to the LTA before a VAS License can be granted. Possession of authorization from another agency does not automatically entitle the applicant to the grant of a VAS License.

3.1.2 Payment of Fees

In accordance with the Telecommunications Licensing Authorization Regulations, VAS licensees and applicants shall pay, as required, the following fees as further specified in Schedule 1 to these Regulations:

- a) **Application Fee:** Application Fee shall be non-refundable.
- b) **Annual License Fee:** paid annually in advance

3.1.3 Other Licenses

The holding of another telecommunications license does not preclude the requirement to obtain a VAS License for the provision of VAS services.

3.2 Obtaining Numbering Allocations

A VAS License is a prerequisite for an allocation of numbering resources, but does not automatically entitle a license holder to an allocation of numbers. Numbering resources must be applied for in accordance with the Numbering Regulations and the National Numbering Plan.

3.3 Compliance with Laws and Regulations

VAS Providers (VASP) shall remain in compliance with the Laws of Liberia, including the Act, and all relevant LTA Regulations, Orders and Notices.

3.4 MNO Eligibility for Grant of a VAS License

3.4.1 In accordance with the objectives of the Act and these Regulations to encourage local participation in provision of telecommunications services, and to restrain potential anti-competitive dominance by vertically integrated service providers, MNOs are not eligible for grant of a VAS License.

3.4.2 The Universal License granted to MNOs permits them to provide converged voice, video and data services. Section 1.4 of the Universal License prohibits MNOs from providing any other telecommunications service, including Value-Added Services.

3.5 Declaration of MNO Networks & Services as Essential Facilities

3.5.1 Value Added Service Providers require integration with and wholesale access to the networks of Mobile Network Operators in order to deliver services. MNO networks are therefore essential for the provision of VAS services.

In accordance with Part VII of the Act, and Part IV of the Interconnection Regulations 2009, the LTA hereby declares the networks, facilities and services of MNOs to be Essential Facilities for the provision of value-added services to subscribers of public telecommunications networks. MNO control of these Essential Facilities imposes on MNOs obligations to grant access to VASPs seeking integration.

3.5.2 Rights & Obligations of an MNO in Control of Essential Facilities

Part III of the Interconnection Regulations 2009 details the rights and obligations of service providers who have been declared to be dominant in their control of essential facilities. These obligations include, inter alia:

- a) upon receipt of a written request by a VASP, an MNO shall enter into good faith negotiations to execute an agreement to integrate, and keep integrated, the MNO network with the VASP;
- (b) provide non-discriminatory access as is reasonably requested in order for the VASP to deliver services; and

(c) agree that integration is to be facilitated by the installation of appropriate telecommunications equipment and or applications, with each service provider responsible for its own equipment and applications to facilitate integration.

3.5.3 Violation of Access Obligations

The obligation to provide access shall have been violated if the MNO:

- (a) obstructs or delays negotiations, or fails to make reasonable efforts to resolve outstanding disputes;
- (b) refuses to provide information about its own telecommunications services or telecommunications network or other facilities that are necessary for the integration arrangements;
- (c) misleads or coerces a VASP into reaching an agreement it would not otherwise have made;
- (d) interferes in any way with a VASP's ability to communicate with the LTA, including having a VASP sign a non-disclosure agreement that precludes it from providing information requested by the LTA; or
- (e) refuses to permit amendment of the interconnection/integration agreement to take into account changes in circumstances, including changes to the Act, these Regulations, or any other applicable Regulation.

3.6 Non-Compliant Integration Agreements

Should the LTA determine that an integration agreement is not in compliance with the Act or these Regulations, or any Regulation, Order or term of license, it may issue an Order requiring one or more of the parties to the agreement to amend the agreement within a specified time in order to bring it into compliance.

3.7 Time to Respond to Integration Requests

MNOs are required by the Interconnection Regulations 2009 to respond to a request for integration within thirty (30) calendar days of receipt of the request, and to provide to the LTA a copy of the integration agreement within ten (10) calendar days of the execution of that agreement.

3.8 Integration Charges by the MNO

Charges by the MNO for integration with a VASP shall be cost-based and shall be submitted to the LTA for approval prior to taking effect. The integration charges shall be calculated in such a way to distinguish and separately price at least the following aspects of integration:

- (a) installation or set-up charges for the initial integration;
- (b) periodic lease or rental charges for the use of facilities, equipment, services and other identified resources;
- (c) any other charges.

3.9 Technical Compatibility and Standards

MNOs and VASPs shall take all reasonable measures to maintain the technical compatibility and interoperability of their integrated systems by exchanging required technical information. They shall ensure that integrated systems are in compliance with ITU Recommendations and other regional and international standards and any standards and specifications that may be issued by the LTA.

3.10 Cost of Integration Links

Unless otherwise agreed by the parties or directed by the LTA, or as otherwise provided in these Regulations, the MNO and the VASP shall each be responsible for the cost of provisioning Integration Links:

- (a) in the case of equipment related to the links, each party shall be responsible for its own equipment; and
- (b) in the case of the links themselves, each party shall be responsible for the cost of provisioning links up to an agreed demarcation point between the parties, on the basis that neither party should be liable for the cost of an entire link in order to achieve integration.
- (c) in the event the MNO has supplied the entire Integration Link, its charges to the VASP shall be cost-based and shall, at a minimum, be separated into initial installation or set-up costs, if any, and periodic lease or rental costs.

