

Terms of Reference: Review of the implementation of the ECOWAS Regulation on Roaming

1. BACKGROUND AND CONTEXT

The Economic Community of West African States (ECOWAS) comprises 12 Member States. It was set up to foster the ideal of collective self-sufficiency for its Member States and has a mandate to promote economic integration in all fields of activity of its constituting countries.

Articles 32 and 33 of the revised ECOWAS Treaty provide the basis for the region's undertaking within the field of Information and Communication Technology to reach its ideals of regional integration. In particular, Article 33 entreats Member States to “develop, modernize, coordinate and standardize their National Telecommunication Networks in order to provide reliable interconnection amongst Member States, and coordinate their efforts with a view to mobilizing national and international financial resources through participation of the private sector in the provision of Telecommunication/ICT services”. In line with this vision, West African states have made significant investments in the telecommunications sector, particularly in broadband internet services. Currently, ten (10) submarine cable systems with 35 landing points connect ECOWAS to the rest of the world. Mobile technology dominates telephony in the region, with a mobile penetration rate of 110% (due to multiple SIM ownership) compared to a mere 0.3% fixed telephony. Similarly, mobile broadband is the primary means of accessing the internet, with an internet penetration rate of 67%, and a mobile broadband subscription rate of 51%.

Mobile technology plays a crucial role in the digital transformation of the ECOWAS economy. For instance, mobile money services are widely available, providing digital financial services and payments to previously unbanked populations. Consequently, mobile services extend beyond basic communication, necessitating continuous connectivity through roaming while travelling.

However, historically high prices for mobile roaming services have posed a significant barrier to regional integration and the adoption of cross border digital services. Despite the ingrained principle of free movement, these high tariffs hinder regional cohesion.

To address this, the ECOWAS Council of Ministers adopted Regulation C/REG.21/12/17 on Roaming on Public Mobile Communication Networks in the ECOWAS Space. The regulation aims to:

- Define a harmonized legal and tariff framework for roaming on public mobile communication networks within ECOWAS Member States.
- Solve the problem of the high cost of roaming services in the ECOWAS region, through reduction (SMS, calls and data) or even elimination (SMS and calls)

- Determine the rights and obligations of community roaming providers, regulators and the ECOWAS Member States.
- Provide for a minimum of guarantees for consumers of roaming services.

The Regulation has obligations on the policy makers in Member States, Regulators and operators to ensure its effective application, resulting in reduced tariffs for roamers in a roam-like-at-local scenario. Since 2017, the ECOWAS Commission has been working with Member States towards effective implementation. However, mixed results have been achieved, with varying levels of compliance by operators in the respective Member States.

The Regulation also obliges the ECOWAS Commission to review its implementation and report to the ECOWAS Council of Ministers. Article 18 specifically requires that *“should the report show that the structural measures set out in the Regulation on Community roaming were inadequate to strengthen competition in the internal market for roaming services for the benefit of all ECOWAS users, or that the difference between ECOWAS roaming rates and national rates have not been eliminated, the Commission shall make appropriate proposals to the Council of Ministers to remedy the situation and thereby achieve ultimately, an internal market for mobile communication services, with no difference between national rates and community roaming rates”*.

Consequently, the Commission prepared progress reports in 2019, 2022 and 2024 for the ECOWAS Ministers in charge of Telecommunications/ICT/Digitalisation and the ECOWAS Council of Ministers. These reports provided the implementation status in each Member State, highlighted persistent challenges hindering full implementation of the Regulation, and offered recommendations to address these challenges. One recommendation includes a review of the Regulation in a consultative manner with all stakeholders to ensure the sustainability of achievements and address ongoing challenges faced by stakeholders unable to implement the Regulation.

In line with the above, the ECOWAS Commission wishes to conduct an independent study on the effectiveness of the Regulation in driving down roaming costs and propose actionable plans to implement the recommendations to address the challenges.

2. OBJECTIVES AND SCOPE OF WORK

2.1. General Objective

The general objective of the assignment is to review the implementation of the ECOWAS Regulation on Roaming, assess its impact on roaming costs and regional integration and evaluate proposals/ recommendations to facilitate seamless implementation throughout the ECOWAS region.

