

**Telecommunications Regulatory Authority of the  
Kingdom of Bahrain**

**Consultation Report  
and  
Position Paper**

The Consultation Report issued by the Telecommunications Regulatory Authority of the Kingdom of Bahrain (“**TRA**”) in relation to the Position Paper on Connectivity to Cable Landing Stations (“**Position Paper**”).

**11 June 2024**

Ref: LAD 0624 024

Purpose: To summarise and analyse the submissions received by stakeholders during the consultation on the Position Paper and provide the finalised Position Paper.

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## I. EXECUTIVE SUMMARY

- 1 International connectivity is strategically important to the Kingdom of Bahrain. The Kingdom currently has good international connectivity provided by both submarine cables and terrestrial cables across the causeway. Two additional submarine cables are in the process of being deployed and others are being discussed. The TRA continues to work to ensure the Kingdom has sufficient diverse international connections to ensure that consumers, business and government entities are always able to be connected securely and at good prices.
- 2 International fibre cables “land” at a “Beach Manhole” owned by the cable landing party. Customers access international cables where the international fibre cable connects to the international network at a “Cable Landing Station”. To ensure the security of the Kingdom’s international connectivity the TRA has clarified that all cables from the “Beach Manhole” to the “Cable Landing Station” which provides the connection to the national network can be owned by the international fibre cable landing party.

## II. INTRODUCTION

- 3 On 14 November 2023 the Telecommunication Regulatory Authority of Bahrain (the "TRA") issued a Consultation Paper to seek stakeholders' views on the Draft Position Paper on Connectivity to Cable Landing Stations.
- 4 The deadline for responses was 4pm on 21 December 2023.
- 5 The TRA received responses from Batelco, BNET, STC, Zain and BIX.
- 6 The comments received from Batelco, BNET, STC, Zain and BIX are summarised in Annex 1 to this Consultation Report, as are the TRA's responses to each comment. Any changes to the Position Paper on Connectivity to Cable Landing Station that the TRA has made in response to the comments received from the stakeholders are also set out and explained under Annex 1.
- 7 The final version of the Position Paper on Connectivity to Cable Landing Stations is provided in [Section III](#).
- 8 This Consultation Report includes a summary of the main comments raised by Licensed Operators together with the TRA's views in relation to those same comments.
- 9 This Paper is a position paper only. It is a general statement of the TRA's current views on the boundaries of the National Fibre Network at the CLS. The TRA reserves the right to amend its position.

### III. POSITION PAPER ON CONNECTIVITY TO CABLE LANDING STATIONS

#### Background

- 1 Over the last six years, the Kingdom's telecommunications sector has undergone a significant change, most notably through the creation of BNET as the provider of Bahrain's National Fibre Network.
- 2 The Government's stated policy objective, as first set out in the NTP4<sup>1</sup> and subsequently reaffirmed in the NTP5<sup>2</sup> is that BNET shall be the Kingdom's national provider of fibre-based connectivity. Other licensees may not deploy or maintain fixed telecommunications infrastructure.
- 3 This represented a fundamental shift in telecommunications policy in the Kingdom, with it moving to a policy of promoting service-based competition for fixed services over the single national fibre infrastructure.

#### What Qualifies as an International Cable Route

- 4 Fibre cables which connect international cables to CLS do not form part of the national fibre infrastructure. Such cables are therefore not subject to the National Broadband Network restrictions. Accordingly, licensed operators other than BNET may, with the TRA's consent, deploy their own fibre cables as part of an international cable route (provided of course that they possess the appropriate licences – namely the International Facilities Licence).
- 5 A CLS terminates international cables. A CLS is the location of the first point for domestic and/or international interconnection. It is the first point of presence for international/customer connectivity which often hosts the Submarine Line Terminating Equipment ("SLTE").

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<sup>1</sup> Resolution No. (29) of the year 2016 Promulgating the Fourth National Telecommunications Plan, The Council of Ministers

<sup>2</sup> Resolution No. (17) of the year 2020 Promulgating the Fifth National Telecommunications Plan, The Council of Ministers

6 The TRA would typically favourably consider any request by a duly licensed operator to deploy its own fibre where:

- The inland fibre cable extension is deployed through BNET ducts or through ducts built by BNET for the appropriate Licensed Operator;
- The inland fibre cable extension is used exclusively for the purposes of connecting the international cable to the CLS;
- In the event that the inland fibre cable extension deployed in Bahrain transits via any other location (be it a point of presence (“**POP**”) or any other point) then this location will be limited to re-powering purposes only;
- The licensee would undertake that the inland fibre cable connectivity to the CLS will not be spliced with any other cables forming part of the domestic network and will not be interconnected with any fibre cables or national active equipment at any POP before it reaches the CLS;
- No international capacities will be provisioned from any location other than the CLS; and
- The licensed operator does not have more than one CLS for each international cable.

