



Afghanistan Telecommunication Regulatory Authority (ATRA)

**INTERCONNECTION BETWEEN COUNTRIES AND
IP TRANSIT REGULATORY PROCEDURES**

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PART I - PROVISION

1. Citation

These Procedures shall be cited as the Interconnection Between Countries and IP Transit Regulatory Procedures, 2020.

2. Background

ATRA has responsibility under the Telecom Law to:

- 2.1 Enforce the interconnection obligations, in accordance with the provisions of the Law;
- 2.2 Accelerate installation and development of Telecommunications networks and services throughout Afghanistan, at reasonable prices;
- 2.3 Require a person having Significant Market Power to sell/offer Telecommunications services on a non-discriminatory basis to other licensed Service Providers;
- 2.4 Ensure that all Operators or Service Providers provide interconnection of their Telecommunications networks in accordance with the provisions of the Law and their relevant licenses.

3. Status of the Procedures

These Procedures are to be read subject to:

- (a) the Telecom Law and other relevant laws;
- (b) the Collocation and Infrastructure Sharing Regulatory Procedures, 2020;
- (c) the Optical Fiber Interconnection Regulatory Procedures, 2019;

in conjunction with the Operators or Service Providers' Licenses.

4. Interpretation

In these Procedures, unless the context requires otherwise:

“**ATRA**” means the Afghanistan Telecommunication Regulatory Authority established under Article 4 of the Telecommunications Services Regulation Law, 2005;

“**Collocation**” has the meaning in the Collocation and Infrastructure Sharing Regulatory Procedures for the sole purpose of Interconnection Between Countries;

“Fiber Optic Network”	means Telecommunications Network consisting of optical fiber links operated for the primary purpose of carrying packet-based traffic including Internet;
“Indefeasible Right of Use (IRU)”	means the effective long-term lease or temporary ownership of a portion of the capacity of an international Fiber Optic Network link;
“Interconnection”	has the meaning in the Telecom Law;
“Interconnection Between Countries”	means an interconnection between terrestrial networks of Afghanistan and a neighboring country;
“Interconnection Provider”	has the meaning in the Optical Fiber Interconnection Regulatory Procedures, in reference to provision of the Interconnection Between Countries;
“Interconnection Seeker”	has the meaning in the Optical Fiber Interconnection Regulatory Procedures, in reference to provision of the Interconnection Between Countries;
“IP Transit”	Transit for IP networks, particularly fiber optic networks;
“Meet-Me Room”	means the place used to physically connect networks from different Service Providers, with collocation facilities for voice, data and broadband interconnections;
“Microwave Backbone Network”	means a point-to-point high-capacity wireless telecommunications network using radio frequencies in the range of the millimeter wave radio frequency spectrum;
“Open Access”	has the meaning established in the Open Access Policy of the Afghanistan Ministry of Communications and Information Technology, 2016;
“Peering”	means a zero-compensation arrangement, not objected by ATRA, where Service Providers agree to exchange traffic at no charge, also known as Sender Keeps All, or Bill and Keep;
“Point of Interconnection (POI)”	has the meaning in the Optical Fiber Interconnection Regulatory Procedures, in reference to provision of the Interconnection Between Countries, subject to the conditions for the Meet-Me Room in these Procedures;
“Point-to-Point Leased Capacity Service”	means a service whereby the Service Provider provides Connectivity to the Interconnection Seeker located in another country by establishing the connectivity to the international hubs with which the Service Provider has operational/business agreements;
“Reference Interconnection Offer (RIO) Between Countries”	means a document setting out the terms on which an Interconnection Provider proposes to offer interconnection to an Interconnection Seeker;
“Requested Party”	means the Service Provider who is requested the Interconnection Between Countries or IP Transit;
“Requesting Party”	means the Service Provider requesting the Interconnection Between Countries or IP Transit;
“Service Provider”	has the meaning in the Telecom Law for Service Providers within the territory of Afghanistan and the equivalent definition for those outside;

“Services Between Countries”	mean those provided by Service Providers within the territory of Afghanistan to those in neighboring countries, within the context of these Procedures;
“Significant Market Power or SMP”	has the meaning in the Telecom Law;
“Telecom Law”	means the Telecommunications Services Regulation Law, 2005, as amended thereof;
“Telecommunications”	have the meaning in the Telecom Law;
“Telecommunications Network”	has the meaning in the Telecom Law;
“Transit”	means an arrangement in which a Service Provider sells access to third-party networks to another Service Provider via its own network, either within the country (domestic transit) or with a neighboring country (international transit) and gets compensated via negotiated and regulated transit charges.

