

Regulation for the Introduction of Carrier Preselection in the Greek Market

THE HELLENIC TELECOMMUNICATIONS & POST COMMISSION (EETT)

Having regard to:

- a. the provisions of Law No. 2867/2000 "Organization and Operation of Telecommunications and Other Provisions" (Government Gazette 273/A/2000), in particular article 3, par. 14, subpar. i and article 7, par. 1 of same;
- b. Presidential Decree No. 165/99 "On the amendment of Law No. 2246/94, as applicable at any given time, (a) in compliance with Directive 97/33/EC of the European Parliament and of the Council on interconnection in telecommunications with regard to ensuring universal service and interoperability, through application of the principles of Open Network Provision (ONP), and (b) in compliance with Directive 98/61/EC of the European Parliament and of the Council "On the Adjustment of Directive 97/33/EC with regard to Operator Number Portability and Carrier Preselection" (Government Gazette 159/A/1999);
- c. Presidential Decree No. 181/1999 "Adapting to Directive 98/10/EC of the European Parliament and of the Council on the application of Open Network Provision (ONP) to Voice Telephony and on Universal Service for Telecommunications in a Competitive Environment" (Government Gazette 170/A/1999);
- d. its Decision No. 206/2/29.1.2001 "National Numbering Plan for Telephony Services and Mobile and Personal Communications Services" (Government Gazette 127/B/2001);
- e. its Decision No. 207/6/2.2.2001 "Regulation for the Management and Allocation of Numbers under the National Numbering Plan for Telephony Services and for Mobile and Personal Communications Services" (Government Gazette 159/B/2001);
- f. the results of the Public Consultation held by EETT on the Introduction of Carrier Preselection and Operator Number Portability, pursuant on its decision No. 244/121/1.2.2002;
- g. the fact that the provisions of this present Regulation do not create any cost for the State Budget; decides:

Article 1

Objective – Scope of Application

The objective of this present Decision is to establish rules with regard to the introduction of the carrier preselection option in the Greek telecommunications market.

Article 2 Definitions

1. "Local Calls": the calls made to geographic destinations, for which local call prices are charged.

"International Calls": the calls to numbers starting by dialing the international prefix "00".

"Carrier Selection": the option offered to the subscribers of a Telecommunications Carrier that enables them to select, on a call by call basis, by dialing a special prefix, a different carrier in order to make telephone calls.

"Calls to Mobile Phones": calls made to mobile phone numbers.

"Carrier Preselection": the option offered to the subscribers of a Telecommunications Carrier that enables them to decide, on a ~~fixed~~ [standing](#) basis, that one or more categories of telephone calls shall be processed by another preselected carrier based on a special relevant agreement made with the said carrier, without having to dial a special prefix or code number.

"Long-distance calls": calls to geographic destinations, for which long-distance prices are charged.

2. In addition, the definitions of article 2 of Law No. 2867/2000, article 2 of EETT Decision No. 206/2/29.1.2001 "National Numbering Plan for Telephony Services and Mobile and Personal Communications Services" and article 2 of EETT Decision No. 207/6/2.2.2001 "Regulation for the Management and Allocation of Numbers under the National Numbering Plan for Telephony Services and for Mobile and Personal Communications Services" shall also be applicable.

Article 3 Telecommunications Organizations Required to Provide their Customers with the Carrier Preselection Option

1. Under the obligation to provide their customers, [including those using ISDN](#), with the Carrier Preselection option, ~~including those using ISDN~~, are those providers that have significant market power in the provision of fixed public telephony networks, as referred to in Part 1 of Annex I of Presidential Decree No. 165/1999 (Government Gazette No. 159/A/1999) as applicable. The said option includes the provision of access to the

switching telecommunication services of any interconnected public telecommunications services provider.

2. The subscribers of the Operators that are required to provide the carrier preselection option are entitled to select the above mentioned switching telecommunication services, while at the same time being able to cancel the preselection on a call by call basis by using a short prefix (carrier selection code number) of another telecommunications carrier when making the said call.
3. In addition to the organizations that are subject to par. 1 of this present article, any other Telecommunications Organization is entitled to provide its subscribers with the carrier preselection option, without being required to do so and without being required to provide the said services at cost-oriented prices and without being restricted by the rest of the provisions that, pursuant to this present Decision, are binding to those Telecommunications Organizations that are subject to par. 1 of this present article.

