



هيئة تنظيم الاتصالات
Telecommunications Regulatory Authority
Kingdom of Bahrain - مملكة البحرين

SIM-Card Enabled Telecommunications Services Registration Regulation

Consultation Report

07 January 2016

Ref: CSD 0116 003

1 INTRODUCTION

- 1.1 On 12 February, 2015, the Telecommunications Regulatory Authority (the “Authority”) launched a Public Consultation (the “Consultation Document”) on the Prepaid Telecommunications Services Registration Regulation in relation to the Requirement to Register Prepaid Telecommunications Services Subscriber Details (the “SIM Card Regulation”). The purpose of the Public Consultation was to invite comments from interested parties on the requirement to register prepaid telecommunications services subscriber details.
- 1.2 The Authority received responses from Batelco, Viva, Zain, Mena Telecom and the Indian Embassy.
- 1.3 On 09 April, 2015, the Authority launched a second Public Consultation (the “Second Consultation Document”) in order that the changes made to the SIM Card Regulation by the Authority could be responded to by interested parties (the “Second Consultation”).
- 1.4 In order to more accurately reflect the amendments made to the SIM Card Regulation, the Authority renamed the SIM Card Regulation the “*SIM-Card Enabled Telecommunications Services Registration Regulation*” (the “Redrafted SIM Card Regulation”). The purpose of the Second Consultation Document was to invite comments from interested parties on the content of the Redrafted SIM Card Regulation
- 1.5 The Authority received responses from Batelco, Viva, Zain and Mena Telecom.
- 1.6 The comments received from Batelco, Viva, Zain and Mena Telecom are summarised in Annex 1 to this Second Consultation Report, as are the Authority’s responses to each comment. The changes to the Redrafted SIM Card Regulation that the Authority has made in response to the comments received from the stakeholders are also set out and explained under Annex 1.
- 1.7 The latest draft of the Redrafted SIM Card Regulation (the “Final Regulation”) is appended as Annex 2 to this Consultation Report.
- 1.8 This Second Consultation Report reflects the views of the Authority on comments received in response to the Second Consultation Document. The Authority’s views as expressed in this Second Consultation Report are intended to provide an explanation of the Authority’s position on the comments received from the respondents. To the extent that any statement contained in this Second Consultation Report is inconsistent with the principles or provisions established under the Final Regulation, the Final Regulation shall prevail.
- 1.9 Any capitalised terms that are not defined in the table below, shall have the same meaning attributed to them by the Telecommunications Law or by the Second Consultation Document.

List of acronyms and definitions

Art.	Article
Authority	Telecommunications Regulatory Authority of the Kingdom of Bahrain and any successors thereof
Batelco	Bahrain Telecommunications Company B.S.C.
Consultation Document	The document published on 12 February, 2015 which included the SIM Card Regulation and which solicited responses to a number of questions set out in the Consultation Document
Final Regulation	The final and amended version of the SIM-Card Enabled Telecommunications Services Registration Regulation appended as Annex 2 to this Consultation Report
Licence	Has the same meaning as given to this term under Article 1 of the Telecommunications Law
Mena Telecom or Mena	MENA Telecom W.L.L.
Par.	Paragraph
Redrafted SIM Card Regulation	The draft version of the SIM Card Regulation that was appended to the Second Consultation Document
Second Consultation Document	The document published on 9 April 2015 which included the Redrafted SIM Card Regulation and which solicited responses to a number of questions set out in the Second Consultation Document
Second Consultation Report	This document: (1) summarising the responses received from the respondents; (2) setting out the Authority's responses to such responses; (3) identifying and explaining the amendments made unilaterally by the Authority to the Redrafted Regulation; and (4) including the Final Regulation
Telecommunications Law	The Telecommunications Law of the Kingdom of Bahrain, which was promulgated by Legislative Decree No. 48 in October 2002
Viva	Viva Bahrain B.S.C.
Zain	Zain Bahrain B.S.C.

Annex 1: Summary of responses received on the Second Consultation questions and the Authority’s conclusions¹

	Summary of comment received	The Authority’s view and conclusion
Question 1: Do you consider the definitions of Article 1 of the New Regulation sufficient? If not, please give reasons and state which terms you think should be added or omitted.		
Batelco		
	Batelco did not respond to this question.	-
Mena Telecom		
	<p>Mena understands the definition of Affected Licensee to be a mobile service operator that provides SIM-Card Enabled Telecommunications Services on a pre-paid basis and excludes prepaid services that are sold based on non-SIM card CPEs.</p> <p>Mena understands that the New Regulation will apply to mobile, SIM-based and prepaid services and to those which are not mobile, SIM-based and prepaid.</p>	The Authority believes that the terms of the Final Regulation are self-explanatory and do not require further clarification.
Viva		
	Viva believes that the definition of Outlets should be amended to include circumstances under which agents physically visit VIP customers, Commercial	The Authority agrees with Viva and has amended the Final Regulation accordingly.

