

SUMMARY OF LAWS (MOVINT2)

- ✓ Users' interests must be defended, ensuring their right of access to electronic communication services with suitable conditions of choice, price and quality.
- ✓ Under the mentioned concept of Universal Service the following must be guaranteed, in the terms and conditions legally determined by the Government:
 - a) That all end users may obtain a connection to the national telephone network from a fixed location and have access to the provision of a publicly available telephone service, provided that their demands are deemed to be reasonable in the terms that are legally determined. The connection must offer the end user the possibility of making and receiving telephone calls and allow fax and high speed data transmission in order to have access in a functional way to internet. (It is provided by pair copper wire and the modem for local band. Definition that excludes ADSL technology).
- ✓ The minimum content of the contracts: Name or commercial name of the operator; telephone number; website; address of the commercial office and Customer Service Centre; characteristics of the service; quality service levels; contractual period; causes and ways of contract termination; method of payment; right to disconnection of certain services (International calls, Additional tariff numbers); compensation for temporary interruption of the service; information on the treatment of data of a personal nature; resolution mechanisms for legal disputes.

Any modification to the contract must be communicated one month in advance, and if this is not accepted, the contract may be cancelled by the user without penalty.

- ✓ Mobile telephone operators must attend the request for connection in the time stipulated in the contract, if this is exceeded the user must be compensated as fixed in the contract.

Even if the contracting has been made by telephone, one has the right to request to the Customer Service Centre a written contract where the conditions appear.

- ✓ Prohibition of rounding-up prices, invoices to be emitted in units of time effectively consumed. For telephone services the type of unit will be the second.
- ✓ End users of the telephone service will have the right to receive a detailed invoice, without affecting the right of the users to not receive detailed invoices, being the minimum basic details as follows:
 - Period covered by invoice.
 - Fixed monthly rate.
 - Other fixed monthly charges.
 - Any non-recurring fixed amount.
 - Details of all communications invoiced (excluding metropolitan calls, those of a tariff in a normal time period less than the equivalent of 3 cents per minute or those of a tariff in a normal time period less than 20 cents per communication), with the number, date, hour, length of call, rate applied and total cost of the call. Free of charge calls will not figure in the invoice.

- Data compiled in groups: metropolitan, national, international, mobile, additional tariff calls, which should include the number of calls made, the total number of minutes and the total cost of each group.
 - Total amount invoiced.
 - Total VAT or equivalent tax to be applied.
 - Total cost of the invoice, including tax.
- ✓ Users wishing to call additional tariff numbers must expressly apply for this through their access operator, being 803 the access code for adults content, 806 for leisure and entertainment service, 807 professional services and 907 for services offered via internet, retaining the right to disconnect of the said codes. Disconnection must take place within 10 days.

The operator is obliged to give in the voice a detailed breakdown of the amount corresponding to the telephone service and the additional tariff service, being invoiced by the telephone operator with whom the user has contracted the telephone line, except in the cases of choice of operator, which will be invoiced by the operator with whom the user has chosen the service.

Users must be informed about the cost of the call, the age for which the service is recommended, the type of service and the identity of the entity responsible for offering the service.

Maximum length of the call will be 30 minutes, after which the operator must terminate the call.

- ✓ If the user does not agree with the invoice corresponding to the additional tariff calls or with the invoice corresponding to Internet and decides not to pay, subject to a previous complaint, the operator cannot suspend the service, and may only cut the access to the additional tariff numbers or to Internet.
- ✓ In case of a temporary interruption of the service the operator will have to indemnify:
 - a) In the case of an interruption to the Telephone service, in proportion to the time of duration of the interruption and the average of the consumption of the last three months.
 - b) In the case of an interruption to the Internet service, sharing out the monthly fee in proportion to the time of duration of the interruption.
- ✓ The contracting user will always retain the right to terminate the contract with a prior fifteen days' notice. In the case of breach there is no need to wait for the space of fifteen days, once the corresponding claim has been registered.
- ✓ Operators must place at the users' disposal a department or service specialising in customer attention, which is free of charge, and the consumer must be made aware of their complaint by means of a reference number allocated to their complaint done by phone. This will be sent within ten days since the request.
- ✓ In processes of change of operator, if the user loses service, the new operator will be considered as responsible, without being able to claim technical difficulties.

In case the user has authorized the new operator to process the change and the origin operator continues invoicing, the new operator will have to support the cost of the invoices. If not, it will be the user who must support it.

Operators will not be able to deny the Portability (maintenance of the telephone number) to a user because of the existence of any type of debt or non-payment.

Deadline to carry out the portability: The maximum time to finalize the change without incident is reduced to five working days from the moment the user has signed the application.

- ✓ In the case of Slamming (The illegal practice of changing a consumer's telephone service without permission) and a complaint takes place, the operator must demonstrate that the user has registered.
- ✓ The sending of advertising or promotional communications not previously requested, via electronic mail, is prohibited.
- ✓ All companies commercialising on Internet must provide the information as to their physical placement, the commercial activity, the customer service system and information related to the protection of personal data.

Prior consent on the part of the contracting user is required for the treatment of their data. Every consumer will have the right to know the existence of a file or treatment of personal data; the purpose of the compilation of this data and the final receivers of the information; the identity and address of the entity responsible for the treatment or their representative; the possibility and the mechanism for exercising the rights of access, correction and opposition; of the release and the receivers of the released personal data; the obligatory or optional nature of its response to the questions posed, and the consequences of obtaining the data or the denial to supply them.

- ✓ In the purchase through Internet, the lender of services or seller will indicate in an own Website: name, data of contact, corresponding fiscal identification number and will have to inform about the different proceedings to follow to celebrate the contract; means to correct errors in the introduction of data and the language or languages in which the contract will be able to be formalized. Also, once accepted the offer by the consumer, the professional is forced to confirm the reception of the acceptance.
- ✓ Operators must include in invoices the telephone numbers of information, call cost and website of Customer Service Centre of the operator and the Office of Attention to the User of Telecommunications of the Ministry of Industry, Tourism and Commerce. As well as informing of the rights of the subscriber.

Operators, member of the Arbitrary System of Consumer Affairs, must indicate in addition the website of the National Institute of Consumer Affairs where the addresses of the different Arbitrary Bodies of Consumer Affairs can be found and furthermore the number and call price of the Information and Citizen Service Centre of the Ministry of Health and Consumer Affairs.