

## INTUG



# Universal service & consumer rights

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## INTUG what is INTUG?

- members
  - national associations
  - corporations
  - individuals
- activities
  - ITU and WTO
  - OECD
  - APEC TEL, CITELE and EU

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## INTUG our aims

- real and effective competition
- genuine choice for users
- lower prices
- higher quality
- more innovative services
- constructive co-operation with:
  - international bodies
  - governments
  - regulators

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## INTUG issues

- representation and championing of all users
- identification and resolution of consumer disputes
- transparency of contracts and tariffs
- protection from malware

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## INTUG consumer protection

- competition cannot fully protect consumers
- general legal protections for all markets:
  - consumer protection law
  - competition law
  - contract law
- also organisational protections:
  - consumer groups
  - sectoral user groups (post, rail, telecoms, etc)
- supplementary measures for:
  - telecommunications
  - cross border supply of services

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## INTUG consumer redress

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- access to justice
  - even in low value disputes
- payment of compensation
- modification of supplier behaviour
  - e.g., in a code of conduct
- dispute resolution

The result is increased confidence in the market

## INTUG dispute resolution

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## INTUG consumer groups

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- national and local groups
- international alliances:
  - Consumers International (CI)
  - Trans-Atlantic Consumer Dialogue (TACD)
  - Bureau Européen des Unions de Consommateurs (BEUC)

Telecommunications is only one issue and often not a high priority.

## INTUG United States of America

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- general legal measures (n.b. class actions)
- Federal Trade Commission
- Federal Communications Commission
- in the fifty states:
  - attorneys general
  - regulatory commissions:
    - e.g., consumer rights bill in California
  - utilities consumer advocates

## INTUG FCC Consumer Advisory Committee

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- to facilitate the participation of consumers, including:
  - people with disabilities
  - underserved populations:
    - Native Americans
    - persons living in rural areas
- meetings in public
- <http://www.fcc.gov/cgb/cac/>

Some criticism about the presence of operator representatives.

## INTUG billing

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- long history of inaccuracies
- “cramming” - unauthorized, or deceptive charges on your bill
- “slamming” - a change of provider without permission
- FCC has fined operators for these

Some companies offer a service to business users to check and recover excess payments. They take only a percentage of the monies recovered.

## INTUG taxing users

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- adding “line items” to bills for
  - universal service
  - regulatory “obligations” (e.g., number portability)
- incomprehensible to users
- incredibly difficult to challenge
- self-serving for the operators:
  - they collect the money
  - they also receive the money
- they also add administrative charges for collection of the universal service fees

## INTUG location & emergency calls

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- FCC mandated the provision of location with all calls to emergency services
- presumed that location based services would be a commercial success
- mobile cellular operators have obtained many delays
- now a heated debate over the provision of location with VoIP calls

## INTUG European Union

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- universal service and users’ rights were revised in the 2002 regulatory framework
- a review is underway of the “scope”:
  - European Commission proposed no changes
  - public consultation of all parties
- full review of the legislation in 2006
- provision of a safety net

## INTUG health concerns

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- many concerns in the press about the health effects due to exposure to radiofrequency (RF) transmissions
- especially on children
- frequent complaints about the construction of base stations
- complex scientific experimental and epidemiological evidence

<http://www.jrc.es/pages/iptsreport/vol61/english/HEA1E616.htm>

## INTUG international roaming

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- a major campaign by INTUG
- a complaint to European Union competition authorities in 1999
- repeated advocacy for action at ITU, APECTEL, CITELE and OECD
- made speeches and published reports
- underlying problem of abuse of market power by mobile operators is very complex and deep rooted

## INTUG consumer protection

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- Article 153 of the EC Treaty
- consumer protection laws
- contract law
- health and safety laws
- data protection laws
- mechanisms to intervene:
  - public authorities
  - consumers’ unions
  - users groups

## INTUG users have a right to:

- a legal contract
- transparency of tariffs
- quality of service and network integrity
- affordability:
  - low-usage schemes
  - control of expenditure (e.g. blocking of expensive calls)

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## INTUG access for the disabled

- to telephone services for those with:
  - deafness or severe hearing impairment
  - speech impairment
  - deafness and blindness
- to national emergency services
- to public pay telephones
- to mobile telephones
- to directory services

