



هيئة تنظيم الاتصالات  
Telecommunications Regulatory Authority

**ORDER NO. 2 OF 2012**

**FOR MENA TELECOM WLL, CR No. 51486-1 AND ZAIN BAHRAIN BSC CLOSED, CR No. 50603-1  
TO CEASE OVERSPILL OF EMISSIONS AND RADIO FREQUENCY INTERFERENCE IN THE  
TERRITORY OF THE KINGDOM OF SAUDI ARABIA**

**The Order**

1. In the exercise of its powers under articles 3(c)(1), 3(c)(18), 48 and 49 of the Telecommunications Law and clause 4.3 of the relevant Frequency Licenses referred to below, the Telecommunications Regulatory Authority of the Kingdom of Bahrain ("the Authority") hereby makes the following Order.
2. **MENA Telecom WLL, CR No. 51486-1 ("Mena") AND ZAIN Bahrain BSC Closed, CR No. 50603-1 ("Zain") (together referred to as "the Licensees") shall do the following:**
  - (a) **Within 10 days of the date of this Order, cease causing overspill and interference to radio communications stations in the territory of the Kingdom of Saudi Arabia, by taking all measures necessary to prevent the overspill and interference by radio emissions on frequencies assigned by the Authority to Zain in the band 3410 MHz – 3500 MHz and to Mena in the band 3500 MHz – 3590 MHz by Mena.**
  - (b) **Individually confirm to the Authority by 4 pm on 29 April 2012 that the Licensees will comply with this Order;**
  - (c) **Individually confirm to the Authority by 4pm on 6 May 2012 that they have complied with the Order.**
3. Failure to comply with this Order will result in the Authority taking further regulatory action for breaches of the Telecommunications Law and Licenses.

Issued on 26 April 2012 by

**Mohammed Bubashait**  
General Director  
Manama, Kingdom of Bahrain



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#### Reasons for Order

4. The Kingdom of Bahrain is a State Member of the International Telecommunications Union ("ITU"), and signatory to the ITU's Constitution, Conventions and Radio Regulations and is a member of the Gulf Cooperation Council's Telecommunications Technical Committee.
5. Article 45 of the ITU Constitution is titled "Harmful Interference" and states that:
  - (a) All stations, whatever their purpose, must be established and operated in such a manner as not to cause harmful interference to the radio services or communications of other Member States or of recognized operating agencies, or of other duly authorized operating agencies which carry on a radio service, and which operate in accordance with the provisions of the Radio Regulations; and
  - (b) Each Member State undertakes to require the operating agencies which it recognizes and the other operating agencies duly authorized for this purpose to observe the provisions of the paragraph above.
6. Paragraph 0.4 of the Preamble of the ITU Radio Regulations states that all stations, whatever their purpose, must be established and operated in such a manner as not to cause harmful interference to the radio services or communications of other Members or of recognized operating agencies, or of other duly authorized operating agencies which carry on a radio service, and which operate in accordance with the provisions of the Regulations.
7. Paragraph 4.2 of Article 4 of the ITU Radio Regulations state that Member States undertake that in assigning frequencies to stations which are capable of causing harmful interference to the services rendered by the stations of another country, such assignments are to be made in accordance with the Table of Frequency Allocations and other provisions of these Regulations.
8. Paragraph 3 of Article 15 of the ITU Radio Regulations states that in order to avoid interference (a) locations of transmitting stations and, where the nature of the service permits, locations of receiving stations shall be selected with particular care, (b) radiation in and reception from unnecessary directions shall be minimized by taking the maximum practical advantage of the properties of directional antennas whenever the nature of the service permits.
9. Paragraph 13 of Article 15 of the ITU Radio Regulations states that if an administration has information of an infringement of the Convention or Radio Regulations, committed by a station over which it may exercise authority, it shall ascertain the facts, fix the responsibility and take the necessary action.
10. Paragraph 14 of Article 15 of the ITU Radio Regulations states that it is essential that member States exercise the utmost goodwill and mutual assistance in the applications of the provision of



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Article 45 of the Constitution and of this Section (VI of Article 15) to the settlement of problems of harmful interference.

