

**Confidential Treatment Requested by
Clifford Chance US LLP on Behalf of
The GSM Association**

Timothy Cornell, Partner
Direct Dial: +1 202 912 5220
E-mail: timothy.cornell@cliffordchance.com

By Hand Delivery

July 25, 2019

Makan Delrahim
Assistant Attorney General
Antitrust Division
Department of Justice
Main Justice Building
Room 3109
950 Pennsylvania Avenue NW
Washington, DC 20530

Re: The GSM Association Request for Business Review Letter

Dear Mr. Delrahim,

On behalf of the GSM Association ("GSMA"), and pursuant to 28 C.F.R. § 50.6, we respectfully request a Business Review Letter regarding GSMA's proposed adoption of its Permanent Reference Document, *Procedures for Industry Specifications* ("AA.35") enclosed as Exhibit A.

Proposed AA.35 would govern work done at GSMA to develop voluntary interoperability specifications that affect multiple segments of the mobile telecommunications industry ("Industry Specifications").¹ Today, after little more than a generation, the industry has evolved from a

¹ Industry Specifications are defined in AA.35 as "any specification for: (i) common adoption; and (ii) repeated implementation, application and functioning; and (iii) general use, operations and support in multiple segments of the telecommunication ecosystem; or (iv) consistent testing, verification and certification; of technology that would directly and materially affect simultaneously mobile network operators and non-mobile network operator participants within the mobile industry ecosystem. Industry Specifications do not include specifications that: (i) only affect interoperability or interworking between mobile network operators; or (ii) do not add additional specifications to technical solutions." AA.35 section 3.3.

fledgling technology to one that serves more than five billion people and commercial enterprises worldwide. That rapid growth is due in no small part to the industry's willingness to collaborate in developing technical standards and specifications that benefit consumers by facilitating interoperability, lowering transaction costs, and protecting the secure interactions between multiple, highly-technical platforms and services.

In recent years, the telecommunications ecosystem has diversified to incorporate technologies and systems beyond mobile handsets. For example, the Internet of Things has led to a greater variety of devices that rely on network connectivity. To ensure these technologies continue to develop in ways that generate efficiencies and maximize the benefits to consumers, the technical interoperability specifications that will facilitate yet further evolution of these technologies require wider input from participants at all levels of the industry. As the Antitrust Division ("Division") has recognized, standard setting works best—and consumers reap the benefits of innovative and interoperable products—when a broad array of industry stakeholders has the ability to participate in the process.² GSMA will seek to foster that broader industry input with AA.35. AA.35 has been specifically created to facilitate wider contributions from all levels of the ecosystem, and balanced and open participation by all sections of the industry.

I. GSMA Background

GSMA is a non-profit telecommunications trade association headquartered in London, England. It was established by European national governments in 1982 to support the development of "GSM" protocols for mobile telephony. GSMA has since evolved into a trade group providing a range of services to the mobile industry, including by conducting trade shows, delivering managed services, and providing support and leadership on industry initiatives.³ For example, GSMA produces industry-leading events, such as Mobile World Congress ("MWC") Barcelona, MWC Shanghai, MWC Los Angeles, and the Mobile 360 Series of conferences, which are attended by over 200,000 people each year.

Today, GSMA's membership is comprised of close to 400 "carriers" or "mobile operators" (holding approximately 750 mobile network licenses) and close to 400 companies in the broader

² See Makan Delrahim, "The Long Run": Maximizing Innovation Incentives Through Advocacy and Enforcement, *U.S. Dep't Justice* (Apr. 10, 2018), available at <https://www.justice.gov/opa/speech/file/1050956/download>.

³ See AA.16, available at https://www.gsma.com/aboutus/wp-content/uploads/2016/04/C.AA_.16_Articles_of_Association_Page4.pdf.

mobile telecommunications industry, including device manufacturers, equipment providers, software companies, and more. All such companies can become GSMA members, and GSMA continues to grow as the industry expands. GSMA's elected Board of Directors ("Board"), made up of 25 representatives of mobile operators of varying sizes from around the world, oversees GSMA's strategic, public policy, and technical initiatives.⁴

II. Specification Development at GSMA

As is common among trade associations and similar consortia, GSMA offers the telecommunications industry a forum for the development of voluntary technical specifications for use by industry participants.⁵ At first, GSMA helped mobile network operators develop interoperability standards to solve operator-specific concerns, such as digital radio transmission schemes and speech codecs that ensured devices could work across national borders. Over time, the focus of those specifications has expanded as the industry has grown more complex. Today, GSMA brings together a broad array of industry participants to develop technical specifications, including on projects relating to advanced messaging services (Rich Communications Suite), voice over an Internet Protocol (VoIP), Remote SIM Provisioning and improved voice transmission quality (High Definition "HD" Voice).⁶

GSMA technical specifications are developed, and adopted, on a voluntary basis. Industry participants are free to, and frequently contribute, develop and adopt specifications and standards created by other organizations that facilitate such work, including the European Telecommunications Standards Institute ("ETSI") and the 3rd Generation Partnership Project ("3GPP"). Indeed, GSMA frequently works to develop specifications alongside, or at the request of, such organizations.

⁴ See GSMA Board, available at <https://www.gsma.com/aboutus/leadership/gsma-board>.

⁵ "[I]t has long been recognized that the establishment and monitoring of trade standards is a legitimate and beneficial function of trade associations." *Consol. Metal Prods. v. Amer. Petro. Institute*, 846 F.2d 284, 295-97 (5th Cir. 1988).

⁶ See, e.g., RCS Documentation, GSMA, <https://www.gsma.com/futurenetworks/rcs/rcs-documentation/> (last visited July 1, 2019); VoLTE, GSMA, <https://www.gsma.com/futurenetworks/documents-volte/> (last visited July 1, 2019); HD Voice, GSMA, <https://www.gsma.com/futurenetworks/technology/hd-voice/> (last visited July 1, 2019).

In this way, SDOs are competing to develop new industry specifications, as industry participation in and adoption of telecommunications specifications typically can be undertaken in a variety of standard-setting bodies. As the Division has recognized, competition among standard-setting bodies benefits both participants and consumers.⁷ In response to these competitive dynamics, GSMA has worked to establish a valuable and productive environment in which industry participants can timely and efficiently develop technical specifications that will achieve widespread industry adoption and benefit consumers.

To remain a viable and relevant forum for specification-development, GSMA must continually ensure its specifications reflect the practical realities of the broader industry it serves. In connection with GSMA's recent standard-setting efforts and input GSMA has received from members and other stakeholders, GSMA believes that its processes for Industry Specifications can be enhanced by adopting additional provisions ensuring balance, transparency and dispute resolution mechanisms. To that end, the purpose of AA.35 is to formalize mechanisms for all interested parties from affected segments of the industry to participate, in an open and balanced fashion, in the development of industry specifications.

III. Development and Key Elements of AA.35

GSMA has developed AA.35 based on GSMA's long-standing process for creating internal procedures, AA.34. The effort was led by an "Issuing Group" of operator members within GSMA and needs to be confirmed by the "Approving Group."⁸ Consistent with AA.35's objective of facilitating industry-wide consensus, GSMA solicited input from a diverse group of industry participants, including leading device manufacturers and software providers. Those industry participants have provided multiple rounds of comments regarding AA.35, and GSMA has issued several successive drafts of AA.35 responding to those comments. As a result, proposed AA.35 enjoys broad support across GSMA's Operator and Non-Operator membership and non-member companies.

