

ANNEX A

SUMMARY OF PROPOSED SUBSTANTIVE AMENDMENTS TO THE INDIVIDUAL AND CLASS LICENCES

Subject	Licence and Relevant Section ¹	Proposed Change
Reference to “Regulator”	<ul style="list-style-type: none"> • Individual Licence for National Fixed Services (“NFL”) • Individual Licence for Very Small Aperture Terminal (“VSAT”) • Individual Licence for International Telecommunications Services (“ISL”) • Individual Licence for International Telecommunications Facilities (“IFL”) • Individual Internet Exchange Licence (“IEX”) • Class Licence for Internet Services (“ISP”) • Class Licence for Value Added Services (“VAS”) 	Change abbreviated reference to the “Authority”, consistent with the Telecommunications Law (“ Law ”).
Definition of “Applicable Legal Instrument”	<ul style="list-style-type: none"> • NFL, Section 2 • VSAT, Section 2 • ISL, Section 2 • IFL, Section 2 • IEX, Section 2 • ISP, Section 2 • VAS, Section 2 	Insert a new defined term to more accurately refer to any instruments that the Authority has the power to issue, and use this term instead of “regulations”.

¹ References are made to the generic form of Licences published on the Authority's website.

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Definition of “Call”	<ul style="list-style-type: none"> • NFL, Section 2 • VSAT, Section 2 • ISL, Section 2 • IFL, Section 2 • ISP, Section 2 • VAS, Section 2 	Broaden and future-proof the definition of “Call”.
Definition of “Force Majeure”	<ul style="list-style-type: none"> • NFL, Section 2 • Individual Licence for Mobile Telecommunications (“IMTL”), Section 2 • VSAT, Section 2 • ISL, Section 2 • IFL, Section 2 • IEX, Section 2 • ISP, Section 2 • VAS, Section 2 	Clarify that Force Majeure excludes any obligations a Licensee has pursuant to governmental or States’ acts or regulations or changes thereof.
Definition of “Harmful interference”	<ul style="list-style-type: none"> • NFL, Section 2 • VSAT, Section 2 • ISL, Section 2 • IFL, Section 2 • IEX, Section 2 	Insert a new definition for “Harmful interference” to be used instead of the undefined term, “undue interference”.
Definition of “Internet Access Services”	<ul style="list-style-type: none"> • NFL, Section 2 • IMTL, Section 2 • ISP, Section 2 • VAS, Section 2 	Insert or update (as applicable) a new definition of “Internet Access Services” to replace “internet services”.
Licensee Obligations	<ul style="list-style-type: none"> • NFL, Section 4.1 • IMTL 	Amend for NFL and for other Licences insert requirement for the Licensee to comply with the Law, regulations and other regulatory

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	<ul style="list-style-type: none"> • VSAT • ISL • IFL • IEX • ISP • VAS 	instruments issued by the Authority, as well as all applicable laws of the Kingdom (e.g. this would include the Data Protection Law).
Privacy, Security and Confidentiality	<ul style="list-style-type: none"> • NFL, Section 23 • IMTL, Section 22 • VSAT, Section 11 • ISL, Section 13 • IFL, Section 13 • IEX, Section 10 • ISP, Section 9 • VAS, Section 9 	Insert a new provision for Licensees to take appropriate and proportionate technical and organisational measures to manage risks posed to the security of its licensed services and networks. Having regard to the state of the art, those measures shall ensure a level of security appropriate to the risk presented. In particular, measures shall be taken to prevent and minimise the impact of security incidents on users and on other licensed networks and services.
Anti-Competitive Practices	<ul style="list-style-type: none"> • NFL, Section 24 • IMTL, Section 23 • NFWL, Section 21 • VSAT, Section 12 • ISL, Section 14 • IFL, Section 14 • IEX, Section 11 • ISP, Section 10 • VAS, Section 10 	Delete this section since Article 65 of the Law is sufficient, and there is a general obligation to comply with all laws of the Kingdom (which would include Law No. 31 of 2018 on competition in the Kingdom of Bahrain).
Quality of Service Requirements	<ul style="list-style-type: none"> • NFL, Section 11.2 • IMTL, Section 9.2 • NFWL, Section 9 • VSAT • ISL 	Delete requirement for the Authority to approve the form in which the Licensee maintains information records. Insert a new provision requiring compliance with any QoS requirements determined from time to time by the Authority.

