

CONCLUSION

The CRC activity which in 2010 was oriented towards the development of a competitive environment, with a view to guarantee and protect the rights of end users and to ensure the provision of high-quality services, in accordance with the dynamic development of the market and the technological innovations, will continue in 2011.

Some of the main priorities of CRC for 2011 will be the completion of the first round of analyses for the relevant markets of electronic communication networks and/or services, as well as the launch of a second round of the procedure for defining, analysing and assessing the wholesale markets for calls origination and termination on public telephone networks at a fixed location and for voice calls termination on individual mobile networks, in compliance with Recommendation 2007/879/EC.

Upcoming events include selection of an undertaking/s to be assigned with the obligation to provide the universal service, pursuant to the requirements of the Law on Electronic Communications, as well as preparation of instructions for accounting separation, development of BU-LRIC models for cost determination of efficient fixed and mobile network operator.

Following a nearly two-year work, in 2011 the project for development of the information system "Licensing and Registers" developed under the Operational Program "Administrative Capacity" will end, aiming at the provision of 39 electronic administrative services by CRC under LEC, LPS and LEDES. With this project, the Commission participated in the contest "European Award for Public Administration" by invitation of the OPAC Managing body. The effective introduction of the information system is forthcoming.

As a result of the numerous complaints received from users and consumer organizations, and on the basis of the three-year market observations carried out by the regulator in terms of unfair and unregulated trade practices of undertakings providing electronic communication services, including in terms of the number portability procedure, clauses for automatic subscription contract renewal, etc., the Commission has launched an active campaign, which continues in 2011, for a dialogue with all parties concerned - operators, institutions, users, with a view to ensure a maximum protection of the undertakings' clients interests.

In relation to the numerous complaints filed by users of electronic communication services, on 09.02.2011 CRC initiated a meeting with representatives of the Ministry of Transport, Information Technology and Communications, the Commission on Transport, Information Technology and Communications and the Commission on Culture, Civil Society and Media at the Parliament, the Commission for Consumer Protection, the Commission for Personal Data Protection, the mobile operators and the Association for Electronic Communications. The main subjects discussed were the number portability, the automatic renewal of contracts with operators; the delayed issue of invoices; the lack of notification by the operator when subscribers reach their credit limit; the receipt of unwanted SMS; the unfair practices in the application of remote trade and improvement of the work of personal data administrators. The meeting aimed at discussing the problems which Bulgarian consumers face in their relations with operators and the ways to solve them.

As a result of the consultation, the three operators consecutively declared in public that they give up the practice of applying clauses for automatic renewal of contracts with users.

In addition, at the proposal of CRC, reception offices for citizens were initiated and organized throughout the country four times already, where representatives of CRC, CCP, CPDP and operators consulted the users on particular problems they come across in their relations with the operators.

In addition, the changes to the Law on Electronic Communications, initiated by CRC in 2011, contributed significantly to solving users' problems.

In particular, with reference to the existing clause for the so called "automatic renewal

of contracts”, the regulator proposed an explicit legislative regulation in LEC stating that after the initial expiry of contracts, the same shall become permanent, and any agreements in contradiction thereto shall be null and void. CRC also proposed a legislative introduction in LEC of a mechanism for out-of-court resolution of disputes between users and undertakings.

With a view to the multiple complaints filed by complainants expressing their dissatisfaction by the unilateral determination by the mobile telephony service providers of the credit limit granted to subscribers, and by not being notified when they have reached or exceeded it, CRC proposed, when amending LEC, to make the undertakings liable by law in terms of the credit limit granted by them. In particular, undertakings should be obliged to notify their subscribers when they reach 90% of the limit and they should be unable to increase the initially granted and fixed limit without the subscriber's consent.

With reference to the multiple complaints filed by subscribers of public telephone services stating that they don't receive their detailed bills for these services, CRC has proposed changes in the currently applicable regulatory provisions of Art. 260 of LEC. The proposals aim at providing a detailed bill within one month of the date of issue, and in case of explicit request by the subscriber, the undertaking shall be obliged to furnish him with a detailed record.

With regard to receiving marketing and advertising messages, CRC extended proposals for:

- a clearer definition of the cases when the prior consent of the user for sending marketing and advertising messages may not be requested;
- a legislative differentiation of the person sending the messages and the person on whose behalf these messages are sent;
- definition of the cases when there is an absolute prohibition for sending marketing and advertising messages.

In addition, in order to make the legal provisions more specific and improve the prerequisites and conditions for holding undertakings liable in terms of number portability, CRC has proposed the introduction of an explicit legal text which will provide for sanctions in case of violation of the Functional specifications for number portability adopted by the Commission.