



AKOS

# Dispute resolution procedures and end-users empowerment

Infofest 2018

Budva, 2.10.2018

Mark Pohar, AKOS



# AKOS Introduction

---

- Protection of consumers/end-users is one of the main principles of EU Regulatory Framework (FD, Art. 8):

*The national regulatory authorities shall promote the interests of the citizens of the European Union by:*

*-ensuring a **high level of protection for consumers** in their dealings with suppliers, **in particular** by ensuring the availability of **simple and inexpensive dispute resolution procedures** carried out by a body that is independent of the parties involved;*

- Consumer = end-user?
- How to ensure end-users protection besides dispute resolution procedures:
  - ✓ Command & Control approach through statutory regulation (eg. tariff regulation, approval of contractual terms...)
  - ✓ Direct action (eg. establishing a price comparison applications)
  - ✓ Soft approach: - Co and Self-regulation,
    - Recommendations to operators,
    - “Name and shame” lists



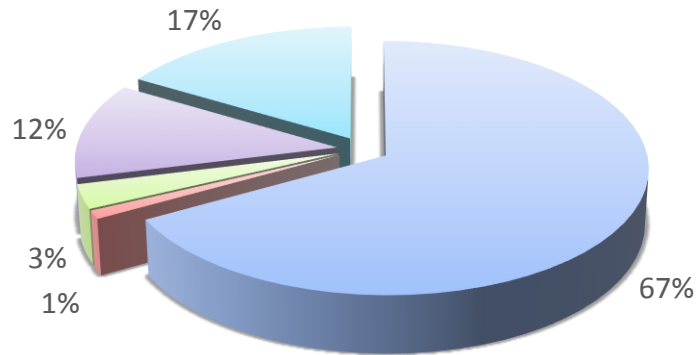
## AKOS Dispute resolution procedures by AKOS

---

- Legal basis:
  - Electronic Communications Act (ECA-1)
  - General act on mediation procedure adopted by AKOS
- Combination of **ADR** and **adjudication** -> AKOS first tries to settle the dispute with mediation, if there is no agreement possible, AKOS shall continue the procedure and shall decide by decision (art. 218 ECA1, para 2)
- in the dispute resolution procedure, provisions of General administrative procedure (ZUP) shall apply besides ECA-1 and General Act
- Dispute settlement does not prevail over the court procedures
- Deadline for submission of dispute to AKOS: 15 days after receiving answer from operator
- Time limit for taking a decision: 4 months after the initiation of procedure
- free of charge for both parties (due to out-of-budget financing of the Agency, not explicitly specified in ECA-1 anymore)



## AKOS Dispute resolution procedures by AKOS



■ settlement  
■ favorable decision  
■ irregular  
■ referred to competent  
■ rejected decision

In 2017 AKOS resolved 835 disputes\*, out from which 559 settlements were reached (ie. 67% of all disputes)

