

Government of the Republic of the Union of Myanmar
Ministry of Communications and Information Technology

Rules of connection and communication

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These rules are promulgated by the Ministry of Communications and Information Technology with the approval of the Union Government exercising the power conferred under sub-section (a).

Chapter 1

Name and Definition

1. These Rules shall be referred to as the Networking and Roaming Rules.
2. The wording of these Rules shall have the same meaning as stated in the Telecommunications Law. In addition, the following expressions shall have the following definitions:
 - (a) **Networking** means that a licensee allows another licensed person to access Network Facilities Services and Network Services in order to provide telecommunications services. Connectivity includes sharing infrastructure, connecting the main international gateway, national roaming, leased line leasing by wholesale system and collocation.
 - (b) **Networking Agreement** means an agreement between licensees to fulfill a connection to another licensed person.
 - (c) **Affiliate** means an organization that is compatible with any of the following :

- (i) the first organization has an authority over the second organization;
 - (ii) the second organization has an authority over the first organization;
 - (iii) the third party has an authority over both the first and second organizations.
- (d) **Relevant regulatory framework** means rules and regulations, notifications, orders, directives, code of ethics and procedures issued by the Ministry or Department;
- (e) **Controlling Interest** means that a person has the right to vote in another organization (Voting Stock) directly or indirectly more than 50% of the Membership Interest or General Partnership Interest. Direct or indirect ownership of property status or any of the following conditions that allows for all or all of the following;
- (i) appointing more than 50% of the board of directors or management committee of another organization;
 - (ii) appointing senior executives to oversee the day-to-day operations of another organization, to be able to upgrade rank and remove;
 - (iii) significant investment of another organization, making administrative or management decisions;
 - (iv) playing a key role in making management decisions of another organization;
 - (v) ability to manage the day-to-day operations of another organization.
 - (vi) the nature or type of service provided by another organization's Terms and Conditions significantly influence on rate decisions;

- (f) **Day** means the day counted according to the international calendar.
- (g) **Dispute resolution request** means a written request from a licensee or a licensee to comply with the dispute resolution procedures set forth in these Rules.
- (h) **Dominant Licensee** means a business that is affiliated with another business or It is a situation in which the economy has gained a degree of independence from competitors and consumers, whether or not they have joined forces.
- (i) **End User** means a business or individual not a licensed person using the telecommunications services provided by a licensed person.
- (j) **Indirect use** means that the actual user is able to access the services from another person licensed, not from the licensee who provides the service to him.
- (k) **Interconnection** means the network of a licensed person and the network of another licensed person to allow the following functions in terms of logical linking:
 - (i) Communications between the telecommunications service users of one licensed person and the subscribers of another licensed telecommunications service;
 - (ii) Linking through the services required to connect the network resources of two other licensed persons.
- (l) **Interaction agreement** means an agreement between the licensees to complete an interconnection with another licensed person.
- (m) **Person** means a person from the Department or the organization.

- (n) **Licensee** means a person who is able to accept or provide network connection service business license (Special – Individual) or network service license issued by the Department.
- (o) **Reference Interconnection Offer (RIO)** means an offer that contains a set price and terms and conditions set forth by a licensee to fulfill a reciprocal communication with another licensed person.
- (p) **A Reference Access Offer (RAO)** is an offer that contains a set price and terms set up by a licensee to fulfill the license to another licensed person.

Chapter (2)

Principles and responsibilities of connectivity and communication

- 3. The role of the Department in connectivity and communication
 - (a) The Department shall take the following actions in order to promote effective and sustainable competition and to ensure proper and timely connection and communication with the aim of achieving long-term benefits for the actual users:
 - (i) connecting network services to network resources by setting the necessary rules for matters relating to communication;
 - (ii) when coordination is needed, initial mediation at the request of the parties to the agreement.
 - (b) The Department may, in its sole discretion, establish the following terms and conditions for the promotion of information and communication services in the country, regardless of the provisions of these Rules regarding the imposition of additional requirements on Dominant Licensees;

- (i) rules to ensure effective competition;
- (ii) technical requirements;
- (iii) terms and conditions related to service rates;
- (iv) terms of importation and usage;
- (v) rules and regulations to comply with the relevant standards;
- (vi) terms and conditions relating to the provision of essential facilities and services;
- (vii) regulations related to environmental protection;
- (viii) terms and conditions relating to maintaining quality of service and end-to-end customer protection;
- (ix) terms and conditions related to network disaggregation;
- (x) terms and conditions related to cost calculation methods.

