

Regulatory Policy and Procedure

Price Control

Version 1.0

Issue Date: 28 June 2017

Version Control:

Version	Issue Date	Reason for Revision
1.0	28 June 2017	To combine the PCR Policy and PCR Procedures documents; to bring consumer welfare considerations within the scope of PCRs; to establish a policy and processes relating to the removal of services from the market; to establish requirements for the specification of the timeframe of promotions; to enhance flexibility of the procedures to allow for changes to the PCR submission processes and processing timeframes; to remove references to Fast Track Promotions; and to change the timeframes for the submission of Price implementation notifications.

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1. Definitions

- 1.1 The capitalised terms, words and phrases used in this Price Control Regulatory Policy and Procedure (the “Regulatory Policy and Procedure”) shall have the same meaning as is ascribed to them in Federal Law by Decree No. 3 of 2003 (“the Telecommunications Law”) unless this Regulatory Policy and Procedure expressly provides for otherwise, or the context in which those terms, words and phrases are used in this Regulatory Policy and Procedure requires otherwise.
- 1.1.1 The term “Accept” means the Price Control Request (the “PCR”) has been accepted for review by the Telecommunications Regulatory Authority (the “TRA”);
- 1.1.2 The term “Active Subscriber” has the meaning derived for it by the result of the First Test or if applicable, the Second Test as specified in Attachment 1 to this Regulatory Policy and Procedure;
- 1.1.3 The term “Approve” means the TRA has determined that the PCR is in compliance with this Regulatory Policy and Procedure and accordingly, may be implemented by the Licensee;
- 1.1.4 The term “Conditionally Approve” means the TRA has determined that the PCR will be compliance with this Regulatory Policy and Procedure if a certain condition or conditions specified by the TRA is or are implemented, and accordingly, the PCR may be implemented if and only if the relevant Licensee implements the said condition or conditions;
- 1.1.5 The term “Deny” means the TRA has determined that the PCR is not in compliance with Price Control Regulatory Policy and Procedure accordingly, must not be implemented by the Licensee;
- 1.1.6 The term “Inactive Subscriber” has the meaning derived for it by the result of the First Test or if applicable, the Second Test as specified in Attachment 1 to this Regulatory Policy and Procedure;
- 1.1.7 The term “Licensee” means an entity licensed by the TRA and authorised to offer public Telecommunication Services in the UAE;
- 1.1.8 The term “Prices” means tariffs, charges and fees levied by Licensees as well as any other terms, conditions or other qualifications attached to the purchase, usage or consumption of a Service which may be related to such tariffs, charges and fees;

- 1.1.9 The term “Process” means to review a PCR and come to a Determination to: Approve; or Conditionally Approve; or Deny; or return that PCR for more information; or provide that PCR to the TRA Senior Management for consideration and the term ‘Processed’ shall be construed accordingly;
- 1.1.10 The term “Promotion” means a Service having a specific Price which is intended to be available to customers on a time limited basis;
- 1.1.11 The term “Reject” means the TRA has determined that it will not Process the PCR;
- 1.1.12 The term “Removal From Sale” means to stop making a Service available for purchase, usage or consumption to a consumer who is not an existing subscriber of that Service;
- 1.1.13 The term “Respond To” means to give the Licensee an estimated date by which the TRA expects to have Processed the PCR;
- 1.1.14 The term “Service” means a Telecommunications Service, as well as any retail bundle or retail package that includes a Telecommunications Service;
- 1.1.15 The term “Telecommunications Service” means any retail service that is regulated by the Telecommunications Regulatory Authority pursuant to the Telecommunications Law; and
- 1.1.16 The term “Withdraw” means to permanently stop providing any Service to existing subscribers of that Service.

2. Scope

- 2.1 This Regulatory Policy and Procedure applies to all retail and wholesale Prices regulated by the TRA, with the exception of Interconnection Services prices.
- 2.2 This Regulatory Policy and Procedure covers, but is not limited to, Prices associated with the following:

- Introduction of new Services
- Changing, amending or restructuring existing Services
- Promotions
- Special offers and rebates
- Bundled, packaged, or stand-alone Services
- Bulk, volume or other discounts
- Free of charge Services

2.3 This Regulatory Policy and Procedure also covers the Withdrawal and Removal From Sale of Services.

3. Policy Considerations

3.1 The TRA will not Approve a PCR if the PCR in question involves a Price which:

3.1.1 is, or is likely to be, anti-competitive and which could restrict, distort or prevent competition in the short term or in the long term; or

3.1.2 could restrict, distort or prevent the growth and development of the telecommunication sector of the UAE; or

3.1.3 could cause undue harm to consumer welfare.

