



# TRANSPARENCY OF INFORMATION IN THE PROVISION OF PUBLIC COMMUNICATIONS SERVICES

Budva, Montenegro

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# TRANSPARENCY TOWARDS THE USER – GOOD PRACTICE, BUT ALSO LEGAL OBLIGATION



## ❖ Consumer Protection Act

- Principle of transparency (Art. 7): Traders are required to provide information to consumers in a clear, understandable, and timely manner, using methods appropriate to the means of communication (e.g., website, contract, advertisement)
- Prohibition of unfair commercial practices (Art. 8): It is prohibited to provide information that could mislead consumers (e.g., concealing actual costs, making false claims regarding the characteristics of a product or service)
- Provision of mandatory pre-contractual information: Consumers must receive information before purchase or contract conclusion regarding the main features of the product or service, the total price/costs/discounts, the duration of the contract, and termination conditions.



## ❖ Electronic Communications Act

- Article 7 – Transparency and accessibility: Operators are encouraged to provide clear information, particularly concerning the publication and transparency of prices and terms of use for electronic communications services, and to ensure that comparable information is made available to end-users.
- Addressing the needs of specific social groups: The Act requires that special consideration is given to end-users with disabilities, older persons, and those with particular social needs, ensuring choice and equal access for all. All necessary measures must be taken to enable end-users to access services and applications in line with the Charter of Fundamental Rights of the European Union and the general principles of European Union law





# TRANSPARENCY TOWARDS THE USER – GOOD PRACTICE, BUT ALSO LEGAL OBLIGATION



- ❖ **Ordinance on the Manner and Conditions for the Provision of Electronic Communications Activities**
  - Article 5, paragraph 17: At the request of the end-user, and in order to ensure transparency and allow comparison of different offers from operators of publicly available electronic communications services, the operator is obliged to provide the end-user with a contract summary for the requested service, clearly indicating the validity period of the offer included in the summary
- ❖ **European Electronic Communications Code**
  - Regulation (EU) 2019/2243: This Regulation establishes the template for the contract summary to be used by providers of publicly available electronic communications services
- ❖ **HAKOM Strategy**
  - HAKOM's priority is to ensure that end-users are fully informed, providing clear, accurate, and comprehensible information regarding the terms and conditions of service use, their rights, and matters directly related to their rights and interests, with the aim of enabling informed decision-making.





# TRANSPARENCY IN PUBLIC COMMUNICATIONS SERVICES



## ❖ Provision of Information to Users

- All information **provided** to users must be clear, complete, and understandable when informing them, concluding contracts, throughout the duration of contracts, and upon their termination. It should cover anything that could influence the user's decision or behavior. The key principles are:
  - **CLARITY**– information should be short, simple, understandable, and unambiguous. This means no hidden conditions, simple communication (without complicated terms), no small print, and no fast-paced speech.
  - **COMPLETENESS** – all key information must be provided, e.g., price including all costs, discounts, benefits, and terms of use.
  - **ACCURACY** – information must be truthful and valid, without misleading the user (e.g., claiming something is “free” when it is not, or “unlimited” when it is not).
  - **TIMELINESS** – the user must be informed before making a decision, e.g., before entering into a contract or using a service.
  - **ACCESSIBILITY** – information must be easily accessible to the user, e.g., in the contract, on the website, in the price list, or in advertising





# DEFICIENCIES IN INFORMATION TRANSPARENCY



- ❖ **The request for the conclusion of a subscription contract did not provide:**
  - Transparent and clear information on service prices (standard price and promotional price)
  - Details of contractual obligations and discounts over the contract term (price during the contract term and after its expiry, bundled service prices)
  - A clear invoice for the purchased goods, showing both the displayed price and any granted discount or benefit;
  - The full amount of the activation fee
  - Clear presentation of the fees forming the basis for calculating charges for early termination of the contract;
  - Definition of the minimum internet speed available to the customer during the contract period, with emphasis incorrectly placed on the maximum possible speed
  - Legible text throughout, as parts of the request were written in a font size too small for certain groups of users
- ❖ **Non-transparent information in the provision of premium rate services**
  - When using premium rate services, customers were not informed of the applicable usage charges, which accounted for 30% of all complaints submitted to HAKOM
- ❖ **Lack of transparency in the introduction of indexation**
  - No notice was provided regarding price increases resulting from the introduction of indexation, which Croatian operators included in their General Terms and Conditions of Business for the first time in 2023