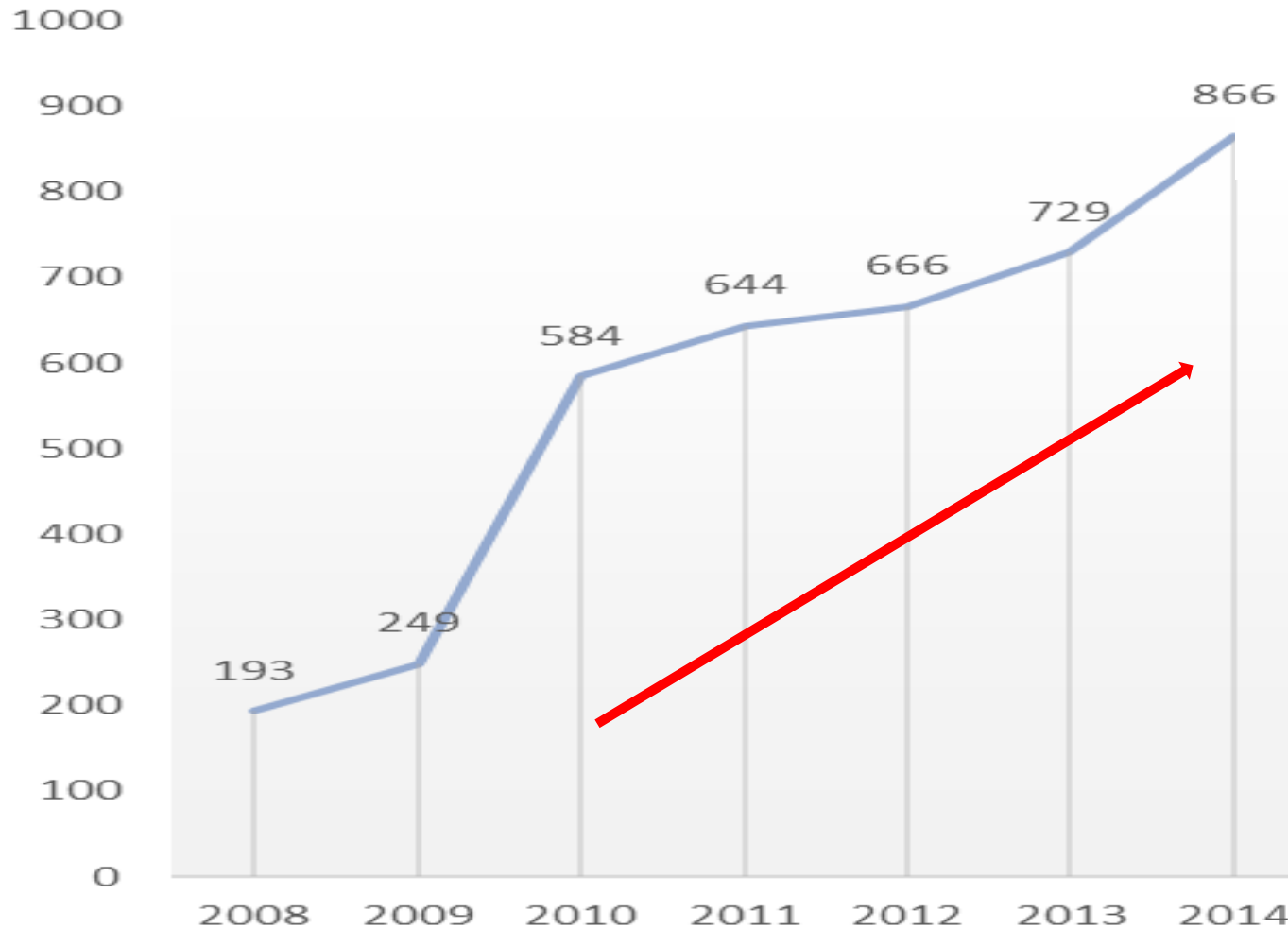
### Two genuine solutions:

- if petitioner **fails to attend public hearing** without excuse despite properly summoned and **fails to respond to the records** taken at the oral hearing-> legal fiction is established that end-user does not wish to continue the procedure
- if during the mediation operator submits settlement proposal **upholding end-users claim** and end-user does **not explicitly object to it**, it is deemed that end-user agrees with the proposal and has withdrawn his/her petition