¹ Please note that for the purposes of this Annex 1 the Redrafted SIM Card Regulation is defined as the “New Regulation” or simply the “Regulation”

	and Government Entities. Viva suggests the addition of the following sentence to the definition of Outlets: <i>“For the avoidance of doubt, Affected Licensees’ sales agents visiting customers, Commercial and Government Entities and have an access to Affected Licensees’ electronic systems are considered part of the Outlets.”</i>	
Zain		
	Zain suggests that ‘Approved Reseller’ should be added to the definition of ‘Reseller’ (i.e. ‘Outlets and Approved Resellers’). This is so that Affected Licensees should provide details of all SIMs not in their possession. Zain suggests that ‘Authorised Parties’ noted under the definition of ‘Subscriber Database’ should not be capitalised as it is not a defined term.	Noted and amended.
Question 2: Do you agree with the provisions of Article 2 of the New Regulation? If not, please provide reasoning as to what you do not agree with and why.		
Batelco		
	Batelco does not agree with the revision of the New Regulation to include all SIM-Card Enabled Telecommunications Services rather than limiting this to prepaid services only.	The Authority considers the scope of the Redrafted SIM Card Regulation is reasonable and that no changes to the Final Regulation are warranted.
Mena Telecom		
	Mena has no comment on the restriction which limits the sale of SIM-Card Enabled Telecommunications Services to through a Licensee’s Outlet and Resellers.	-

Viva

Viva agrees with the provisions of Article 2.

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Zain

Zain agrees with the provisions of Article 2.

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Question 3: Do you agree with the provisions of Article 3? In particular:

- (i) Do you agree with expanding the list of Natural Person Identification Credentials for natural persons?
- (ii) Do you consider that any of the Natural Person Identification Credentials should be omitted from Articles 3.2, 3.3 and/or 3.4? If so, why?
- (iii) Do you consider the implementation period of three (3) months for Affected Licensees sufficient? If not, please state why.
- (iv) Do you consider that any other form of document should be included within the scope of Articles 3.2, 3.3 and/or 3.4? If so, which documents would you wish to include and why?
- (v) Do you agree with the limit on the number of SIM-Card Enabled Telecommunications Services? If not, please state why.

Batelco

Batelco does not agree with the three (3) month implementation period and proposes a timeframe of not less than eighteen (18) months in order to address the requirements raised in the New Regulation. In order to do this, Batelco has suggested that it would need to:

- Implement and complete a time consuming tendering process;
- Obtain management approval for the funds required to upgrade the electronic systems currently in place;

The Authority has reviewed Batelco's submissions and has extended the implementation period to seven (7) months.

	<ul style="list-style-type: none"> • Agree, design and approve an implementation and development process with the vendor; and • Obtain TRA approval for the proposed electronic solution. <p>Batelco believes that, for non-GCC nationals, a valid passport with a biometric scan should suffice without the need for additional documentation.</p> <p>Batelco avers that it will require increased storage capabilities for SIM-card registration which will be a substantial financial burden on the operators.</p>	<p>The Authority has reviewed Batelco’s submissions and amended the Regulation accordingly.</p> <p>The Authority considers that any additional costs on Affected Licensees in this respect are reasonable and therefore not substantial.</p>
Mena Telecom		
	Mena has no comment in relation to Article 3.	-
Viva		
	<p>Viva agrees with expanding the list of Identification Credentials for natural persons.</p> <p>Viva believes that mandating the biometric scan for non-Bahraini GCC nationals, visitors and tourists is inappropriate considering that Affected Licensees will not be able to verify such information against the relevant central records. As such, Viva suggests that this requirement is disregarded.</p> <p>Viva further believes that it is not practical to request a second piece of identification from visitors on the basis that many countries do not have national identification cards and not everyone holds a driving licence. As such, Viva suggests that this requirement is disregarded.</p> <p>Viva does not agree that the recording of the following areas should fall under the Licensees remit:</p> <ul style="list-style-type: none"> • Issue & expiry dates of identification documentation (authority responsibility); 	<p>The Authority has reviewed Viva’s submissions and has amended the regulation accordingly.</p> <p>All affected licensees are now required to have in place an electronic solution capable of conducting a Verification Scan within seven (7) months from the date of coming into force of this regulation.</p> <p>The Authority has decided that a single piece of identification together with a Verification Scan will suffice. The Final Regulation has been amended accordingly.</p> <p>The Authority has reviewed Viva’s comments and has removed the requirement for issue and expiry dates to be recorded.</p>

<ul style="list-style-type: none"> Names & job titles of the person conducting the registration (high staff turnover); and Biometric scans (sensitive data and should not be stored by operators). <p>Viva does not believe that an implementation period of 3 months is sufficient and suggests that the following activities are completed before the New Regulation is enforced and timelines are set:</p> <ul style="list-style-type: none"> TRA to issue specifications of the biometric solution in consultation with the industry; Licensees to consult with suppliers; TRA to agree with Licensees on funding of the appropriate solution given that Licensees cannot incur such substantial costs (which are not economically or legally viable) and that these should be borne by the TRA or relevant Government Entity; and Licensees to initiate procurement process to acquire the selected electronic solution. <p>Viva believes the New Regulation should only be enforced from the completion date of the above steps before the Licensees can estimate the time needed to implement the below:</p> <ul style="list-style-type: none"> Deployment of selected solution and integration with Affected Licensees' CRM and provision of systems and platforms; Training of personnel; Implementation at Viva's Outlets and Resellers; and Monitoring of compliance before official launch. <p>Viva considers that no other form of documentation should be included within the scope of Articles 3.2, 3.3 and 3.4.</p> <p>Viva disagrees with the limit of prepaid SIM-Card Enabled Telecommunications Services and believes that to limit such is not commercially or socially appropriate. Viva suggests 20 prepaid voice lines and 20 prepaid broadband lines for each natural person and lifting the cap entirely for Commercial and Government Entities.</p>	<p>The Authority has reviewed Viva's submissions and has extended the implementation period to seven (7) months.</p> <p>The Authority believes that the new implementation period of seven (7) months will suffice.</p> <p>The Authority disagrees with Viva's suggestion to increase the limit on prepaid SIM Cards available to natural persons. It has however increased the limit of prepaid SIM Cards to 200 for Commercial Entities and removed the limit for Government Entities.</p>
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Zain

Zain agrees with the biometric verification but, in the case of offline verification, requests that the TRA shares the algorithm or software to be used for Verification. Additionally, Zain suggests that this software should be capable of providing printouts of information that operators may then archive.

