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EXTRAORDINARY

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PART I : SECTION (I) — GENERAL

Government Notifications

L.D.—B 3/2005.

THE FINANCE ACT, No. 11 of 2004

REGULATION made by the Minister of Finance and Planning under Section 26 read with Section 22 of the Finance Act, No. 11 of 2004.

Dr. SARATH AMUNUGAMA,
Minister of Finance and Planning.

Colombo,
30th March, 2005.

Regulation

1. These regulations may be cited as the International Telecommunication Operators Levy (Imposition) Regulations, No. 1 of 2005.
2. These regulations shall apply in respect of International Telecommunication Operators licensed under Section 17 of the Sri Lanka Telecommunications Act, No. 25 of 1991.
3. The International Telecommunication Operators Levy (hereinafter referred to as “the Levy”) imposed under Part III of the Finance Act, No. 11 of 2004 shall be payable to the Commission by every International Telecommunication Operator with effect from March 3, 2003 in respect of every incoming and outgoing international call terminated or originated within Sri Lanka, in the manner set out hereinafter.

LEVY ON INCOMING INTERNATIONAL CALLS

4. The Levy in respect of incoming international calls shall be charged for the periods and at the rates specified in Table A of Schedule I to these regulations.
5. The Commission shall disburse the Levy charged and collected in respect of incoming international calls in terms of regulation 4 on the basis of two distinct charges, namely, the “Incoming Local Access Charge” (ILAC) and the “Telecommunications Development Charge” (TDC). The amount of the Levy as is to be credited as ILAC and TDC for each year, shall be at the rates specified in Tables B and C of Schedule 1 to these regulations.

LEVY ON OUTGOING INTERNATIONAL CALLS

6. The Levy in respect of outgoing international calls (hereinafter referred to as the “Outgoing Local Access Charge (OLAC)”) in respect of year shall be charged for the periods and at the rates set out in Schedule II to these regulations.
7. The OLAC payable for the period commencing on March 3, 2003 and ending on March 31, 2004 and for the period commencing on April 1, 2004 and ending on October 28, 2004 shall be paid by the International Telecommunications Operators, directly to the Domestic Public Switched Telephone Network (PSTN) Operator.

LEVY PAYABLE BY DOMESTIC PUBLIC SWITCHED TELEPHONE NETWORK (PSTN) OPERATORS

8. Where an International Telecommunication Operator is also a Domestic PSTN Operator, the International Telecommunication Operator shall be permitted to make inter-company or intra-company settlements in respect of the levy on incoming and outgoing international calls payable by him in terms of regulations 4 and 6 of these regulations in terms of Schedule III.
9. Each Domestic PSTN operator may claim two-thirds of the TDC funds for the development of their Telecommunications Network in unserved and underserved areas of Sri Lanka as may be determined by the Commission. Each Domestic PSTN Operator shall be entitled to claim only the TDC payments made in their individual name. Such operator shall be eligible to claim the two-thirds of the TDC of the current year, within a period of three years.

GENERAL

10. Every International Telecommunications Operator shall pay directly to the Commission, the TDC payable after October 28, 2004, as per the charges set out in Table C of Schedule I before the expiry of the final due date of payment published by the Commission.
11. The Commission shall publish at the beginning of each year the final due date of payment of TDC applicable for each month.
12. Every International Telecommunication Operator shall forward to the Commission, in respect of each month, a record of the total number of minutes used for international calls terminating and originating within its own network.
13. The International Telecommunication Operator and the Domestic PSTN Operator shall submit to the Commission five days prior to the final due date of payment, a report specifying the incoming and outgoing traffic each month in the respective Forms set out in Schedule IV to these regulations.
14. Where an International Telecommunications Operator does not have direct interconnection, it shall be the responsibility of the transit operator and the terminating operator as the case may be, to share in the ILAC in the ratio of 20/80 respectively. The Commission may vary this ratio from time to time, upon consideration of representations made by the industry.
15. The ILAC and OLAC payable after October 28, 2004 shall be paid directly to the Domestic PSTN Operators by the International Telecommunication Operators every month.
16. The Commission shall issue guidelines in terms of Section 23 of the Act, specifying appropriate actions against any operator who defaults in the providing of information referred to in regulations 8, 16 and 17.
17. The International Telecommunication Operators and the Domestic PSTN operators shall maintain separate accounts in respect of all charges and whenever required to do so by the Commission, shall produce and make available all records for the purpose of inspection and audit by the Commission.
18. The Commission shall maintain a bank account and separate records in respect of each International Telecommunication Operator, of the Levy paid and funds disbursed under these regulations. Any un-disbursed proceeds collected, as TDC fund shall be remitted to the consolidated fund within three years from the date of such collection.
19. The Commission shall manage and invest the funds paid to the Commission under Schedule I until such time they are settled and disbursed to attain the purposes set out herein in accordance with such guidelines as are issued for implementation of such purposes.

