



Telecommunications &
Radiocommunications
Regulator

PO Box 3547
Port Vila
Vanuatu
t: +678 27621
e: enquiries@trr.vu

TRR Consultation Guidelines

A Guideline issued by the Office of the
Telecommunications and Radiocommunications
Regulator

Purpose: To set out the process that the Office of the Telecommunications and Radiocommunications Regulator (TRR) will follow in consulting with interested parties in developing its required key regulatory instruments and documents.

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1. INTRODUCTION

1. This Consultation Guideline has been produced with the objective of informing all stakeholders of the process by which the Telecommunications and Radiocommunications Regulator (TRR) will develop its required key regulatory instruments and documents to enable stakeholders to input comments on draft documents before TRR issues its final version in carrying out the duties as set out in the Telecommunications and Radiocommunications Regulation Act No.30 of 2009 in a transparent manner.
2. In setting out the Consultation Guidelines, international best practice has been drawn upon.
3. The Vision, Mission and Values of TRR, are set out below and articulate the view TRR holds of the manner with which it will regulate the telecommunications/ICT market.

Vision

A communications environment that enriches the social, cultural, customs and commercial fabric of Vanuatu.

Mission

To develop a competition led market for the provision of innovative information and communications services, available to all which, **encourages** sustainable; economically efficient investment; **respects** the interests of consumers; **fosters** ecological friendly initiatives; and **supports** the social, cultural, customs and commercial welfare of Vanuatu. To continue to build as an exemplar regulator within the region through thought leadership and to be the employer of choice by; **investing** in our people to develop a professional; passionate team, **transparency** and **fairness** operations; and **adherence to quality assurance**.

Values

Inspiring: Our imagination, clarity of thought and clear leadership stimulates innovative thinking that meets the needs of tomorrow.

Commitment: Our drive and determination to achieve excellence, our discipline in the execution of our duties, our focus on the development of our

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team, and our sense of responsibility instil passion for the development of Vanuatu.

Respect: Our respect for each other is ensured by listening, collaborating and having consideration for each other, the public and licensees we work for, the rule of law, confidentiality, intellectual property, customs, environment, and future generations.

Balanced: Our evidence based approach to decision making and our adaptability ensure that we remain proportionate, consistent, fair and just.

Transparency: Our open and inclusive approach to regulation ensures that we are held responsible and our actions and decisions are understood.

TRR CONSULTATION GUIDELINE PROCESS

2. DEFINITIONS

- a. Any word, phrase or expression used in this Guideline shall, unless the context requires otherwise or it is expressly defined herein, have the same meaning as it has in the Telecommunications and Radiocommunications Regulation Act No 30 of 2009 (the Act).

3. APPLICATION

- a. To support effective regulation, fairness, appropriateness, good governance and transparency of actions, in carrying out its duties set out in the Act, TRR will, issue an invitation to interested parties and stakeholders to submit comments on Draft Documents that TRR has developed for Public Consultation. This will be for TRR's required key regulatory instruments and documents that TRR believes requires public views and input to/on, before the Final version is issued.
- b. This Guideline applies to all documents issued for Public Consultation by TRR and for all comments made by, and opinions of, interested parties and stakeholders that re submitted to the TRR Office.

4. PUBLICATION OF INVITATION TO COMMENT

- a. TRR's preferred methods of notification of an Invitation to comment on Draft TRR Documents released for Public Consultation, is through TRR's website (the "Website") (<https://www.trr.vu/en/>) under the consultation link and, also , via its "What's New" link, sending out invitations via valid email addresses, and other means that are considered appropriate. (This may be

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by mail if TRR decides to do so).

- b. Stakeholders and Interested parties in the telecommunications industry in Vanuatu are encouraged to consult the Website on a frequent basis. TRR may, at times, also - but shall not be obliged to - release, for Public Consultation, an 'issues document' setting out regulatory matters it is considering for transparency and gain a "feel" of the potential utility, and to give an opportunity to relevant parties/stakeholders to provide their initial views.

5. CONSULTATION FEEDBACK INFORMATION

- a. TRR welcomes and invites comments and feedback to its consultation documents from all interested parties.
- b. TRR would appreciate responses to be clear by quoting the corresponding main sections and sub sections when providing your comments.
- c. More general comments on the consultation document are welcomed and should also be indicated.
- d. Respondents are required to clearly mark any information included in their submission that they consider confidential. They shall provide reasons why that information should be treated as such. Where information claimed to be confidential is included in a submission, respondents are required to provide both a confidential and a non-confidential version of their submission. TRR will determine, whether the information claimed to be confidential is to be treated as such, and, if so, will not publish that information. In respect of the information that is determined to be non-confidential, TRR may publish or refrain from publishing such information at its sole discretion.
- e. If you have specific questions, please go to the relative section of the public consultation document and use the appropriate means of contact (Your Specific Questions) to provide us with your queries.

