



هيئة تنظيم الاتصالات  
Telecommunications Regulatory Authority

### EMERGENCY ORDER NO. 3 OF 2011

#### ORDER FOR VIVA BAHRIAN B.S.C CLOSED TO COMPLY WITH REGULATION 2 OF 2008 ON THE REQUIREMENT TO REGISTER DETAILS OF PREPAID MOBILE TELECOMMUNICATIONS SERVICES SUBSCRIBERS REGISTRATION OF PREPAID TELECOMMUNICATIONS SERVICES

##### The Order

1. In the exercise of its powers under Articles 3(b), 3(c)(1), 3(c)(18), 3(f) and 78 of the Telecommunications Law, the Telecommunications Regulatory Authority (the "Authority") hereby makes the following Emergency Order.
2. **VIVA Bahrain B.S.C Closed ('VIVA Bahrain')** shall do the following:
  - a. Immediately refrain from activation of any new prepaid mobile telecommunications service to any subscriber without first registering and verifying the submitted subscriber details in accordance with the requirements of Article 5 of Regulation 2 of 2008 on the Requirement to Register Details of Prepaid Mobile Telecommunications Services Subscribers Registration of Prepaid Telecommunications Services.
  - b. Immediately disable all pre-activated Mobile Prepaid SIM Cards provided by VIVA Bahrain.
  - c. Activate an automatic voice message on all pre-activated prepaid mobile SIM cards stating that subscribers will need to go to the nearest VIVA Bahrain outlet to register their details before the service is activated.
  - d. Confirm by 4pm on Monday 11 July 2011 that it has complied with paragraphs a, b and c of Paragraph 2 of this Emergency Order.
3. Failure to comply with this Order will result in the Authority taking further regulatory action, which may include a fine and the revocation of VIVA Bahrain's telecommunications licenses for breaches of the Telecommunications Law and Licenses.

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#### Reasons for Order

4. The Authority has issued the Regulation on the Requirement to Register Details of Prepaid Mobile Telecommunications Services Subscribers Regulation 2 of 2008 (the "Prepaid SIM Registration Regulation"), which applies to all Mobile Telecommunications Licensees and holders of other types of Licenses that provide prepaid mobile telecommunications services in the Kingdom of Bahrain (the "Affected Licensees"). VIVA Bahrain is such an Affected Licensee.
5. Article 5 states:  
  
*"Affected Licensees that activate any new prepaid mobile telecommunications service to any subscriber without first verifying the submitted subscriber details, are hereby deemed in material breach of this Regulation and Section 78 of the Telecommunications Law, and therefore subject to regulatory action pursuant to of Section 35 of the Law"*
6. On 21 June 2011, Ahmed Aldoseri, Director of ICT Directorate at the Authority conducted an investigation into the compliance of current licensees with the requirement of Article 5 of the Prepaid SIM Registration, namely that prepaid mobile SIM cards are not activated before registration. Mr. Aldoseri visited Manama Sooq and approached a total of 10 shops of varying business activities including watch makers, laundry shops, and restaurants.
7. Mr. Aldoseri requested a VIVA prepaid SIM Card from the seller at the first shop. He also asked whether registration of his details will be required for such a purchase. The buyer answered that registration was not required. Mr. Ahmed Aldoseri was able to purchase a VIVA prepaid SIM Card with the following details:  
  
Pack Number: 6084020330211  
Mobile Number: 34072755
8. Mr. Aldoseri also used the VIVA prepaid SIM Card to confirm whether or not the service was activated. He was able to make and receive calls on the VIVA prepaid SIM Card without registration.

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9. Mr. Aldoseri subsequently visited various shops in Manama Sooq where he also inquired about purchasing VIVA prepaid SIM Cards. Most shop owners were ready to sell the VIVA prepaid SIM Cards without registration.
10. On 23 June 2011 at 2:00 pm, and in exercise of his powers as Judicial Officer under Section 77 of the Telecommunications Law<sup>1</sup>, Mr. Aldoseri went to VIVA Bahrain Outlet in City Centre to obtain registration details of the VIVA prepaid SIM Card purchased on 21 June 2011. The salesperson at VIVA Bahrain's City Centre outlet confirmed that the VIVA prepaid SIM Card was not registered. Mr. Aldoseri asked how the VIVA prepaid SIM Card was activated without registration. The salesperson confirmed that **ALL** VIVA prepaid SIM Cards are activated by default without a requirement for registration of subscriber details prior to activation.
11. Based upon the above and after consideration of the requirements set out in the Prepaid SIM Registration Regulation, the Authority considers that VIVA Bahrain is in breach of Article 5 of the Prepaid SIM Registration Regulation by activating new prepaid mobile telecommunications services to subscribers without first verifying the submitted subscriber details.

#### Factors requiring immediate action

12. Article 3(f) of the Telecommunications Law states that the TRA generally should consult on measures except in emergency cases.
13. Article 1.4 of the Prepaid SIM Registration Regulation states that the implementation of the regulation is with a view to support the interests of public safety and discouraging attempts to exploit telecommunications networks for illicit purposes.
14. Failure to take immediate action to comply with the Prepaid SIM Registration Regulation jeopardizes the objective and efficacy of the regulation.
15. VIVA Bahrain are very aware of the importance of the Prepaid SIM Registration Regulation.
16. Therefore the Authority considers that VIVA Bahrain must take immediate steps to rectify its breach as outlined in this Emergency Order.

<sup>1</sup> Appointed by Minister of Justice and Islamic Affairs Decision No. 2 of 2010 to perform powers granted by Article 77 of the Telecommunications Law.





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17. After consideration of the facts outlined above sufficient concerns have been raised with regards to the issues of national security and protection of the interests of Subscribers and Users in the Kingdom of Bahrain such that the Authority hereby issues this Emergency Order.
18. This Emergency Order is without prejudice to the Authority taking further enforcement action pursuant to Article 35 of the Telecommunications Law.

Issued on 10 July 2011 by

**Mohammed Bubashait**

**General Director**

**Manama, Kingdom of Bahrain**