



هيئة تنظيم الاتصالات
Telecommunications Regulatory Authority

Consumer Protection Guidelines Consultation Report

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Public Document

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Introduction

1. On 15 June 2009 the Telecommunications Regulatory Authority (TRA) published for public consultation the Consumer Protection Guidelines (“the Guidelines”). This Report details the responses received in relation to the Guidelines and provides TRA’s views and final position on the issues raised by the respondents.
2. Article 3(b) of Legislative Decree No. 48 of 2002 promulgating the Telecommunications Law (**the Law**) requires that TRA undertakes its duties relating to telecommunications services in the manner best calculated to:
 - (a) protect the interests of Subscribers and Users in respect of:
 - (i) the tariffs charged for services;
 - (ii) availability and provision of service;
 - (iii) quality of services; and
 - (iv) protection of personal particulars and privacy of services; and
 - (b) promote effective and fair competition among new and existing Licensed Operators.
3. TRA has responsibility for overseeing and regulating consumer affairs in the telecommunications sector in order to, among other things, provide consumers with adequate levels of protection against abusive and unfair practices by licensed operators, including ensuring the availability of adequate information regarding service prices, service levels, choices and suitable mechanisms for resolving disputes with Licensed Operators.
4. In order to assist in the protection of consumers TRA wishes to outline a set of consumer protection policies and principles. It is hoped that through these Guidelines consumers will have the information they require to make informed choices and maximise the benefits they can derive from competitive service provisioning.

Objective of the Consumer Protection Guidelines

5. Apart from existing license provisions relating to relations between Licensed Operators and Subscribers, and the recently published regulation on Bulk Messaging (TRA Regulation No. 1 of 2011) no other guidelines or regulations have been issued by TRA directly relating to the protection of consumers.
6. TRA considers that issuing Consumer Protection Guidelines is a proportionate step in the introduction of consumer protection principles into the telecommunications industry of the Kingdom of Bahrain. Where it is evident that this approach is not working or is abused by operators TRA will consider introducing more stringent regulatory instruments, however it is hoped that the level of maturity amongst the existing operators within the Kingdom will not require this measure to be taken.

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7. TRA is publishing these Guidelines on its website, having taken into consideration comments received from interested parties and amended the Guidelines accordingly as TRA deems appropriate.
8. Following publication of the Guidelines, TRA will continue to monitor their effectiveness and consider whether it is necessary to issue mandatory regulations covering consumer protection issues.
9. The Guidelines are intended to:
 - (a) clarify how TRA expects Licensed Operators to respect and protect Consumers' rights;
 - (b) encourage best practice by Licensed Operators and promote the provision of high quality services to Consumers;
 - (c) ensure that all Licensed Operators are treated fairly and in a non-discriminatory manner;
 - (d) inform Consumers' expectations regarding quality of service, fairness in tariffs and transparency in billing;
 - (e) provide Consumers the opportunity to resolve disputes with their Licensed Operators in an effective and efficient way; and
 - (f) increase awareness of Consumers' rights and discourage Licensed Operators from abusing these rights.

Consultation Responses

10. As part of the public consultation process on the Guidelines, TRA received responses from the following three organizations (listed alphabetically):
 - Bahrain Telecommunications Company BSC ("Batelco")
 - Lightspeed Communications ("LSC")
 - Zain Bahrain ("Zain").
11. The responses and positions stated by TRA in this Report reflect TRA's final position in relation to comments received by the respondents and their impact on the Consumer Protection Guidelines.
12. TRA did not receive any confidential responses.
13. This report is divided into sections based on the responses of each respondent.
14. TRA has considered each comment provided however this report covers only those comments TRA considers require response. Comments that have not been addressed here are deemed to have either not affected the drafting of the Guidelines or have been accepted.

