

ANNEX 2

REGULATORY DATA

2003

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1. TARIFFS

Table 1: Fixed public voice telephony tariffs of SMP operators: rebalancing, regulation and report on the evolution of tariffs

	<i>Tariff rebalancing completed</i>	<i>Type of regulation of end-user voice telephony tariffs of SMP operators</i>	<i>Date and reference of publication of the last report on the evolution of tariffs¹</i>
B	No	Price cap + cost oriented ²	July 2003 (www.ibpt.be) ³
DK	Yes	Price ceiling only regarding subscription and call setup, while the earlier price cap regulation is lifted as regards the per minute charge	26.3.2003, Tele Yearbok 2002 (published on www.itst.dk) ⁴
D	Yes ⁵	Price ceiling (Price-cap)/approval by the NRA ⁶	Communication N 225/2003; Reg TP-Journal N 16/2003 of 13. August 2003
EL	Yes	NRA approval	EETT Annual report 2002 (published on www.eett.gr)
E	Yes	Price-cap	16.7.2003, CMT annual report (www.cmt.es) ⁷
F	Yes	Prior approval of the Ministry (following opinion of ART) in accordance with the ONP conditions	Report 2000: "Le service public de télécommunications", publication every 4 years Opinion ART 01-475, 18.5. 2001
IRL	Retail Price Cap amended February 2003. All sub caps, including one on retail access, removed	Price cap	Review of Price Cap on Certain Telecommunications Services – ComReg Document 03/14, February 2003
I	Yes	Price cap/NRA approval	30.6.2003, AGCOM Annual report (www.agcom.it)

¹ Article 3.2, Dir. 98/10/EC.

² The Incumbent has the obligation to reflect the terminating tariffs from the OLO's into his retail tariffs

³ www.ibpt.be/Telecoms/ServiceUniversel/rapport2002.pdf

⁴ Please see <http://www.itst.dk/wimpdoc.asp?page=tema&objno=9502404>,

<http://www.itst.dk/wimpblob.asp?objno=97331904>

⁵ See Communication N°. 75/2002 in Reg TP-Journal N°. 2/2002 of 06. February 2002 amended by Communication N 201/2003 in Reg TP-Journal N 15/2003 of 30 July 2003.

⁶ Examination of evidence of anticompetitive rebates and discrimination.

⁷ A comparison of fixed tariff is available on the NRA's website.

	<i>Tariff rebalancing completed</i>	<i>Type of regulation of end-user voice telephony tariffs of SMP operators</i>	<i>Date and reference of publication of the last report on the evolution of tariffs¹</i>
L	No	Tariffs set freely by the operator Proof of cost orientation requested according to Luxembourg legislation: - Règlement grand-ducal of 18 April 2001 amending règlement grand-ducal of 22 December 1997 establishing conditions to deploy and operate fixed telecommunications networks and telephony services, - Règlement grand-ducal of 2 July 1998 establishing conditions to operate telephony services	None
NL	Yes	A. Safeguard price cap for the period 1 July 2002 till 1 July 2006. Tariffs may increase at the same level as the rate of inflation. Safeguard price cap applies to: – subscription – local calls – national calls – fixed to mobile calls. B. Price squeeze C. Ex ante approval by the NRA under ONP conditions (cost orientation)	Several documents published ⁸
A	Yes	Ex ante approval by the NRA under ONP conditions	A permanent comparison of the prices of all fixed operators is available at www.rtr.at
P	No ⁹	Price cap ¹⁰	A study on the evolution of tariffs (1998-2001) is available since July 2002, at www.anacom.pt ¹¹ . An update will shortly be available
FIN	Yes	Freely set by operator ¹²	A study of telecommunications prices in 2002 ¹³ can be requested from the Ministry of Transport and Communications
S	No	Set by operator, tariffs must be cost-oriented	19.03.2003

⁸ A: Memorandum of findings “Integral tariff regulation for end-user and interconnection services” of OPTA, 26 April 2002, OPTA/EGM-IBT/2002/201084. Policy framework: The assessment of the upper limit on the cost-orientation of end user tariffs for fixed telephony of KPN for the period of 1 July 2002 until 1 July 2006, 27.6.2002, OPTA/EGM/2002/201218.

B: “Guidelines Price squeeze OPTA and the NMa”, 28 February 2001, OPTA/EGM/2000/200494; “Decision price squeeze”, 28 June 2001, OPTA/EGM/2001/201632; “Actualisatie van constanten in de prijsstijgsetoets, OPTA and the NMa”, 19.7.2002, OPTA/EGM/2002/201877.

⁹ According to data from PTC, the prices are not yet fully rebalanced. However, there are no restrictions to the elimination of the access deficit.

¹⁰ In accordance with the agreement reached between the Directorate-General of Trade and Competition, ANACOM and Portugal Telecom, concerning fixed telephony services provided in the context of universal service. Prices for fixed telephony services other than the Universal Service are set by the operators, in accordance with the applicable regulatory principles (art. 34/ 1 and 4 of Regulations for the Operation of the Fixed Telephone Service - <http://www.anacom.pt/template20.jsp?categoryId=5188&contentId=16901>).

¹¹ <http://www.anacom.pt/template15.jsp?categoryId=38416>.

¹² Subject to the obligation of cost orientation for local calls.

¹³ Price level of the Finnish telecommunications charges in 2002.

	<i>Tariff rebalancing completed</i>	<i>Type of regulation of end-user voice telephony tariffs of SMP operators</i>	<i>Date and reference of publication of the last report on the evolution of tariffs¹</i>
UK	Yes ¹⁴	Price cap	Several documents published up to 17.3.2003 ¹⁵

¹⁴ Residential line rental income is not yet sufficient to cover fully allocated costs. However, the NRA believes that BT's residential line rental charge now covers the incremental cost of providing the line. There are no regulatory constraints preventing BT from further rebalancing of its tariffs.

¹⁵ These include: an annual statistical note (to be published at the end of August 2002) on the median bill of BT's residential consumers; Oftel's Consultative Documents "Competition in the provision of fixed telephony services", 31 July 2001 and 31 January 2002, and Statement 20 June 2002, on the impact of price changes for different customer groups. Furthermore, typical bills payable by residential consumers with different leading suppliers can be compared through a free, industry-funded web-site, endorsed by Oftel at www.phonebills.org.uk.

2. COST ACCOUNTING AND ACCOUNTING SEPARATION

Table 2: Current and planned cost methodologies for calculating interconnection and unbundling charges

	<i>Cost accounting system actually in place for interconnection by SMP operators</i>		<i>Cost accounting system actually in place for unbundling by SMP operators</i>		<i>Deadline for implementation of a system based on current costs</i>
	<i>Cost base</i>	<i>Cost standard</i>	<i>Cost base</i>	<i>Cost standard</i>	
B	Historic/Current ¹⁶ Forward-looking ¹⁷	FDC LRIC	Historic	Retail minus for full unbundling	Implemented for network assets
DK	Forward looking	LRAIC	Forward looking	LRAIC	LRAIC implemented 01.01.2003
D	Forward looking	LRAIC	Forward looking	LRAIC	Implemented
EL	Current	LRAIC+ mark-up	Current	LRAIC+ mark-up ¹⁸	Implemented ¹⁹
E	Multistandard	Multistandard	(20)	(see note ²⁰)	Implemented
F	LRIC	LRIC + mark up for common costs + specific costs	LRIC	LRIC + mark up for common costs + specific costs	Already implemented in the 2003 price list (done in 2002)
IRL	LRAIC	LRIC + mark up	Current	LRIC + mark up	Subject to Judicial Review Challenge by incumbent
I	Current	FDC	Historic	FDC	Implemented (1st part December 2002; 2nd part August 2003)
L	Historic	FDC			LRIC in principle for the RIO 2001 and 2002

Legend:

Cost base: historic, current, forward-looking

Cost standard: LRIC: long-run incremental costs

LRAIC: long-run average incremental costs

FDC: fully distributed costs

EDC: embedded direct costs

¹⁶ With regard to network assets, historic costs are converted into current costs.

¹⁷ Under development

¹⁸ The current monthly rental and connection fees for LLU are based on the LRAIC methodology implemented with those PSTN cost components which are common with LLU

¹⁹ EETT has issued Decision 266/95/1-11-2002 regarding the LRAIC/CCA methodology ordering the OTE to implement certain amendments to its LRAIC/CCA cost accounting system.

²⁰ The prices of the unbundled local loops have been set by the Comisión Delegada del Gobierno in December 2001. The collocation prices have been established by CMT, taking into account average costs, on the basis of a study carried out by independent consultants with a specific expertise on the subject, who gave to the CMT the market value of a cost. The associated services and the peak rate (modified by CMT by Resolution of 29 April 2002), have been determined taking as a basis a study of an independent consultant applying the “bottom-up” methodology.

	<i>Cost accounting system actually in place for interconnection by SMP operators</i>		<i>Cost accounting system actually in place for unbundling by SMP operators</i>		<i>Deadline for implementation of a system based on current costs</i>
	<i>Cost base</i>	<i>Cost standard</i>	<i>Cost base</i>	<i>Cost standard</i>	
NL	Current	EDC for originating i/c Bottom-up LRIC for terminating i/c	Current	EDC	Implemented
A	Current	LRAIC	Current	LRAIC	Implemented
P	Historic, forward-looking and current ²¹	FDC	(22)	(22)	No deadline fixed ²³
FIN	Historic/Current	Company specific ²⁴	Historic/Curent	Company specific	Implemented
S	Historic	FDC	Historic	FDC	Planned for January 2004 in the fixed network. Planned for July 2004 in the mobile network.
UK	BT: Forward looking/ current Concert: Forward looking/current Kingston Communications: Forward looking/current	BT: LRIC + FDC Concert: LRIC + FDC Kingston Communications: CCA + FDC	BT: Forward looking/current Concert: N/A Kingston Com.: Forward looking/current	BT: LRIC + FDC Concert: N/A Kingston Com.: CCA + FDC	BT: Implemented Concert: Implemented Kingston Communications: Implemented for interconnection. For unbundling, to be implemented within the next 12 months

²¹ The interconnection prices were approved taking into account the following elements: i) expected costs: evolution and revision of traffic volumes for the current year; ii) expected efficiency gains; iii) practices in the EU.

²² When establishing costs/prices for a new service, ANACOM identifies in the accounting system of PTC (ABC), the resources used and the activities necessary to supply the new service. The actual expenses and budget are also used to determine a cost for the local loop.

²³ Without prejudice to footnotes 21 and 22, it should be noted that ANACOM assesses the situation taking into consideration the expected impact generated by the application of systems based on current costs on price variations.

²⁴ The NRA does not set charges for SMP organisations. Operators set their own prices. There are more than 50 SMP operators in Finland and their interconnection and ULL prices must be cost-based. Cost structures, prices and accounting systems vary between operators. The NRA uses both FDC top down models based on historic costs and a current costs methodology when evaluating the cost orientation of charges.

