

PUBLIC CONSULTATION
A Consultation on a Draft Regulation on Notification of
International Roaming Tariffs by SMS

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

27 March 2008

CCA/0308/066

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 24 April 2008**

Purpose: To seek stakeholders' views with respect to a proposed regulation obliging mobile telecommunications services licensees to provide information to roaming subscribers on international roaming tariffs.



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1. Introduction and Background

- 1.1 This Consultation is issued pursuant to the Authority's Consultation Process Regulation issued by the Authority on 10 August 2003¹.
- 1.2 The proposed regulation is consistent with Resolution No. 187 of June 2006 of the Arab Telecommunications and Information Council of Ministers.

2. Proposed Measure

- 2.1 Based upon this TRA therefore proposes to issue the attached draft regulation pursuant to its powers under section 3(b)(1) of the Telecommunications Law as it relates to the protection of subscribers and users in respect of tariffs charged for services, 3(c)(1) of the Telecommunications Law as it relates to services tariffs and promotion of competition, 3(c)(14) of the Telecommunications Law as it relates to ensuring that tariffs are fair and reasonable, and 3(c)(18) of the Telecommunications Law allowing TRA to take all other actions as may be reasonably necessary to give effect to the provisions of section 3(c).
- 2.2 TRA considers that this regulation will further promote competition and consumer protection by requiring mobile licensees of the Kingdom of Bahrain to provide tariff information to subscribers and users that are roaming on overseas mobile telecommunications networks.

3. Consultation

- 3.1 The Authority seeks the comments of stakeholders in the Bahraini Telecommunications industry on the proposed measure by 4:00 pm on 24 April 2008.
- 3.2 With respect to consumers specifically TRA also wishes subscribers and users to consider and comment upon the following:

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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- 3.2.1 Is the proposed regulation an adequate response to the lack of roaming tariffs transparency issue.
- 3.2.2 What information as a consumer do you want to receive as minimum? What tariffs are the most important? Do you want to receive information of all networks in the visited country or only for the network you are roaming on?
- 3.2.3 Would you like the information to be sent to you automatically once you are connected to the foreign network of the visited country (Push SMS) or would you like to be able to obtain it on an individual request (Pull SMS)?
- 3.2.4 What languages do you prefer to receive with the information in? Arabic only? English only? Arabic accompanied with English? Any other language?
- 3.2.5 What other information do you expect telecommunications providers to send you?
- 3.2.6 What could be done to improve the roaming tariffs transparency for subscribers?
- 3.3 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:
1. name;
 2. name of principal contact person;
 3. physical address;
 4. telephone number;
 5. fax number; and
 6. email address.
- 3.4 Upon receipt of the comments from stakeholders TRA will consider such comments to assist in considering and determining whether to issue the proposed Regulation.
- 3.5 Comments should be provided to the Authority by no later than **4pm on 24 April 2008.**
- 3.5 The Authority 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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**Draft Regulation on Notification of
International Roaming Tariffs by SMS**

Issued by the Telecommunications Regulatory
Authority

Regulation 1 of 2008

Purpose: To ensure that mobile telecommunications services operators provide an informative message through SMS, notifying roaming subscribers of the International Roaming Tariffs.

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Preamble

This Regulation is issued by the Telecommunications Regulatory Authority (TRA) of the Kingdom of Bahrain under the following sections of the Telecommunications Law promulgated by Legislative Decree No. 48 for the year 2002: section 3(b)(1) of the Telecommunications Law as it relates to the protection of subscribers and users in respect of tariffs charged for services, 3(c)(1) of the Telecommunications Law as it relates to services tariffs and promotion of competition, 3(c)(14) of the Telecommunications Law as it relates to ensuring that tariffs are fair and reasonable, and 3(c)(18) of the Telecommunications Law allowing TRA to take all other actions as may be reasonably necessary to give effect to the provisions of section 3(c).

This Regulation is consistent with Resolution No. 187 of June 2006 of the Arab Telecommunications and Information Council of Ministers.

Definitions

Any word, phrase or expression used in this Regulation shall, unless the context requires otherwise or it is expressly defined herein, have the same meaning as in the Telecommunications Law.

References to a specific gender encompass all other genders.

