



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

International Roaming (Price Transparency) Regulation

23 July 2018

Ref: LAD/0718/191

The address for responses to this document is:

Legal Affairs Department
Telecommunications Regulatory Authority ("The Authority")
PO Box 10353, Manama, Kingdom of Bahrain

Alternatively, e-mail responses may be sent to the Legal Affairs Department's email address at LAD@tra.org.bh

The deadline for responses is **23 August 2018**

Instructions for submitting a response

The Telecommunications Regulatory Authority (“the Authority”) invites comments on this consultation document from all interested parties. Comments should be submitted no later than **4pm on Thursday 23 August 2018.**

Responses to this document should be sent to:

Legal Affairs Department
Telecommunications Regulatory Authority
P.O. Box 10353
Manama, Kingdom of Bahrain
Email address: LAD@tra.org.bh

Responses should include:

- the name of the company/institution/association etc;
- the name of the principal contact person;
- 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.

The Authority expects respondents to provide comments in response to each of the questions set out in this document. The Authority invites respondents to substantiate their responses, wherever possible, by providing factual evidence to support their responses.

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

Respondents are required to clearly mark any information included in their submission which 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

¹ The Authority, “A Guidance Paper issued by the Telecommunications Regulatory Authority on its treatment of Confidential and Non-Confidential Information:”, Guidance Paper No.2 of 2007, 10 September 2007
http://www.tra.org.bh/en/pdf/Confidentiality_Guidelines_Final.pdf

marked confidential in its entirety, reasons for this should be provided. The Authority may publish or refrain from publishing any document or submission at its sole discretion.

SECTION 1

Status of this consultation document

1. This section is intended to provide a brief overview of the background to this consultation.
2. This consultation document is issued pursuant to the Position Paper on “How TRA Consults” issued by the Authority on 17 October 2017².
3. The information contained in this document is intended to provide background on a new International Roaming (Price Transparency) Regulation that is currently being considered by the Authority. Interested parties should not take any actions in reliance on the information or proposals contained in this document. Any views set out in this document should be considered as indicative and will be subject to further consideration following the receipt of comments from interested parties.
4. This consultation document does not represent a decision by the Authority. The issues discussed in this document remain open to consideration and should not be construed as indicating that the Authority has formed any final opinion or decision on the Consumer Protection Regulation.

SECTION 2

Background information

5. Pursuant to Article 3(b)(1) of the Telecommunications Law of the Kingdom of Bahrain (the “Law”) the Authority must carry out its duties in the manner best calculated to, amongst other things, protect the interests of consumers and Users (as defined) in respect of the provision of service, the quality of service and the protection of personal particulars and privacy of services.
6. Article 3(c)(18) of the Law requires the Authority 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.
7. On 17 September 2015, the Authority launched a public consultation (the “First Consultation”) on the repeal of the Regulation on Notification of International Roaming Tariffs by SMS (the

² <http://www.tra.org.bh/media/document/Position%20Paper%20on%20how%20TRA%20consults1.pdf>

“Original Regulation”) and the subsequent adoption of the Regulation dealing with International Roaming (the “New Roaming Regulation”).

8. The purpose of the First Consultation was to invite comments from interested parties on the new Roaming Regulation. As stated in the First Consultation, the purpose of the New Roaming Regulation is to increase transparency in order to provide additional protection and to better safeguard the interests of roaming customers against “bill shocks” by ensuring that consumers are empowered to make an informed choice as to their consumption of international roaming services.
9. The Authority received responses from Batelco, Zain and VIVA. In view of the sensitivity of the issue, the Authority also published an Executive Summary of the First Consultation on its website with a view of soliciting responses from the general public. A substantial number of submissions were also received from consumers. Collectively these are referred to in this document as the “Respondents”. The Authority wishes to thank all Respondents for their comments.
10. Earlier this year, the Authority held meetings with Zain, VIVA and Batelco (the “MNO Meetings”) to discuss the concerns raised in their submissions to the First Consultation. The mobile network operators confirmed that they had no major issues with the proposed measures in the New Roaming Regulation, save for the enforcement period in Article 7. Specifically, the mobile network operators expressed that they required more time to make enhancements to their billing systems.
11. Following a review of the responses to the First Consultation and the MNO Meetings, the Authority has decided to propose further changes to the New Roaming Regulation, and issue a second round of consultation on the same (the “Second Consultation”).
12. The comments received from Respondents on the First Consultation are summarised in Annex 1 to this document, as are the Authority’s responses to each comment. The changes to the New Roaming Regulation that the Authority has made in response to the comments received from the stakeholders are set out in Annex 2.
13. The Authority seeks comments from stakeholders in the telecommunications industry, the business community and the general public on Annex 2 of this document. All comments should be supported as much as possible by detailed explanation, including, where relevant,

references to the specific provisions of the Telecommunications Law or Licences that Respondents are relying upon.

14. Further, the Authority invites respondents to provide comments in response to the specific changes made to the New Roaming Regulation only. Any comments relating to any or all other parts of the New Roaming Regulation, especially those addressed in the First Consultation, MNO Meetings and in Annex 1 thereof will not be considered.
15. 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 (in soft copies and not scanned copies). If part or all of the submission is marked confidential, reasons should be provided. The Authority may publish or refrain from publishing any document or submission at its sole discretion.
16. Capitalized terms used throughout this document shall have the same meaning attributed to them by the New Roaming Regulation and the Law.

SECTION 3

Consultation questions

Article 7 – Entry into force & effective date

Article 7 has been amended to give licensees one (1) year to make necessary changes following the publication of the Regulation in the Official Gazette.

Q1. Do you disagree with the proposed timeframe in Article 7? If so please provide justification.