Table 3: Verification of compliance with the cost accounting system

	<i>Verification of compliance with the CAS by a competent and independent body</i>			<i>Statement concerning compliance</i>	
	<i>Voice telephony</i>	<i>Interconnection</i>	<i>Last accounts verified (accounting year)</i>	<i>Date of last publication</i>	<i>Reference in the national Official Journal or other</i>
B	Yes	Yes	2001	December 2002 ²⁵	www.ibpt.be ²⁶
DK	Yes	Yes	2001 (VT)/ 2002 (IC)	August 2003	www.itst.dk ²⁷
D	Yes ²⁸	Yes	2002	July 2003 ²⁹	Journal of the RegTP N°. 14 /2003 of 16.07.2003, Provision N°. 29
EL	Yes	Yes	2000 ³⁰	EETT Decision 266/96/1-11-2002 (voice telephony) EETT Decision 267/123/15-11-2002 (interconnection)	OJ. 1440/B/15-11-2002 OJ. 1531/B/9-12-2002
E	Yes	Yes	2001 ³¹	13.02.2003	www.cmt.es
F	Yes	Yes	2000 ³²	15.06.2001 (financial year 1998) 4.07.2001 (financial year 1999) 12.11.2002 (financial year 2000)	Decision 02-1043 published in the OJ on 25.01.2003
IRL	Yes	Yes	Year ended 31.3.02	30.9.02	www.eircom.ie in the regulatory section
I	Yes	Yes	2000	Decision no.48/03/CONS of 06.03.2003 (Year 2000)	6 March 2003 www.agcom.it

²⁵ For voice telephony for accounting year 1998; for interconnection: an update of the public description of the “top-down model 2000” is foreseen.

²⁶ For interconnection: news – communications – 01/12/2002 Description of the BIPT cost model for the calculation of the interconnection tariffs for the year 2003 (Dutch or French).

²⁷ See <http://www.itst.dk/wimpdoc.asp?page=tema&objno=111258557> (VT) and <http://www.itst.dk/tema.asp?page=tema&objno=132298676> (IC).

²⁸ The voice telephony is regulated in Germany within the Price Cap procedure. Within the framework given thereby, the final customer tariffs are approved within specific procedures.

²⁹ See Communication N°. 120/2001 in the Journal of the Reg TP N. 5 of 14. March 2001, pp. 647 and 648.

³⁰ On going auditing by independent auditors (appointed by EETT) of both cost-accounting systems of OTE (FDC for voice telephony and leased lines / LRAIC for interconnection and LLU), based on the accounting year 2001.

³¹ The verification for the year 2002 is under way.

³² The 2001 accounts have been audited but they have not been published yet.

	Verification of compliance with the CAS by a competent and independent body			Statement concerning compliance	
	Voice telephony	Interconnection	Last accounts verified (accounting year)	Date of last publication	Reference in the national Official Journal or other
L	No	No	None	Planned for yearly report 2002 - but not published in the annual 2002 report	The decision to publish the audit report on the cost orientation can be consulted on the web www.etat.lu/ILR/tele/decis/index.htm Decision 02/50/ILR of 6 May 2002 Guidelines on accounting separation The obligation is also included in the telecom law: Règlement grand-ducal of 18 April 2001 amending règlement grand-ducal of 22 December 1997 establishing conditions to deploy and operate fixed telecommunications networks and telephony services, And règlement grand-ducal of 2 July 1998 establishing conditions to operate telephony services
NL	Yes	Yes	2000 ³³	2003	Decision OPTA/IBT/2003/202395, also at www.opta.nl
A	Yes	Yes	2001 ³⁴		RASR 3/02, www.rtr.at
P	Yes	Yes	2000 ³⁵	10.09.02	Diário da República nº209, Série III, de 10.09.02 www.anacom.pt ³⁶
FIN	Yes ³⁷	Yes	2002	31.12.2002	Summary Report 385/014/2002 to the Ministry of Transport and Communications. Ficora has also published on its website all company specific decisions made on the verification of SMP operators' cost accounting systems.
S	Yes	Yes	2001	19.03.2003	
UK	Concert: Yes Kingston Com.: Yes BT: Yes	Concert: Yes Kingston Com.: Yes BT: Yes	Concert: 31.12.01 Kingston Communications: 31.03.02 BT: 31.03.02	Concert: 30.06.02 Kingston Communications: 31.07.02 BT: 20.12.02	Concert / Kingston Communications / BT: The audit report is contained within the regulatory accounts

³³ However, no public verification took place.

³⁴ The exact date will be reported within the next two weeks (2002 will be also finished in 2003).

³⁵ The accounting system of notified operators is audited yearly by independent bodies, selected yearly by ANACOM, via a public tender. Auditors which work for the notified operators are excluded from the tender. The verification of compliance with the CAS referring to 2001 will be completed on short term

³⁶ <http://www.anacom.pt/template13.jsp?categoryld=42910>

³⁷ Finland does require cost orientation for local calls, interconnection and ULL. International and long-distance voice telephony calls are not regulated, because there is considered to be effective competition on those markets. In 2002 Ficora carried out 14 economic inspections and in the first half of 2003 8 inspections targeted at operators with SMP. When the new Communications Market Act entered into force on July 25, powers to carry out these inspections will be transferred to independent auditors.

3. UNIVERSAL SERVICE SCHEME

Table 4: Financing schemes for universal service obligations (USO)

Member State	Year	Does the national framework allow the setting up of a funding scheme for USO?	Have the organisation(s) in charge of USO requested funding? (Specify for every annual exercise)	Has an assessment of USO net cost taken place? If yes, please, specify the net cost	Has the funding scheme been activated? If not, specify the reason ³⁸	Has an annual report been published giving the calculated cost of USO, and identifying the contributions made by all the parties involved?
B	1999	Yes	No			
	2000	Yes	No			
	2001	Yes	Yes	Still pending		
	2002	Yes	Yes	Still pending	No (negotiations have not taken place yet)	No
DK	1999	Yes	No	No	No, because the USO provider has not requested funding according to Section 20 of Act on Competitive Conditions and Consumer Interests in the Telecommunications Market.	N.a.
	2000	Yes	No	No	See above	N.a.
	2001	Yes	No	No	See above	N.a.
D	1999	Yes	No			
	2000	Yes	No			
	2001	Yes	No			
EL	1999	Yes	No			
	2000	Yes	No			
	2001	Yes	No			
	2002	Yes	No			
E	1999	Yes	Yes	Yes. The net cost calculation presented by the incumbent was not approved.	No	No
	2000	Yes	Yes	Yes € 268 M	It was found that the net cost did not represent an unfair burden	

³⁸ NRAs may decide not to establish a universal service shared funding mechanism, even when the universal service obligations result in a net cost, when (i) this net cost does not represent an unfair burden for the operators concerned or (ii) it does not justify the administrative costs involved in the funding mechanism.

Member State	Year	Does the national framework allow the setting up of a funding scheme for USO?	Have the organisation(s) in charge of USO requested funding? (Specify for every annual exercise)	Has an assessment of USO net cost taken place? If yes, please, specify the net cost	Has the funding scheme been activated? If not, specify the reason ³⁸	Has an annual report been published giving the calculated cost of USO, and identifying the contributions made by all the parties involved?
E	2001	Yes	Yes	181.95 M	The incumbent operator has not experienced an appreciable advantage in its competing capacity during 2001 in the corresponding services market due to the bearing of such a burden	n.a.
F	1999	Yes	Yes	Yes = 104,9 million euros (final evaluation after integrating intangible benefits and without the social tariff, not in operation)	Yes	Yes: ruling of ART without publishing operators' contributions
	2000	Yes	Yes	Yes = 128,7 million euros (final evaluation after integrating intangible benefits and the social tariff, which had a small impact)	Yes	Yes: ruling of ART with annex including operators' contributions
	2001	Yes Décret 2003-338 of 10 April 2003 on US financing was published. It takes into account the ECJ's ruling and suppresses obsolete elements like the additional remuneration.	Yes	Yes = 142,1 million euros (final evaluation integrating intangible benefits and social tariffs)	Yes	Yes = publication of final evaluation on 20/07/2003 with annex including operators' contributions
	2002	yes	yes	Yes=296,6 million euros (provisional evaluation, integrating intangible benefits and estimating the impact of social tariffs)	yes	no
IRL	1999	Yes	Yes (6 months only)	Still pending		
	2000	Yes	Yes	Still pending		
	2001	Yes	No			
I	1999	Yes	Yes	Yes € 62,40 M	Yes	Yes
	2000	Yes	Yes	Yes € 58,90 Mro	Yes	Yes
	2001	Yes	Yes	Yes € 40,52 Mio	Yes	Yes
L	1999	Yes	No			
	2000	Yes	No			
	2001	Yes	No			
A	1999	Yes	No (request has later been withdrawn by USP)	no	no	no
	2000	Yes	No			
	2001	Yes	No			
	2002	Yes	No			

Member State	Year	Does the national framework allow the setting up of a funding scheme for USO?	Have the organisation(s) in charge of USO requested funding? (Specify for every annual exercise)	Has an assessment of USO net cost taken place? If yes, please, specify the net cost	Has the funding scheme been activated? If not, specify the reason ³⁸	Has an annual report been published giving the calculated cost of USO, and identifying the contributions made by all the parties involved?
NL	1999	Yes	No			
	2000	Yes	No			
	2001	Yes	No			
	2002	Yes	No			
	2003	Yes	No			
P	1999	Yes	Yes	Yes	No. The NRA does not admit to evaluate the cost of the provision of USO incurred before the full liberalization of the telecommunications market.	No
	2000	Yes	Yes	Pending analysis	No. The assessment of USO net cost is pending.	No
	2001	Yes	No	No	No, because the organization in charge of USO has not required funding and consequently an assessment of USO net cost has not taken place yet.	No
FIN	1999	No	No			
	2000	No	No			
	2001	No	No			
S	1999	No	No			
	2000	No	No			
	2001	No	No			
UK	1999	Yes	Yes	Yes. Between net cost of £12M and net benefit of £8M.	No. An unfair burden does not exist.	No
	2000	Yes	Yes	Yes. Between net cost of £12M and net benefit of £8M.	No. An unfair burden does not exist.	No
	2001	Yes	Yes	Yes. Between net cost of £12M and net benefit of £8M.	No. An unfair burden does not exist.	No
	2002	Yes	Yes	Yes. Between net cost of £12M and net benefit of £8M.	No. An unfair burden does not exist.	No

4. DIRECTORY AND DIRECTORY ENQUIRY SERVICES

Table 5: Provision of directory and directory enquiry services

Member State	<i>Is there at least one <u>directory</u> including <u>all subscribers</u>³⁹ (of all operators) available to all users? If not, which type of subscribers are excluded? (Article 6.2.b, Dir. 98/10/EC)</i>	<i>Is there at least one <u>directory enquiry service</u> including <u>all subscribers</u>³⁹ (for all operators) available to all users? If not, which type of subscribers are excluded? (Article 6.2.c, Dir. 98/10/EC)</i>	<i>Have any specific measures been taken in order to guarantee the provision of these services to disabled users and users with special social needs? Please, specify.</i>
B	Yes ⁴⁰	Yes ⁴⁰	Directory enquiry service by SMS
DK	Yes	Yes	The universal service obligation shall also include provision of a nation-wide directory enquiry service for numbers in the Danish numbering plan, as well as call completion to the numbers in question at a reduced rate, for blind persons, deaf-and-blind persons, visually impaired persons, persons with reading disabilities, and certain groups of physically disabled persons, who, via the service in question, may be compensated significantly for their handicap ⁴¹ .
D	Yes ⁴²	Yes ⁴³	There are some provisions for disabled users and users with special social needs ⁴⁴ .
EL	Not yet in practice ⁴⁵	Not yet in practice ⁴⁵	Blind/visually impaired are entitled to make 20 calls/month to the phone enquiry service free of charge. US provider is obliged to make a text-only version of his electronic directory available for the use of blind/visually impaired persons

³⁹ I.e. for subscribers of fixed telephony services, mobile contracts, mobile pre-paid services and personal numbers, except for those who have expressed opposition to being listed.