Zain is strongly against storing fingerprint data.

Zain agrees with the list of minimum information required under Article 3.4 but notes difficulties with the current CRM system in relation to expiry dates and the data collected from the biometric scan. In order to be able to comply with these obligations, the CRM system will need to be further developed. This will require a period of time that is not yet foreseeable.

Zain requests that the requirement for capturing the issuance date of identification documents be removed as this information is not available on a Bahraini national identity card and it is irrelevant as no other obligation in this regulation is dependent on this information.

Zain has had some difficulty in relation to reading the fingerprint data stored on smart cards (none of the smart cards show that they hold this data) and therefore requests that the TRA shares the details from CIO on how to read this information. Additionally, Zain requests that, in the case of missing fingerprint data, biometric verification should not be a requirement to process the sales transaction but rather a complementary process should the data be present.

Zain does not consider the implementation period of three (3) months to be sufficient considering that a further hardware procurement and system software development will be required. Zain has suggested a period of no less than nine (9) months for implementation.

Zain agrees with the limits imposed on the number of Prepaid SIM-Card Enabled Telecommunications Services.

The Authority expects the Affected Licensees to provide their own software to meet their individual needs. Should Zain want to store printouts, the Authority has no objection to such – subject to the Affected Licensees' compliance with its obligations of privacy and confidentiality including those set out in Section 22 of the IMTL.

The storage of Biometric Scans is no longer a compulsory requirement.

The Final Regulation has been amended and the storage of Biometric Scan and expiry/issue dates is no longer a compulsory requirement.

As above.

The Authority has reviewed this position and amended the Final Regulation accordingly.

The Authority has extended the implementation period to seven (7) months.

Question 4: Do you agree with the provisions of Article 4? If not, please give reasons as to why.

Batelco

Batelco does not currently have the capabilities to verify biometric data of a natural person against the data stored in the National Identity card and considers this exercise to be beyond the scope of Telecommunications Licensees but rather falls within the remit of the relevant governmental authorities.

The Authority has reviewed its position in this regard and amended the Final Regulation accordingly.

Mena Telecom

Mena has no comment in relation to Article 4.

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Viva

Viva agrees with the verification process but not with the biometric scan as it has concerns in relation to the fingerprint data. Viva suggests that the TRA agrees with the CIO on the logical and physical components to establish the required connectivity between Affected Licenses and the CIO.

Viva considers that it shall not be mandated under any circumstances to store, either temporarily or permanently, any confidential information related to customers' biometric data. As such, any registration or verification solution shall take into consideration legal personal data protection. Viva believes that only Government Entities should store such data.

In addition to the above, Viva has suggested that there be an exception to the rule in relation to those who do not have their fingerprint stored in the system (such as the elderly, disabled, diabetics etc.). These customers who are socially,

The Final Regulation has been amended and it is no longer a compulsory requirement to capture or store Biometric Scan or Facial Image Captures.

	economically or physically disadvantaged should also be considered in regards to providing fair access to telecommunications services.	
Zain		
	<p>Zain agrees with the biometric verification only where data is available. In the case of missing fingerprint data, biometric verification should not be a requirement to process the sales transaction but rather a complementary process should the data be present.</p> <p>Zain asserts that Affected Licensees are not qualified to validate the authenticity and accuracy of Natural Person Identification Credentials and as such requests that Article 4.1.5 be removed.</p>	<p>The Authority has reviewed its position and amended the Final Regulation accordingly.</p> <p>The Authority disagrees with Zain in this respect and believes that Affected Licensees are capable of visually confirming whether or not Natural Person Identification Credentials are authentic and/or accurate.</p>
<p>Question 5: Do you agree with the provisions of Article 5? In particular:</p> <p>(i) Do you agree with the requirement for Affected Licensees to secure the proposed details of the Commercial or Government Entities? If not, please give your reasons.</p> <p>(ii) Do you agree with the limits on the number of Prepaid Telecommunications Services that can be registered to one and the same Commercial Entity and/or Government Entity? If not, please give your reasons.</p>		
Batelco		
	<p>Batelco refers to comments in respect of Article 3 regarding the 3 month implementation period and the amount of work to be undertaken within this period being unachievable.</p> <p>Batelco suggests that Licensees be able to exceed the cap but instead be required to conform to predetermined criteria in doing so together with informing the TRA (and providing relevant documentation when required to do so).</p>	<p>The Authority refers to its response above at Article 3.</p> <p>The Authority has considered Batelco's suggestion in this respect but believes that any request made to the Authority to increase a particular cap must be justified.</p>

