



Consultation Paper on the Review of the Enforcement Processes Regulations, 2019

July 2025

Consultation Guidance

This Consultation Paper is a preliminary engagement of key stakeholders before the activation of the rule-making process of the Commission under Section 71 of the Nigerian Communications Act 2003. The outcome of this Consultation Process will provide the clarity and consensus that will support reviews and possible changes to the Enforcement Processes Regulations 2019. The Commission will take into account all comments and recommendations as part of its participatory approach to attainment of the objectives of the Nigerian Communications Act 2003.

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Schedule- Consultation Feedback and Comments Response Template

1. Introduction

The Nigerian Communications Commission Enforcement Processes Regulations (Regulations) was first issued in 2009 and reviewed in 2019. The Regulations provide prescriptions for imposing liabilities and administrative sanctions for breaches of the provisions of the Nigerian Communications Act 2003, its subsidiary legislations, licensing conditions, permits and the Commission's directions. The Regulations provide for general and specific sanctions that are itemised in its Schedule and outlined against each identified infraction.

The Commission conducted a Regulatory Impact Assessment (RIA) on the implementation of the Regulations since its last review in 2019 and also assessed its impact on the Nigerian Communications Sector. The outcome of the RIA sets out areas that will require changes and amendments and this can be illustrated in four key outcomes. First, sampled respondents within the Sector raised concerns on lack of clarity on grounds for enforcement and procedures for determining such enforcement. Secondly, some licensees cited lack of clarity on general and specific fines and another set recommended less reliance on penalties. Thirdly, some sampled licensees stated that fines and administrative measures need to be fair and sustainable to avoid crippling smaller licensees. Lastly, there are also comments on the need to encourage compliance in the Sector, without relying on adverse regulatory measures, such as financial sanctions.

2. Background

The Enforcement Processes Regulations 2019 was issued pursuant to the Act and states that in exercising its monitoring and enforcement powers, the Commission should be guided by principles and considerations that will entrench transparency, fairness and non-discrimination. It is also intended to support the Commission's mandate of providing modern, qualitative, affordable and readily available communication services in all parts of Nigeria. The Regulations also have the capability of supporting the economic regulatory powers of the Commission that will promote fair competition and investment in the Nigerian Communications Sector.

Therefore, the Enforcement Processes Regulations is not just a tool for enforcement and entrenchment of a compliance culture, it is also a mechanism for market sustenance and regulatory oversight. Thus, it is key that we evaluate the proportionality of the enforcement sanctions to the contravention committed, taking into account the various

factors specified in the legislation. These outlined principles and such other principles and considerations as the Commission may from time to time determine, are vital considerations in reviewing and assessing the implementation of the Regulations.

3. Regulatory Proposals

These proposals form the baseline for the review and potential changes to the existing Enforcement Processes Regulations 2019 and provide both the context and regulatory purpose for these changes. The Commission puts forward Five (5) regulatory proposals and the basis for each of them. These regulatory proposals provide broad outline of the proposed review and shows the foundational basis for the regulatory thought process. Therefore comments from stakeholders will help shape the specific changes and amendments that the Commission will put forward when it activates the rule making process in Q3 2025.

Regulatory Proposal	Basis for Proposal
To set non-monetary administrative measures that will rest on restriction of certain licensing privileges and benefits. Hence the Commission will enforce administrative measures that are non-monetary on infractions related to licensing conditions, interconnection indebtedness and similar non-complying conduct of licensees.	The aim of this Regulatory Proposal is to redirect the focus of administrative sanctions from financial fines to other administrative measures and regulatory actions. This deviation will enable the Commission rely on alternative approaches to deepening compliance and deployment of effective enforcement measures to deter licensees.
To set liability for emerging and corrosive conducts such as call masking, call refile and SIM Boxing.	This Regulatory Proposal intends to widen both criminal and administrative liabilities related to offences and infractions related to interconnection, call termination and call manipulation by both licensees and non-licensees. These measures will be tied to the powers vested in the Commission by Section 70 of the Act to issue regulations on matters that relate to ‘communications offences’.