⁴⁰ Except for mobile pre-paid services (there is no legal obligation, so subscriber's data are only included according to the operator's and the client's preference.)

⁴¹ Cf. Section 6 of Executive Order No. 665 of 10 July 2003 on USO Services.

⁴² According to TUDLV § 1.2b, the incumbent must provide a printed directory service, which is, in principle, yearly updated, including all the available subscribers' data provided that they have not opposed completely or partially their inclusion.

⁴³ According to TUDLV § 1.2a, the incumbent must provide a printed directory enquiry service, including all the available subscribers data provided that they have not opposed completely or partially their inclusion. This also applies for foreign numbers.

⁴⁴ Cf. § 29 Sozialgesetzbuch I (SGB I).

⁴⁵ Provided by EETT Decision 255/83 14.06.02 on U.S.O content. Apart from having proceeded to hearing concerning the breach of the telecommunications regulations and especially EETT USO Regulation, the EETT attends all the meetings among telecoms providers and the USO provider, and intervenes in case of dispute. According to EETT Decision 276/39/2003, "Regulation concerning the administrating-supervision of short codes of the National Numbering plan for the provision of directory enquiry services", the number series 118 has been allocated for the provision of directory enquiry services.

Member State	<i>Is there at least one <u>directory including all subscribers</u>³⁹ (of all operators) available to all users? If not, which type of subscribers are excluded? (Article 6.2.b, Dir. 98/10/EC)</i>	<i>Is there at least one <u>directory enquiry service including all subscribers</u>³⁹ (for all operators) available to all users? If not, which type of subscribers are excluded? (Article 6.2.c, Dir. 98/10/EC)</i>	<i>Have any specific measures been taken in order to guarantee the provision of these services to disabled users and users with special social needs? Please, specify.</i>
E	Not yet in practice ⁴⁶	Yes, in the applicable rules ⁴⁷	Blind or those living with them are entitled to make 10 phone calls per month to Telefonica's directory enquiry service free of charge in the context of USO ⁴⁸ .
F	No = mobile subscribers missing (mobile operators do not transmit data to the incumbent; however, 30% of Orange subscribers have voluntarily transmitted their data which are now included in the directory) as well as subscribers of new entrants' which have not signed an agreement with France Télécom The Décret on universal directory was published in the OJ on 6 August 2003	No	Specific measures are mentioned, but there is no financial compensation foreseen for possible actions. There are, in practice, no specific measures. Among those benefiting from the telephone social discount (known as « tarifs sociaux ») are disabled war veterans who are entitled to an extra discount (+4,56 euros compared to others)
IRL	Yes	Yes	Yes – e.g specific measures for those with visual and hearing impairments (braille bills, specific directory enquiry services for the blind free of charge).
I	Yes ⁴⁹	Yes ⁴⁹	Yes, operators report annually to the NRA about the measures taken to provide these services to disabled users and users with special needs
L	Yes	Yes	Yes
NL	Yes since sept 2002	Yes	No
A	Yes ⁵⁰	Yes	No
P	Yes	Yes	Blind people or visually impaired are entitled to make 20 phone calls per month to the incumbent's directory enquiry service free of charge.
FIN	Yes	Yes	Yes, a special service financed by the Ministry of Social Affairs and Health.
S	No ⁵¹	Yes	Yes. The Swedish NRA has procured a service for free directory enquiries for people with specific functional disabilities.

⁴⁶ O.M of 21 December 2001 on USO identifies criteria for the production and updating of directory services within US and identifies the data which are to be included. For mobile subscribers and those to whom special network numbers have been assigned, an opt-in approach applies, while an opt-out approach applies for fixed subscribers. The Spanish regulation, and specifically the Ministerial Order of 21 December 2001, deliberately guarantee subscribers' right (both fixed and mobile) to be included in the directories.

⁴⁷ The Spanish regulation guarantees the existence of telephone enquiry service available to all users. The CTE/711/2002 Ministerial Order of 26 March sets the conditions ruling the provision of such a service, allocating the corresponding numbers.

⁴⁸ C.f. OM 68/2002.

⁴⁹ Provisions have been introduced by regulation 36/02/CONS and 180/02/CONS. As from October 2002 directory and directory enquiry services are available for subscribers of all fixed telephony services. Users and subscribers of mobile services are being included in directory enquiry services. Procedures for collection of data subject consent are already compliant with 2002/58/EC Directive.

⁵⁰ Subscriber data are included according to the operator's and the client's preference.

⁵¹ The printed directory provided by a sub-contractor to Telia includes mobile numbers only on subscriber's request and for an extra fee.

Member State	<i>Is there at least one <u>directory</u> including <u>all subscribers</u>³⁹ (of all operators) available to all users? If not, which type of subscribers are excluded? (Article 6.2.b, Dir. 98/10/EC)</i>	<i>Is there at least one <u>directory enquiry service</u> including <u>all subscribers</u>³⁹ (for all operators) available to all users? If not, which type of subscribers are excluded? (Article 6.2.c, Dir. 98/10/EC)</i>	<i>Have any specific measures been taken in order to guarantee the provision of these services to disabled users and users with special social needs? Please, specify.</i>
UK	No ⁵²	No ⁵³	A free directory service is available for those users unable to use a paper directory.

⁵² Although no subscribers are formally excluded from the core database, there have been difficulties in ensuring all mobile data is available. Ofcom expects that mobile data will be more generally available in the core database towards the end of 2003.

⁵³ All subscribers have access to a directory enquiry service listing all available numbers. However, there have been difficulties in ensuring mobile subscriber data is available and this data is not comprehensively provided at present. As above, Ofcom expects that mobile data will be more generally available in the core database towards the end of 2003.

Table 6: Competition in the market of directory services

Member State	How are the relevant subscribers' data provided to all organisations willing to provide directory services/directory enquiry services? (Please, specify)			How are prices for the provision of subscribers' data fixed?
	Database set up by the NRA or independent body (Please, specify)	Database set up by the incumbent	Other. Please, specify.	
B	No	Yes ⁵⁴	Operators have to put their data at the directory services providers' disposal on a cost-oriented price	Fixed between the operators under IBPT's control
DK	No	Yes The incumbent's directory enquiry service.	Providers of telecommunications networks or services who reassign subscriber numbers to end-users shall deliver number information data to any parties who wish so.	The payment for delivering number information data shall not exceed the costs of delivering it (the marginal costs).
D	No	Yes		The price for the provision of subscribers' data, if any, must be cost-oriented ⁵⁵ . The Federal Competition Authority has noted that this is not a tariff of a telecommunications service.
EL	No ⁵⁶		The procedure of collecting subscribers' data is described in EETT Decision 255/83 14.06.02 on U.S.O content.	The provision of subscribers' data to the U.S.O provider must be cost oriented ⁵⁷ .
E	By the NRA ⁵⁸			For free
F	No	Yes and commercialised.		Up to now, the tariff was agreed after commercial negotiation. The Ordonnance and Décret on universal service foresee that these tariffs are cost-oriented.
IRL		Yes		Must be fair, cost-orientated and non-discriminatory.
I	No	No	Database set up jointly by all operators (included the incumbent) under a specific agreement, which specifies how subscriber data shall be provided to all organisations operating in directory/directory enquiry services.	For the database set up jointly by operators, prices are defined on a fair and non discriminatory basis.
L	Direct provision from operators to directory service providers.	No		By comparison

⁵⁴ The Incumbent set up the data base used by the universal directory enquiry service and the universal directory service. Operators have to put their data at the USO provider's disposal on a cost-oriented price

⁵⁵ C.f. TKG § 12 Abs. 1.

⁵⁶ Competition in directory services/directory enquiry services does not exist yet. However relevant provisions have been included in EETT Decision 255/83 14.06.02 on U.S.O content.

⁵⁷ C.f. EETT Decision 255/83 14.06.02 on U.S.O content.

⁵⁸ Although it has been foreseen that telephone service providers must provide CMT with their subscribers' data and CMT must provide the entitled entities with them, no provision have been included as regards how to do it. (Art. 14 RSU) The CMT, by resolution of 27 June 2002, has set up a manual mechanism for the provision of subscribers' data to the directory services providers which will be applied transitorily until an automatic mechanism is set up by CMT.

Member State	How are the relevant subscribers' data provided to all organisations willing to provide directory services/directory enquiry services? (Please, specify)			How are prices for the provision of subscribers' data fixed?
	Database set up by the NRA or independent body (Please, specify)	Database set up by the incumbent	Other. Please, specify.	
NL	No	Incumbent has database for own directory services	Other publishers must get information from incumbent and new entrants separately.	The incumbent buys data from new entrants at cost oriented tariffs. Tariffs are unknown. New entrants do not contribute to publication costs. Other publishers deal with operators at same terms, as provision of data is legal matter
A	No	Yes	Request of data can be made to all operators.	By contract between the parties
P	No	Yes		Price is fixed by the incumbent according to the principles of transparency and equality. This price is under analysis by the Directorate-General for Fair Trade and Commerce (DGCC).
FIN	No	No, database is set up jointly by all operators	All operators shall submit information in a format appropriate for publication.	Prices shall be reasonably proportional to the costs
S			All notified operators are liable to provide available relevant subscribers' data to any party who requests it for the purpose of providing enquiry services.	The Electronic Communications Act, which entered into force 25 th of July 2003, prescribes cost-oriented pricing.
UK	N/A	Yes	N/A	The overall framework is one of cost-orientation and non-discrimination. The actual detail of the charges is worked out in cross-industry negotiations. Should a formal dispute arise, Ofcom would seek to investigate further but does not determine charges at this stage.

