

**DECISION**

**Amendment of the Regulation relating to the Introduction of Carrier Pre-selection to the Greek Market**

**The Hellenic Telecommunications & Post Commission,**

Having regard to:

- a. Law 2867/2000 "Organisation and Operation of Telecommunications and other Provisions", and particularly paragraph 14 of article 3 and paragraph 1 of article 7 thereof (Hellenic Government Gazette 273/A/2000),
- b. Presidential Decree 165/1999 "Amendment of Law 2246/1994, as this is in force each time, in compliance with: (a) Directive 97/33/EC of the European Parliament and of the Council of 30 June 1997 on interconnection in Telecommunications with regard to ensuring Universal Service and Interoperability through application of the principles of open network provision (ONP), and (b) Directive 98/61/EC of the European Parliament and of the Council of 24 September 1998 amending Directive 97/33/EC with regard to Operator Number Portability and Carrier Pre-selection" (Hellenic Government Gazette 159/A/1999),
- c. Decision under Ref. No. 206/2/29-1-2001 of the Hellenic Telecommunications & Post Commission "National Numbering Plan of Greece regarding Telephony and Mobile and Personal Communication Services" (Hellenic Government Gazette 127/B/2001),
- d. Decision under Ref. No. 207/6/2-2-2001 of the Hellenic Telecommunications & Post Commission "Regulation on the Management and Assignment of Numbers of the National Numbering Plan of Greece regarding Telephony and Mobile and Personal Communication Services" (Hellenic Government Gazette 159/B/2001),
- e. Decision under Ref. No. 254/70/31-05-02 of the Hellenic Telecommunications & Post Commission "Regulation relating to the Introduction of Carrier Pre-selection to the Greek Market" (Hellenic Government Gazette 773/B/2002),
- f. Decision under Ref. No. 269/66/2002 of the Hellenic Telecommunications & Post Commission "Approval of an Appendix to the Reference Interconnection Offer of the

Hellenic Telecommunications Organisation for 2002 regarding the Provision of Carrier Pre-selection” (Hellenic Government Gazette 1616/B/2002),

- g. The results of a public consultation that was held between 6 October 2004 and 27 October 2004 regarding problems and/or matters concerning facilitating carrier pre-selection in the Greek market, pursuant to its Decision under Ref. No. 337/66/10-12-04.

### **Decides:**

To amend Decision under Ref. No. 254/70/31-05-02 of the Hellenic Telecommunications & Post Commission “Regulation relating to the Introduction of Carrier Pre-selection to the Greek Market” (Hellenic Government Gazette 773/B/2002), which reads as follows:

#### **Article 1**

The following definition is added to article 2 of Decision under Ref. No. 254/70/2002:

**“Virtual telecommunications provider”:** A Telecommunications Organisation that does not have its own Telecommunications Network and, consequently, no implemented interconnection with any Public Telecommunications Network. Virtual telecommunications providers provide Public Telecommunications Services using both Public Telecommunications Networks of legally licensed Telecommunications Organisations, proceeding in the conclusion of relative contracts, and carrier selection and/or pre-selection codes that have been assigned thereto by the Hellenic Telecommunications & Post Commission.

#### **Article 2**

Point (b) of paragraph 1 of article 3 of Decision under Ref. No. 254/70/2002 is replaced by the following text:

“This said option consists in providing access to switchable telecommunications services of any interconnected public telecommunications services provider or of any virtual telecommunications provider.”

Paragraph 2 of article 3 of Decision under Ref. No. 254/70/2002 is replaced by the following text:

“This selection may be accompanied by the concurrent facility to override any pre-selected choice on a call-by-call basis by dialling a short prefix (carrier selection code) of another telecommunications organisation during the specific call.”

### **Article 3**

Point (b) of paragraph 1 of article 4 of Decision under Ref. No. 254/70/2002 is replaced by the following text:

“... its network is interconnected with the network of the Telecommunications Organisation that is obligated to provide its subscribers the capacity of carrier pre-selection or is a virtual telecommunications provider and collaborates with a Telecommunications Organisation whose network is interconnected with the network of the Telecommunications Organisation that is obligated to provide its subscribers the capacity of carrier pre-selection and ...”

### **Article 4**

Paragraph 2 of article 6 of Decision under Ref. No. 254/70/2002 is abolished.