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6. FORMAT OF COMMENTS

- a. Comments must be in writing and submitted in such format as TRR may specify in the Invitation or, if an Invitation does not specify a format, in such format as specified from time to time on the Website. Unless otherwise specified in the relevant Invitation, TRR's preferred means of receiving Comments is by e-mail to consult@trr.vu. If Comments are submitted in printed format, they must be submitted on A4 paper accompanied, wherever possible, by a flash drive containing the Comments in electronic format.

7. LANGUAGE

- a. The working language of the TRR is English, French & Bislama. TRR will accept Comments in French, Bislama or English.

8. DEADLINE FOR SUBMISSIONS AND TIMESCALES

- a. Comments must be submitted on or before the deadline specified in the relevant Invitation. (See also item c below).
- b. If an interested party requests an extension of the deadline for good cause and if TRR agrees to an extension, or TRR determines that an extension to the nominated consultation period is required, e.g. to get widened input, TRR will publish details of such extension in accordance with Section 4a above.
- c. TRR may, at its sole discretion, consider Comments received after the closing date, or extended closing date, and also upon good cause shown by the interested party submitting such comments.
- d. TRR will generally allow interested parties at least 20 working days from the date of its Invitation to enable them to review the document and submit comments. Depending on the complexity of the issue being considered in the Public Consultation document TRR, at its sole discretion, may extend the consultation and review period. In such cases, this will generally be for not more than 30 working days.

9. STANDING AND CONTACT DETAILS

- a. Feedback or comments can be submitted by filling in a response form or answering questions attached as Annexes, and email to consultation@trr.vu for the attention of the Telecommunications and Radiocommunications Regulator, P. O Box 3547, Port Vila, Vanuatu. Or contact telephone number +678 27621 or + 678 27487 or please visit our website <https://www.trr.vu/en/> for details of access to specific document on public consultation and other news. Faxed feedback through Fax number (678) 24470 is also accepted.

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- b. All Comments must contain a brief statement explaining the interest of the party submitting the Comments in relation to the particular measure that forms the subject-matter of the Invitation. In addition, an interested party must include as part of the Comments its:
 - Name:
 - Name of the principal contact person:
 - Physical address:
 - Telephone number: and
 - e-mail address:

10. NEED TO CONSULT WEBSITE & TRANSPARENCY

- a. TRR may (but shall not be obliged to) make Comments public and invite interested parties to comment on any Comments.
- b. An interested party may request TRR to treat all or part of its Comments as confidential by clearly demonstrating to TRR the commercial sensitivity of the relevant part(s) and also providing TRR with a version of the Comments (clearly marked on each page as “for public circulation”) that excludes the parts that the interested party believes are commercially sensitive. See also section 5 above.
- c. Only if TRR finds that commercial sensitivity exists will it exclude the relevant parts from public scrutiny. TRR will also respect the confidentiality of its sources and will not reveal detail if TRR has agreed with the sources to keep discussions private and confidential.
- d. For purposes of this Guideline, “commercially sensitive” shall not include any information that is in the public domain or must be disclosed under applicable law.
- e. TRR may categorise confidential information as either:
 - i. “Telecoms Regulator Only Information”, being commercially sensitive information only appropriate for review by TRR and its advisors on a “need to know” basis; or
 - ii. “Restricted Information” being information of a party which should be available only to a limited number of designated persons within another party, such as the appropriate legal advisors, regulatory personnel and outside experts.

11. PUBLIC HEARINGS

- a. TRR may (but is not obliged to in any way) hold a public hearing in respect of any of its Public Consultations. Details of such a public hearing will be made available on TRR’s Website and/or through media publications such as local

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newspapers.

- b. TRR may (but is not obliged to in any way) at its own initiative, or at the request of an interested party and if TRR so agrees, establish a working group to meet, examine the comments and make a recommendation to TRR. Any working group will appoint its own Chairperson, to which TRR and all members of the working group must agree. TRR may make the decision to the Chair or, failing any working party consensus, TRR will appoint the Chairperson. TRR will and must always be a member of any such working group. Working groups shall present progress reports to TRR and members of the Working group, and may make recommendations to TRR on comments received or a way forward.

12. ADDITIONAL COMMENTS

- a. In general, TRR will only undertake one round of Public Consultation on its draft documents. TRR may decide, however, (but shall not be obliged to) to conduct another Public Consultation, inviting additional comments; particularly to invite and obtain the opinions of other interested parties in relation to the comments received from specific interested parties or for such reason as determined by TRR.

13. FINAL MEASURES

- a. In general, TRR plans to publish the relevant final measure through summary reports, if any, that formed the subject-matter of an Invitation as soon as practicable following receipt of the Comments and, if applicable, the public hearing and additional Comments.
- b. TRR may (but shall not be obliged to) respond to some or all of the Comments received, including by way of an explanatory note and justification for its decision as well as a summary and response, when it publishes the relevant final measure.