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	<ul style="list-style-type: none"> • IFL, Section 5.2 • ISP • VAS 	
Quality of Service Tests	<ul style="list-style-type: none"> • NFL, Section 11 • NFWL, Section 9 • VSAT • ISL • IFL, Section 5 • IEX, Section 6 • ISP • VAS 	Insert a new section regarding the Authority's power to carry out tests on QoS and the Licensees to extend full cooperation.
Accounting Requirements	<ul style="list-style-type: none"> • NFL, Section 25 • IMTL, Section 24 • NFWL, Section 22 • VSAT, Section 13 • ISL, Section 15 • IFL, Section 15 • IEX, Section 13 • ISP, Section 11 • VAS, Section 11 	<p>Simplify the provision by requiring compliance with any Applicable Legal Instruments, and clarify that accounting separation requirements and cost accounting system requirements may only be ordered apply if the Licensee has SMP.</p> <p>For the Class Licenses, delete the limitation that makes this provision apply to holders of multiple telecommunications licences.</p>
Cooperation and Support	<ul style="list-style-type: none"> • NFL • NFWL • VSAT • ISL • IFL • IEX • ISP • VAS 	Insert a new obligation on Licensees to cooperate with any request for technical support from the Authority and participate in national, regional and international meetings and conventions relating to policies, regulations, treaties and standards relevant to the telecommunications sector.

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Licence Fees	<ul style="list-style-type: none"> • NFL, Section 27 • IMTL, Section 27 • NFWL, Section 24 • VSAT, Section 15 • ISL, Section 17 • IFL, Section 17 • IEX, Section 15 • ISP, Section 13 • VAS, Section 13 	Simplify the provision by requiring compliance in accordance with the Schedule of Fees Regulation.
Revocation of Licence	<ul style="list-style-type: none"> • NFL, Section 29 • IMTL, Section 29 • NFWL, Sections 26.2(c) • VSAT, Section 17 • ISL, Section 19 • IFL, Section 19 • IEX, Section 17 	Amend the existing section allowing the Authority to revoke the Licence if the Licensee has knowingly or grossly negligently provided misleading, erroneous or incomplete information in their Licence application or in the auction process (as applicable) prior to the grant of their Licence or in response to any formal information request by the Authority.
Modification or revocation of Licence	<ul style="list-style-type: none"> • NFL, Section 29 • IMTL, Section 29 • NFWL, Sections 26 • VSAT, Section 17 • ISL, Section 19 • IFL, Section 19 • IEX, Section 17 	Insert a new section so that any modification or revocation of the Licence for the purposes of Article 31(2) of the Law may be made or effected by following the process in Article 34 and/or Article 35 of the Law.
Dispute Resolution	<ul style="list-style-type: none"> • NFL, Section 31 • IMTL, Section 31 • NFWL, Sections 28 • VSAT, Section 19 • ISL, Section 21 	Clarify that disputes can also be referred to the Authority.

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	<ul style="list-style-type: none"> • IFL, Section 21 • IEX, Section 19 • ISP, Section 17 • VAS, Section 17 	
Compliance	<ul style="list-style-type: none"> • NFL, Section 32 • IMTL, Section 32 • NFWL • VSAT • ISL, Section 22 • IFL, Section 22 • IEX • ISP, Section 18 • VAS, Section 18 	Clarify that the Authority may exercise its inspection and supervision powers under Article 77 of the Telecommunications Law for the purposes of verifying compliance with the terms of the Licence.
Notices	<ul style="list-style-type: none"> • NFL, Section 33 • IMTL, Section 33 • NFWL, Sections 29 • VSAT, Section 20 • ISL, Section 23 • IFL, Section 22 • IEX, Section 20 • ISP, Section 19 • VAS, Section 19 	Insert a new provision allowing for notices to be sent electronically via an application approved by the Authority for the secure exchange of emails and electronic documents.
Fixed Telecommunications Networks	<ul style="list-style-type: none"> • NFL, Section 3 	<p>Clarify that the provisions authorising the Licensee to install, operate and manage its national fixed telecommunications infrastructure are subject to and without prejudice to Article 40(bis) of the Law, and shall apply only for as long as the Licensee holds fixed telecommunications network in the Kingdom, and unless the Authority determines otherwise.</p> <p>References to the “Separated Entity” are to be changed to “BNET”.</p>

