



SUBMARINE CABLES REGULATION

Introduction

Submarine cables are critical communications infrastructure for Countries around the world and are vital to the national economy. They are laid on the seabed and transmit huge amounts of data across oceans. These cables are the backbone of the internet and phone services and support the finance sector, shipping, commerce and banking industries. There is a common misunderstanding that nowadays most international communications are routed via satellites, when in fact well over 95 % of this traffic is actually routed via submarine fibre-optic cables. Data and voice traffic transfer via these cables is not only cheaper, but also much quicker than via satellite.

Chapter 1 Submarine Cables – Present status

- 1- Sultanate of Oman connected via several submarine cables. These submarine cables link Oman to global communication networks (Phone Services and Internet). Oman also connected using Satellite and Terrestrial cable (Land cable). However, the submarine cables carry most of the Traffic. Due to their size and location on the seabed, these cables are exposed to damage from activities such as the anchoring of ships, some types of fishing, dumping of materials, dredging and mineral exploration.
- 2- TRA issued four International gateway licenses since its establishment to Omantel, Nawras, SamaTel and Connect Arabia. However, Only Omantel and Nawras are to submarine cables.
- 3- In the General Policy of the Telecommunications Sector adopted by the Council of Ministers, the telecommunication market is to be open for the provision of International Telecommunications Infrastructure. The objective is to stimulate growth of the market, and facilitate increases in the investment for the infrastructure.
- 4- In view of facts in the preceding points and pursuant to article (5) Repeated of the Telecommunications Regulatory Act issued by the Royal Decree No. 30/2002 and its amendments thereto, TRA is seeking the public opinion through this consultation paper on the draft regulation on Submarine cables regulation.

TRA shall give due consideration to all comments and contributions received from the interested parties; however, incorporation of any proposed changes will be at the sole discretion of the Authority.

The TRA, at its own discretion, may publish comments and views of the respondents unless confidentiality is requested and justified by them.

Comments are invited till **15 April 2015**. Comments with contact details of stakeholder should be sent by:

- a. EMAIL on trapc@tra.gov.om
- b. Mail P.O. Box 3555, Central Post Office, P.C. 111, Sultanate of Oman
- c. Hand at Telecommunications Regulatory Authority, at Seeb Airport Heights, (opposite Muscat International Airport).

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Chapter II: The Draft Regulation on Submarine Cables

Definitions

Article (1): In the application of the provisions of this regulation, the terms and expressions used herein shall express the exact meaning exhibited in both Telecommunications Regulatory Act and its Executive Regulation, whereas the following terms and expressions shall have the meanings shown against each, unless the text otherwise requires:

Special Concession is defined as an exclusive arrangement involving services, facilities, or functions on the foreign end of an Omani international route that are necessary to land, connect, or operate submarine cables, where the arrangement is not offered to similarly situated Omani submarine cable owners, indefeasible-right-of-user holders, or lessors, and includes arrangements for the terms for acquisition, resale, lease, transfer and use of capacity on the cable; access to collocation space; the opportunity to provide or obtain backhaul capacity; access to technical network information; and interconnection to the public switched telecommunications network.

Submarine Cable (maritime cable) is a cable laid on the sea bed between land-based stations to carry telecommunication signals across stretches of ocean, and includes any device attached to that part of the line link, if the device is used in or in connection with the line link.

Landing Station is choke points where international submarine cable linking multiple countries land. These are the facilities that aggregate and distribute international traffic to and from each country.

Site Sharing (Co-Location) Every licensee's permission to another licensee to use sites in the utilities of telecommunications infrastructure such as telecommunication exchanges buildings, telecommunication equipment, buildings, telecommunication towers, ducts, pipes and cable channels etc.

Installation, in relation to a submarine cable, includes:

- (A) The laying of the cable on or beneath the seabed; and
- (B) The attachment of the cable to any other cable or thing; and
- (C) Any activity that is ancillary or incidental to the installation of the cable (for this purpose, installation includes an activity covered by paragraph (A) or (B)).

General Rules

Article (2): The applicant for Submarine Cable Installation Landing or Passing the territorial waters must be licensed to provide International Telecommunications services in Sultanate Oman.

