



MALTA COMMUNICATIONS AUTHORITY

Electronic Communications Services

Standard and Itemised Billing

Consultation Document

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EXECUTIVE SUMMARY

In accordance with the Electronic Communications Networks and Services (General) Regulations (Subsidiary Legislation 399.28 of the Laws of Malta) the Malta Communications Authority (hereafter ‘the Authority’ and/or ‘the MCA’) is responsible to ensure that subscribers are able to verify and control the charges they incur in relation to electronic communications services (hereafter ‘ECS’). In general this is achieved by means of a bill provided by their service provider.

Currently, the majority of ECS providers allow their post-paid subscribers to access their bills electronically through the internet (hereafter ‘e-Billing’). Whilst the MCA appreciates that such an e-billing method is beneficial from a cost and an environmental perspective, it is also aware that a number of post-paid subscribers may not have access to the internet. Some service providers require these subscribers to pay a small charge in order to receive their bills in a hard copy format. To this effect the MCA is publishing this consultation since it is of the opinion that all subscribers should be given the right to receive a bill in a medium they can access free of charge.

The Authority supports any other pro-consumer measures which complement MCA’s proposals contained in this consultative document, whether they are introduced voluntarily by service providers, or otherwise, as long as they are provided in accordance with other legal provisions and/or decisions published by the MCA or by other competent regulatory bodies.

For ease of reference, the Authority is proposing to include in this consultation all the provisions established in MCA’s decision entitled ‘Itemised Billing’ published on the 3rd of January 2014, including some minor exceptions as outlined in this consultative document which is also treating the different types of billing methods available. Hence, the MCA is proposing to replace the 2014 decision and integrate that decision with the final decision that will be issued following this consultation.

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1. INTRODUCTION

As established earlier, enabling post-paid subscribers access their electronic communication service related bills is a fundamental requirement. The evolution in information and communications technologies during the past years gave rise to new trends in relation to subscriber billing, including the introduction of web portals providing subscribers the possibility to access their bills electronically. As a result, a number of ECS providers are applying a charge to subscribers opting to receive their bills in a hard copy format.

In view of this development, the MCA is proposing to replace the current decision entitled 'Itemised Billing' with a new decision which would include all different types of bills as one consolidated document. Post-paid ECS subscribers would be entitled to receive *standard* bills, and in the case of telephony they would also be entitled to a *detailed* and/or *basic* itemised bill free of charge, either through e-billing or by means of a hard copy where it results that they do not have access to the internet.

Pre-paid telephony subscribers shall be provided with the possibility to view a copy of their detailed usage report.

2. LEGAL BASIS

One of the objectives of the Authority in the exercise of its functions under Article 4 (1) (c) of the Electronic Communications (Regulation) Act – Chapter 399 of the Laws of Malta (hereafter “ECRA”) is that to promote the interests and rights of all users by:

- (i) ensuring a high level of protection for users in their dealings with undertakings; and
- (ii) addressing the needs of specific social groups, in particular disabled end-users, elderly end users and end-users with special social needs.

In this respect, the MCA is required to take all reasonable measures which are aimed at achieving this objective.

Regulation 38 (5) of the “ECNSR” empowers the Authority, subject to the requirements of the applicable legislation on the protection of personal data and privacy, to issue rules on billing to be complied with by undertakings providing connection to a public communications network and, or publicly available electronic communications services in order to ensure that subscribers can:

- i. allow verification and control of the charges incurred in using the public telephone network at a fixed location and, or related publicly available telephone services; and
- ii. adequately monitor their usage and expenditure and thereby exercise a reasonable degree of control over their bills.

Under the Fourth Schedule of the “ECNSR” the Authority is empowered to lay down the basic level of itemised bills which are to be provided by undertakings to subscribers, upon request and free of charge, in addition to the subscribers’ standard bill. The Fourth Schedule of the “ECNSR” further states that additional levels of detail may be included in subscribers’ itemised bills at reasonable tariffs as the Authority may approve.

In line with Article 4 A of the Malta Communications Authority Act Chapter 418 of the Laws of Malta (hereafter the “MCA Act”), the Authority is publishing a consultation document the purpose of which is to provide for rules regarding billing to be complied with by undertakings so as to ensure that all subscribers can access their bills through a means that they can access at no additional cost.

