

ANNEX 2: (amended) New Roaming Regulation

ARTICLE 1 – Subject matter and scope

This Regulation applies to all licensed operators providing mobile telecommunications service in the Kingdom of Bahrain. It lays down rules aimed at increasing price transparency. It also serves to improve the provision of information on charges and tariffs to users of international roaming services.

ARTICLE 2 – Definitions

1. For the purposes of this Regulation, the definitions set out in Article 1 of the Telecommunications Law shall apply.

2. In addition to the definitions referred to in paragraph 1, the following definitions shall apply:

(a) **“automatic SMS alert”** means the ~~the mobile telecommunications service licensee referred to in Article 3.2 and Article 4 of this Regulation;~~ means the SMS message required to be sent by mobile telecommunications service providers pursuant to Articles 3.2 and 4.2 of this Regulation

(b) **“data roaming service”** means a roaming service enabling the use of packet switched data telecommunications by a roaming customer by means of his mobile device while it is connected to a visited network. A data roaming service does not include the transmission or receipt of roaming calls or SMS messages, but does include the transmission and receipt of MMS messages;

(c) **“international roaming”** means the use of a mobile device by a roaming customer to make or receive calls, to send or receive SMS messages, or to use packet switched data communications, while in a country other than the Kingdom by means of arrangements between a licensed operator and the visited network operator;

(d) **“mobile telecommunications service provider”** means a licensee holding an individual mobile telecommunications licence which has been granted by the Authority and which, by virtue of an agreement with a subscriber, provides mobile telecommunications services to a subscriber;

(e) **“roaming call”** means (i) mobile voice telephony call made by a roaming customer, originating on a visited network and terminating on a public telecommunications network whether within the Kingdom or otherwise or (ii) received by a roaming customer, originating on a public telecommunications network whether within the Kingdom or otherwise and terminating on a visited network;

(f) **“roaming customer”** means a customer of a mobile telecommunications service provider by means of a public telecommunications network whose contract or arrangement with that licensed operator permits international roaming;

(g) **“roaming SMS”** means an SMS message (i) sent by a roaming customer, originating on a visited network and terminating on a public telecommunications network within the Kingdom or otherwise or (ii) received by a roaming customer, originating on a public telecommunications network within the Kingdom or otherwise and terminating on a visited network;

(h) **“SMS”** means a Short Message Service text message, composed principally of alphabetical and/or numerical characters, capable of being sent over a mobile telecommunications network;

~~(i) **“SMS alert”** means the SMS message required to be sent by mobile telecommunications service providers pursuant to Articles 3.2 and 4.2 of this Regulation;~~

(i) **“visited network”** means a terrestrial public mobile telecommunications network situated in a country other than the Kingdom that permits a roaming customer to make or receive calls, to send or receive SMS messages, or to use packet switched data communications, by means of arrangements with the mobile telecommunications service licensee.

ARTICLE 3 – Transparency of retail charges and tariffs for roaming calls and SMS messages

3.1 All mobile telecommunications service providers shall alert their roaming customers to the fact that they will be subject to roaming charges when making or receiving a roaming call, or when sending a roaming SMS message, or when using data roaming services.

3.2 Each mobile telecommunications service provider shall, except when the roaming customer has notified the mobile telecommunications service provider that he does not require this service, provide the roaming customer, automatically by means of an automatic SMS alert, without undue delay and free of charge, when the roaming customer connects to a visited network and upon the roaming customer's request, ~~whenever the roaming customer connects to a different network when roaming in that same visited country,~~ with basic personalised pricing information on the roaming charges and tariffs that apply to the making and receiving of roaming calls and to the sending of roaming SMS messages by that customer while roaming in that country on that visited network.

