



BERMUDA

REGULATORY AUTHORITY (MARKET REVIEW OF THE ELECTRONIC
COMMUNICATIONS SECTOR) GENERAL DETERMINATION 2020

BR 98 / 2020

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The Regulatory Authority, in the exercise of the power conferred by section 62 of the Regulatory Authority Act 2011, as read with sections 12 and 13 of that Act and sections 20 to 25 of the Electronic Communications Act 2011, makes the following General Determination:

Citation

1 This General Determination may be cited as the Regulatory Authority (Market Review of the Electronic Communications Sector) General Determination 2020.

Interpretation

2 In this General Determination, unless the context otherwise requires, terms shall have the meaning given in the Regulatory Authority Act 2011 and the Electronic Communications Act 2011.

General purpose

3 This General Determination identifies the relevant markets which the Regulatory Authority has concluded require *ex ante* regulation and sets out the obligations that will

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apply, going forward, to those sectoral providers that have been found to have significant market power in the relevant markets.

Determination

4 (1) This General Determination is made pursuant to the Consultation Document entitled “Review of the electronic communications sector, Ensuring the delivery of benefits for Bermuda via regulation” dated 17 October 2017, the Consultation Document entitled “Market review of the electronic communications sector” dated 15 February 2019, the Preliminary Report, Preliminary Decision and Order entitled “Market Review of the Electronic Communications Sector” dated 23 August 2019, and the Regulatory Authority’s Decisions on them.

(2) Taking into account the received responses to the Consultation Documents and the Preliminary Report, Preliminary Decision and Order and for the reasons given in the Decision, the RA determines that the provisions set forth in the Schedule are consistent with the purposes of the Electronic Communications Act 2011.

Terms and conditions of General Determination

5 (1) The Schedule has effect.

(2) The Schedule is published on the Regulatory Authority’s website (www.ra.bm), and is also available for inspection at the offices of the Authority (1st Floor, Craig Appin House, 8 Wesley Street, Hamilton HM 11) during ordinary business hours.

Revocation of the 2013 General Determinations

6 Except as otherwise stipulated in Part E of Annex 1 of the Schedule in relation to transitional measures, the Regulatory Authority (Market Definition and Significant Market Power) General Determination 2013 and Regulatory Authority (Obligations for Operators with Significant Market Power) General Determination 2013 are hereby revoked and superseded by this General Determination.

Effective date of General Determination

7 This General Determination shall become effective on the day it is published in the Gazette.

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COMMUNICATIONS SECTOR) GENERAL DETERMINATION 2020

Signed this 1st day of September 2020

Chairman, Regulatory Authority

[Operative Date: 01 September 2020]