



REGULATORY APPROACH FOR MARKET ACCESS IN THE TELECOMMUNICATIONS SECTOR

1. PRELIMINARY

- 1.1. This regulatory approach for market access in the telecommunications sector serves to guide decision-making related to Infrastructure Provider for the Telecommunications Industry (InTi) and Service Provider for the Telecommunications Industry (SeTi) Licences.
- 1.2. The publication of this regulatory approach provides transparency into market access requirements and regulatory certainty for market players and prospective market players in relation to the Authority's licensing framework.
- 1.3. This regulatory approach aims to:
 - 1.3.1. encourage active market participation and foster the development of new and innovative services that cater to the needs of end-users (both business and consumers).
 - 1.3.2. Encourage the entry of new market players, such as Micro, Small & Medium Enterprises (MSMEs).
- 1.4. This regulatory approach takes effect on 13 July 2023 and shall end on 1 January 2025 where full market liberalisation will take place.

2. REGULATORY APPROACH

- 2.1. Generally, there will be no limits on the number of licences issued, except where:
 - 2.1.1. there are high barriers to entry, specifically where market entry requires substantial capital investment in infrastructure; and/or
 - 2.1.2. resource requirements place natural limits on market entry e.g., spectrum limitations.
- 2.2. ***Regulatory Considerations for Infrastructure.***

This refers to the ownership, operation and provision of telecommunications systems or wholesale access to network infrastructure services where:

 - 2.2.1. It requires other licensees to provide retail services;
 - 2.2.2. It cannot easily be replicated within the foreseeable future, or obtained from a third party at a cost that would reasonably allow market entry; and
 - 2.2.3. The failure or refusal to allow other licensees access to the infrastructure will unreasonably restrict competition in any market.
- 2.3. The size of the Brunei market inherently restricts the number of infrastructure providers so it is envisaged that there will continue to be a limited number of licences issued in the provision of telecommunications infrastructure.
- 2.4. ***Regulatory Considerations for Services.***

This refers to the provision of telecommunications services i.e., service-based activities provided through leasing capacity or facilities from infrastructure licensees.

- 2.4.1. Service providers who resell infrastructure or deliver their services through leasing capacity or existing infrastructure facilities are expected to, grow, innovate and provide new offerings to consumers. As such, there is no restriction or limitation placed on the number of licences issued for the provision of telecommunications services.
- 2.4.2. However, considering market saturation in the provision of fixed and mobile telecommunications services and balancing the need to allow investments to reap some returns; the following approach will be implemented on a temporary basis until the expiry of this regulatory approach:
- 2.4.2.1. A licence may be issued to new market players to provide new and/or unique fixed and mobile telecommunications services which are not currently being offered by the existing telecommunications service providers; and
- 2.4.2.2. Where a licence is issued to new market players to provide new and/or unique fixed and mobile telecommunication services, the other existing telecommunications service providers will be restricted from providing the same.

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