



هيئة تنظيم الاتصالات
Telecommunications Regulatory Authority

Regulation on the Migration of Users or Services from, or within Frequency Bands

A Regulation issued by the
Telecommunications Regulatory Authority

Regulation 3 of 2008

Purpose: Establish a procedure of the migration of telecommunications radio spectrum frequencies, for the efficient use of such frequencies as determined by TRA from time to time, in order to foster and encourage competition and consumer welfare within the telecommunications industry as well as the wider economy of the Kingdom of Bahrain.

This is an unofficial translation of the Arabic version of this document. It is provided for information purposes only. Reliance may only be placed upon the official Arabic version of the document published in the Official Gazette of the Kingdom of Bahrain. Any comments on this translation will be gratefully received by the Authority. Please email any comments to: contact@tra.org.bh. TRA reserves the right to amend this translation at anytime.

Regulation on Migration of Users or Services from, or within Frequency Bands

1. Preamble

- 1.1. This Regulation is issued as per the two Clauses (11,1) of Paragraph (c) of Article (3) of the Telecommunications Law promulgated by Legislative Decree No 48 of 2002.
- 1.2. This Regulation is issued to set out the obligations of the licensed operators to the Telecommunications Law and their License Conditions.
- 1.3. TRA shall have the power to migrate telecommunications frequency license holders from or within Frequency bands, in accordance with Generic Telecommunications Frequency Licenses granted by TRA or equivalent.
- 1.4. Subject to any applicable measure under Telecommunications Frequency Licenses granted by TRA or any applicable provision in the Telecommunications Law, TRA may issue a Regulation to migrate users of telecommunications radio spectrum frequency in accordance with the requirements specified by TRA for the efficient use of frequency.

2. Definitions

- 2.1. Unless otherwise defined in this Regulation any word, or expression, shall, unless the context so requires, have the same meaning given to it in the Telecommunications Law:

Compensation Request means a request by a Licensed Operator for compensation from TRA for the incurred actual costs of Evacuation and Migration pursuant to the process of Article 6 of this Regulation.

Compensation Determination means the TRA's determination in the form of Article 6 of this Regulation.

Evacuation means the cessation of use of Frequencies assigned to a Licensed Operator by TRA and the Recovery of such Frequencies by TRA for future re-assignment.

Frequency/Frequencies mean Telecommunications Frequencies defined in the Telecommunications Law of the Kingdom of Bahrain.

Licensed Operators means for the purposes of this Regulation those Licensed Operators granted any Frequency Licence by TRA.

Migration means the Evacuation of Frequencies with/without assignment by TRA of alternative Frequencies, which could be used to move users and/or services within the same frequency band or from one frequency band to another frequency band.

Recovery means the recovery by TRA prior to the expiry of a Frequency Licence of Frequencies that have been assigned to the Licensed Operator by TRA.

ITU means the International Telecommunication Union.

3. Scope

This Regulation applies to Licensed Operators.

4. Objectives

- 4.1. TRA may require Licensed Operators addressed by the provisions of this Regulation to migrate frequencies, so as to:
 - 4.1.1. Comply with various international obligations - including, but not limited to, obligations set by the ITU Radio Regulations, international or regional agreements related to the radio spectrum

This is an unofficial translation of the Arabic version of this document. It is provided for information purposes only. Reliance may only be placed upon the official Arabic version of the document published in the Official Gazette of the Kingdom of Bahrain. Any comments on this translation will be gratefully received by the Authority. Please email any comments to: contact@tra.org.bh. TRA reserves the right to amend this translation at anytime.

Regulation on Migration of Users or Services from, or within Frequency Bands

and the decisions of the bodies of the Gulf Co-operation Council (GCC).

- 4.1.2. Implement the National Frequency Plan.
- 4.1.3. Achieve the overall aims and goals of TRA as set out in the Telecommunications Law, and associated Royal Decrees, of the Kingdom of Bahrain.

5. Migration Process

- 5.1. TRA may, after consultation, issue an Order to Licensed Operators to migrate from, or within, frequency bands.
- 5.2. The Order, referred to in the preceding paragraph, shall require Licensed operators to:
 - 5.2.1. Prepare a plan within 30 days, from the date of issuing the Order under this Regulation, or by a date specified by TRA, demonstrating how such a migration could be achieved within the prescribed timeframe. This plan may include the anticipated non-avoidable directly incurred costs to implement the Order including frequency re-planning and site re-arrangement as necessary without any other costs (such as projections of opportunity costs).
 - 5.2.2. Migrate from and/or to the Frequency band requested by TRA within the period requested in the Order.

6. Compensation

- 6.1. Direct and actual costs incurred by the Licensed Operator as per the requirement under Article 5.2.1 of this Regulation may at the discretionary power of TRA, be subject to compensation.
- 6.2. For the purposes of determining the amount of compensation estimated by TRA for the reasons mentioned above, Licensed operators shall provide TRA with justified costs.
- 6.3. To apply for compensation the Licensed Operator shall be required to submit to TRA a Compensation Request no later than 6 months after Migration is confirmed in writing to TRA by the Licensed Operator, and the Compensation Request shall be submitted with all claimed costs and supporting evidence for each cost incurred, which may take the form of receipts paid or audited accounts.
- 6.4. Compensation may, at the discretion of TRA, take the form of discounts on fees payable by the Licensed Operator to TRA.
- 6.5. TRA shall issue a separate Compensation Determination to the Licensed Operator detailing the determination of TRA on the compensation provided to the Licensed Operator, if any, and its reasoning for the determination.

7. Penalties

Licensed Operators that breach any of the provisions of this Regulation shall be deemed in material breach of their Frequency licence and be subject to enforcement action provided for in the Telecommunications Law.