Article (3): The Licensee shall own Omani portion of the Submarine cable system which consists of the cable landing station¹ in the Sultanate and Submarine Cable Segment from the Landing Station up to the end of the coastal waters.

Article (4): the agreement between the submarine cable landing company and the national licensed operator shall not include exclusivity or advantages for that operator stopping or preventing the other licensees from accessing the submarine cable.

Article (5): In accordance to the Access and Interconnection Regulations, The owner of cable landing station (CLS) shall provide access to any eligible Omani International Telecommunication Service Licensee on fair and non-discriminatory terms and conditions, at its cable landing stations. The owner is required to submit a 'Cable landing Station Reference Access Offer (CLS RAO)' to TRA, in a specified format, containing the terms and conditions of access facilities and site sharing (co-location) facilities including landing facilities for submarine cables at its cable landing stations for its approval. After getting approval from the TRA, licensee is required to publish the CLS RAO.

Agreement approval

Article (6): The applicant shall get prior TRA approval before signing agreement with the foreign carrier. Any Subsequent amendments/modification to the approved agreement should also be approved by TRA before it is affected. The commercial terms of the agreement shall conform and comply with regulations of the TRA governing competition of telecommunication services by the licensee. The applicant shall submit the proposed draft agreement between the parties with details of Technical and commercial arrangements.

Submarine Cable Route Exploring Request (Seabed Scanning)

Article (7): The applicant shall get prior TRA approval for Exploring/Seabed Scanning of the expected Submarine route.

¹ Defined in Article 1

Submarine Cable landing Application

Article (8): The applicant shall file an application form² to TRA for the permission of Installing³ Submarine cable (landing or Passing). The application must include:

- (1) No Objection Certificate from all concerned entities stated in ANNIX 1
- (2) Any other information that may be necessary to enable TRA to act on the application.
- (3) Any documents and/or other information requested by TRA.
- (4) A detailed description of the cable route; information on construction, operations, and abandonment; and emergency response resources and capability;

Article (9): A separate application shall be filed with respect to each individual Submarine cable for which permission is requested, or for which modification or amendment of a previous permission is requested.

Processing of cable landing applications

Article (10) The Authority shall reply to the application within thirty (30) working days from the date of fulfilling all the required documents, and the rejection decision must be justified with reasons.

Compliance

Article (11): Except as otherwise ordered by TRA, the following rules apply to each Application of a cable landing permission granted:

- (1) Grant of the cable landing permission is subject to any action by the Authority rescinding, changing, modifying or amending any rights accruing to any person by grant of the license;
- (2) The location of the cable system within the territorial waters of the Sultanate of Oman, its territories and possessions, and upon its shores shall be in conformity with plans approved by the government bodies involved. The cable shall be moved or shifted by the licensee at its expense upon request of TRA, whenever it considered such course necessary in the public interest, for reasons of national security, or for the maintenance and improvement of harbors for navigational purposes;
- (3) The licensee shall at all times comply with any requirements of Omani government authorities regarding the location and concealment of the cable

² Check ANNIX 2

³ Defined in Article 1

facilities, buildings, and apparatus for the purpose of protecting and safeguarding the cables from injury or destruction;

- (4) The licensee shall be prohibited from agreeing to accept special concession⁴s directly or indirectly from any foreign carrier, including any entity that owns or controls a foreign cable landing station, where the foreign carrier possesses sufficient market power on the foreign end of the route to affect competition adversely in the Omani market, and from agreeing to accept special concessions in the future.
- (5) The licensee shall notify the Authority, in writing, within thirty (30) working days of the date the cable is placed into service, of the date the cable was placed into service.

Transferring of the Interest

Article (12): If applying for authority to assign or transfer control of an interest in a cable system, the applicant shall:

- 1- Fulfill **Article (8)** for both the transferor/assignor and the transferee/assignee.
- 2- The applicant should also include a narrative of the means by which the transfer or assignment will take place.
- 3- The application shall also specify, on a segment specific basis, the percentage of voting and ownership interests being transferred or assigned in the cable system, including in an Omani cable landing station. The Authority reserves the right to request additional information.

Discontinuance, Reduction, or Impairment of Service

Article (13): The Authority has the right to discontinue, reduce, or impair service to a country or for the temporary, emergency, or partial discontinuance, reduction, or impairment of service.