GSMA has also taken into account policy guidance from the Division regarding the elements standards development procedures should incorporate in order to generate

⁷ See Makan Delrahim, "Telegraph Road": Incentivizing Innovation at the Intersection of Patent and Antitrust Law, *U.S. Dep't Justice* (Dec. 7, 2018), available at <https://www.justice.gov/opa/speech/file/1117686/download>.

⁸ See generally AA.34 section 8.

procompetitive results. In particular, GSMA has focused on balanced participation in the AA.35 process, transparency in decision-making, and an impartial procedural appeals process, which the Division has described as the key attributes of a procompetitive standard-setting process.⁹

The draft of AA.35 attached as Exhibit A has been tentatively finalized by the Issuing Group of GSMA members responsible for managing the development of the document in accordance with the existing processes in AA.34. To be finalized, the document must be agreed by the "Approving Group" as specified in the current AA.34. GSMA would promptly send AA.35 to the AA.34 Approving Group upon receiving the requested business review letter from the Division. Once adopted, AA.35 would apply to all "Industry Specifications" (defined below) and the new Industry Specification Approving Group ("ISAG")—a balanced bicameral body consisting of Operator and Non-Operator members—would oversee all Industry Specification Issuing Groups ("ISIG" or "Issuing Group"), maintain AA.35, and be responsible for final approvals of all Industry Specifications.¹⁰ The ISAG would also have ongoing oversight of the administration of AA.35, including proposed revisions thereto.¹¹

IV. Antitrust Analysis of AA.35

A. Open Participation and Transparency

AA.35 contains procedures for the development of "Industry Specifications," defined as those that would "directly and materially affect" both mobile network operators *and* other participants "within the mobile industry ecosystem."¹² Any such party, whether a member of GSMA or not, may participate in the development of an Industry Specification as participants in ISIGs, which are the project-specific groups responsible for developing the technical details of all Industry Specifications. Issuing Groups would be open to all organizations with a "directly and

⁹ See Delrahim, *supra* n. 7.

¹⁰ AA.35 section 7.I.

¹¹ *Id.*

¹² *Id.* section 1. Note that technical specifications that relate solely to operators will continue to be developed under GSMA's AA.34 procedure.

materially affected interest" in a GSMA Industry Specification.¹³ No interested party would be turned away from participating in ISIG deliberations.¹⁴

To encourage interested non-members to participate in the development of an Industry Specification, GSMA would publish on its website its intent to pursue each such Industry Specification.¹⁵ Further, in all groups that are part of the AA.35 process, the Chair and Deputy Chair would be representatives from operators and non-operators, appointed in a balanced manner.¹⁶

B. Balanced Process

The voting procedures of AA.35 retain and enhance GSMA's longstanding emphasis on a consensus-driven approach to specification development. AA.35 establishes a single ISAG responsible for overseeing Industry Specification Activity. As a bicameral body consisting of Operator Members and Non-Operator Members, the ISAG would ensure balanced decision-making. Each "Constituency" would consist of a minimum of 12 members and maximum of 30 members.¹⁷ One Constituency would be comprised of members of GSMA's Technology Group ("Operator Members Constituency").¹⁸ The other Constituency in the ISAG would be comprised of Non-Operator Members ("Non-Operator Members Constituency"). The Non-Operator Members Constituency can be formed either by application or a combination of application, appointment, and/or election—a process that is ultimately decided by the Non-Operator Members themselves.¹⁹

As regards decision-making, Industry Specification Issuing and Approving Groups must first strive for "Consensus," which is defined in AA.35 as being "established when substantial

¹³ This definition is consistent with the ANSI definition of openness. *See ANSI Essential Requirements* 1.1.

¹⁴ AA.35 section 6.1.1. ("Any Operating member, Non-Operator Member and Participating Non-Member may join an ISIG by formally registering its participation with the GSMA staff.").

¹⁵ *Id.* section 5.4.1.

¹⁶ *Id.* section 9.1.3.

¹⁷ *Id.* section 7.3.1.

¹⁸ *Id.* The Technology Group is an advisory body formed by the GSMA Board, to provide expert advice to the Board on matters relating to products and technology architecture evolution, including interoperability.

¹⁹ *Id.* sections 7.3.2-7.3.5.

agreement has been reached among those participating in the topic at hand."²⁰ For decisions that proceed to a vote in the ISIG and Subgroups,²¹ 71% of the votes cast, excluding abstentions, would be required for approval of items under consideration.²² For decisions of the ISAG to be deemed effective, a quorum of at least half of the participating Company Groups²³ within each Constituency would need to have voted, and over 50% of the votes cast, excluding abstentions, must be in favor within each Constituency.²⁴ Each participating Company Group has a single vote, so large players do not overwhelm the voting interests of smaller participants.²⁵

Under AA.35, Industry Specifications would be developed under two primary workstreams. First, any Member, Associate Member, or Rapporteur may propose a new Industry Specification to the Technology Group in writing.²⁶ Upon initiation of a new Industry Specification Activity by the Technology Group and subsequent approval by the ISAG, the ISAG would establish an appropriate ISIG, unless the new Industry Specification Activity falls within the scope of an existing ISIG. Existing and established GSMA activities, whether carried out in a permanent or ad-hoc group, program, or project, would have an on-going obligation to identify whether any of their respective deliverables should be considered as a potential Industry Specification.²⁷ If identified, the potential Industry Specification would be referred to the ISAG, as it is the ISAG that has ultimately responsibility for all initiation, scope, rescoping approval and/or discontinuation of Industry Specification Activity.²⁸

The ISIG for an Industry Specification Activity creates Work Items, which can contribute to the Industry Specification. ISIG Participants propose Work Items and would be responsible for

²⁰ *Id.* section 8.4.

²¹ Subgroups are any subgroups within an ISIG, and its participants are ISIG Participants. *Id.* section 3.3.

²² *Id.* section 8.7.7.

²³ "Company Group" is defined as "a single group of entities comprised of Operator Members, Non-Operator Members or Participating Non-Members and their respective Affiliates from time to time, and where applicable, the relevant Parent Company Member, who are Controlled by the same entity." *Id.* section 3.3.

²⁴ *Id.* section 8.8.3.

²⁵ *Id.* section 8.1.3.

²⁶ *Id.* section 5.1.2.

²⁷ *Id.* section 5.2.1.

²⁸ *Id.* section 7.2.2.

advocating that the ISIG accept the Work Item. Work Items that are clearly defined and within the scope of the Industry Specification would then be accepted and addressed in an effort to reach final resolution. Pursuant to Section 10 of AA.35, an ISIG Participant may appeal the resolution of a Work Item if there has some procedural impropriety.

Industry Specifications would be submitted to the ISAG for final approval when Consensus in ISIG is achieved on an Industry Specification²⁹ or in the absence of Consensus, an ISIG vote is taken whereby 71% of the votes cast are in favor. The ISAG would then approve the Industry Specification by Consensus or a vote. Both ISAG Constituencies must be in favor of a decision for it to pass.³⁰ Once an Industry Specification is approved, it would be made publicly available within 7 calendar days.³¹

The content, initiation, and discontinuation of an Industry Specification Activity and any Substantive Changes³² to, or publications and approvals of, an Industry Specification would be advertised through the GSMA InfoCentre (for Operator Members, Non-Operator Members, and Participating Non-Members), and through the GSMA public website (for non-members).³³

C. Impartial Procedural Appeals

AA.35 establishes an impartial appeals process to ensure the other due process safeguards of AA.35 are observed and enforced.³⁴ The appeals procedure in AA.35 is based on the one employed by the ANSI-certified Alliance for Telecommunications Industry Solutions ("ATIS").³⁵

Any Operator Member, Non-Operator Member, Participating Non-Member or third party (with directly and materially affected interests) who has been or reasonably may be adversely affected by any procedural action or inaction in relation to an Industry Specification Activity

²⁹ See generally *id.* section 8.4.