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Universal Service	<ul style="list-style-type: none"> • NFL, Section 5 	Delete this section since universal service obligations can be addressed in an appropriate Applicable Legal Instrument.
Public Payphone Services	<ul style="list-style-type: none"> • NFL, Section 6 	Delete this section on the basis that only Batelco currently provides public payphones, and these provisions are covered in Batelco's NFL. Should there be any future demand for public payphones, this could be addressed by way of a universal service obligation under an appropriate Applicable Legal Instrument.
Public Emergency Call Services	<ul style="list-style-type: none"> • NFL, Section 7 • IMTL, Section 5 • NFWL, Section 5 	Amend to ensure Licensees provide end-users with uninterrupted access to public emergency call services.
Relations with Subscribers	<ul style="list-style-type: none"> • NFL, Section 10 • NFWL, Section 8 • VSAT, Section 6 • ISL, Section 7 • IEX, Section 5 • ISP, Section 5 • VAS, Section 5 	<p>Update provisions to reflect current practices, including requirement for Licensee to publish code of practice on its website and comply with the code.</p> <p>For the IEX, delete section 5 in its entirety as this is not relevant to internet exchange services.</p>
Interruptions to the Licensed Services	<ul style="list-style-type: none"> • NFL, Section 12 • IMTL, Section 10 • NFWL, Section 10 • IFL, Section 6 • IEX, Section 7 	<p>Insert new obligations on licensees to: (a) ensure to the fullest extent possible the availability of their networks and telecommunications services in the event of catastrophic network breakdown or in cases of force majeure; and (b) make arrangements for the provision or rapid restoration of telecommunications services in disasters, on the request and in consultation with the relevant authorities and government departments.</p> <p>Amend existing provision so that the Authority does not need to approve scheduled service outages, but only reasonable advance notice is to be provided to those affected.</p>

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Tariffs	<ul style="list-style-type: none"> • NFL, Section 13 • IMTL, Section 11 • NFWL, Section 11 • VSAT, Section 7 • ISL, Section 8 • IEX, Section 8 • ISP, Section 6 • VAS, Section 6 	Delete since any tariff controls can be imposed to a specific provider via the relevant Applicable Legal Instrument following an SMP determination.
Provision of Access	<ul style="list-style-type: none"> • NFL, Section 14 • IMTL, Section 12 • NFWL, Section 12 • IFL, Section 7 • 	Delete this section since Article 57 of the Law is sufficient, and there is a general obligation to comply with Applicable Legal Instruments (including the Access Regulation).
Provision of Service for Resale	<ul style="list-style-type: none"> • NFL, Section 15 • IMTL, Section 13 • NFWL, Section 13 • ISL, Section 9 	Delete this section which is conditional on the Licensee being a dominant operators, since any safeguards required in this respect could be handled by an appropriate Applicable Legal Instrument if it becomes necessary for the Authority to intervene.
Interconnection and Peering	<ul style="list-style-type: none"> • NFL, Section 16 • IMTL, Section 14.1 • NFWL, Section 14 	<p>Insert a new section so that interconnection must be provided in a way that does not seriously risk compromising the security and integrity of the interconnecting public telecommunications networks. The Licensee may refuse to provide interconnection where such risks exist and cannot be mitigated.</p> <p>For the NFL, insert a new section to require the Licensee to use all reasonable efforts to peer with other licensed operators for domestic IP traffic and accept any reasonable request from other licensed Internet Service Providers where technically and commercially practicable with the objective of maintaining national IP traffic within the Kingdom.</p>