3.11 Resource Management Tiering

3.11.1 To effectively and efficiently manage resources during the provision of wholesale access services, MNOs may establish minimum volume/capacity thresholds or tiers for the purpose of integrating with VASPs and for the application of volume discounts and other preferential services.

3.11.2 VASPs who do not meet the minimum capacity/volume thresholds established by MNOs may aggregate with third parties to achieve access with MNOs, or channel their access requirements through a VAS Aggregator.

3.11.3 MNOs are, within the first quarter of a calendar year, required to file their annual threshold tiering information and schedules with the LTA.

3.12 Risk Management

3.12.1 The MNO and the VASP may appraise the key personnel of the other party who may have access to critical APIs and other integration infrastructure to ensure technical competence and fiduciary integrity.

3.12.2 The MNO and the VASP may include in their integration, service level and other agreements provisions to safe guard against the risk of non-settlement of payments by either party.

3.12.3 Risk mitigation measures shall not be designed to create barriers to access.

3.13 Quality of Service

3.13.1 The MNO and the VASP shall establish key performance targets, including throughput, delivery reports, service uptimes, and outage and incident resolution timelines.

3.13.2 Licensees are responsible for quality of service in their own segment of the VAS market.

3.13.3 The LTA shall also establish procedures and mechanisms to monitor quality of service (QoS).

3.14 Consumer Protection

The following consumer protection measures shall be applied by Licensees:

3.14.1 The MNO and the VASP shall be responsible for the protection of consumer data and privacy as regards consumer information that may come into their possession in the course of providing services.

3.14.2 The MNO and VASP shall, as regards protection of consumer rights, data and privacy, remain in compliance with the Act, other Laws, and all relevant LTA Regulations, Orders and Notices.

3.14.3 Message authentication mechanisms shall be established to validate that requests/responses are received from and transmitted to authenticated users.

3.14.4 Where feasible, the MNO and VASP shall ensure encryption of consumer personal data and messaging along all points and channels of transmission.

3.14.5 Consumers shall have sufficient information on the nature, tariff(s), terms and conditions of access to enable them make informed decisions about accessing VAS services.

3.14.6 Consumers shall have access to a convenient and efficient complaints handling mechanism.

3.14.7 Consumers shall be able to distinguish content considered suitable only for adults or which should not be made available to minors.

3.14.8 Consumers shall be able to readily and easily unsubscribe for each service separately, without undue delay and additional cost.

3.14.9 All subscription terms and billing intervals must be clearly specified and there shall be no “hidden” charges and any associated charges for services rendered shall be disclosed.

3.14.10 The LTA, in consultation with Licensees, may develop a Consumer Code of Practice for the provisioning and use of Value-Added Services, including:

- a) Unsolicited communications
- b) Transmission times for certain categories of messages
- c) Confidentiality and other fiduciary obligations of licensee staff
- d) Other matters regarding customer service and experience.

3.15 Separate Accounts for All Activities

3.15.1 The VASP and MNO shall maintain separate accounts for all licensed commercial activities. Accounting records shall be maintained in such a manner that all VAS activities are separately identifiable and attributable.

3.15.2 The Licensee shall prepare for each financial year accounting statements setting out costs (including capital costs), revenue and financial position of each VAS business category and including a reasonable assessment of the assets employed in and liabilities attributable to each business activity.

3.16 Competition Obligations & Requirements

3.16.1 The VASP licensee is prohibited from receiving cross-subsidies from a parent company, subsidiary or affiliate that gives the VASP an unfair and anti-competitive advantage.

3.16.2 MNOs and Application & Content Providers are barred from full or partial ownership of Aggregator companies.

3.16.3 As licensed telecommunications service providers, VASPs are obligated to adhere to all competition-related provisions of the Act and LTA Regulations, including the obligation to provide non-discriminatory access to services.

3.16.4 The General Conditions and Principles of these Regulations apply equally to all segments of the wholesale VAS market as defined in these Regulations.

3.17 VAS Service Conditions

3.17.1 Undelivered VAS Content

Where the VAS content or application is successfully transmitted to the MNO, and the MNO is unsuccessful in delivering that content or application to the subscriber, the MNO must not charge the subscriber or the VASP any transmission cost.

3.17.2 The VASP must not charge the subscriber until there is confirmation that the VAS content has been successfully delivered to the subscriber.

3.17.3 Content is deemed to have been successfully delivered when it reaches its destination at the subscriber device, irrespective of whether or not the subscriber accesses the content, or whether the content times out or becomes inactive/inaccessible through the fault of the customer.

3.17.3 In no circumstance should the subscriber be charged for a service that was not rendered.

3.18 Commercial and Service Level Agreements

All categories of business in the VAS wholesale market are responsible to ensure that legally binding and enforceable agreements/contracts are executed to specify all commercial and service level agreements (SLA) between the parties.

