



A public consultation document issued by the

Telecommunications Regulatory Authority of the Kingdom of Bahrain

**REPEAL OF REGULATION 1 OF 2008 –
REGULATION ON NOTIFICATION OF INTERNATIONAL
ROAMING TARIFFS BY SMS
&
SUBSEQUENT ADOPTION OF
REGULATION [-] OF 2015 –
REGULATION ON ROAMING ON PUBLIC MOBILE
COMMUNICATIONS NETWORKS**

CONSULTATIVE PAPER

SEPTEMBER 17 2015

LAD 0915 137

The address for responses to this document is:

The General Director

Telecommunications Regulatory Authority

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The deadline for responses is **4pm** on October 18 2015

Purpose: to consult on the proposed Roaming Regulation ("Draft Regulation")



Instructions for Submitting a Response

- 1 The Telecommunications Regulatory Authority (the "TRA") invites comments on this document from all interested parties and, in particular, from undertakings supplying mobile telecommunications services. Comments should be submitted to the TRA by **4pm on October 18 2015**.
- 2 Responses should be sent to the TRA preferably by email (either Word or PDF format) or by fax or post to the attention of:

The General Director
lad@tra.org.bh
Telecommunications Regulatory Authority
P.O. Box 10353
Manama
Kingdom of Bahrain
Fax: +973 1753 2125
- 3 Responses should include:
 - a. the name of the company/institution/association etc.;
 - b. the name of the principal contact person;
 - c. full contact details (physical address, telephone number and e-mail address); and
 - d. in the case of responses from individual consumers, name and contact details.
- 4 The TRA expects respondents to provide comments in response to each of the questions set out in this document. The TRA invites respondents to substantiate their responses, wherever possible, by providing factual evidence to support their responses.
- 5 In the interest of transparency, the TRA will publish a consultation report document which would include a summary of the submissions received available to the public, subject to the confidentiality of the information received. The TRA will evaluate requests for confidentiality in line



with relevant legal provisions and the TRA's published guidance on the treatment of confidential and non-confidential information.¹

- 6 Respondents are required to mark clearly any specific information included in their submission which 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. If a submission is marked confidential in its entirety, reasons for this should be provided. The TRA may publish or refrain from publishing any document or submission at its sole discretion.
- 7 Once the TRA has received and considered the responses to the Draft Regulation, the TRA intends to issue: (i) a final version of the Regulation; and (ii) a consultation report outlining the submissions received, the TRA's view on the same and the reasoning for the TRA's position.

SECTION 1 Background

- 8 This section is intended to provide a brief overview of the background to this consultation and some information on developments at a domestic level.
- 9 Pursuant to Article 3(b)(1) of the Telecommunications Law of the Kingdom of Bahrain (hereinafter referred to as "the Telecoms Law") the TRA is entrusted with the protection of Subscribers and Users in respect of *inter alia* the tariffs charged for services. The remit of the TRA to assume responsibility for overseeing and regulating consumer protection is reiterated in Article 29(c)(3) of the Telecoms Law.
- 10 By virtue of Article 3(c)(1) of the Telecoms Law, the TRA is entrusted with the power to *inter alia* issue legal instruments in relation to services' tariffs and all other matters covered by the Telecoms Law and licences. Moreover, Article 3(c)(14) empowers the Authority to review tariffs to ensure that they are fair and reasonable and to establish the basis for tariff definition.
- 11 International mobile roaming tends to be more costly to provide than a domestic mobile call. There are a number of components that contribute to the cost of international voice roaming. These include mobile origination, mobile or fixed termination, international transit and the costs associated with the billing and accounting of effecting such a call. Mobile network operators adopt a so-called tariff scheme between themselves so that the visited network operator charges a wholesale inter operator tariff to the home network operator for calls, SMSs and data originated on the visited network. The visited network is responsible for providing the call and typically pays a termination fee to the fixed or mobile terminating network (where the call is not on-net). The roaming customer then makes a retail payment (for a roaming charge) to the home network operator and typically that tariff reflects a mark-up on the inter operator tariff.

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.