4. Connectivity and communication responsibilities

- (a) The Department may instruct a licensee in writing to negotiate a communication agreement with another licensed person prescribed by the Department.
- (b) If a licensee requests in writing to the other licensee to negotiate a telecommunications agreement, he shall do so.
- (c) The Department may direct any market-dominated licensee in writing to negotiate a connection agreement with another licensed person designated by the Department.
- (d) The Department may direct a licensee to negotiate a connectivity agreement for the sharing of network resources that the Department determines that other licensed persons cannot build in duplicate. Prior to such directive, the Department shall send a notice to the licensee for comment.

- (e) The licensee shall not be required to do so if the licensee does not require the licensee to negotiate the connection agreement under sub-rule (c) or (d) if the licensee requests a written agreement to negotiate the connection agreement.
- (f) No one shall be permitted to use the connection or interconnection by sub-rules (a) to (e) unless it is a licensee.
- (g) Any licensee who will coordinate the connection and communication agreement as per sub-rule (a) to (f), including another person licensed by the Department in accordance with sub-rule (a), (c) and (d):
 - (i) interaction and communication should be coordinated as soon as possible.
 - (ii) the terms and conditions for rates for connecting and interacting, including quality of service and technical standards, must be fair and non-discriminatory. The rights shall not be less than those specified by the licensee or another person for a related organization or for a subordinate organization,.
 - (iii) the amount of interconnection capacity to meet the licensed service quality responsibilities of another licensed person, adequate quality must be met.
 - (iv) Anyone may not refuse to negotiate a connection agreement or an interconnection agreement, except in situations where it is technically impossible to provide connectivity and communication services.
 - (v) the licensee shall provide the reasonable and necessary information required by another licensed person to finalize any connection agreement or intercommunication agreement.

- (h) The Department may prescribe additional responsibilities on the market-dominated licensees in the relevant market. In making such a provision, consideration must be given to the appropriateness of each case and the timeframe for which these responsibilities can be implemented.
- (i) The licensee who has been instructed to carry out the connection and interconnection under this Rule may request to the Department to reconsider the instruction to do so if it can indicate that a mechanical change may occur due to the fulfillment of such connection and interconnection and the Department may deem it appropriate.

5. Principles of networking and roaming

- (a) the licensee shall provide access and interconnection wherever technically possible on his network.
- (b) the licensee shall not refuse to fulfill the interconnection at any point where technically possible interconnection or additional point of contact shall be required unless a reasonable engineering position or requirement for network durability has been established.
- (c) networking and roaming shall be provided in accordance with the following points:
 - (i) to minimize the negative impact on the environment;
 - (ii) to increase market competition in providing telecommunications services.
- (d) Terms and conditions of the Networking Agreement or Roaming Agreement submitted by a licensee for approval shall comply in accordance with the Telecommunications Law, relevant regulatory framework, an offer of a referenced connection or reference

communication in connection with the licensee, and other applicable laws.

- (e) In connection with the use of any accessory which may affect the networking or roaming (eg. provision of equipment space) in accordance with the sub-rule (a), (c) or (d) of Rule 4, the parties to or from such agreement shall fulfill the required connection in accordance with Rule 17, such as a market-dominated licensee.