3.2 Exceptions may apply for temporary Price decreases during periods of public emergency, at the discretion of the TRA.

4. Price Control Request (PCR)

4.1 A Licensee shall request prior approval from the TRA for any new or changed Price, and in certain circumstances that are described in Articles 10, 11 and 12 of this Regulatory Policy and Procedure for the Withdrawal of a Service or the Removal From Sale of certain Services.

4.2 The TRA may, based on the provisions of this Regulatory Policy and Procedure, Accept or Reject a Licensee's request to review a PCR. Reasons for Rejection will be limited to the submission of an incomplete PCR, or the submission of a PCR with an incorrect form, format, or manner of submission.

4.3 In all cases, the TRA will communicate to the relevant Licensee the reason for the Rejection of a PCR.

4.4 If a request is Accepted by the TRA, the TRA may, based on the provisions of this Regulatory Policy and Procedure: Approve the PCR;

Conditionally Approve the PCR; Deny the PCR; or return the PCR for further information.

4.5 A Licensee may withdraw a pending PCR.

5. Approval Status Change

5.1 The TRA may, at its sole discretion, amend, revoke or suspend a prior Approval or Conditional Approval.

5.2 Approvals or Conditional Approvals which have not been implemented within six (6) months from the date of approval shall lapse and the relevant Licensee shall not implement the Price until a new approval has been obtained.

6. Compliance with Concurrent Obligations

6.1 It is the responsibility of the relevant Licensee to ensure that before any Service is introduced, the Price and Service are in compliance with the TRA's entire Regulatory Framework as well as any conditions imposed by any other competent authority.

6.2 Under no circumstances shall an Approval or Conditional Approval with respect to this Regulatory Policy and Procedure be construed as a waiver of the relevant Licensee's obligations arising from Article 6.1 above.

7. PCR Submission Process

7.1 A Licensee shall submit to the TRA a PCR in accordance with the template to be specified and communicated by the TRA. This template may be amended from time to time.

7.2 PCRs shall be submitted using the processes specified and communicated by the TRA. These processes may be amended from time to time.

7.3 Except as specified in Article 7.4, the official receipt date of a PCR is the date upon which the PCR is received by the TRA, provided the PCR is received before or during the TRA's official working hours. If the PCR is received after the TRA's official working hours, the official receipt date will be deemed to be the next working day.

7.4 In the event that the TRA requests additional information regarding the PCR, the official receipt date is deemed to be the date upon which the

Licensee has delivered a satisfactory explanation and/or supplemental information, provided that information is received before or during the TRA's official working hours. If the information is received after the TRA's official working hours, the official receipt date will be deemed to be the next working day.

- 7.5 The TRA shall, at its sole discretion, determine whether to Accept or Reject a PCR.
- 7.6 The Rejection of a PCR may be based on the completeness, form, format or manner of its submission.
- 7.7 In all cases, the TRA will communicate to the relevant Licensee the reason for the Rejection of a PCR.

8. PCR Review Process

- 8.1 The specific protocols described in this Article 8 shall be applicable to the initial review of all PCRs, excluding certain Promotions that may be extended subject to the provisions of Article 9.4.1 of the Regulatory Policy and Procedure. However, these protocols shall be adapted on a case by case basis with respect to the specific circumstances which may underpin public emergencies as described in Article 131313, below.
- 8.2 In the case of any Accepted PCR, the TRA may: Approve the PCR; Conditionally Approve the PCR; Deny the PCR; or return the PCR for additional information.
 - 8.2.1 If the TRA determines that the PCR is in compliance with this Regulatory Policy and Procedure, the TRA shall Approve the PCR and shall communicate the Approval to the Licensee.
 - 8.2.2 If the TRA determines that the PCR will be in compliance with this Regulatory Policy and Procedure if a certain condition or conditions specified by the TRA is or are implemented, the TRA shall Conditionally Approve the PCR and shall communicate the Conditional Approval to the Licensee.
 - 8.2.3 If the TRA determines that the PCR does not meet the requirements of this Regulatory Policy and Procedure, the TRA shall Deny the PCR and shall notify the relevant Licensee of the Denial and the reason for denial.
 - 8.2.4 If the TRA finds that the PCR contains insufficient information, the TRA shall request additional information.