5. Objective of the Procedures

The objective of these Procedures is to provide ATRA the regulatory framework for the establishment of interconnection and IP transit of Fiber Optic and/or Microwave Backbone Networks of Service Providers for traffic between Afghanistan and a neighboring country, especially transit traffic, from the commercial and technical aspects in accordance with the prescriptions of the Telecom Law and on a reciprocal basis.

6. Purpose of the Procedures

- 6.1 To ensure that all Service Providers are treated fairly and in a non-discriminatory manner with respect to the provision of Interconnection Between Countries and IP Transit services;
- 6.2 To ensure good practice with respect to Interconnection Between Countries and IP Transit services between Service Providers and to promote the provision of high-quality services for Interconnection Between Countries through technical and economic efficiency, and thereby to ensure that users, both in Afghanistan and outside, can be provided with a satisfactory quality of service.

7. Scope of the Procedures

- 7.1 These Procedures govern the interconnection services for the physical and logical linking of Fiber Optic and Microwave Backbone Networks of Service Providers for terrestrial broadband traffic between Afghanistan and another country or countries.
- 7.2 Peering, whether public or private, is not included within the scope of these Procedures, due to its intrinsic nature of a private voluntary agreement between interconnecting parties, with the exception of the requirement of

submittal of the interconnection agreement to ATRA for approval and publicity as indicated in section 19.

- 7.3 Certain specific requirements under these Procedures apply only to Service Providers as per the Telecom Law.
- 7.4 These Procedures also provide the basis for a reasonable and mutually negotiated Interconnection Between Countries and IP Transit agreement between Interconnection Providers and Seekers.
- 7.5 The Procedures also address the development and publication of a Reference Interconnection Offer (RIO) by Service Providers with SMP. The purpose of the RIO is to provide the basis for negotiation of an Interconnection agreement Between Countries for the provision of Fiber Optic and Microwave Backbone Network interconnection services by defining a standard set of commercial, technical and operational conditions through which Interconnection services Between Countries are provided.
- 7.6 These Procedures are also applicable to the interconnection to submarine cable landing stations, either physical or virtual, which shall be treated in accordance to Afghanistan's laws and regulations.
- 7.7 These Procedures shall be applied in accordance to the World Trade Organization (WTO) reciprocity principle for trade and transit of services.

PART II - INTERCONNECTION BETWEEN COUNTRIES AND IP TRANSIT

8. Principles and Obligations Applicable to All Service Providers

The principles and obligations applicable to all Service Providers in Afghanistan are:

- 8.1 All Service Providers, if so requested in writing by another Service Provider of Afghanistan, must enter into good faith negotiations to complete Interconnection Between Countries or IP Transit agreements. They must meet all reasonable requests for interconnection services and adhere to non-discrimination between services they provide to themselves and those they provide to others.
- 8.2 It is obligatory on every Service Provider to offer and receive interconnection and transit services under appropriate terms and conditions and in a timely fashion.
- 8.3 Interconnection Between Countries and IP Transit shall encourage efficient and sustainable competition.
- 8.4 Interconnection Between Countries and IP Transit procedures and arrangements shall be transparent, fair and non-discriminatory.

- 8.5 All Interconnection Between Countries and IP Transit service provisioning between Afghanistan and other countries shall be in compliance with the laws, regulations and these procedures with respect to the Service Provider under Afghanistan jurisdiction.