Article (14): Preventing landing or operating of cables; injunction

The Authority pursuant to Article 46 Repeated (5) of the Act is empowered to prevent the landing of any cable about to be landed in violation of the Act.

Article (15): Violations; punishment

Without prejudice to any stiffer punishment stipulated in the Act or any other laws in the Sultanate, whoever knowingly commits or instigates, or assists in any act forbidden will be subject to the penalties set out in Article 51 Repeated of the Act.

⁴ Defined in Article 1

ANNEXURE 1

GUIDELINES FOR THE DEPLOYMENT OF SUBMARINE CABLES IN THE SULTANATE OF OMAN

Introduction

TRA established the guidelines for the deployment of submarine cables in the Sultanate of Oman in coordination with the relevant government entities to facilitate the provision of submarine cables deployment service by the licensees. The licensees shall comply with these guidelines in order to obtain the necessary permission to provide this service. In case there are further requirements by the relevant government entities which were not included in these guidelines, the licensees shall comply with these requirements.

First: Conditions of Ministry of Foreign Affairs

- The applicant must apply to the Operations Department at the Ministry of Foreign Affairs to obtain a Diplomatic Permission at least one month in advance, while presenting the following pre-requisites:
 1. Ship specifications.
 2. Ship certificates.
 3. Areas intended for work along with illustrative project maps.
 4. Local agent of the ship.
 5. Intended berth ports and required duration.
 6. Project duration in the Omani territorial waters.

Second: Conditions of Ministry of Oil and Gas

The following conditions shall be met by the applicant:

1. Setbacks of oil and gas pipelines and offshore oilfields must be taken into consideration.
2. Itinerary of oil and gas tankers must be provided.
3. Provide the coordinates and routes of the submarine cables to be licensed.

Third: Conditions of Ministry of Transport and Communications

The following conditions shall be met by the applicant:

1. Appoint a maritime shipping agent recognized by the ministry.
2. Submit the application to Ships Registration Department at the Directorate General for Maritime Affairs.
3. Fill out the form assigned for the international ship security certificate issued by the classification society to which the ship is affiliated, by the shipping agent.
4. Provide copy of the certificate of insurance.
5. Copy of the contract made between the owner and the project manager to deploy and lay submarine cables.
6. Illustrative maps of the submarine cable route and the expected duration of work.
7. The submarine cable should not pass through restricted areas and ports.
8. Payment of the prescribed fees for issuing the permit after completion of the above mentioned requirements.

Fourth: Conditions of Ministry of Agriculture and Fisheries Wealth

The following conditions shall be met by the applicant:

1. Submarine cables shall not be deployed in the traditional and commercial fishing areas, coral reef areas or artificial corals.
2. Submarine cable materials should not be harmful to the marine environment.
3. Ministry of Agriculture and Fisheries Wealth shall be informed of the longitudes and latitudes of the locations of the submarine cables when deployed.
4. The implementing company shall pay compensation in the event of damage to the fishing nets and gear of professional fishermen.
5. The ministry shall be notified of the required period of implementation and determination of location.
6. The itinerary, supported by illustrative maps, shall be provided to the ministry.

Fifth: Conditions of Ministry of Regional Municipalities and Water Resources

The following conditions shall be met by the applicant:

1. Submit a completed excavation permission form to the technical affairs section, enclosing the following:
 - a. Copies of maps showing the path of excavations and works.
 - b. Copy of the agreement between the contractor and the owner.
2. Submit three copies of maps along with an undertaking of the contractor and the consultant and payment of insurance fee for removal of construction waste.

