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**Legislative Decree No. (18) of 2023 Amending Certain Provisions of the Telecommunications Law Promulgated by Legislative Decree No. (48) of 2002**

We, Hamad bin Isa Al Khalifa, King of the Kingdom of Bahrain.

Having reviewed the Constitution, in particular Article (38) thereof,

And the Telecommunications Law issued by Legislative Decree No. (48) of 2002, as amended by Legislative Decree No. (38) of 2017,

And upon the submission of the Prime Minister,

And after the approval of the Cabinet,

Hereby Decree the following Law:

Article One

The definitions of "Access," "Public Communications Services," "Notification," "Frequency Licence," and "Telecommunications Network" as set forth in Article (1) of the Telecommunications Law promulgated by Legislative Decree No. (48) of 2002 shall be replaced with the following definitions:

Access:

The provision of access for a licensed operator to telecommunications facilities or Public Communications Services for the purpose of providing Telecommunications Services, including the connection of telecommunications devices using wired or wireless means, as well as access to any physical installations, including buildings, conduits for wires and cables, towers, mobile phone networks, and access to number translation or networks offering similar functionalities.

Public Telecommunications Services:

Telecommunications Services available to the public.

Notification:

A letter addressed to the recipient by registered mail with acknowledgment of receipt or by electronic means.

Frequency Licence:

A licence to use a frequency granted in accordance with the provisions of Article (44) of this Law.

Telecommunications Network:

A Network that enables the transmission of messages, voices, images, or signals between parties via wires, radio, optical means, or any other electromagnetic means, including satellite networks.

Article (3) Paragraph (c) Clauses (10) and (14):

10- Granting Frequency Licences, taking into consideration the National Frequency Plan.

14- Reviewing tariffs to ensure fairness and reasonableness, establishing criteria for their determination, rebalancing plans, and any other regulatory measures, to be incorporated into telecommunications licences. Tariffs may be determined, if necessary, based on prevailing rates in comparable telecommunications markets in other countries and the cost of providing telecommunications services.

Article (18) Paragraph (a) Clause (2):

2- The revenue from annual fees imposed on licences, determined by a decision of the Authority, provided that such fees do not exceed 2% of the total annual income of the licensee derived from premium and ordinary licences. The Authority may also set a fixed fee for any type of ordinary licence in accordance with the terms stipulated in the licence or by a decision issued by the Authority.

Article (24) Paragraph (a):

a. No person shall operate a Public Telecommunications Network or any Telecommunications Network utilising communication frequencies, or provide telecommunications services in the Kingdom without obtaining a licence or exemption from the Authority, in accordance with the provisions of this Law. The Authority shall issue a decision regulating the cases and conditions for exemption.

Article (43):

Frequency Licence

No person shall operate a Telecommunications Network utilising the frequency spectrum in the Kingdom or operate or use any radio communications devices without obtaining a Frequency Licence from the Authority. The use of frequencies exempted from the requirement to obtain a frequency license from the Authority is permitted, provided it complies with the terms and conditions of such exemption, as specified by a decision issued by the Authority.

Article (57) Paragraphs (b) and (e):

b. A public telecommunications operator determined by the Authority to hold a dominant position in a specific telecommunications market shall publish, within three months from the date of the Authority's report confirming its dominant position, and re-publish whenever the Authority requests it, a reference offer for interconnection, following the Authority's approval of this offer.

The referred offer must include a complete list of the essential interconnection services, the terms of interconnection, and the tariff for each service.

The Authority may issue an order to specify the terms and tariffs if it does not agree with what is included in the offer regarding this matter, and the order shall be effective from the date of its issuance unless the Authority specifies another date for that.

The terms and tariffs must be reasonable and non-discriminatory, and the tariffs shall be determined based on cost or based on the corresponding tariffs in comparable telecommunications markets.

Tariffs and terms of interconnection may vary between operators if there is a justified objective basis according to the type of interconnection being provided.

e. A public telecommunications operator that has a dominant position shall, upon request, offer any other public telecommunications operator access to its Telecommunications Network on fair and reasonable terms, and such an operator shall not be obligated to offer access to conduits unless the Authority deems such access essential.

The Authority may issue regulations regarding access, including a system for the reference offer for access similar to the reference offer for interconnection.

If the Authority determines that the tariffs and terms offered regarding access by an operator with a dominant position are unreasonable, the Authority may decide on the tariffs and terms it considers appropriate.

Article (58) Paragraph (b):

b. Without prejudice to the provisions of the preceding paragraph, the tariffs charged by licensed operators for their services must be fair, just, and non-discriminatory.

The Authority shall review, regulate, and establish the basis for determining the tariffs, plans for rebalancing them, and take any other actions in this regard in accordance with the provisions of Clause (14) of Paragraph (c) of Article (3) of this Law.

Article (64):

Universal Service Obligations

a. The Authority shall establish universal service obligations to support the provision of telecommunications services to all users, and these obligations shall be imposed on every licensed operator determined by the Authority to be a universal service provider.

b. The Authority may promulgate regulations concerning services falling under universal service, and it may also issue regulations to establish a fund to promote universal service if necessary.

Article Two

A definition shall be added to Article (1) of the Telecommunications Law promulgated by Legislative Decree No. (48) of 2002, as follows:

Authority Responsible for Radio Telecommunications:

The Authority or any other entity designated by a decree.

Article Three

A new clause numbered (11) shall be added to Paragraph (b) of Article (39), and a new paragraph numbered (i) shall be added to Article (41) of the Telecommunications Law promulgated by Legislative Decree No. (48) of 2002, with the following texts:

Article (39) Paragraph (b) Clause (11):

11- Any other licences regulated and categorised by the Authority, in order to keep pace with technological developments in the telecommunications sector.

Article (41) Paragraph (I):

I. The Authority may take the necessary measures to ensure arrangements between internet service providers to keep local internet traffic within the Kingdom.

Article Four

The Prime Minister and the Ministers—each within their jurisdiction—shall implement this Law, and it shall come into force from the day following the date of its publication in the Official Gazette.

King of the Kingdom of Bahrain

Hamad bin Isa Al Khalifa

Prime Minister

Salman bin Hamad Al Khalifa

Issued at Riffa Palace:

On:

10 Rabi' al-Awwal 1445 AH

Corresponding to:

25 September 2023