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Billing	<ul style="list-style-type: none"> • NFL, Section 18 • IMTL, Section 15 • NFWL, Section 15 • VSAT, Section 8 • ISL, Section 11 • IFL, Section 9 • ISP, Section 7 • VAS, Section 9 	Simplify provisions to take into account current practices.
Numbering	<ul style="list-style-type: none"> • NFL, Section 19 • IMTL, Section 16 • NFWL, Section 16 	<p>Simplify provisions to take into account current practices, noting that fixed and mobile number portability is currently available.</p> <p>Given that numbers are a scarce resource, clarify that licensees using numbering resources do so effectively and efficiently, especially since this obligation is also not expressly stated in the National Numbering Plan.</p>
Compliance	<ul style="list-style-type: none"> • NFL, Section 32 • IMTL, Section 32 • ISL, Section 22 • ISP, Section 18 • VAS, Section 18 	Simplify by deleting section since the Authority's powers are sufficiently stated in the Law.
Coverage Requirements	<ul style="list-style-type: none"> • IMTL, Sections 2 and 4 	Change the reference to population coverage in the definition of "Coverage" to coverage of the Licensed Area, and refer to such coverage obligations being specified in any Applicable Legal Instrument.
Domestic Roaming	<ul style="list-style-type: none"> • IMTL, Section 19 	Delete since this is covered under the general obligation to negotiate Access under the Law.

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Expiration, Termination or Revocation	<ul style="list-style-type: none"> • IMTL, Section 29 • VSAT, Section 17 	Insert a new provision to clarify that if for any reason the Licensee's frequency licence is expired, terminated or revoked, then the IMTL shall also be deemed to be expired, terminated or revoked.
Access to Land and Sharing of Facilities	<ul style="list-style-type: none"> • NFWL, Section 17 	Simplify provision by making a general reference to any Applicable Legal Instruments relating to infrastructure sharing.
VSAT	<ul style="list-style-type: none"> • VSAT 	Rename licence to "Individual Licence for Earth Station Services".
VSAT Licensed Services	<ul style="list-style-type: none"> • VSAT, Section 3.2 	Delete this provision on the basis that "Earth Station Services" is defined to include the provision of International Telecommunications Services.
Radiocommunications and Frequency Allocation	<ul style="list-style-type: none"> • VSAT, Section 9 	Insert provisions on assigned frequency spectrum and harmful interference, consistent with other licences.
Telecommunications Facilities and Networks, Access and Interconnection	<ul style="list-style-type: none"> • ISL, Sections 4 and 10 • IFL, Sections 7 and 8 	Delete sections since ISL and IFL holders are not authorised to own and operate a telecommunications network and therefore interconnect. Access is also sufficiently covered in Article 57 of the Law and the Access Regulation.
Location of International Telecommunications Facilities	<ul style="list-style-type: none"> • IFL, Section 4 	Also make reference to Points of Presence as a type of facility that the Licensee is required to provide the Authority with a location.
Radiocommunications and Frequency Allocation	<ul style="list-style-type: none"> • IFL, Section 11 	Delete section since this is unlikely to apply to international facilities.
Connection to Internet Exchange	<ul style="list-style-type: none"> • IEX, Section 4.1 	Amend section so that the Licensee shall notify the Authority of all parties connected or proposing to connect to its Internet exchange within 14 days of the issuance of the Licence, and shall subsequently notify the Authority within 14 days of any new parties connecting to its internet exchange.

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Prohibition of Undue Preference and Undue Discrimination	<ul style="list-style-type: none"> • IEX, Section 12 	Delete section since Article 65 of the Law is sufficient, and there is a general obligation to comply with all laws of the Kingdom (which would include Law No. 31 of 2018 on competition in the Kingdom of Bahrain).
ISP Licensed Services	<ul style="list-style-type: none"> • ISP, Section 3.1 	Remove references to the use of the Licensee's network on the basis that an Individual Licence is required to own and operate a telecommunications network.
Service Availability	<ul style="list-style-type: none"> • ISP 	Insert new provisions on service availability and interruptions to the service.
VAS Licensed Services	<ul style="list-style-type: none"> • VAS, Sections 2 and 3.1 	Amend definition of "Value Added Service" to exclude Public Voice Services (consistent with the definition in the NFL).
Telecommunications Facilities and Networks	<ul style="list-style-type: none"> • ISP, Section 4 • VAS, Section 4 	Delete redundant section since only Individual Licensees have the right to interconnection under the Article 57 of the Law, section 4.3 of the ISP is now redundant.
Modification, revocation and termination	<ul style="list-style-type: none"> • ISP, Section 15 • VAS, Section 15 	Revert to provision in previous version for consistency with Article 34 of the Law.