The TRA reserves its right to verify that licensed operators authorised by the TRA under paragraph 4 do not by-pass BNET’s network by connecting the CLS with the POP and/or other CLSs.

## ANNEX 1: CONSULTATION REPORT

### Summary of stakeholders' comments and the TRA's response

**Question 1: Do you agree with the Authority's position on what qualifies as an International Cable Route? If not, please explain.**

### Summary of stakeholders' comments and the TRA's response

**BNET's comment: BNET agrees with the key principles in the consultation paper with comments on the below:**

- (i) BNET considers that a CLS should be understood in a functional sense similarly to the description provided by the Authority above: i.e., it is a location hosting the Submarine Line Terminating Equipment ('SLTE'). It also serves as a location for domestic and/or international interconnection. CLS is a function rather than a location as one and the same building can host several other telecommunications or technology facilities such as, for example, data centre, local exchange, network node or a point of presence, alongside the CLS.
- (ii) BNET also agree with the Authority that only one single CLS for each international cable is allowed so that the proposed exception to the single network mandate in the Kingdom is not being circumvented or abused.

**TRA's response:** The TRA agrees with the observations and has amended paragraph 5 of the Position Paper to address these concerns.

- (iii) BNET seeks clarification on the process proposed by the Authority in order to deploy the connectivity.

**TRA's response:** The procedural steps governing the deployment of international fibre cables is established under the "way leave" process. Therefore, the TRA does not believe that additional clarification is required. .

- (iv) BNET seeks further guidance from the Authority as to the enforcement of the conditions proposed by the Authority. If the Authority intends to impose such conditions as additional licence conditions for the holders of the IFL license or would these be part of the Authority's express written approval mentioned earlier in which case the breach of these conditions would cause withdrawal of the Authority's approval.

**TRA's response:** The TRA wishes to clarify that the parameters under which licensed operators would be allowed to deploy their own fibre cables will be covered by this Position Paper. Any deployment of fibre cables outside those parameters would not be acceptable as that deployment would run counter to the Article titled 'Licensed Networks and Services' and to the Article titled 'Licensed Facilities' within the

Individual National Fixed Licence (NFL) and the International Telecommunications Facilities Licence (IFL) respectively. Any material breach of a licence term is enforceable through the provisions of Article 35 of the Telecommunications Law. As such any action by a Licensed Operator that runs counter to the TRA's position would be considered as a material breach of the licence terms.

**Batelco's comment: Batelco agrees with the Authority's position that fibre cables which connect international cables to a CLS do not form part of the national fibre infrastructure. Batelco's comments:**

- (i) the Authority's definition on what qualifies as a Cable Landing Station is inconsistent with the definition used in the International Facilities License ("IFL"). The Authority in the Consultation restricts the definition of a CLS to the location for the Submarine Line Terminating Equipment ("SLTE"). While in the IFL a CLS is defined as "a point at which any cable landed in Bahrain connects to another public telecommunications network within the Kingdom of Bahrain, including, but not limited to, buildings, equipment and land necessary to establish and maintain a connection". The broader definition adopted by the Authority in the IFL is consistent with global standards.

**TRA's response:** The definition has been revised.

- (ii) In existing international connectivity models, the first in-land connection point may be at a Power Feed Equipment Hut ("PFE Hut") where a cable system is powered. The next connection point would be at a telecommunications facility where SLTE is located. Both these locations are recognized as CLS's in accordance with the ITU description. The Authority's definition in the Consultation fails to cater for the connectivity model described above and as such requires revision in a manner which will cater for all existing connectivity models.

**TRA's response:** The TRA believes that its definition is more practical and therefore better suited to this position paper.

- (iii) This condition (one CLS per cable) does not take into account other international connectivity models where multiple CLS's are required. For example, a Cable Landing Party may deploy multiple CLS's if there are space constraints at the first CLS and therefore a second CLS is necessary. In this model, a Cable Landing Party would install an SLTE in the second CLS to serve as an alternative facility for interconnection. The requirement to have a second CLS could also be explicitly requested by an End-User that wishes to have a fibre pair from the international cable to the End-user's dedicated CLS.
- (iv) In consideration of the above, the regulatory framework in the Kingdom must encompass diverse international connectivity models in order to facilitate further investment. This position is also in accord with Government policy under the Sixth National Telecommunications Plan ("NTP6"). As such the Authority must revisit its position under the Draft Direction.

**TRA's response:** In relation to point (iii), the TRA notes the development in international connectivity where new models of deploying international fibre cables are being proposed. In some of these models an international submarine cable may have multiple landing parties. In these cases there maybe more than one CLS. The TRA will consider requests to have multiple landing parties for a single submarine cable and

will licence as appropriate. The TRA also notes that, for practical purposes, it may be necessary to have more than one CLS. For example, if the original CLS is full and/or can not be extended. In these situations the TRA would, having fully considered all the circumstances authorise the additional CLS with such conditions as it may consider is appropriate at the time.