Article 4 Telecommunications Organizations Entitled to Provide Services Through Carrier Preselection

1. A Telecommunications Organization is entitled to provide switching telecommunications services through carrier preselection to subscribers of other Telecommunications Organizations, on condition that:
 - a. it ~~holds~~has obtained a Special License;
 - b. its network is interconnected with the network of the Telecommunications Organization that is required to provide its subscribers with the carrier preselection option;
 - c. it is the assignee of the required numbering resources.
2. The Telecommunications Organizations that are subject to par. 1 of this present article, but are not subject to par. 1 of article 3 of this present Decision, are not required to provide their customers with the carrier preselection option.

Article 5 Carrier Preselection Scheme Options

1. An Operator required to provide carrier preselection (hereunder called "Provider A" shall provide its customers with the following carrier preselection scheme options:

Option 1: International Calls

A subscriber shall preselect, for making all international calls only, a carrier other than the one that is required to provide carrier preselection. All other calls shall be processed by Provider A.

Option 2: Long Distance and Mobile Calls

A subscriber shall preselect, for making all long distance and mobile calls only, a carrier other than the one that is required to provide carrier preselection. All other calls shall be processed by Provider A.

Option 3: All Calls

A subscriber shall preselect, for making all calls, a carrier other than the one that is required to provide carrier preselection. The term "all calls" in the case of carrier preselection includes all international, local, long distance and mobile calls. All other calls shall be processed by Provider A.

2. Options 1 and 2 referred to in par. 1 of this present article may be combined so as to enable a subscriber of the Operator required to provide carrier preselection to make a preselection both for long distance and mobile calls, and international calls. The preselected carrier may be the same for both Options.
3. If Option 3 referred to in par. 1 of this present article is chosen, all previously selected Options shall be replaced.
4. Any subscribers that do not choose to activate any of the above Options shall continue having their calls processed by Provider A, without being affected by carrier preselection.
5. A subscriber is entitled to cancel his preselection for individual calls by dialing, on a call by call basis, the carrier selection code number of another provider, including Provider A.
6. The regulations pertaining to the availability of services offered to the subscribers of Provider A through Carrier Preselection shall remain unchanged.
7. In the future, EETT may also include other categories of calls in the Options referred to in par. 1 or may define new Options, taking into consideration applicable law, market conditions and competition development.
8. Option 1 shall be offered to subscribers desiring so starting from 1 December 2002, and Options 2 and 3 starting from 1 February 2003.

Article 6 Switching and Routing Requirements

Telecommunications Organizations that are required to provide their customers with carrier preselection are required to observe the following indicative requirements during call switching and routing:

1. Carrier preselection shall be offered to all subscribers directly connected to their networks through PSTN and ISDN lines.
2. Carrier preselection shall not be offered to public pay telephones.
3. Any calls that are subject to preselection shall be routed at the interconnection point agreed upon with the carrier preselected by a subscriber.
4. To effect routing, an operator required to provide carrier preselection shall add a suitable prefix to the digits dialed by a subscriber. The said prefix shall comprise five digits, shall identify the preselected carrier uniquely and shall facilitate call routing at the appropriate interconnection point. The carrier selection code number of the preselected carrier, if it is technically possible to separate calls made through carrier selection from those made through carrier preselection, may be used as a carrier preselection prefix. Only one carrier preselection prefix shall be allocated to any provider that is entitled to become a preselected provider upon an application filed with EETT, pursuant to the procedure provided for in EETT Decision No. 207/6/2.2.2001 (Government Gazette 159/B/2001) on the allocation of carrier preselection code numbers. The carrier preselection prefixes shall be allocated out of the 160 series of the National Numbering Plan. Any providers to whom carrier preselection prefixes are allocated have the rights and obligations that arise from applicable laws and EETT decisions on carrier preselection code numbers. A carrier preselection prefix cannot be used as a carrier selection code number.
5. All calls that are not subject to preselection shall be processed by the Telecommunications Organization that is required to provide carrier preselection.
6. A provider required to provide carrier preselection shall forward Calling Line Identification (CLI) to the preselected carrier even if it is confidential or non-disclosable. Calling Line Identification shall be used by the preselected carrier only for identifying, verifying and pricing the call pursuant to applicable laws on confidentiality. In the case of confidential or non-disclosable Calling Line Identification, the preselected carrier shall be bound to ensure confidentiality.
7. Any calls made by the use of a carrier selection code number shall cancel the preselection and shall be processed by the provider identified with the carrier selection code number.
8. Any downgrading of the quality of the services offered due to the addition of carrier preselection shall not be permitted.

