

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

14 August 2008

LAU/0808/207

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](mailto:consult@tra.org.bh)

The deadline for responses is **5pm on 10 September 2008**

**Purpose:** To seek Licensed Operators' views with respect to Issuing the  
Frequency Migration Regulation



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**PUBLIC CONSULTATION**  
**A Consultation on the Draft Frequency Migration Regulation**

**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 2003<sup>1</sup>.
- 1.2 The Frequency Migration Regulation is issued by the Telecommunications Regulatory Authority of the Kingdom of Bahrain ("TRA") under section 3 (c) (1) and section 3 (c) (11) of the Telecommunications Law promulgated by Legislative Decree No 48 of 2002.
- 1.3 Clause 4.5 of the Generic Telecommunications Frequency License or equivalent allows TRA to migrate telecommunications frequency license holders from or within Frequency bands.
- 1.4 Licensed Operators shall comply with this Regulation to achieve efficient use of telecommunications radio spectrum frequencies as determined by TRA from time to time
- 1.5 In consideration with issuing this Regulation, TRA shall consult and seek opinions upon the merit of this Regulation with the interested parties in the Kingdom of Bahrain. Interested parties shall therefore submit their comments by no later than **10 September 2008**.

**2. Proposed Measure**

- 2.1 TRA has therefore prepared a draft Frequency Migration Regulation, with sections that clarify the process of complying with this Regulation.
- 2.2 TRA proposes to make available a Frequency Migration Regulation in substantially the same form and terms as the draft in this consultation document.

**3. Consultation**

- 3.1 The Authority seeks the comments of stakeholders in the Bahraini Telecommunications industry on the proposed measure.

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<sup>1</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.

**PUBLIC CONSULTATION**  
**A Consultation on the Draft Frequency Migration Regulation**

- 3.2 All comments shall contain a brief statement explaining the interest of the party submitting the comments in relation to the draft Frequency Migration Regulation. 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 may consider such comments in the Frequency Migration Regulation based upon its fundamental effect in implementing the process under the Regulation.
- 3.4 Comments should be provided to the Authority by no later than **5pm on 10 September 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, and refer to the Confidentiality Guidelines (Guidance Paper on TRA Treatment of Confidential and Non-Confidential Information)<sup>2</sup>

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<sup>22</sup> [http://www.tra.org.bh/en/pdf/Confidentiality\\_Guidelines\\_Final.pdf](http://www.tra.org.bh/en/pdf/Confidentiality_Guidelines_Final.pdf)

# **Regulation on the Migration of Users or Services from, or within Frequency Bands**

A Regulation issued by the  
Telecommunications Regulatory Authority

Regulation x of 2008

**Purpose:** The purpose of this Regulation is to establish a procedure for the migration of telecommunications radio spectrum frequencies, for the efficient use of such frequencies as determined by TRA from time to time. Such migration of frequencies being determined necessary to foster and encourage competition and consumer welfare within the telecommunications industry as well as the wider economy of the Kingdom of Bahrain.



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# Regulation on Migration of Users or Services from, or within Frequency Bands

## 1. Preamble

- 1.1. This Regulation is issued by the Telecommunications Regulatory Authority of the Kingdom of Bahrain ("TRA") under section 3 (c) (1) and section 3 (c) (11) of the Telecommunications Law promulgated by Legislative Decree No 48 of 2002.
- 1.2. This Regulation is issued by virtue of the obligations of the licensed operators to comply with the Telecommunications Law and their License Conditions.
- 1.3. Clause 4.5 of the Generic Telecommunications Frequency License or equivalent allows TRA to migrate telecommunications frequency license holders from or within Frequency bands.
- 1.4. Subject to any applicable measure under Telecommunications Frequency Licenses granted by the TRA or any applicable section of the Telecommunications Law, TRA may issue a Regulation to migrate users of telecommunications radio spectrum frequency in accordance with the requirements specified by TRA for the efficient use of frequency.