- 8.2.5 After the TRA receives the required information, the TRA shall reinitiate its review process. That reinitiated review may give rise to the need for subsequent requests for information.
- 8.2.5.1 Unless otherwise indicated by the TRA, any request for additional information shall be delivered to the TRA by the relevant Licensee in the form and format determined by the TRA within three (3) months of the TRA's request.
- 8.2.5.2 Failure to provide such information within this period shall result in the PCR being closed by the TRA.
- 8.2.5.3 After a PCR is closed, if the Licensee wishes to recommence a review of the relevant Price, the Licensee must submit a new PCR which references the PCR number of the closed PCR.

9. Promotions

- 9.1 For the purposes of this Regulatory Policy and Procedure, a "Promotion" shall refer to any specific Price which is intended to be available to customers only for a limited duration of time (excluding public emergencies).
- 9.2 The initial submission and review of Promotions shall be subject to the specific criteria described in Article 7 and Article 8 above.
- 9.3 The duration for a Promotion may be up to (3) months. The PCR must specify when the Licensee will stop offering the Promotion. Should the Licensee wish to stop offering the Promotion prior to the timeframe specified within an implemented PCR, the Licensee must notify the TRA of the new proposed timeframe and such notification shall be provided at least 1 working day before the new timeframe is implemented.
- 9.4 At the discretion of the TRA, Promotions may be extended under the following conditions:
- 9.4.1 If the Promotion has not been previously extended by the Licensee, the Licensee shall notify the TRA at least 2 working days prior to the expiry of the relevant Promotion that the Promotion is to be extended. This notification shall be submitted to the TRA in accordance with the template specified and communicated by the TRA. This template may be amended from time to time. Licensees do not require express approval by the TRA to extend such Promotions. However, Licensees shall not alter any aspects of the initial Approved or Conditionally Approved PCR.
- 9.4.2 Should a Licensee wish to further extend a Promotion (beyond the date of the first notified extension), a formal request for an

extension shall be submitted to the TRA in the form of a PCR. The official receipt date of the extension request is the date upon which the extension request is received by the TRA.

- 9.4.3 If the TRA finds that a PCR for a request for a Promotion extension contains insufficient information, the TRA shall request additional information or Reject the extension request PCR.
- 9.4.4 The TRA shall, at its sole discretion, determine whether to Accept, Reject, Approve, Conditionally Approve or Deny an extension request PCR.

10. Service Withdrawals

- 10.1 If a Licensee wishes to cease the provision of a Service to existing subscribers, it must follow the procedures as set out below.
- 10.2 If a Service does not have any Active Subscribers, a Licensee may Withdraw that Service provided the Licensee:
- 10.2.1 Notifies the TRA in writing of the pending Service Withdrawal at least 70 calendar days prior to the Withdrawal;
- 10.2.2 Notifies all Inactive Subscribers of the pending Service Withdrawal at least 60 calendar days prior to the Withdrawal; and
- 10.2.3 Again notifies all Inactive Subscribers of the pending Service Withdrawal at least 20 calendar days prior to the Withdrawal.
- 10.3 If a Licensee proposes to Withdraw a Service which does have Active Subscribers, the Licensee must contact those Active Subscribers and encourage them to voluntarily migrate to an alternative Service or cancel their subscription.
- 10.4 If all Active Subscribers migrate to an alternative Service or cancel their subscription, the Licensee may Withdraw the Service provided that it:
- 10.4.1 First fulfils the processes outlined in Article 10.2 above relating to any Inactive Subscribers; and then
- 10.4.2 Notifies the TRA in writing of the pending service Withdrawal at least 10 calendar days prior to the Withdrawal.
- 10.5 If the Licensee is unable to obtain consent from all of its Active Subscribers to migrate to an alternative Service or cancel their Services, the Licensee may submit a PCR to the TRA for a Service Withdrawal. The Licensee must describe in the PCR the attempts that it has made to encourage its Active Subscribers to migrate to an alternative Service. The TRA will consider the PCR in accordance with Articles 7 and 8 of this Regulatory Policy and Procedure. In all cases, however, Articles

10.2 will apply in relation to the Withdrawal of service to any Inactive Subscribers.

