



Telecommunications &
Radiocommunications
Regulator

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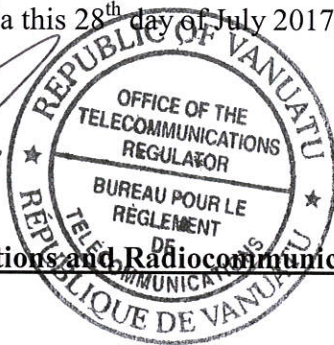
THE GOVERNMENT OF VANUATU
TELECOMMUNICATIONS EXCEPTION

Pursuant to the powers conferred on the Telecommunications and Radiocommunications Regulator (“the Regulator”) under the Telecommunications and Radiocommunications Regulation Act No.30 of 2009 (“the Act”), including Sections, 7, 12 and 14 of the Act, the Regulator hereby grants The Government of Vanuatu, (acting through the OGCIO or The Ministry of Telecommunications,) (“The Government”) an Exception permitting and authorizing the supply by the Government of the telecommunications services referred to herein to colleges and universities, including but not limited to the University of the South Pacific, subject to the terms and conditions specified in this Exception.

Made at Port Vila this 28th day of July 2017.


Dalsie Baniala

Telecommunications and Radiocommunications Regulator



1. Short title and commencement

- 1.1 This exception may be cited as the “Telecommunications Exception for the Supply of Telecommunications Services by The Government of Vanuatu to Colleges and Universities”.
- 1.2 This Exception commences on the date of its execution by the Regulator.

2. General Terms and Conditions

- 2.1 The telecommunications services that are included within this Exception are limited to the following services supplied to colleges and universities located in Vanuatu, including but not limited to the University of the South Pacific:
 - (a) international internet capacity or bandwidth supplied using the Interchange Limited submarine cable, and that the Government has a acquired by lease from Fidelity Communications Corporation, or another supplier of leased capacity;
 - (b) to the extent permitted by an applicable IRU contract to which the Government is a party, international internet capacity or bandwidth supplied using the Interchange Limited submarine cable, and that the Government has a acquired as IRU capacity; and
 - (c) services and/or access to facilities necessary to provide the above services, including normal or stand-by services on a short or long term basis for the purpose of emergency, backhaul or backup service.
- 2.2 This Exception is a unilateral grant of permission from the Regulator, shall not be regarded as a contract or bilateral agreement, and is granted on a non-exclusive basis.
- 2.3 The services under this Exception shall be supplied in accordance with the Act and any applicable law, regulation, order or rule under the laws of Vanuatu.
- 2.4 Neither this Exception, nor any rights or obligations under it, may be ceded, transferred, assigned, pledged or otherwise disposed of without the prior written consent of the Regulator, which consent may be given subject to such terms and conditions as the Regulator may impose.

3. Term, Revocation, or Amendment of Exception

- 3.1 This Exception continues unless revoked by the Regulator pursuant to the Act. Prior to any amendment or revocation of this Exception, unless exigent circumstances make it impracticable, the Regulator shall give at least 30 days advance written notice to the Government of, and opportunity to comment on, any revocation or amendment of this Exception.

4. Disputes

- 4.1 If, the Government and another service provider, or a customer, have been unable to agree on the resolution of a matter governed by this Exception or the Act, then the Government or one or more of the other parties involved in the dispute may apply to the Regulator to request for assistance in resolving the dispute.

5. Monitoring and Enforcement

- 5.1 In addition to any other powers contained in this Exception, any regulations, rules, Exceptions or orders, or under any other laws, the Regulator shall, for the purposes of exercising his or her responsibilities, functions and powers under this Exception, have the power to make orders to require the Government and any other persons involved to produce documents and information, subject to confidentiality of any such documents or information, and undertake specific actions or to cease specific actions in the event of a breach of this Exception, any regulation, rule or order.
- 5.2 Without limiting any other right or remedy available to the Regulator at law, if the Government fails to comply with any of its material obligations under this Exception, the Government shall be subject to a maximum fine payable to the Regulator in an amount not to exceed 15 million vatu (which will be increased at the end of each calendar year by the rate of inflation) in respect of each such compliance failure.