9. Principles and Obligations Applicable to Service Providers with Significant Market Power (SMP)

In addition to the principles and obligations established in the Optical Fiber Interconnection Regulatory Procedures, the following apply to Service Providers with Significant Market Power (SMP):

- 9.1 Interconnection and transit charges shall be transparent, reasonable and cost-based.
- 9.2 Standard terms and procedures for interconnection services shall be published in a Reference Interconnection Offer (RIO).
- 9.3 A Service Provider with SMP shall provide Interconnection Between Countries to its Fiber Optic Networks to meet the requirements of other Service Providers outside Afghanistan in compliance with these Procedures.
- 9.4 Any changes in the setup of existing interconnection services of Service Providers with SMP shall be agreed with the requesting Service Provider and must be in compliance with these Procedures.
- 9.5 A Service Provider with SMP under Afghanistan jurisdiction is obliged to provide Interconnection services in compliance with all applicable laws and regulations of Afghanistan.

10. Confidentiality

A party to an Interconnection Between Countries or IP Transit agreement may, before the filing of the agreement with ATRA, mark provisions containing trade or operating secrets as established in the Optical Fiber Interconnection Regulatory Procedures.

11. Non-discrimination and Transparency

- 11.1 In similar conditions and similar circumstances, an interconnection Service Provider shall provide Interconnection Between Countries and IP Transit on a non-discriminatory basis and the interconnection Service Provider shall ensure that:
- (a) the rates it charges do not vary within the class of Fiber Optic or Microwave Backbone Networks to be served;
 - (b) it provides Interconnection Seekers with interconnection facilities and information under the same conditions and in the same quality that it affords to its subsidiaries, affiliates, or other

similarly situated Interconnection Seekers;

- (c) it avails to Interconnection Seekers all necessary information and specifications related to Interconnection Between Countries; and
- (d) Fiber Optic and Microwave Backbone Networks of an Interconnection Seeker receive treatment that is no less favorable than the treatment which it affords to its own networks or the networks of its subsidiaries, affiliates, or other similarly situated Interconnection Seekers.

12. Quality of Service

- 12.1 Parties to an Interconnection Between Countries or IP Transit agreement shall comply with all relevant IP traffic service standards of the International Telecommunications Union and other technical standards that ATRA may publish from time to time.
- 12.2 Quality of Service for Internet connectivity shall be provided on best-effort, with the exception of specific QoS levels for some types of traffic specified in the Interconnection Between Countries or IP Transit agreement.
- 12.3 A Service Provider shall ensure that the prescribed quality of service is not impaired on Interconnection Between Countries.

PART III - INTERCONNECTION AND IP TRANSIT PROCEDURES

13. Meet-Me Room

- 13.1 Interconnection Between Countries and IP Transit between a Service Provider in Afghanistan and another Service provider from a neighboring country shall be materialized at a Meet-Me Room with sufficient facilities to support physical Interconnection, Transit and/or Collocation.
- 13.2 The Meet-Me Room for the establishment of Interconnection Between Countries and/or IP Transit shall be located in one of the following locations:
 - (a) preferably within the territory of Afghanistan; or
 - (b) at a geographical point where both Afghanistan and the Interconnecting Party at the neighboring country are able to build the facilities and have access to them from either side, as well as the regulatory authorities when required.
- 13.3 Interconnection Between Countries and/or IP Transit that is not materialized through a Meet-Me Room following the criteria set in 13.2 shall not be allowed.

14. Procedure for Interconnection Between Countries

Establishment of the Interconnection Between Countries shall follow the steps in the Optical Fiber Interconnection Regulatory Procedures.

15. Process for IP Transit

- 15.1 In accordance with the terms and requirements prescribed by these Procedures, all Requested Parties must allow any other Requesting Party to interconnect its network with that of the former party for the purpose of the transit of broadband traffic between Afghanistan and neighboring countries.
- 15.2 A Requested Party may impose reasonable charges on a Requesting Party for IP Transit whose charges must be limited to the costs calculated as indicated in this section.
- 15.3 If a Requested Party agrees to provide IP Transit as contemplated in this section, the charges and all other material terms of that IP Transit agreement must be contained in a written agreement.
- 15.4 All IP Transit agreements must be submitted to ATRA of the Requested Party for approval:
- (a) within sixty (60) days from the date of commencement of these Procedures, in the case of agreements concluded before the commencement of these Procedures;
 - (b) within fourteen (14) days from the concluding of the agreement in the case of agreements concluded after the commencement of these Procedures.
- 15.5 Unless the parties agree on a later date, an IP Transit agreement comes into operation on the date on which it is filed with ATRA.
- 15.6 ATRA must approve or disapprove a IP Transit agreement within ninety (90) days from the date of filing thereof and may on its own motion act under subsection 15.7 or allow the parties such an additional period as it thinks fit to conclude an agreement, subject to such determination as it thinks fit.
- 15.7 If parties fail to agree on terms of IP Transit within a reasonable period (which may be specified by ATRA of the Requested Party), one or both of the parties may request that ATRA determines terms of interconnection in accordance with this section.
- 15.8 The quality of IP Transit must be at least equal to that provided by a Requested Party to itself, or any affiliate, or any other party to which interconnection is provided.
- 15.9 The burden of demonstrating the reasonableness of a disputed practice rests solely on the party responsible for implementing IP Transit.