³⁰ *Id.* section 8.8.4.

³¹ *Id.* section 8.8.6.

³² A "Substantive Change" is defined as "a new release of a published Industry Specification which contains changes that directly and materially affect the use of that Industry Specification." *Id.* section 3.3

³³ *Id.* section 5.4.1.

³⁴ *Id.* section 10.

³⁵ See About, ATIS, https://www.atis.org/01_about/ (last visited July 1, 2019).

carried out pursuant to AA.35 would have the right to appeal such procedural action or inaction.³⁶ If an Appellant's grievances cannot be resolved informally (or with the facilitation of GSMA's General Counsel), the matter would proceed to formal appeal before an impartial panel of three individuals not directly involved in the matter or employed by the parties.³⁷ The appellant and appellee would each nominate an impartial panel member, and the two appointed panel members would select a third.³⁸ The ISAG would have responsibility for ensuring that all of the decisions and recommendations of the appeals panel are implemented and carried out.³⁹

D. Benefits of AA.35

GSMA respectfully submits that this new procedure for developing Industry Specifications would not only enhance the quality of GSMA Industry Specifications but would provide further protections against even perceptions of abuse of the process by members of any particular interest group. Those procedural protections would apply not only to all future Industry Specification work, but also to changes and new versions of any aspect of existing Industry Specifications, ensuring that all GSMA Industry Specifications benefit from the consensus view of diverse participants. More generally, the functioning and management of the new AA.35 process would be overseen by the balanced Industry Specification Approving Group, ensuring that the procedures themselves are—and remain—effective in garnering broad industry participation and consensus outcomes.

V. **Antitrust Compliance in the GSMA's Industry Specification Work**

GSMA has long maintained an antitrust compliance program and intends to expand that compliance program simultaneous with the implementation of AA.35. GSMA's expanded compliance efforts will include providing additional training and continuing, regular education to its staff, members, and parties who participate in the development of Industry Specifications, about the importance of all aspects of antitrust compliance, including due process safeguards in specification development, and designating a licensed attorney within GSMA to serve as an antitrust compliance officer. This enhanced antitrust compliance program will work hand in hand

³⁶ AA.35 section 10.1.

³⁷ *Id.* sections 10.6-10.7. Anyone—not just participants in a GSMA specification-development process—may serve on an appeals panel.

³⁸ *Id.* section 10.8.

³⁹ *Id.* section 10.14.

with the new procedures to ensure that GSMA's standard setting activities produce high-quality, consensus-driven specifications that will benefit consumers.

VI. Conclusion

GSMA respectfully requests a Business Review Letter confirming that the Division has no present intention to bring an enforcement action against GSMA for development of Industry Specifications within GSMA according to the processes contained in Proposed AA.35. GSMA would be happy to supply you with further information upon request. We look forward to your statement of the Division's enforcement intentions.

Sincerely,

A handwritten signature in black ink, appearing to read 'TC', with a stylized flourish extending to the right.

Timothy Cornell

Enclosure

EXHIBIT A



Procedures for Industry Specifications

Draft Version 1.0.12 – 22rd July 2019

This is a Binding Permanent Reference Document of the GSMA

Security Classification: Non - Confidential

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Antitrust Notice

The information contain herein is in full compliance with the GSM Association's antitrust compliance policy.

Table of Contents

| | |
|---|-------------------------------------|
| 1. Preamble | 4 |
| 2. References | 4 |
| 3. Conventions, Abbreviations and Definitions | 4 |
| 3.1 Conventions | 4 |
| 3.2 Abbreviations | 4 |
| 3.3 Definitions | 5 |
| 3.4 References to AA.34 | 6 |
| 3.5 References to AA.41 | 7 |
| 3.6 References to AA.32 | Error! Bookmark not defined. |
| 3.7 Other GSMA Procedures and Documents | 7 |
| 4. Work Items | 7 |
| 4.1 Submitting a Work Item | 7 |
| 4.2 Acceptance of a Work Item | 7 |
| 4.3 Dealing with a Work Item | 7 |
| 5. Industry Specification Development | 8 |
| 5.1 Creation of new Industry Specification Activities | 8 |
| 5.2 Existing GSMA Activities | 8 |
| 5.3 Discontinuation | 8 |
| 5.4 Publication | 9 |
| 6. ISIG | 9 |
| 6.1 Participation | 9 |
| 6.2 ISIG Obligations | 9 |
| 6.3 ISIG Decision Making | 10 |
| 6.4 Meeting Note Content | 10 |
| 7. ISAG | 10 |
| 7.1 Role | 10 |
| 7.2 ISAG Obligations | 10 |
| 7.3 Composition of the ISAG | 11 |
| 7.4 Meeting Note Content | 12 |
| 8. General Decision-Making Principles | 13 |
| 8.1 General Principles | 13 |
| 8.2 Transparency | 13 |
| 8.3 Adequate Notice | 13 |
| 8.4 Consensus | 13 |
| 8.5 Voting Options | 14 |
| 8.6 Substantive Changes | 14 |
| 8.7 ISIG and Subgroup Decision-Making | 14 |
| 8.8 ISAG Decision-Making | 16 |
| 9. Leadership | 16 |
| 9.1 Elections and Removals | 16 |
| 9.2 Role of the Chair and Deputy Chair | 17 |
| 10. Appeals Process | 17 |

| | |
|--|-----------|
| Annex A: GSMA activities and their potential status under AA.35 | 20 |
| Annex B: Document Management | 22 |
| Document History | 22 |
| Other Information | 22 |

1. Preamble

Network operators' telecommunication services are fundamental to everyday existence. The growth of the industry has been heavily dependent on the availability of affordable and interoperable technologies. Despite this being one of the key drivers for the fastest growing industry in the world, standardisation in telecommunications has gradually become diversified. As a result, GSMA's industry specifications may be increasingly used to achieve interoperability and ensure security across multiple services and systems.

In response to these changes and to facilitate broader input and recognition by all affected stakeholders the GSMA has created this Permanent Reference Document (PRD) AA.35. AA.35 details the procedures for the creation of specific categories of Industry Specifications that materially and directly affect mobile operators and other ecosystem participants alike.

The general procedures for GSMA official documents other than Industry Specifications are set out in PRD AA.34 [1].

2. References

| Ref | Document Number | Title |
|-----|-----------------|--|
| [1] | AA.34 | Policy and Procedures for Official Documents |
| [2] | RFC2119 | IETF – Key Words for use in Requirements |
| [3] | AA.16 | GSMA Articles of Association |
| [4] | AA.41 | GSMA Regulations |

3. Conventions, Abbreviations and Definitions

3.1 Conventions

The key words “must”, “must not”, “required”, “shall”, “shall not”, “should”, “should not”, “recommended”, “may”, and “optional” in this document are to be interpreted as described in RFC2119 [2].

3.2 Abbreviations

| Term | Description |
|------|--|
| ISAG | Industry Specification Approving Group |
| ISIG | Industry Specification Issuing Group |
| PRD | Permanent Reference Document |

3.3 Definitions

| Term | Description |
|--|--|
| Affiliate(s) | means any entity which directly or indirectly “Controls” or is “Controlled” by an Operator Member, Non-Operator Member or Participating Non-Member or is “Controlled” by the same entity as an Operator Member, Non-Operator Member or Participating Non-Member. For the purposes of these definitions, "Control" means the possession by an entity, directly or indirectly, of the power to direct or cause the direction of the management and policies of another entity without needing the consent of any other entity, whether through the ownership of shares or other securities carrying the right to vote, through the composition of the board of directors of such other entity, by contract or otherwise. |
| Chair | means the chair of an ISIG, a Subgroup or the ISAG (as the case may be), appointed in accordance with, and responsible for carrying out the role described in, Section 9. |
| Company Group | means a single group of entities comprised of Operator Members, Non-Operator Members or Participating Non-Members and their respective Affiliates from time to time, and where applicable, the relevant Parent Company Member, who are Controlled by the same entity. The term Parent Company Member is as defined in [3] GSMA Articles of Association. |
| Consensus | is defined in Section 8.4 |
| Constituency/ Constituencies | means subgroups within the ISAG created specifically for the purpose of decision making. |
| Deputy Chair | means the deputy chair of an ISIG, a Subgroup or the ISAG (as the case may be), appointed in accordance with, and responsible for carrying out the role described in, Section 9. |
| Industry Specification | means any specification for: <ul style="list-style-type: none"> (i) common adoption; and (ii) repeated implementation, application and functioning; and (iii) general use, operations and support in multiple segments of the telecommunication ecosystem; or (iv) consistent testing, verification and certification; of technology that would directly and materially affect simultaneously mobile network operators and non-mobile network operator participants within the mobile industry ecosystem. Industry Specifications do not include specifications that: <ul style="list-style-type: none"> (i) only affect interoperability or interworking between mobile network operators; or (ii) do not add additional specifications to technical solutions. |
| Industry Specification Activity | means a GSMA activity to create an Industry Specification. |

| Term | Description |
|--|--|
| Industry Specification Approving Group or ISAG | means the group with the composition and obligations as defined in Section 7. |
| Industry Specification Issuing Group or ISIG | means any permanent or ad-hoc group, programme or project (regardless of the label adopted by such group) creating and taking decisions regarding Industry Specifications within the GSMA with the composition and obligations as defined in Section 6. |
| ISIG Participant | Member, Operator Member, Associate Member, Rapporteur or Participating Non-Member participating in a particular ISIG. |
| Member, Operator Member, Associate Member, Rapporteur | are defined in [3] GSMA Articles of Association. |
| Non-Operator Member | means an Associate Member or Rapporteur. |
| Non-Substantive Change | means a change to a published Industry Specification that is not a Substantive Change |
| Participating Non-Member | means any organisation other than an Operator Member, or Non-Operator Member that has: <ul style="list-style-type: none"> (i) demonstrated that it has a directly and materially affected interest in a particular GSMA Industry Specification; (ii) a commercial interest related to a specific GSMA Industry Specification; (iii) signed an Industry Specification non-member participation agreement as proposed by the GSMA; and (iv) paid the applicable participation fees as specified by the GSMA. |
| Subgroup(s) | means any subgroup within an ISIG. Participants in a Subgroup need to be ISIG Participants. |
| Substantive Change | means a new release of a published Industry Specification which contains changes that directly and materially affect the use of that Industry Specification. Examples of the contents of Substantive Changes are: <ul style="list-style-type: none"> • “shall” to “should” or “should” to “shall”; • the addition, deletion, or revision of requirements, regardless of the number of changes; or • the addition or modification of mandatory compliance with referenced standards. |
| Technology Group | is defined in GSMA PRD AA.41 GSMA Regulations [4], Annex B Section B.4 Terms of Reference of Leadership Groups |
| Work Item | means an expressly defined task to be progressed in an ISIG. One or more Work Items can contribute to an Industry Specification. |

3.4 References to AA.34

Unless expressly amended by direct reference in this document, the following sections of AA.34 shall apply to the processes described in this document:

- Section 6 - Document identification
- Section 10 - Document Access and Control
- Section 12 – Archiving

In case of any conflict between AA.34 and this document AA.35, this document shall prevail.

3.5 References to AA.41

The provisions of AA.41 shall apply to this document. In case of any conflict between AA.41 and this document AA.35, this document shall prevail.

3.6 Other GSMA Procedures and Documents

Except for the GSMA Articles of Association (AA.16) and except as may be stated in this document, no other GSMA procedures or documents supersede the provisions of AA.35.

4. Work Items

4.1 Submitting a Work Item

4.1.1 Work Items are created within an ISIG.

4.1.2 Work Items may be proposed by any ISIG Participant.

4.1.3 The proposer of a Work Item shall be responsible for advocating that the ISIG accept the Work Item.

4.1.4 Work Items shall be proposed only in the ISIG itself, not in any Subgroup.

4.2 Acceptance of a Work Item

Once a Work Item is proposed, the ISIG shall determine whether to accept the Work Item based on whether:

- The Work Item is clearly defined; and
- The Work Item is within the scope of the Industry Specification.

The acceptance of a Work Item is subject to the decision-making principles as defined in Section 8 below.

4.3 Dealing with a Work Item

4.3.1 Once an ISIG accepts a Work Item, work may begin on resolving the Work Item. ISIGs are encouraged to prioritise work to ensure the efficient and timely completion of industry priorities.

4.3.2 Once a Work Item is accepted, the Work Item is automatically placed into “Active Status” (as defined below) and addressed in an effort to reach a final resolution. The status of a Work Item is indicated by one of the following categories:

(i) Active

The status of a Work Item that has been accepted and is currently being addressed in an effort to reach final resolution.

- (ii) **Pending**
The status of a Work Item that has been previously in Active Status for which sufficient information or resources is not available to progress to closure.
- (iii) **Closed**
The status of a Work Item that has been resolved.
- (iv) **Withdrawn**
The status of a Work Item that was accepted by the ISIG and later withdrawn by decision of the respective ISIG.
- (v) **No Agreement**
The status of a Work Item for which no industry agreement can be reached. No industry agreement exists when an ISIG is unable to reach a decision on the resolution of a Work Item.

4.3.3 An ISIG Participant may appeal the resolution of a Work Item in the manner provided for in Section 10.

5. Industry Specification Development

5.1 Creation of new Industry Specification Activities

- 5.1.1 New Industry Specification Activities shall be initiated by the Technology Group.
- 5.1.2 Any Member, Associate Member or Rapporteur shall be permitted to propose a new Industry Specification to the Technology Group in writing.
- 5.1.3 Upon initiation of a new Industry Specification Activity by the Technology Group and subsequent approval by the ISAG, the ISAG shall establish the appropriate ISIG, unless new Industry Specification Activity falls within the scope of an existing ISIG.

5.2 Existing GSMA Activities

- 5.2.1 The deliverables of agreed and established GSMA activities may also be identified as Industry Specifications. Each GSMA permanent or ad-hoc group, programme or project (regardless of the label adopted) shall have an on-going obligation to identify whether any of its deliverables should be considered as a potential Industry Specification.
- 5.2.2 Where a deliverable is identified as a potential Industry Specification, it shall be referred to the ISAG.
- 5.2.3 If a member of the particular GSMA activity objects to the classification of a deliverable within the GSMA activity as an Industry Specification, this objection shall also be referred to the ISAG.
- 5.2.4 The ISAG will decide if the particular deliverable should be evaluated and adopted as an Industry Specification in accordance with the provisions set out in these Industry Specification Procedures - AA.35.

5.3 Discontinuation

- 5.3.1 Discontinuation of an Industry Specification Activity by the ISIG shall require the approval of the ISAG.

5.4 Publication

- 5.4.1 The content, initiation, and discontinuation of an Industry Specification Activity and any Substantive Changes to, or publications and approvals to, an Industry Specification shall be advertised in the following manner:
- (i) Operator Members, Non-Operator Members and Participating Non-Members notified through the GSMA InfoCentre; and
 - (ii) Non-members of the GSMA notified through the GSMA public website and through email notification to everyone who chooses to subscribe to such notifications on the GSMA public website.