11. Cessation of sales of Telecommunications Services to new subscribers

11.1 In circumstances where a Licensee proposes to stop offering a Telecommunications Service to new subscribers but continue to offer the Telecommunications Service to existing subscribers, a PCR will be required. The submission and review of these PCRs shall be subject to Articles 7 and 88 above.

12. Cessation of sales of bundles or plans containing Telecommunications Services to new subscribers

12.1 In circumstances where a Licensee proposes to stop offering a bundle or plan containing a Telecommunications Service to new subscribers but continue to offer that bundle or plan to existing subscribers, and where any or all Telecommunications Services offered within that bundle or plan are also available for sale on a standalone basis, the Licensee should notify the TRA in writing of its intentions at least 30 calendar days in advance of the proposed cessation of the sale of those bundles or plans to new subscribers. While the TRA would ordinarily not object to the Removal From Sale of individual bundles or plans, the TRA may block the Removal From Sale if the TRA considers that such removal could:

12.1.1 be anti-competitive and which could restrict, distort or prevent competition in the short term or in the long term;

12.1.2 restrict, distort or prevent the growth and development of the telecommunication sector of the UAE; and

12.1.3 cause undue harm to consumer welfare.

12.2 If the bundle or plan that the Licensee is proposing to stop offering for sale contains any Telecommunications Services that are not offered on a stand-alone basis, the Licensee must follow the procedures described in Article 11.1 if it seeks to remove that bundle or plan from sale.

13. Public Emergency Price Decreases

- 13.1 For humanitarian reasons, in the event of a bona fide public emergency, the TRA will generally apply the procedures defined below in order to facilitate the urgent provision of temporary Price decreases.
- 13.2 If possible, such temporary Price decreases shall be notified to the TRA in advance of implementation. While it will not be necessary to receive an Approval from the TRA, the TRA will reserve the right to intervene in relation to any temporary Price decrease(s).
- 13.3 This notification shall include the existing Price, the temporary Price, as well as the reason for and the planned duration of the temporary Price decrease.
- 13.4 Such temporary Price decreases may be in effect for a period of up to seven (7) calendar days.
- 13.5 Should the duration of the public emergency exceed this period, the Licensee may request an extension of the temporary Price decrease. The extension request shall provide a detailed explanation of the reasons to justify the extension as well as any other information, on a case by case basis, as may be required by the TRA.

14. Schedule of Notifications by the TRA

- 14.1 The TRA shall endeavor to Process and/ or Respond To PCRs based on a schedule that shall be communicated to Licensees by the TRA, and which may be updated from time to time.

15. Notification of Price Implementation by the Licensee

- 15.1 The Licensee shall notify the TRA as soon as practicable and no later than one business day after the implementation of any approved Price, along with the approved PCR number and marketing name(s) of the respective service(s).
- 15.2 Notification protocols for public emergency Price decreases are as specified in Article 13.
- 15.3 The notification of Price implementation shall be communicated to the TRA in a method specified by the TRA. This method may be amended by the TRA from time to time.

15.4 Subsequent to the approval of a PCR, the relevant Licensee shall have a maximum period of six (6) months from the date of the TRA's approval to implement the respective Price, otherwise the approval shall expire.

15.4.1 If a PCR approval has expired and the relevant Licensee wishes to recommence a review of the relevant Price, the Licensee must submit a new PCR which references the PCR number of the expired PCR approval.

16. Change of Status of Approval

16.1 The TRA may, at its discretion, determine that it is appropriate to amend, revoke or suspend its prior approval based on a change in circumstance.

16.2 If a prior approval is amended, revoked or suspended, the TRA shall inform the relevant Licensee of the reasons and will instruct the Licensee as to any actions that shall be taken by the Licensee as a result of the TRA's determination.

