

# CONSULTATION

## Consumer Protection Guidelines

A consultation issued by the Telecommunications Regulatory Authority

15 June 2009

The address for responses to this document is:

The General Director

Telecommunications Regulatory Authority (TRA)

PO Box 10353, Manama, Kingdom of Bahrain

Alternatively, email responses may be sent to the Authority's email address at: [consult@tra.org.bh](mailto:consult@tra.org.bh)

**The deadline for responses is 4pm on 15 July 2009.**

**Purpose: To seek stakeholders' views on the proposed Consumer Protection Guidelines and on further regulation of consumer protection issues arising from these Guidelines.**



هيئة تنظيم الاتصالات  
Telecommunications Regulatory Authority

## CONSULTATION

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### Instructions for submitting a response

The Telecommunications Regulatory Authority (“TRA”) invites comments on this consultation document from all interested parties.

Comments should be submitted by **by 4:00 pm on 15 July 2009**.

The address for responding to this document is:

The General Director  
Telecommunications Regulatory Authority  
P.O. Box 10353, Manama, Kingdom of Bahrain

Alternatively, responses may be sent to TRA for the attention of the General Director by email to [consult@tra.org.bh](mailto:consult@tra.org.bh).

Responses should include:

- the name of the company/institution/association, etc;
- the name of the principal contact person; and
- full contact details (physical address, telephone number, fax number and email address).
- in the case of responses from individual consumers, name and contact details.

In the interest of transparency, TRA will make all submissions received available to the public, subject to the confidentiality of the information received. TRA will evaluate requests for confidentiality in line with relevant legal provisions and TRA’s published guidance on the treatment of confidential and non-confidential information.<sup>1</sup>

Respondents are required to clearly mark any information included in their submission which is considered confidential. Where such confidential information is included respondents are required to provide both a **confidential** and **non-confidential** version of their submission. If a submission is marked confidential in its entirety, reasons for this should be provided. TRA may publish or refrain from publishing any document or submission at its sole discretion.

Once TRA has received and considered responses to this consultative document, TRA will issue a final version of the Statement, together with the report on the consultation.

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<sup>1</sup> [http://www.tra.org.bh/en/pdf/Confidentiality\\_Guidelines\\_Final.pdf](http://www.tra.org.bh/en/pdf/Confidentiality_Guidelines_Final.pdf)

## 1. Proposed Measure

- 1.1 To publish the attached Draft Consumer Protection Guidelines.

## 2. Introduction and Background

- 2.1 This Consultation is issued pursuant to the Authority's Consultation Process Regulation issued by the Authority on 10 August 2003<sup>2</sup>.

Article 3(b) of the Legislative Decree No. 48 of 2002 promulgating the Telecommunications Law ("**the Law**") requires that the Telecommunications Regulatory Authority ("**TRA**") undertakes its duties relating to Telecommunications services in the manner best calculated to:

(1) protect the interests of Subscribers and Users in respect of:

- the tariffs charged for services;
- availability and provision of service;
- quality of services; and
- protection of Personal particulars and privacy of services; and to

(2) promote effective and fair competition among new and existing Licensed Operators.

The TRA has responsibility for overseeing and regulating consumer affairs in the telecommunications sector in order to 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 and choices and suitable mechanisms for resolving disputes with service providers.

In order to protect consumers from misleading and abusive practices in the Telecommunications sector TRA may need to implement a set of regulatory measures and consumer protection policies. These measures would ensure that consumers have the information they require to make informed choices, and hence to maximise the benefits they can derive from competitive service provisioning.

By outlining the rights and obligations of Licensed Operators and Consumers with respect to public Telecommunications services, these Consumer Protection Guidelines will detail the specific objectives that TRA is setting for the telecommunications industry.

### 2.2 Objective of the Consumer Protection Guidelines

To date, no guidelines or regulations have been issued for the protection of consumers and terms and conditions of Licensed Operators only been reviewed to assess the extent to which they may seriously harm or mislead consumers.

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<sup>2</sup> 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.

TRA proposes to publish these Consumer Protection Guidelines on its website, subject to consideration and amendment pursuant to comments received from interested parties. 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.