\*incl. 23 disputes from postal market



AKOS ...the number of disputes has been rising





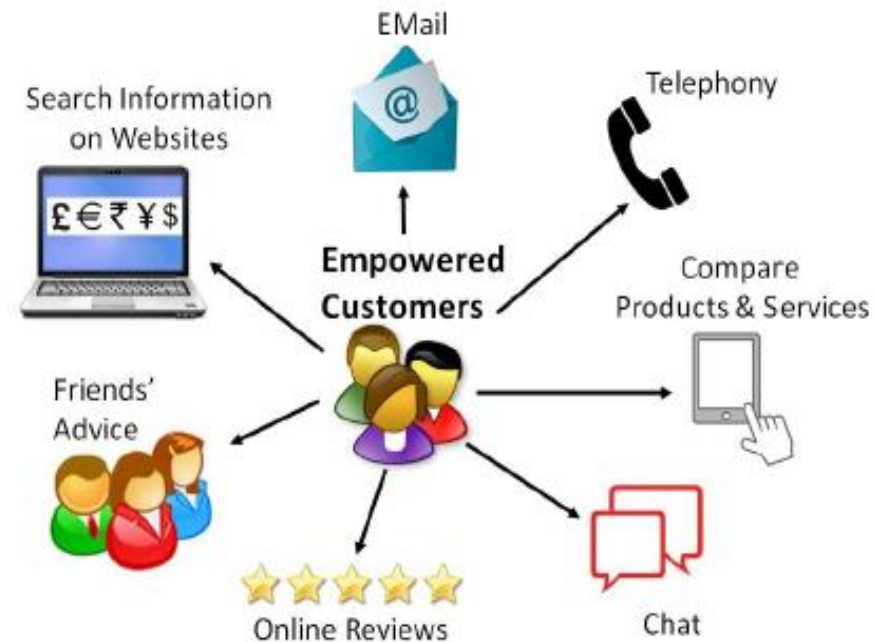
AKOS

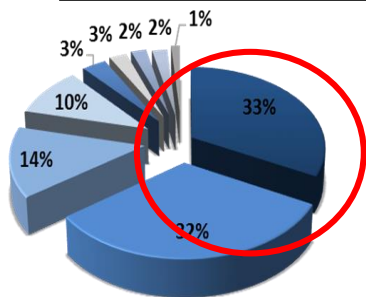
## Empowerment as an alternative ?

- As in 2014 more than 850 disputes were lodged, AKOS took a preventive approach: instead of resolving disputes we try to prevent them.
- „Empowered Consumer is a Content Consumer“

### How to empower end users in the field of electronic communications ?

- organizing discussions with operators
- publishing brochures,
- publishing FAQ and answers to end-users' inquiries on s website,
- providing basic information to end users (call center)
- providing tools to compare offers of different service provider





■ unjustified invoice  
■ payment  
■ unavailability of service

- As majority of disputes are connected to payment for service, **Komuniciraj.eu** was upgraded (December 2015)
- In 2016 the most common administrative charges were added
- More simple, transparent and comprehensive
- At the moment, offers of major four operators are available



### Mobilne storitve

Vas zanima primerjava maloprodajnih ponudb operaterjev na področju mobilnih storitev?

S pomočjo kalkulatorja prenosa si izračunajte priporočeno mesečno količino prenosa podatkov glede na vašo uporabo internetnih storitev.

### Fiksne storitve

Vas zanima primerjava maloprodajnih ponudb operaterjev na področju fiksnih storitev?

Preden se odločite za izbrano ponudbo, na spletni strani operaterja preverite razpoložljivost storitve.

#### Predplačniško

**Cena**

**Ponudnik**

- ☐ A1 Slovenija
- ☐ bob (A1)
- ☐ T-2
- ☐ Telekom Slovenije
- ☐ Telemach

**Količnine**

- ☐ Po porabi
- ☐ Vključene enote

**Status**

- ☐ mladina
- ☐ upokojenec
- ☐ invalid
- ☐ brez statusa

[Odstrani filtre](#)

#### Mobilni - Brezčasni XL - naročniški paket

**Cena**  
21,99 EUR

**KLJUČI**

- neomejeno minut klicev v vsa slovenska omrežja (obračunski interval 60/1)
- neomejeno SMS sporočil
- neomejena količina prenosa podatkov

**A1 SVOBODNI 120 GB - naročniški paket**

**Cena**  
40,99 EUR

**KLJUČI**

- neomejeno minut klicev v vsa slovenska omrežja (obračunski interval 60/60)
- neomejeno SMS sporočil
- 120 GB prenosa podatkov

#### Kalkulator prenosa podatkov

Kako izračunati svojo predvideno porabo prenosa podatkov? [Kliknite tu](#)

**110.3 GB**

■ Priporočen mesečni zakup podatkov  
■ Preostanek do 130 GB

#### Enotni paket - naročniški paket

**Cena**  
5,99 EUR

**KLJUČI**

- 0,1600 EUR z DDV/min za klice v vsa slovenska omrežja (obračunski interval 60/60)
- 0,1300 EUR z DDV za SMS sporočila
- 0,0004 EUR z DDV/kB za prenos podatkov (obračunski interval 1024 kB)

**Dostopni A - naročniški paket**

**Cena**  
24,99 EUR

**KLJUČI**

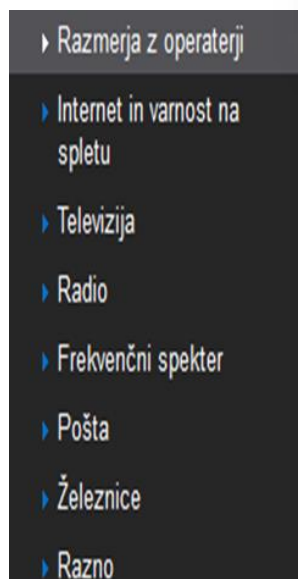
- neomejeno minut klicev v vsa slovenska omrežja (obračunski interval 60/60)
- neomejeno SMS sporočil