17. Effective Date

17.1 This Regulatory Policy and Procedure shall be effective on the date of issuance.

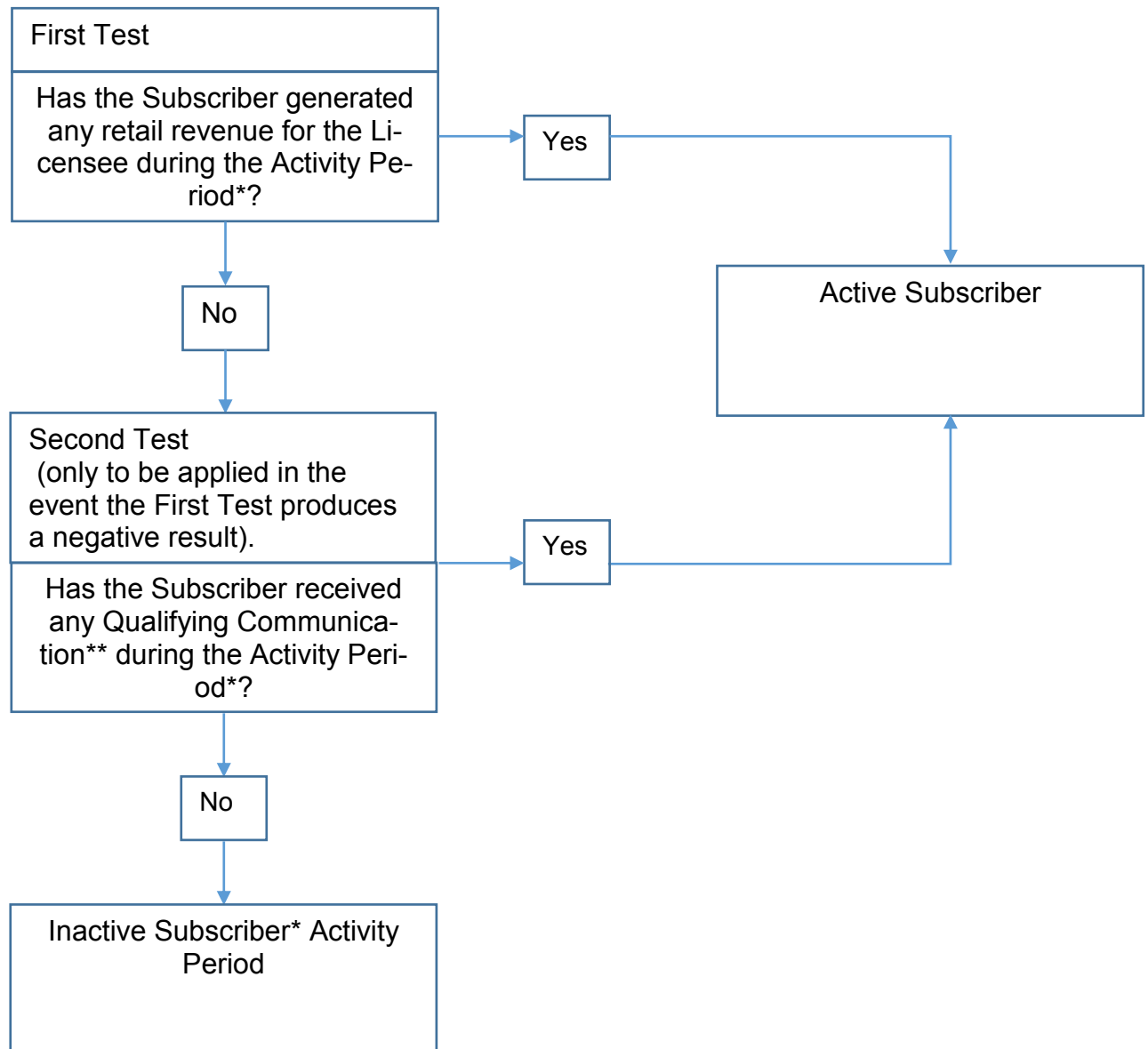
18. Publication

18.1 The TRA reserves the right to publish this Regulatory Policy and Procedure, or any portion thereof, at its sole discretion and without notice to the Licensees.

19. Revocation

19.1 This Regulatory Policy and Procedure replaces the TRA's Price Control Policy, Version 2.1, issued on 23 September 2008 and the TRA's Price Control Regulatory Procedure, Version 2.1, issued on 23 September 2008.

Attachment 1



Where:	For Mobile Services	For Non-mobile Services
*Activity Period	Means - the period equal to ninety (90) days preceding the date on which the test is applied.	Means - the period equal to nine (9) months preceding the date on which the test is applied.
**Qualifying Communication	Means – any: voice call; video call; SMS; MMS; or any other electronic communication reasonably associated with the service in question.	