6. ISIG

6.1 Participation

- 6.1.1 Any Operator Member, Non-Operator Member and Participating Non-Member may join an ISIG by formally registering its participation with the GSMA staff.
- 6.1.2 Prior to referring an Industry Specification to the ISAG for final stage approval, the ISIG must report to the ISAG whether any single interest category constituted a majority of the ISIG Participants in the ISIG or any of its Subgroups. For the avoidance of doubt, there is no restriction on parties raising issues regarding any single interest category to the ISAG for information or raising any issues in accordance with the provisions of section 10 (Appeals Process).
- 6.1.3. For the purpose of this Section 6, all ISIG Participants shall be classified using interest categories such as: "Operator Members", "Terminal/ End User Equipment Manufacturers", "Other Suppliers", "Other Service Providers" or "General Interest Participants". However, other categories may apply to a particular ISIG depending on the subject matter of the Industry Specification.
- 6.1.4 In exceptional circumstances, single interest category ISIG Subgroups may be deemed essential to make specific recommendations in order to address a particular problem within an Industry Specification. Single interest category ISIG Subgroups shall only be established with the prior written consent of the GSMA legal department. Such Subgroups shall limit their activities to the particular problem in their approved scope.

6.2 ISIG Obligations

Each ISIG shall develop an Industry Specification and have the following obligations:

- 6.2.1 Elect a Chair and at least one Deputy-Chair for the ISIG in accordance with Section 9;
- 6.2.2 Develop all requirements for the Industry Specification;
- 6.2.3 Approve the Industry Specification before submitting it to the ISAG for final approval;
- 6.2.4 Submit periodic work plans to the ISAG;
- 6.2.5 Report its progress of work to the ISAG;

- 6.2.6 Report to the ISAG pursuant to Clause 6.1.2 whether any single interest category constituted a majority of the ISIG Participants in the ISIG ; and
- 6.2.7 Consider feedback from the ISAG when the ISAG cannot achieve consensus or an affirmative vote for a proposed Industry Specification that has been submitted to the ISAG.

6.3 ISIG Decision Making

- 6.3.1 All decisions of an ISIG and its Subgroups are taken in accordance with Section 8 below.
- 6.3.2 A Subgroup of an ISIG may only make recommendations to the ISIG regarding potential content for Industry Specification.
- 6.3.3 In accordance with Clause 6.2.3, first stage approval and referral to the ISAG of an Industry Specification for final approval, is reserved for the respective ISIG, not any Subgroup nor any other group.

6.4 Meeting Note Content

Meeting notes shall be available to all Members, Associate Members, Rapporteurs and Participating Non-Member participating in a particular ISIG and shall include at a minimum:

- Date(s), type of meeting (i.e., virtual meeting, conference call, face-to-face), leadership, person taking the notes;
- Attendance list;
- Approved agenda;
- Identification of each Work Item discussed at the meeting and its status;
- Any corrections/additions made to a previous meeting note;
- Principal points noted/alternatives discussed including opposing viewpoints;
- Decisions taken;
- Action items indicating responsible party and due date;
- ISIG Participants' contributions or similar documents or a reference to where those documents are available on the GSMA InfoCentre;
- Text specifically requested to be included by a ISIG Participant with attribution; and
- Copies of presentations made during the meeting or a reference to where the presentations are available on the GSMA InfoCentre.

7. ISAG

7.1 Role

The ISAG shall oversee all ISIGs, maintain AA.35, and be responsible for final approvals of all Industry Specifications. The ISAG shall also have ongoing oversight of the administration of AA.35, including proposed revisions thereto.

7.2 ISAG Obligations

The ISAG shall have the following responsibilities and obligations:

- 7.2.1 Elect one Chair and one Deputy-Chair for the whole ISAG in accordance with Section 9.
- 7.2.2 Approve the initiation, scope, rescoping and discontinuation of Industry Specification Activity. In case a new Industry Specification Activity is not approved by the ISAG, the ISAG shall qualify its decision with appropriate comments.
- 7.2.3 Recommend remedial actions to an ISIG in case of any dispute or lack of progress within that ISIG;
- 7.2.4 Final approval of any Industry Specifications, related publications of each of the ISIGs and any Substantive Changes;
- 7.2.5 The ISAG may only approve or reject Industry Specifications and Substantive Changes in their entirety. It is not empowered to edit or make material amendments to an Industry Specification prior to granting its approval; and
- 7.2.6 Provide feedback (e.g., reasons for rejection and suggestions regarding what changes would result in approval) to the ISIG where Consensus or an affirmative vote cannot be achieved.

7.3 Composition of the ISAG

- 7.3.1 The ISAG consists of two groups (“Constituencies”) each with a minimum of 12 members, and a maximum of 30 members:
 - (i) one Constituency comprising members from the Technology Group (collectively the “Operator Members Constituency”), and
 - (ii) one Constituency comprising Non-Operator Members chosen in accordance with Clauses 7.3.2 - 7.3.4 (collectively the “Non-Operator Members Constituency”).
- 7.3.2 Save in in case of Clause 7.3.7, in order to stand for the ISAG Non-Operator Members Constituency, Non-Operator Member must have:
 - (i) express an interest in writing to the designated GSMA staff involved in the administration of AA.35; and
 - (ii) be actively involved in Industry Specification activities; (“Qualified Non-Operator Members Constituency Candidate(s)”).The GSMA administration publishes a list of Qualified Non-Operator Members Constituency Candidates”.
- 7.3.3 If only (up to) 30 Qualified Non-Operator Members Constituency Candidates apply to participate in the Non-Operator Members Constituency, those applicants are appointed as members of the Non-Operator Members Constituency for a period of 2 years by simple affirmation.
- 7.3.4 If more than 30 Qualified Non-Operator Members Constituency Candidates apply to participate in the Non-Operator Members Constituency, all its members will be selected by a general ballot, held amongst all Non-Operator Members. In this general ballot, each Non-Operator Member Company Group shall have 30 votes, restricted to one vote per Qualified Non-Operator Members Constituency Candidate. The Qualified Non-Operator Members Constituency Candidates with the most votes will be elected to the Non-Operator Members’ Constituency.

- 7.3.5 If less than 12 Qualified Non-Operator Members Constituency Candidates apply to participate in the Non-Operator Members Constituency, there will be a second and subsequent call for up to 3 rounds until the 12 Qualified Non-Operator Members Constituency Candidates are appointed. If 12 Qualified Non-Operator Members Constituency Candidates do not agree to participate, then the body shall proceed with the Qualified Non-Operator Members Constituency Candidates who have agreed to participate.
- 7.3.6 The initial ISAG shall be elected for a period running until the end of 2020. Thereafter, the ISAG shall be appointed for 2 years periods in the same cycle as the election for the GSMA Board and Leadership Groups.
- 7.3.7 Contrary to Clause 7.3.4, in the initial ISAG, the Non-Operator Members Constituency shall consist of Non-Operator Member that have:
- (i) have expressed an interest in writing to the designated GSMA staff involved in the administration of AA.35;
 - (ii) been actively involved in activities that are deemed to be Industry Specifications; and
 - (iii) have participated in the drafting of AA.35 and the formation of the ISAG.
- The GSMA administration publishes a list of qualified candidates. The balance of individuals necessary to fill the remaining seats (up to the total of 30 voting members of ISAG) shall be elected by a general ballot of the Non-Operator Members from Non-Operator Members who fulfil (i) and (ii) above but not (iii), i.e. did not participate in the drafting of AA.35. Each Non-Operator Member Company Group of shall have an equivalent number of votes for the number of vacancies, restricted to one vote per candidate. The candidates with the most votes will be elected to the Non-Operator Members' Constituency.
- 7.3.8 The selection/election process in Clause 7.3.4 for all subsequent ISAG, shall be determined by the ISAG in accordance with Section 7.3.1. It is anticipated that the ISAG will establish minimum professional qualification criteria for candidates to sit on the ISAG and criteria for the replacement of candidates who retire mid-term.
- 7.3.9 The election will be organised electronically by the GSMA staff.
- 7.3.10 A Company Group may not have representatives in more than one Constituency.

