

REGULATION

Consultation Process Regulation

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A Regulation issued by the Telecommunications
Regulatory Authority

10 August 2003

Purpose: A specific regulation (byelaw) that encapsulates the principles and process for consultation processes, as set out in statement “Consultation process framework”, ERU/ST/001, issued 10th August 2003.



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**REGULATION PURSUANT TO SECTION 3(F) OF THE LEGISLATIVE
DECREE NO. 48 OF 2002 PROMULGATING THE TELECOMMUNICATIONS
LAW**

TRA REGULATION – REF: 1/2003

The Telecommunication Regulatory Authority hereby issues, with effect from the above date, the regulation attached in Appendix A hereto pursuant to Section 3(f) of the Legislative Decree No. 48 of 2002 Promulgating the Telecommunications Law.

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APPENDIX A

REGULATION PURSUANT TO SECTION 3(F) OF THE LEGISLATIVE DECREE NO. 48 OF 2002 PROMULGATING THE TELECOMMUNICATIONS LAW

TRA REGULATION – REF: 1/2003

A1.1 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 it has in the Legislative Decree No. 48 of 2002 Promulgating the Telecommunications Law (the “Telecommunications Law”).

A1.2 Application

This regulation shall apply to all comments made by and opinions of interested parties pursuant to Section 3(f) of the Telecommunications Law (“Comments”), unless any part of this regulation is expressly excluded by the Authority in the document or communication that invites comments from interested parties (the “Invitation”).

A1.3 Publication of Invitation

The Authority’s preferred method of publishing an Invitation is by doing so on its website (the “Website”) (currently www.tra.org.bh). Interested parties in the telecommunications industry in Bahrain are encouraged to consult the Website on a frequent basis. The Authority may (but shall not be obliged to):

- 3.1 publish an Invitation that relates to a measure of particular importance in the general media in Bahrain and elsewhere; and/or
- 3.2 send Invitations to potential interested parties then known to the Authority.

A1.4 Format of Comments

Comments shall be in writing and shall be submitted in such format as the Authority may specify in the Invitation or, if an Invitation does not specify a format, in such format as specified from time to time on the Website. Unless otherwise specified in the relevant Invitation, the Authority’s preferred means of receiving comments is by e-mail to consult@tra.org.bh. If comments are submitted in printed format, they must be submitted on A4 paper accompanied by a disk containing the Comments in electronic format.

A1.5 Language

The working language of the Authority for the time being is English. While the Authority will accept comments in either Arabic or English, the Authority encourages

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interested parties to comment in English or attach an English translation where Comments are submitted in Arabic.

A1.6 Deadline for Submissions and Timescales

- 6.1 Comments shall be submitted on or before the deadline specified in the relevant Invitation.
- 6.2 If an interested party requests an extension of the deadline for good cause or an extension is granted by the Authority on its own accord, the Authority shall publish details of such extension in accordance with Section 3 above.
- 6.3 The Authority may in its sole discretion consider late Comments upon good cause shown by the interested party submitting such Comments.
- 6.4 Unless otherwise specified in the relevant Invitation or not practicable, the Authority shall endeavour to allow interested parties at least 28 days from the date of the Invitation to submit comments.

A1.7 Standing and Contact Details

All Comments shall contain a brief statement explaining the interest of the party submitting the Comments in relation to the particular measure that forms the subject-matter of the Invitation. In addition, an interested party shall include as part of the Comments its:

- 7.1 name;
- 7.2 name of the principal contact person;
- 7.3 physical address;
- 7.4 telephone number;
- 7.5 fax number; and
- 7.6 e-mail address.

A1.8 Unsolicited Comments

An interested party may submit Comments in the absence of an Invitation where such party can show that the particular measure that forms the subject-matter of the Comments will have a material effect on a particular telecommunications market. However, where the Authority has invited Comments by way of an Invitation, interested parties must submit their Comments pursuant to the Invitation.

A1.9 Duty to Consult Website

The Authority's preferred information source for any consultation is the Website. The onus is on interested parties to consult the Website on a regular basis for developments regarding any consultation. The Authority may (but shall not be obliged to) also use other means to keep the public informed of ongoing consultations, including, without limitation, by way of

- 9.1 publishing an Invitation that relates to a measure of particular importance in the general media in Bahrain and elsewhere; and/or
- 9.2 sending Invitations to potential interested parties then known to the Authority.

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A1.10 Confidentiality of Comments

- 10.1 The Authority may (but shall not be obliged to) make Comments public and invite interested parties to comment on any Comments.
- 10.2 An interested party may request the Authority to treat all or part of its Comments as confidential by clearly demonstrating to the Authority the commercial sensitivity of the relevant part(s) and also providing the Authority with a version of the Comments (clearly marked on each page as “for public circulation”) that excludes the parts that the interested party believes are commercially sensitive.
- 10.3 Only if the Authority finds that commercial sensitivity exists shall it exclude the relevant parts from public scrutiny.
- 10.4 For purposes of this regulation, “commercially sensitive” shall not include any information that is in the public domain or must be disclosed under applicable law.
- 10.5 The TRA may categorise confidential information as either:
 - a) “TRA Only Information”, being commercially sensitive information only appropriate for review by the Authority and its advisors on a “need to know” basis; or
 - b) “Restricted Information” being information of a party which should be available only to a limited number of designated persons within another party, such as the appropriate legal advisors, regulatory personnel and outside experts.

A1.11 Public Hearings

- 11.1 The Authority may (but shall not be obliged to) hold a public hearing in respect of any Invitation or Comments. Details of such public hearing shall be made available on the Website.
- 11.2 The Authority may on its own initiative or at the request of an interested party establish working groups to meet, examine and take other action related to the telecommunications industry. Each working group shall appoint its own chairperson, failing which the Authority may appoint the chairperson. Working groups shall present progress reports to the Authority, working groups members and other parties.

A1.12 Additional Comments

In general, the Authority plans to invite only a single round of Comments in relation to each measure that forms the subject matter of an Invitation. However, under exceptional circumstances the Authority may (but shall not be obliged to) invite additional Comments, particularly to invite the opinions of other interested parties in relation to the Comments received from specific interested parties.

A1.13 Final Measures

In general, the Authority plans to publish the relevant final measure, if any, that formed the subject-matter of an Invitation as soon as practicable following receipt of the Comments and, if applicable, the public hearing (referred to in Section 11) and additional Comments (referred to in Section 12). The Authority may (but shall not be obliged to) respond to some or all of the Comments received, including by way of an explanatory note, when it publishes the relevant final measure.