- 15.10 In resolving any disputes concerning IP Transit, ATRA of the Requested Party must be subject to subsection 15.11, adhere to the following principles:
- (a) the terms and practices for IP Transit may not discriminate unjustifiably between users of similarly situated Service Providers;
 - (b) charges for IP Transit services may not exceed the Requested Party's forward-looking incremental costs: Provided that ATRA may order the Requested Party to IP Transit services to adopt identical charges based on the demonstrated forward-looking incremental costs of one of the providers if ATRA finds that doing so would promote competition and the efficient provision of IP Transit services;
 - (c) differences in charges between different Service Providers can be justified only based on cost differences directly attributable to providing and facilities for those Service Providers;
 - (d) costs must be measured according to methods prescribed by ATRA, following the procedures approved by ATRA.
- 15.11 ATRA may prescribe benchmark prices for IP Transit determined in accordance with international benchmarks on IP Transit and subject to the principles set out in subsection 15.10.
- 15.12 A Requested Party must charge the benchmark prices prescribed in terms of subsection 15.11, unless it can prove to ATRA that its forward-looking incremental costs will exceed the benchmark prices prescribed in terms of subsection 15.11.
- 15.13 All Service Providers must provide reasonable notice in advance to every other Service Provider whose network is interconnected with its network of changes in the information necessary for transmitting and routing traffic using its facilities or networks, as well as, of any other changes that affect the interoperability of those facilities and networks.
- 15.14 Any Service Provider who is a Requested Party to an IP Transit agreement with Service Providers authorized by foreign countries must submit all such agreements to ATRA of the Requested Party:
- (a) in the case of an agreement concluded before the commencement of these Procedures, within sixty (60) days from the date of commencement of these Procedures;
 - (b) in the case of an agreement concluded after the commencement of these Procedures, within sixty (60) days from the conclusion of the agreement concerned.
- 15.15 In the case of an agreement referred to in subsection 15.14 concluded after the entry in force of these Procedures, ATRA must (within sixty (60) days from the date on which the agreement is submitted to it) approve or order

modifications to any terms, including the price and settlement arrangements, agreed upon by the parties before the agreement can become binding upon the parties.

- 15.16 When concluding an agreement referred to in subsection 15.14 all Service Providers must comply with all international treaties and bilateral agreements relating to such arrangements, and any requirements prescribed for such arrangements.
- 15.17 In reviewing international IP Transit arrangements, ATRA must take into account exclusionary and discriminatory practices of foreign providers of Telecommunications services and governments.

PART IV - REFERENCE INTERCONNECTION OFFER

16. Requirement to provide a Reference Interconnection Offer Between Countries

Upon a request by ATRA, Service Providers shall prepare, publish and maintain a RIO Between Countries on their websites, as established in the Optical Fiber Interconnection Regulatory Procedures.

PART V - INTER-OPERATOR INTERCONNECTION AND IP TRANSIT AGREEMENTS

17. Interconnection Agreement Between Countries

The Interconnection agreement Between Countries shall be negotiated and processed in accordance to the Optical Fiber Interconnection Regulatory Procedures.

18. IP Transit Agreement

The IP Transit agreement shall be in writing and comply with the following terms and conditions:

- (a) transparency;
- (b) non-discrimination;
- (c) network neutrality;
- (d) fair competition;
- (e) access to interconnection information;
- (f) equality of access;

- (g) quality of services and standards;
- (h) service level agreements; and
- (i) confidentiality.