Inclusion is a topic in the 2010 programme

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## INTUG number portability

- a painful battle to get operators to accept this measure
- a wide range of implementations:
  - procedures
  - delays
  - costs
- the same issues are yet to be addressed for Internet addresses

Number portability is a prerequisite to competition

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## INTUG data protection law

- based on OECD principles
- general data protection directive:
  - limits on collection and use of personal data
  - supported by working group of national data protection authorities
- electronic communications directive:
  - specific measures on telecoms
- a current proposal for a traffic data retention directive

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## INTUG France - AFUTT

- voluntary user group
- runs an “observatory” for the NRA
- based on individual consumer complaints
- supports individuals making complaints to operators
- provides information to consumers

2004 report (in French)  
<http://www.afutt.org/particuliers/documents/CPRobservatoire2004.html>

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## INTUG top complaints in 2004 (2003)

- 1 (1) - cancellation of a contract - mobile
- 2 (2) - billing - (especially premium rate) - fixed
- 3 (8) - cancellation of a contract - Internet
- 4 (-) - no connection (loss of service) - Internet
- 5 (3) - billing - mobile
- 6 (6) - cancellation of a contract - fixed
- 7 (4) - carrier pre-selection - fixed
- 8 (7) - installation - fixed
- 9 (-) - billing - Internet
- 10 (-) - unsolicited calls - fixed

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## INTUG UK OFCOM advisory committees

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- Consumer Panel
- Older and Disabled People
- the nations:
  - Scotland
  - Wales
  - Northern Ireland
  - the English Regions

<http://www.ofcomconsumerpanel.org.uk/>

## INTUG UK premium rate services

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- Independent Committee for the Supervision of Standards of Telephone Information Services (ISCTIS)  
<http://www.icstis.org.uk/>
- a code of conduct for operators
- problems of some very high bills
- problems of inappropriate access
- growing problems of cross-border fraud

## INTUG Ireland

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- Commission for Communications Regulation
  - <http://www.comreg.ie/>
  - <http://www.askcomreg.ie/>
- customer charter  
[http://www.comreg.ie/\\_fileupload/downloads/CC01.pdf](http://www.comreg.ie/_fileupload/downloads/CC01.pdf)
- consumer guides and FAQs
- advice on making complaints
- annual reports (English and Gaelic)
- links to other bodies

## INTUG Ireland - other bodies

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- Advertising Standards Authority
- Consumer Association
- Data Protection Commissioner
- European Consumer Centre
- government ministries
- Nuisance Calls Bureau
- Office of the Director of Consumer Affairs (ODCA)
- Regtel - Regulator of Premium Rate Telecommunications Services
- Small Claims Court

## INTUG pornography

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- barring the truly illegal
- blocking children from seeing “adult” content
- problems of different standards across borders
- mobile access is an increasing problem with children, since it is unsupervised

Australia - mobile premium content  
[http://www.acma.gov.au/acommserv/\\_assets/main/files/100039/mobile%20premium%20services%20determination%2029june05.pdf](http://www.acma.gov.au/acommserv/_assets/main/files/100039/mobile%20premium%20services%20determination%2029june05.pdf)

## INTUG growing threats from malware

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- diallers
- viruses
- trojans
- spam
- phish
- adware
- spyware

## INTUG inter-governmental

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- OECD ICCP
  - Consumer Policy Working Group
- APEC
  - Telecommunications Working Group
- International Telecommunication Union
- UNCITRAL

Work on spam involves ITU, OECD and APECTEL

## INTUG OECD workshop

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- Consumer Dispute Resolution and Redress in the Global Marketplace
- industry-sponsored or voluntary dispute resolution?
- court procedures for low-value consumer disputes
- the role of consumer protection enforcement agencies
- effectiveness of consumer redress in cross-border cases

## INTUG need to ensure

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- representation and participation
- wide dissemination of information on rights
- rapid identification of new abuses
- adequate resources for consumers
- proper links to generic consumer activities, processes and bodies
- sharing experiences with other countries

## INTUG conclusions

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- a widening array of issues
- many require inter-governmental cooperation
- participation of consumers, SMEs and the disabled requires active support
- some specific measures continue to be needed for telecommunications

## INTUG thank you

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