Paragraphs 3 and 4 of article 6 of Decision under Ref. No. 254/70/2002 are amended as follows:

3. “Calls that are subject to pre-selection are routed to the interconnection point that has been agreed upon with either the carrier that has been pre-selected by the subscriber or the collaborating telecommunications organisation if the pre-selected carrier is a virtual telecommunications provider.”

4. “Routing is effected when the operator required to provide carrier preselection adds a suitable prefix to the digits that the subscriber dialled. This prefix has five digits, it uniquely characterises the pre-selected carrier and it facilitates the call’s routing to the suitable interconnection point. The carrier selection code of the pre-selected provider may be used as a carrier pre-selection prefix, provided calls that are made through carrier selection may be technically separated from calls that are made through carrier pre-selection. Carrier pre-selection prefixes are assigned to any provider that has the right to constitute a pre-selected provider following a request that must be submitted to the Hellenic Telecommunications & Post Commission, according to the procedure that is stipulated by Decision under Ref. No. 207/6/2-2-2001 (Hellenic Government Gazette 159/B/2001) of the Hellenic Telecommunications & Post Commission relating to the assignment of carrier selection codes. Carrier pre-selection prefixes are assigned from the 160 series of the National Numbering Plan of Greece. Providers that are assigned a carrier pre-selection prefix have the rights and assume the obligations that emanate from the legislation that is presently in force and from the Decisions of the Hellenic Telecommunications & Post Commission regarding carrier selection codes. The carrier pre-selection prefix may not be used as a carrier selection code.”

## **Article 5**

A new paragraph is added to paragraph 1 of article 7 of Decision under Ref. No. 254/70/2002, which reads as follows:

“Providers, within 48 hours of the day that any of the above points enter into force or are amended, are obligated to relatively notify, fully and in writing, the Hellenic Telecommunications & Post Commission. The above apply in all cases in which a pre-selection provider is activated, abolished or changed or in any case in which its form is altered. The present provision does not limit any obligation that emanates from article 10 of Presidential Decree 181/99, as this is in force each time, in relation to Contracts of fixed and mobile telephony providers.”

Paragraph 4 of article 7 of Decision under Ref. No. 254/70/2002 is amended as follows:

“The aforementioned provisions do not limit the rights of subscribers pursuant to the legislation relating to consumer protection rights and, particularly, articles 4 and 8 of Law 2251/94 (Hellenic Government Gazette 191/A/1994), the validity of the terms of accession contracts pursuant to article 2 of Law 2251/94 (Hellenic Government Gazette 191/A/1994) and article 281 of the Greek Civil Code and the legislation relating to the protection of personal information, particularly paragraphs 2, 3, 4 and 5 of article 4 and articles 5 and 8 of Law 2774/99 (Hellenic Government Gazette 287/A/1999) relating to the protection of personal information in the telecommunications sector.”

A new paragraph, 5, is added to article 7 of Decision under Ref. No. 254/70/2002, which reads as follows:

“If a provider or an agent thereof inaccurately declares any information of a person who agrees to the activation, abolishment or change of a pre-selection provider or to the alteration of its form and/or violates the provisions of the present regulation shall incur the administrative penalties pursuant to the legislation in force.”

## **Article 6**

Paragraph 7 of article 8 of Decision under Ref. No. 254/70/2002 is replaced by the following text:

“In order to collect calls through carrier pre-selection, pre-selected providers whose networks have been interconnected with the network of a operator required to provide carrier preselection must pay the operator required to provide carrier preselection the duties stipulated by the facilitator’s Reference Interconnection Offer. In the case in which the pre-

selected provider is a virtual telecommunications provider, the duties regarding the collection of calls through pre-selection must be paid to the operator required to provide carrier preselection by the Telecommunications Organisation that collaborates with the virtual telecommunications provider, pursuant to the provisions of the facilitator's Reference Interconnection Offer."

### **Article 7**

A new paragraph is added to paragraph 1 of article 9 of Decision under Ref. No. 254/70/2002, which reads as follows:

"If the candidate pre-selected provider is a Virtual telecommunications provider, an agreement is signed with the operator required to provide carrier preselection regarding only carrier pre-selection according to the provisions of the facilitator's reference interconnection offer."

