



**EXPLANATORY MEMORANDUM ISSUED BY
THE INFO-COMMUNICATIONS DEVELOPMENT AUTHORITY OF SINGAPORE**

**AMENDMENT TO THE CODE OF PRACTICE FOR COMPETITION IN THE
PROVISION OF TELECOMMUNICATION SERVICES (“CODE 2012”)**

**DESIGNATION OF MONOPOLES AND TOWERS (EXCLUDING TOWERS USED
FOR THE OPERATION OF BROADCASTING SERVICES) AS INFRASTRUCTURE
TO BE SHARED UNDER SECTION 7.5.1 OF CODE 2012**

29 June 2012

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1. IDA will amend Sub-section 7.5.1 of Code 2012, to designate monopoles and towers erected by licensees as infrastructure to be shared. IDA is satisfied that such facilities would meet the criteria for sharing specified in Sub-sections 7.3.1 and/or 7.3.2 of Code 2012. This is in consideration of the requirement by the Urban Redevelopment Authority (“URA”) for licensees to share, as far as possible, usage of the monopoles erected by licensees within the same geographical area. The requirement imposed by the URA was to ensure that the Singapore landscape does not get marred by multiple monopoles erected around the island. Therefore, by designating all monopoles as infrastructure to be shared pursuant to Sub-section 7.5.1 of Code 2012, licensees who are unable to reach an agreement on the terms and conditions of sharing of a monopole may raise a dispute to IDA expeditiously, without having to first demonstrate that the monopole meets the criteria of sharing under Sub-sections 7.3.1 and/or 7.3.2 of Code 2012.

2. Similarly, the erection of towers is subject to requirements placed by URA, as well as other relevant regulatory authorities. In this regard, it is assessed that towers erected by licensees should also be designated as infrastructure to be shared. However, broadcast towers erected by licensees will be exempted from the designation, in view of the fact that they are not suitable for the co-location of telecommunications equipment, due to likelihood of radio interference from broadcasting equipment.

3. IDA had earlier consulted with the licensees that would be directly affected by the changes. Two of the respondents felt that the amendments would be unnecessary. These respondents opined that commercial incentives should drive the sharing of monopoles and that industry collaboration for the joint construction of monopoles should be the primary means for the erection of such infrastructure. IDA would like to highlight that the designation of facilities for sharing pursuant to Sub-section 7.5.1 of Code 2012 does not preclude commercial negotiations between licensees on the terms and conditions for sharing. This is highlighted in Sub-section 7.6.1 of Code 2012, which clearly states that licensees should first negotiate a sharing arrangement in good faith. It is only in the event where the relevant parties are unable to reach an agreement on the terms and conditions of sharing, that the parties may then raise the matter as a dispute for IDA’s resolution.

4. Another respondent, while supportive of the Proposal, suggested limiting the space on the monopoles to mobile telecommunications licensees only. IDA disagrees with this suggestion as it is neither reasonable nor

compatible with the intent of Section 7.5 of Code 2012. Once designated as an infrastructure to be shared, any facilities-based licensee may request the sharing of a monopole, subject to reasonable considerations such as capacity limitations.