7.4 Meeting Note Content

Meeting notes shall include at a minimum:

- Date(s), type of meeting (i.e., virtual meeting, conference call, face-to-face), leadership, person taking the notes;
- Attendance list;
- Approved agenda;
- Identification of Industry Specifications discussed at the meeting and their status, reports, work-plans;
- Any corrections/additions made to a previous meeting note;
- Points noted/alternatives discussed including opposing viewpoints;
- Decisions taken;
- Action items indicating responsible party and due date;
- Text specifically requested to be included by a meeting attendee with attribution;
- Copies of presentations made during the meeting or a reference to where the presentations are available on the GSMA InfoCentre.

8. General Decision-Making Principles

8.1 General Principles

- 8.1.1 All material decisions (e.g., each approval, initiation, creation, discontinuation or any Substantive Change) to an Industry Specification shall be subject to decision making described in this Section.
- 8.1.2 In each case requiring a decision, an ISIG, its Subgroups and the ISAG should strive for Consensus (as defined in Section 8.4).
- 8.1.3 Each Company Group participating in an ISIG, its Subgroups and the ISAG shall:
 - (i) Have only one vote per Company Group; and
 - (ii) At all times act in good faith.

8.2 Transparency

To facilitate participation, informed discussion and Consensus-building, all announcements of meetings, documentation and voting activities of each ISIG, its Subgroups and the ISAG shall be made available on the GSMA InfoCentre.

8.3 Adequate Notice

When a vote is required in an ISIG or the ISAG, the notice period prior to the vote shall be at least fourteen [14] calendar days. Subgroups may agree on a shorter notice period by prior Consensus. The agreement for a shorter notice period shall be recorded in the meeting minutes.

8.4 Consensus

- 8.4.1 Consensus is the method used by an ISIG, its Subgroups and the ISAG to reach resolution of topics, unless specifically otherwise provided for in this document. Consensus is established when substantial agreement has been reached among those participating in the topic at hand. Substantial agreement means more than a simple majority, but not necessarily unanimous agreement.
- 8.4.2 Consensus requires that all views and reasoned objections be considered, and that a concerted effort be made toward their resolution. All ISIG Participants, Subgroup participants and members of the ISAG shall have the opportunity to express their views.
- 8.4.3 For the avoidance of doubt:
 - (i) Consensus is deemed to be achieved when the minority no longer wishes to articulate its objection;
 - (ii) An ISIG Participant's, Subgroup participant's or ISAG member's silence will not be treated as an objection of a proposal. ISIG Participants, Subgroup participant's and ISAG members are encouraged to speak up and voice their opinion;
 - (iii) When the Chair declares Consensus based on substantial agreement, any remaining opinions shall be recorded upon request in the minutes of the relevant meeting; and
 - (iv) An ISIG Participant, Subgroup participant or ISAG member may appeal any decision in the manner provided for in Section 10.

- 8.4.4 When there are questions or disputes regarding Consensus, the Chair, Deputy-Chair or ISIG Participants, its Subgroups and the ISAG should ask an objecting ISIG Participant(s), ISAG member or Subgroup participant to state the rationale for the objection and provide an opportunity for full discussion aimed at achieving full understanding, consideration and resolution of the objection.

8.5 Voting Options

- 8.5.1 If Consensus on a particular matter cannot be achieved in either an ISIG, its Subgroup or ISAG, a vote will be required if a decision on the matter is to be taken.
- 8.5.2 In case of a vote, each Company Group participating in a vote in the ISIG, a Subgroup or ISAG shall have the choice of the following voting options, which may be conveyed in person or electronically:
- (i) Approval without comments;
 - (ii) Approval with comment; or
 - (iii) Rejection with reasons and/or specific actions that would address the objections to the proposed Industry Specification; or
 - (iv) Abstention from the vote, optionally with reasons.

8.6 Substantive Changes

- 8.6.1 Any ISIG Participant may propose a change to any published Industry Specification to the ISIG.
- 8.6.2 Any Substantive Change shall require approval by the ISIG and final approval by the ISAG. Any Non-Substantive Change to a published Industry Specification requires only approval by the respective ISIG undertaking the change.
- 8.6.3 The proposer of a change to an Industry Specification shall declare whether the proposed change should be classed as a Substantive Change or a Non-Substantive Change, providing at least 14 calendar days for objection to be made against the classification. If a minimum of five [5] members of the ISIG object to the classification of a change as a Non-Substantive Change, the proposed change shall be deemed a Substantive Change..

8.7 ISIG and Subgroup Decision-Making

8.7.1 Quorum

A quorum is not required for an ISIG or Subgroup to conduct business. However, a ISIG or Subgroup may agree via Consensus to observe a quorum requirement, provided such requirement is announced in the meeting notice. In case an ISIG or Subgroup agrees via Consensus to observe a quorum requirement, one-third of the ISIG's or Subgroup's Participants' Company Groups shall constitute a quorum for conducting business at a meeting.

8.7.2 Qualification to Vote

In order to participate in an ISIG vote, a Company Group must:

- (i) be an ISIG Participant in that ISIG at the date the vote has been formally announced and at the date it is held; and

- (ii) have met one of the following attendance requirements:
 - a. the Company Group has participated (in person or remotely) in two [2] out of the last three [3] consecutive meetings of the ISIG before the vote has been formally announced; or
 - b. the Company Group has registered its intention to vote with the GSMA staff supporting ISIG at least five [5] working days before the vote and attend (in person or remotely) a pre-vote briefing meeting hosted by the GSMA on the subject of the vote.

The above voting qualifications do not apply to Subgroup votes. All Subgroups members are automatically eligible to vote.

8.7.3 Negative Votes and Voting Procedure Review

- (i) For the avoidance of doubt, where an ISIG vote is called in the course of developing an Industry Specification or for first-stage approval of an Industry Specification, and the result is negative, disputes regarding the adequacy of the voting procedure may be appealed in the manner provided for to Clause 10.
- (ii) The ISAG may, pursuant to the decision-making principles set forth in Clause 8.8, review and update the ISIG voting qualifications set forth in Clause 8.7.2 as necessary to ensure the effective administration of voting procedures in keeping with the goal of broad industry input set forth in Clause 1.

8.7.4 Vote notifications should clearly specify the relevant documentation and attach such documentation or explain where it can be accessed.

8.7.5 The results of all voting shall be recorded by the Chair or Deputy-Chair and the decision made available on the InfoCentre.

8.7.6 Prior to a subsequent vote within the ISIG regarding the same or similar issue purporting to the same Industry Specification, the results of any original votes, previous comments received, and any disposition of unresolved negative votes (including reasons therefore) shall be circulated to the respective ISIG.

8.7.7 Decisions by the ISIG and any Subgroup shall be deemed effective when:

- (i) A Consensus exists within the ISIG or Subgroup. The ISIG or Subgroup Chair and Deputy-Chair(s) will record in the meeting note the Consensus and any comments in writing; or
- (ii) At least 71% of the votes cast, excluding abstentions are in favour.