Paragraph 3 of article 9 of Decision under Ref. No. 254/70/2002 is replaced by the following text:

"The following apply regarding the procedure for the completion of carrier pre-selection applications:

- a. Applications for the activation, abolishment or change of a pre-selection provider or for the alteration of its form are submitted by the subscriber in writing, by fax, electronically or by telephone through calls that, following the subscriber's relative notification, may be recorded.
- b. The subscriber addresses the provider that he pre-selects as a carrier for carrying out the categories of calls that he wishes and submits the relative application noted in paragraph 2 of the present.
- c. The pre-selected carrier sends, electronically, to the operator required to provide carrier preselection, within three (3) business days of the day the applications are received, detailed lists that include the following: Name and Surname (corporate name in the case of a company), Tax Identification Number (provided a tax identification number has been issued), Identification Card number or Passport number, if an identification card has not been issued, and Telephone number, as the above are noted in the new pre-selection applications and pre-selection regulation amendment applications that he has gathered. The operator required to provide carrier preselection sends, electronically, a receipt voucher to

the pre-selected carrier. The electronic distribution of documents is effected with the use of electronic signatures.

- d. The operator required to provide carrier preselection , after having received the lists with the information of the pre-selection applications, issues a positive confirmation for each application that he may fulfil. If an application cannot be accepted, the reason for its rejection must be announced. Reasons for rejection are briefly noted in paragraph 4 of the present article and are noted by the facilitator with the codification of paragraph 4. In any case, positive or negative, the operator required to provide carrier preselection must reply within a deadline of three (3) business days of the day the relative applications are received. If the aforementioned deadline lapses and the operator required to provide carrier preselection has not given any reply, it shall be deemed that the operator required to provide carrier preselection responded positively.
- e. The operator required to provide carrier preselection schedules the subscriber's local centre in order to route calls to the network of the corresponding pre-selected carrier based on the subscriber's selections. The pre-selected provider installs the service internally. Carrier pre-selection activation on behalf of the operator required to provide carrier preselection must be completed the latest within five (5) business days of the day the information of subscribers who have submitted an application has been communicated thereto.
- f. Subscribers submit pre-selection cancellation applications to the pre-selected provider.
- g. The pre-selected provider sends, electronically, to the operator required to provide carrier preselection , within five (5) business days of the day the cancellation applications are received, detailed lists that include the following: Name and Surname (corporate name in the case of a company), Tax Identification Number (provided a tax identification number has been issued), Identification Card number or Passport number, if an identification card has not been issued, and Telephone number, as the above are noted in the pre-selection cancellation applications that he has gathered. The operator required to provide carrier preselection sends, electronically, a receipt voucher to the pre-selected provider. The distribution of electronic documents is effected with the use of electronic signatures.
- h. Carrier pre-selection cancellation on behalf of the operator required to provide carrier preselection must be completed the latest within a deadline of five (5)

business days of the day the information of subscribers who have submitted a cancellation application has been forwarded thereto.

- i. Subscribers must submit their pre-selected provider change applications to the new carrier pre-selection provider.
- j. The new pre-selected provider sends, electronically, to the operator required to provide carrier preselection and to the existing pre-selected provider, within five (5) business days of the day the pre-selection provider change applications are received, detailed lists that include the following: Name and Surname (corporate name in the case of a company), Tax Identification Number (provided a tax identification number has been issued), Identification Card number or Passport number, if an identification card has not been issued, and Telephone number, as the above are noted in the pre-selection provider change applications that he has gathered. The operator required to provide carrier preselection and the existing pre-selected provider send, electronically, a receipt voucher. The distribution of electronic documents is effected with the use of electronic signatures.
- k. The operator required to provide carrier preselection , after having received the lists with the pre-selection change applications, issues a positive confirmation for each application that he may fulfil. If an application cannot be accepted, the reason for its rejection must be announced. Reasons for rejection are briefly noted in paragraph 4 of the present article and are noted by the facilitator with the codification of paragraph 4. In any case, positive or negative, the operator required to provide carrier preselection must reply within a deadline of three (3) business days of the day the relative applications are received and must inform the provider who had forwarded the applications thereof. The new pre-selected provider subsequently informs, within a deadline of two (2) business days, the existing pre-selected provider of both the applications that have been accepted and of those that have been rejected. The carrier pre-selection provider must activate the relative change within five (5) business days of the day the application has been forwarded.”

Paragraph 4 of article 9 of Decision under Ref. No. 254/70/2002 is replaced by the following text:

“The operator required to provide carrier preselection may reject any pre-selection application only if:

- A1. the applicant subscriber's information, in other words, for persons, surname, name and Tax Identification Number or Identification Card number or Passport number, if a Tax Identification Number has not been issued thereto, and, for legal entities, corporate name, Tax Identification Number and telephone number, differ from the corresponding information that the organisation has in its possession.
- A2. the subscriber's pre-selection is inconsistent with the pre-selection forms that are noted in paragraph 3.1 of the present.
- A3. the pre-selected Provider has not been noted on the application.
- A4. the application concerns an analogue centre.