Any eventual decision published by the Authority does not exempt providers of electronic communications services from complying with any other obligations in accordance with other legal provisions and/or decisions published by the MCA or by other competent regulatory bodies.

3. BILLING TYPES AND BILLING MEDIUMS

In order to enable post-paid subscribers to adequately verify the charges that appear on their bill, it is important that such charges are presented in a transparent and friendly manner (whether in a hard copy or an electronic format). In this context the Authority encourages all service providers to provide subscribers with bills that are clear, unambiguous and accurate.

ECS providers are required to make available to their post-paid subscribers a standard bill and in the case of telephony an itemised bill upon request by the subscriber.

This section includes an overview of the three ECS billing types, namely:

- **Standard Bill**
- **Basic Itemised Bill**
- **Detailed Itemised Bill**

1.1 STANDARD BILL

In the case of ECS, a *Standard Bill* is a type of bill made available to all post-paid subscribers including as a minimum the types of services or bundles being provided, and total dues for a defined billing period.

As mentioned earlier, currently subscribers may access their standard bills electronically free of charge, however if they request it in a hard copy format, some operators are applying a charge. To safeguard post-paid subscribers' right to receive their standard bill in a medium that they can access free of charge, the MCA is proposing to require the provision of a standard bill in a hard copy format free of charge to those subscribers who do not have access to the internet. In the Authority's view, service providers could only reasonably ensure and verify that their subscribers can access the internet if:

- **one of the services being provided by the same undertaking includes the provision of a fixed internet and /or mobile internet service; or**
- **the subscriber has given his explicit consent to receive and access his bills electronically.**

This consultation is also proposing to require ECS undertakings to provide their subscribers with necessary information on how they may easily access their standard bill electronically and store them for a minimum period of six (6) months.

Post-paid subscribers who have access to the internet would also be entitled to receive the standard bill in a hard copy format, however at a reasonable charge.

Proposed Decision 1

Electronic communication service post-paid subscribers are entitled to a standard bill for all electronic communication services free of charge by means of a medium they can access. To this effect, subscribers who do not have access to the internet are entitled to receive it in a hard copy format free of charge.

Besides being able to access their standard bill electronically free of charge, subscribers who have access to the internet may also opt to receive it in a hard copy provided that if any charges are applicable these are reasonable.

Upon request, ECS undertakings shall provide their subscribers with any necessary information and assistance on how they may easily access their standard bill electronically. Online systems operated by undertakings shall enable subscribers to retrieve copies of their electronic standard bills for a minimum period of six (6) months.

1.2 ITEMISED BILL

In the case of electronic communication services, an *Itemised Bill* is a type of bill made available to all post-paid subscribers requiring further information on telephony usage other than that included in the Standard Bill. This will enable them to be in a better position to control and verify their telephony usage during the billing period in question.

The decision entitled 'Itemised Billing' published in January 2014 specifies that subscribers may choose between two types of itemised bills, namely:

- **Basic Itemised Bill, and**
- **Detailed Itemised bill**

1.2.1 BASIC ITEMISED BILL

In addition to the information provided by the *Standard Bill*, the *Basic Itemised Bill* should also include a summary of the aggregated costs incurred for each different type of telephony related activity based on its applicable tariff, including any ancillary charges incurred by the subscriber. The aggregated costs incurred for each type of activity should be reported individually and separate from each other. By way of example the different types of telephony related activities reported in the

basic itemised bill would include separate totals on usage of on-net, off-net, local, international and roaming activities during a particular period on:

- **Calls**
- **Text messages**
- **Data usage**
- **Premium Rate Services**

ECS Service providers who are in a position to provide access to this type of bill electronically shall only be required to provide a hard copy of the basic itemised bill free of charge to subscribers who do not have access to the internet. Subscribers who are in a position to access their basic itemised bill electronically shall still have the right to request a hard copy, however the service provider may also opt to provide it at a reasonable charge.

Proposed Decision 2

Post-paid fixed and mobile telephony subscribers are entitled to a basic itemised bill free of charge by means of a medium they can access. To this effect, telephony subscribers who do not have access to the internet are entitled to receive it in a hard copy format free of charge.

Besides being able to access their basic itemised bill electronically free of charge, telephony subscribers who have access to the internet may also opt to receive it in a hard copy provided that if any charges are applicable these are reasonable.

