

GUIDELINES FOR THE SALE AND USE OF FOREIGN SIM CARDS IN KENYA

1. Introduction

These requirements and procedures have been developed by the Communications Authority of Kenya (the Authority) taking into account the Kenya Information and Communications (Licensing and Quality of Service) Regulations, 2010; the Kenya Information and Communications (Numbering) Regulations, 2010; the Kenya Information and Communications (Registration of Sim-Cards) Regulations, 2015 and the ITU-T Recommendation E.212 issued by the International Telecommunication Union (ITU).

The ITU-T Recommendation provides for a framework for regulating access to foreign SIM Cards and the use of international telecommunications numbering. The Authority therefore intends to enhance its national authorization framework in order to take into account the provisions in the ITU Recommendation E.212 as appropriate.

2. Definitions

- (1). All the terms used in these requirements and procedures, unless otherwise stated, are in accordance with the Kenya Information and Communications Act, 2013 (as Amended) and the ITU-T/TSB (International Telecommunication Union) Standards Sector/Telecommunication Standardization Bureau (TSB);
- (2). Any gender reference in these requirements and procedures connote all genders, and
- (3). The Authority's interpretation will prevail where these requirements and procedures may result in multiple interpretation.

3. The Use of International Telecommunications Numbering Resources in Kenya

The following requirements and procedures relating to the use of international telecommunications numbering in Kenya have been developed pursuant to Kenya Information and Communications (Licensing and Quality of Service) Regulations, 2010; the Kenya Information and Communications (Numbering) Regulations, 2010; the Kenya Information and Communications (Registration of SIM-Cards) Regulations, 2015 and the ITU-T Recommendation E.212 Annex A.

- (1). Any entity wishing to provide access to international telecommunications numbering in Kenya must hold a valid Application Service Provider (ASP) licence with the Authority;
- (2). Further, the entity must first obtain approval before providing the said service in accordance with the ASP Licence Term related to service approval.
- (3). In making an application for this service, the entity shall submit to the Authority:

- (a) An agreement with a licenced Network Facilities Provider (NFP) in Kenya on the management, operation, and maintenance of the network that will facilitate the utilization of the requested international telecommunications numbering resources in Kenya, and
- (b) An agreement with at least one foreign licenced operator who has control of the management, operation, and maintenance of the network that will facilitate the utilization of the requested international telecommunications numbering in that country. Subsequently, the entity will be required to submit agreements with such operators as the service is rollout in other countries;
- (4). If the Authority approves the service, the entity shall apply to the Director/TSB through the Authority for international telecommunications numbering resources, and
- (5). Where such international telecommunications numbering resources are assigned, the entity shall be required to:
 - (a) Register her subscribers who are utilizing the international telecommunications numbering resources in accordance with the Kenya Information and Communications (Registration of SIM-Cards) Regulations, 2015, and
 - (b) Submit quarterly returns to the Director/TSB through the Authority on the utilization of the assigned resources in a manner as may be prescribed by TSB and/or the Authority from time to time.

4. The Use of Foreign Telecommunications Numbering in Kenya

The following requirements and procedures relating to the use of foreign (extra-territorial) numbering in Kenya have been developed pursuant to Kenya Information and Communications (Licensing and Quality of Service) Regulations, 2010; the Kenya Information and Communications (Numbering) Regulations, 2010; the Kenya Information and Communications (Registration of SIM-Cards) Regulations, 2015 and the ITU-T Recommendation E.212 Annex E.

- (1). Any entity wishing to provide extra-territorial numbering resources in Kenya must hold a valid Application Service Provider (ASP) licence with the Authority;
- (2). Further, the entity must first obtain approval for providing the said service in accordance with the ASP Licence Term 5.2;
- (3). In making this application, the entity shall submit to the Authority an agreement with the foreign licenced operator on the utilization of its assigned numbering range and an approval by the National Regulatory Authority of the foreign licenced operator for the resources to be availed in Kenya through the entity;
- (4). If the Authority approves the service, the entity and the foreign licenced operator shall apply to the Director/TSB through their respective National Regulatory Authority for the use of extra-territorial numbering resources in Kenya, and
- (5). Where such extra-territorial numbering resources are assigned, the entity shall be required to:

- (a) Register her subscribers who are utilizing the extra-territorial numbering resources in accordance with the Kenya Information and Communications (Registration of Sim-Cards) Regulations, 2015, and
- (b) Submit quarterly returns to the Director/TSB through the Authority on the utilization of the assigned resources in a manner as may be prescribed by the TSB and/or Authority from time to time.

5. Additional Conditions and Modifications

- (1). During the application approval process, the Authority may impose other conditions on the entity as may be necessary.
- (2). The Authority may modify these requirements and procedures from time to time.

Dated the 14th July 2017

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DIRECTOR-GENERAL