

26 August 2024

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Client Alert

The Nigeria Communications Commission Issues New Business Rules and Regulations

In line with the powers of the Nigeria Communications Commission (the “NCC” or the “Commission”) under Section 70 of the Nigerian Communications Act 2003 (the “NCA”) which empowers the Commission to make and publish rules and regulations on matters including but not limited to; written authorizations, permits, assignments and licenses granted or issued under the NCA¹, the NCC has issued a set of business rules and regulations addressing consumer protection, service quality, accountability, and regulatory clarity in the Nigerian telecommunications sector. These rules and regulations are:

1. Consumer Code of Practice Regulations 2024;
2. Type Approval Regulations 2024;
3. Quality of Service (QoS) Business Rules 2024;
4. Type Approval Business Rules 2024; and
5. Quality of Service Regulations 2024 (the “NCC Regulations”).

1. Consumer Code of Practice Regulations 2024

The Nigerian Communications (Consumer Code of Practice) Regulations 2024 (the “Code”) repeals the Consumer Code of Practice Regulations, 2007 (the “2007 Code”)². The Code introduces notable developments to the consumer protection regime in the provision of telecommunications services by licensees in the Nigerian telecommunications industry. The notable developments are as follows:

- a) All licensees are required to develop an individual consumer code of practice (the “Consumer Code”) based on the terms and conditions of a general consumer code of practice developed by the NCC (the “General Code”),³ or equivalent terms and conditions that are not less favourable to consumers than the General Code. This requirement was not mandatory under the 2007 Code;⁴

¹ Section 70(1a – g) of the NCA.

² Section 11 of the Nigerian Communications (Consumer Code of Practice) Regulations 2024.

³ The General Consumer Code of Practice provides the minimum standards for service provision and consumer practices that licensees must adhere to. See Section 3 of the Nigerian Communications (Consumer Code of Practice) Regulations 2024.

⁴ Section 4 (2) of the Nigerian Communications (Consumer Code of Practice) Regulations 2024.

- b) Licensees are required to publish their Consumer Code on their website, a national newspaper, and any social media platform of its choice within 30 (thirty) days of approval by the NCC;⁵
- c) Licensees are required to respond to consumer requests for information on their services within 96 (ninety-six) hours;⁶
- d) Licensees are to obtain NCC approval 30 (thirty) days before publication of advertisements for goods and services;⁷
- e) Licensees are required to retain consumer billing records for a minimum of 2 (two) years, an increase from the 12-month requirement under the 2007 Code;⁸ and
- f) Licensees are required to retain complaint records for at least 2 (two) years following the resolution of such complaint(s).⁹

2. Type Approval Regulations 2024

The Nigerian Communications (Type Approval) Regulations, 2024 (the "**TA Regulations**") revokes the Type Approval Regulations, 2008 and Type Approval Guidelines.

Notable developments under the TA Regulations are as follows;

- a. The NCC may now grant equipment holders¹⁰, a provisional type approval¹¹ for communication prototypes for a trial period (not exceeding 180 days), to encourage research and development.¹²
- b. Type approval (or the exemption from type approval) granted by the NCC, may be revoked or annulled on additional grounds i.e. where the equipment type; i) has a defect that is known, or reported to the NCC or any other competent authority and ii) constitutes a threat to national security or public safety.¹³
- c. The establishment of a complaint procedure in respect of the working of any equipment that has been type approved. This entails the submission of a complaint or objection to the NCC and other relevant information.¹⁴

3. Quality of Service (QoS) Business Rules 2024 (the "QoS Rules")

Following our previous [Client Alert](#) dated 24 July 2023, the NCC has now formerly issued the QoS Rules which introduces rules for the implementation, monitoring and effective management of Telecommunications Quality of Service by the NCC in Nigeria. The QoS Rules outlines the minimum quality and standards of service, associated measurements, and key performance indicators for measuring Quality of Service.¹⁵ While the overall structure of the Draft Quality of Service (QoS) Business

⁵ Section 6 (1) of the Nigerian Communications (Consumer Code of Practice) Regulations 2024.

⁶ Paragraph 6, Schedule of the Nigerian Communications (Consumer Code of Practice) Regulations 2024.

⁷ Paragraph 21 Schedule of the Nigerian Communications (Consumer Code of Practice) Regulations 2024.

⁸ Paragraph 30 (1) (e) Schedule of the Nigerian Communications (Consumer Code of Practice) Regulations 2024.

⁹ Paragraph 61 Schedule of the Nigerian Communications (Consumer Code of Practice) Regulations 2024.

¹⁰ An equipment holder is defined as a provider of communication services, a supplier or manufacturer of communications equipment.

¹¹ Type approval means an authorisation by the NCC to use or supply a type of communications equipment.