Lightspeed Communications Response

Guidelines enforcements

LSC Comment

15. Lightspeed Communications (LSC) strongly supports the introduction of detailed and comprehensive guidelines on consumer protection issues. LSC is also of the view that consumer protection and awareness is important and it fully encourages awareness of consumer rights and responsibilities so that consumers can make informed decisions.
16. The impact of the Guidelines has limited effectiveness according to LSC. It is recommended that there should be a clear and binding framework that addresses all issues affecting the consumer in the Kingdom of Bahrain. This will also be useful in instilling confidence in consumers and in promoting fair and effective competition. LSC suggests that binding regulation is crucial to ensure that TRA is meeting its legal obligation of overseeing and regulating Licensed Operators and offering consumers adequate levels of protection against abusive and unfair practices.

TRA Response

17. Customer service is a competitive factor between the Licensed Operators. TRA will keep monitoring Licensed Operators and market demand after issuing these guidelines. As noted above where it is evident that this approach is not working or is abused by operators TRA will consider introducing more stringent regulatory instruments, however it is hoped that the level of maturity amongst the existing operators within the Kingdom will not require this measure to be taken.

Communications

LSC Comment

18. LSC considers that consumers should be aware of their rights and responsibilities so that they are able to make informed decisions.

TRA Response

19. TRA agrees.

Contractual terms

LSC Comment

20. LSC considers that consumer protection includes a consumer's rights to information, an acceptable quality of service and contractual terms that are provided up-front and clear so that both contracting parties are fully aware of and

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accept the terms of the contract. For example, consumers will be aware of their obligations in the event of early termination of a contract.

21. LSC notes that a contractual relationship between consumers and Licensed Operators provide some certainty to Licensed Operators in terms of planning, fostering capital investments while giving consumers cost-saving incentives.
22. Further, LSC has suggested that binding contracts should include clear and strict penalties, to ensure that no abuse of dominance on the retail or wholesale level can lead to damaging and negatively impacting consumers.

TRA response

23. TRA has covered this matter in clause 5.1 of the draft Guidelines (see now paragraph 5.(a) of the published Guidelines) concerning the relation between Consumers and Licensed Operators providing publicly available telecommunications services. The Guidelines are aimed at retail relationships, however where relevant TRA will consider them in relation to wholesale relationships also. LSC also considers that any standard contracts should include clear, accurate and complete price information that is easily accessible and free of charge so that consumers are not confused about complex price structures. This principle applies to both retail and wholesale contracts.

Fair treatment and non-discriminatory behaviour

24. LSC has suggested that TRA needs to expand on the concepts of “fair treatment” and “non-discriminatory” behaviour.

TRA response

25. This has been taken into consideration and included in the Guidelines where appropriate.

Definition of “Consumer”

LSC Comment

26. LSC had suggested that, depending on the context, the definition of “Consumer” may need to be amended to include both the end users being consumers and operators receiving services from other operators.

TRA response

27. TRA has set out in the Guidelines the definition for “Consumer” to include both Users and Subscribers as defined in the Telecommunications Law. As noted above the Guidelines are aimed at retail relationships, however where relevant TRA will consider them in relation to wholesale relationships also.

Communications

LSC comment

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28. According to LSC, keeping the consumer informed about the provisioning of services, service pricing, quality of service, billing practices and dispute resolution is the role of the Licensed Operators not TRA. TRA should only supervise and monitor compliance with these Guidelines.

TRA response

29. TRA sees that both parties should be responsible for keeping the consumer well-informed. Further, TRA has the duty to protect the interests of consumers for example, by educating consumers about rights and obligations.

Consumer Choice

LSC comment

30. LSC supports the approach of encouraging competition and choice for consumers and emphasises consumer responsibility in the contractual term (e.g. early termination charges) and suggests that TRA monitors and supervises it closely.

TRA response

31. All Licensed Operators' standard subscriber agreements are subject to TRA's approval. In reviewing the agreements' terms and conditions, TRA ensures that the consumers' rights are not violated, including the contractual period and the termination of contract process and penalties.

Consumer Contracts

LSC comment

32. LSC recommends the following in relation to standard subscriber agreements:
- Identify the Arabic language as the formal contract language.
 - Define the phrase "Unfair terms and conditions".
 - Clarify the "calculation of the charges".

TRA response

33. In this document, TRA has specified two languages (at a minimum) for consumer contracts: Arabic as the official language in the Kingdom of Bahrain and English as widely used in the business sector in the Kingdom. TRA has also set out information regarding calculation of charges at clause 5.2(c) of the draft Guidelines (see now paragraph 24. of the published Guidelines).
34. TRA is also considering the introduction of a model subscriber agreement guideline or regulation which will, among other things, provide further detail regarding unfair contractual terms and conditions.

Privacy and confidentiality

LSC comment

35. LSC stresses that the names and telephone numbers of subscribers are considered confidential marketing and operational information.

TRA response

36. TRA ensures that Licensed Operators protect consumers' confidential information. However, clause 5.4 in the draft Guidelines (see now paragraph 62. of the published Guidelines) sets out the information that should be made available about the consumer that should be included in directory enquiries. Licensed Operators should not publish this information without consumers' express consent.

Complaints and Redress

LSC comment

37. LSC emphasizes that the "Complaints and Redress" provision should cover the wholesale operators and other licensed operators (OLOs).
38. Also, LSC stresses the need for having a clear and binding dispute resolution process. All Licenced Operators are required to have a clear dispute resolution process in accordance with the terms of their telecommunications licence(s). Further, TRA is considering the introduction of guidelines to protect the interests of consumers and Licenced Operators.
39. LSC strongly suggests that financial disputes and claims between licensed operators and consumers should not be regulated and should be handled according to the contractual terms and conditions.

TRA response

40. TRA notes that it approves all standard subscriber agreements between Licensed Operators and Consumers. TRA is also empowered by the Telecommunications Law to intervene in resolving disputes between Licensed Operators and Subscribers according to Section 56. TRA has considered Licensed Operators to be "Subscribers" for these purposes in the past, and where appropriate, may consider to do so.

Zain's Response

General comment

Zain's comment

41. Zain Bahrain agrees with TRA's approach in relation to consumer protection and, broadly, with the scope of the draft Consumer Protection Guidelines Consultation. However, Zain Bahrain sees that in certain cases problems may arise. It considers that the proposed means of communication with consumers are sufficient and that additional information does not need to be included in subscriber agreements.
42. Whilst this document is aimed at actual and potential consumers, Zain Bahrain would expect that the Guidelines enable and encourage consumer choice. Zain Bahrain considers that the Guidelines amply encompass and deal with consumer rights. However, it considers that consumers should also be fully aware of their obligations toward Licenced Operators as there are some consumers who are misusing the provided services and are not meeting their financial and contractual obligations.

TRA response

43. TRA notes that information can be incorporated into subscriber agreements in many different ways and that TRA is considering the introduction of a model subscriber agreement guideline or regulation which may, among other things, provide further detail regarding unfair contractual terms and conditions.

Obligation to publish directories

Zain's comment

44. Zain Bahrain sees that of the present 17 active Licensed Operators, the recommendation of the Guidelines may result in 17 different printed directories as per the Guidelines clause 5.4 "Licensed Operator information requirements".

TRA response

45. TRA has states in clause 5.4 of the draft Guidelines (see now paragraph 64. of the published Guidelines) that it encourages the Licensed Operators to work together, not separately, to prepare a comprehensive directory that would be available to all Consumers.

Complaints procedures

Zain's comment

46. Zain Bahrain objects to the TRA's proposal of notifying Consumers that they may raise their complaints to the TRA if the original complaint is not handled to his / her satisfaction by the Consumer's Licenced Operator. Zain Bahrain

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recommends that TRA should increase its awareness campaign to educate Consumers about all their rights.

TRA response

47. TRA notes that under the Telecommunications Law, a Subscriber may request the TRA's assistance to resolve a dispute. This process requires that a Subscriber must first attempt to resolve a dispute directly with a Licensed Operator before approaching TRA for assistance.