The TRA also notes in some circumstance, the customer can request a fiber pair through the operator using BNET's RO. However, it is important to note that the CLS cannot be situated within a customer's premises.

**STC' comment: STC agrees with the Authority's position with comments:**

- (i) That such International connectivity does not necessitate the requirement for a corresponding wholesale product from BNET.

**TRA's response:** Access obligations would be mandated on operators enjoying a position of dominance in the corresponding market where there is a reasonable concern that, absent regulation, that operator would not provide the required access. Where that operator seeks to impose unreasonable terms, the TRA has the power to intervene on an ex-post basis.

- (ii) STC respectfully expresses its reservations regarding the proposed employment of a "Direction" as outlined in paragraph 4 of the present Consultation Paper and further elaborated upon in the accompanying footnotes. Any policy pronouncements issued by the Authority concerning matters of substantial importance to the telecommunications industry ought to be implemented through Telecommunications Law.

**TRA's response:** This document represents TRA's position on what constitutes an international cable. As such it is a position paper.

**Zain and BIX comments:** Zain and BIX agree with the Authority's position on what qualifies as an International Cable Route.

**Question 2: Do you have any other comments not considered specifically above that you wish to raise?**

**BNET's comment:** BNET is likely to be requested by the other licensed operators, to provide connectivity services for them to cross-connect with the international cables and the domestic networks, BNET seeks clarity from the Authority on the conditions on which such access should be provided as the CLS operator could be motivated to setting terms and conditions including payment obligations that may be preventing or restricting access by other licensed operators using BNET connectivity services.

**TRA's response:** Where the TRA has designated an operator as enjoying a position of dominance and it has imposed access, transparency and non-discrimination remedies on the dominant operator, then that operator would be required to publish its terms of access on its website.

**Batelco and Zain's comment:** Batelco suggests that the Authority clarifies that deployment of in-land fibre connecting international cables to any given CLS is restricted to the respective Cable Landing Party responsible for operating the national segment of the international cable system and possessing the appropriate licenses.

Zain believes that Article 40 bis of the Telecommunications Law should exempt cases where non-FTINL-holders intend to deploy fibre cables/ducts as part of an international cable route that terminates at a CLS. Zain believes that the limitation under the current text could potentially hinder the objective of this Consultation, which is to ensure that Licensed Operators other than BNET are allowed to deploy fibre cables/ducts for the purpose of connecting to the CLS. BNET's remit covers the national broadband network, this direction applies exclusively to access from the submarine cables which are not considered to form part of the national broadband network.

**TRA's response:** The TRA's view is that licensed operators other than BNET have the right to deploy their in-land fibre connecting international cables provided that the fibre is laid in BNET's ducts. Licensed operators should enter into negotiations with BNET. In the event that issues arise, then the TRA will investigate the same through its ex-post powers.

**Batelco's comment:** It is redundant for a licensee to obtain TRA's additional consents prior to deployment of any fibre cables when it has already been granted an IFL. While Batelco's existing IFL prohibits it from deploying fibre cables used for the supply of domestic connectivity (noting that this is exclusive to BNET), it is Batelco's understanding that its IFL does not prohibit it from deploying fibre cables within the international connectivity supply chain used solely for the purpose of supplying international connectivity. This understanding is supplemented by Article 3.1 of Batelco's IFL which obligates adherence to the Undertakings. The Undertakings set out that international elements of a fixed network are owned and operated by Batelco and thus it can only be construed that these elements are not subject to the IFL prohibitions.

**TRA's response:** The TRA has amended paragraph 6 of the Position Paper to reflect Batelco's comment.

**Zain's comment:** Zain recommends reinstating a service description schedule in BNET's Reference Offer for international cables utilising BNET's Duct Access Service at existing Cable Landing Stations (CLS). This, according to Zain, is crucial to clarify the rights and obligations of Licensed Operators, promoting accountability and transparency. The proposed amendment aims to provide equal opportunities for Access Seekers, establish a streamlined process for leasing ducts when they intend to invest in international cables, and ensure the Access Provider is bound to specific Key Performance Indicators (KPIs), for efficient and prompt service provision to the Access Seeker.

**TRA's response:** Zain's comment is noted however it goes beyond the scope of this consultation. The TRA will consider it when reviewing the Reference Offer.

**BIX's comment:** with regards to paragraph (2), BIX emphasized the distinction between international cables (a) near the coastline and (b) those extending further inland, noting that both terminate at a CLS. BIX highlighted that the second type (referred to as (b)), which includes terrestrial extensions not operated by BNET, might necessitate additional TRA approvals. BIX is seeking clarification on any additional processes or information required for these approvals.

**TRA's response:** in response to BIX's comment, TRA approval is necessary, whether the CLS is already established or if the operator intends to deploy a new international cable.