6. Roaming rates

- (a) Rates for telecommunication services shall be based on cost. These rates must reimburse the cost of the licensee's investment and provide a fair return on investment.
- (b) The Department may use any of the internationally recognized methods, including benchmarking and cost studies, to determine whether rates are based on cost.
- (c) The licensee who receives the telecommunication service shall be required to pay for the required network elements and services only in part, so the communication rates shall be adequately valued in respective sections.
- (d) The costs incurred for roaming shall be borne equally by the licensee of the roaming. Unless otherwise decided by the Department, each licensee engaged in roaming is responsible for the part of the roaming link from its network to the roaming point and to the jointly constructed roaming link between the licensees. Each licensee is responsible for the cost of building the connection, which is calculated based on the expected use of the connection between the roaming users.

- (e) Rates must be transparent. However, special attention must be paid to the principles governing confidential information set forth in Rule 8.
- (f) The Department shall conduct regular reviews not less than once every four years to ensure that the communication rates are cost-effective.

7. Networking rates

- (a) Rates for networking services shall be based on costs unless the Department has approved a reasonable alternative method of determining rates when negotiating a connection agreement under sub-rule (c) or (d) of Rule 4. These rates should offset the cost incurred by the licensee and provide a fair return on investment;
- (b) The Department may use any of the internationally recognized methods, including benchmarking and cost studies, to determine whether networking rates are cost-effective;
- (c) The licensee who receives the Networking Services shall be required to pay only part of the cost for the required network equipment and services, so the networking rates shall be adequately valued in each section.
- (d) Except for the Networking Agreement negotiated under sub-rule (d) of Rule 4, the costs of the networking shall be borne by the licensee wishing to obtain such connection;
- (e) The licensee shall bear the same costs for the construction of the network facilities when negotiating a connection agreement under sub-rule (d) of Rule 4;
- (f) Unless the Department has not yet approved another appropriate method for setting the rate as stated in sub-rule (a) of Rule 4, costs for the construction of shared network facilities shall be based on costs in negotiating under sub-rule (c) of Rule 4.

- (g) Rates must be transparent. However, special attention must be paid to the principles governing confidential information set forth in Rule 8.
- (h) The Department shall, in accordance with sub-rules (c) or (d) of Rule 4, regular reviews should be made at least every four years to ensure that the rates agreed upon are in line with the relevant regulatory framework.

8. Handling confidential information

- (a) The Department shall take steps to ensure the confidentiality of the sensitive business information of a licensee and to take reasonable steps to ensure the confidentiality of that information.
- (b) The implementation under sub-rule (a) shall not impede the supervision and supervision authority of the Department.
- (c) Every licensee shall:
 - (i) adhere to and maintain until done and completed prior to negotiating an agreement for the use or disclosure of confidential information sent or received or stored;
 - (ii) apply any information submitted by another licensed person only for the purpose for which such information was transmitted;
 - (iii) obtain the information from another licensed person transmitted to another person. In particular, do not send to subordinates or partners or related organizations, the licensee's other departments and agencies may use the information to gain market advantage.

Chapter 3

Negotiations and agreements on Networking and Roaming

9. Coordination of use and communication shall be made in accordance with the following terms:
 - (a) The licensee who has been instructed to negotiate a networking or roaming agreement under sub-rule (a), (c) and (d) of Rule 4, shall make the negotiation with another licensed person within 7 days from the date of receipt of the instruction. The licensee must at least include the following:
 - (i) a copy of any of the licensing-related offers or licenses of the licensee;
 - (ii) a description of the networking or roaming services to be provided by the licensee if a referral offers are not available (this statement must include the terms and conditions).
 - (b) The licensee who is required to coordinate the communication agreement in accordance with sub-rule (b) of Rule 4 shall notify the respondent within 7 days from the date of receipt of the request and send a copy of the notice to the Department. The reply shall contain the provisions states that at least sub-rules (a) and (b) of Rule 10;
 - (c) The licensee and other licensed persons shall act in good faith in negotiating an agreement on the use or connection of the networking;
 - (d) The Networking or Roaming Agreement shall be negotiated within 90 days from the date of receipt of the instruction as per sub-rule (a), (C) or (d) of Rule 4. Both parties must submit to the Department to resolve this matter in accordance with the provisions of Chapter 6 of these Rules.