	<p>Batelco recommends increasing the SIM card cap from 100 to 200 for Commercial and Government Entities (bearing in mind the increased use of mobile prepaid services by businesses, especially for the purpose of vehicle tracking).</p> <p>Batelco requests further information on the approval process to be applied when requesting an extension to the prepaid caps for subscribers.</p>	<p>The Authority accepts Batelco’s recommendation and the Final Regulation has been amended accordingly. Commercial Entities now have a cap of 200 prepaid SIM Cards and there is no cap for Government Entities.</p> <p>The Authority does not believe that this is necessary. The Authority has amended the Article to read that it will review the request and either accept or deny the request “as soon as reasonably possible”.</p>
Mena Telecom		
	<p>Mena has no comment in relation to Article 5.</p>	<p>-</p>
Viva		
	<p>Viva does not believe that 3 months is sufficient for the reasons outlined in response to Article 3.</p> <p>Viva agrees with the proposed requirements of Commercial and Government Entities’ Identification Credentials with the exception of the Declaration form which Viva suggests should be replaced by a Letter of Declaration. This would be legally considered as an acceptance of responsibility under Article 62 of the Civil Law.</p> <p>Viva does not agree that the recording of the following areas should fall under the Licensees remit:</p> <ul style="list-style-type: none"> • Issue & expiry dates of identification documentation (authority responsibility); • Names & job titles of the person conducting the registration (high staff turnover); • Biometric scans (sensitive data and should not be stored by operators); and • Monitoring and ensuring the validity of the commercial registrations (authority responsibility). 	<p>The Authority refers to its response above at Article 3.</p> <p>The Authority does not agree with Viva in this respect.</p> <p>The Authority has reviewed Viva’s comments and has removed the requirement for issue and expiry dates to be recorded.. The Authority believes that the requirement to record the name and job title of the employee conducting Registration and Verification is reasonable. The Authority believes that Affected Licensees are capable of visually confirming whether or not Commercial Registrations are authentic and/or accurate.</p>

Zain	
<p>Zain notes that the Authorised Signatory cannot be found on the Company Registration issued by the MOIC and is only available by submitting a supplementary authorisation form or matching the name / CR number and the signatories of such entities using the MOIC portal.</p> <p>The expiry dates for the CR and identification documents cannot be recorded by Zain's current system and software development will be required. Zain will require a period time not yet available for implementation of such changes.</p> <p>Zain agrees with the limits imposed on the number of Prepaid SIM-Card Enabled Telecommunications Services. Zain does however note that the New Regulation does not provide for a process or a timeline in relation to obtaining the TRA's approval to exceed these limits.</p>	<p>The Authority believes that Zain is mistaken. The Authorised Person noted on the Company Registration (as listed online at the MOIC website) is the Authorised Signatory for the purposes of the Final Regulation.</p> <p>The recording of expiry dates is no longer a compulsory requirement under the Final Regulation.</p> <p>The Authority does not believe that it is necessary to provide any timeline for the approval of a request to exceed the SIM Card limits. It has however amended the Article to read "<i>as soon as reasonably possible</i>".</p>
Question 6: Do you agree with the provisions of Article 6? If not, please give reasons as to why.	
Batelco	
<p>Batelco refers the TRA to its comments regarding Article 4 above.</p> <p>Additionally, Batelco considers an Authorised Signatory to have the same limitations to a Director (as previously defined). As such, Batelco believes that the proposed process in this respect remains complex and disproportionate.</p>	<p>The Authority disagrees with Batelco in this respect.</p>
Mena Telecom	
<p>Mena has no comment in relation to Article 6.</p>	<p>-</p>

Viva	
Viva agrees with the provisions of Article 6 except for the biometric scan of any Authorised Person / Public Officer (see response to Article 4).	Please see the Authority's response to Article 4.
Zain	
<p>Zain agrees with the biometric verification only where data is available. In the case of missing fingerprint data, biometric verification should not be a requirement to process the sales transaction but rather a complementary process should the data be present.</p> <p>Zain does not believe that Affected Licensees are qualified to validate the authenticity and accuracy of Commercial and Government Entity Identification Credentials. Zain also notes that it is unlikely that these entities will produce the original company registration document. Additionally, Zain suggests that Government Entities are going to refer to the Official Gazette to prove formation together with the law, decree or edict and as such it will be almost impossible for the original to be presented. Zain suggests that this Article 6.1.5 be omitted.</p>	<p>The Authority has reviewed this position and has amended the Final Regulation accordingly.</p> <p>The Authority believes that Affected Licensees are capable of visually confirming whether or not Commercial Registrations are authentic and/or accurate.</p>
Question 7: Do you agree with the provisions of Article 7? If not, please give reasons as to why.	
Batelco	
Batelco refers to comments in respect of Article 3 regarding the 3 month implementation period and the amount of work to be undertaken within this period being unachievable.	Please see the Authority's response to Article 3. The implementation period has been extended to seven (7) months.

Mena Telecom

	Mena has no comment in relation to Article 7.	-
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Viva

	<p>Viva disagrees with the provisions of Article 7. Viva does not agree with the three (3) month implementation period as detailed in response to Article 3 above.</p> <p>Viva also does not agree with the biometric scan requirement or the suggestion that the TRA can prescribe, at a later date, an alternative electronic solution with which to conduct the biometric scan. Viva believes that it will be more effective for the TRA to follow the process suggested in response to Article 3 above.</p>	<p>Please see the Authority's response to Article 3. The implementation period has been extended to seven (7) months.</p> <p>The Authority does not agree with Viva in this respect.</p>
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Zain

	<p>Zain does not believe that an implementation period of three (3) months is sufficient to carry out all the software development necessary and suggests a timeframe of not less than nine (9) months.</p> <p>Zain also notes that there is no SLA or timeframe set out for the process of obtaining the TRA's approval of an electronic solution and this vagueness may affect the delivery due to technical dependencies.</p>	<p>Please see the Authority's response to Article 3. The implementation period has been extended to seven (7) months.</p> <p>The Authority believes that the Redrafted SIM Card Regulation as drafted is reasonable and that no changes in this regard to the Final Regulation are warranted.</p>
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Question 8: Do you agree with the provisions of Article 8? If not, please give reasons as to why.

