No. S 412

TELECOMMUNICATIONS ACT 1999
(ACT 43 OF 1999)

CODE OF PRACTICE FOR COMPETITION IN THE PROVISION OF TELECOMMUNICATION SERVICES

In exercise of the powers conferred by section 26 (1) of the Telecommunications Act 1999, the Info-communications Development
Authority of Singapore hereby issues the following Code:

include measures to foster competition in those markets that, in the past, were protected from competition by special or exclusive government-granted rights.

1.5.3 Proportionate Regulation

To the extent that a given market is not yet competitive, significant *ex ante* regulatory intervention is likely to remain necessary. When this is the case, IDA will seek to impose regulatory requirements that are carefully crafted to achieve IDA's stated goals. Such requirements will be no broader than necessary to achieve IDA's stated goals.

1.5.4 Technological Neutrality

IDA's regulatory requirements will reflect the phenomenon of convergence, which is eroding historic differences among platforms such as wireline, cable, wireless, and satellite. Regulatory requirements will be based on sound economic principles and, to the extent feasible, will be technology-neutral. Because the phenomenon of convergence is in its early stages, with different platforms subject to differing degrees of competition, the objective application of these principles may result initially in the imposition of different regulatory obligations on Licencees that use different platforms.

1.5.5 Elimination or Modification of Unnecessary Provisions of this Code

As competition develops, regulation becomes less necessary and, in many cases, can be counter-productive. Therefore, IDA will strive to eliminate or modify the provisions of this Code to reflect the development of competition. The following 2 procedures will promote the implementation of this principle:

1.5.5.1 Regulatory Review

At least once every 3 years, IDA will review this Code. As part of the triennial review process, IDA will provide an opportunity for public comment. IDA will eliminate or modify provisions that it determines, based on experience and the growth and development of competition, are no longer necessary.

2.5.1 Procedures

2.5.1.1 Grant or Renewal of the Licence

At the time it grants or renews a licence to a Licensee, IDA will make an assessment as to whether the Licensee is dominant or non-dominant.

2.5.1.2 Reclassification by IDA of a Licensee

Where appropriate, IDA may initiate a proceeding to reclassify a Licensee. In such cases, IDA will request the Licensee to provide information that will assist IDA in determining whether or not the Licensee meets the conditions specified in subsection 2.2.1 (*a*) or 2.2.1 (*b*) of this Code. Before reclassification IDA will seek public comments.

2.5.1.3 Petitions for Reclassification

A Licensee or other interested party may petition IDA to have a Licensee reclassified. A party seeking to have a Licensee reclassified must provide information demonstrating whether or not the Licensee meets the conditions specified in subsection 2.2.1 (*a*) or 2.2.1 (*b*) of this Code. Before acting on a petition for reclassification, IDA will seek public comments.

2.5.2 Evidence to be Considered

2.5.2.1 Ability of Competitors to Replicate Facilities

A party seeking to demonstrate whether or not a Licensee meets the conditions specified in subsection 2.2.1 (*a*) should submit verifiable data regarding: the facilities that the Licensee has deployed to connect to end users; the cost to a new entrant to deploy facilities that perform a comparable function; the extent to which such facilities are commercially available; the extent to which there are technical, economic or regulatory obstacles to the competitive deployment of such facilities; and the extent to which competitive deployment has occurred and is likely to occur within the foreseeable future.

2.5.2.2 Ability of Licensee to Restrict Output and Raise Prices

A party seeking to demonstrate whether or not a Licensee meets the conditions specified in subsection 2.2.1 (*b*) should submit verifiable data regarding: the relevant