- 12 The TRA has sought to regulate the application of roaming charges by requiring that mobile telecommunications service providers notify subscribers of the applicable roaming charges. To this end, Regulation 1 of 2008 (Regulation on Notification of International Roaming Tariffs – hereinafter referred to as “the Original Regulation”) was published on the 17 July 2008.
- 13 The Original Regulation was amended by virtue of Resolution number 7 of 2009 which saw the introduction of certain improvements thereto. For example: people who are visually impaired were better safeguarded and subscribers were granted the right to a choice of language of notification – albeit mobile telecommunications service providers could limit such choice to English and Arabic languages.
- 14 It is fair to point out at this stage that since the enactment of the Original Regulation, a number of notable developments have had some limited impact on the roaming market.
- 15 A number of roaming substitutes have emerged at the retail level such as VoIP, WiFi hotspots dual SIM handsets and local, global or regional SIM cards. These have enabled some consumers to bypass high roaming prices. Substantial complexity is associated with the use of these alternatives and their availability and awareness is not widespread among consumers. Wi-Fi hotspots available do not universally provide seamless handover between hotspots and so are not suitable for voice or data while on the move. Moreover, there are coverage limitations in the use of Wi-Fi since the geographic coverage and availability of such hot spots are in today’s day and age mostly limited. In addition, the fact that complaints related to bill shocks continue to increase is suggestive of the fact that these changes have not had an appreciable effect on the market. It is therefore safe to conclude that the roaming market is characterised by a lack of effective substitutes and low consumer demand elasticity.
- 16 Moreover, the proliferation of mobile devices, the ever-increasing demand for telecommunications services and the growing trend in business and holiday travelling has seen the demand for international roaming services increase exponentially.
- 17 This phenomenon, in turn, has seen a surge in revenues generated from international mobile roaming services - and correspondingly in complaints from subscribers regarding unexpected high mobile bills.
- 18 As concluded by WIK in its report dated 30 April 2015:

“It is widely acknowledged that, in the absence of intervention by governments or regulators, the prices that consumers pay for International Mobile Roaming services tend to be high in relation both to comparable domestic prices and to the real underlying cost of providing these services. These inflated prices are understood to represent a burden on societal welfare. In addition, individuals are subject to the risk of unexpectedly high bills (“bill shock”), and needing to have



multiple SIMs (Subscriber Identification Modules) and thus multiple mobile numbers across the different countries they frequently visit.”²

- 19 Unexpectedly high mobile bills are most commonly caused by consumers downloading data, primarily while using international roaming services.
- 20 In general, consumers have a low level of awareness of the possibility of unexpectedly high bills, and of how they could better protect themselves, particularly in relation to data roaming services. Consumers can find it difficult to obtain information about data roaming charges.
- 21 The need to enhance consumer protection in this context has been acknowledged by most jurisdictions. For instance the International Telecommunications Union has called upon Member States to take an active role in consumer education and protection by *inter alia* requiring operators to provide clearer and more transparent information to users on the details of international mobile services and the structure and billing of international roaming rates; the usage of alerts delivered via SMS or other electronic means when roaming users arrive in another country, which may include prices or warning that higher prices apply and instructions on how to obtain further information or access to their recorded usage/expense; the usage of warning alerts delivered via SMS or other electronic means that indicate when the roaming user has incurred a certain cost level; and the implementation of automatic roaming cost caps for certain international roaming services.³
- 22 The TRA recognises that there are a number of rules already in place (or under consideration) which should, at least in theory, help reduce the likelihood that consumers will receive unexpectedly high bills. These include the Original Regulation (as duly amended), the Ministerial Resolution setting out the GCC roaming rates and the Consumer Protection Guidelines.
- 23 Notwithstanding the regulatory steps taken to enhance consumer protection, the TRA is in receipt of a substantial number of disputes filed by subscribers in relation to disputed international roaming charges.
- 24 Indeed, during the period from January 2014 to May 2015, the TRA has received 51 disputes.
- 25 In most instances, the disputed roaming charges are significant – sometimes running into the thousands of Bahrain Dinars.
- 26 According to data gathered from mobile telecommunications service providers, the number of complaints related to international roaming charges submitted by end-customers over the period January 2014 to May 2015 totalled 501.

² Regulatory Impact Assessment of policies seeking to improve International Mobile Roaming across the Gulf Corporation Council at para. 1.1.

³ ITU-T Rec. D.98 (09/2012) at section 5 thereof.