Bulk messaging

Zain's comment

48. In the telemarketing and the unsolicited marketing via voice calls, SMS, or MMS section, Zain Bahrain states that it is unable to prevent unsolicited SMSs being received by subscribers if these messages originate from outside the Kingdom of Bahrain. It suggests amending clause 6.4 of the draft Guidelines (see now paragraph 45. of the published Guidelines) to read "Licensed operators are expected, as far as they are able, to protect Consumers from unwanted or illegal electronic solicitation....".

TRA response

49. TRA has recently issued a Bulk Messaging Regulation (TRA Regulation No. 1 of 2011) which deals with this issue.

Tariffs and Billing

Zain's comment

50. In commenting on the Tariffs and Billing Provision, Zain-Bahrain considers that:
- (a) Tariffs for the premium rate and value-added services should be published by the Licensed Operators who provide these services, not the Licensed Operator whose network is used, as they are the medium for facilitating the provision of these services.
 - (b) Although Zain Bahrain has made international service blocking available, it is not technically possible to block the premium rate or VAS services number.
 - (c) Receipt from other mobile operators of roaming charges is sometimes delayed and Zain Bahrain recommends TRA change the billing restriction from 60 days to 120 days to allow for a more realistic processing time.

TRA response

51. TRA considers that Licensed Operators should, where possible, make the process of blocking numbers available to consumers.

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52. TRA has also amended the Guidelines taking into consideration Zain Bahrain's comments regarding roaming charges.

Child protection

Zain's comment

53. Zain Bahrain requests further explanation about how Licenced Operators should protect children.

TRA response

54. TRA has addressed this issue in the final Guidelines and also notes that the major Licensed Operators in Bahrain, including Zain, are now a signatory to a Memorandum of Understanding regarding the protection of children.

Prepaid SIM Registration

Zain's comment

55. Zain Bahrain states its view on the Prepaid SIM Registration Regulation in its comment on clause 6.9 of the draft Guidelines (see now paragraph 53. of the published Guidelines).

TRA response

56. TRA notes that Prepaid SIM Registration is dealt with under a separate regulation and is now not part of the Guidelines.

Batelco's Response

General Comments

Batelco's comment

57. Batelco welcomes a discussion on matters relating to consumer protection but believes that the Guidelines may require significant additional costs and resources to be expended for compliance.

TRA response

58. TRA does not foresee that any significant additional expense is necessary in the compliance with the Guidelines, which are simply intended to provide guidance to operators and consumers of the basic levels of consumer protection what they should expect to provide and receive respectively.

TRA is “reverse engineering” consumer protection laws

Batelco's comment

59. Batelco is concerned that some of these proposals are attempting to “reverse engineer” consumer protection laws and place them out of the local legal context.

TRA response

60. Again, TRA notes that the purpose of the Guidelines is to introduce concepts of basic levels of consumer protection into the telecommunications market in Bahrain. The TRA has powers to protect consumers and should it determine that operators are not themselves adhering to adequate levels of protection the TRA will take regulatory action. This may include issuing orders against operators where there is a breach of an existing licence condition or provision of law or regulation. Where regulations do not exist and the TRA identifies that a regulation is required it may issue a regulation in that respect.

Function of the Guidelines

Batelco's comment

61. Batelco is concerned that TRA is pre-defining certain minimum standards without prior consultation of the industry. Batelco submits that “guidelines” are by definition explanatory documents which are used to clarify already established pieces of legislation or principles, but are conceptually not the right means to provide prescriptive rules for consumer protection issues.

TRA response

62. TRA has consulted on these Guidelines and operators have had an opportunity to discuss these minimum standards. The “minimum standards” that Batelco is referring to include requirements that operators do not mislead or deceive consumers. These terms have legal meaning in certain jurisdictions. It is therefore hoped that operators may consider these when conducting their business with consumers. Aside from any legal meaning these words may import, their plain meaning is quite clear. TRA fails to understand how these established notions of good conduct are in any way deleterious to consumers or operators.