Batelco

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	<p>Batelco remains of the opinion that a biometric authentication process for customers removes the need for this additional step in the registration process.</p> <p>It also notes the following anticipated operational difficulties:</p> <ul style="list-style-type: none"> • Inability of the operator to use USSD, IVR or SMS if the line is not already activated; • Limitation on sending data-only customers portal links for verification of details; • Customer literacy and language levels are different; • System development will be required to automatically activate the line; • Need to develop a uniform follow up system for when the customer responds incorrectly to the activation instructions; and • An increased timeframe will need to be established to carry out such activation process (this will affect the existing number portability timeframes). 	<p>The Authority believes that the Redrafted SIM Card Regulation as drafted is reasonable and that no changes in this regard to the Final Regulation are warranted.</p> <p>The Authority has extended the timeframe for implementation to seven (7) months. It has also removed the requirement that the Activation process takes place through the Subscriber contacting the Affected Licensee via USSD, IVR or SMS.</p>
Mena Telecom		
	Mena has no comment in relation to Article 8.	-
Viva		
	Viva agrees with the provisions of Article 8.	-
Zain		
	Zain agrees with Article 8 but requests the TRA to take into consideration its previous comments in relation to the implementation time of three (3) months being too short.	The Authority has extended the timeframe for implementation to seven (7) months.

Question 9: Do you agree with the provisions of Article 9? In particular:

- (i) Do you agree with the time limits within which the Affected Licensees are required to secure the proposed details of the natural person, Commercial and/or Government Entities? If not, please give your reasons.
- (ii) Do you agree with the time limits relating to the deactivation of a Prepaid Telecommunication Service and/or a SIM-Card Enabled Telecommunications Service if the Registration Renewal Process is not successfully completed?

Batelco

Batelco does not consider the twelve (12) month time period sufficient for practical implementation and recommends a twenty-four (24) month period to be more reasonable considering the expected additional resources required.

In respect of Articles 9.2 and 9.5, Batelco disagrees with the extension of the proposed prepaid regulation to cover postpaid services and accordingly requested that the TRA withdraws these clauses.

Batelco would support any TRA large scale public awareness initiatives to educate and inform customers of the provisions of the New Regulation (e.g. 'Rethink' campaign conducted by the Traffic Directorate).

Batelco notes that operators may face technical difficulties complying with the requirement to automatically suspend and deactivate prepaid lines if customers do not respond within the allocated timeframes.

The Authority has extended the timeframe for implementation to eighteen (18) months for Postpaid Telecommunications Services and twenty seven (27) months for Prepaid Telecommunications Services.

The Authority believes that the Redrafted SIM Card Regulation as drafted is reasonable and that no changes in this regard to the Final Regulation are warranted.

This has been noted.

The Authority believes that the Redrafted SIM Card Regulation as drafted is reasonable. However, the timeframes for Registration Renewal have been increased to twenty-one (21) months for Postpaid Telecommunications Services and thirty (30) months for Prepaid SIM-Card Enabled Telecommunications Services.

Mena Telecom

<p>Mena does not see the benefit of a renewal process for postpaid subscribers. Mena notes in support of its comments that the identity of a postpaid subscriber is easily found together with postpaid subscriptions being intrinsically linked to monthly bills and payments which substantially decrease risk in themselves.</p> <p>In light of the above, Mena believes that the deactivation time limits should only apply to Prepaid Telecommunications Services.</p>	<p>The Authority disagrees with Mena Telecom and notes that the Registration Renewal Process is a crucial element of achieving the Final Regulation's objectives.</p> <p>The Authority believes that the Redrafted SIM Card Regulation as drafted is reasonable and that no changes in this regard to the Final Regulation are warranted.</p>
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Viva

<p>Viva disagrees with the provisions of Article 9 as it does not believe that the implementation timeline is feasible. Viva calculates that it would take over 400 days of non-stop provisioning to register its customer base and that this would make it impossible to achieve its usual business activities. Viva requests that the TRA mandates an alternative mechanism allowing existing customers to renew their registration by other means (e.g. electronically via SMS, USSD, Portal etc.).</p> <p>Viva requests the TRA to lead a national campaign for registration and renewal by requesting all registered customers to verify and capture their ID credentials for the renewal of their registration. Viva believes that this approach will be more legally enforceable and sound when it is led by the TRA or Government Entity. Viva also strongly believes that the TRA should lead a national awareness campaign, together with defining a process to address the specificity of VIP customers.</p> <p>Viva disagrees with the time limits imposed under Article 9 and suggests that the Registration Renewal timeline for all SIM-Card Enabled Telecommunications Services should be twenty-four (24) months prior to suspension and 27 months prior to deactivation.</p>	<p>The Authority has extended the timeframe for implementation to eighteen (18) months for Postpaid and twenty-seven (27) months for PrepaidSIM-Card Enabled Telecommunications Services.</p> <p>This has been noted.</p> <p>Timeframes regarding failure to successfully undertake Registration Renewal and the subsequent Deactivation have been increased to twenty-one (21) months for Postpaid Telecommunications Services and thirty (30) months for Prepaid SIM-Card Enabled Telecommunications Services.</p>
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Zain