- Answers to the most **frequently asked questions** are published on AKOSs webpage
- Answers to end users inquiries are now available on the webpage under different categories (no search filters yet)
- Instructions regarding dispute procedures together with examples of applications

The aim is to provide end-users with as much information as possible on the Agency's website



Avoiding disputes that result from end-users poor understanding of the subject matter



- ▶ [Ali imam pravico, da od operaterja zahtevam razčlenjen račun, iz katerega izhajajo točni podatki o zaračunanih odhodnih storitvah?](#)
- ▶ [Ali je operater upravičen do zaračunavanja stroškov ponovnega vklopa v primeru začasnega izklopa storitev zaradi nepravčasno poravnanih obveznosti?](#)
- ▶ [Ali je operater upravičen, da mi zaračunava mesečno naročnino v času, ko imam storitve zaradi neplačil začasno izklopljene?](#)





AKOS

## AKOS call center

Klicni center 080 2735



Brezpla  
za por  
[ Preb

Kontakt

Klicni center

T: 080 2735

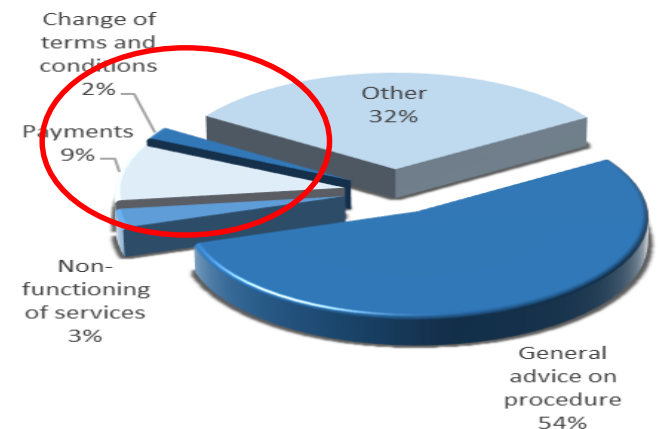
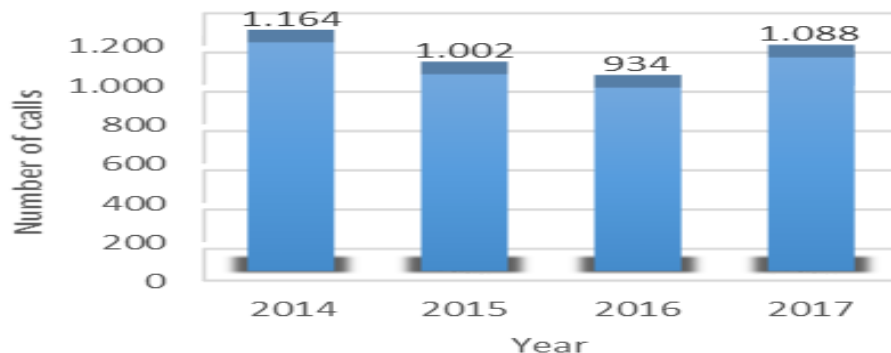
PON - PET 9:00 - 13:00

E: [info.box@akos-rs.si](mailto:info.box@akos-rs.si)



- AKOS provides a toll free number for end users
- Operating from 2008
- Aim is to give basic instructions on dispute resolution procedures (eg. how to lodge an appeal, deadlines to be taken into account etc.)
- At the same time end-users may receive some clarifications regarding their dispute which may result in not lodging an appeal

Calls 1H 2018





## AKOS Recommendations to operators

---

- Issuing of recommendations is one of AKOS statute's powers
- Recommendations are not legally binding (art. 170 ECA-1) -> trying to influence market behavior
- Therefore it is important to take into account voluntary dimension: if recommended behavior is too unrealistic, it is very likely that addressees won't follow it
- Public consultations and/or workshops prior the adoption strongly improve the legitimacy of a recommendation
- Co-operation with other competent bodies (eg. Electronic Communication Council, DPA, ...)
- On the field of end-user protection, several recommendations have been issued so far:
  - Recommendation on transparency in the publication of administrative costs (December 2016)
  - Recommendation on preventing bill shock (February 2015)
  - Recommendation on open access to internet (July 2017)
  - Common position of AKOS and Information Commissioner on collecting and storing the traffic data (2018)