3.3 Without prejudice to the generality of the previous Article 3.2, the automatic SMS alert referred to in Article 3.2 must contain the following information about the visited network, personalised according to the tariff scheme applicable to the roaming subscriber, and must be provided in both Arabic and English:

- (a) the maximum tariff for making a local roaming call on a visited network;
- (b) the maximum tariff (in Bahrain Dinars) for receiving a roaming call while on a visited network;
- (c) the maximum tariff (in Bahrain Dinars) for making a roaming call to a subscriber of a telecommunications licensee of the Kingdom of Bahrain;
- (d) the maximum tariff (in Bahrain Dinars) for sending (and to the extent that any charges are applicable for receiving) a roaming SMS message while in the visited country;
- (e) information on how to access the mobile telecommunications services licensee's helpline;
- (f) details of the mobile telecommunications services licensee's website, where the roaming customer can obtain all tariff information; and
- (g) the chargeable unit should be shown with each tariff's price.

The automatic SMS alert shall also include the free-of-charge number referred to in Article 3.4 below for obtaining more detailed information and information on the possibility of accessing emergency services by dialling the emergency number of the visiting country free of charge.

3.4 In addition to the foregoing, roaming customers shall have the right to request and receive, free of charge, more detailed personalised pricing information on the roaming charges and tariffs that apply in the visited network to voice calls and SMS, and information on the transparency measures applicable by virtue of this Regulation, by means of a mobile voice call or by SMS. Such a request shall be to a free-of-charge number designated for this purpose by the mobile telecommunications service licensee. Obligations provided for in this Article 3.4 shall not apply to devices which do not support SMS functionality.

3.5 A subscriber shall be afforded the option to give notice to the mobile telecommunications service provider, free of charge and in an easy manner, that he does not require the automatic SMS alert. A subscriber who has given notice that he does not require the automatic SMS alert shall have the right at any time and free of charge to require the mobile telecommunications service provider to reactivate the automatic SMS alert.

3.6 Mobile telecommunications service providers shall provide to their blind or partially sighted roaming customers the basic personalised pricing information referred to in Article 3.2 above automatically by voice means, if they so request. Such facility shall be provided free-of-charge.

3.7 Without prejudice to the requirements set out in Article 3.2 above, mobile telecommunications service providers shall provide all subscribers with full information on applicable international roaming charges, in particular on any international roaming package or plan including the conditions relating to such package or plan. They shall also provide their roaming customers with updates on applicable roaming charges and tariffs without undue delay each time there is a change in these charges and tariffs.

The information provided must be detailed enough to enable roaming customers to make an informed choice as to whether they should avail themselves of international roaming services.

3.8 Mobile telecommunications service providers shall make available information to their subscribers on how to avoid inadvertent international roaming.

ARTICLE 4 – Transparency and safeguard mechanisms for retail data roaming services

4.1 Mobile telecommunications service providers shall ensure that their roaming customers, both before and after the conclusion of a contract, are kept adequately informed of the charges and tariffs which apply to their use of international data roaming services.

The information provided must be detailed enough to enable roaming customers to understand the financial consequences of such use and permit them to monitor and control their expenditure on international data roaming services in accordance with Articles 4.2 and 4.3 below.

Mobile telecommunications service providers shall inform their subscribers, before the conclusion of a contract and on a regular basis thereafter, of the risk of automatic and uncontrolled data roaming connection and download. Furthermore, mobile telecommunications service providers shall notify their subscribers, free of charge and in a clear and easily understandable manner, how to switch off automatic data roaming connections in order to avoid uncontrolled consumption of data roaming services.

4.2 All mobile telecommunications service providers shall, when a roaming customer connects to a visited network, notify the roaming customer, that the latter is roaming and provide basic personalised tariff information on the charges and tariffs (in Bahrain Dinars), expressed in price per megabyte, applicable to the provision of data roaming services to that roaming customer when connected to that visited network,

except where the customer has notified the mobile telecommunications service provider that he does not require that information.

Such basic personalised tariff information shall be delivered to the roaming customer's mobile device, automatically by means of an automatic SMS alert (or, where the connected mobile device does not support SMS functionality, via email or a pop-up window on a computer), without undue delay and free of charge, every time the roaming customer enters a country other than the Kingdom and initiates for the first time a data roaming service in that particular country. The personalised tariff information shall be provided free of charge at the moment the roaming customer initiates a data roaming service, by an appropriate means adapted to facilitate its receipt and easy comprehension.