The Consumer Protection 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 Service Providers in an effective and efficient way; and
- (f) increase awareness of Consumers' rights and discourage Licensed Operators from abusing these rights.

### **3. Consultation**

3.1 The Authority seeks the comments of stakeholders in the Bahraini Telecommunications industry on the proposed measure and asks the following questions:

- (a) Do you agree on the scope of these guidelines? If not, what would you like to be changed or added?
- (b) Do you consider that the proposed means of communications to the consumers in this document are sufficient to ensure the consumer is kept well informed?
- (c) With respect to consumer choice, do these guidelines encourage your choices? What other measures would you recommend?
- (d) With respect to consumer rights, do you see that there are other consumer rights should be added to the listed rights?
- (e) What other issues you think should be included in this guidelines?

3.2 Respondents can make any other comments regarding the Draft Guidelines.

3.3 All comments shall contain a brief statement explaining the interest of the party submitting the comments in relation to the draft Individual VAS license. In addition, the interested party must include as part of its comments its:

- 1. name;

2. name of principal contact person;
  3. physical address;
  4. telephone number;
  5. fax number; and
  6. email address.
- 3.3 Upon receipt of the comments from stakeholders TRA will consider such comments to assist in considering and determining whether to publish the Guidelines.

**Draft Consumer Protection Guidelines**  
**Issued by the**  
**Telecommunications Regulatory Authority**

**15 June 2009**



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Telecommunications Regulatory Authority

## DRAFT CONSUMER PROTECTION GUIDELINES

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# 1 PURPOSE OF THE GUIDELINES

## 1.1 Introduction

These Guidelines are issued to assist Consumers and Licensed Operators providing telecommunications service in understanding their rights and obligations when buying or selling telecommunications services.

These Guidelines also outline what TRA is expected to do to communicate with Consumers about their rights and obligations.

These Guidelines are not a law but are intended to guide consumers and Service Providers in best practice consumer relations. However, as noted below, TRA may determine to issue binding regulations if consumer protection is not achieved and maintained.

Article 3(b) of Legislative Decree No. 48 of 2002 promulgating the Telecommunications Law (“**the Law**”) requires that the Telecommunications Regulatory Authority (“**TRA**”) undertakes its duties relating to Telecommunications services in the manner best calculated to:

- (1) protect the interests of Subscribers and Users in respect of:
  - the tariffs charged for services;
  - availability and provision of services;
  - quality of services; and
  - protection of Personal particulars and privacy of services; and to
- (2) promote effective and fair competition among new and existing Licensed Operators.

TRA has responsibility for overseeing and regulating Consumer affairs in the Telecommunications sector in order to 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 and choices and suitable mechanisms for resolving disputes with service providers.

By outlining the rights and obligations of Licensed Operators and Consumers with respect to public Telecommunications services, these Consumer Protection Guidelines will detail the specific objectives that TRA is setting for the Telecommunications industry.

In order to protect Consumers from misleading and abusive practices in the Telecommunications sector TRA may need to implement a set of regulatory measures and Consumer protection policies. These measures would ensure that Consumers have the information they require to make informed choices, and hence to maximise the benefits they can derive from competitive service provisioning.

## 1.2 Objective of the Consumer Protection Guidelines

These 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) outline those comparators that Consumers may wish to consider when choosing or evaluating their service provider, including quality of service, fairness in tariffs and transparency in billing;
- (e) provide Consumers with a framework within which disputes with their Service Providers can be resolved in an effective and efficient way; and
- (f) increase awareness of Consumers' rights and discourage Licensed Operators from abusing these rights.

### 1.3 Legal basis

As noted in section 1.1 above, TRA has a duty under article 3(b) of the Law to protect the interests of Subscribers and Users.

Article 3(c)(18) of the Law allows TRA to exercise all powers and take all actions as may be reasonably necessary with respect to any matters deemed necessary to give effect to the provisions of the Law.

Article 55 of the Law requires all Licensed Operators to establish procedures for dealing with complaints by subscribers regarding the operation of a Telecommunications Network or provision of Telecommunications services.

Article 56 of the Law allows the Subscriber or Licensee to refer a dispute to TRA after the procedures referred to in article 55 of the Law have been exhausted and resolution to the dispute has not been reached within 60 days of the date on which the complaint was submitted to the Licensee.