19. Submission of Interconnection Agreements Between Countries

19.1 Every IP Transit agreement or modification thereto shall be submitted to ATRA in such format as ATRA shall reasonably require, within fourteen (14) days of signature by the parties.

19.2 ATRA shall:

- (a) publish every IP Transit agreement by posting on its website within fourteen (14) days of its receipt by ATRA; and
- (b) provide copies of IP Transit agreements to any concessionaire upon request,

except that such publication and provision shall not disclose commercially sensitive information.

PART VI - DISPUTE RESOLUTION

20. Request for Consultation and Guidance

Where a dispute arises between Service Providers with respect to Interconnection Between Countries or IP Transit, the matter may be referred to ATRA of the Requested Party's country for consultation and guidance, on the agreement of both parties, prior to either party submitting the matter to ATRA as a dispute.

21. Referral of Dispute in Accordance with Dispute Resolution Procedures

Save as provided in section 20, every dispute regarding Interconnection Between Countries or IP Transit shall be submitted to ATRA of the Requested Party's country for resolution in accordance with the dispute resolution process established by ATRA for efficient and timely dispute resolution.

22. Interim Arrangements

22.1 ATRA may, in relation to any dispute referred to under these Procedures, direct that the parties implement such interim arrangement for Interconnection Between Countries or IP Transit as ATRA considers appropriate having regard to the nature of the dispute.

- 22.2 An interim arrangement may speak to prices and include any other terms or conditions for Interconnection Between Countries or IP Transit, whether or not ATRA considers submissions made by the parties, subject to such times for submissions as ATRA shall, in its sole discretion determine.
- 22.3 An interim arrangement shall be instituted by the parties within a period determined by ATRA and shall remain in force until the dispute has been resolved.

23. Effective Date of Interim Arrangement

The final resolution of a dispute in respect of which an interim arrangement was implemented shall:

- (a) be effective on the date on which the interim arrangement was effected; and
- (b) include provisions for compensation to any party that has suffered any loss and damage as a result of the arrangement.

PART VII - TECHNICAL AND OPERATIONAL TERMS FOR SERVICES BETWEEN COUNTRIES

24. Categories of Networks for Services Between Countries

The categories of networks covered in Services Between Countries are primarily Fiber Optic and Microwave Backbone Network connections. Interconnection of voice services is not included in these Procedures.

25. Services Between Countries

- 25.1 Services Between Countries must be provided by all Service Providers when requested and specified in their license conditions and are subject to mutually agreed commercial conditions.
- 25.2 In case a Service Provider is designated as having SMP in a defined market for certain Interconnection services, the Service Provider with SMP must offer such services to other Service Providers and must conform with the conditions set out in these Procedures including the terms and rates approved by ATRA.
- 25.3 The following Services Between Countries are included in these Procedures:
- (a) Point-to-point leased capacity:
 - i. **Interconnection link service;**
 - ii. **Indefeasible Rights of Use (IRUs):**

- **Lit fiber;**
- **Dark fiber.**

- (b) Collocation;
- (c) IP Transit service.

25.4 The above list in subsection 25.3 is not intended to be exhaustive. Further Services Between Countries may be defined by ATRA at any time as deemed necessary.

26. Prerequisites for Services Between Countries

- 26.1 Services Between Countries must ensure, at any time and without limitation, any-to-any communication to the benefit of the end-user. Services Between Countries as wholesale products relate to services provided over Fiber Optic or Microwave Backbone Networks, irrespective of their origin or their routing.
- 26.2 Service Providers with SMP may be required by ATRA to include certain interconnection services in their Reference Interconnection Offers Between Countries. ATRA may also impose such requirements as an outcome of the process of Declaration of SMP on Markets in the Telecommunications Sector.