11. Paragraph 15 of Article 15 of the ITU Radio Regulations states that in the settlement of these problems, due consideration shall be given to all factors involved, including the relevant technical and operating factors, such as: adjustment of frequencies, characteristics of transmitting and receiving antennas, time sharing, change of channels within multichannel transmissions.
12. Article 48 of the Telecommunications Law of the Kingdom of Bahrain requires the Authority to comply with the obligations arising from international treaties to which the Kingdom is a party and the provisions of legislation regulating air and maritime traffic and meteorology.
13. Article 49 of the Telecommunications Law states that no person shall unlawfully use any Telecommunications Equipment for the purpose of causing harmful interference with any communications or continue to cause such harmful interference after the receipt of an order from the Authority to cease such interference unless such interference is caused by force majeure or emergency or rescue operations.
14. The Licensees have been granted frequency licenses by the Authority for the use of 3410 MHz – 3500 MHz by Zain and 3500 MHz – 3590 MHz by Mena within the territory of the Kingdom of Bahrain (“Frequency Licenses”).
15. Clause 4.3 of the Licensees’ Frequency Licenses state that the licensee shall co-operate with the Regulator for the purposes of assisting the Regulator in coordinating and managing the efficient use of radio frequencies in relation to neighboring countries, including but not limited to the provision of information to the Regulator, and the reduction of emission levels of radio communication stations.
16. On 30 July 2009 the Authority was notified by the Directorate of Wireless Licensing, Frequency and Monitoring (“DWLFM”) of harmful interference caused by over spilling of emissions from the Kingdom of Bahrain into the Kingdom of Saudi Arabia, specifically in the bands 3500 MHz – 3590 MHz by Mena.
17. Since that date the Authority has worked with the Mena, DWLFM and the corresponding entities within the Kingdom of Saudi Arabia, including the Communications and Information Technology Commission (“CITC”) to arrive at a solution. Various options have been put forward by all parties during that time, none of which have satisfactorily resolved the issue.
18. In November 2011, after agreement between the relevant parties, the Authority appointed an independent consultant to conduct tests within the Kingdom of Saudi Arabia and Kingdom of Bahrain to measure the overspill from the Licensees into the territory of the Kingdom of Bahrain. The Authority appointed Amphigean Ltd (“Amphigean”). Between 20 and 23 November 2011 Amphigean conducted various tests within the Kingdom of Saudi Arabia which proved that Mena radio emissions are interfering with the operators of corresponding frequencies in the Kingdom of



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Saudi Arabia. Additionally, CITC's letters of March and April 2012 confirm that Mena's emissions from Bahrain could reach between 14 to 15 kilometers inside the Kingdom of Saudi Arabia. Amphigean's report proposes a number of solutions, none of which satisfy the CITC's requirements.

19. Further meetings were held between the Authority, Mena and the GCC Telecommunications Technical Office during March 2012.
20. On 15 March 2012 the Authority was notified by the DWLFM that CITC had reported overspill and interference caused by Zain overspilling of radio emissions from the Kingdom of Bahrain into the Kingdom of Saudi Arabia, specifically in the bands 3410 MHz – 3500 MHz by Zain. The Authority notified Zain on the same day.
21. On 1 April 2012 Zain responded noting that it would investigate the case, however to the Authority's knowledge the matter has not yet been concluded or resolved.
22. On 24 April 2012 the Gulf Cooperation Council's Telecommunications Technical Committee held a meeting in Bahrain and decided that all overspill and interference cases affecting the Kingdom of Saudi Arabia caused by the Licensees should cease within 10 days of the date of the decision.
23. In compliance with the Kingdom of Bahrain's duties under the ITU Constitution and Radio Regulations, the Authority's duties under articles 48 and 49 of the Telecommunications Law of the Kingdom of Bahrain and the Licensees' duties under articles 4.3 of the Licensee's relevant Frequency Licenses, the Authority hereby issues this order on the Licensees.