5. ITEMISED BILLING AND CALL BARRING

Table 7: Availability of itemised billing

MS	Operator	Which of the following details are shown in the basic level of itemised billing provided at no extra charge? (Please, specify in every cell for each type of calls ⁵⁹)					Are additional details provided at extra charge? (Please specify)	Have any specific measures been implemented for disabled users and users with special social needs? (Please specify)
		Partial/full number called	Duration of each call	Date of call	Price of each call	Other (specify)		
B	Incumbent (fixed voice telephony)	Yes ⁶⁰	Yes	Yes	Yes	Yes ⁶⁰	Yes ⁶⁰	Yes ⁶⁰
	Main new entrant ⁶¹ (fixed voice telephony)	Yes ⁶⁰	Yes	Yes	Yes	Yes ⁶⁰	Yes ⁶⁰	Yes ⁶⁰
	Main mobile operator ⁶¹	Yes ⁶⁰	Yes	Yes	Yes	Yes ⁶⁰	Yes ⁶⁰	Yes ⁶⁰
DK	Incumbent (fixed voice telephony)	Yes	Yes	Yes	Yes	No additional mandatory requirements	Yes, operators may charge for additional details etc.	No
	Main new entrant ⁶¹ (fixed voice telephony)	Yes	Yes	Yes	Yes	No additional mandatory requirements	Yes, operators may charge for additional details etc.	No
	Main mobile operator ⁶¹	Yes	Yes	Yes	Yes	No additional mandatory requirements	Yes, operators may charge for additional details etc.	No
D	Incumbent (fixed voice telephony)	Client option	Yes	Yes	Yes	Yes	Yes	Yes ⁶²
	Main new entrant ⁶¹ (fixed voice telephony)	Client option	Yes	Yes	Yes	Yes	Yes	Yes ⁶²
	Main mobile operator ⁶¹	Client option	Yes	Yes	Yes	Yes	Yes	Yes ⁶²

⁵⁹ I.e. for local, national and international calls, as well as for calls to internet, to mobile number, to premium rate services and any other relevant category. Please specify if a different level of detail is provided depending on the category of call.

⁶⁰ No details have been provided by the Belgian authorities.

⁶¹ In case it is not possible to identify one single operator to be considered as "main" operator in the market, please fill in the table for all the leading operators.

⁶² Operators offer, on a voluntary basis, an electronic proof of each individual call. This proof is sent by e-mail or can be accessed through the operator's web page. This makes it possible for visually impaired people to enhance the font size of this proof. Blind people can also print the proof on Braille paper or convert it into linguistic signals. The purchase price of the such devices is refunded –depending on the special circumstances of each individual case- by the health insurance companies or by the responsible social security services.

MS	Operator	Which of the following details are shown in the basic level of itemised billing provided at no extra charge? (Please, specify in every cell for each type of calls ⁵⁹)					Are additional details provided at extra charge? (Please specify)	Have any specific measures been implemented for disabled users and users with special social needs? (Please specify)
		Partial/full number called	Duration of each call	Date of call	Price of each call	Other (specify)		
EL	Incumbent (fixed voice telephony)	Yes	Yes	Yes	Yes	Yes ⁶³	No	Yes Basic level of itemised billing to blind / visually impaired persons, including called number, date of call, charge of each call ⁶⁴ .
	Main new entrant ⁶¹ (fixed voice telephony)	Yes	Yes	Yes	Yes	Yes ⁶³		
	Main mobile operator ⁶¹	Yes ⁶⁵	Yes	Yes	Yes	Yes ⁶³		
E	Incumbent (fixed voice telephony)	Yes	Yes	Yes	Yes	No	Yes. Average duration of the call//starting time/ ending time	Braille bills or bills with large characters are provided on request. Braille bills are provided in the context of US ⁶⁶
	Main new entrant ⁶¹ (fixed voice telephony)	Yes	Yes	Yes	Yes	No	-	-
	Main mobile operator ⁶¹	Yes	Yes	Yes	Yes	No	-	-
F ⁶⁷	Incumbent (fixed voice telephony)	Yes, being a choice to the subscriber the inclusion of the complete or partial number	Yes ⁶⁸	Yes	Yes	Time of the call/ Destination or category of the communication/ options, reductions or eventual promotions. Type of tariff ⁶⁹	No	No

⁶³ Starting time of the call, Detailed analysis such as the total number of calls to mobile operators, to fixed operators, to internet etc.

⁶⁴ C.f. art. 6 EETT Decision 255/83 14.06.02 on U.S.O content.

⁶⁵ However it is not required by the law

⁶⁶ O.M. 68/1992.

⁶⁷ Provisions regarding telephone bills have been approved by « arrêté » of 1 February 2002 (Official Journal of 8 February 2002). Regarding itemised billing, art. 11 of this ordinance provides that the itemised billing must include, among others, the full list of telephone communications and, regarding each of them, the following details : date; beginning time, identified in hours and minutes ; telephone number called, provided that provisions in Act 78-17 of 6 January 1978 have been modified ; destination or category of the communication ; quantity consumed within a certain unit of reference -in case this quantity refers to a duration, the bill must identify the actual duration and the duration to be paid for when both values are different ; (...); options, reductions and promotions, if applicable ; the bill including taxes. The itemised billing is to be provided free of charge on request. A second part of this arrêté will be applied from 1 September 2003 : it will enable to have on the itemised bill a comparison between billed airtime and actual airtime used

⁶⁸ For local calls which duration is less than 1 minute, only the total of calls is to be identified: duration, number of calls and price. For the *commandes* or calls of particular services for *forfaitaires* tariffs, only the total number of calls and the global price have to be identified.

⁶⁹ To be applied since 1 September 2002, HT and TTC.

MS	Operator	Which of the following details are shown in the basic level of itemised billing provided at no extra charge? (Please, specify in every cell for each type of calls ⁵⁹)					Are additional details provided at extra charge? (Please specify)	Have any specific measures been implemented for disabled users and users with special social needs? (Please specify)
		Partial/full number called	Duration of each call	Date of call	Price of each call	Other (specify)		
F	Main new entrant ⁶¹ (fixed voice telephony)	Yes, being a choice to the subscriber the inclusion of the complete or partial number	Yes ⁶⁸	Yes	Yes	Time of the call/destination or category of the communication/ options, reductions or eventual promotions. Type of tariff ⁶⁹	No	No
	Main mobile operator ⁶¹	Yes, being a choice to the subscriber the inclusion of the complete or partial number	Yes	Yes	Yes	time of the call/destination or category of the communication/ options, reductions or eventual promotions. Type of tariff ⁶⁹	No	No
IRL	Incumbent (fixed voice telephony)	Yes ⁷⁰	Yes	Yes	Yes	Time of call, call category, discount applied	-	Braille bills are available to visually impaired
	Main new entrant ⁶¹ (fixed voice telephony)	Yes	Yes	Yes	Yes	Time of call, call category	No	-
	Main mobile operator ⁶¹	Yes	Yes	Yes	Yes	Time of call, network called	-	Braille bills are available to visually impaired
I	Incumbent (fixed voice telephony)	Yes	Yes	Yes	Yes	City, Type of Tariff or Discount	No	No
	Main new entrant ⁶¹ (fixed voice telephony)	Yes	Yes	Yes	Yes	City, Type of Tariff or Discount	Yes ⁷¹	No
	Main mobile operator ⁶¹	Yes	Yes	Yes	Yes	City, Type of Tariff or Discount	No	No
L	Incumbent (fixed voice telephony)	Yes	Yes	Yes	Yes			
	Main new entrant ⁶¹ (fixed voice telephony)	Yes	Yes	Yes	Yes			
	Main mobile operator ⁶¹	Yes	Yes	Yes	Yes			
	Other operators normally offer this service to their customers	Yes	Yes	Yes				

⁷⁰ With the exception of calls under EUR0.05244 (ex VAT), which are banded together, and freephone numbers, which are not detailed.

⁷¹ For business users, bills are itemised for each company's location and for each service.

MS	Operator	Which of the following details are shown in the basic level of itemised billing provided at no extra charge? (Please, specify in every cell for each type of calls ⁵⁹)					Are additional details provided at extra charge? (Please specify)	Have any specific measures been implemented for disabled users and users with special social needs? (Please specify)
		Partial/full number called	Duration of each call	Date of call	Price of each call	Other (specify)		
NL	Incumbent (fixed voice telephony)	No	No	No	No	Time of the call, type of tariff charged, country of destination	Yes ⁷² . Partial/full number called, duration of each call, date of call, price of each call	No
	Main new entrant ⁶¹ (fixed voice telephony)	It is not possible to identify one operator as the main new entrant for fixed telephony as there are so many in the market.						
	Main mobile operator ⁶¹	Yes	Yes	Yes	Yes	Differs per operator ⁷³	Differs per operator	No
A	Incumbent (fixed voice telephony)	No	No	No	No	No	Subscribers can get itemised billing for all calls or for each type of call on request at extra charge. Itemised billing contains the partial number called, the duration, the date and the price of each call.	No
	Main new entrant ⁶¹ (fixed voice telephony)	Two leading carrier network operators offer itemized billing at no extra charge, while other leading operators do, but only at extra charge.	partial number called	Yes	Yes	Yes	No	No
	Main mobile operator ⁶¹	No	No	No	No	No	Subscribers can get itemized billing for all calls with the mentioned details (number, duration etc.) including SMS at extra charge.	No
P	Incumbent (fixed voice telephony)	Yes	Yes	Yes	Yes			Yes. Braille bills and mails for blinds

⁷² 0,02 Euro are charged per itemised call.

⁷³ We have assumed KPN as the main mobile operator as it is the only operator with SMP designation. This information for KPN is not known by OPTA. However, other operators, notably Vodafone, also have significant markets shares. If more than one operator is to be considered we note that the requested information differs per operator.

MS	Operator	Which of the following details are shown in the basic level of itemised billing provided at no extra charge? (Please, specify in every cell for each type of calls ⁵⁹)					Are additional details provided at extra charge? (Please specify)	Have any specific measures been implemented for disabled users and users with special social needs? (Please specify)
		Partial/full number called	Duration of each call	Date of call	Price of each call	Other (specify)		
P	Main new entrant ⁶¹ (fixed voice telephony)	Yes	Yes	Yes	Yes			n.d.
	Main mobile operator ⁶¹							Yes. Braille bills and mails for blinds
FIN	Incumbent (fixed voice telephony)	No ⁷⁴					Yes Partial or full numbers and the date of each individual call can be itemised on request at extra charge.	
	Main new entrant ⁶¹ (fixed voice telephony)	No ⁷⁴					Yes Partial or full numbers and the date of each individual call can be itemised on request at extra charge.	
	Main mobile operator ⁶¹	No ⁷⁴					Yes Partial or full numbers and the date of each individual call can be itemised on request at extra charge.	
S	Incumbent (fixed voice telephony)	Yes ⁷⁵	Yes	Yes	Yes	-	-	-
	Main new entrant ⁶¹ (fixed voice telephony)	Yes	Yes	Yes	Yes			
	Main mobile operator ⁶¹	No ⁷⁶	No	No	No			
UK	Incumbent (fixed voice telephony) BT Group	Yes but on request (Freephone numbers excluded)	Yes, but on request	Yes, but on request	Yes, but on request	Time of day call was made	No	Large print, Braille, computer disk, talking bills, call my bill and light user scheme.
	Main new entrant ⁶¹ (fixed voice telephony) Ntl	No	No	No	No	N/a	Yes, date, called number (Freephone numbers excluded), time of call, duration and price at a cost of £1 per month	Yes, Braille or large print

⁷⁴ Calls are not itemised individually but the basic itemised bill shows the total amount of calls (total minutes and total prices) divided into local, long distance, mobile, international and premium rate calls.

⁷⁵ With the exception of local calls

⁷⁶ Itemised billing provided by main mobile operator (Telia Mobile) but only at extra charge.