# AKOS Brochures and tips to end users

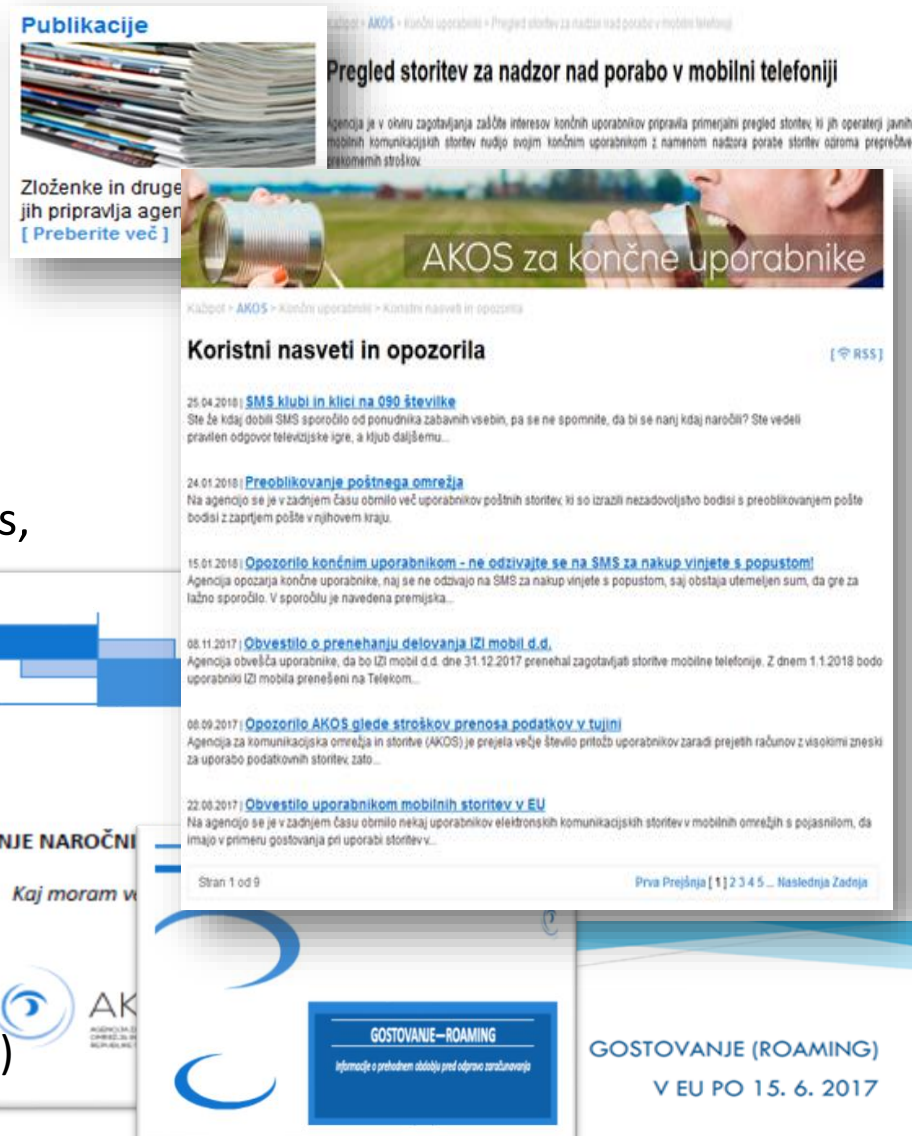
- AKOS also issues **brochures** and provides **useful tips** and **alerts**
- No statutory powers, part of a general endeavor to empower end users

**TIPS:** brief responses to current events, usually with emphasis on the action to be taken by end users (eg. 090 numbers, fraud, avoiding costs...)

**BROCHURES:** more comprehensive publications, explaining the background of a certain subject

**Brochures published so far:** ➡

- Brochure on concluding contracts for communication services (2015)
- Mobile roaming brochure (May 2016)
- Brouchure on RLAH and changes related to the use of mobile services in roaming (June 2017)





# AKOS

