

Issue: Final



REPUBLIC OF LEBANON
TELECOMMUNICATIONS
REGULATORY AUTHORITY

Public Consultation Process

May 2007

**Telecommunication Regulatory
Authority of Lebanon**

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Article 5 (3) of the Telecommunications Law requires the TRA to establish procedures for collecting and considering the comments and suggestions of providers and concerned persons by the development of the regulations and may, if necessary, establish consultative committees under the provisions of Article 10 of the Law.

1 Introduction

These Consultation Guidelines form part of the regulations issued by the Telecommunications Regulatory Authority (TRA) as the independent regulatory authority for the telecommunications sector in Lebanon. These Guidelines are designed to serve industry stakeholders in understanding the process by which public consultations are conducted and to serve a model for all TRA public consultations.

The actions of the TRA will affect people and organisations throughout Lebanon. As a result, it is very important that the TRA takes its decisions at the right time and in the right way. These decisions need to take account of the views of those who have an interest in the outcome. Consultations allow those who could be affected by or concerned about a particular issue to give their views before a decision on a course of action is taken.

Consultations is also an essential part of regulatory accountability – the means by which those people and organisations affected by the TRA decisions can judge what it does and why it does it.

In its endeavour to conduct transparent and effective public consultations, the TRA will:

- Involve, as much as possible, all those whose voices need to be heard, whether big companies or small ones, industries, consumer and community groups or just individuals;
- Give interested parties a possibility to express their interest fully and in an informed way
- Use submitted responses to help understand the effect of any action taken.

The TRA will also try to:

- Do this clearly and openly so everyone can see what is happening when, and why;
- optimize value for money by making sure the cost of the consultation process is not too high
- Avoid taking long time as the markets subject to the regulation change quickly.

2 The Approach to Formal Consultation

The TRA will usually run each consultation with a fully-published document asking for the written responses of interested parties. Many of the consultations will explore complicated issues with important legal implications. As a result, this formal approach is essential to make sure what is done is clear and open. It is also easier for everyone to use the same template when responding in writing.

Formal consultation also has its limits. Some of those affected by TRA decisions are better placed to deal with regulation than others. Very big companies have experts available to analyse long and complicated documents – but small companies usually do not. Consumer and community groups and individuals also lack both time and specialist skills. The way the TRA intends to help small companies and people to express their views is to make formal consultation as efficient as possible and to back this up with other ways of gathering opinions, which may include:

- Using research to understand the views, needs and behaviour of people and organisations involved in or concerned about the communications industry;
- Reaching smaller companies and organisations by conducting surveys and opinion polls. Other studies will be based on techniques such as focus groups. And others will use a balance of both;
- Reaching out to people and community groups who have an interest in the decisions, but can't respond formal written approach by running road shows, open meetings, online bulletin boards and focused discussion groups.
- Consulting regularly with people and organisations in an informal way to help understand their concerns. These informal discussions will apply to complement the formal consultation process. They will give the TRA a snapshot of industry and consumer views. The TRA can then 'test the ground' before issuing formal consultation documents. The TRA expects to do this through a mixture of informal meetings and seminars.
- The TRA will communicate as widely as possible throughout each consultation. This will involve:
 - holding as many face-to-face meetings as possible in the time available;
 - using the website (www.tra.gov.lb) to gather feedback online and to provide detailed background information;
 - briefing the media using news releases;
 - communicating directly through the media by writing articles for magazines and newspapers and, if needed, using advertising.

The TRA will keep accurate records of discussions that help to understand the issues involved. But the **TRA will also respect the confidentiality of its sources and will not reveal detail provided it was agreed to keep the discussions private**. The TRA is not just seeking to know whether interested parties agree or not on a particular matter, but is also interested in why people hold the views they do and how its proposals would affect the industry and the population at large.

Wherever possible, The TRA would like people to back up their statements with evidence. It also encourages membership groups such as trade associations and consumer and community groups to explain who they represent.

The TRA will invite everyone interested in the issues it will be examining to register online with it to receive emails about consultations and news of other activities.

The TRA plans to publish and seek input on large amounts of material covering many areas so it is important to allow individuals and organisations to choose the information, which interest them most. People who register will be able to choose updates on:

- all sectors and areas that the TRA regulates;
- individual sectors such as radio, television, telecommunications or specific wireless and satellite services which use the radio spectrum.

The TRA plans to develop a secure online consultation forum where organisations and individuals can freely express their views. This will allow it to identify particular groups who are interested in a specific area.

3 Principles to be followed

There are seven principles the TRA will follow for each written consultation:

Before the consultation

1. Whenever possible, The TRA will hold informal discussions with people and organizations before announcing a big consultation to find out whether its thinking is directionally correct. If it does not have enough time to do this, it will hold an open meeting to explain its proposals shortly after announcing the consultation.

During the consultation

2. The TRA will be clear about what and whom it is consulting, why, on what questions and for how long.
3. The TRA will make the consultation document as short and simple as possible with a summary of no more than two pages. It will try to make it as easy as possible to give a written response. If the consultation is complicated, The TRA may provide a shortened version for smaller organisations or individuals who would otherwise not be able to spare the time to share their views.
4. The TRA will normally allow four to ten weeks for responses, depending on the length and specialization of the consultation.
5. The public consultation and the consumer affairs department in the Information and Consumer Affairs Unit of the TRA will be in charge of making sure consultation guidelines are followed and reached to the largest number of people and organisations.
6. If The TRA is not able to follow one of these principles, it will clearly explain why as part of the consultation. This may be because a particular issue is urgent. If the TRA needs to call for consultation with reduced time, it may let those concerned know beforehand that this is a 'red flag consultation', which needs their urgent attention.