2.2. Specific Objective/Scope for Work

The specific objectives of the study are as follows

1. Consolidate outputs: Gather and analyze the outputs from the Regional Roaming Technical Committee, including the latest progress reports on the implementation of the Regulation, the proposed regional anti-fraud framework and proposals for IOT and tariff ceiling harmonization. Perform an independent analysis of these proposals.
2. Benchmarking: Compare and benchmark the ECOWAS' approach to roaming services regulation against similar initiatives successfully implemented in other regions within Africa and globally, compile lessons learnt and recommendations from such successful implementations which could be adapted to the regional context.
3. Stakeholder Engagement: Identify relevant stakeholders across the international mobile communications ecosystem and engage them on the validated proposals and recommendations from the benchmarking exercise to determine feasibility.
4. Resource estimation: Estimate the resource requirements for the execution of the validated proposals to facilitate the effective implementation of the Regulation across the Community.
5. Draft Updates to the Regulation: Assist in drafting necessary updates to the regulation to address implementation challenges highlighted in the progress report. This may involve legal/regulatory adjustments in line with validated recommendations to enhance the regulation's effectiveness.
6. Draft guidelines: Create guidelines or guidance notes for the interpretation and application of the Regulation by stakeholders (Regulators, operators, carriers, etc)
7. Monitoring and evaluation: Review the current system and tools for monitoring and evaluation of the implementation of the Regulation and propose enhancements.

3. EXPECTED DELIVERABLES AND IMPLEMENTATION TIMETABLE

3.1. Deliverables

The Consultant is expected to produce the following deliverables:

- Deliverable 1 – Inception report, which will include formal minutes of discussions and agreements reached during the inception meeting. It will present the main issues discussed, priorities for the work and refinements to the work plan and methodology for the assignment.
- Deliverable 2 – Interim report will contain (i) the consolidated outputs of the previous work by the Regional Technical Committee on Roaming, (ii) outcomes of benchmarking of successful roaming policy initiatives in other regions, lessons learnt from their implementation and recommendations that could be adapted by ECOWAS, and (iii) initial proposals for implementing the recommendations in the 2024 Progress Report on Roaming. The interim report will be validated in a workshop, which will serve as a stakeholder consultation exercise to test and evaluate preliminary ideas. The report should be finalized after the workshop, incorporating all observations and comments.
- Deliverable 3 – Draft Final Report, this will be organized into the following work packages (i) the mechanism for implementing harmonized intra-regional roaming tariff ceilings and inter-operator tariffs, (ii) mechanism for effective operationalization of the regional anti-fraud framework, (iii) draft guidelines and/or guidance notes for the interpretation and application of the Regulation by the stakeholders, (iv) draft amendments to the Regulation's text to address implementation challenges and facilitate its application by stakeholders, and (v) proposed model for enhanced monitoring and evaluation of the implementation of the regulation in Member States. The draft final report shall be validated by stakeholders in a workshop.
- Deliverable 4 – Final Report, this report will incorporate comments and amendments following validation of the Draft final report.

3.2. Report formats

All deliverables must be produced in English, French and Portuguese. All reports should be consistent in style (headings, margins, citations, bibliography, etc) and contain a short executive summary. The consultant is required to properly apply quotation techniques and particular care will be taken to verify non-contextual re-use and ill-adaptation of existing material.

For the purpose of facilitation of the validation session, workshop slides summarizing the contents of the reports should be prepared in English, French and Portuguese

The final reports will be submitted in 3 paper copies and in electronic format and in a .pdf format suitable for publication on Commission website. Exchange of advance copies for the purposes of validation as well as other non-formal communications shall take place via electronic mail.

3.3. Implementation timetable for the Study

The duration of the assignment is not expected to exceed twenty-four (24) weeks and shall be carried out according to the indicative timetable below:

Timeline	Deliverables
Signing of contract + 2 weeks	Submission of Inception report
Signing of contract + 3 weeks	Validation of inception report by ECOWAS Commission
Signing of contract + 6 weeks	Submission of interim report
Signing of contract + 10 weeks	Validation of Interim report by Stakeholders (workshop)
Signing of contract + 16 weeks	Submission of Draft final report
Signing of contract + 20 weeks	Validation of draft final report by Stakeholders (workshop)
Signing of contract + 24 weeks	Submission of final report taking into account observations from the validation of the draft.

The estimated time contribution of the key personnel is 80 man-days.

