
NEW TELECOM TRAFFIC CONTROL REGULATION

In order to update the mechanisms and procedures for controlling traffic on the networks of telecommunications service operators, by Decree No. 38/2023 of July 3, the new Telecommunications Traffic Control Regulation (hereinafter referred to as the "Regulation") was approved.

The Regulation brings as new objectives (i) the optimization of the use of network resources and (ii) the design of information for decision-making in the exercise of regulatory action, significantly changing issues related to the following areas:

- Competences of the Regulatory Authority: in what is relevant, the Regulatory Authority, the National Institute of Communications of Mozambique (INCM) has been given the competence to acquire directly the equipment and systems necessary for the control of telecommunications traffic and to audit the networks of telecommunications operators for public use;
- Obligations of Telecommunications Operators: new rules have been established for the provision of information to the INCM by operators, which must collaborate with the INCM and other entities and/or authorities of the administration of justice, in combating situations of fraud or other crimes in telecommunications networks. In addition, operators are now subject to an audit of their networks on an annual basis;
- Tariffs and revenues: the Regulation provides that the INCM will be responsible for assessing the transparency of the tariffs applied, and also establishes, as regards revenues, that the basis for determining and assessing them will result from the quantification of the volumes of each type of national or international traffic multiplied with the minimum tariff declared and approved by the INCM. In addition, the result of the revenue obtained from the traffic generated will be shared between the operator, the INCM and the State budget;
- - Sanctioning regime: There was a significant change in the rules that lead to the application of sanctions to telecommunications network operators, since the sanctioning regime for non-compliance with the rules of the Regulation, in addition to establishing more severe fines, now benefits from rules of (i) recidivism, (ii) accumulation of infringements; (iii) exercise of adversarial proceedings and (iv) contentious appeal.

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