<p>To provide clarity on general and specific administrative fines in the Enforcement Processes Regulations 2019</p>	<p>This Regulatory Proposal is intended to provide clarity on general and specific administrative fines in Regulations 15 and 16 of the Enforcement Processes Regulations 2019. This will entail a review and detailed amendment of the Schedule of the Regulations that itemises the different breaches and their related fines. It will also remedy the identified shortcomings that were highlighted by the outcome of the RIA conducted in 2024 on the legislation.</p>
<p>To outline administrative and liability measures against Board and Management of Licensees that perennially breach the provisions of the Nigerian Communications Act 2003 and relevant subsidiary legislations.</p>	<p>This Regulatory Proposal is aimed at reviewing the provisions of Regulation 18 of the Enforcement Processes Regulations 2019. The Proposal expects a more detailed provision that sets administrative measures and regulatory actions that can affect the existence, composition and activities of both the Management and Board of licensees. The Proposal will provide details and qualifying instances when the provisions of Regulation 18 can be invoked by the Commission.</p>
<p>To outline measures that will enable the Commission enforce asymmetry administrative and liability measures in the Nigerian Communications Sector to ensure sustainability.</p>	<p>This Regulatory Proposal intends to rely on asymmetry benchmarks in outlining fines and enforcement actions and the benchmark will take into consideration size of licensees. This is to ensure sustainability and focuses on enforcement measures that will not create existential challenges for smaller and medium sized licensees. While exemption will not be provided, quantum and nature of measures will be implemented in an asymmetry manner. This Proposal will also remedy the identified shortcomings that were highlighted by the</p>

	outcome of the RIA conducted in 2024 on the legislation.
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4. Consultation Process

This Consultation process is for thirty (30) days from the date of its publication on the website of the Commission. The expected comments/feedbacks will guide the Commission in determining the specific areas for review and changes when it commences its rule making process as outlined by Section 71 of the Nigerian Communications Act 2003. The Process is open to licensees in the Nigerian Communications Sector, consumers, agencies of government, international agencies and Civil Society Organisations (CSOs).

5. Submission and Feedback Process

All feedbacks and comments on this Consultation Paper should be sent on or before **Friday August 29, 2025** via email to stakeholders@ncc.gov.ng.

The feedback and comments can be contained in the Feedback and Comment Template in the Schedule to this Consultation Paper and additional comments or supporting documentations can be sent as attachments to the mail. The subject of the mail should contain the specific name of the Consultation Paper.

6. Conclusion

The Commission has created a consultation layer in its rule making process to open it up for more participation and engagement. This is also intended to help the Commission feel the pulse of the Nigerian Communications Sector in its review procedure. Clearly, this approach will enhance the rule making process, build cross-sectoral consensus and ease the bottlenecks in the legislative process. The Commission looks forward to robust feedback from all stakeholders, within and outside Nigeria.

Dated.....July, 2025

Dr. Aminu Maida
EVC/CEO
Nigerian Communications Commission

Schedule



Feedback & Comments Response Template

Please complete this form in full and return to stakeholders@ncc.gov.ng

Consultation Paper	
Name	
Mobile Number/Contact Number	
Representation (If on behalf of any Organisation or entity)	
Name of Organisation/Company/Licensee	
Nature of Industry/Business/Licence	
Website & Email Address	

Confidentiality & Restrictions	
Do you want all your comments/responses published?	Yes/No
Do you want all your comments/responses kept confidential?	Yes/No
Do you want some of your comments/responses kept confidential? Please specify below	Yes/No
Please specify Questions to be kept Confidential	

1. Specific Responses

Question	Response/Comment
Question 1: Do you agree with the Commission including more non-monetary sanctions for noncompliance with licence conditions, interconnection payments and related matters?	
Question 2: Do you agree with the Commission including non-monetary measures such as withdrawal of licensing privileges, denial of regulatory services and limitation of regulatory engagements such as licence renewals as consequences of administrative infractions and serial noncompliance by licensees?	
Question 3: Do you agree with the Commission setting criminal liabilities for offences such as call masking, call refileing and SIM boxing?	
Question 4: Do you agree with the Commission providing clarity and re-setting monetary fines outlined in the Schedule to the Enforcement Processes Regulations?	
Question 5: Do you agree with the Commission setting general and specific consequences that will have impact on the boards and managements of recalcitrant licensees based on attribution principles?	
Question 6: Do you agree with the Commission taking into consideration types of licence, sizes of licensees and market positions in setting general and specific administrative fines and sanction?	

2. General Comments/Additional Responses

General Comments/Additional Responses

Please complete this form in full and return to stakeholders@ncc.gov.ng