Sixth: Conditions of Royal Oman Police

- 1- The applicant must meet the following requirements of traffic safety in the case of road works:
 - a. Ensure the flow of people movement from their homes to the work area and vice versa.
 - b. Inform the General Administration for Traffic at ROP if the work requires cutting off the road or diverting traffic at any location.
 - c. Works shall be carried out after midnight and finished before six in the morning in areas where diversions are difficult to make.
 - d. Excavations deeper than one meter must be protected by concrete.
 - e. Work must be executed in phases and filling of excavations must be speeded up.
 - f. If asphalt has to be cut in one of the road lanes or in the middle, the company must restore the road and leave no dust or debris in preservation of the public safety and the general appearance.
 - g. Non-registered or outdated equipment shall not be used. Drivers of heavy vehicles must be holding valid driving licenses while complying with all the decisions issued by the Ministry of Manpower in this regard.
 - h. Adequate warning signs must be placed in work locations. These signs should be of phosphoric color and reflective with dimensions 1mx1m.
 - i. Signs should be written in clear and correct Arabic/English languages.
 - j. This permit shall be void after its expiry and the permittee shall then cease to work and refer to the General Administration for Traffic at ROP to renew it if required.
- 2- The applicant must obtain security clearance from ROP Security Consultation Administration before starting its activities.
- 3- The applicant shall provide all the documents relating to the company and the project employees.

- 4- Attach all detailed plans of submarine cable routes and the natural maps of the site.

Seventh: Conditions of Ministry of Defense (Sultan Armed Forces)

- 1- The applicant shall notify the command of the Royal Navy of Oman through the Sultan Armed Forces Chief of Staff of the deployment area and the route of the submarine cables in the Omani territorial waters or the economic Omani area so as to avoid the military bases and units as well as the coastal areas designated for military operations such as amphibious landing and places of refuge for ships.
- 2- Direct coordination with the National Hydrographic Office before, during and after executing the deployment of the submarine cables and reverting back to it in the event of requesting consultation on the deployment operation.
- 3- Notify the Royal Navy of Oman through the Sultan Armed Forces Chief of Staff of the name and details of the ship and of the company in charge of implementing the project.
- 4- The applicant shall provide illustrative maps of submarine cable routes in the sea and shall send a paper copy of the locations of deployment of cables to the National Hydrographic Office at Bait Al-Falaj.
- 5- The applicant shall use care not to damage the cables for the extended and submerged water of the Sultanate during the beginning of the installation process.

Eighth: Conditions of Ministry of Environment and Climate Affairs

The following conditions shall be met by the applicant:

- 1- Apply for an environmental permission before starting the project.
- 2- Avoid deploying cables on coral reefs and rocky bottoms.
- 3- When planning for the project, maintain a distance of not less than 250m from areas of coral reefs or nature protection zones.
- 4- Provide the Ministry with maps for the location of the project and for the route to be followed for conducting surveys, taking samples or landing equipment in the marine environment.
- 5- Provide the Ministry with details of types of equipment and materials used in the research process or the survey method, or the materials used while taking

samples for the research process in order to ensure the safety of marine environment.

- 6- Provide full details and specifications of the fiber optic cables used in the manufacturing process including size and materials.
- 7- Provide full details and specifications of the means used for drilling and the equipment used in dredging and dumping operations.
- 8- Provide a copy of information and data obtained through the survey process, in particular analysis related to benthic soil, to the Ministry.
- 9- Shall not harm marine organisms in any way.
- 10-Avoid using dangerous substances or those of chemical nature in the project.
- 11- Inform the Ministry of any environmental emergency that may cause pollution to Oman's marine environment.
- 12- Provide the Ministry with the ship's emergency plan during work time.
- 13-Operators shall set their own environmental guidelines and the ships laying the cables shall comply will all requirements of the International Maritime Organization (IMO) and other conventions relating to maritime safety such as SOLAS Convention.
- 14- Cable laying work, designs of cables and their operation shall conform to the standards of the International Telecommunication Union (ITU).
- 15-Environmental observers shall be appointed to record any notes related to environment and to report on the monitoring process.
- 16- The applicant shall abide by the laws and regulations of preserving the marine environment, including Regulation No. 159/2005 on discharges of liquid wastes in the marine environment and Regulation No. 39/2004 on marine environment management.

ANNEXURE 2

FORM 1

Application for Submarine Cable landing permission

- 1- Applicant :
The Name
- Address.....
- Telephone number(s).....
- Email
- 2- A list of the proposed owners of the cable system, their respective voting and ownership interests in cable system, and their respective ownership interests by segment in the cable;
- 3- A description of the submarine cable, including the type and number of channels and the capacity thereof;
- 4- A specific description of the cable landing stations on the shore of the Sultanate and in foreign countries where the cable will land. The description shall include a map showing specific geographic coordinates, and may also include street addresses, of each landing station;

ANNEXER 3

Application Flow Chart