- 27 In total the disputed roaming charges emanating from the complaints referred to in the preceding paragraphs amount to seventy six thousand five hundred sixty six Bahrain Dinars (BD 76,566).
- 28 It is significant to note that the value in Bahrain Dinars of the disputed roaming charges for the first five months of 2015 (BD 46,320) exceeds the total amount for the entire 2014 (BD30,246).
- 29 This is not an insignificant statistic and is indicative to the TRA that further intervention is warranted so that regulatory obligations should be imposed to provide additional protection and to better safeguard the interests of roaming customers.
- 30 Increasing tariff transparency and consumer protection measures are, in the TRA's view, of paramount importance. The TRA considers it necessary to take regulatory action geared towards relieving customer concerns over "bill shocks" and to safeguard consumers who might not necessarily be familiar with the specific characteristics of international roaming services. It is equally important that consumers are empowered to make an informed choice as to their consumption of international roaming services.
- 31 The TRA sees that, in the long run, addressing such issues would arguably also be beneficial to mobile telecommunications service providers since this should lead to increasing customer confidence, especially in international data roaming services, which could in turn lead to an increase in the consumption of international mobile roaming services, potentially resulting in higher revenues.
- 32 The TRA maintains that the ability for residents and citizens of the Kingdom of Bahrain to communicate efficiently and at competitive prices while travelling abroad, whether for the purposes of business or leisure, is an essential pre-requisite for their general welfare.
- 33 Therefore, this Regulation should apply to all international roaming customers regardless of whether they have a pre-paid or a post-paid contract with their mobile telecommunications service provider, to ensure that all users of mobile voice telephony may benefit from its provisions.
- 34 It is the TRA's policy objective to ensure user choice and transparency. For this reason, it is imperative that the following operational measures are in place:
- (a) Ensure that the user can control/monitor its international roaming expenditure;
 - (b) Ensure user choice regarding bill control measures (e.g. what limits);
 - (c) Ensure user choice in terms of its provider of roaming services;
 - (d) Ensure easy access to information on the applicable tariffs;
 - (e) Ensure easy access to information on possible options or choices available to the end-user (e.g. regarding bill control measures);
 - (f) Ensure availability of information on roaming tariffs in the appropriate tariffs.



- 35 It is therefore vital that consumers are empowered with the possibility of making informed decisions. For this to take place, transparency of retail prices for making and receiving calls when abroad is called upon. The Original Regulation does have some measures in place which serve this purpose. However, as has already been inferred earlier in this document, the number of complaints received is indicative that more needs to be done. Enhanced transparency requirements on operators with regard to international data roaming should serve to counter to some degree the problem of bill shock. The aim is to deliver a higher level of consumer protection in the mobile telecommunications services sector.
- 36 As such it is desirable that mobile telecommunication service providers should enable their international roaming customers to easily obtain information free of charge, even while abroad, on the roaming tariffs (inclusive of all taxes) applicable to them when making or receiving calls and on sending text messages. Moreover, mobile network operators should give their customers, on request and free of charge, additional information on the per-minute or per-unit data charges (inclusive of all taxes) for consuming data communication services within the country that they have entered.
- 37 In addition TRA is mooting the introduction of an opt-in choice for consumers to request mobile service providers to notify them whenever they connect to a different network while roaming in that same visited country.
- 38 Furthermore, with the ubiquitous availability of data-enabled mobile handsets, coupled with the insatiable thirst for international bandwidth and with the unrelenting proliferation of internet based applications including social media sites, the requirement to extend protection to consumers from data roaming bill shocks assumes significant importance.
- 39 The TRA acknowledges that some licensed operators have undertaken a somewhat limited initiative to enhance transparency and increase consumer welfare. For example certain operators (although not all) provide a notification by virtue of an SMS to roaming customers when certain thresholds in Bahrain Dinars are met. Another operator informs its roaming customers that data roaming is switched on and that this function should be disabled in order to avoid data roaming charges.
- 40 The TRA believes that these initiatives, while commendable, are not sufficient and in any case, have not been introduced universally by all mobile telecommunications service providers.
- 41 To this end, mobile telecommunications service providers must, unless otherwise requested, offer their customers a monthly cut-off limit for data roaming charges (incurred when surfing the internet from mobile phones and laptops while abroad), of no higher than fifty Bahrain Dinars (BHD 50).
- 42 The TRA believes that the BHD 50 cut-off limit is reasonable. In the TRA's view, it strikes a fine balance between on the one hand protecting the consumer from being exposed to unintended



unaffordable high international roaming bills, while on the other hand making sure that the limit is set at such a level that it does not become an inconvenience to the consumers nor an excessive burden on operators to implement.