Consumer protection rules already exist

Batelco’s comment

63. Batelco is capable of applying consumer protection rules and principles by either complying with its existing obligations under the Telecommunications Law and its Licenses or by self-regulating consumer protection issues by means of developing a Consumer Code of Practice for remaining issues. As such, Batelco suggests that TRA should refrain from establishing a separate set of rules for consumer protection issues where the general legislator, Batelco and / or the industry has already come up with a solution.

TRA response

64. TRA recognises that Batelco is an industry leader in Bahrain and has taken a number of consumer led initiatives. However the Guidelines are not solely aimed at Batelco. As noted above they are designed to provide both consumers and other operators with guidelines on what they should expect at a minimum in terms of consumer protection. TRA has an overarching duty with respect to consumers and TRA considers that these the Guidelines and their purpose are complementary to, and do not adversely affect the existing consumer protection requirements of the Telecommunications Law or Licenses.

There is no “risk free environment”

Batelco’s comment

65. Consumer protection measures cannot seek to protect consumers from all risks and from all prospects of unwanted or negative experiences. Batelco also encourages TRA to take a reasoned and measured approach.

TRA response

66. TRA acknowledges that there may always be risks faced by consumers and by operators in the provision and receipt of services. This does not mean that TRA, operators or consumers should stop trying to make the business environment as risk free as possible while still maintaining the ability for innovative services and offers being made by operators to consumers. TRA considers that

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implementation of Guidelines as a first step is a sensible, reasoned, measured and proportionate approach.

TRA's legal jurisdiction is limited

Batelco's comment

67. TRA should also recognize that its powers to address some issues are limited and outside its jurisdiction or impact on commercial arrangements and expose operators to financial risk.

TRA comment

68. TRA of course recognises this that its powers are limited by law. TRA has not imposed any requirement that will it considers will significantly negatively impact upon operators' commercial arrangements or expose them to risk.

Licensed operators are responsible for management of customer relationships

Batelco's comment

69. TRA should acknowledge the Licensed Operators' responsibility to manage the relationship with their own customers, including providing information about the availability of services, service pricing, contractual consumer rights and billing practices, as they will be different between Operators and serve as key factors to distinguish licensed operators from one another.

TRA response

70. TRA recognises this. TRA notes that the telecommunications licenses already impose obligations upon licensees with respect to management of their relationships with consumers. The purpose of the Guidelines has been explained above. The Guidelines are complementary to the existing licence obligations and are consistent with TRA's statutory duties. Any operator can of course distinguish their services through enhanced consumer experiences.

It is outside TRA's jurisdiction to mandate further minimum requirements for contractually binding subscriber terms

Batelco's comment

71. Batelco believes that it is outside TRA's jurisdiction to mandate further minimum requirements for contractually binding subscriber terms.

TRA response

72. The telecommunications licenses clearly state that TRA has the power to order a licensee to amend any aspect of this standard subscriber agreements.

Legal basis of TRA’s ability to intervene remains unclear

Batelco’s comment

73. Although Batelco welcomes TRA’s intention to monitor and take appropriate action against unfair trade practices, including the misleading of consumers as further set out in these guidelines, it remains unclear on the legal basis on which TRA intends to intervene.

TRA response

74. TRA will act in each case on its merits. TRA’s statutory duties and powers are quite clearly established in article 3 of the Telecommunications Law and other provisions of that law and the licenses. TRA will at all times act in the manner that it considers fits within these statutory duties and powers.

Batelco strongly objects to TRA developing a formal dispute resolution process between consumers and licensed operators

Batelco’s comment

75. Batelco strongly objects to TRA’s intention to institute a formal dispute resolution process between consumers and licensed operators. Customer care issues, including dispute resolution, allow operators to create value propositions for their customers thus differentiating themselves from other competitors in the market. Batelco does not believe that “streamlining” customer care issues will benefit healthy competition between licensed operators. Batelco is concerned that TRA is willing to “promptly investigate any matter which is raised by a consumer” without taking into consideration a Licenced Operator’s own dispute resolution process.