MS	Operator	Which of the following details are shown in the basic level of itemised billing provided at no extra charge? (Please, specify in every cell for each type of calls ⁵⁹)					Are additional details provided at extra charge? (Please specify)	Have any specific measures been implemented for disabled users and users with special social needs? (Please specify)
		Partial/full number called	Duration of each call	Date of call	Price of each call	Other (specify)		
UK	Main mobile operator ⁶¹ Vodafone (Vf) O2, Orange (Or) T-Mobile (T-M) These operators have an approximately equal share of the UK market.	Vf No O2 Yes* Or Yes* T-M Yes* (*Freephone numbers excluded)	- Vf No O2 Yes Or Yes T-M Yes	Vf No O2 Yes Or Yes T-M Yes	Vf No O2 Yes Or Yes T-M Yeso	Vf n/a O2 # Or # T-M # #Time of day the call was made	Vodafone (£1.50/month), date, called number (Freephone numbers excluded), time of call, duration and price.	Yes, Braille & large print, audio format, Speaking Phone, Pre Pay special top up arrangements, on line bills & Text Bureau

Table 8: Availability of call barring

MS	Operator	Is selective call barring generally available on request ⁷⁷ ?	Which of the following call categories can be barred <u>selectively</u> ⁷⁸ ?				
			National calls	International calls	Calls to mobile	Premium rate calls	Other (specify)
B	Incumbent (fixed voice telephony)	Yes	Yes	Yes	Yes	Yes	
	Main new entrant ⁷⁹ (fixed voice telephony)	Yes	Yes	Yes	Yes	Yes	
	Main mobile operator ⁷⁹	Yes	Yes	Yes	Yes	Yes	
DK	Incumbent (fixed voice telephony)	Yes	No	Yes ⁸⁰	No	Yes	All calls
	Main new entrant ⁷⁹ (fixed voice telephony)	Yes	No	Yes ⁸⁰	No	Yes	All calls
	Main mobile operator ⁷⁹	Yes	No	Yes ⁸⁰	No	Yes	All calls
D	Incumbent (fixed voice telephony)	Yes	Yes	Yes	Yes	Yes	Yes ⁸¹
	Main new entrant ⁷⁹ (fixed voice telephony)	Yes	Yes	Yes	Yes	Yes	Yes ⁸¹
	Main mobile operator ⁷⁹	Yes	Yes	Yes	No	Yes	
EL	Incumbent (fixed voice telephony)	Yes	No	Yes	Yes	Yes	Yes Dial up to internet
	Main new entrant ⁷⁹ (fixed voice telephony)	Yes	Yes	Yes	Yes	Yes	
	Main mobile operator ⁷⁹	Yes	No	Yes	No	No	All outgoing calls, incoming calls, outgoing / incoming calls in case of roaming
E	Incumbent (fixed voice telephony)	Yes ⁸²	Yes ⁸²	Yes	Yes ⁸²	Yes	
	Main new entrant ⁷⁹ (fixed voice telephony)	Yes ⁸³	Yes ⁸³	Yes	No	Yes	
	Main mobile operator ⁷⁹	Yes ⁸³	Yes ⁸³	Yes	No	Yes	

⁷⁷ I.e. the facility whereby the subscriber can, on request to the telephone service provider, bar outgoing calls of defined types or to defined types of numbers (Annex I, Part 1, Dir. 98/10/EC).

⁷⁸ I.e. can the user bar only the outgoing calls of a defined type or to defined types of numbers?.

⁷⁹ In case it is not possible to identify one single operator to be considered as "main" operator in the market, please fill in the table for all the leading operators.

⁸⁰ Some operators offer barring of calls to specific countries. Calls to these countries are expensive, and the calls are often generated in connection to visits at certain web-pages (auto-dialers).

⁸¹ No specification has been given by the German authorities.

⁸² The Ministerial Order of 21 December 2001 provides that operators with universal service obligations must give the possibility to bar national, international, mobile and premium rate calls.

⁸³ The Ordinance OM 361/2002, of 14 February 2002, provides that at least it must be possible to bar calls to premium rate numbers and international calls, either for the incumbent or for any other operator.

MS	Operator	Is selective call barring generally available on request ⁷⁷ ?	Which of the following call categories can be barred <u>selectively</u> ⁷⁸ ?				
			National calls	International calls	Calls to mobile	Premium rate calls	Other (specify)
F	Incumbent (fixed voice telephony)	Yes for fixed (permanently and call by call)	Yes	Yes	Yes	Yes	Local calls
	Main new entrant ⁷⁹ (fixed voice telephony)	No	No	No	No	No	No
	Main mobile operator ⁷⁹	Yes	Yes	Yes	Yes	Yes	All calls ⁸⁴
IRL	Incumbent (fixed voice telephony)	Yes	Yes but only with Mobile calls too ⁸⁵ .	Yes	Yes but only with National calls too	Yes	
	Main new entrant ⁷⁹ (fixed voice telephony)	No					
	Main mobile operator ⁷⁹	Yes	N/A	Yes		Yes	
I	Incumbent (fixed voice telephony)	Yes	Yes	Yes	Yes	Yes	
	Main new entrant ⁷⁹ (fixed voice telephony)	Yes	No	Yes	No	Yes	
	Main mobile operator ⁷⁹	No	-	-	-	-	
L	Incumbent (fixed voice telephony)	Yes	Yes	Yes	Yes	Yes	
	Main new entrant ⁷⁹ (fixed voice telephony)	Not regulated	Not regulated	Not regulated	Not regulated	Not regulated	
	Main mobile operator ⁷⁹	Not regulated	Not regulated	Not regulated	Not regulated	Not regulated	
NL	Incumbent (fixed voice telephony)	Yes	No	Yes	No	Yes	
	Main new entrant ⁷⁹ (fixed voice telephony)	Yes	No	Yes	No	Yes	
	Main mobile operator ⁷⁹	Yes ⁸⁶	No	Yes	No	Yes	Barring all outgoing calls
A	Incumbent (fixed voice telephony)	Yes	Yes ⁸⁷	Yes ⁸⁸	Yes	Yes	Barring all active and/or passive calls Selective barring of individual mobile prefix

⁸⁴ The option “only on-going calls” is mentioned in the ‘fiche tarifaire’.

⁸⁵ Due to conflict with 3 digit local access codes.

⁸⁶ The Dutch authorities have assumed KPN as the main mobile operator as it is the only operator with SMP designation. This information for KPN is not known by OPTA. However, other operators, notably Vodafone, also have significant markets shares. If more than one operator is to be considered they note that the requested information differs per operator.

⁸⁷ National calls can only be barred with premium rate calls and international calls or within the barring of all active and/or passive calls.

⁸⁸ (Expensive) international calls can only be barred with premium rate calls.

MS	Operator	Is selective call barring generally available on request ⁷⁷ ?	Which of the following call categories can be barred <u>selectively</u> ⁷⁸ ?				
			National calls	International calls	Calls to mobile	Premium rate calls	Other (specify)
A	Main new entrant ⁷⁹ (fixed voice telephony)	No information	No information	No information	No information	No information	No information
	Main mobile operator ⁷⁹	Yes	No information	No information	No information	Yes	No information
P	Incumbent (fixed voice telephony)	Yes ⁸⁹	Yes	Yes	Yes	Audiotext services ⁹⁰	
	Main new entrant ⁷⁹ (fixed voice telephony)					Audiotext services ⁹⁰	
	Main mobile operator ⁷⁹					Audiotext services ⁹⁰	
FIN	Incumbent (fixed voice telephony)	Yes	No ⁹¹	No ⁹¹	No ⁹¹	Yes	
	Main new entrant ⁷⁹ (fixed voice telephony)	Yes	No ⁹¹	No ⁹¹	No ⁹¹	Yes	
	Main mobile operator ⁷⁹	Yes	n.a.	No ⁹¹		Yes	
S	Incumbent (fixed voice telephony)	Yes	Yes	Yes	Yes	Yes	
	Main new entrant ⁷⁹ (fixed voice telephony)	Yes	Yes	Yes	Yes	No	
	Main mobile operator ⁷⁹	Yes	Yes	Yes	No	Yes	
UK	Incumbent (fixed voice telephony)	Yes	Yes	Yes	Yes	Yes	
	Main new entrant ⁷⁹ (fixed voice telephony)	Yes	Yes	Yes	Yes	Yes	
	Main mobile operator ⁷⁹	Yes	Yes	Yes	Yes	Yes	

⁸⁹ Selective call barring is available, free of charge, for the calls to other telecommunication services provided to the public and for audiotext services. C.f. art. 13°, n° 1, al. f) of RESFT.

⁹⁰ Since the Act n° 95/2001, of 20 August, came into force, service providers must ensure that access to audiotext services –except for “tele-voting” services- is barred. This access will only be provided, generally or selectively, following express request by the user.

⁹¹ According to regulation FICORA 35 H/2003 M, the user can have barring to these services only in combination with barring to other (more expensive) services, such as premium rate calls. Operators are free to provide selective barring for these services if they want to, but this is not common.

6. DATA PROTECTION

Table 9: Unsolicited calls, faxes and electronic mails (part I)

	<i>Which approach (opt-in/opt-out/none) has been implemented for the following categories⁹²?</i>		
	<i>Unsolicited phone CALLS</i>	<i>Unsolicited E-MAILS</i>	<i>Unsolicited FAXES</i>
B	Opt-out	Opt-In	Opt-in ⁹³
DK	Regarding consumers: opt-in ⁹⁴ . Regarding others than consumers: opt-out	Modified Opt-in ⁹⁵	Opt-in
D	Opt-in ⁹⁶	Opt-in ⁹⁶	Opt-in ⁹⁶
EL	Opt-in for unsolicited calls for advertising purposes	Opt-in for unsolicited e-mails for advertising purposes	Opt-in for unsolicited faxes for advertising purposes
E	Opt-in	Opt-in	Opt-in
F	Opt-out	None	Opt-in (Ordonnances of 23 August 2001 and 25 July 2001)
IRL	Opt-out	Currently being decided	Opt-out for business and opt-in for individuals
I⁹⁷	Opt-in	Opt-in	Opt-in
L	Opt in draft law (document parlementaire 5181)	Opt in draft law (document parlementaire 5181)	Opt in draft law (document parlementaire 5181)
NL	Opt-in	Opt-out	Opt-in
A	Opt-in ⁹⁸	Opt-in ⁹⁸	Opt-in ⁹⁸
P	None	Opt-out ⁹⁹	Opt-in ¹⁰⁰
FIN	Opt-out	Opt-in	Opt-in

⁹² According to Article 12 (97/66/EC), for the purposes of direct marketing, Member States can choose between an “opt-in” or “opt-out” approach for unsolicited calls and unsolicited e-mails. An “opt-in” approach is required for unsolicited faxes.

⁹³ In case of distance selling contracts.

⁹⁴ As regards book -, paper – and magazine – and insurance sales, opt-out has been implemented.

⁹⁵ Denmark has adopted an opt-in model with modifications. The Danish Marketing Practices Act (section 6a, para. 1) requires that the customer, prior to receiving the “call using mail”, has requested the call. A new section 6a, para.2, effective from 25 July 2003, modifies the rule in para. 1, allowing unsolicited e-mail without the customer actively requesting it, when a number of clearly defined conditions are met. The customer must be able to opt-out easily and free of charge at any time. The new para 2 only applies to e-mail.

⁹⁶ Based on case law under unfair competition law. There is a principle of consent for unsolicited e-mails in case law, but it has not yet been confirmed by the highest court.