### 1.4 Application of the Consumer Protection Guidelines

These Consumer Protection Guidelines apply to all Licensed Operators and Consumers of Public Telecommunications Services. They do not apply to Consumers of private Telecommunications services or private Telecommunications Networks. Whilst these guidelines are not binding, Licensed Operators are encouraged to comply with these guidelines and Consumers are encouraged to ask their Service Providers to meet these guidelines.

TRA will continue to review market practice and Consumer complaints. TRA may issue additional regulations or determinations if it considers that the objectives of these Guidelines have not been met or that Consumers are not adequately protected.

### 1.5 Review process

It is intended that these Guidelines will be subject to periodic review and may be amended following consultation with interested parties in the light of experience in the Telecommunications sector, as well as ongoing developments in Telecommunications markets, or any changes to national law.

## 1.6 Regulatory principles

The key principles underpinning these Guidelines are:

- (a) to protect Consumer interests;
- (b) to ensure billing accuracy;
- (c) to enable Consumer to request itemised billing;
- (d) to prevent the Transfer of Consumers from one supplier to another without their knowledge and explicit consent (sometimes referred to as 'Slamming');
- (e) to clarify the procedures by which Consumers can resolve disputes with Service Providers, as per article 56 of the Law; and
- (f) to protect the privacy of Consumer information.

## 2 DEFINITIONS

Unless otherwise defined in this Regulation any word, or expression, shall, unless the context so requires, have the meaning given to it in the Law, TRA Regulations or Licences. In the event of conflict or ambiguity between the terms defined herein and the terms defined in the Law, Regulations or Licences, the following order of precedence should apply:

- (a) the Law;
- (b) TRA's Regulations;
- (c) Service Providers' Licences;
- (d) these Consumer Protection Guidelines ("Guidelines").

References to a word or phrase in the singular encompass references to words or phrases in the plural, and vice versa.

References to a specific gender encompass all other genders.

References to a word or phrase in a different grammatical conjunction from the grammatical conjunction of a word or phrase defined below will, as far as possible, have the same corresponding meaning as the defined word or phrase.

For the purposes of use in these Guidelines, the following terms will have the ascribed meanings:

**Consumer** means any Person using or requesting publicly available Telecommunications services for their use;

**Customer Premises Equipment** means any technical devices, including wiring, that are suitable for connecting to the Network Termination Interface that is owned or controlled by an End User within his or her private premises without commercial purpose and which may be used to originate, route, terminate, store or convert any communication over the network. Importation, sale and use of such CPE may be subject to equipment standards specified by TRA but is not subject to licensing under the present Telecommunications regulatory regime;

**Facility** means a physical component of a Telecommunications Network, other than customer premises equipment, including wires, lines, terrestrial and submarine cables, wave guides, optics or other equipment or object connected therewith, used for the purpose of Telecommunications and includes any post, pole, tower, standard, bracket, stay, strut, insulator, pipe, conduit, or similar object used for carrying, suspending, supporting or protecting the structure;

**Service Provider** means a Licensed Operator providing Public Telecommunications Services to the relevant Consumer; and

**Unfair Trade Practices** means any of those practices referred to in section 5.3 below.

### 3 SCOPE OF THE GUIDELINES

TRA recognises that the transition to a fully open market and competitive services requires continuing regulation to promote the public interest, including the provision and enforcement of basic Consumer rights.

As a result, TRA will, by way of example, encourage competition and discourage declining service quality and reliability, slow fault clearance, delayed introduction of advanced services, as well as inaccurate and illegible bills.

These Guidelines specifically address:

- a) The obligation to work with the Consumer through:
  - i) information dissemination;
  - ii) consultation;
  - iii) monitoring and reporting by all parties, including TRA, Consumers and Licensed Operators.
- b) Consumer choice through encouraging:
  - i) competition; and
  - ii) Consumer protection.
- c) Information collection, retention and dissemination.
- d) Consumer rights through processes dealing with:
  - i) complaints and dispute resolution;
  - ii) privacy and confidentiality;
  - iii) Undue discrimination;
  - iv) telemarketing;
  - v) tariffs and billing;
  - vi) emergency services;
  - vii) connection to other Consumers;
  - viii) premium charge or value-added services; and
  - ix) health and safety.