4. CONSULTANT AND ECOWAS OBLIGATIONS

4.1. Consultant Obligations

- a. All the resources required to conduct the study shall be borne by the Consultant. This should therefore be factored in the bid preparation.
- b. The Consultant shall bear full responsibility for collecting data from ECOWAS Member States, ECOWAS Institutions and other stakeholders, and any liabilities that may be involved.
- c. The Consultant shall undertake to check the coherence of data and information collected as part of the execution of the mandate.

- d. The Consultant shall be required to comply with professional secrecy during and after the mission and keep an inventory of all documents produced and those placed at their disposal.
- e. In the methodology for the execution of the mission, the Consultant shall prepare a work plan taking into account the implementation timetable set out in section 3.3.
- f. The implementation timetable provided in 3.3 is indicative. It is assumed that there is possibility for some of the activities in the scope of work to be carried out concurrently. Consultants' proposals shall therefore be assessed by their proposals to optimize the delivery.
- g. The Consultant will be expected to facilitate workshops for the validation of the deliverables. The workshops will be held physically in a city within the ECOWAS region and the expenses associated with the consultant's participation must be factored in the bid preparation.

4.2. ECOWAS Obligations

- a. The ECOWAS Commission shall provide the Consultant with all the useful documents and procedures at its disposal necessary for the execution of this assignment.
- b. ECOWAS shall validate the work methodology and monitor the proper execution of the assignment.
- c. ECOWAS shall also be responsible for organizing a workshop with Member States experts to validate the deliverables and accept the conclusions of the work.

5. CONSULTANT'S PROFILE

The consultant expected is a firm or research group, or a group of firms/research groups.

5.1. Qualification and experience of the consultant (evidence by copies of contracts, certificates of satisfactory performance, etc.)

The firm must have at least 10 years of experience in the field of telecommunications.

It must provide proof of the completion of at least two (2) similar projects in the last seven (7) years in the field of telecommunications and roaming.

Must have carried out at least one (1) study to update Community texts and regulations on Roaming in the last seven (7) years.

Good knowledge of the telecommunications sector in the context of West Africa would be an asset.

The consultant will also have to demonstrate his technical and administrative capacity to carry out the mission.

5.2. Composition and qualification of key personnel

The firm or consortium will be expected to mobilize a team comprising:

- **K-1- Lead Consultant, Team Leader:**

The Lead Consultant will ensure the coordination of all activities and will be the interface between the ECOWAS Commission and the team of experts.

The lead consultant must possess at least a Master's Degree in Finance, Economics or other related fields. He/she must have at least 10 years' experience and competence in conducting similar studies in the domain of telecommunications and roaming.

As a Team Leader, he/she must have carried out at least two (2) similar projects/missions in the West African context.

- **Other Key Experts:**

K-2- Telecommunications Expert :

The candidate must meet the following qualification criteria:

- Have a level of education of at least BAC+5 or the equivalent of a Master's degree in Telecommunications, ICT, Computer Science, or related field
- Have 10 years' professional experience in the field of telecommunications and roaming.
- Have completed at least two (2) missions/projects of similar scope.
- Demonstrate a good knowledge and in-depth understanding of the core network architecture of mobile telephony systems
- Have technical expertise in network nodes, mobile telephony protocols, signaling routing, etc.
- Good knowledge of the telecommunications sector in the context of West Africa would be an asset.

K-3- Legal expert:

The candidate must meet the following qualification criteria:

- Master's degree in law, in particular with specialization in telecommunications, IT, Information and Communication Technology (ICT), digital and/or any other related field
- At least ten (10) years of professional experience in the practice of law in general and the development of legal and/or regulatory frameworks in particular.
- Have developed in the last seven (7) years, at least two (2) major legal and/or regulatory frameworks at the sub-regional, regional, community and/or

international level, in the digital economy sector, and in particular in the field of digitalization, telecommunications and electronic communications.

- Knowledge of the legal instruments of sub-regional, continental and international organizations to which ECOWAS Member States are parties, in the field of digitalization, telecommunication and electronic communications will be highly appreciated.

Note:

Each team member must demonstrate proficiency in at least one of the official languages of ECOWAS (English, French and Portuguese). Proficiency in two other languages will be an advantage.

Existence of ECOWAS nationals within the team will also be an advantage.

The duly signed CVs of the experts (with references), certificates/diplomas, certificates of training and mission/work completion certificates of all experts should be included in the consultant's proposal.