¹² Section 12(1) and (4) of the TA Regulations.

¹³ Section 21 of the TA Regulations.

¹⁴ Such information includes the (a) name and address of the complainant; (b) name and address, if known of the person against whom complaint is made; and (c) facts, including supporting data, where available, showing that the apparatus does not conform to the TA Regulations, or may cause harmful interference to communications network. See section 25 of the TA Regulations.

¹⁵ "Quality of Service standards" means - (a) parameters, defining the applicable quality of service standards for specific services; (b) the methods of taking measurements that measure service performance against prescribed parameters described as "Measurement Methods" under the Quality of Service Regulations 2024; and (c) any applicable targets for the prescribed parameters identified in the Schedule to the Quality of Service Regulations 2024.

Rules, 2023 has stayed largely the same, the QoS Rules introduces modifications and additions such as:

- a. reduction of target resolution timeframe for a request for blocking of reported lost/stolen SIM card from the former timeframe of 30 (thirty) minutes to less than or equal to 5 (five) minutes.¹⁶
- b. introduction of a QoS Key Performance Indicator (KPI) Index (the "**QoS KPI Index**") to evaluate the performance of mobile operators. The QoS KPI Index will aggregate various QoS KPIs published by the NCC, providing a comprehensive performance metric that enables subscribers to effectively assess the QoS provided by telecommunications service providers. The QoS KPI Index will consolidate the KPIs for voice, data, and SMS across different technology generations i.e., (2G, 3G, 4G, 5G) and various services.¹⁷
- c. categorization of various reporting areas¹⁸ into three designated priority groups namely, Priority 1, Priority 2 and Priority 3 to ensure compliance with the QoS Rules. A list of the reporting areas will be communicated to Licensees and will be subject to additional rules issued by the Commission.

4. Other Regulations

The other NCC Regulations are amendments to existing regulations and do not introduce substantial changes to the existing laws. The Type Approval Business Rules 2024 (the "**Business Rules**") issued pursuant to the TA Regulations 2024, is largely similar to the revoked Type Approval Guidelines. The major development in the former is the introduction of an NCC Device Management System (NCC-DMS), which is a Central Equipment Identity Register (CEIR) for device record keeping¹⁹. The Business Rules provides that all type approved devices are to be registered on the NCC-DMS by the device suppliers.²⁰

The Nigerian Communications (Quality of Service) Regulations 2024 (the "**QoS Regulations**") provides for the minimum quality and standards of service, associated measurements, reporting and record keeping tasks of licensees²¹. Although the QoS Regulations repeals the Quality-of-Service Regulations, 2013²², we note that the overall framework for QoS standards remains largely unchanged. The QoS Regulations amends the definition of "licensee" to mean a person who holds an individual licence or undertakes activities which are subject to a class licence granted under the NCA.²³ Similarly, the QoS Regulations grants the NCC additional authority to employ alternative measurement methods²⁴ and to develop a QoS ranking system for licensees based on their performance against set thresholds and parameters.²⁵

With respect to Penalties²⁶, the QoS Regulations provides a more detailed schedule of fines to be imposed by the NCC for non-compliance with QoS standards, including specific fines for breaches of general KPIs, network-specific

¹⁶ Part II (2.0) of the QoS Rules 2024.

¹⁷ Part II (4.0) of the QoS Rules 2024..

¹⁸ The reporting areas corresponds with the 36 states and the FCT in Nigeria.

¹⁹ Rule 15 of the Business Rules..

²⁰ Rule 15(d) of the Business Rules.

²¹ Section 2 of the Nigerian Communications (Quality of Service) Regulations 2024.

²² Section 20 of the Nigerian Communications (Quality of Service) Regulations 2024..

²³ Section 21 (1) of the Nigerian Communications (Quality of Service) Regulations 2024..

²⁴ Section 4 (1) (e) of the Nigerian Communications (Quality of Service) Regulations 2024.

²⁵ Section 18 of the Nigerian Communications (Quality of Service) Regulations 2024.

²⁶ Part A and B of the Schedule, Nigerian Communications (Quality of Service) Regulations 2024.

KPIs, license-specific KPIs, and other regulatory requirements. The fines for non-compliance range from ₦5,000,000 (Five Million Naira) to ₦15,000,000 (Fifteen Million Naira) per reporting area/ contravening act, with daily penalties for ongoing violations ranging from ₦500,000 (Five Hundred Thousand) to ₦2,500,000 (Two Million, Five Hundred Thousand Naira).

Next Steps

Following the issuance of the NCC Regulations, key stakeholders in the Nigerian telecommunication sector are enjoined to take note of the developments and respective obligations introduced by these regulations and ensure compliance.