9. The options existing for a subscriber's line, such as Call Waiting, shall not be affected by carrier preselection.
10. A subscriber using carrier preselection may demand selective call barring for the categories of calls included in the preselection scheme Options selected by him/her. Such a demand may be filed by a subscriber either with the provider providing services through preselection or the provider that is required to provide carrier preselection.
11. The continuity of [the provision of](#) telephone services to a subscriber shall be ensured upon activation of his/her carrier preselection options.
12. Carrier Preselection is part of the Reference Interconnection Offer of the Telecommunications Organization that is under the relevant obligation to provide carrier preselection.
13. In the cases where it is not technically possible to realize a different preselection scheme for each one of the lines of a private automatic branch exchange (PABX), the same preselection scheme Options shall be applicable to all lines.

Article 7 Protection of Consumers

1. Telecommunications providers shall develop ~~consumer information and updating~~ systems [for informing consumers as well as](#) ~~consumer care~~/protection procedures so that the public can understand, in particular, the options they have, the per-category call charging and pricing, as well as the functioning method of the services offered.
2. The responsibility for charging subscribers for calls that are subject to carrier preselection lies with the preselected carrier. A subscriber shall not be charged by the Telecommunications Organization providing carrier preselection for accessing the preselected carrier's network. The Telecommunications Organization providing carrier preselection shall be responsible for charging the fixed line lease fee (if applicable) even for calls that are not subject to preselection.
3. Providers have the option of issuing one single bill for a subscriber based on a commercial agreement entered between them.
4. The above provisions shall not impose any limitation whatsoever on the subscribers' rights based on applicable law on consumer protection, on the validity of the terms of accession agreements based on article 281 of the Civil Code and the law on the protection of personal data.

Article 8 Allocation of the Cost of Carrier Preselection

1. The cost that arises from the provision of carrier preselection is divided into three categories:
 - a. InstallationSet-Up Cost: It is the part of the cost that pertains mainly to the telecommunications organization that is required to provide its subscribers with carrier preselection and is associated with the modification of its network and systems so as to be able to provide carrier preselection.
 - b. Provider Activation Cost: It is the cost incurred for the implementation and activation of carrier preselection for each provider separately. It includes, among other things, the setting up in the provider's facilities of the information technology system necessary for the management of the preselection requests made by its customers.
 - c. Per-Line Activation Cost: It is mainly the management cost incurred by the provider required to provide carrier preselection for each subscriber line separately.
2. The Telecommunications Organization required to provide its subscribers with carrier preselection shall bear the InstallationSet-Up Cost.
3. The preselected telecommunications provider shall bear the Provider Activation Cost and the Per-Line Activation Cost.
4. The amount corresponding to the Per-Line Activation Cost is cost-oriented, shall be paid by the preselected provider to the Telecommunications Organization that provides its subscribers with carrier preselection and shall be subject to the approval of EETT.
5. The operator required to provide carrier preselection shall charge its subscribers directly for providing the said option.
6. Any potential direct charges imposed on subscribers by preselected carriers shall not act as a deterrent against the use of carrier preselection.
7. To collect calls made through carrier preselection, preselected carriers shall pay to the operator required to provide carrier preselection the fees provided for in the Reference Interconnection Offer of the operator required to provide carrier preselection.