27. Additions or Changes to Services Between Countries

- 27.1 Service Providers with SMP are required to obtain the approval of ATRA prior to additions or changes to Services Between Countries being introduced.
- 27.2 Appropriate time must be allowed for other Service Providers to make the necessary modifications or adjustments to their systems and networks due to the additions or changes to the Services Between Countries. Unless otherwise agreed between the parties, this shall be at least sixty (60) days in advance of these additions or changes being introduced.
- 27.3 In case of migration of Services Between Countries provided by Service Providers with SMP to more efficient technologies, such major changes must be coordinated with all partners. A notice period of one (1) years prior to the start of such major changes shall apply. The coordination shall take place in accordance with section 29 and shall encompass at least the following aspects:
 - (a) Network architecture, number and location of PoIs;
 - (b) Technical Interfaces for transport with unified national implementation based on international standards;
 - (c) Billing and accounting;
 - (d) Quality of service (end-to-end) and Service Level agreements;

- (e) Migration strategy and timelines for changes;
 - (f) Termination or obsolescence of existing services.
- 27.4 Each Service Provider shall bear its own costs for any migration to new technologies over those costs for existing services, to encourage evolution to more efficient technologies.

PART VIII - STANDARDS, INTEROPERABILITY AND NETWORK CHANGES

28. Technical Standards and Interoperability

- 28.1 The International Telecommunications Union Technical Standards (ITU-T) and any other standards authorized by ATRA are to be employed for the purposes of these Procedures.
- 28.2 A Service Provider shall ensure that a service passing through his network is delivered at the level of quality prescribed by ATRA, and that the quality is not impaired by Interconnection Between Countries.
- 28.3 In order to maintain interoperability, a Service Provider shall inform of any planned change in network capacity, technology, structure and configuration, and provide details relating to any change in the Service Provider's network, including traffic forecast within six (6) months of effecting the intended changes.

29. Network Upgrading

In order to achieve the quality of inter-operability to the prescribed level a Service Provider shall:

- (a) notify ATRA and all other Service Providers interconnecting in the network, of any planned change in the network capacity, technology, structure and configuration, at least three (3) months prior to the planned change; and
- (b) provide details relating to any change in the Interconnection Provider's network, including traffic forecast to ATRA at least three (3) months prior to the planned change.

PART IX - SHARING INFRASTRUCTURE AND OPEN ACCESS

30. Sharing of Infrastructure

As established in the Collocation and Infrastructure Sharing Regulatory Procedures, a Service Provider with SMP must lease any infrastructure to any other Service

Provider or must allow the latter Service Provider to install Telecommunications equipment on such infrastructure or to otherwise utilize such infrastructure.

- (a) ATRA shall determine which facilities are required to be shared;
- (b) a Service Provider shall facilitate access to network facilities as established in the Collocation and Infrastructure Sharing Regulatory Procedures.

PART X - TECHNICAL ASPECTS OF INTERCONNECTION BETWEEN COUNTRIES

31. Interconnection Between Countries

The following aspects of Interconnection Between Countries will be regulated by the Optical Fiber Interconnection Regulatory Procedures:

- (a) the physical form of Interconnection;
- (b) switching network Interconnection;
- (c) network interconnection links and routing;
- (d) route capacity;
- (e) route dimensioning;
- (f) route diversity;
- (g) synchronization;
- (h) interface standards and interoperability;
- (i) network interoperability;
- (j) addressing elements; and
- (k) any other that ATRA may identify regarding Interconnection Between Countries.

PART XI - OPERATIONAL PROCESSES FOR INTERCONNECTIONS BETWEEN COUNTRIES

32. Provisioning Processes

The RIO of a Service Provider with SMP shall fully specify the provisioning processes for the interconnection services to be provided to the other Service Providers, in the manner established in the Optical Fiber Interconnection Regulatory Procedures, including but not limited to:

- (a) network planning;
- (b) traffic forecasts;
- (c) implementation;
- (d) collocation;
- (e) ordering of interconnection services;
- (f) lead times;
- (g) operations and maintenance processes;
- (h) network management;
- (i) traffic management;
- (j) routing management;
- (k) fault management;
- (l) operational testing;
- (m) safety and system protection;
- (n) billing processes;
- (o) payment process;
- (p) billing reconciliation;
- (q) service level agreement.

PART XII - COMMERCIAL TERMS FOR INTERCONNECTION BETWEEN COUNTRIES AND IP TRANSIT

33. Commercial Terms Between Countries

The commercial terms for Interconnection Between Countries shall be regulated by the Optical Fiber Interconnection Regulatory Procedures.