## 4 COMMUNICATIONS

### 4.1 Information dissemination

TRA will act to inform Consumers about provisioning of services, service pricing, quality of service (QoS), billing practices, and dispute resolution. Towards this end, TRA will:

- (a) communicate in Arabic and English, using clear and simple language;
- (b) utilise a variety of media to communicate with Consumers;
- (c) take into account the interests of Consumers with disabilities including those with sight or hearing impairment;
- (d) solicit the opinion of stakeholders; and
- (e) request organisations and civic groups to become channels of communication.

TRA will issue publications, in both electronic and printed formats, assisting Consumers to better understand their rights, responsibilities and opportunities. These publications will:

- (a) explain Consumers' rights relating to the provision of Telecommunications services;
- (b) promote awareness of the changes affecting the Telecommunications sector and the role which TRA plays in encouraging the provision of high quality services at reasonable prices; and
- (c) provide answers to frequently asked questions on TRA's website.

TRA will publish on a regular basis information guides in accordance with international best practice, which will seek to ensure that Consumers are aware of their rights in dealing with Telecommunications providers and/or can make informed decisions regarding the available services.

TRA will publish reports periodically, as it deems appropriate, on the Telecommunications market to ensure that Consumers have up-to-date information on sector developments.

### 4.2 Monitoring and Reporting

Pursuant to the Quality of Service Regulation published on 22 January 2009, TRA will review annual and periodic reports provided by Licensed Operators on quality of service performance.

For the purpose of performance monitoring, TRA will also conduct periodic Consumer surveys.

Consumers have the right to receive clear and comprehensive information about tariffs, terms and conditions for available products and services, and to be charged only in accordance with such tariffs, terms and conditions as they have agreed to with their Service Provider.

Service Providers should:

- (a) provide Consumers with clear and accurate bills, which enable those Consumers to readily understand the tariffs charged and method of calculation used in producing the bill for products and services. Service Providers should be fair, prompt and courteous when responding to problems encountered;
- (b) not unduly discriminate between Consumers, meaning that the Consumer has the right to be treated equally to other Consumers in similar circumstances;
- (c) not engage in market abuse or Unfair Trade Practices.

- (d) ensure that complaints are properly dealt with, in accordance with the Service Provider's internal complaints resolution procedure established under article 55 of the Law; and
- (e) safeguard the Consumers' right to complain in writing and receive a prompt response where appropriate. Further, Service Providers should not hinder the Consumers' right to have disputes resolved by TRA in accordance with article 56 of the Law.

#### 4.3 **Information programmes for consumer protection**

TRA will work with both Government and Non-Government organisations to provide public education and awareness programmes to improve Consumer Protection.

The emergence of new technologies and services in the Telecommunications sector will further increase the demand and need for concise information that will help Consumers understand the impact of these new technologies and services.

Accordingly, as new Telecommunications technologies and services emerge, TRA will review from time to time the adequacy of existing Consumer protection measures and will advise Consumers accordingly.

#### 4.4 **Consultation**

TRA has formed Consumer advisory groups such as residential and business users' groups to obtain feedback and opinions on proposed decisions and regulations by TRA. TRA will continue to engage with these groups and will endeavour to participate in further Consumer forums, Trade Group meetings and Conventions in order to remain aware of relevant Consumer issues.

TRA will also seek Consumer views through public consultations and surveys and will publish the results in summary form, together with TRA's position on such issues, resulting decisions and actions taken.

### 5 **CONSUMER CHOICE**

#### 5.1 **Competition and choice of Licensed Operators and Telecommunications services**

TRA will continue to formulate strategies to promote and enhance competition within the Telecommunications sector in order to provide Consumers with an increased choice of Telecommunications services, a ubiquitous availability of services, improved quality of service, and more affordable prices.

Licensed Operators are encouraged to ensure that switching from one Licensed Operator to another Licensed Operator is efficient and easy for Consumers. This should not exclude Consumers from fulfilling reasonable contractual obligations in their contracts with Service Providers.

