



هيئة تنظيم الاتصالات  
Telecommunications Regulatory Authority

## Repeal of the Determination on the Methodology for the Definition of Telecommunication Markets and Determination on the Methodology for Determining Market Power

### Draft Determination

27 August 2009

Ref: MCD/09/09/068

#### Request for comments:

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

Comments should be submitted no later than **4PM on 27 SEPTEMBER 2009**.

Responses should be sent to TRA for the attention of the General Director preferably by e-mail (or by fax or post) to:

The General Director  
[consult@tra.org.bh](mailto:consult@tra.org.bh)  
Telecommunications Regulatory Authority  
P.O. Box 10353, Manama, Kingdom of Bahrain  
+973 1753 2125

**Purpose:** To repeal the Determination on the Methodology for the Definition of Telecommunications Markets (Determination 1 of 2003) and the Determination on the Methodology for Determining Market Power (Determination 2 of 2003)

## Instructions for submitting a response

The Telecommunications Regulatory Authority (“TRA”) invites comments on this consultation document from all interested parties. Comments should be submitted no later than **4PM on 27 SEPTEMBER 2009**.

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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 e-mail address),
- in the case of responses from individual consumers, name and contact details.

In the interest of transparency, TRA intends to 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 mark clearly any information included in their submission that is considered confidential. Where such confidential information is included, respondents are required to provide both a **confidential** and a **non-confidential** version of their submission. If a part or a whole submission is marked confidential, reasons 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 this Determination, together with the report on the consultation.

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<sup>1</sup> TRA (2007), “A Guidance Paper issued by the Telecommunications Regulatory Authority on its treatment of Confidential and Non-confidential Information”, Guidance Paper No. 2 of 2007, September 10th.

## PREAMBLE

1. The Legislative Decree No. 48 of 2002 promulgating the Telecommunications Law (the “Telecommunications Law”) provides a definition of the concepts of Dominance and Significant Market Power and the obligations which each position of market power entails are detailed in the various sections of the Telecommunications Law.
2. The Telecommunications Law also gives the Telecommunications Regulatory Authority (“TRA”) the power to issue the necessary determinations in relation to market power. However, the Telecommunications Law gives discretion to TRA regarding the approach to be taken by TRA when defining the telecommunications markets and determining market power in those markets.
3. On 19 April 2003, TRA issued two determinations approving the Methodology for the Definition of the Telecommunications Markets (Determination 1 of 2003) and the Methodology for Determining Market Power (Determination 2 of 2003).
4. On 4 November 2008, TRA issued for consultation Draft Competition Guidelines.
5. After public consultation, TRA issued on [date]<sup>2</sup> final Competition Guidelines which build upon TRA’s previous determinations on defining relevant markets and market power assessment and also take into account the provisions in the Telecommunications Law and the experience of TRA with respect to market definition and competition analysis.
6. TRA intends to follow the approach set out in the Competition Guidelines when defining relevant markets and assessing market power within these markets for the purposes of ex-ante and ex-post regulation.
7. As such, TRA issues this Determination to repeal the methodologies described in the Determination 1 of 2003 and Determination 2 of 2003.
8. This Determination is issued pursuant to Section 3(c) (1) of the Telecommunications Law.

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<sup>2</sup> Note – this Determination will be issued at the same time as or just after the Competition Guidelines are published.

## DETERMINATION

**HAVING REGARD TO THE TELECOMMUNICATIONS LAW, ALL ADMISSIBLE EVIDENCE AND SUBMISSIONS RECEIVED BY THE TELECOMMUNICATIONS REGULATORY AUTHORITY, THE TELECOMMUNICATIONS REGULATORY AUTHORITY HEREBY MAKES THE FOLLOWING DETERMINATION:**

1. TRA hereby repeals Determination No. 1 of 2003 issued by TRA on 19 April 2003 (Methodology for the Definition of the Telecommunications Markets) and Determination No. 2 of 2003 issued by TRA on 19 April 2003 (Methodology for Determining Market Power).
2. This Determination is effective from **[date]**.

Alan Horne  
General Director  
Telecommunications Regulatory Authority  
Manama  
Kingdom of Bahrain

**[Date]**