34. IP Transit Pricing

For Service Providers with SMP, the following conditions shall apply:

- (a) Charges for IP Transit services provided by Service Providers with SMP shall be cost-based;
- (b) IP Transit prices must be transparent and non-discriminatory. The same rates shall apply for the same services provided under similar conditions to all Service Providers;
- (c) a Service Provider with SMP shall impute to itself the same IP Transit prices which are used to provide its own services or the services of its other business units or affiliates.

Charges for IP Transit provided by Service Providers without SMP shall be based on commercial agreements. Commercial agreements must adhere to commercially reasonable and technically feasible conditions.

35. IP Transit Prices Structure

35.1 All prices for IP Transit services shall:

- (a) be objective, independently verifiable and fair;
- (b) not be designed to facilitate cross-subsidies by an IP Transit Service Provider of its network;
- (c) be in compliance with the Government policies for regional connectivity and development; and
- (d) be below the retail charges levied by the IP Transit Service Provider for the provision of any retail service that makes similar use of those network elements that are required by both the retail and IP Transit service.

35.2 All charges for IP Transit shall be structured to distinguish and separately price:

- (a) fixed charges for the establishment and implementation of physical interconnection;
- (b) periodic rental charges for use of facilities, equipment and resources including interconnect and switching capacity; and
- (c) variable charges for Telecommunications services and supplementary services.

35.3 ATRA shall prescribe guidelines on IP Transit pricing methodology from time to time.

36. Cost Studies

36.1 The allocation of costs for the determination of IP Transit prices shall be based on appropriate cost studies, consistent with the regulations of ATRA, and with the following high-level principles:

- (a) Cost causality: Costs and assets shall be allocated on the basis of the true drivers of cost, (i.e. those activities or services which cause the costs to be incurred or the assets to be purchased);
- (b) Transparency: The allocation mechanisms shall be clear, understandable and consistent throughout the allocation process;
- (c) Materiality: Costs and assets shall be grouped into cost categories for allocation; these cost categories should be material in terms of financial magnitude.

PART XIII - INTERCONNECTION INFORMATION

37. Access to Interconnection Between Countries Information

37.1 Service Providers with SMP in Afghanistan shall make information available to other Service Providers and to ATRAs in the terms indicated in the Optical Fiber Interconnection Regulatory Procedures.

37.2 Information marked as confidential shall be handled in accordance to the prescriptions of section 10.

PART XIV - DECLARATION OF SIGNIFICANT MARKET POWER

38. Powers of ATRA on Service Providers with SMP

ATRA shall have powers to determine the market power position of Telecommunications Service Providers in the relevant market in accordance to the Telecom Law.

39. Methodology for Determination of SMP

39.1 ATRA shall develop the methodology to be used in the determination and designation of market power significance in the local market.

39.2 In developing the methodology for determination of the SMP position, ATRA shall, among other things, take into consideration the criteria set under the Competition laws of Afghanistan.

40. Criteria for Determination of SMP

In determining whether a Service Provider has SMP, ATRA shall consider the criteria established in the Telecom Law.

41. Definition of Relevant Telecommunications Markets

41.1 ATRA shall assess, define and determine the relevant telecommunication market.

41.2 In determining the relevant telecommunications markets, ATRA shall take into account the following-

- (a) the products or services that make up a specific market, as well as the geographic scope of that market;
- (b) the demand side substitutability, in order to measure the extent to which consumers are prepared or able to substitute other products or services for the products or services supplied by the Service Provider in question; and
- (c) the supply side substitutability, to determine the extent to which suppliers, other than the Service Provider in question, are able to supply products or services that provide a competitive alternative to consumers.

**PART XV - INSTITUTIONAL FRAMEWORK FOR INTERCONNECTION
BETWEEN COUNTRIES AND IP TRANSIT**

42. ATRA

The Afghanistan Telecommunication Regulatory Authority shall:

- (a) have the responsibility of implementing these Procedures for Interconnection Between Countries and IP Transit within Afghanistan;
- (b) cooperate regarding specific cases of Interconnection Between Countries and IP Transit requiring the intervention of other regulators outside Afghanistan;
- (c) exercise the functions and responsibilities set in accordance to these Procedures;
- (d) review these Interconnection Between Countries and IP Transit Procedures and make such modifications as it deems necessary.