## 2. Definitions

- 2.1. Unless otherwise defined in this Regulation any word, or expression, shall, unless the context so requires, have the meaning given to it in the Telecommunications Law and the terms below shall have the following meanings:

**Compensation Request** means a request by a Licensed Operator for compensation from TRA for the incurred actual costs of Evacuation and Migration pursuant to the process of **Error! Reference source not found.** of this Regulation.

**Compensation Determination** means the TRA's determination in the form of Annex B of this Regulation.

**Evacuation** means the cessation of use of Frequencies assigned to a Licensed Operator by TRA and the Recovery of such Frequencies by TRA for future re-assignment.

**Frequency/Frequencies** mean Telecommunications Frequencies defined in the Telecommunications Law of the Kingdom of Bahrain.

**Licensed Operators** means for the purposes of this Regulation those Licensed Operators granted any Frequency Licence by TRA.

**Migration** means the Evacuation of Frequencies with/without assignment by TRA of alternative Frequencies, which could be used to

# Regulation on Migration of Users or Services from, or within Frequency Bands

move users and/ or services within the same frequency band or from one frequency band to another frequency band.

**Recovery** means the recovery by TRA prior to the expiry of a Frequency Licence of Frequencies that have been assigned to the Licensed Operator by TRA.

**ITU** means the International Telecommunication Union.

### **3. Scope**

3.1. This Regulation applies to Licensed Operators.

### **4. Objectives**

4.1. TRA may require Licensed Operators falling under the scope of this Regulation to migrate frequencies, so as to:

4.1.1. Comply with various international obligations - including, but not limited to, those set by the ITU Radio Regulations, international or regional agreements related to the radio spectrum and the decisions of the bodies of the Gulf Co-operation Council (GCC);

4.1.2. Implement the National Frequency Plan;

4.1.3. Achieve the overall aims and goals of TRA as set out in the Telecommunications Law, and associated Royal Decree, of the Kingdom of Bahrain.

### **5. Migration Process**

5.1. TRA may, after consultation, issue an Order to a Licensed Operators to migrate from, or within, frequency bands.

5.2. The Order will require Licensed operators to:

5.2.1. Prepare a plan within 30 days, from the date of issuing the Order under this Regulation, or by a date specified by TRA, demonstrating how such a migration could be achieved within the prescribed timeframe. This plan may include the anticipated non-avoidable directly incurred costs to implement the Order including frequency re-planning and site re-arrangement as necessary but not other costs (such as projections of opportunity costs).

5.2.2. Migrate from and/or to the Frequency band requested by TRA within the period requested in the Order to be issued under this Regulation.

# Regulation on Migration of Users or Services from, or within Frequency Bands

## **6. Compensation**

- 6.1. Direct actually incurred costs submitted by the Licensed Operator as per the requirement under Article 5.2.1 of this Regulation may at the discretionary power of TRA, be subject to compensation;
- 6.2. For the purposes of determining the amount of compensation that TRA may or may not issue for the reasons mentioned above, Licensed operators shall provide TRA with justified costs;
- 6.3. To apply for compensation the Licensed Operator must submit to TRA a Compensation Request no later than 6 months after Migration is confirmed in writing to TRA by the Licensed Operator. The Compensation Request must properly justify all claimed costs and be submitted with supporting evidence for each cost incurred, which may take the form of receipts paid or audited accounts;
- 6.4. Compensation may, at the discretion of TRA, take the form of discounts on fees payable by the Licensed Operator to TRA;
- 6.5. TRA will issue a separate Compensation Determination to the Licensed Operator detailing the determination of TRA on the compensation to be provided to the Licensed Operator, if any, and its reasoning for the determination.

## **7. Enforcement and Penalties**

- 7.1. Licensed Operators that fail to comply with the provisions of this Regulation will be deemed in material breach of their Frequency licence and the Telecommunications Law and will be subject to enforcement action under the relevant provisions of the Telecommunications Law.

## **8. Entry Into Force**

- 8.1 This Regulation shall enter into force on [xx/xx/2008].

Issued by

**Alan Horne**  
General Director

at Manama

Date: