



## **Consultation on the “RA Standard Consultation Process”**

**(19 December 2012 to 17 January 2013)**

### **Summary of the Comments Received and the Response of the Regulatory Authority (RA)**

**25 February 2013**

## Summary of the key comments received and the response of RA

Responses to this public consultation have been received from the following parties (by alphabetical order):

1. QNBN
2. Qtel
3. Tarun Gupta / India (individual response)

No.	Respondent	Comments	Response of the Regulatory Authority
1.1	QNBN	Supports the initiative to implement a standard consultation process.	No Response required
1.2	QNBN	Fully supports RA’s intention of having open and transparent proceedings (public hearings). But this should apply to all matters which have direct impacts on licensees, not only upon the formal consultation process.	RA is planning to have a public hearing as part of any public or industry consultations. However, having public hearings outside the context of public or industry consultations will be decided by RA on a case-by-case basis and at the sole discretion of RA.
1.3	QNBN	<ul style="list-style-type: none"> <li>• Stakeholders (Licensees) are not always consulted or part of the process leading to ictQATAR’s decisions regarding issues that may have direct impact on the licensees. Stakeholders should be appropriately engaged regardless of the form of the consultation.</li> <li>• Licensees should be provided relevant details on the matters that may impact them and accorded the opportunity to make representations to RA.</li> </ul>	This comment is outside the scope of this consultation which is limited to the RA Standard Consultation Process.
1.4	QNBN	Significant portion of the process is internal to ictQATAR and QNBN has no comments on internal matters.	No response required
1.5	QNBN	The process does not address the possibility of a second round of consultation (further submissions on the initial comments) which should be the rule rather than the exception.	As a standard process, consultation on a subject will be limited to one round only in order to optimize efficiency and speed up the process of developing regulatory instruments. However, in exceptional cases, RA may decide to conduct a second round of consultation if deemed necessary at the sole discretion of RA.

Consultation on RA Standard Consultation Process – Key Comments Received and RA’s Response

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1.6	QNBN	<ul style="list-style-type: none"> <li>In many decisions or positions adopted by ictQATAR, it is not clear what matters were “carefully” considered by RA nor the weight any submissions may have played in arriving at a conclusion or position on a matter.</li> <li>ictQATAR should provide its reasoning for arriving at a certain conclusion and the relative weight given to various submissions made by stakeholders. This will result in a more efficient and informed regulatory process.</li> </ul>	At the end of every consultation and as stipulated in the draft RA Standard Consultation Process, RA publishes all the comments received along with its responses to the key comments, which provide transparent justification on its final position.
2.1	Qtel	<ul style="list-style-type: none"> <li>Qtel is highly supportive of ictQATAR’s efforts to create a more predictable and transparent regulatory decision-making framework.</li> </ul>	No response required
2.2	Qtel	<ul style="list-style-type: none"> <li>The flow-chart does not cover many of the critical matters that should be addressed in describing a system of regulatory decision making that meets ictQATAR’s objectives or provide a level of transparency and predictability.</li> <li>Qtel urges ictQATAR to develop a more comprehensive set of regulations to govern the decision-making process within ictQATAR that provides greater transparency regarding interaction with stakeholders.</li> </ul>	RA welcomes this comment, but it is outside the scope of this consultation which is limited to the RA Standard Consultation Process.
2.3	Qtel	ictQATAR has in the past 6 years issued some decisions, instructions, orders, guidelines, etc with little or notice to Qtel.	This comment is outside the scope of this consultation which is limited to the RA Standard Consultation Process.
2.4	Qtel	No rules in place governing ictQATAR’s conduct of the decision making process, whether subject to public consultation or not. Qtel proposes that ictQATAR should develop a set of specific decision-making rules, processes and steps, modeled on ictQATAR’s dispute resolution rules.	This comment is outside the scope of this consultation which is limited to the RA Standard Consultation Process.
2.5	Qtel	Suggestion 1: Clarify the purpose and procedures for issuance of different types of regulatory instruments (decision, rule, order, notice, instruction, guidelines, etc) and the legal and procedural differences.	RA welcomes this suggestion and will take it into consideration, but it is outside the scope of this consultation which is limited to the RA Standard Consultation Process.
2.6	Qtel	Suggestion 2: Create specific exceptions to the consultation process, i.e., deviations from the standard process (e.g., abbreviated process in emergency situations, narrow consultations).	This is RA Standard Consultation Process that will be followed by RA. However, like any other business processes, there may be special cases where RA may make specific exceptions or deviations according to the subject and circumstances.

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2.7	Qtel	Suggestion 3: State clearly the stakeholders included in the consultation. The decision making process should make clear how ictQATAR will determine when it will consult broadly with the public and when it will consult privately with a limited set of stakeholders.	<p>The consulted stakeholders will clearly be specified when a consultation is launched. This will be either</p> <ul style="list-style-type: none"> <li>• a public consultation where all the stakeholders (licensees and other impacted parties) and the general public will be invited to review the document and submit comments; or</li> <li>• an industry consultation limited to the stakeholders (licensees and other impacted parties).</li> </ul> <p>As a general rule:</p> <ul style="list-style-type: none"> <li>• Public consultations will apply in the case of subjects/documents of public interests such as new/revised policies, guidelines, instructions, etc. where the public (consumers) are either impacted or need to know.</li> <li>• Industry consultations will apply in the case of subjects/documents that are specifically addressed to a specific and limited number of stakeholders (e.g., licensees, government entities, etc). An example of this type of consultations includes the recent consultation on methodology and timelines of the payment of the license and industry fees by the licensees.</li> </ul>
2.8	Qtel	Suggestion 4: Establish minimum standard elements of each consultation (e.g., level of details, the need for new regulation, information on which any conclusions will be based, alternatives, expected results).	RA consultation documents usually include such information.
2.9	Qtel	Suggestion 5: Allow for a 2 <sup>nd</sup> or 3 <sup>rd</sup> round of consultation on important issues or in response to new issues raised by a party.	As a standard process, consultation on a subject will be limited to one round only in order to optimize efficiency and speed up the process of developing regulatory instruments. However, in exceptional cases, RA may decide to conduct a second round of consultation if deemed necessary at the sole discretion of RA.
2.10	Qtel	Suggestion 6: Create clear procedures for governing communication with ictQATAR (i.e., transparency regarding information shared with ictQATAR). A procedure of mandatory disclosures of relevant information (except to the extent commercially sensitive) would significantly advance ictQATAR's goals of issuing regulatory instruments in an open and transparent manner.	<p>As set out in all RA consultation documents, ictQATAR intends to publish the submissions to the consultations on its website. All submissions will be processed and treated as non-confidential unless confidential treatment of all or parts of a response has been requested.</p> <p>In order to claim confidentiality for information in submissions that stakeholders regard as business secrets or otherwise confidential, stakeholders must provide a non-confidential version of such documents in which the information considered confidential is blacked out. This "blacked out" should be contained in square brackets. From the non-confidential version</p>

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			<p>it has to be clear where information has been deleted. To understand where redactions have been made, stakeholders must add indications such as “business secret”, “confidential” or “confidential information”.</p> <p>A comprehensive justification must be provided for each and every part of the submission required to be treated as confidential. Furthermore, confidentiality cannot be claimed for the entire or whole sections of the document as it is normally possible to protect confidential information with limited redactions.</p> <p>While ictQATAR will endeavor to respect the wishes of respondents, in all instances the decision to publish responses in full, in part or not at all remains at the sole discretion of ictQATAR. By making submissions to ictQATAR in this consultation, respondents will be deemed to have waived all copyright that may apply to intellectual property contained therein.</p>
2.11	Qtel	<p>Suggestion 7: Create a mechanism for interested parties to suggest modifications to a final regulation (e.g., within 60 days following issuance) limited to matters not considered during the comments phase (e.g., new arguments, new facts that came to light after the close of the consultation period, etc)</p>	<p>The purpose of the consultation process is to collect the views of all stakeholders during the consultation phase in order to finalize the regulatory instruments taking into consideration all those views. Modifying a final regulatory instrument that has been recently published by RA may be confusing for the stakeholders and consumers and will be time consuming for RA and stakeholders.</p> <p>However, based on the experience with the implementation of a new regulatory instrument and the feedback provided by the stakeholders, RA will decide on the right time to revise the instrument following the standard consultation process.</p>
3.1	Tarun Gupta	<p>Publishing of comments and response in public domain may have negative impact on acceptance of regulatory instrument or may impact industry sentiments. Recommended a modified text in the publication section that ictQATAR will “conduct risk assessment and shall publish it on its website based on risk ranking deemed appropriate for public domain, along the final document and its response to the key comments received.”</p>	<p>Please refer to item No. 2.10 above.</p>