After the consultation

7. The TRA will review and assess each response carefully and with an open mind. It will give reasons for its decisions and will give an account of how the views of those concerned helped shape those decisions.

The TRA believes it is important for everyone interested in an issue to see the views of others during a consultation. It would usually publish all the responses it has received on its website. **The TRA, however, will respect requests to keep certain views and information confidential.**

The TRA may also:

- Keep these seven principles published in parallel to every ongoing consultation document;
- run a consultation helpdesk – to help organisations such as small businesses and consumer and community groups make their views heard in response to its consultations;
- keep record of all consultation documents and post them on the TRA website. The website will list all current consultations, those recently closed and (as far as possible) those planned in the near future.

4 Consultation Document

The TRA will aim to follow a consistent approach in designing each formal consultation document. The contents will vary depending on the issue, but will usually include:

- a front cover with the name of the consultation and the closing deadline for responses;
- a page listing the contents;
- an executive summary of no more than two pages;
- the main body of the document
- a contact name and details of where responses should be sent;
- response template to be followed by interested parties in drafting their response
- annexes and a glossary, if these are necessary.

Some of the issues the TRA will be exploring are technically complicated. However, it will always try to make formal consultation documents short and simple enough for people to understand the objective of the consultation.

Wherever possible the TRA will also try to publish self-contained documents so that those who want to respond to a consultation do not need to refer to other papers when considering what to write. If the TRA needs to refer to other papers, it will only do so if the alternative would mean publishing a consultation document that was too big and too difficult to understand and work with.

Some consultations may also include a Regulatory Impact Assessment (RIA). This will explain the TRA's view of the benefits and costs of the different options it is considering. RIAs are an important part of best practice for a regulator.

The TRA may publish more information on its approach to RIAs in the near future.

5 Duration of Consultation Process

If a consultation is too short, some of those with important views to share may not have enough time to prepare their responses. If it is too long, the involved market may have changed dramatically.

This could affect the TRA's ability to deal with an issue in a timely fashion as the organisations involved would like.

When the TRA decides how long a consultation should last, it needs to strike the right balance between the two. It will generally allow four to ten weeks for complicated policy issues. This time has been set taking account of the speed with which the telecommunications industry changes.

The TRA will also make allowances for holiday periods in setting the timetable. When the TRA begins a formal consultation it will also say when it targets to publish its decision.

Consultations may be shorter than four weeks if:

- the issue or community involved is small or only affects a particular group, which has been identified ahead of time;
- a proposal will have a limited effect on a market;
- a proposal is only a limited amendment to existing policy; or
- an issue needs to be looked at urgently. The TRA may also run a shorter formal consultation process if:
 - the law specifies that the TRA must act within a specific time period;
 - the organisations involved in a specific consultation agree they want a faster timetable; or
- this is the second consultation on the same issue.

Once the consultation period has come to an end, some regulators ask all those who have responded to a consultation if they would like to comment on the views others have given. The TRA would not usually do this but may do so in particular cases.

6 Announcement of Plans for Future Consultations

The TRA will issue a regular calendar, which will list when it expects to begin specific consultations as well as other important dates such as its board meetings. The calendar will include a brief summary of the purpose of each consultation. It will be available on its website at www.tra.gov.lb and will be updated frequently.

7 Conclusion of the Consultation Process

The team in charge of the consultation will review all the responses the TRA have received. They will then prepare a summary for its Board or another group responsible for making the relevant decision.

The summary prepared by TRA team will also include other important and relevant information. This might include the results of market research, the views given in seminars and meetings and the outcome of informal talks with people and organisations that have an interest or concern.

The decision of the Board will be published and, when appropriate, a press release will be issued and a press conference held.

- End of Public Consultation Process -

(Annex A follows)

Annex A - Cover Sheet for Response to a TRA Consultation

BASIC DETAILS

Consultation title:

To (TRA contact):

Name of respondent:

Representing (self or organisation/s):

Address (if not received by email):

CONFIDENTIALITY

What do you want the TRA to keep confidential?

Nothing	<input type="checkbox"/>	Name/contact details/job title	<input type="checkbox"/>
Whole response*	<input type="checkbox"/>	Organisation	<input type="checkbox"/>
Part of the response*	<input type="checkbox"/>		

If you want part of your response, your name or your organisation to be confidential, can the TRA still publish a reference to the contents of your response (including, for any confidential parts, a general summary that does not disclose the specific information or enable you to be identified)?

Yes

No

DECLARATION

I confirm that the correspondence supplied with this cover sheet is a formal consultation response. It can be published in full on TRA's website, unless otherwise specified on this cover sheet. If I have sent my response by email, the TRA can disregard any standard email text about not disclosing email contents and attachments.

Name

Signed (if hard copy)

*As part of its process to develop a complete record and allow open public access to the information that forms a basis for its decisions, the TRA will generally publish all comments as received, unless respondents explicitly ask that their responses be treated as confidential, in total or in part. If any party wishes to have the whole or any part of its submission withheld, then it shall state this request, set out clearly the basis for its request of confidentiality, and enclose the information that it wants to be treated confidentially in a separate sealed envelope. If the Authority agrees that the circumstances warrant confidential treatment, then it will notify the respondent of the same and will open and consider the submission confidentially in this consultation process. If the Authority disagrees, then it will destroy the sealed materials without opening or reviewing them, not consider them in this consultation process, and notify the respondent of the same.