Consumers that obtain or accept Telecommunications services by using a short message service (SMS) text or other form of approval will be obliged to pay for such Telecommunications services. In the event of a dispute between a Consumer and a Licensed Operator with respect to the purchase or charging of such services, TRA will expect the Licensed Operator to prove that the system it uses requires the affirmative interaction of the Consumer with that system prior to the Telecommunications service being delivered and charged to the Consumer.

Licensed Operators must not switch Subscribers from one Licensed Operator to another Licensed Operator without the Subscribers' express knowledge and consent (known as 'Slamming') or otherwise switch Consumers from one Telecommunications service to another or from one Licensed Operator to another through unfair practices or without their explicit written authorisation.

Whilst, a Licensed Operator may decide the location and type of services they wish to offer they must, subject to the provisions of their licence or licences, ensure that there is no undue discrimination in the services provided to Consumers.

## 5.2 Consumer contracts

All Licensed Operators should prepare and have approved by TRA their Standard Subscriber Agreements and Code of Practice in accordance with their Telecommunications Licences.

All Licensed Operators should ensure that their Standard Subscriber Agreements do not contain unfair terms and conditions, are transparent and drafted in plain and clear language, and are available in both Arabic and English.

At a minimum, Standard Subscriber Agreements for a specific Telecommunications service are expected to include terms that will explain adequately to the Consumer the following, where relevant to the specific Telecommunications service:

- (a) the provision of the service(s), time to connect the call, equipment required, username and password provision;
- (b) the availability and limitations on the use of the service, volume of usage, and area of usage;
- (c) the calculation of charges and fees, billing, charges for different services, method of payment;
- (d) the process for disconnecting the service by the Licensed Operator;
- (e) the process for effecting termination by the Consumer;
- (f) the level of protection of private information;
- (g) warranties in respect of the service and associated equipment;
- (h) the consumer complaint and dispute resolution procedures;
- (i) the contact details for the Service Provider's customer service department; and
- (j) the contact details for TRA.

## 5.3 Unfair Trade Practices

TRA will monitor and take appropriate action against Licensed Operators that use Unfair Trade Practices. These Unfair Trade Practices include:

- (a) going against the requirements of professional diligence in a way that is likely to alter the economic behaviour of Consumers or potential Consumers;
- (b) conduct that is misleading and deceptive or is likely to mislead or deceive, including but not limited to:
  - i) misleading Consumers through false or deceptive advertising;
  - ii) misleading Consumers by giving false or deceptive information or failing to give important information in a clear manner;

- (c) using aggressive sales techniques that harass Consumers or lead to them making a decision that they would not have made under other circumstances;
- (d) engaging in anticompetitive behaviour, including those activities and omissions as specified in any Competition Guidelines (at the date of publication of these Guidelines, the Competition Guidelines are only available in draft); and
- (e) such other practices as may be specified by TRA.

#### 5.4 Licensed Operator information requirements

Licensed Operators should take such steps as are necessary to ensure that Consumers can reasonably and reliably have access to information to assist them in the selection of the Telecommunications services of their choice. Such information should include details on installation, fault reporting, billing, price and directory assistance.

Licensed Operators should provide or make available to their Subscribers, on request and free of charge, printed directories in both the Arabic and English languages, the form and content of which may be determined by TRA from time to time. Such directories should include at a minimum:

- (a) the name and telephone number of each of the Licensed Operator's Subscribers (other than Subscribers who have requested that their Service Provider does not publish such information in relation to him or her);
- (b) the name and telephone number of Consumers provided by other Licensed Operators' Subscribers (other than those who have requested that their Service Provider does not publish such information in relation to him or her);
- (c) a list of national and international dialling codes;
- (d) Emergency Numbers; and
- (e) TRA contacts details.

Licensed Operators should provide to other Licensed Operators the names and telephone numbers of their Subscribers, which shall be used solely for the purpose of compiling a directory, as referred to above.

TRA encourages Licensed Operators to work together to prepare a comprehensive directory that would be available to all Consumers.

## 6 CONSUMER RIGHTS

### 6.1 Complaints and redress

Licensed Operators should provide Customer Service Centres for complaint-handling that are effective and efficient in resolving disputes. Additionally, Licensed Operators are encouraged to provide a free phone number for inquiries and clear written and verbal complaint procedures in accordance with article 55 of the Law.