8.7.8 An approval decision by an ISAG can be overturned only by a future decision by an ISAG. For the avoidance of doubt:

- (i) the decision of a specific ISIG cannot be overturned by another ISIG, if a conflict arises that cannot be resolved at the ISIG level between the ISAG approved scope of two ISIGs, the conflict shall be referred to the ISAG for resolution pursuant to clause 7.2; and
- (ii) A decision by an ISIG that has been approved by the ISAG cannot be overturned by other groups within the GSMA.

8.7.9 The ISIG shall use the following procedures in attempting to resolve rejection with reasons and abstentions with reasons (as specified in Section 8.5):

- (i) Irrespective of the outcome of a vote, the Chair and Deputy Chair of the ISIG shall review and circulate for consideration any documented reasons for rejection and abstentions; and
- (ii) If comments submitted with a rejection or abstention are not within the scope of the Work Item, any ISIG Participant may propose it as a candidate for a new Work Item.

8.8 ISAG Decision-Making

8.8.1 All members of the ISAG acknowledge and agree with regard to their participation in the ISAG:

- (i) to act in good faith; and
- (ii) consider the views expressed by interest groups affected by the Industry Specification.”

8.8.2 Each Company Group within the ISAG shall have one vote.

8.8.3 Decisions of the ISAG shall be deemed effective when:

- (i) A Consensus exists within the ISAG, the Chair will record the Consensus and any comments in writing in accordance with Clause 8.4
- (ii) A quorum of at least half of the participating Company Groups within each Constituency have voted and over 50% of the votes cast, excluding abstentions, are in favour within each Constituency. Votes may be made in person or electronically.

8.8.4 Both Constituencies must vote in favour of a decision in order for it to pass.

8.8.5 In the case of rejection of an Industry Specification pursuant to Clause 8.8.3, the ISAG shall refer the Industry Specification back to the ISIG clearly setting out the reasons for rejection, approval and actions required for subsequent acceptance should the matter be brought back to ISAG for a subsequent decision. In the case of approval of an Industry Specification, the ISAG shall circulate to its members any documented comments submitted by voters in the minority. If, within 7 days of circulation, a majority of each Constituency expresses interest in revisiting the vote, the ISAG may do so.

8.8.6 When an Industry Specification has been approved by the ISAG, the Industry Specification will be made publicly available within 7 calendar days.

9. Leadership

9.1 Elections and Removals

9.1.1 An individual Chair and Deputy-Chair of an ISIG, its Subgroups and the ISAG are elected for no more than two consecutive terms of 2 years each by the participants within each respective group above. A Chair or Deputy-Chair may act for additional terms if:

- (i) No other replacement candidate can be found; and
- (ii) The incumbent Chair or Deputy Chair is agreed by simple majority vote.

9.1.2 Elections of a Chair and Deputy-Chair are by simple majority, one vote per Company Group. Where only one candidate is nominated for either a Chair or Deputy-Chair a simple affirmative decision is permissible. Where there are more than 2 candidates, there shall be a first vote determining the 2 candidates with the most votes and a subsequent runoff vote between these two candidates to determine the winner.

- 9.1.3 In the ISAG, the ISIG and the Subgroups, the Chair and Deputy-Chair shall be representatives from both Operator Members and non-Operator Members in a balanced manner. If the elected Chair is an Operator Member, the Deputy-Chair shall be a Non-Operator Member and vice versa. Any exception to this provision in an ISIG shall require prior approval by the ISAG. Subgroups may decide by Consensus not to elect a Deputy Chair.
- 9.1.4 Elections shall occur not later than 2 months after the respective group has been constituted and any subsequent election shall take place within the next 24 months of the previous election.
- 9.1.5 In an ISIG or the ISAG, all Chairs and Deputy-Chair nominations should be announced at the meeting prior to the election, at least 30 [thirty] calendar days in advance of the election. Subgroups may agree on a shorter periods for announcing nominations and holding elections by Consensus.
The election announcement shall be distributed by email to the respective ISIG Participants of the particular ISIG, Subgroup and members of the ISAG as applicable.
- 9.1.6 A Chair or Deputy-Chair of a particular ISIG, a Subgroup and the ISAG can be removed subject to:
- (i) A formal written petition of at least 5 [five] ISIG Participant, 5 [five] members of ISAG or 5 [five] Subgroup participants requesting the removal of its groups Chair or Deputy-Chair; and
 - (ii) A subsequent vote of 71% of all votes cast in favour of the removal where a quorum of at least half of the Company Groups within the particular ISIG or Subgroup or (in the case of the ISAG) each Constituency have voted.

9.2 Role of the Chair and Deputy Chair

- 9.2.1 The presiding Chair and Deputy-Chair have, at a minimum, the responsibility to ensure that provisions of AA.35 are followed and that meetings are conducted in a fair and efficient manner.
- 9.2.2 Both Chair and Deputy-Chair shall remain neutral when carrying out their respective duties of Chair and Deputy-Chair. For the sake of clarity, the Chair and Deputy-Chair may represent the interests of their respective Company Groups in all other matters not pertaining to or directly affecting their role of Chair and Deputy-Chair.

10. Appeals Process

- 10.1 Any Operator Member, Non-Operator Member, Participating Non-Member or third party (with directly and materially affected interests) who has been or reasonably may be adversely affected by any procedural action or inaction in relation to an Industry Specification Activity carried out pursuant to AA.35 shall have the right to appeal such procedural action or inaction (individually "Appellant" and together Appellants").
- 10.2 Appellants are encouraged to first discuss their concerns with the respective Chair of the affected ISIG or ISAG and/or the GSMA General Counsel or his/her duly appointed representatives. The Chair of the affected ISIG or ISAG will in turn inform the GSMA General Counsel of the appeal without delay. The Chair of the affected ISIG or the ISAG or GSMA General Counsel or his/her duly appointed representatives shall respond to the Appellant within fifteen [15] calendar days.

- 10.3 An Appellant may file a written appeal directly with the GSMA General Counsel. The written appeal for action must be filed within twenty eight [28] calendar days after the action at issue occurred. The appeal of an inaction can be filed at any time within a reasonable period of the date upon which the inaction at issue failed to occur. The appeals panel (as defined below) will determine if an appeal was filed within the appropriate timeframe.
- 10.4 A written appeal shall describe the:
- (i) reasons for the appeal;
 - (ii) basis of the grievance;
 - (iii) direct objections to any procedural issues pertaining to the Industry Specification or related documents in question;
 - (iv) direct and material affected interests of the Appellant;
 - (v) adverse effects caused by any process or procedural action or inaction;
 - (vi) section of the GSMA regulations or other documents that may be at issue; and
 - (vii) specific remedial action(s) that would satisfy the Appellant's concerns. Previous efforts to resolve the objections and the outcome of each should be included.
- 10.5 For a period of fifteen [15] calendar days after receipt of the written appeal, the GSMA General Counsel shall have the option to promote discussion between the affected parties for the purpose of resolving the Appellant's concerns. This period may be extended by mutual agreement of the Appellants and respondents.
- 10.6 If the parties are unable to resolve the written appeal, in a manner consistent with the provisions set out above, the GSMA shall schedule a hearing with an appeals panel on a date agreeable to all parties, giving at least fourteen [14] calendar days' notice. Appropriate notice of this hearing will be distributed to the affected ISIG and ISAGs, the Appellant, and any individuals or Company Groups named in the appeal.
- 10.7 The appeals panel shall consist of three individuals who have not been directly involved in the matter and who are not employees of entities that may be affiliated either with the Appellant or a respondent Company Group.
- 10.8 The Appellant(s) shall appoint one impartial panel member. The named respondent(s), shall also appoint one impartial panel member. When more than one respondent is named, the respondents will collectively agree on the appointment of a single panel member. The Appellant and the respondent(s) must each identify their appointed panel member within five [5] business days of the GSMA's determination that a hearing is necessary, as provided for in Section 10.6. The two panel members so selected by the parties shall then appoint the third panel member; this appointment of the third panel member shall occur within ten [10] business days of the GSMA's determination that a hearing is necessary.
- 10.9 GSMA shall supply each member of the appeals panel with a copy of the appeal filed, its operating procedures, and any ISIG and/or ISAG minutes directly pertaining to the matter. The appeals panel may serve written questions to the Appellant and respondent before the hearing to assist in focusing the issue. Any answers received will be made available to the other party and that party will be allowed to submit a brief response of no more than ten [10] pages. No party shall communicate regarding the complaint with any member of the appeals panel once convened and until a decision has been rendered except as expressly provided for in this Section 10.

