



هيئة تنظيم الاتصالات  
Telecommunications Regulatory Authority

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

### **Consumer Protection Regulation**

2 February 2017

**[REFERENCE NUMBER]**

The address for responses to this document is:

The General Director

Telecommunications Regulatory Authority (“The Authority”)

PO Box 10353, Manama, Kingdom of Bahrain

Alternatively, e-mail responses may be sent to the

Authority’s email address at [LAD@tra.org.bh](mailto:LAD@tra.org.bh)

The deadline for responses is **2 March 2017**

## **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 2 March 2017.**

Responses to this document should be sent to:

The General Director  
LAD@tra.org.bh  
Telecommunications Regulatory Authority  
P.O. Box 10353,  
Manama, Kingdom of Bahrain

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.<sup>1</sup>

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

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<sup>1</sup> 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](http://www.tra.org.bh/en/pdf/Confidentiality_Guidelines_Final.pdf)

submission is 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 Consultation Process Regulation issued by the Authority on 10 August 2003<sup>2</sup>.
3. The information contained in this document is intended to provide background on a new Consumer Protection 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 of 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 (hereinafter referred to as “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 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 2 June 2016, the Authority launched a Public Consultation (the “First Consultation”) on the Consumer Protection Regulation (the “Draft Regulation”) where it invited comments from interested parties on the same.

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<sup>2</sup> [http://www.tra.org.bh/media/document/Consultation\\_Process\\_ERU\\_RN\\_001\\_v1.0\[1\].PDF.pdf](http://www.tra.org.bh/media/document/Consultation_Process_ERU_RN_001_v1.0[1].PDF.pdf)

8. The Authority received responses from Batelco, Zain, VIVA, and Mena Telecom. The Authority wishes to thank all respondents for their comments.
9. Following a review of the responses to this consultation, the Authority has decided to propose further changes to the Draft Regulation and issue a second round of consultation on a new Chapter 4 titled 'Access to Online Content and Applications' (the "New Chapter").
10. The Draft Regulation aims to harmonise rules pertaining to consumer protection across the telecommunications industry by preventing business practices that are unfair to consumers. The Draft Regulation supplements the Law and fills the gaps where the Law does not reach. Uniform rules about unfair commercial practices will give consumers greater confidence when engaging with service providers for goods and/or services by providing a high common standard of consumer protection.
11. The New Chapter sets out obligations which contribute to the consistent application of the Authority's conclusions outlined in section 6 of its Position Paper on Internet and Online Applications published 6 October 2016. The New Chapter proposes new obligations on service providers in relation to accessing online content and applications, which, in addition to the obligations set out in the Draft Regulation, provide a comprehensive and relevant set of consumer protection rules. The Authority believes that the proposed measures will ensure that consumers have access to timely and accurate information about speeds, quality of service and traffic management practices in their contracts with service providers.
12. The comments received from Batelco, Zain, VIVA and Mena Telecom on the First Consultation are summarised in Annex 1 to this Consultation Report, as are the Authority's responses to each comment. The changes to the draft Consumer Protection Regulation that the Authority has made in response to the comments received from the stakeholders are also set out and explained in Annex 1.
13. The new draft of the Consumer Protection Regulation (the "New Draft Regulation") along with the New Chapter is appended in Annex 2 to this Consultation Report.
14. The Authority seeks comments from stakeholders in the telecommunications industry, the business community and the general public on the New Chapter, attached at Annex 2. All comments should be supported as much as possible by detailed explanation, including,

where relevant, references to the specific provisions of the Telecommunications Law<sup>3</sup> or Licences that the respondent is relying upon.

15. Further, the Authority invites respondents to provide comments in response to the questions on the New Chapter only. Any comments relating to the any or all other parts of the Draft Regulation or the New Draft Regulation will not be considered.
16. 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.
17. Capitalized terms used throughout this document shall have the same meaning attributed to them by the Regulation and the Law.

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<sup>3</sup> The Telecommunications Law of the Kingdom of Bahrain, promulgated by Legislative Decree No. 48 of 2002

## Section 2 Consultation Questions

### Chapter 4

Chapter 4 sees the introduction of obligations related to access to online content and applications. The New Chapter includes the following requirements:

- Consumers shall have the right to access and distribute lawful information and content;
- Public Telecommunications Operators shall not block, throttle, degrade, restrict or unduly discriminate against lawful information, content and applications;
- Reasonable traffic management practices are acceptable so long as they are transparent, non-discriminatory, proportionate and necessary in order to:
  - preserve the integrity and security of its network and of services provided via the network; and
  - prevent impending network congestion and mitigate the effects of exceptional or temporary network congestion, provided that equivalent categories of traffic are treated equally;
- Contracts which include internet access services will have the following as minimums:
  - Minimum quality of service levels as well as other parameters related to the quality offered;
  - Information on traffic management practices applied by the LO which may impact quality of service;
  - Information on pricing tariff related to access to or usage of specified content; and
  - Information on how volume and speed limitations may limit access to and/or use of services and applications.

1. Do you disagree with the proposed obligations in relation to access to online content and applications? If so, please specify and suggest changes.
2. Do you have any other comments on Chapter 4 of the Regulation?