⁹⁷ The new personal Data Protection Code published on 29 July 2003 will also transpose Directive 2002/58/EC. Most new provisions will come into force on 1 January 2004.

⁹⁸ For calls and faxes the opt-in scheme will not be changed by the new Telecommunications Act 2003. For e-mails and SMS the old law (which was in force until August 1) had an opt-in scheme and the new Telecommunications Act 2003 will have an opt-in scheme for consumers and an opt-out scheme for other recipients.

⁹⁹ The called party has the right to refuse, free of charge, the reception of direct marketing unsolicited calls by means different from automatic calling machines or fax.

¹⁰⁰ Also applicable to direct marketing actions using automatic calling machines.

	<i>Which approach (opt-in/opt-out/none) has been implemented for the following categories⁹²?</i>		
	<i>Unsolicited phone CALLS</i>	<i>Unsolicited E-MAILS</i>	<i>Unsolicited FAXES</i>
S	Opt-out ¹⁰¹	Opt-out	Opt-out ¹⁰¹
UK	Opt-out	Opt-out ¹⁰²	Opt-in ¹⁰³

Table 10: Unsolicited calls, faxes and electronic mails (part II)

	<i>Is the “opt-in/opt-out” approach applicable to natural and legal persons¹⁰⁴? (only natural/natural and legal)</i>	<i>Requirements for consent¹⁰⁵</i>	<i>Which institutions manage opt-out lists for e-mails?</i>	<i>Is consultation of opt-out lists required prior to sending unsolicited e-mails?</i>
B	Legal: opt-out Natural: opt-in	Not regulated	Not regulated	Not regulated
DK	Natural and legal (requirements concerning legal persons only regarding emails and faxes)	Oral or Written (active)	Central Office of Civil Registration	Not relevant
D	Natural and legal	Oral or written (active)	Private associations or other private third parties	No, consultation of opt-out lists is voluntary
EL	Only natural unless the legal representative of a legal person states that they do not wish to have unsolicited calls (opt-out)	Written (passive)	N.A.	No
E	Natural and legal	Unequivocal consent	Federación de Comercio Electrónico y Marketing Directo	No, unsolicited electronic communications are prohibited, unless deliberately authorised or requested by the addressees (Ley 34/2002, de 11 de julio, de Servicios de la Sociedad de la Información y de Comercio Electrónico)
F¹⁰⁶	Natural and legal	Written (active)	Not yet determined at this stage	No

¹⁰¹ This applies to unsolicited calls made by sales representatives of the calling company. For unsolicited automatic calls to natural persons, Sweden has adopted an opt-in model.

¹⁰² Where e-mail addresses constitute personal data because they incorporate an individual's name, any processing must be done in accordance with the requirements of the Data Protection Act 1998. Any business that continues to process an e-mail address that constitutes personal data, in order to send unsolicited marketing communications, after being instructed by the individual concerned to stop, will be in breach of the Act's fair processing requirements. New opt-in rules to be introduced later in 2003.

¹⁰³ Corporate subscribers are not entitled to register with the Telephone Preference Service although they have the right to opt-out on a case-by-case basis by instructing particular callers not to ring. Corporate subscribers are entitled to opt-out of unsolicited faxes both on a case by case basis or by registering with the Fax Preference Service.

¹⁰⁴ According to the directive, NRA is requested to specify whether the chosen approach is limited to natural persons only or extended to natural and legal persons.

¹⁰⁵ In this column, NRAs are requested to specify if the consent to be obtained from the user is to be *written* or *oral* and, if written, to specify if consent can be *passive* (e.g. the user does not delete a pre-ticked box corresponding to the declaration of consent) or is to be *active* (e.g. the user must tick the box corresponding to the declaration of consent).

¹⁰⁶ P&T Code (Title I), amended by *ordonnance* n°2001-670 of 25/07/01, now foresees that direct marketing is forbidden unless the subscriber has given his agreement. (art. L. 34-4-1.)

	Is the “opt-in/opt-out” approach applicable to natural and legal persons¹⁰⁴? (only natural/natural and legal)	Requirements for consent¹⁰⁵	Which institutions manage opt-out lists for e-mails?	Is consultation of opt-out lists required prior to sending unsolicited e-mails?
IRL	Opt-out for business and opt-in for individuals	Simple notification	Irish Direct Marketing Association (IDMA) ¹⁰⁷	No
I	Natural and legal	Oral or Written (active) ¹⁰⁸	None ¹⁰⁹	No ¹¹⁰
L	Natural and legal (draft law document parlementaire 5181)	Prior consent(oral or written (active)(draft law document parlementaire 5181))	none	Not relevant
NL	Yes, applicable to the « subscriber » in accordance to the definition of Article 2 of the directive/	Not regulated	DMSA Nederlandse Associatie voor Direct Marketing, Distance Selling en Sales Promotion	Self-regulation applies ¹¹¹
A	Natural and legal ¹¹²	Oral ¹¹³ or written (passive ¹¹⁴)	RTR-GmbH	Unsolicited e-mails are forbidden ¹¹⁵
P	Natural and legal	Written (active)	Not available	No ⁹⁹
FIN	Natural / natural and legal ¹¹⁶	Oral or written ¹¹⁷	SSML (The Finnish Direct Marketing Association)	No
S	Only natural persons	Not regulated	Not regulated	Yes
UK	Legal persons have opt-out rights in some cases ¹⁰³	Not regulated	The Direct Marketing Association (e-Mail Preference Service or e-mps)	Self regulation–consultation required under industry codes of practice

¹⁰⁷ Lists managed on their behalf by the DMA based in the US. The IDMA is affiliated to the DMA.

¹⁰⁸ Consent is written if the type of message received allows getting information on sensitive data concerning the recipient. In the remaining cases, it will be sufficient for the entity obtaining the data subject’s consent to write it down.

¹⁰⁹ The Italian Data Protection Authority (Garante per la protezione dei dati personali) started the procedure leading to adoption of a Code concerning processing of personal data on electronic networks, which may include specific provisions on opt-out list – e.g. as regards ads sent to customers in connection with products or services that are similar to those already being supplied (see Article 13(2) of Directive 2002/58/EC). This will be without prejudice to the general opt-in principle.

¹¹⁰ Parties that adhered to the *Stitching Reclame Code* commit themselves to the application of codes of conduct concerning unsolicited mails and sms.

¹¹¹ Parties that adhered to the *Stichting Reclame Code* commit themselves to the application of codes of conduct concerning unsolicited mails and SMS.

¹¹² The provisions of the old Telecommunications Act (which was in force until August 1) do not differentiate between natural and legal persons. The new Telecommunications Act has an opt-in scheme for unsolicited calls and faxes (no distinction between natural and legal persons) and it differs between consumers (opt-in) and other recipients (opt-out) for unsolicited e-mails and SMS.

¹¹³ However, even oral consent must have been provided before the reception of the unsolicited call. This will not be changed by the Telecommunications Act 2003.

¹¹⁴ The law does not explicitly require “active” consent, so therefore generally the inclusion of a declaration of consent in a document to be signed by the user (in such a way that the latter would have to delete the passage if he wishes to refuse consent) is accepted. This is not changed by the Telecommunications Act 2003.

¹¹⁵ Consultation of the opt-out list managed by RTR-GmbH is required by the E-Commerce Act, but was not important, because unsolicited e-mails were generally prohibited by the old Telecommunications Act (which was still in force on August 1). According to the new Telecommunications Act unsolicited e-mails to non-consumers are legal and consultation of the opt-out list becomes relevant.

¹¹⁶ For natural persons, an “opt-in” regime applies, except for unsolicited phone calls to which an “opt-out” regime applies. The “opt-out” regime also applies to legal persons.

¹¹⁷ No specific form is prescribed by law for written consensus, which is normally passive.

Table 11: Storage of data and other provisions of the Data Protection Directive

MS	Maximum period permitted for the storage of data for:		Charge for subscribers to be omitted from the directory	Availability and cost of stopping automatic forwarding by a third party	Itemised billing	
	Billing	Other purposes ¹¹⁸			Possibility to receive non-itemised bills	Number of digits from the called number deleted
B	To the end of the dispute period	Min. 1 year (secondary legislation still needed to determine exact period)	2,6 € /month	Free of charge	Yes	No rules exist
DK	5 years ¹¹⁹	Max. 1 year (secondary legislation still needed to determine exact period)	Free of charge	Free of charge	Yes	No deletion for private customers, two for business customers
D	6 months after sending of bill	--	Free of charge	Free of charge, where technically possible	Yes	Three last digits/complete itemisation on request
EL	The period during which the bill may be lawfully challenged or payment may be pursued	--	0.96 € /month ¹²⁰	Free of charge	Yes	Three last digits upon request
E	5 years	Max. 1 year (for information society services, secondary legislation is still needed to determine the exact period)	Free of charge	Free of charge	Yes	Defined number ¹²¹
F	1 year		Free of charge	Available ¹²²	Yes	Last four
IRL	Currently being looked at ¹²³	--	Free of charge	Free of charge if available	Yes	No deletion
I	5 years ¹²⁴	-- ¹²⁵	Free of charge	N/A ¹²⁶	Yes	Last three/complete itemisation in certain cases ¹²⁷

¹¹⁸ Article 14(1) of Directive 97/66/EC.

¹¹⁹ The end of the period during which the bill may be lawfully challenged or payment may be pursued.

¹²⁰ ETT is entitled to express its opinion on the level of the charge.

¹²¹ To be specified in secondary legislation.

¹²² Information given for France Télécom.

¹²³ Operators are obliged to comply with the requirements of Article 6 of the Directive. The general rules of the statute of limitations in case a bill is challenged is maximum 6 years.

¹²⁴ According to Civil Code, which provides that the bill may be lawfully challenged or payment may be pursued within five years. As of 1 January 2004, it will only be possible to retain the data for no longer than 6 months, subject to such additional retention period as may be necessary in connection with a judicial claim.

¹²⁵ As of January 2004, it will be possible to store the data for thirty months with a view to detecting and suppressing criminal offences.

¹²⁶ Under section 8 of legislative decree no. 171/1998, the provider must allow subscribers, free of charge, to stop automatic call forwarding by third parties.

¹²⁷ In case of complaints for specific calls as well as if a subject requests access to the data concerning him/her. As of 1 January 2004, the Italian Data Protection Authority (Garante per la protezione dei dati personali) may authorise a provider to report the full numbers in a bill if it is established that alternative payments methods are fully available – including anonymous methods – such as credit cards, debit cards or pre-paid cards, this being an obligation applying to all operators. .