INTERPRETATION :

20. In these regulations unless the context otherwise requires:—

“Commission” means the Telecommunications Regulatory Commission of Sri Lanka established under the Sri Lanka Telecommunications Act, No. 25 of 1991;
“International Telecommunications Operator” means an operator licensed under section 17 of the Sri Lanka Telecommunication Act, No. 25 of 1991;
“Domestic PSTN (Public Switched Telephone Network) operator” means an operator licensed to provide fixed telephone services or cellular mobile telephone services in Sri Lanka;
“Transit Operator” means any Domestic PSTN operator who carries the international traffic of the International Telecommunications Operator to be terminated on another Domestic PSTN Operator’s network.

SCHEDULE I

TABLE - A

(Regulation 4)

RATE OF LEVY PAYABLE ON INCOMING INTERNATIONAL CALLS

<i>Year</i>	<i>Period</i>	<i>Rate per minute in US \$ cents</i>
2003	03.03.03—31.03.04	11.00
2004	01.04.04—31.03.05	9.00
2005	01.04.05—31.03.06	9.00
2006	01.04.06—31.03.07	9.00
2007	01.04.07—31.03.08	9.00
2008	01.04.08—31.03.09	9.00

TABLE - B

(Regulation 5)

RATE OF DISBURSEMENT OF LEVY AS INCOMING LOCAL ACCESS CHARGE (ILAC)

<i>Year</i>	<i>Period</i>	<i>Rate per minute in US \$ cents</i>
2003	03.03.03—3.03.04	7.20
2004	01.04.04—31.03.05	5.20
2005	01.04.05—31.03.06	5.20
2006	01.04.06—31.03.07	5.20
2007	01.04.07—31.03.08	5.20
2008	01.04.08—31.03.09	5.20

TABLE - C

(Regulations 5&10)

RATE OF DISBURSEMENT OF LEVY AS TELECOMMUNICATION DEVELOPMENT CHARGE (TDC)

<i>Year</i>	<i>Period</i>	<i>Rate per minute in US \$ cents</i>
2003	03.03.03—31.03.04	3.80
2004	01.04.04—31.03.05	3.80
2005	01.04.05—31.03.06	3.80
2006	01.04.06—31.03.07	3.80
2007	01.04.07—31.03.08	3.80
2008	01.04.08—31.03.09	3.80

SCHEDULE II

(Regulation 6)

**RATE OF LEVY PAYABLE ON OUTGOING INTERNATIONAL CALLS
OUTGOING LOCAL ACCESS CHARGE (OLAC)**

<i>Year</i>	<i>Period</i>	<i>Rate per minute in SL Rupees</i>
2003	03.03.03—31.03.04	4.40
2004	01.04.04—31.03.05	3.90
2005	01.04.05—31.03.06	3.40
2006	01.04.06—31.03.07	2.90
2007	01.04.07—31.03.08	2.40
2008	01.04.08—31.03.09	1.90

SCHEDULE III

(Regulation 8)

THE CHARGE ELIGIBLE FOR SETTLEMENT BY DOMESTIC PSTN OPERATORS

<i>Year</i>	<i>Period</i>	<i>Rate per minute in US \$ cents</i>
2003	03.03.03—31.03.04	2.50
2004	01.04.04—31.03.05	2.50
2005	01.04.05—31.03.06	2.50
2006	01.04.06—31.03.07	2.50
2007	01.04.07—31.03.08	2.50
2008	01.04.08—31.03.09	2.50

SCHEDULE IV

(Regulation 5)

CALL TERMINATIONS

<i>Operator on whose Network Calls Terminated</i>	<i>Number of Incoming Minutes (Report to one decimal place)</i>	<i>ILAC Payments made to Domestic PSTN Operator</i>
Operator A		
Operator B		

CALL TERMINATIONS

<i>International Telecommunications Operator (ITO)</i>	<i>Number of Incoming Minutes (Report to one decimal place) Terminated</i>	<i>ILAC Payments paid to Domestic PSTN Operator</i>
Operator A		
Operator B		

CALL ORIGINATIONS

(Regulation 6)

<i>Operator from whose Network Calls originated</i>	<i>Number of Outgoing Minutes (Report to one decimal point)</i>	<i>OLAC Payment made to Domestic PSTN Operator</i>
Operator A		
Operator B		

<i>International Telecommunications Operator to whom network calls originated</i>	<i>Number of Outgoing Minutes (Report to one decimal point)</i>	<i>OLAC Payment due from each International Telecommunications Operator</i>
Operator A		
Operator B		

CALL TRANSIT

(Regulation 14)

<i>Operator through whose network calls transit</i>	<i>Terminating Operator</i>	<i>Number of incoming minutes (Report to one decimal point)</i>	<i>Payment to be made to transit Operator (20%)</i>	<i>Payment to be made to terminating Operator (80%)</i>
Operator A				
Operator B				

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