Batelco strongly opposes TRA’s proposal that consumers’ contracts should not be suspended or terminated during the complaint handling by TRA unless operators have obtained prior TRA permission to do so, as it would expose operators to a significant financial risk without adequate compensation. Given that Batelco’s license obligations will take precedence over the proposed consumer protection guidelines, the duplication of privacy and confidentiality requirements is of no added value to the consumer. Batelco would respectfully submit that its licenses already contain minimum requirements in relation to licensed operators’ obligations to protect private and confidential information of their customers.

TRA response

76. TRA fails to understand why a formalized dispute resolution process, or further clarity with respect to privacy and confidentiality requirements could not add any value to a consumer experience. TRA intends to continue with programs in these regards and to work with any legislation that comes into effect in Bahrain.

Bill payment terms should be left to licensed operators

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Batelco's comment

77. Batelco believes that the decision on bill payment terms should be best left with the Licensed Operators as such measures will have a severe impact upon each Licensed Operator's cash flows.

TRA should not publish the guidelines

Batelco's comment

78. Overall, Batelco strongly suggests not publishing the draft Guidelines. Further, Batelco recommends that TRA should conduct another consultation to enable all interested parties to comment fully on the substance of the proposal before finalizing the Guidelines.

TRA response

79. TRA will publish the Guidelines. TRA does not consider that a further consultation at this stage will add further value. TRA will review the Guidelines and their efficacy after a reasonable period of time after their publishing.

Telephone directories

Batelco's comment

80. Batelco considers that it is not feasible to have separate directories for each licensed operator.

TRA response

81. TRA agrees and has stated in the Draft Guidelines (see now paragraph 64. of the published Guidelines) that "TRA encourages Licensed Operators to work together to prepare a comprehensive directory that would be available to all Consumers."

TRA should not introduce further minimum requirements to standard subscriber agreements without further public consultation

Batelco's comment

82. Should TRA wish to introduce further minimum requirements to the standard subscriber agreements it should use the public consultation process to gain the view of the industry first.

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TRA response

83. The Guidelines do not introduce further minimum requirements to standard subscriber agreements. However, if TRA decides to do so in future, it will follow the usual consultation process and issue a regulation accordingly.

Health and Safety Guidelines

Batelco's comment

84. Concerning the Health and Safety Guidelines and Batelco's response to the draft regulation on the approval of telecommunications equipment.

TRA response

85. TRA has removed this issue from the published Guidelines.

Child protection

Batelco's comment

86. Batelco considers that the protection of families and children is part of TRA's general duties pursuant to section 3 of the Telecommunications Law. Batelco would welcome it, if TRA were to include such educational material for the protection of children as it deemed fit.

TRA response

87. TRA welcomes Batelco's positive approach to TRA's proposals regarding child protection.

Information Registry

Batelco's comment

88. Batelco believes that the requirements of the Information Registration are already available as part of the billing process and in case of the Prepaid Mobile Services it is also available as part of the compliance obligations with TRA's Prepaid SIM Registration.

TRA response

89. TRA notes that the Guideline may be met in a number of ways.

Consumer deposits

Batelco's comment

90. Batelco does not support the view that deposits from consumers should be profit-bearing.

TRA response

91. TRA has amended the Guidelines to remove the suggestion of a deposit being interest bearing and now refers to advance payments being made in certain circumstances.

Scope of the Guidelines exceeds TRA's legislative jurisdiction

Batelco's comment

92. The scope of the Guidelines does not adequately mirror TRA's legislative mandate according to Sections 3(b), 3(c), 55 and 56 of the Telecommunications Law.

TRA response

93. TRA rejects this assertion. TRA considers that the Guidelines clearly fall within the scope of its statutory duties.

Operators will differentiate themselves on services and consumer practices

Batelco's comment

94. Availability of services, billing practices, and dispute resolution practices will vary from one Licenced Operator to another. These differences are a feature of a competitive market.

TRA response

95. TRA agrees with Batelco. As noted above TRA considers that the Guidelines only outline minimum requirements. Operators may of course decide on additional requirements.