# USERS' REQUIREMENT FOR ENHANCED ACCESS TO TRANSPARENT INFORMATION



- ❖ Operators must ensure that information about their products and services is presented clearly and transparently, in a prominent position on their official websites and sales channels.
- ❖ Communication from operators to their service users must be straightforward, clear, and transparent. Operators should provide an appropriate range of communication channels (such as e-mail addresses, telephone numbers, or live chat) to meet users' needs, enabling them to make contact in case of any uncertainty.
- ❖ All obligations relating to the mandatory content of requests to establish a subscription relationship must be fully observed.
- ❖ Operators must adopt clear and standardized address formats for all user interactions and communicate these transparently through their terms and conditions, sales channels, and responses to user enquiries.
- ❖ The general terms and conditions, as well as the specific conditions for the use of communication services, must be presented clearly and include all key elements required under the Electronic Communications Act and the relevant Ordinance





# ENHANCEMENTS IN THE PROVISION OF TRANSPARENT INFORMATION

## ❖ Transparent Information in the provision of premium rate services

- Urgent amendments to the Regulations were required to establish rules regarding the provision of premium rate services, whereby a service operator with a special tariff was obliged to protect users of these services in the following ways:
  - Ensuring clear and unambiguous information on the terms of service provision, as well as the price and method of charging for the service
  - Conducting promotional activities for the services that provide clear and transparent information about the service operator offering the special tariff, the service itself, the price, and the method of charging
  - Ensuring that the promotional activities of the service operator with a special tariff are in no way misleading or likely to mislead potential users
  - Providing special protection for children
  - Following the amendment of the Regulations and the establishment of rules on the provision of premium rate services, the number of complaints fell sharply, and today the number of complaints is negligible, amounting to just 0.3%







# ENHANCEMENTS IN THE PROVISION OF TRANSPARENT INFORMATION



## ❖ Transparent Information in the Conclusion of a Subscription Contract

- Transparent information in the conclusion of a subscription contract is defined by the provisions of the Electronic Communications Act, under which the following documents constitute an integral part of the contract:
  - Contract Summary
  - Price List
  - General Terms and Conditions of Business and the Specific Terms of Use of the selected service

Prior to the conclusion of the contract, the operator is obliged to provide the user with a contract summary containing all key information regarding the contracted service, so that offers from different operators may be compared.







# ENHANCEMENTS IN THE PROVISION OF TRANSPARENT INFORMATION



## ❖ Contract Summary

- The Contract Summary contains the key characteristics of each contracted service, namely:
  - The type of service and general information on the content of the service or package (e.g., name of the service or tariff package; details such as the number of minutes, data allowance, list of TV channels, service installation, equipment, etc.)
  - The standard full price, any promotional price with its period of validity, applicable discounts with their period of validity, and any additional charges for services or equipment
  - The duration of the contract
  - The minimum and maximum broadband internet speeds, including an indication that speed must be measured using the HAKOMetar in the event of a complaint regarding broadband internet speed
  - The method of invoice delivery and payment
  - Notes regarding indexation
  - Information on users' rights and the procedures for terminating the subscription contract





# ENHANCING TRANSPARENCY THROUGH COLLABORATION WITH CONSUMER ASSOCIATIONS AND PUBLIC COMMUNICATIONS NETWORK OPERATORS



- ❖ **Workshops with Consumer Associations on “The Consumer in the World of Electronic Communications”**
  - The workshop aims to promote consumer rights in the field of electronic communications
- ❖ **HAKOM Annual Meeting with Consumer Protection Associations and Operators**
  - Organized by the Croatian Regulatory Authority for Network Industries (HAKOM), the traditional annual meeting brings together associations involved in consumer protection and operators of public communications networks. The meeting seeks to strengthen cooperation with association representatives and network operators, facilitate the exchange of information and proposals, and provide guidance on users’ rights from HAKOM as the regulatory authority.





# THANK YOU FOR YOUR ATTENTION!

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