4.3 A subscriber who has notified his mobile telecommunications service provider that he does not require the automatic tariff information, shall have the right, at any time and free of charge, to require the mobile telecommunications service licensee to reactivate the automatic tariff information service.

4.4 All mobile telecommunications service providers shall grant to all their subscribers the opportunity to opt deliberately and free of charge for a facility which permits the monitoring of usage and expenditure of international data roaming services while roaming.

4.5 All mobile telecommunications service providers shall, in respect of international data roaming services, apply a default financial limit of fifty Bahrain Dinars (BHD 50) of outstanding charges per monthly billing period.

In addition to the default financial limit, mobile telecommunications service providers may offer to their subscribers other limits with different, that is, higher or lower, maximum monthly financial limits.

The default financial limit shall be applicable to all subscribers who have not opted for another limit that is evidenced ~~in writing~~.

[The provisions of this Article 4.5 shall only apply in respect of post-paid customers.](#)

4.6 All mobile telecommunications service providers shall also ensure that appropriate notifications are sent to the roaming customer's mobile device, for example by an SMS message, pop-up window on the computer or by an e-mail, when the data roaming services have reached (i) fifty percent (50%) and (ii) seventy five percent (75%) of the agreed financial limit specifying the consumed amount of the financial limit and the financial limit in Bahrain Dinars. In addition all mobile telecommunications service providers shall, in respect of prepaid subscribers, also specify the credit balance available on their prepaid account(s). Each subscriber shall have the right to require the mobile telecommunications service provider to stop sending such notifications and shall have the right, at any time and free of charge, to require the mobile telecommunications service provider to provide the service again.

When the financial limit would otherwise be exceeded, a notification shall be sent to the roaming customer's mobile device. That notification shall indicate the procedure to be followed if the roaming customer wishes to continue provision of those services and the cost associated with each additional unit to be consumed. If the roaming customer does not respond as prompted in the notification received, the mobile telecommunications service provider shall immediately cease to provide data roaming services and cease to charge the roaming customer for data roaming services, unless and until the roaming customer requests the continued or renewed provision of those services.

Whenever a subscriber requests to opt for or to remove a financial limit facility, the change shall be made within one working day of receipt of the request, shall be free of charge, and shall not entail conditions or restrictions pertaining to other elements of the subscription.

The provisions of this Article 4.6 shall only apply in respect of post-paid customers.

~~4.7 All mobile telecommunications service providers shall take reasonable steps to protect their subscribers from paying roaming charges for inadvertently accessed roaming services while situated in the Kingdom. This shall include informing customers on how to avoid inadvertent roaming in border regions.~~

ARTICLE 5 – Tariff Representation

5.1 The pricing information referred to in Articles 3 and 4 of this Regulation shall be inclusive of all applicable taxes.

ARTICLE 6 – Enforcement

6.1 Any breach of this Regulation by a mobile telecommunications service provider will be perceived as a severe breach of its Licences and the provisions of the Telecommunications Law.

6.2 Without prejudice to the Authority's powers provided for in the Telecommunications Law, the Authority may take the following measures in respect of any person who infringes any provision of this Regulation:

- (a) the imposition of an appropriate fine in accordance with the provisions of Article 35 of the Telecommunications Law; and
- (b) order the cessation of any act or omission which constitutes such infringement.

6.3 The Authority may, when taking any measure to ensure compliance with the Regulation, give such publicity as it may consider appropriate in the circumstances.

ARTICLE 7 – Entry into force and effective date

7.1 This Regulation shall come into force- the day following the date of publication in the Official Gazette. Mobile telecommunications service providers shall be allowed a period of twelve (12) months from the date of entry into force of this Regulation to comply with the provisions of this Regulation. enter into force on the 1st April 2016