- (e) If the request for negotiation of the Networking Agreement under sub-rule (b) of Rule 4, is not reached within 90 days from the date of receipt, the licensee requesting the negotiation may submit to the Department to resolve this matter in accordance with the provisions of Chapter 6 of these Rules.

10. Contents and Terms of Networking and Roaming Agreement

- (a) The Networking or Roaming Agreement shall contain at least the following:
 - (i) the effective date of the agreement, the term of the agreement, cancellation, suspension and renewal arrangements;
 - (ii) plans and procedures for the establishment of networking or roaming, technical standards for roaming, the quality of service guaranteed by each network, terms of cooperation for monitoring the quality of service, identification of faults and clearances;
 - (iii) a description of the services to be provided by each of the parties to the agreement;
 - (iv) the location of the points to be connected networking or used;
 - (v) dimensions related to interoperability testing;
 - (vi) treatment of intellectual property rights;
 - (vii) the contact information of the representatives of each organization authorized by their respective areas of expertise and the procedures for notifying them;
 - (viii) procedures for operation and maintenance;
 - (ix) rules for compensation for failure of one party to meet the agreed quality of service;

- (x) procedures for making changes to the proposed network of the other party or the proposed services;
 - (xi) arrangements for setting service rates, billing and settlement procedures;
 - (xii) information to be kept as secret.
- (b) The Networking Agreement shall include the following information in addition to the information contained in sub-rule (a):
- (i) arrangements for number portability, if applicable;
 - (ii) access to basic services and other services provided by the Department, including directory assistance and SMS termination services, emergency telephone numbers, toll-free numbers, where applicable;
 - (iii) access to special access services, including premium rate services, where applicable;
 - (iv) measures to traffic.

11. Regulatory Approval of the Department

- (a) The licensees shall submit the proposed agreement or amendment agreement within 3 days from the date of receipt of the agreement on the networking or roaming or amendment of those agreements for approval by the Department.
- (b) The Department may request the necessary information from the licensors within 15 days from the date of receipt of the proposed networking agreement or roaming agreement or if the Department deems it necessary to further review the terms and rates contained in the proposed agreement or amendment.
- (c) The Department shall approve the agreement or amendment within 30 days from the date of receipt of the proposed agreement or

amendment within 30 days from the date of receipt of the agreement or amendment, if the amendment to the proposed networking agreement or roaming agreement or if that amendment is in accordance with the following points:

- (i) If applicable, a referral proposal terms and conditions of the licensees, in accordance with the Telecommunications Law, relevant regulatory framework and other applicable laws;
 - (ii) Unless it is unreasonably discriminatory or in conflict with the interests of consumers.
- (d) The Department may, in its sole discretion, use the Connectivity Agreement or the Telecommunications Agreement or its amendment in accordance with the Telecommunications Law ; These rules Relevant regulatory framework; Any referral proposal or referral communication offer; Terms and conditions of the licensees; If it is deemed inconsistent with other applicable laws, the terms and conditions of this Agreement shall prevail. The parties to the amendment agreement to be in compliance with the law may be instructed within 30 days from the date of receipt of the proposed agreement or amendment or the information requested under sub-rule (b).
- (e) The Department shall notify the parties to the agreement that shall not be deemed to have agreed to the proposed networking or roaming agreement or any of its parts in accordance with sub-rule (d). This provides an appropriate opportunity for stakeholders to comment on the department's decision. If the Department considers that the agreement should be rejected or amended even after taking into account the views of the participants, the parties to the agreement

shall coordinate and submit the revised proposed agreement to the Department within the time limit set by the Department.

- (f) The Agreement on Networking or Roaming shall not enter into force without the approval of the Department.

12. Publication of agreements, extension and modification

- (a) The parties to the networking or roaming agreement shall, if necessary, disclose all the components of the approved networking agreement or roaming agreement which is not specified by the Department as confidential.

- (b) The parties to the Networking Agreement or the Roaming Agreement may propose to amend or update the agreement approved by the Department as follows:

- (i) notify the Department in writing 30 days prior to the effective date of the amendment or update;
- (ii) sending a copy of the proposed amendment or update to the Department.

- (c) Amendment or extension to the approved Networking Agreement or Roaming Agreement shall not be effective without the approval of the Department.

13. Termination and cancellation of the agreement

- (a) The termination of a networking agreement or a roaming agreement shall not be effective without the approval of the Department.

- (b) If a Party to a Networking Agreement or a Roaming Agreement seeks to terminate such Agreement, it shall give at least 15 days prior to the date of termination of such agreement unless it is necessary to notify the other parties to the Agreement and the Department within a short period of time.

- (c) If any of the following incidents occur in the Networking Agreement or the Roaming Agreement, in the event of all incidents, or the entire agreement, provisions must be in place to suspend all or part of the agreement:
 - (i) any breach or unlawful act of interference with the use or communication of any of the parties to the Agreement;
 - (ii) health or safety issues;
 - (iii) in situations where there is an unreasonable risk to the stability or security of a licensed network or services;
 - (iv) if the Union Government decides that the agreement needs to be terminated in the public interest.
- (d) The termination of an agreement on the use or interaction of a communication shall not be effective without the approval of the Department.
- (e) If a Party to a Networking Agreement or Roaming Agreement wishes to terminate the Agreement in whole or in part, it shall, at least 30 days prior to the cancellation date of such Agreement, to the other parties and the Department involved in the termination of such Agreement.
- (f) The Department reserves the right to terminate or terminate the agreement, provided that the licensee has the right to suspend or terminate the entire Networking Agreement or any part of the Agreement. In addition, the Department shall establish reasonable terms for suspension or cancellation, or provide a link to each other in accordance with the terms and conditions deemed appropriate by the Department, as provided by the Department it has the authority to suspend updates or replacements.

14. Implementing agreements

- (a) The connecting period shall not exceed 30 days from the date of signing of such agreements in determining the period for implementation of the relevant process in the connection agreement or interconnection agreement.
- (b) If a participant in the agreement fails to implement the agreement within the prescribed date from the date of signing the agreement in accordance with sub-rule (a) from the date of signing the agreement, appropriate efforts should be made. The Department may extend this period if all relevant documents are submitted to the Department stating that all practical measures have been taken to ensure the success of the operation. Such application must be made at least 5 days before the original deadline.
- (c) The period extended by the Department for the application under sub-rule (b) shall not exceed 90 days, including the original period.

Chapter 4

Referral offer

15. Responsibilities related to referral communication offers for market-dominated licensees

- (a) All market-dominated licensees shall prepare and submit a reference communication proposal for the approval of the Department. The offer shall be in accordance with the provisions of Rule 2 and 3 and shall include provisions thereof.
- (b) The Department may, in consultation with the public, issue guidelines and sample templates for reference communications to be used by any

market-dominated licensee who shall design and develop a reference communication proposal.

- (c) The market-dominated licensee, needs to prepare the reference communication proposal under this Rule, shall submit to the Department within 60 days from the date of receipt of the notification of the Department and for the approval of the regular communication contract specified by the Department.
- (d) The terms and conditions contained in the proposed communication by the Department shall be in accordance with the principles of communication established in these Rules, the Telecommunications Law, relevant regulatory framework and if it deems that it does not comply with the license of the market-dominated licensor or other existing laws, the market-dominated license holder may be instructed to update the terms and conditions of the telecommunications offer.
- (e) If the market-dominated license holder wishes to update an approved reference communication offer, he / she must submit the proposed update with good reason to the Department.
- (f) The Department consults with the public to decide whether or not to approve a proposed reference communication proposal or its update. It can be taken any action if deem necessary, including inviting the views of interested parties. The Department shall promptly and effectively decide on the reference communication proposal or its approval for the update. The time required to make such a decision, no matter what action is taken, shall not exceed 90 days.
- (g) Unless otherwise determined by the Department, only the current approved reference communication proposal shall take effect unless a revised reference communication proposal is approved.

- (h) The licensee of the market-dominated license shall issue the reference communication proposal or update within 7 days from the date of approval:
 - (i) posting a referral proposal on its website;
 - (ii) in writing, by any licensee, in writing of the reference communication proposal, obtaining an electronic copy.
- 16. Content to be included in the reference communication offer
 - (a) The offer of communication shall be as detailed as possible in order to facilitate the negotiation of the contract, and shall include at least all the terms set forth in Rule 10, and shall include the following provisions if requested by another licensee:
 - (i) services for routing of traffic (call), session termination and session origination;
 - (ii) roaming links;
 - (iii) outbound transit;
 - (iv) follow-up services and implementation plans;
 - (v) a description of all points of interconnection for the purpose of sharing space; a description of the connection conditions;
 - (vi) If appropriate signaling protocols, provide a complete description of the proposed interoperability for the proposed communication, including encryption methods used for encrypting the interfaces;
 - (vii) Technical and pricing regulations relating to carrier selection and number portability, if applicable;
 - (viii) Third-party billing services that are not directly involved.

- (b) The market-dominated licensee shall make every effort to comply with its terms of reference and the proposed telecommunications agreement. There is a discrepancy between the telecommunications agreement and the referral proposal, and such inconsistencies will only prevail in the terms of the telecommunication proposal, depending on the circumstances in which the parties are involved.
- (c) If a licensee deems it inconsistent with the market-dominated license agreement and the referenced telecommunications offer:
 - (i) The licensee may propose in writing to the market-dominated licensor any changes that would correct such inconsistencies.
 - (ii) within five days from the date of receipt of the proposal under sub-rule (1) from the licensee, if the licensee of the market-dominated market agrees whether or not he agrees to the terms and conditions of the telecommunications agreement and the telecommunications contract;
 - (iii) If a market-dominated licensee agrees that changes should be made, the parties to the agreement shall intentionally negotiate to agree to the changes.
 - (iv) when he does not agree that the communication agreement and the reference communication offer are inconsistent; A participant in the agreement may request the Department to resolve the dispute in accordance with the provisions of Chapter 6 of these Rules, even if the negotiation agreement cannot be reached within 21 days.

Chapter (5)

Networking

17. Responsibilities of licensees instructed to provide networking

- (a) The Department shall comply pursuant to sub-rules (c) and (d) of Rule 4, the licensee may be instructed in writing to provide a reasonable connection and access to his or her network support services and network services. In particular, it may direct such situations as denying connectivity or setting unreasonable connectivity terms that could impede the emergence of sustainable market competition or harm the interests of actual users. Such instructions may include, but are not limited to, the following responsibilities:
 - (i) allow another licensed person to use the designated network components and accessories;
 - (ii) not to revoke or disrupt the access to approved network resources except with the permission of the Department;
 - (iii) to support sharing space or ducts, buildings, sharing of other resources, including the sharing of poles;
 - (iv) end-users (including roaming) services, such as roaming requirements for third parties (third party Qualifying Licensees) to provide interconnection services through the first licensee's telecommunications network to provide the necessary specialized services (end-to-end) to ensure interoperability of the inter-network services;
 - (v) Inter-faces required for inter-services between virtual services or virtual network services allow access to protocols or other critical technologies;

- (vi) provide third party services such as leased lines for wholesale resale.
 - (vii) to provide access to operational support systems or other software systems required to provide fair competition in the provision of services;
 - (viii) to negotiate with the licensors who have requested the connection.
- (b) The Department shall perform fair practice in prescribing the duties prescribed in sub-rule (a), rules can be set at the same time to be reasonable and timely.
- (c) The Department shall consider whether or not the compliance with the duties mentioned in sub-rule (a) is in accordance with the following points, especially whether those duties are in accordance with the objectives set out in these rules:
- (i) rates for market development, technical and technical support for the installation and use of competitive aids, taking into account the type and nature of the connection, environmental and economic viability;
 - (ii) feasibility to meet the proposed available capacity in meeting the proposed connectivity;
 - (iii) potential risks in investing, considering the problems, the initial investment of the equipment owner;
 - (iv) the need to maintain competitiveness;
 - (v) relevant intellectual property issues where applicable.

