



هيئة تنظيم الاتصالات
Telecommunications Regulatory Authority

EMERGENCY ORDER NO. 1 OF 2015 TO

REFRAIN FROM BLOCKING OR DEGRADING ANY VOICE OVER INTERNET PROTOCOL TRAFFIC, APPLYING ADDITIONAL CHARGES & AMEND THE FAIR USAGE POLICY

The Order

In the exercise of its powers under Articles 3(b), 3(c)(1), 3(c)(4), 3(c)(14), 3(c)(18) of the Telecommunications Law, the Telecommunications Regulatory Authority (the Authority) makes the following Emergency Order.

All licensees holding an Individual Licence for Mobile Telecommunications Service (IMTL holders) shall do the following:

- 1. Confirm by 5 p.m. on Thursday 22 October 2015 that they will comply with this Emergency Order;**
- 2. By 5 p.m. on Thursday 22 October 2015 refrain from blocking or degrading any voice over internet protocol traffic;**
- 3. By 5 p.m. on Thursday 22 October 2015 refrain from, applying additional charges for the use of voice over internet protocol applications;**
- 4. By 5 p.m. on Thursday 22 October 2015 amend the current Fair Usage Policy to reflect the version that was in place on the 1st January 2015;**
- 5. By 5 p.m. on Thursday 22 October 2015 refrain from promoting, selling or in any way making available any add-on service package specifically targeted to effectively enable the use of voice over internet protocol applications;**
- 6. Confirm by 6 p.m. on Thursday 22 October 2015 that they have complied with the Emergency Order.**

Failure to comply with this Order will result in the Authority taking further regulatory action for breaches of the Telecommunications Law and Licenses.



هيئة تنظيم الاتصالات
Telecommunications Regulatory Authority

EMERGENCY ORDER NO. 1 OF 2015 TO

REFRAIN FROM BLOCKING OR DEGRADING ANY VOICE OVER INTERNET PROTOCOL TRAFFIC, APPLYING ADDITIONAL CHARGES & AMEND THE FAIR USAGE POLICY

Reasons for Order

The Authority is in receipt of a considerable number of complaints raised by consumers to the effect that:

- (i) their use of voice over internet applications has been negatively impacted such that they are unable to use voice over internet protocol applications over their mobile telecommunications service package; and
- (ii) their internet access service is severely downgraded following consumption of their data threshold.

From investigations carried out by the Authority, it transpires that the complaints raised by subscribers are *prima facie* justified. Subscribers are, as of the past few hours, facing severe degradation to their mobile telecommunications service which has practically resulted in voice over internet protocol traffic being blocked.

The Authority notes that the introduction of traffic management practices, the degradation of the quality of service and the subsequent effect on consumers equates to a significant limitation of the service which in turn amounts to a material change in the terms and conditions of service.

In addition, the IMTL holders (or some of them) have, made modifications to their respective Fair Usage Policies so that the throttled speed has been significantly reduced. This has resulted in a material effect on the performance of the service. This action is also considered by the Authority as a change to the subscriber terms and conditions of service.

The Authority refers to Article 8.5 of the Individual Mobile Telecommunications Licence which specifically provides that any proposed modifications to the standard subscriber agreement must be submitted to the Authority *in advance* for its review *prior* to taking effect. Since such changes have not been submitted to the Authority for its approval, IMTL holders are in breach of their licence terms.

The Authority further notes that all three IMTL holders have very recently (over the past few days) introduced a special add-on service package specifically targeted to effectively enable the use of voice over internet protocol applications.



هيئة تنظيم الاتصالات
Telecommunications Regulatory Authority

EMERGENCY ORDER NO. 1 OF 2015 TO

REFRAIN FROM BLOCKING OR DEGRADING ANY VOICE OVER INTERNET PROTOCOL TRAFFIC, APPLYING ADDITIONAL CHARGES & AMEND THE FAIR USAGE POLICY

The coordinated behavior of the three licensees in question is duly noted and the Authority reserves its rights to conduct an investigation as to whether the provisions of Article 65(b)(2) have been breached.

Based upon the above and after consideration of Articles 3(b), 3(c)(1), 3(c)(4), 3(c)(14), 3(c)(18) of the Telecommunications Law and Article 8.5 of the Individual Mobile Telecommunications Licence, the Authority hereby issues this Order.

Issued on 22 October 2015 by

Mr. Mohammed Bubashait
General Director

Manama, Kingdom of Bahrain