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

The terms below shall have the following meaning for the purposes of this Regulation only:

“international roaming” (“roaming”) means the use of a terrestrial public mobile telecommunications network situated outside the Kingdom of Bahrain provided to a roaming subscriber of a mobile telecommunications services licensee licensed in the Kingdom of Bahrain.

“international roaming tariff SMS message” means an SMS containing information prescribed in article 2.2 of this Regulation.

“mobile telecommunications services licensee” means any telecommunications licensee providing mobile telecommunications services.

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“roaming subscriber” means a subscriber or user of a mobile telecommunications services licensee licensed in the Kingdom of Bahrain that is using international roaming.

“SMS message” means a short message service text message.

“visited mobile telecommunications service provider” means any mobile telecommunications network upon which the mobile telecommunications services user is roaming.

1. Scope

1.1. This Regulation applies to mobile telecommunications services licensees in the Kingdom of Bahrain.

2. International Roaming Tariff SMS messages

2.1. A mobile telecommunications services licensee must ensure that an international roaming tariff SMS message described in article 2.4 below are sent free of charge to a roaming subscriber immediately after he connects to a visited mobile telecommunications service provider’s network.

2.2. The mobile telecommunications services licensee may send more than one international roaming tariff SMS message to ensure all required information is sent to the roaming subscriber. All such SMS messages must be free of charge to the roaming subscriber.

2.3. The mobile telecommunications services licensee does not need to repeat the international roaming tariff SMS message when the roaming subscriber connects to a different visited mobile telecommunications service provider in the same country².

2.4. The SMS message referred to in Article 2.1 must contain the following information for the visited mobile telecommunications service provider or for each mobile telecommunications service provider in the country of the roaming subscriber’s current location with which the roaming subscriber’s mobile

² This provision will not be retained in the final Regulation if article 2.4 of the final Regulation requires that international roaming tariff SMS messages include information about each mobile telecommunications service provider in the country of roaming subscriber’s current location.

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- telecommunications services licensee has roaming arrangements with], personalized according to the tariff scheme applicable to the roaming subscriber, and be provided in Arabic and at least one other language commonly used in the Kingdom of Bahrain³:
- 2.4.1 The maximum tariff for receiving a voice only call;
 - 2.4.2 The maximum tariff for making a voice only call to a subscriber of a telecommunications licensee of the Kingdom of Bahrain;
 - 2.4.3 The maximum tariff for making a voice only call to a subscriber of a telecommunications licensee of the country of the roaming subscriber's current location;
 - 2.4.4 The maximum tariff for sending an SMS to a subscriber of a mobile telecommunications licensee of the Kingdom of Bahrain;
 - 2.4.5 The maximum tariff for sending an SMS to a subscriber of a mobile telecommunications licensee of the country of the subscriber's current location;
 - 2.4.6 Information on how to access the mobile telecommunications services licensee's helpline;
 - 2.4.7 Details of the mobile telecommunications services licensee's website, where the roaming subscriber can obtain all tariff information.
- 2.5. Mobile telecommunications service licensees shall provide to their blind or partially sighted roaming subscribers the information described in sections 2.1 and 2.4 automatically by a free voice call, if they so request.
- 2.6. Any roaming subscriber shall be able to opt out and opt back in from receiving international roaming tariff SMS by simple means, provided by a relevant mobile telecommunications service licensee. Such facilities shall be provided free of charge.

3. Helpline

- 3.1. The mobile telecommunications service licensee must ensure that its subscriber helpline is accessible at any time via voice calls and SMS free of charge to all of its roaming subscribers. The roaming

³ The list will be finally determined after the consultation, taking into account priorities of consumers and business users and technical feasibility to accommodate such information into a reasonable number of SMS.

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subscribers should be able to obtain all information about terms, conditions and tariffs for international roaming (including data services) through this helpline.

4. Tariffs representation

- 4.1. Tariffs listed in the international roaming tariff SMS shall be indicated in Bahraini Dinars, shall be final and include all taxes applicable.

5. Enforcement and Penalties

- 5.1. TRA shall enforce this Regulation and the provisions mentioned hereunder through decisions, determinations and orders issued in particular under section 35 of the Telecommunications Law.
- 5.2. Any material breach of this Regulation shall also be deemed to constitute a material breach of the Telecommunications Law and, where appropriate, of any relevant telecommunications license held by the relevant licensed operator.

6. Entry into force

- 6.1. This Regulation shall enter into force on the 1st July 2008.