- 43 It is also encouraging to note that, on the basis of data submitted by operators, on average less than 10% of all international roaming customers spend in excess of BHD 50 on international roaming. This would therefore imply that there is little risk that the introduction of the financial cap would have a severe impact on licensees' revenues.
- 44 Service providers must, in addition, give customers a warning when they have incurred fifty percent (50%) of the limit and then at seventy five percent (75%) of the limit specifying the consumed amount of the limit in Bahrain Dinars. From 1 April 2016 service providers must apply the default BHD 50 limit to all customer accounts and issue the relevant warnings – unless a subscriber has specifically opted-out from the application of the cut-off limit. In addition consumers must be able to specify in advance how high their data roaming bill can go before the service is cut off.
- 45 Mobile telecommunication service providers may offer an all-inclusive monthly flat-rate which could cover international roaming voice and/or data including SMS and MMS. In such a case, mobile telecommunication service providers should remain obliged to comply with all applicable transparency and regulatory measures.
- 46 Should they offer one, mobile telecommunication service providers would be required to furnish information on the all-inclusive flat rate when subscriptions are taken out and each time there is a change in roaming charges. Information should be provided by appropriate means and should ensure that all their roaming customers are aware of the applicable tariffs.
- 47 Corollary the TRA is committed to reaching a balance between the interests of consumers and the cost of enhanced regulation. For this purpose, the TRA will endeavour to ensure that the introduction of additional transparency measures is realistic in terms of cost and practicality.
- 48 TRA aims to make available information on its website with the aim of assisting international roaming customers in their choices insofar as this relates to the use of their mobile telephones while abroad. Such information may include the publication of the contact numbers of mobile telecommunication service providers for reporting lost or stolen phones; information regarding costs; and assistance on switching off data roaming.
- 49 Measures related to price control and pricing caps are not addressed in this Regulation but are tackled by a separate legal instrument.
- 50 The transparency measures should be seen as minimum safeguards for international roaming customers and does not preclude mobile telecommunications service providers from offering their customers other facilities which would help them to predict and control their expenditure on international data roaming services. For instance mobile operators in other jurisdictions have



developed systems which enable their customers to be updated on a real-time basis on their accumulated outstanding international data roaming charges.

- 51 This document sets out the TRA's view on the promulgation of a new Regulation which would give rise to greater transparency and enhanced consumer protection, while repealing the Original Regulation.
- 52 The TRA is seeking respondents' views on the provisions of the draft new Regulation. Subject to the responses received, the TRA plans to publish the new Regulation in the fourth quarter of 2015.
- 53 The TRA believes that it is important for all interested parties to see the views of others during a consultation. As such the TRA will publish a summary of all the responses received on the TRA website as part of the Consultation Report. In its Consultation Report, the TRA will give reasons for its decisions and will give an account of how the views of those concerned helped shape those decisions.
- 54 This consultation document is without prejudice to the legal position or the rights and duties of the TRA to regulate the provision of telecommunications services. Any views expressed in this document are not binding on the TRA and are without prejudice to the final form and content of any decisions the TRA may make. This consultation document including the Draft Regulations is not a substitute for any regulation or law and does not constitute legal advice. Inappropriate reliance ought not therefore to be placed on the contents of this document.
- 55 The new Regulation will be kept under review and amended as appropriate in the light of further experience and developing law and practice and any change to the TRA's powers and responsibilities.
- 56 Capitalised terms used throughout this document shall have the same meaning attributed to them by the Regulation and by the Telecoms Law.



SECTION 2

A Review of the Regulation and Proposed Changes

2.1 Article 1 – Subject Matter & Scope

57 Article 1 sets out the TRA's policy objective that would be safeguarded by the introduction of the measures identified in the Regulation.

58 The TRA does not believe that there is anything contentious about this Article.

Q1: Do you agree with the policy objectives of choice and transparency identified by the TRA and that the measures proposed by the TRA in the Regulation would be effective for meeting those objectives? Please explain and substantiate your responses with data where possible.

2.2 Article 2 – Definitions

59 Article 2 provides a list of defined technical terms which should serve to assist in the better reading of the draft Regulation and in the process reduce legal uncertainty.

Q2: Do you agree with the proposed definitions? Which definitions would you revise? Are additional defined terms necessary?