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	Zain agrees with the time limits set for both obtaining the details of the natural person, Commercial or Government Entity and those in relation to deactivation if the Registration Renewal Process is not successfully completed.	
Question 10: Do you agree with the provisions of Article 10? If not, please give reasons as to why.		
Batelco		
	<p>Batelco strongly disagrees with some of the requirements under Article 10. Batelco believes that this Article places onerous obligations on the Licensees that are not imposed on any other providers of similar services or utilities within the Kingdom of Bahrain.</p> <p>Batelco does not consider it reasonable for the TRA to request the Licensees to monitor and arrange for cessation of a service based on the validity of identity cards and/or company registrations – this will take significant network and IT investments to cater for such a role.</p>	The Authority has made some amendments to this Article – the Affected Licensees will not be required to monitor the validity of identity documents and arrange for cessation of service in respect of such.
Mena Telecom		
	Mena has no comment in relation to Article 10.	-
Viva		
	<p>Viva disagrees with the provisions of Article 10 especially the eighteen (18) month timeline. Viva suggests starting the Revalidation process eighteen (18) months from the date of finalising the Registration Renewal.</p> <p>Viva disagrees with the obligation to notify customers about the expiry of their visa, passport or ID for the reasons highlighted in the response to Article 3.</p>	The Authority has reviewed its position and amended the Final Regulation accordingly.

		The Authority has made some amendments to this Article – the Affected Licensees will not be required to monitor the validity of identity documents and arrange for cessation of service in respect of such.
Zain		
	<p>In respect of Article 10.5.2, the Licensee should notify the Commercial Entity in advance of the expiry of the CR. It does not however provide for a process where the ID of the Authorised Signatory expires. Zain queries whether this is covered by Article 10.5.1.</p> <p>Zain is pursuing an electronic means of verification on individual identification credentials, it believes that the revalidation process can be triggered by Governmental agencies and should not be the Licensee’s responsibility.</p> <p>There will be a need for a system software development but Zain cannot foresee the time required to undertake such project having been catered for.</p> <p>Zain notes that Article 10.5.1 should be one (1) date and should be the same expiry date captured by the Licensee pursuant to Articles 2.2.2(vi), 3.4(vi) and 5.2.1(vii).</p>	<p>The Authority has made some amendments to this Article – the Affected Licensees will not be required to monitor the validity of identity documents and arrange for cessation of service in respect of such.</p> <p>See above.</p> <p>See above.</p> <p>The Authority has made some amendments to the Final Regulation and the expiry dates are no longer required to be recorded.</p>
Question 11: Do you agree with the provisions of Article 11? If not, please give reasons as to why.		
Batelco		
	Batelco has noted that its previous comments apply here as certain data required may not be readily available and may require substantial manual work to obtain.	The Authority notes Batelco’s response that the implementation and retaining of data on the Subscriber Database might require Batelco to invest in additional storage and manual work but does not consider that a sufficient rationale to amend the Final Regulation.

Mena Telecom

	Mena has no comment in relation to Article 11.	-
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Viva

	<p>Viva disagrees with the provisions of Article 11 in relation to the obligation to provide the TRA with a data dump within 24 hours of any request to do so and in any format requested. Viva thinks that fulfilling any such request within a short period of time is logistically and technically impossible. Viva suggested a more appropriate timeline for the provision of information to be 5 working days.</p> <p>Additionally, Viva does not agree with the requirement to have the date of each top up recorded. Viva suggests limiting this obligation to the last one year's transactions.</p>	<p>The Authority believes that the Redrafted SIM Card Regulation as drafted is reasonable and that no changes in this regard to the Final Regulation are warranted.</p> <p>The Authority has amended the Final Regulation to require only the most recent top-up to be recorded.</p>
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Zain

	<p>Zain notes that it cannot provide a live access to a portal or a CRM system for the TRA in order that it may have access to the subscriber database for the purpose of this regulation as this right is granted for security organs only. Zain confirms that it will provide any requested information in accordance with Article 53 of the Telecommunications Law.</p> <p>In relation Article 11.3, Zain requests that the wording '<i>in any format</i>' is amended to read '<i>in any <u>feasible</u> format</i>'.</p> <p>Zain agrees that recording the date of sale and date of activation is a reasonable data request however, Zain notes that recording the date of each top up transaction will result in huge and unreasonable reporting volumes. Zain suggests that this requirement is replaced by an obligation to provide the date of the last top up-date per prepaid SIM card only.</p>	<p>The Authority has not requested live access to a portal or CRM system in the New Regulation.</p> <p>The Authority believes that the Redrafted SIM Card Regulation as drafted is fair and reasonable in this respect and that no changes in this regard to the Final Regulation are warranted.</p> <p>The Authority agrees with Zain and has amended the Final Regulation to require only the most recent top-up recorded.</p>
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Question 12: Do you agree with the provisions of Article 12? If not, please give reasons as to why.

Batelco

Batelco proposes that licensees be empowered to accept and approve resellers based on the framework and guidelines already defined in this consultation, on the understanding that details of such resellers will be notified to the TRA along with all required documentation.

Batelco suggests that, instead of collecting and destroying SIM cards held by resellers, the resale of such SIM cards is allowed but the activation process is passed back to the Licensee.

Batelco would welcome additional information relating to the exact processes and timeframes that will be applied by the TRA in the approval of resellers.