Licensed Operators should also make TRA's contact details available for Consumers, notifying Consumers that they may raise their complaint to TRA if their original complaint is not handled to their satisfaction by their Service Provider and in accordance with that Service Provider's complaints procedure.

## 6.2 Dispute resolution

In accordance with article 56(d) of the Law, TRA may issue a Regulation to ensure effective and efficient handling and resolution of disputes for cases where Consumer complaints have not been resolved effectively in accordance with the Licensed Operator's article 55 procedures ("TRA's Consumer Complaints Process").

TRA's Consumer Complaints Process protects the interests of Consumers by:

- (a) handling inquiries and complaints, undertaking investigations, making recommendations and achieving resolutions for Consumers; and
- (b) establishing a Dispute Resolution Process which acknowledges and responds promptly to all written communications regardless of whether or not a full response to the enquiry or complaint can be provided at that time.

TRA may also institute a formal Dispute Resolution Process between Consumers and Licensed Operators designed to be prompt, transparent, comprehensible and Consumer-friendly.

Whether or not a formal procedure is implemented, TRA shall:

- (a) promptly investigate any matter which is raised by a Consumer;
- (b) determine the periods that are reasonably necessary for the fair and adequate presentation of the matter by the respective parties; and
- (c) require evidence or arguments to be presented in writing, other than in exceptional circumstances. TRA will decide the matters upon which it will hear oral evidence or arguments.

Licensed Operators should refrain from suspending or terminating the Telecommunications service provided to Consumers during the complaint handling by TRA unless they have obtained the prior permission of TRA, which may be granted where there is a significant risk of serious and irreparable harm to the Service Provider.

## 6.3 Privacy and confidentiality

Licensed Operators should protect the Consumer's privacy regarding personal information and calling patterns.

The Consumer has the right to personal privacy, to have protection from unauthorised use of their personal records and information, and protection from illegal, unsolicited, unwanted or offensive communications.

Subject to any obligations to disclose information in accordance with the laws of the Kingdom of Bahrain, Licensed Operators should maintain the confidentiality of, and refrain from using or disclosing, other than for the proper purposes of providing Telecommunications services, any:

- (a) confidential, personal and proprietary information obtained in the course of its business from any Consumer, where such information originates from any such Consumer;
- (b) any information regarding usage of a Telecommunications Network or service; or
- (c) information received or obtained in connection with the operation of a Telecommunications Network or the provision of a Telecommunications service.

The above provisions should not apply where Consumers give their informed permission and consent to the disclosure of personal information and calling patterns, or where such disclosure is a requirement of the law of Bahrain.

#### **6.4 Telemarketing**

Licensed Operators are expected to protect Consumers from unwanted or illegal electronic solicitations, including live voice solicitations, artificial pre-recorded voice advertisements, electronic mail, electronic wireless messages (e.g. SMS, MMS) and facsimile messages. TRA may issue a Regulation on this issue.

#### **6.5 Insolvency of Licensed Operators offering prepaid Telecommunications services**

TRA may implement regulatory measures to protect Consumers from the insolvency of Licensed Operators offering prepaid Telecommunications services.

TRA will endeavour to implement procedures for compensating Consumers that are affected by the insolvency of Licensed Operators offering prepaid Telecommunications Services.

Any measures taken should not place an unwarranted financial burden upon Licensed Operators or act as a barrier to entry of new Licensed Operators.

TRA will consult on any measure(s) proposed to be implemented with Licensed Operators and Consumers whenever necessary.

#### **6.6 Tariffs and Billing**

Article 58 of the Law requires that tariffs be fair, reasonable and based upon forward looking costs. TRA aims to encourage this primarily through the development of a competitive environment in the Telecommunications sector.

Article 58(a) of the Law states that Licensed Operators with Significant Market Power should be subject to tariff controls in relation to any Telecommunications services for which TRA determines that insufficient competition exists.

TRA may specify the tariff controls and the period during which they should remain in effect in a Regulation issued pursuant to article 58 of the Law.

