

Consultation for the Global Symposium for Regulators (GSR-20) Best Practice Guidelines on "The Gold Standard for Digital Regulation"

Contribution from the kingdom of Bahrain Telecommunications Regulatory Authority (TRA)

Demonstrating regulatory thought leadership for digital transformation

With the COVID-19 pandemic forcing us to work and arrange our lives, digital experiences are being put to the test. In this 'new normal', organizations are increasingly focusing on online services to optimize their customer's user experience. Therefore, digital experiences have become the number one catalyst for new technology investments. It means that the big lesson from Covid-19 is that data, modern digital platforms, and privacy by design will drive competitive differentiation and sustainable economic growth.

The 17 Social Development Goals (SDG's) established the roadmap for this sustainable economic growth. Creativity and innovation are key to achieve the SDGs and being able to adapt to changing contexts and global environments. This means that new public policies across different sectors (i.e. education policy) should be designed around the adaptation and integration into the digital economy via connectivity technologies especially the Broadband for the today's digital economy era.

Given this shifting focus on using technology to optimize digital user experiences and achieving the SDG's to achieve sustainable economic growth, cyber security threats may increase and hence require further monitoring action plans with all the relevant entities. Because of the potential impact of such threats, data protection will have to be monitored further to ensure privacy.

To optimize transparency and trust in all these developments, it is essential for ICT regulators to focus on explaining the necessity of developing clear regulations. Next to informing stakeholders about the necessity of new and updated policy to safely and successfully guide the shifting focus on using technology to optimize digital user experiences, involving these same stakeholders in the process of public consultation is key for the ICT regulators. Net neutrality can be regulated to be applicable in specific sectors and specific scenarios to contribute to this optimization of transparency and trust.

Vectors of regulatory action: Inclusiveness, agility, and resilience

The impact of the Covid-19 pandemic showed once more the critical impact of optimally functioning ICT services on the digital economy.

In times of crisis, effective measures based on optimal alignment and efficient collaboration between the Bahraini government authorities and their stakeholders result in an optimal ICT readiness to face all the potential challenges that could potentially harm the digitized economy.

Therefore, and together with telecommunications providers and similar stakeholders, the following measures were put in place:

- Guaranteed full access to emergency services and hotlines at all time
- Ensure availability of telecommunications services at all times
- Provide free and unlimited educational website browsing services for students
- Provide unlimited fixed internet services to stimulate staying at home

Collaboration across sectors, cooperation across borders, and engagement across the boards:

Public consultation is one of the key regulatory tools employed by regulators to improve transparency, efficiency and effectiveness of regulation. The TRA employs both informal and formal consultation processes (informal with concerned stakeholders when needed). This involves actively seeking the opinions of interested and affected groups, whether they are licensed operators, government officials, regulatory bodies, or even consumers. It is a two-way flow of information, which may occur at any stage of regulatory development, from problem identification to evaluation of existing regulation. Public consultation improves the quality of regulation and compliance and reduces enforcement costs for both government and those subject to it. Public consultation increases the level of transparency and helps to improve regulatory quality by:

- A. Bringing into the discussion experts from other sectors, and ideas for alternative actions
- B. Helps the TRA balance opposing interests
- C. Identifying unintended affects (whether within the telecommunications sector or effects which spill into other sectors)
- D. Identifies what interactions are needed between other regulators across diff. sectors from various parts of government

Another tool which the TRA is introducing is Regulatory Impact Assessment (RIA) which is defined by the OECD as “a systemic approach to critically assessing the positive and negative effects of proposed and existing regulations and non-regulatory alternatives”. RIA aims to promote the efficiency, transparency and accountability of regulatory action. It will identify the issue to be addressed and the objective(s) to be accomplished in order to identify a range of regulatory options that are available to the TRA. Subsequently, and as far as possible, the involved costs and benefits for stakeholders and the impacts of every option will be assessed. At its core, RIA is an important element of an evidence-based approach to regulation and policy making. Regulatory measures may have an impact not only on a licensed operator on which these measures are imposed, but also on other operators in the market, other sectors and even consumers. Therefore, the TRA may consult with concerned stakeholders in order to consider the wider impact of any measure.