18. Responsibilities regarding referral offers for market-dominated licensees

- (a) The Department may instruct the market-dominated licensee to submit a reference application for market use for approval by the Department.
- (b) The referral offer offered by the market-dominated licensee shall include the connection services, if necessary, include the following:
 - (i) connecting and using cable and telephone network equipment and related equipment, which includes communication between wires or cables, wireless or cable connections.
 - (ii) access to passive physical infrastructure, including pillars, buildings, ducts;
 - (iii) access to appropriate software systems, including operational support systems, access to number translation or similar systems;
 - (iv) access to connectivity systems for digital television services;
 - (v) access to virtual network services;
 - (vi) indirect use.
- (c) The Department may, in consultation with the public, issue guidelines and sample templates regarding the applications to be used by all market-licensed licensees in the drafting of any reference application.
- (d) The market-dominated licensee who shall develop the reference application in accordance with these Rules shall submit to the Department for approval within 60 days from the date of notification of the Department and the regular period specified by the Department.
- (e) The Terms and Conditions contained in the Department's proposed connection use shall be in accordance with the principles of connection used in these Rules, the Telecommunications Law Relevant regulatory framework, if it deems that it does not comply with the

license of the market-dominated licensor or any other existing law, the licensee of the market-dominated license may be instructed to update the terms of reference.

- (f) The market-dominated licensee shall make every effort to comply with its terms of use agreement and the terms of reference connection.
- (g) The terms of the Networking Agreement and the Terms of Reference are inconsistent, and such inconsistencies shall prevail only in the context in which the Terms and Conditions apply, depending on the specific circumstances between the parties.
- (h) If a licensee deems that the market-dominated license agreement and referral offer are inconsistent:
 - (i) the licensee may propose in writing to the market-dominated licensor any changes that would correct such inconsistencies.
 - (ii) within 5 days from the date of receipt of the proposal under sub-rule (1) from the licensee, if the licensee of the market-dominated area agrees whether or not he agrees to such inconsistency, he shall inform whether the licensee agrees with the proposed changes.
 - (iii) if the market-dominated licensee agrees that changes should be made, the parties shall, in principle, coordinate to agree to the changes.
 - (iv) when you do not agree that the connection agreement and the reference connection offer are inconsistent, negotiations to agree on changes to the agreement within 21 days, a party to the agreement may request the Department to resolve the dispute in accordance with the provisions of Chapter 6 of these Rules.

- (i) If a market-dominated licensee wishes to update an approved referral application, he / she must submit the proposed update to the Department with good reason.
- (j) The Department consults with the public to decide whether to approve the proposed reference application or its update, it can be taken any action deem necessary, including inviting the views of interested parties. The Department shall promptly and promptly make a decision on the connection application or approval for its update, and the time required for such decision to be made shall not exceed 90 days.
- (k) Unless otherwise determined by the Department, only the current Approved Networking Offer is effective as long as it does not approve any revised reference network.
- (l) The licensee of the market-dominated license shall issue the Offer Network or amendment within 7 days from the date of approval of the update:
 - (i) posting a referral offer on its website;
 - (ii) if requested by another licensed person, obtaining by printing a referral offer or getting an electronic copy.

Chapter (6)

Resolving disputes over Networking and Roaming

- 19. Things to do in resolving a dispute:
 - (a) the licensee shall, in accordance with these Rules or under his license, the request for resolution of the dispute shall be submitted to the Department in writing, either voluntarily or in connection with the use and connection of the communication. The petitioner shall be called

the Claimant and the other party involved in the dispute shall be called the Respondent.