Article 9 Procedures for the Provision of Carrier Preselection

1. The procedures for the provision of carrier preselection are planned and revised upon bilateral consultations and agreements between the providers involved, so as to protect and accommodate the needs of consumers and must be in agreement with the provisions on competition. The above planning is part of the interconnection agreement and must be completed upon entering the interconnection agreement, if a relevant

request is made by the applicant provider. In the case where an interconnection agreement is entered prior to issuing this present Regulation or an interconnection agreement is entered which does not include carrier preselection initially, the operator required to provide carrier preselection shall respond within 15 days from the submission of a relevant preselection request by the interested organization.

2. The Telecommunications Organization required to provide carrier preselection shall issue and send to EETT, within 15 days from the publication of this present Regulation, a standardized subscriber application text used for the provision of carrier preselection, which shall be the same for all preselected providers. EETT shall approve the said text, as well as any potential amendment thereof, within 15 days from the submission of the text or the amendment to EETT by the organization required to provide carrier preselection.
3. Pertaining to the procedure for processing a carrier preselection application, the following shall apply:
 - a. A subscriber shall contact the provider he/she chooses as a carrier for processing those categories of calls he/she wishes and shall submit a relevant application as referred to in par. 2 of this present article.
 - b. The preselected carrier shall send the subscriber's application to the operator required to provide carrier preselection in order for the new subscriber adjustments to take effect within two (2) business days and shall receive a proof of receipt.
 - c. Upon receiving the subscriber's application, the operator required to provide carrier preselection shall return a positive confirmation for each request it may fulfill. If the application cannot be accepted, the reasons for the rejection shall be announced. The reasons for the rejection are referred to limitedly in par. 4 of this present article. In any case, either positive or negative, the response of the operator required to provide carrier preselection must be given within two (2) business days from the receipt of the application. In the case where the above deadline has expired without any response given, the operator required to provide carrier preselection shall be considered as having responded positively.
 - d. The operator required to provide carrier preselection shall program the subscriber's local exchange so as to carry calls over to the network of the corresponding preselected carrier based on the parameters selected by the subscriber. The preselected provider shall set up the service internally. The carrier preselection activation must have been completed within seven (7) business days from the receipt of the subscriber's application by the operator required to provide carrier preselection.

4. The operator required to provide carrier preselection may reject a carrier preselection request only if the applicant's details (surname, name, father's name, Identification Card Number or Passport Number, and Taxpayers ID Number for natural persons, and the corporate name and Taxpayers ID Number for undertakings) and telephone number are different from the ones kept by the operator, if the preselection of the interested party is not in accordance with the preselection scheme defined in this present Decision, or if the preselected carrier is not indicated.

Article 10 Supervision

1. EETT shall exercise supervision in order to ensure that the carrier preselection service is provided in a most rational manner and in accordance with the provisions of this present Decision.
2. Telecommunications providers are required to submit, on an annual basis, data pertaining to the number of their subscribers to whom services are offered through carrier preselection for each one of the preselection options.
3. The telecommunications network providers offering services through carrier preselection must provide EETT with all relevant information considered necessary.

Article 11 Revisions / Supplements

1. EETT is entitled to make a Decision revising or/and supplementing this present Regulation. To revise or supplement this present Regulation, EETT may hold consultations with the parties involved, especially telecommunications network or/and service providers and users' representatives.
2. All parties involved may submit proposals to EETT on revising or supplementing the provisions of this present Regulation. EETT shall examine the submitted proposals and may hold consultations with the parties involved. The submitted proposals shall not be binding to EETT.

Article 12 Complaints and Sanctions

Any complaints pertaining to the non compliance on the part of telecommunications network or/and service providers with the obligations set forth in this present Regulation shall be submitted to EETT, which shall examine them and may impose such administrative sanctions as provided for in article 12, par. 1 of Law No. 2867/2000, by issuing a well-documented Decision, after hearing the parties involved.

Article 13

Entry Into Force

This present Regulation shall enter into force on the day of its publication in the Government Gazette.

This present Regulation shall be published in the Government Gazette.

Marousi, 31 May 2002
The Chairman
EMM. A. GIAKOUMAKIS