Upon request ECS undertakings shall provide their subscribers with any necessary information and assistance on how they may easily access their basic itemised bill electronically. Online systems operated by undertakings shall enable subscribers to retrieve copies of their electronic basic itemised bills for a minimum period of six (6) months.

1.2.2 DETAILED ITEMISED BILL

In addition to the information provided by the *Basic Itemised Bill*, the *Detailed Itemised Bill* should also include information on each telephony related transaction made by the subscriber, such as in the case of each voice call, SMS, MMS and data he/she used throughout the billing period in question whether as part of a bundled tariff plan or not.

As specified in the Fourth Schedule of the ECNSR calls which are free of charge to the calling subscriber, including calls to helplines, are not to be identified in the calling subscriber's detailed itemised bill for privacy reasons.

ECS Service providers who are in a position to provide access to the detailed itemised bill electronically, shall only be required to provide a hard copy free of charge to those subscribers who do not have access to the internet. Subscribers who are in a position to access their detailed itemised bill electronically, shall still have the right to request a hard copy, however the service provider may provide it at a reasonable charge.

Proposed Decision 3

Post-paid fixed and mobile telephony subscribers are entitled to a detailed itemised bill free of charge by means of a medium they can access. To this effect telephony subscribers who do not have access to the internet are entitled to receive it in a hard copy format free of charge.

Besides being able to access their detailed itemised bill electronically free of charge, telephony subscribers who have access to the internet may also opt to receive it in a hard copy provided that if any charges are applicable these are reasonable.

Upon request ECS undertakings shall provide their subscribers with any necessary information and assistance on how they may easily access their detailed itemised bill electronically. Online systems operated by undertakings shall enable subscribers to retrieve copies of their electronic detailed itemised bills for a minimum period of six (6) months.

1.3 PROVISION OF A REPORT ON PRE-PAID TELEPHONY USAGE

Currently pre-paid fixed and mobile telephony subscribers have the right of requesting a hard copy detailed report on their usage. In addition to this they may also request to view their detailed usage report by visiting any of the undertaking's outlets. In the MCA's opinion this should be retained.

The Authority is mindful of the fact that in the case of pre-paid subscribers, undertakings may have to verify the account holder's identity, thereby safeguarding his/her privacy before providing (or showing) a copy of the subscriber's itemised bills. Any measures implemented in this regard, must be in accordance with the relevant data protection laws. The Authority requires that undertakings ensure that any such measures are justified and reasonable and that they do not act as a disincentive for subscribers to request a copy of their detailed usage record.

Proposed Decision 4

Pre-paid mobile and telephony subscribers may, upon request, view a copy of their detailed report on usage by visiting any of their undertaking's outlets. Any authentication measures shall take place in accordance with any relevant data protection laws. Undertakings shall ensure that any such measures are justified and reasonable and do not act as a disincentive to pre-paid subscribers from requesting a copy of their detailed usage report.

Besides being able to view a copy of their detailed report on usage free of charge, pre-paid telephony subscribers may also opt to receive it in a hard copy format provided that if any charges are applicable these are reasonable.

4. APPLICABILITY OF DECISION

The MCA is proposing that all the requirements established by MCA's final decision that will be issued following this consultation shall come into force within three (3) calendar months from the publication of its final decision.

5. SUBMISSION OF FEEDBACK

In accordance with its obligations under Article 4A of the Malta Communications Authority Act [Cap. 418 of the Laws of Malta], the Authority welcomes written comments and representations from interested parties and stakeholders during the national consultation period which shall run from the 17th of September 2015 until noon of the 23rd October 2015.

The Authority appreciates that respondents may provide confidential information in their feedback to this consultation document. This information is to be included in a separate annex and should be clearly marked as confidential. Respondents are also requested to state the reasons why the information should be treated as confidential.

For the sake of openness and transparency, the MCA will publish a list of all respondents to this consultation on its website, up to three working days following the deadline for responses. The Authority will take the necessary steps to protect the confidentiality of all such material as soon as it is received at the MCA offices in accordance with the MCA's confidentiality guidelines and procedures¹. Respondents are however encouraged to avoid confidential markings wherever possible.

All responses should be submitted to the Authority, in writing by no later than **12:00 on 23rd October 2015** and be addressed to:

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¹ http://www.mca.org.mt/sites/default/files/articles/confidentialityguidelinesFINAL_0.pdf