PART 4: TRANSITIONAL ARRANGEMENTS

4.1 There shall be a three (3) month Transition Period between the issuance and the effectiveness of these Regulations.

4.2 The Transition Period should permit unlicensed providers of VAS services to acquire VAS Licenses and make appropriate adjustments to contracts, agreements and technical facilities to allow a seamless transition.

4.3 During the Transition Period, all stakeholders have a responsibility, to the extent possible, to ensure that customer services remain uninterrupted.

PART 5: COMPLIANCE AND ENFORCEMENT

5.1 Non-compliance with any provision of these Regulations shall constitute a violation and subject the violator to the appropriate remedies under the Laws of Liberia, the Act, the Confidentiality, Dispute Resolution and Enforcement Regulations, the Licensing Authorization Regulations, any other relevant Regulations and Orders of the LTA, and the License terms and conditions.

PART 6: VAS MONITORING SYSTEM

6.1 The LTA shall implement a Value-Added Service Monitoring System (VASMS) to achieve the following objectives:

- a) To strengthen the capability of the LTA to monitor the growth and performance of the Value-Added Services market;
- b) To verify compliance of Licensees with provisions of these Regulations and the terms and conditions of their licenses;
- c) To confirm compliance with quality-of-service requirements of the Act, these Regulations, and other relevant Regulations and Standards of the LTA;
- d) To collect and analyze geographic traffic flows and trends data;
- e) To ensure fair competition;
- f) To monitor compliance with consumer protection provisions;
- g) To detect telecommunications offenses with respect to Part XV (76) of the Act.

6.2 The VASMS shall monitor and analyze traffic resulting from all short codes, USSD, SMS, IP and other telecommunications applications, services and protocols used to deliver value-added services to subscribers.

6.3 In accordance with Part XV 79(f) of the Act, the LTA may appoint an authorized representative to implement the VASMS on its behalf.

6.4 To ensure the effective functioning of the VASMS, MNOs and VAS Licensees subject to these Regulations are required to:

a) Permit the LTA, or any entity acting on its behalf, to install in the Licensee's network and facilities all the hardware and software necessary for the monitoring in real time of the traffic emanating from the use of telecommunications services, protocols and applications in the provision of value-added services;

b) Ensure that all VAS traffic is connected to the VASMS established by the LTA;

c) Provide electricity supply, air conditioning, physical and logical protection for the effective functioning and operation of the monitoring equipment installed on their premises;

d) Provide and maintain the required transmission links between the Licensee's network and facilities and the LTA's VASMS operations center.

6.5 The VASMS shall not have the capability to record, monitor or tap into the content of any VAS communication, except on order of a Court of competent jurisdiction.

6.6 MNOs and VAS Licensees shall, independently from the VASMS, capture and maintain accurate data on the monthly VAS traffic routed through their networks and facilities. Copies of the VAS traffic data shall be provided to the LTA by the 15th day of the following month in a form and manner approved by the LTA. The LTA shall issue the appropriate notice should VAS traffic data be required for periods other than a month.

6.7 MNOs and VAS Licensees shall store all VAS traffic data for a Retention Period of not less than twelve calendar months from the date the data was generated. Stored data shall be made available to the LTA or its authorized representative, upon written request, at any time during the Retention Period.

6.8 The LTA or its authorized representative shall have the right, after reasonable notice, to inspect the sites where the VASMS equipment and software has been installed in order to conduct performance tests, including entering into a dialogue with the VASMS through remote or onsite devices or terminals.

6.9 MNOs and VAS Licensees shall furnish to the LTA or its authorized representative, in such manner and at such times as may be required, complete technical specifications as necessary for the installation, operation and maintenance of the VASMS.

6.10 For the purpose of recovering the administrative costs of the VASMS, the LTA shall submit a monthly invoice to VAS Licensees for VAS Traffic Fees to be calculated as follows:

- a) Each USSD VAS session shall incur a VAS Fee of _____ per session.
- b) Each SMS VAS occurrence shall incur a VAS Fee of _____ per occurrence.

PART 7: AMENDMENT AND EFFECTIVENESS

7.1 The LTA may review, revise or amend these Regulations, or any part thereof, as and when the LTA deems necessary.

7.2 The LTA may issue Orders and Notices to give effect to any part of these Regulations, or for the information and guidance of Licensees and other stakeholders.

7.3 These Regulations shall become Effective three (3) calendar months after their issuance.

These Regulations are issued by the LTA on this _____ day of _____, 2023, in Monrovia, Republic of Liberia.

Signed:

D. Zotawon Titus
Commissioner

James Gbarwea
Commissioner

Israel A. Akinsanya
Commissioner

Osborne K. Diggs, Jr.
Commissioner

Edwina Crump Zackpah
CHAIRPERSON

SCHEDULE 1: APPLICABLE VAS LICENSE FEES

License Segment	License Sub-Segment	License Type	License Duration	Application Fee	Annual License Fee
Non-Facility Based	Value-Added Service Provider	Individual	5 years	US\$1,200	US\$5,000

DRAFT