

LEGAL FRAMEWORK FOR PASSIVE INFRASTRUCTURE VENDORS

The XXVII meeting of Permanent Consultative Committee I: Telecommunications/Information and Communication Technologies (PCC.I),

CONSIDERING:

- a) That the deployment of infrastructure is one of the widely recognized challenges facing the countries in the region with respect to the development of telecommunications services;
- b) That the evolution currently being observed in the telecommunication industry can identify a growing presence of new agents whose main activity is to manage the support infrastructure for telecommunications and then transfer their use to companies that provide telecommunication services, becoming a new business model to which many operators are migrating -and which is already recognized in the internal legislation of certain countries;
- c) That an objective being pursued by the telecommunication policies of the countries in the region is promoting an efficient use of the infrastructure;
- d) That the services provided by such agents -passive infrastructure providers- are reaching greater relevance, since they represent a market response to deal with the problems arising from high infrastructure investment costs, in addition to becoming a mechanism that facilitates the shared use of the infrastructure between operators and helping reduce difficulties in the deployment of mobile infrastructure;
- e) That, within this context, it is relevant to count on a suitable regulatory framework which, in addition to promoting investments in telecommunication support infrastructure, provides guidance to the activities of passive infrastructure providers in order to maximize efficiencies for the entire industry and prevent practices that affect the normal development of telecommunication markets.

RECOGNIZING:

That the regulatory authorities for the telecommunication sector must have sufficient power to ensure the achievement of the aforementioned objectives,

RECOMMENDS:

1. That all Member States consider the implementation of a legal framework to register, monitor and adjust -if necessary- the activities of Passive Infrastructure Providers, in the understanding that:
 - a) Passive Infrastructure Providers are either individuals or legal entities that, without being utilities -operators of telecommunication, electrical or fuel energy, transportation or sanitation/ have aerial, land or underground telecommunication support infrastructure and offer their use to telecommunication service providers;

¹ CCP.I-TIC/doc. 3749/15 rev. 2

- b) Telecommunication support infrastructure is mainly made up of towers, masts, poles, ducts, and conduits, among others.

INSTRUCTS THE SECRETARY OF CITEL:

To communicate this Recommendation to the Member States for dissemination and information purposes.