MS	Maximum period permitted for the storage of data for:		Charge for subscribers to be omitted from the directory	Availability and cost of stopping automatic forwarding by a third party	Itemised billing	
	Billing	Other purposes ¹¹⁸			Possibility to receive non-itemised bills	Number of digits from the called number deleted
L	until the end of the dispute period (draft law document parlementaire 5181)	Max 1 year (draft law document parlementaire 5181)	Free of charge	Not available	Yes	No deletion; draft law doc parlementaire 5181
NL	Not specified in the law ¹²⁸	Three months for ISPS and pre-paid cards	Free of charge	Free of charge	Yes	No deletion
A	Company specific ¹²⁹	As long as the data is needed for the relevant purpose	Free of charge	Free of charge ¹³⁰	Yes	Company specific ¹³¹
P	6 months	--	Free of charge	Free of charge	Yes	Four
FIN	Min. 3 months after maturity date of the bill; max 3 years after bill has been paid in full	--	Free of charge	Free of charge	Yes	Three last digits/complete itemisation in certain cases
S	The period during which the bill may be lawfully challenged or payment may be pursued	As long as the data is needed for the relevant purpose	Not regulated (free of charge with incumbent operator)	Free of charge	Yes	Not regulated (generally no deletion)
UK	6 years ¹³²	Under discussion (between 6-12 months)	Free of charge	Free of charge	Yes	No deletion

¹²⁸ The forthcoming legislation regarding traffic and billing data states that the period for which the billing information may be stored is the period in which the bill can be lawfully challenged or the payment may be pursued.

¹²⁹ According to the conditions stipulated in the contracts with the operators, but a maximum of 3 years is fixed by law.

¹³⁰ Information given for Telekom Austria

¹³¹ Legislation does not set the precise number of digits to be deleted, which could be two or more. Many companies, including Telekom Austria, delete the last three digits.

¹³² Limitation period for contractual disputes.

Table 12: Calling line identification (CLI)

	<i>Availability and cost</i>		<i>Availability and cost for the called subscriber to:</i>			<i>Availability to and cost for the organisation dealing with emergency calls of overriding the elimination of the presentation of the CLI</i>
	<i>For the calling user to eliminate the presentation of the CLI on a per-call basis</i>	<i>For the subscriber to request the service provider to (temporarily) override the elimination of the presentation of the CLI¹³³</i>	<i>Eliminate the presentation of the connected line identification to the calling user</i>	<i>Prevent the presentation of the CLI of incoming calls</i>	<i>To reject incoming calls where the presentation of the CLI has been eliminated by the calling user</i>	
B	Free of charge	Available	Free of charge	Free of charge for a reasonable use	Available	Free of charge
DK	Free of charge	Not available	Free of charge	Free of charge	Free of charge	Free of charge
D	Free of charge	Available, cost not regulated	Free of charge	Free of charge	Free of charge, (in mobile telephony based on terminal equipment)	Free of charge
EL	Free of charge	Available for limited time period and for specific reasons, costs not yet regulated	Free of charge	Available with simple means, free of charge ¹³⁴	Available with simple means ¹³⁴	Free of charge
E	Free of charge	Free of charge	Not available	Free of charge	Available	Available ¹³⁵
F	Free of charge	Answer from FT	Answer from FT	Answer from FT	Yes, but not free of charge ¹³⁶	Free of charge
IRL	Free of charge	Not available	Free of charge	Free of charge	Not available	Free of charge
I	Free of charge	Available (€ 77.46 for 1-5 days, € 103.29 for 6-10 days, € 129.11 for 11-15 days, excluding tax) ¹³⁷	Free of charge	Available by default ¹³⁸	Not available ¹³⁹	Free of charge
L	Free of charge	Foreseen in the draft law doc parlementaire 5181	Available free of charge draft law doc parlementaire 5181	Available free of charge draft law doc parlementaire 5181	Available free of charge draft law doc parlementaire 5181	Available free of charge draft law doc parlementaire 5181
NL	Available, free of charge	Not available	Available for ISDN only (part of CLI service)	Free of charge	Not available	Available No standard tariff applies
A	Free of charge	Available (€ 6.54 + € 0.73 per day+€1.45 per identification) ¹⁴⁰	Available: €6.54 (single payment)	Free of charge	Free of charge ¹⁴¹	Available: €4.36 (single payment)

¹³³ For tracing malicious or nuisance calls.¹³⁴ Facility mandated by the law, but not yet implemented.¹³⁵ Paragraphs 1 and 2, article 75 of Royal Decree 1736/1998, of 31 July.¹³⁶ France Telecom offers a service enabling its subscribers to reject calls where the presentation of the CLI has been eliminated or calls marked with an R (calls from a list established by the subscriber).¹³⁷ As of 1 January 2004, operators may charge amounts not exceeding the costs actually incurred by them.¹³⁸ Telecom Italia only offers CLI upon subscription¹³⁹ This service is available free of charge from mobile telephony service providers.¹⁴⁰ Information given for Telekom Austria¹⁴¹ Available since 1st quarter of 2001.

	<i>Availability and cost</i>		<i>Availability and cost for the called subscriber to:</i>			<i>Availability to and cost for the organisation dealing with emergency calls of overriding the elimination of the presentation of the CLI</i>
	<i>For the calling user to eliminate the presentation of the CLI on a per-call basis</i>	<i>For the subscriber to request the service provider to (temporarily) override the elimination of the presentation of the CLI¹⁴³</i>	<i>Eliminate the presentation of the connected line identification to the calling user</i>	<i>Prevent the presentation of the CLI of incoming calls</i>	<i>To reject incoming calls where the presentation of the CLI has been eliminated by the calling user</i>	
P	Free of charge	Available ¹⁴²	Free of charge	Free of charge	Available	Available
FIN	Free of charge	Free of charge ¹⁴³	Free of charge	Free of charge	Available	Available ¹⁴⁴
S	Free of charge	Not regulated ¹⁴⁵	Free of charge	Free of charge	Available	Not regulated
UK	Free of charge	Available free of charge when calls are subject to formal investigation ¹⁴³	Provided free of charge on ISDN networks	Available ¹⁴⁶ , free of charge	Available on analogue services (BT charges £ 9.99 a quarter, some other operators provide it free of charge) ¹⁴⁷	Free of charge

¹⁴² Although this facility is foreseen by the law, there is no information on its actual availability.

¹⁴³ Calling line identification available to law enforcement authorities.

¹⁴⁴ Override category available, but organisation pays installation costs.

¹⁴⁵ The charge of the incumbent operator (TeliaSonera) for malicious call identification is SEK 500 including 5 successful tracings for a two-week period. Extra tracings: SEK 50 each.

¹⁴⁶ If specifically requested from service provider.

¹⁴⁷ Not available on digital services (GSM, ISDN) because there is ambiguity as to whether this facility must be provided as a network service as opposed to being delivered through a terminal equipment solution. Hopefully the situation will change when 2002/58/EC is implemented.

7. NATIONAL REGULATORY AUTHORITIES

Table 13: Powers of the National Regulatory Authorities

<i>MS</i>	<i>Licensing</i>	<i>Numbering</i>	<i>Broadcasting</i>	<i>Rights of way</i>	<i>Price controls (end user tariffs)</i>	<i>Monitoring USO</i>	<i>Access and interconnection</i>	<i>Dispute resolution</i>	<i>Application of competition law</i>	<i>Market monitoring and enforcing compliance with regulations</i>	<i>Frequency allocation and spectrum management</i>
B	BIPT	BIPT	Communities	Communities	BIPT / NCA	BIPT, Government	BIPT	BIPT / NCA	NCA	BIPT	Allocation: BIPT Assignment: BIPT
DK	NITA ¹⁴⁸	NITA	NITA, Ministry of Culture	NITA, Local authorities	NITA	NITA	NITA	NITA	NCA	NITA	Allocation: NITA ¹⁴⁸ Assignment : NITA
D	RegTP ¹⁴⁹	RegTP	RegTP, Regional Broadcasting Institutions	RegTP, other authorities ¹⁵⁰	RegTP	RegTP	RegTP	RegTP	RegTP: sector specific rules in the telecommunications sector Bundeskartellamt (national competition authority): competition law	RegTP	Allocation: Federal Government: Table of frequency allocations indicating the frequency bands to be allocated to individual radio services and other electromagnetic wave applications. Assignment: RegTP (further allocation of the frequency bands to individual frequency uses and determinations on such uses).
EL	EETT	EETT	EETT, Ministry (Ministry of Transport and Communications and Ministry of Press)	Local and other authorities ¹⁵¹	EETT	EETT	EETT	EETT	EETT	EETT	Allocation: Ministry of Transport and Communications Assignment: EETT

¹⁴⁸ Within the framework of the frequency policy mandate given to NITA.

¹⁴⁹ See also Communication N. 189/2003 in the Reg TP-Journal N°. 14/2003 of 16.July 2003, Page 764.

¹⁵⁰ Consent to the exercise of the right of way transferred/assigned by RegTP on a case by case basis.

¹⁵¹ Office of Town and Country Planning, Office for Nuclear Energy

National regulatory authorities

MS	Licensing	Numbering	Broadcasting	Rights of way	Price controls (end user tariffs)	Monitoring USO	Access and interconnection	Dispute resolution	Application of competition law	Market monitoring and enforcing compliance with regulations	Frequency allocation and spectrum management
E	SETSI and CMT	MCYT/SETSI: Administration ¹⁵² CMT: Management ¹⁵³	MCYT/SETSI: Preparation and proposal of the rules on audio-visual services, inspection and regulation CMT: Competition safeguard on conditional access services	MCYSETSI, Regulation and management of matters related to rights of way CMT: Dispute resolution between operators on shared use of infrastructures. ¹⁵⁴	/SETSI, Ministry of Economy, consultation CMT	/SETSI and CMT ¹⁵⁵	CMT and SETSI	CMT: Disputes between operators MCYT/SETSI: Disputes between users and operators	CMT, Competition Authority	CMT	SETSI
F	Ministry on proposal of ART	ART	CSA and Ministry of Culture	Local authorities	Ministry on basis of Avis of ART	ART	ART	ART	Conseil de la Concurrence	ART	Allocation: ANFR ¹⁵⁶ Assignment: ART
IRL	ComReg	ComReg	Minister for Communications, Marine and Natural Resources. Broadcasting Commission of Ireland. ComReg (transmission and distribution networks)	Local authorities	ComReg	ComReg	ComReg	ComReg	Competition Authority	ComReg	Allocation: ComReg and Minister for Communications, Marine and Natural Resources Assignment: ComReg and Minister for Communications, Marine and Natural Resources
I	Ministry	AGCOM	AGCOM Ministry	Local authorities AGCOM	AGCOM	AGCOM	AGCOM	AGCOM	NCA	AGCOM	Allocation: Ministry Assignment: Ministry, AGCOM
L	Ministre délégué aux Communications	ILR	Service des Média et des Communications			ILR	ILR	ILR et tribunaux luxembourgeois	Ministère de l'Economie - Direction de la Concurrence et de la Protection du consommateur	ILR	Allocation: Ministry Assignment: ILR

¹⁵² Administration of the national numbering plan, as the establishment and change of: The national numbering plan; Types of usage for designated number ranges; Rules for administration of the national numbering plan; Rules for management of the national numbering plan

¹⁵³ Management of the national numbering plan as the whole of: assignment of numbers for designated ranges; surveillance of usage of assigned ranges; withdrawal of assigned numbers

¹⁵⁴ The NRA issuing the license is also the authority granting the associated rights of way

¹⁵⁵ Generally the powers with regard to universal service obligations correspond to the SETSI. The powers of the CMT are limited to the funding of the USO in accordance with Article 39 of the General Law of Telecommunications.