Full terms and conditions of the service together with full details of tariffs should be available to all new Subscribers before the provision of any service. These should either be provided in written form (whether electronic or hard copy) or new Subscribers should be directed to where they can obtain a copy of the terms and conditions. New Subscribers should be given a reasonable opportunity to inspect and review these terms and conditions prior to being bound by the terms of a new service.

Licensed Operators should inform Subscribers in writing of the Subscriber's assigned credit limit with respect to each service or bundle of services purchased by the Subscriber.

All tariffs including premium rate and value-added services should be published wherever the service is advertised, including print and broadcast media. At a minimum, printed tariffs should be available for Consumers in all the Licensed Operator's outlets as well as electronically on the Licensed Operator's website.

TRA should, whenever necessary, provide Consumers with information about premium charges or value-added services in order to guard against market abuse, fraud, false and misleading advertising, misrepresentation, or incomprehensible service charges.

Consumers should be able to block or restrict calls to premium rate or value-added service numbers, as well as international telecommunications services.

All roaming tariffs should be available in a user-friendly format to Consumers. Licensed Operators are required to comply with the Roaming SMS Regulation, Regulation number 1 of 2008 and any amendments to it.

Licensed Operators should issue bills which:

- (a) are clear, and establish verifiable charges in a format that can be easily compared;
- (b) are complete so that Consumers can confirm or challenge billing information, including amongst other things calls charges, payments and late charges;
- (c) contain a disclosure of the price per minute paid for all calls and an itemised list of all subscription charges; and
- (d) are itemised as to national and international usage, monthly subscription fees, premium rate or value-added service charges, internet subscription and usage fees where applicable, or directory assistance fees. Such bills should be provided without additional charge.

Licensed Operators should ensure that all roaming charges are billed to the Consumer as soon as possible without exceeding 60 days from the call generation date.

Licensed Operators may offer online itemised bill display, downloads and electronic bill payment as per their agreement with the Consumer.

Billing records should be retained by the operators for a period of 12 months in normal cases. If a dispute commences within 12 months of a bill being raised Licensed Operators should retain the records until settlement of that dispute.

Licensed Operators may seek refundable profit-bearing deposits from Consumers in the following circumstances:

- a) the Consumer's acceptance in writing, taking into account that some Consumers may require the deposit to be Sharia'a compliant;
- b) the Consumer has a poor credit history;
- c) for new Subscribers; or
- d) for international services including the roaming service.

The due date for bills should be clearly indicated on all bills provided to Consumers. TRA recommends that Licensed Operators do not require payment of bills by Consumers for at least thirty (30) days from the billing date.

Consumers should have the right to query the accuracy of the bill and/or arrange a payment plan in order to avoid service disconnection within the provided due payment period.

These Guidelines do not inhibit Licensed Operators from imposing reasonable late payment fees or following a disconnection procedure for a particular service if the Subscriber fails to pay his/her bill within 30 days from when it was billed and did not arrange a payment plan.

## 6.7 Health and safety

TRA should maintain a Type Approval regime for all Telecommunications terminal equipment, which connects directly to Telecommunications networks, and all intentional emitters of electromagnetic radiation (radio waves).

The Type Approval regime should ensure that all such equipment is consistent with international standards on human and public health and safety, including staff working with Public Telecommunications Networks.

TRA should advise the public to the best of its ability and based on the most current research on the subject from time to time on the hazards of available Telecommunications equipment, devices and instruments.

## 6.8 Protection of Families and Children

Licensed Operators should make available educational material for Consumers which informs them of any relevant protection or control mechanisms for their service which can be used to protect children.

TRA may encourage Licensed Operators to prepare a set of guidelines to promote their social responsibility with regard to this matter.

## 6.9 Information Registration

Licensed Operators should maintain a register of their Subscribers for the following services:

- (a) Fixed line services
- (b) Mobile services
- (c) Broadband services
- (d) Leased line services

This register should include at least the Subscriber's name and identification credentials and one or more addresses. Nothing in the guidelines limits Licensed Operators' duties under the Law, their Licence or any Regulations, including the Prepaid SIM Registration Regulation, Regulation number 2 of 2008 dated 31 July 2008, as amended by Decision number 5 of 2008 dated 24 December 2008.