



PUBLIC CONSULTATION

Amending some provisions of the Regulation issued by Decision No. 1 of 2008 on Notification of International Roaming Tariffs by SMS and published in Official Gazette No. 2855.

**A public consultation document issued by the
Telecommunications Regulatory Authority of the
Kingdom of Bahrain**

7 May 2009

CCA/0409/047

The address for responses to this document is:

The General Director
Telecommunications Regulatory Authority (TRA)
PO Box 10353, Manama, Kingdom of Bahrain
Alternatively, e-mail responses may be sent to the
Authority's email address at consult@tra.org.bh
The deadline for responses is **4pm on 3 June 2009**

Purpose: To seek stakeholders' views with respect to a proposed amendment of some provisions of the Regulation issued by Decision No. 1 of 2008 on Notification of International Roaming Tariffs by SMS.

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Introduction and Background

1. This Consultation is issued pursuant to the Telecommunication Regulatory Authority's ("TRA") Consultation Process Regulation issued by the Authority on 10 August 2003¹.
2. On 7 August 2008 TRA issued the Regulation on Notification of International Roaming Tariffs by SMS (hereinafter - "the Original Regulation").
3. In the process of implementation of the Original Regulation, mobile telecommunications network operators raised to TRA certain difficulties related to effective operation of the Original Regulation, including:
 - (a) the number of SMS messages needed to be sent to users to accommodate the requirements of the Original Regulation was too high;
 - (b) certain technical difficulties to implement the Original Regulation, in particular with regard to blind and partially sighted customers as well as pre-paid customers, using their mobile phones in certain countries, where adequate technological solutions have not been implemented.
4. After considering the additional arguments of operators, TRA considers it reasonable to review the Original Regulation. This is done with the aim of ensuring the appropriate balance of the consumer rights and efforts of operators needed to implement the transparency measures. With this in mind TRA proposes the following revisions of the Original Regulation:

¹ Arabic and English versions of the Consultation Process Regulation can be found at <http://www.tra.org.bh/en/LegalRegulations.asp>. Note that only the Arabic version of Consultation Process Regulation may be relied upon for legal purposes. The English translation is published for information purposes only.

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- (a) Reduce the number of SMS messages needed to deliver the information required by:
 - (i) ensuring that information is sent in one language only (based on the choice of a consumer); and
 - (ii) introducing special rules to be applicable in case of countries with more than 4 operators available;
- (b) Allow more flexible implementation of the regulation with regard to the blind and partially sighted users without sacrificing the intents of the Original Regulation; and
- (c) Considering the technical difficulties in implementing the helpline services in certain circumstances.

Proposed Measure

- 5. Based on the above TRA therefore proposes to issue the attached draft decision.
- 6. TRA considers that this decision will ensure fair balance between the interests of roaming users of mobile services and operators.

Consultation

- 7. TRA seeks the comments of stakeholders in the Bahraini Telecommunications industry (including users, and any other interested parties) on the proposed amendment **by 4:00 pm on 03 June 2009**.
- 8. All comments shall contain a brief statement explaining the interest of the party submitting the comments. In addition, the interested party must include as part of its comments its:
 - (a) Name;
 - (b) Name of principal contact person;
 - (c) Physical address;
 - (d) telephone number;
 - (e) fax number; and
 - (f) email address.

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9. Upon receipt of the comments from stakeholders TRA will consider such comments to assist in considering and determining whether to issue the proposed Regulation.
10. Comments should be provided to TRA by no later than **4pm on 03 June 2009**.
11. TRA may, but is not obliged to, make comments public. Please see article 10 of the Consultation Process Regulation (Regulation 1 of 2003) for further details.



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**Issued by
The Telecommunications Regulatory Authority**

Regulation No. (x) of 2009

Purpose: To increase flexibility for the mobile telecommunications services licensees with regard to the implementation of the requirements on the Regulation issued by Decision No. 1 of 2008 on Notification of International Roaming Tariffs by SMS.

A Draft Regulation amending some provisions of the Regulation issued by Decision No. 1 of 2008 on Notification of International Roaming Tariffs by SMS published in Official Gazette No. 2855.

Regulation No (x) of 2009
Promulgation of a Regulation amending some provisions of the
Regulation No 1 of 2008 issued by Decision No. 1 of 2008 on
Notification of International Roaming Tariffs by SMS

Preamble

1. This Regulation is enacted to amend Regulation No. 1 of 2008 issued

Definitions

2. Unless otherwise defined in this Regulation any word, or expression, shall have the meaning given to it in the Telecommunications Law.
3. The terms below shall have the following meanings:

“**Amended Regulation**” means Regulation No. 1 of 2008 on Notification of International Roaming Tariffs by SMS published in Official Gazette No. 2855.

Amending Provisions

4. The definition of “international roaming tariff SMS message” in the Amended Regulation shall be replaced with the following wording:

“international roaming tariff SMS message” means an SMS containing information prescribed in Article 2.2 of this Regulation.
5. The words of Article 2.5 of the Amended Regulation “and must be provided in Arabic and English” shall hereby be deleted.
6. The wording of Article 2.6 of the Amended Regulation shall be replaced with:

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“Mobile telecommunications service licensees shall provide to their blind or partially sighted roaming subscribers the facility to obtain information described in Article 2.5 by voice means. Such facility shall be provided and used free-of-charge. Mobile telecommunications services licensees shall provide their eligible roaming subscriber with the information required to use such a facility.”

7. The following wording shall be added as Article 2.8 of the Amended Regulation:

“The international roaming tariff SMS message must be provided in the language of the roaming subscriber’s choice. The mobile telecommunications services licensee may limit such choice to Arabic and English languages. In the absence of such a choice, the standard language of the communication with a specific roaming subscriber shall be used.”

8. The following wording shall be added as Article 2.9 of the Amended Regulation:

“If in the country of the roaming subscriber’s current location there are more than four mobile telecommunications service providers with which the roaming subscriber’s mobile telecommunications services licensee has roaming arrangements, the international roaming tariff SMS message shall include maximum tariffs for the given country instead of maximum tariffs for every mobile telecommunications service provider.”

9. The following wording shall be added as Article 3.2 of the Amended Regulation:

“Mobile telecommunications services licensees shall be under no obligation to provide helpline services mandated by Article 3.1 of this Regulation, where services required to access such helpline are not provided to such a roaming subscriber and it is not technically feasible to provide such services for the purposes of accessing the helpline. In such instances, however, where technically feasible, mobile telecommunications services licensees are required to implement facilities offering roaming subscribers the functionality (such as Unstructured Supplementary Service Data (USSD) and/or call back based services), which would meet objectives of Article 3.1 of the Regulation as close as possible. When helpline services are not provided or provided using alternative methods, roaming subscribers shall be provided clear information on how to access the service.”

10. The following wording shall be added as Article 6.2 of the Amended Regulation:

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“This Regulation shall be implemented in stages as agreed between mobile telecommunications services licensees and TRA. The final implementation shall be achieved no later than by 1 July 2009.”

Entry into Force

11. This Regulation shall enter into force on the day following publication in the Official Gazette.