The Authority does not agree with Batelco’s proposal. Approved Reseller Applications need to be submitted to the Authority for its approval.

The Authority has amended the Regulation in this respect – see “Dummy SIM Card” provisions in Article 12.

These are contained in the Approved Reseller Guidelines.

Mena Telecom

Mena has no comment in relation to Article 12.

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Viva

Viva disagrees with the ninety (90) day deadline within which to comply with the New Regulation. Viva believes this timeline should be set at a minimum of eighteen (18) months.

The Authority agrees with Viva that more time is required. As such, the Authority has extended the deadline to seven (7) months.

Zain

	<p>Zain requests that the time of ninety (90) days is amended to be three (3) months for the sake of consistency throughout the New Regulation.</p> <p>Zain notes that the recovery and destruction of prepaid SIM cards in the possession of the Resellers will cause huge financial impact on all involved as there are many SIM cards distributed throughout the country. As such, Zain suggests that the Affected Licensees put a block on the SIM cards in order that they cannot be used. The Resellers will then direct the customers to the Affected Licensee's Outlet to Register and Activate the prepaid service.</p> <p>Zain believes that this exercise should be given no less than one year to be implemented.</p> <p>Additionally, Zain suggests that the sales and marketing for these SIM cards should be allowed through any sales channel, provided that the Outlets are the only place at which Registration and Activation can be completed.</p> <p>Zain points out a typing error at Article 12.3(d): 'signed declaration from' should read 'signed declaration form'.</p>	<p>The Authority has extended the deadline to seven (7) months.</p> <p>The Authority has amended the Final Regulation in this respect – see “Dummy SIM Card” provisions in Article 12.</p> <p>The Authority believes that this process can be completed in less than one year and has amended the Final Regulation to provide for a period of seven (7) months.</p> <p>The Authority disagrees with Zain's comments and confirms that sales of SIM Cards will only take place through Outlets and Approved Resellers as provided for by the Final Regulation.</p> <p>This has now been deleted.</p>
<p>Question 13: Do you agree with the provisions of Article 13? If not, please give reasons as to why.</p>		
<p>Batelco</p>		
	<p>Batelco did not respond to this question.</p>	<p>-</p>
<p>Mena Telecom</p>		
	<p>Mena has no comment in relation to Article 13.</p>	<p>-</p>

Viva		
	Viva agrees with the provisions of Article 13.	-
Zain		
	Zain agrees with the provisions of Article 13.	-
Question 14: Do you agree with the provisions of Article 14? If not, please give reasons as to why.		
Batelco		
	Batelco did not respond to this question.	-
Mena Telecom		
	Mena has no comment in relation to Article 14.	-
Viva		
	Viva agrees with the provisions of Article 14.	-
Zain		

	Zain agrees with the provisions of Article 14.	-
Question 15: Do you agree with the provisions of Article 15? If not, please give reasons as to why.		
Batelco		
	Batelco notes that its previous comments in relation to Emergency Orders continue to apply here.	The Authority notes Batelco's response and refers Batelco to its previous comments in respect of the same.
Mena Telecom		
	Mena has no comment in relation to Article 15.	-
Viva		
	Viva agrees with the provisions of Article 15	-
Zain		
	Zain agrees with the provisions of Article 15.	-
Question 16: Do you agree with the provisions of Article 16? If not, please give reasons as to why.		

Batelco

Batelco did not respond to this question.

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Mena Telecom

Mena has no comment in relation to Article 16.

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Viva

Viva agrees with the provisions of Article 16.

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Zain

Zain respectfully requests a reasonable timeframe in which to design a technical solution and implement such on its CRM system, conduct an awareness campaign and train its staff. It would also appreciate it if the TRA would take part in an awareness campaign, similar to its role in the Number Portability campaign previously undertaken in November.

The Authority has extended the deadlines for implementation as noted above. Zain's comments in respect of an awareness campaign have been noted.

Question 17: Do you agree with the provisions of the Reseller Guidelines? If not, please give reasons as to why.

Batelco

Batelco did not respond to this question.

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Mena Telecom	
Mena has no comment in relation to Article 17.	-
Viva	
<p>Viva disagrees with the Reseller Guidelines and believes that they need to be relaxed on the basis that the Reseller’s intervention will be minimal due to the automated process of Registration and Verification.</p> <p>Viva considers that Commercial Entities holding a valid CR should be eligible for Approved Reseller status as they are authorised by the MOIC (and other Government Entities) to carry out business in the Kingdom of Bahrain.</p> <p>Viva recommends the following process for SIM card prepaid services to ensure minimal manual intervention and the authenticity of registration information:</p> <ol style="list-style-type: none"> 1. Customer presents original valid ID; 2. Agent proceeds with visual confirmation; 3. Agent inserts ID details; 4. Viva’s system, together with the CPR reader, will confirm whether limit reached; 5. Agent scans fingerprints with biometric scanner connected to CIO database; 6. Index fingerprint and other service logic requirements will be verified with CIO database via a handshaking procedure; 7. Agent proceeds with documents verification; and 8. SIM pack handed to customer. <p>Viva believes that the criteria for an Approved Reseller is very restrictive and prohibitive particularly with regard to the following:</p> <ul style="list-style-type: none"> • The requirement to have more than three (3) branches is not feasible; 	<p>The Authority disagrees with Viva in this respect.</p> <p>The Authority has taken into account the comments provided by Viva and has, where appropriate, reflected such suggestions. Please review the new draft Approved Reseller Guidelines for further information.</p>