- 10.10 The hearing shall be conducted in an informal manner and subject to such reasonable rules as the appeals panel sets forth. The Appellant has the burden of demonstrating the alleged adverse effects, improper actions or inactions, and the efficacy of the requested remedial action. The responding party has the burden of demonstrating that the affected ISIG or the ISAG, as applicable, took all actions compliant with the applicable GSMA regulations or that the requested remedial action would be ineffective or detrimental. Each party may introduce other pertinent arguments, and members of the appeals panel are permitted to address questions to individuals. The panel can call on any Operator Members, Non-Operator Members and Non-Participating Members to assist in the appeal proceedings as reasonably requested by the panel. Interested third parties may attend the hearing, subject to the provisions of 10.12 below.
- 10.11 The appeals panel and the parties shall not be bound by any formal rules of evidence. The hearing shall be limited to no more than three [3] calendar days.
- 10.12 It is at the sole discretion of the panel to:
- (i) Close the hearing to third parties when required to protect the confidentiality of sensitive information to be disclosed in the hearing;
 - (ii) To hear and decide related appeals at the same time; and
 - (iii) To dismiss an appeal for lack of evidence.
- 10.13 The appeals panel shall render its decision in writing within twenty one [21] calendar days of the conclusion of the hearing, stating the findings of fact and conclusions, with reasons therefore, based on a preponderance of the evidence. Consideration may be given to the following positions, among others, in formulating the decision:
- (i) Finding for the Appellant, remanding the action to the affected ISIG or ISAG with a specific statement of the issues and facts in regard to which fair and equitable action was not taken;
 - (ii) Finding for the respondent with a specific statement of the facts that demonstrate fair and equitable treatment of the Appellants and the respondent's objections; or
 - (iii) Finding that new, substantive evidence has been introduced, and remanding the entire action to the affected ISIG or ISAG for appropriate consideration and action.
- 10.14 The ISAG shall have responsibility for ensuring that all decisions and recommendations of an appeals panel are implemented and carried out. In the event of any failure of such action to occur, the Appellant may request, and the ISAG shall grant, a hearing of the complaint at the next regularly scheduled meeting of the complaint at the next regularly scheduled meeting of the ISAG.

Annex A: GSMA activities and their potential status under AA.35

Examples of GSMA activities, contemporary at the time of publication of this PRD, and whether the processes in this PRD would or would not apply are set out below. This annex is included for information only.

| Example | AA.35 Status | Description | Reasoning |
|---|--------------|--|--|
| All public policy documents, including spectrum position papers | Out of scope | Public policy documents intended to advocate in the interests of GSMA operator members. | At times the positions in these papers may conflict with positions of other stakeholders. |
| Mobile 4 Development | Out of scope | Various technical specifications that guide implementation of specific projects within a region or country. | Operates under separate governance to ensure grant making organisations have a role. |
| Remote SIM Provisioning / eSIM | In scope | The GSM eSIM specifications define implementation, testing and compliance for eSIMs and supporting equipment. | Drafted with the intention that all industry stakeholders would adoption these specifications. |
| GSMA Fraud Manual | Out of scope | Document advises and addresses different categories of fraud in mobile and how mobile operators can mitigate against fraud. | Allowing others to define would not be appropriate. |
| Voice over LTE / VoLTE | In scope | Defining the industry wide implementation of voice services in IP based mobile networks within handsets and network equipment. Inter-operator agreements associated with VoLTE are excluded. Equivalent documents also exist for video services. | These services are expected by customers to be fully ubiquitous globally so that users anywhere can communicate. All operators, network equipment and handset manufacturers are expected to support VoLTE. |
| Security Assurance Procedures (SAS & NESAS etc) | In scope | Security assurance procedures enable confidence in the implementation of security measures in all types of equipment (from SIM cards to Network Infrastructure). | Security Assurance measures impact the whole industry, especially those implementing them in both their products and product development lifecycles. |
| Security Baseline Controls | Out of scope | Documents how operators measure and achieve overall security effectiveness of their networks. | These are operator only activities that allow operators to configure and measure the security resilience of their networks. Allowing others to define would not be appropriate. |
| Security Guidelines | Out of scope | Suite of documents that define specific implementation measures | These are guidelines that recommend security resilience activities for operators. Allowing others to define would not be appropriate. |

| Example | AA.35 Status | Description | Reasoning |
|--|--------------|---|--|
| Rich Communication Suite / RCS | In scope | Defining the industry wide implementation of rich media messaging services in IP based mobile networks within handsets and network equipment. Inter-operator agreements associated with RCS are excluded. | These services are expected by customers to be fully ubiquitous globally so that users anywhere can communicate. All operators, network equipment and handset manufacturers are expected to support RCS. |
| Mobile Connect | Out of scope | Defines technical implementation of a Mobile Operator based Identity and Single Sign On solution. | Implementation is based on pre-existing technical standards and is a service defined by operators for deployment on an elective basis. |
| Inter-operator Agreement Templates and associated PRDs | Out of scope | Provide templates for operators to establish commercial agreements to support Interconnections and Roaming. | Agreements are inter-operator only. |
| Device Field and Lab Test Guidelines | In scope | Defines testing requirements for handset Field Trials as used by certification bodies such as Global Certification Forum (GCF). | Type of levels of tests impacts multiple stakeholders. |
| Roaming Quality documents | Out of scope | Used to assist operators assess the quality of service provided to their customers by roaming networks and thus reduce faults and customer care issues. | Agreements are inter-operator only. |
| Roaming Guidelines documents | Out of scope | Provides technical guidance to operators to assist in the provision of service for roaming customers. | Agreements are inter-operator only. |

Annex B: Document Management
Document History

| Version | Date | Brief Description of Change | Approval Authority | Editor/ Company |
|----------|---------------------------|---|--------------------|-----------------|
| 1.0.0 r1 | 26 th Feb 2019 | Initial draft to App | | GSMA |
| 1.0.0 r2 | 3rd Mar 2019 | Incorporation of comments received, inclusion of examples in definitions. | | GSMA |
| 1.0.0 r3 | 5 th Mar 2019 | Further comments covering Subgroups, appeals following ISIG call | | GSMA |
| 1.0.0 r4 | 7 th Mar 2019 | Further comments on timelines and applicability. Annex B incorporated | | GSMA |
| 1.0.0 r5 | 7 th Mar 2019 | Further comments flowing meeting 7 Mar | | GSMA |
| 1.0.1 | 17 th May 2019 | Amendments following meeting 14 May 2009 | | GSMA |

Other Information

| Type | Description |
|------------------|----------------------|
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