Contractual relationship should meet consumer rights

Batelco's comment

96. The contractual relationship should ensure that consumer rights are fully met in the contract.

TRA response

97. TRA agrees that the service contract is an important basis for regulating the relationship between the operators and consumers. TRA has a responsibility to

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oversee this as outlined in the telecommunications licenses. This does not preclude TRA from implementing other measures aimed at protecting consumers and further outlining what it operators and consumers should expect as minimum standards in consumer protection.

TRA should not prevent market segmentation (differentiation)

Batelco's comment

98. Batelco is requesting TRA not to object to the process of segmenting markets.

TRA response

99. TRA does not oppose segmented marketing so long as it does not unduly discriminate between consumers, meaning that a person is entitled to expect the same treatment as another person in similar circumstances.

TRA should not institute a formal dispute resolution process between consumers and licensed operators

Batelco's comment

100. Batelco strongly objects to the proposal that TRA should institute a formal dispute resolution process between consumers and Licensed Operators as outlined in section 6.2 of the draft Guidelines (see now paragraph 40. of the published Guidelines).

TRA response

101. TRA acknowledges that Licenced Operators have their own dispute resolution procedures and per article 56 of the Telecommunications Law the TRA's will generally not intervene until 60 days after the consumer has attempted to resolve its complaint with its Licenced Operator. However TRA does consider that there is a value in establishing consistent principles of what a consumer can expect from an operator when it lodges a complaint against it, and also what it should expect should it or the operator refer a complaint to TRA under article 56 of the Telecommunication Law. TRA fails to understand what is controversial with that principle.

Batelco is concerned TRA will promptly investigate consumer complaints

Batelco's comment

102. Batelco is concerned that TRA is willing to "promptly investigate any matter which is raised by a consumer".

TRA response

103. TRA notes its response to pharagraph 75 above.

Suspension of consumer services

Batelco's comment

104. Batelco opposes TRA's proposal that a consumer's service should not be suspended or terminated during the complaint handling by TRA, unless Operators have obtained prior TRA permission to do so.

TRA response

105. TRA has amended this provision to now require licensees to only suspend or terminate services in accordance with its written agreement with its subscribers. Licensed Operators should not suspend or terminate services merely for the fact that the Subscriber has made a complaint or initiated a dispute with the Licensed Operator. TRA considers that the service should remain active until the complaint has been resolved by TRA. By this TRA does not accept any liability for any consequential financial loss that may result.

Protection of consumer credit in the event of an insolvency of a prepaid telecommunications service provider

Batelco's comment

106. Batelco disagrees with the potential regulatory intervention to protect consumers from the insolvency of Licensed Operators offering prepaid Telecommunications Services.

TRA response

TRA is reserving the right to act for the protection of consumers' interests whenever necessary.

107. **Itemized billing**

Batelco's comment

108. Batelco objects to the proposed requirement of including itemized billing information for national calls without additional charges.

TRA response

109. TRA considers that it is important to provide the consumer with transparency in all their billing information and therefore provide itemised billing if requested by the consumer. Licenced Operators can easily adopt one of the available ways to provide itemised billing for example (without limitation) electronic invoicing, online access for billing details, etc.

Billing and collection

Batelco's comment

110. In regard to the billing and collection recommendation, TRA will address this issue in another public consultation at which time Batelco is welcome to provide its comprehensive comments on this issue.

TRA's final position on this document

111. TRA has determined to continue with the publication of the Guidelines. As stated above it considers these Guidelines will serve a useful purpose in the development of consumer protection principles in the Telecommunications market of Bahrain.
112. As a result of this consultation and review of responses, TRA has amended some provisions of the draft Guidelines. Some provisions in the draft Guidelines have been removed on the basis of comments.
113. The format of the Guidelines has been amended to make the document more readable and user friendly.
114. The essence of the draft Guidelines and many key recommendations remain in the final published version. As noted in the Guidelines these will be regularly reviewed.
115. TRA thanks all respondents for their valuable contributions.

- End of Document -