<ul style="list-style-type: none"> • The requirement to provide evidence of previous experience shall be applicable to existing Resellers based on their relationship with Viva; • Viva disagrees with the requirement that the Resellers must hold the relevant licenses to allow them to sell telecommunications services; • Viva believes that the demonstration of a good conduct history with legal and regulatory compliance within Bahrain is feasible only within the scope of existing Reseller relationships with Viva where no previous breaches were recorded; • Viva disagrees with the obligation to provide a list of all shareholders and directors (together with their CPR numbers); • Viva believes that it is not possible for Affected Licensees to check or verify if the Reseller's reputation will have any adverse effect; • The conditions imposed under 3.5.2 (a), (b), (c), (d), (f), (g) and (h) are not possible for Viva to meet; • All conditions regarding competency and capability can only be based on the previous relationship Viva has had with a Reseller; • All conditions regarding financial soundness can only be based on the previous relationship Viva has had with a Reseller; and • Viva disagrees with the requirement for the Licensee to submit an undertaking to the TRA that the Reseller fulfils the requisite criteria. <p>Viva is concerned that the Reseller Guidelines will increase the Affected Licensees' administrative costs, ultimately impacting end-users' accessibility to telecommunications services and overall sector development. Viva does not believe that the guidelines are in accordance with best practice adopted by other countries which have not adopted similar restrictions or prescriptive rules on distribution channels.</p> <p>Viva believes that the strict rules should be relaxed by removing Articles 3.3, 3.4, 3.5 and 3.7 and revising Article 3.9 to contain the following:</p> <ul style="list-style-type: none"> • Reseller shall hold a valid Commercial Registration; • Reseller has a contractual relationship with the Affected Licensee; • Reseller has point of sales in which it will offer the Prepaid Telecommunications Services to Subscribers who are natural persons; • Seller has experience in selling prepaid services including Registration and Verification; 	
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	<ul style="list-style-type: none"> Any new Reseller is encouraged to apply, subject to support by the Affected Licensees, to the TRA for approval; and The reseller has demonstrated a history of good conduct in selling prepaid services by having no complaints or breaches recorded from the Affected Licensees. 	
Zain		
	<p>Zain is of the view that the Approved Reseller should be able to offer all SIM-Card Enabled Telecommunications Services (prepaid and postpaid) as these Resellers will satisfy the criteria for Registration, Verification and Activation. With the processes set out in the New Regulation, Zain considers this to be an opportunity to promote postpaid services through Approved Resellers.</p> <p>Zain is content with using Government Entities as Approved Resellers but notes that these should not be exclusive Resellers for one operator only and should be available to all Affected Licensees.</p> <p>In relation to the requirement that Approved Resellers must have three (3) or more branches in Bahrain, Zain is concerned that this may well result in the loss of some of the large Resellers such as Carrefour, Virgin and Extra. Zain suggests that this requirement be omitted from the Reseller Guidelines.</p> <p>Zain believes that the requirement for Approved Resellers to have previous experience will disqualify many reputable Commercial and Government Entities as there are very few entities which have experience in the Registration and Verification of telecommunications services. Zain believes that those entities who meet the requirements for Approved Resellers should be given the opportunity and that it is the Affected Licensees' responsibility to provide suitable training. As such, Zain requests the TRA to reconsider this condition.</p> <p>Zain considers that the timelines listed in Articles 3.11 and 3.13 of the Reseller Guidelines are too vague and suggests the following:</p> <ul style="list-style-type: none"> The TRA should inform the Affected Licensee within two (2) weeks of the submission of the Approved Reseller Application whether such application has been granted; and 	<p>The authority has reviewed Zain's comments and, in this respect, is in agreement with Zain. The Authority has therefore amended the Final Regulation accordingly.</p> <p>This has been noted.</p> <p>The Authority agrees with Zain and this has been amended accordingly.</p> <p>The Authority agrees with Zain and this has been amended accordingly.</p> <p>The Authority has reviewed the Approved Reseller Guidelines and has determined that it will provide the Affected Licensee with a response as to whether its Application has been granted within thirty (30) days.</p>

	<ul style="list-style-type: none"> If an Approved Reseller Application is rejected, the Affected Licensee may not resubmit an application for the same Reseller until a total of two (2) weeks has elapsed since the date of rejection. 	<p>The Authority does not believe that a period of two (2) weeks is sufficient time in which to correct the areas of default prior to a further Application being made. The period before a further Application will be accepted by the Authority is three (3) months.</p>
<p>Question 18: What other issues do you think should be included in, or excluded from, the New Regulation? Please support your comments with detailed reasoning.</p>		
<p>Batelco</p>		
	<p>Batelco did not respond to this question.</p>	<p>-</p>
<p>Mena Telecom</p>		
	<p>Mena did not respond to this question.</p>	<p>-</p>
<p>Viva</p>		
	<p>Viva has no further comment.</p>	<p>-</p>
<p>Zain</p>		
	<p>Zain notes that its compliance with this New Regulation is without prejudice to its view that an ultimate electronic live verification process is the best approach for Registration, Verification and Activation.</p>	<p>The Authority notes Zain's comments.</p>

	<p>Zain believes that the live electronic process should be implemented and must cater for physical verification at the point of sale (linking the CRM system to a biometric fingerprint database) and prepaid service suspension and termination (Government Entities notify the Affected Licensees of expiry dates or cancellation of visas/CRs to allow termination of services – link the CRM system to the LMRA or CIO database).</p>	
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