



**Position Paper**  
**from the Telecommunications Regulatory Authority**  
**of the Kingdom of Bahrain**  
**on how TRA Consults**

17 October 2017

Ref: LAD/1017/207

## **Introduction**

The Telecommunications Regulatory Authority (“the Authority”) is an independent juristic entity established by Legislative Decree No. 48 of 2002 promulgating the Telecommunications Law (“the Law”), and is responsible for regulating the telecommunications sector in the Kingdom of Bahrain.

Where the Authority is required to conduct a public consultation process in the performance of its regulatory functions, it will do so in accordance with the public consultation procedures set out in this position paper (“the Position Paper”), which are intended to give an opportunity to interested parties to make representations to the Authority. This Position Paper supersedes and replaces the Consultation Process Regulation published on 10 August 2003. This Position Paper will take effect from 17 October 2017.

The public consultation procedures set out in this Position Paper are a general statement of the applicable principles. There may be circumstances where the Authority will be required to depart from these procedures, for example, including but not limited to, emergency cases or where there is an urgent need to implement certain measures.

## **Principles of a public consultation**

The purpose of a public consultation is to seek the views of all those interested in the outcome of a particular decision. It is about seeking the views of those outside the decision-making process to better inform stakeholders of that process. Public consultation is an essential part of regulatory accountability, the means by which the stakeholders affected by the Authority’s decision-making process are given the opportunity to express their views before a course of action is taken.

The Authority is committed to a transparent and effective public consultation process, and recognizes that regulatory decisions may be enhanced through the active involvement and contribution of all stakeholders interested in the regulatory development of the telecommunications sector. The Authority will at all times seek to ensure that all of its public consultations are as open, transparent, fair and complete as possible, as well as take into consideration all submissions that are received. By ensuring that all those interested in the outcome of a particular decision have their say about a particular proposal, the decision-making process becomes transparent, better-informed, and more accountable.

Where the Authority is required to conduct a public consultation in the performance of any regulatory function it will do so in accordance with Article 3(f) of the Law and the public consultation procedures set out in this Position Paper.

The Authority wishes to make it clear that it is not bound to publically consult on individual compliance and enforcement matters. The Authority does not consider itself bound to publicly consult on matters that are clearly settled by law. The Authority is not legally bound by its consultation documents nor do they constitute a legal, financial, commercial, technical or other advice, or necessarily set out the Authority's final or definitive position on any particular matter.

### **How a public consultation works**

The Authority will run each public consultation with a document asking for written responses from stakeholders who want to give the Authority its views. E-mail notifications will be sent to contact persons who are registered with the Authority to receive notifications of such publications. The public consultation paper along with related documentation will be published on the Authority's website (in soft copy) and may additionally issue a paper (hard copy) version or any other accessible format upon request.

### **What will a typical public consultation paper look like?**

The Authority aims to follow a consistent approach in designing each formal public consultation document. The contents will vary depending on the issue, but will usually include the following:

- a front cover with the name of the public consultation and the closing deadline for responses to it;
- a page listing the contents;
- an executive summary;
- the main body of the document;
- a list of questions that stakeholders responding to the public consultation must want to consider;
- a contact name and details of where responses should be sent;
- conclusions and a summary of the next steps the Authority will take after the public consultation period has come to an end;
- annexes and a glossary, if these are necessary.

### **Before the public consultation**

Where possible, preliminary discussions with concerned parties or representative groups/associations may take place before announcing a public consultation. Such discussions will not act as a substitute for public consultation, but may be used by the Authority to prepare draft measures, formulate questions, and develop its analysis.

### **During the public consultation**

Normally, the period of time allowed for interested parties to respond to a public consultation will be four (4) weeks, but this may vary in certain cases due to:

- the urgency of the matter at hand;
- the complexity of the issues addressed;
- other documents that might be addressed to the same interested parties (and therefore the total effort required to respond); and
- the mobilisation of resources to deal with the issues raised.

Where the Authority proposes a shorter period of time than four weeks for responding to a public consultation, the Authority will give reasons for doing so. In exceptional circumstances, the Authority, at its sole discretion, may consider extending the period of a public consultation if requested to do so by a respondent(s). A request for an extension should be made within one (1) week of the date of publication of the public consultation concerned. Requests made after this period may not be considered. Where the Authority decides to extend the period of a public consultation, the Authority will publicly notify all interested parties via its website and via e-mail to those persons who are registered with the Authority to receive notifications.

### **Submission of comments**

Each public consultation document will contain instructions on how to send submissions to the Authority. Where possible, comments should be provided in writing in electronic PDF format. Comments and input should be referenced according to the relevant sections and questions in the public consultation document. Furthermore, while the Authority will consider the full text of all submissions that are received, lengthy submissions should nevertheless include summaries setting out the most relevant and important points. Respondents should set out their reasoning and all supporting information for any views expressed. Stakeholders may request the Authority to treat all or part of its submission as confidential by clearly demonstrating to the Authority the

commercial sensitivity of the relevant part(s) and also providing the Authority with a non-confidential version of its submission.

### **Consideration of comments**

Listening to stakeholder concerns and feedback can be a valuable source of information as it allows the Authority considers the views of interested parties in the context of reaching a decision on a particular matter. It should be noted that the Authority's public consultation process is not equivalent to a voting exercise; the Authority will exercise its judgement when considering the merits of the views expressed by stakeholders during the public consultation process.

### **After the public consultation**

The Authority believes it important to publicise the views expressed by respondents to its consultations. The Authority will therefore publish a public consultation report on its website, [www.tra.org.bh](http://www.tra.org.bh), providing a general review of the submissions being consulted on, as well as setting out the Authority's decision and the reasoning thereof.

In general, the Authority will usually only invite a single round of comments when conducting a public consultation. However, under exceptional circumstances, the Authority may (but shall not be obliged to) invite additional comments for a second round of public consultation if, for example, due to the nature of submissions received.

As far as possible, the Authority will publish a calendar which lists upcoming public consultations as well as a brief summary of the purpose of each consultation. This will be made available on the Authority's website at [www.tra.org.bh](http://www.tra.org.bh).