- (b) In the dispute resolution request:
 - (i) the address and identity of the applicant must be included;
 - (ii) includes a description of the disputed network services and network resources;
 - (iii) in addition to the issues in dispute, other matters agreed upon by both parties must be mentioned;
 - (iv) efforts by both sides to resolve the dispute, issues that the applicant wants to be decided, concise solutions that will make it work.
- (c) The applicant shall send a copy of the claim to the applicant to resolve the dispute.
- (d) If the applicant wishes to resolve the dispute voluntarily, the following shall be stated in writing the request for settlement of the dispute:
 - (i) the subject of the dispute has been informed to the applicant;
 - (ii) consistent efforts have been made to resolve the dispute through discussions with the applicant;
 - (iii) a notice of dispute has been sent to the applicant for at least 30 days regarding the unresolved dispute.
- (e) The applicant shall submit the dispute to the Department and reply to the applicant in writing within 20 days from the date of receipt of the request for settlement of the dispute.
- (f) Depending on the circumstances, the Department may reduce or increase the time required for the respondent to respond.
- (g) Upon receipt of the request for dispute resolution, the Department may take one or more of the following actions:

- (i) other information may be requested from any person who may be affected by the dispute, if deemed necessary;
- (ii) both parties may be instructed to initiate or continue efforts to resolve the dispute;
- (iii) a person may refuse to settle a dispute in the following circumstances:
 - (a) does not fall under the jurisdiction of the Department;
 - (b) the dispute is insignificant, inciting hostility or malfunctioning the process;
 - (c) the applicant did not make sufficient effort to resolve the dispute with the applicant;
 - (d) the main cause of the dispute is misunderstanding, defective or inaccurate content;
 - (e) significant improvement in market competition due to dispute resolution;
 - (f) the subject matter in dispute is not to some extent socially and economically important;
 - (g) the content of the dispute is insufficiently significant to determine that it violates the business agreement reached between the two parties;
 - (h) dispute resolution is not in the best interests of the consumer.
- (iv) establishing any process, including public consultation, if necessary, to gather evidence and submissions from both parties;
- (v) dispute resolution procedures, the timing of the start and end of the mediation or arbitration, the decision to be made shall

determine the terms and conditions of the dispute between the parties and the department and appoint a mediator or arbitrator to determine the terms of reference, including mediation or arbitration.

- (vi) decision of dispute by the Department using the procedures deemed appropriate in each circumstance;
- (vii) take other measures as deemed appropriate by the Department depending on the circumstances.

20. Guidelines for resolving disputes

- (a) The Department shall, in resolving a dispute, the persons in dispute, efforts must be made to strike a fair balance between the actual consumers and the competing attitudes, including those across the country. As long as possible, the agreements reached between the parties to non-dispute should be maintained as soon as possible.
- (b) Under appropriate circumstances, the Department shall take into account the following factors in resolving disputes:
 - (i) the long-term interests of those who actually use telecommunications services;
 - (ii) operational benefits of telecommunications services and networks;
 - (iii) for the proposed connection and interaction, the availability of other viable alternatives, both economically and socially;
 - (iv) willingness to make information and telecommunications services more widely available to consumers;
 - (v) the nature of the request in relation to the available resources to fulfill the request;
 - (vi) the need to maintain universal service;

- (vii) the need to maintain the integrity and interoperability of telecommunications networks;
- (viii) promoting competition;
- (ix) public interest;
- (x) determining responsibilities or restrictions imposed on any participant;
- (xi) other related appropriate opinions.

21. Initiatives to resolve disputes

The Department may initiate the dispute settlement process on its own initiative and may temporarily impose on the licensee provisions that the Department deems necessary so as not to jeopardize the connection and communication disputes in the public interest.

(Photo) Myat Hein

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