¹⁵⁶ Agence National Francaise pour Radiofrequence

<i>MS</i>	<i>Licensing</i>	<i>Numbering</i>	<i>Broadcasting</i>	<i>Rights of way</i>	<i>Price controls (end user tariffs)</i>	<i>Monitoring USO</i>	<i>Access and interconnection</i>	<i>Dispute resolution</i>	<i>Application of competition law</i>	<i>Market monitoring and enforcing compliance with regulations</i>	<i>Frequency allocation and spectrum management</i>
NL	OPTA (registration)	OPTA, Ministry	Two Ministries (DGTP ¹⁵⁷ , Education and Culture), OPTA, Broadcasting Authority	Ministry (DGTP)	OPTA	Ministry (DGTP)	OPTA	OPTA	National Competition Authority (NMA)	OPTA	Allocation: DGTP Assignment: DGTP
A	TKK	Allocation: RTR, Management: BMVIT	Komm Austria	TKK	TKK	TKK	TKK	TKK	Competition Authorities, TKK	TKK	Allocation: TKK Assignment: BMVIT
P	ANACOM (Exception: Ministry, in case of the granting of radiofrequencies by public tender)	ANACOM	ANACOM (Network licencing) AACS (Access to the activity)	Local authorities	ANACOM	ANACOM	ANACOM	ANACOM	Competition Authority	ANACOM	Allocation: ANACOM Assignment: ANACOM
FIN	MINTC	FICORA	FICORA	FICORA	FICORA		FICORA	FICORA	Competition Authority	FICORA	Allocation: FICORA Assignment: FICORA
S	PTS	PTS	Radio and TV Agency	PTS, local authorities	PTS	PTS	PTS	PTS	Competition Authority	PTS	Allocation: PTS Assignment: PTS
UK	DTI	OFTTEL	ITC and OFTEL	Secretary of State (DTI)	OFTTEL	OFTTEL	OFTTEL	OFTTEL	OFTTEL and OFT	OF TEL	Allocation: RA Assignment: RA

¹⁵⁷ Director General for Telecommunications and Post in the Ministry of Transport

8. QUALITY OF SERVICE

Table 14: Quality of service

Member State	Does the NRA set QoS performance targets for:		Do SMP/US operators measure QoS pursuant to the following standards? (yes/no)			Have measurements of QoS for year 2002 been published by		Date of latest publication and reference in the national Official Journal or other	Which measures are taken in case of persistent failure to meet performance targets? (Article 12.3, Dir. 98/10/EC)	Are independent audits of performance data carried out? (Article 12.4, Dir. 98/10/EC)
	SMP/US ¹⁵⁸ operators?	Other fixed operators?	ETSI ETR 138	ETSI EG 201	Other	SMP/US operator?	the NRA?			
B	Yes	No	Yes	To be studied	N/A	No	Yes	Report on the Universal Service July 2003 (www.ibpt.be)	Compensation: max. 1% of the annual turnover concerning the universal service (art. 17 of annex of act of 21/03/1991)	No
DK	Yes	No	Yes ¹⁵⁹	Yes ¹⁶⁰	No	No.	No.	None	Sanctions according to Section 22-23 of Act on Competitive Conditions and Consumer Interests in the Telecommunications Market.	No, but possible according to Section 15 (6) of Executive Order on USO.
D	Yes ¹⁶¹	No	No	Yes ¹⁶²	Yes ¹⁶³	No	Yes	Official Publications of the RegTP N°. 17 of 27.08.2003	See footnote ¹⁶⁴	No
EL	Yes	Yes	N/A	Yes ¹⁶⁵	N/A	-	-	None		
E	Yes	No	No	Yes	No	Yes ¹⁶⁶	Yes ¹⁶⁷	www.setsi.mcyt/sgcinfo/calidad/informe.htm	Disciplinary measures included in the General Law of Telecommunications	Yes

¹⁵⁸ Operators having significant market power in the provision of fixed telephone networks and/or voice telephony services or having been designated in accordance with Article 5 of Directive 98/10/EC.

¹⁵⁹ Measurements carried out before 1 March 2002.

¹⁶⁰ Measurements carried out After 1 March 2002

¹⁶¹ According to Paragraph 2 of the USO Ordinance, quality of the voice telephony services within US is based on the standards achieved by 31 December 1997. There is no description or characterisation of this standard.

¹⁶² RegTP's ordinance 169/1999 provides for the adaptation of ETSI EG 201 769 to the special conditions of services and networks of the nation-wide telephone service providers.

¹⁶³ New parameters in Annex III of the Voice telephony Directive 98/10/EC will be measured on the basis of the definitions provided in ordinance 9/1999 and in ordinance 169/1999.

¹⁶⁴ If a universal service is performed insufficiently or inadequately, the regulatory authority can initiate a proceeding according Article 18 and the followings of TKG to dermine an operator to perform the universal service.

¹⁶⁵ In the course of implementation.

¹⁶⁶ www.telefonica.es/telefonafija/popup_parametros.htm

¹⁶⁷ Measurements for third and forth quarters have been published.

Member State	Does the NRA set QoS performance targets for:		Do SMP/US operators measure QoS pursuant to the following standards? (yes/no)			Have measurements of QoS for year 2002 been published by		Date of latest publication and reference in the national Official Journal or other	Which measures are taken in case of persistent failure to meet performance targets? (Article 12.3, Dir. 98/10/EC)	Are independent audits of performance data carried out? (Article 12.4, Dir. 98/10/EC)
	SMP/US ¹⁵⁸ operators?	Other fixed operators?	ETSI ETR 138	ETSI EG 201	Other	SMP/US operator?	the NRA?			
F	Yes	No	No	Yes ¹⁶⁸	n.a.	No	No	OJ of 13 November 2002 amending the obligations imposed on France Telecom to implement the modifications of annex III of Directive 98/10/EC.	None	Yes 185
IRL	No	No	Partially ¹⁶⁹	N/A	MLOP ¹⁶⁹	No	Yes	13/6/2003 - Fixed Telephony Operator Performance Data for July to Dec 2002 http://www.comreg.ie/publications/default.asp?nid=101011&ctype=5 13/6/03 – SMP to OLO and USO operator performance data for July to December 2002 http://www.comreg.ie/publications/default.asp?S=&NavID=&ctype=5&NID=101013	No performance targets are set, however, where an operator fails to comply with the MLOP QoS definitions then this addressed with the individual operator with a view to ensuring compliance	Yes Each participating operator submits their QoS data to an independent accuracy auditor who is appointed to by the operator. On completion of the accuracy audit, data is then submitted to MLOP forum comparability auditor who assesses the comparability of operator returns.
I	Yes ¹⁷⁰	Yes ¹⁷⁰	Yes	No ¹⁷¹	N/A	No	No	Published by SMP operator in its semestral report (up to 1 st half 2001)	AGCOM may adopt specific measures, in accordance to individual licence conditions	No

¹⁶⁸ According to Commission's Decision of 22 December 2000 amending annex III to Directive 98/10/CE

¹⁶⁹ The Measuring Licence Operator programme establishes a framework for measuring the quality of service provided by fixed line telecommunications operators to their customers. ODTR's MLOP programme has set parameters which are partially based upon ETR 138.

¹⁷⁰ As for 2004, operators are asked to identify quality parameters, to freely choose the corresponding performance targets, to commit themselves to these targets and to publish the result yearly.

¹⁷¹ As from 24 July 2003 ETSI EG 201.769 –1 will replace ETR 138

Member State	Does the NRA set QoS performance targets for:		Do SMP/US operators measure QoS pursuant to the following standards? (yes/no)			Have measurements of QoS for year 2002 been published by		Date of latest publication and reference in the national Official Journal or other	Which measures are taken in case of persistent failure to meet performance targets? (Article 12.3, Dir. 98/10/EC)	Are independent audits of performance data carried out? (Article 12.4, Dir. 98/10/EC)
	SMP/US ¹⁵⁸ operators?	Other fixed operators?	ETSI ETR 138	ETSI EG 201	Other	SMP/US operator?	the NRA?			
NL	Yes	Yes	Yes ¹⁷²	Yes ¹⁷²	No	No	No	5 th May 2003 Consultation document on the quality of service for public fixed telephony; www.opta.nl under 'nieuws en publicaties'	The regulatory authority can make arrangements to perform their rights and obligations arising from international regulations and this Law. These arrangements must then be followed.	No
A	Yes ¹⁷³	No	Yes	Yes	Yes ¹⁷⁴	No	No	(to be published in September 2003) www.rtr.at	According to § 83 3 TKG, the regulatory authority can make arrangements to perform their rights and obligations arising from international regulations and this Law. These arrangements must be followed.	No
P	Yes	No ¹⁷⁵	Yes ¹⁷⁶	n.a.	n.a.	No	No	Not available	Specific sanctions are foreseen in case of non compliance with performance targets. Suspension or derogation of the licence might also be imposed.	Yes
FIN	No	No	Yes ¹⁷⁷	Yes ¹⁷⁷	N/A	Available on request	No	A summary is available: Telecommunications statistics (Aug. 2003)		
S	No ¹⁷⁸	No	No	Yes	No	No	Yes	None	None	None

¹⁷² ETSI ETR 138 was implemented by end of 2000. ETSI EG 201 has been used since the beginning of 2001.

¹⁷³ Ordinances on Universal Service: BGBl.II N. 192/1999 and BGBl. II N. 173/2000.

¹⁷⁴ Ordinances on Universal Service: BGBl.II N. 192/1999 and BGBl. II N. 173/2000

¹⁷⁵ According to Art. 5° of "Decreto.Lei" 474/99, of 8 November 1999, ANACOM can define QoS parameters, but no provision targets.

¹⁷⁶ Nowadays, PTC sends QoS information following ETR 138 standard. In the future, PTC and other operators will have to make this information available following EG 201 standard.

¹⁷⁷ ETSI ETR 138 was implemented by end of 2000. ETSI EG 201 has been used since the beginning of 2001.

¹⁷⁸ No QoS targets are specified in legislation or licence conditions. However, the SMP-operator's measurements of QoS are carried out pursuant to the ETSI EG 201 standard.

Member State	Does the NRA set QoS performance targets for:		Do SMP/US operators measure QoS pursuant to the following standards? (yes/no)			Have measurements of QoS for year 2002 been published by		Date of latest publication and reference in the national Official Journal or other	Which measures are taken in case of persistent failure to meet performance targets? (Article 12.3, Dir. 98/10/EC)	Are independent audits of performance data carried out? (Article 12.4, Dir. 98/10/EC)
	SMP/US ¹⁵⁸ operators?	Other fixed operators?	ETSI ETR 138	ETSI EG 201	Other	SMP/US operator?	the NRA?			
UK	No	No	Partially ¹⁷⁹	Yes ¹⁷⁹	Yes ¹⁷⁹	Yes, via the Telecommunications Industry Forum	Yes, via the Telecommunications Industry Forum	SMP operators' indicators are available at www. Btplc.com . Latest publication is for period Oct.00 – Mar. 02 CPIs are available at www.cpi.org.uk . Latest publication is for period Jul.-Dec.-02	No set performance targets and no pressing need to take action	Yes

¹⁷⁹ Comparable Performance Indicators used ETR138 as a starting point. However, the parameters are tailored to reflect the demands of UK users on quality of service. Any deviation from ETR138/EG202 is a result of evidence based decision making in the interest of consumers and business users.