The reason for rejection must be noted with its codification (A1 to A4).

If the number of a subscriber's Identification Card or Passport has changed, in which case his pre-selection application will be rejected by the organisation due to the fact that the Identification Card number or Passport number will not agree, the subscriber may submit a pre-selection application anew attaching thereto a copy of his Identification Card or Passport in order to justify the change of his Identification Card's number or Passport's number. The pre-selected provider forwards the copy of the Identification Card or Passport to the operator required to provide carrier preselection, who must update the information that he keeps and, subsequently, proceed in activating carrier pre-selection, provided he has accepted the relative pre-selection application.

Numeration of the aforementioned reasons for rejecting a pre-selection application on behalf of the carrier pre-selection provider is exclusive. In addition, the carrier pre-selection provider may not discriminate subscribers with or without pre-selection."

A new paragraph, 5, is added to article 9, which reads as follows:

"The operator required to provide carrier preselection may cancel a pre-selection only:

- K1. if the pre-selected provider's carrier pre-selection code is cancelled.
- K2. if the subscriber submits an application to the Pre-selected Provider requesting the service's cancellation.
- K3. if the subscriber submits a new pre-selection application to another pre-selected provider, provided this concerns the same pre-selection capacity or capacity 3.

- K4. if the subscriber's telephone connection is transferred, which entails a change to the telephone connection's call number. It should be clarified that a change to the subscriber's mailing address, provided the telephone connection's call number does not concurrently change, does not constitute a reason for the cancellation of the carrier pre-selection service.
- K5. if the Client's Telephone Connection Agreement has been terminated.
- K6. if the telephone connection's call number has changed.
- K7. if the telephone connection has been definitely interrupted due to the subscriber's past due and claimable debt to the operator required to provide carrier preselection .
- K8. if the subscriber cancels his telephone connection.
- K9. if the number portability service is applied.
- K10. if the connection agreement has expired or has been rescinded.
- K11. if the pre-selected provider requested the cancellation.

Every five (5) business days the operator required to provide carrier preselection sends to the pre-selected providers an informative list with all the pre-selections that have been cancelled and that concern them, noting therein the reason(s) for cancellation, whose aforementioned numeration is exclusive. The reason for cancellation must be noted with its codification (K1 to K11).”

A new paragraph, 6, is added to article 9, which reads as follows:

“The manner by which information is sent by the operator required to provide carrier preselection to the virtual telecommunications provider and to the Telecommunications Organisation with which he collaborates is defined with a relative agreement between the parties.”

A new paragraph, 7, is added to article 9, which reads as follows:

“If the Virtual telecommunications provider wishes to change the Telecommunications Organisation with which he collaborates, he must inform the operator required to provide carrier preselection in due time and within a period that has been agreed upon between the parties during the conclusion of the relative agreement. The operator required to provide carrier preselection must proceed in all necessary actions within the shortest required time, which, however, may not exceed thirty (30) days, unless the parties have agreed otherwise.”

### **Article 8**

A new paragraph, 4, is added to article 11 of Decision under Ref. No. 254/70/2002, which reads as follows:

“The Hellenic Telecommunications & Post Commission calls the providers within three months of the day the present is published to jointly draft a code of ethics, which must be submitted to the Hellenic Telecommunications & Post Commission for approval. The said code of ethics must also cover matters concerning the behaviour of resellers.”

### **Article 9**

#### **Final and Transitional Provisions**

1. Wherever a reference is made to a pre-selected carrier's network in the case of virtual telecommunications providers, this shall mean the collaborating Telecommunications Organisation's network.
2. With the publication of the present, the Decision of the Hellenic Telecommunications & Post Commission under Ref. No. 269/66/2002 “Approval of an Appendix to the Reference Interconnection Offer of the Hellenic Telecommunications Organisation for 2002 regarding the Provision of Carrier Pre-selection” (Hellenic Government Gazette 1616/B/2002) is amended to the extent that its provisions conflict with the provisions of the present.

### **Article 10**

#### **Validity**

The present Decision shall enter into force on the day it is published in the Hellenic Government Gazette.

The present Decision must be published in the Hellenic Government Gazette.

Marousi, 30 December 2004

THE PRESIDENT

EMM. A. GIAKOUMAKIS