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

60 Article 3 of the draft Regulation sees the introduction of additional transparency obligations. For instance the Original Regulation did not require that an automatic message be repeated when the roaming subscriber connects to a different network when roaming in that same visited country. The TRA believes that this has created a lacuna that requires to be addressed specifically. Indeed there have been cases where subscribers have purchased a roaming package on a particular network, the device automatically (and without the subscribers' knowledge) switches network so that the subscribers are no longer benefitting from the preferential rates offered via the roaming package) only for the subscribers to discover the cost on receipt of their bill.

61 This is one of the reasons that has prompted the TRA to require mobile telecommunication service providers to provide, upon request, an SMS alert to their roaming customer every time that roaming customer connects to a different network.



The information that must be included in the SMS alert insofar as this relates to the making or receiving a voice only call or SMS is broadly similar to what was required under Article 2 of the Original Regulation. What has however, been changed is that affected licensees need to make information available to their subscribers on how to avoid inadvertent international roaming and a specific section that deals with data roaming.

Q4: Do you agree that the requirements in Article 3 are beneficial to end-customers and therefore maintained in place? If not, please give reasons.

Q5: Do you consider that the obligations covered by Article 3 constitute an undue burden on mobile telecommunications service providers?

2.4 Article 4 – Transparency and safeguard mechanisms for retail data roaming services

- 62 Article 4 sees the introduction of transparency obligations vis-à-vis data roaming. Mobile network operators are now required to inform their roaming subscribers of the applicable tariffs for the use of international data roaming services. This provision of information is required both at contract signature stage and subsequently when the subscriber connects to a network outside of Bahrain.
- 63 As with the notification obligation in the case of voice only calls and SMS, the subscriber retains the right to opt out of receiving such information provided that the subscriber can subsequently elect to receive the tariff notification.
- 64 As has been successfully implemented in other jurisdictions, the TRA requires that licensees implement a financial limit in respect of international data roaming charges. Unless requested otherwise by the subscriber, that financial limit is set at 50BHD. The Regulation requires that when a subscriber reaches 50% and then 75% by way of data roaming charges of the financial limit, then automatic messages are sent to the subscriber informing him accordingly specifying the consumed amount of the limit in Bahrain Dinars. When the financial limit would otherwise be exceeded, the subscriber has to (i) inform the subscriber of the procedure to be followed for the continued use of data roaming services; (ii) the costs associated with each additional unit; and (iii) unless the subscriber responds to the notification, the service provider must cease providing data roaming services.
- 65 It is important to highlight that the financial limit (whether it is the automatic default of 50BHD or any other limit requested by the subscriber) is to be calculated taking into account only international data roaming services, and that accordingly the notification requirements contemplated under Article 4.6 apply only in relation to data roaming services. In other words, if the roaming customer does not use data roaming services but the charges for international roaming services exceeds the financial limit through voice only calls or SMS, then the requirements set out in article 4.6 do not arise.



- 66 This seeks to address the myriad of complaints received by the TRA regarding bill shocks which, with no exception, all concern data roaming services (as opposed to roaming calls and roaming SMS).
- 67 Subscribers have the right to change the financial limit and such change must be implemented by the licensee within one working day. No conditions may be attached to the right to affect such a change.

Q6: Do you agree with the obligations proposed under Article 4? If not please explain why and suggest changes.

Q7: Taking into account the interests of mobile users and operators, do you consider that the obligations covered by Article 4 constitute an undue burden on mobile telecommunications service providers?

Q8: Would the identified transparency obligations be enough to tackle the problem of high charges? What sort of transparency mechanism can work effectively to stop the “bill shock”?

Q9: What do you envisage to be the financial impact (revenues, costs, profits, volumes etc.) on mobile telecommunications service providers for the application of the Regulation?

2.5 Remaining Clauses

- 68 The TRA does not believe that Articles 5, 6, and 7 should give rise to much controversy although it is to be noted that under Article 6.3, in the event that the TRA takes remedial action against a licensee, it may publicise such action as it deems appropriate.

Q10: Do you disagree with the provisions of Articles 5, 6 and 7? Please provide your reasons if you disagree.



SECTION 3

Draft 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 SMS alert sent by the mobile telecommunications service licensee referred to in Article 3.2 and Article 4 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;
- (j) **“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 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 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.

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.

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

7.1 This Regulation shall enter into force on the 1st April 2016.