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Summary

**Code of conduct Operators and Service Providers
related to SMS-services**

Main issues of the Code of Conduct referring to SMS services

The Code of Conduct has to be implemented on the first of august 2003. Both the operators and Echovox will control the Code of Conduct.

After six months the operators and SMS brokers will evaluate the Code of Conduct.

The mean important issues of the Code of Conduct:

- All operators need to keep themselves on this codes and will relate to the Code of Conduct in the contracts of the SMS brokers.

Subscriber services

All our clients need to inform their SMS brokers of all their SMS services. All the information needs to be delivered by the operators in a correct way (clients use a uniform operator customer care form (clear description of the services, shortcode, tariff, and sender).

Communication about an SMS service

- In case of an SMS subscription, the subscriber needs to be informed by this in a clear way.

If an SMS subscription is not clearly mentioned, the consumer may assume he will receive only one message, which has to be paid. The tariff needs to be mentioned in a clear way.

- In case an unique SMS service (no subscription) necessarily consists of more than one message (for example on technical grounds), this has to be clearly mentioned to the consumer. The consumer needs to be informed of the total amount due for this service.
- Promotions for SMS services must include:
 - The description of the service,
 - The shortcode,
 - The tariff,
 - Status of an unique SMS service or a subscription
 - A reference to background information on a website, teletext or other promotional sources.
- On the website, teletext or other media sources needs to be mentioned at least:
 - Tariff,
 - Frequency,
 - Description of the service,
 - Sender/ contracting party of the service,
 - A helpdesk number
 - A clear method of signing out

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The process of subscribing and unsubscribe SMS service

- The subscription process of the SMS service always needs to be done by using the 06 number to which the message has to be sent and with the relevant keyword clearly mentioned.
- In case of dedicated shortcodes (this is an unique shortcode with a single service) an subscription service needs to be started by sending AAN and ON and terminated by UIT and OFF, as well as in capital letters as in small print to the shortcode. Both words, 'AAN' and 'ON' and 'UIT' and 'OFF' need to be activated. For example: one is sending the word **ON** to shortcode **1234** to subscribe to a service and **OFF** to shortcode **1234** to unsubscribe a service.
- In case of shared shortcodes (which services from multiple clients can be active) the name of the service needs to be communicated after mentioning the shortcode, followed by AAN, UIT or UIT, OFF. Both words AAN, ON or UIT, OFF need to be activated.
- For example: one is sending the words **ASTRO ON** to shortcode **1234** to activate a service and **ASTRO OFF** to shortcode **1234** to cancel a service.
- In case the end user does not send the name of the service (keyword) to a shared shortcode to unsubscribe the SMS service, the end user will receive a clear instruction how to unsubscribe to this service by sending the keywords corresponding to the SMS service.
- In case of the subscribe process for a subscription service, the subscriber needs to receive a confirmation of the subscription per SMS. This confirmation needs to be offered against costprice.
- The subscriber confirmation to the consumer needs to consist of:
 - The name of the service,
 - Tariff,
 - The shortcode (in the header of the SMS-text),
 - The frequency (the maximum amount of sms messages per day, week or month, if not to say this needs to be explained),
 - A description of the 'subscriber service',
 - The unsubscribe method,
 - A reference to the helpdesk number, website, teletext or other relevant background information sources.
- Subscription services using tariffs higher than € 0,70 per received SMS reversed charged message, applies that before this subscription service will start the subscribe confirmation, as mentioned in article 7 of the Code of Conduct SMS services, first needs to be confirmed by the end user by means of **<keyword> and 'OK'** to the **<shortcode>**. It is preferred to put this word on top of the announce message, so that it is easy to find for the end user. Without the consent (OK) of the subscriber, the subscription process is not completed. All subscriber confirmations and unsubscribe messages of the consumers need to be stored for at least one year, in case of eventual complaints and differences.

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- If an end user is using a subscription service for a longer period than one year, his or her subscriber message needs to be saved after active unsubscribe message. These messages need to be handed out to the end user within 3 days in case the end user asks for this.

Providing Information during an SMS service

- The shortcode needs to be reported in every messages received by the end user (in the header or in the SMS-text).
- In case of every day SMS services the end user needs to be informed weekly and in case of weekly SMS services the end user needs to be informed monthly of:

- The shortcode,
- The tariff,
- The description of the service and the reference to background information on the website, teletext or other sources,

This information is an addition to the regular content of the service, so in principle not as an extra message. Charging extra costs for this additional MT message is not allowed.

- In the background information (website, teletext- page or other media exposure) at least needs to be mentioned:
 - Tariff,
 - Frequency,
 - Description of the service,
 - Sender/ contracting party of the service,
 - A helpdesk number (at least easily reachable during office hours) and
 - Process to unsubscribe
- The SMS service industries will provide the end user in an optimum help function. Because one can use a shared shortcode or a dedicated shortcode, at least 3 following (minimum) options can be practised, whereby the SMS service industries are free to expand their help functions:

- A -

Sending the word 'HELP' to a dedicated shortcode will be answered in the form of an SMS message (against covered costprice) including: frequency and tariff of the service, the unsubscribe procedure, the name of the SMS service or content provider plus the corresponding helpdesk number and /or website, the eventual costs of this HELP function.

- B -

Sending the word HELP + <keyword> to a shared shortcode will give the same answer as option A.

- C -

Only sending the word 'HELP' to a shared shortcode, thus without keyword-addition, will be answered in

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the form of an SMS message including the explanation of option B and a clear reference to an easy accessible help source (like helpdesk telephone or website) where the end user can find all information mentioned in option A for all the SMS services which are active to this shortcode.

Unsubscribe SMS Service

- In case one wants to unsubscribe an SMS service, a confirmation per SMS needs to be received by the end user. This confirmation message must be send against low costs (covered production costs)
- In case the unsubscribe message is not correct, the end user needs to be informed in the form of an MT message including URL, helpdesk number, name or e-mail address.
- All subscriber, confirmations and unsubscribe messages of the consumer need to be saved for at least one year, in case of eventual complaints and differences.
- If an end user is using a subscription service for a longer period than one year, his or her subscriber message needs to be saved after active unsubscribe message. These messages need to be handed out to the end user within 3 days in case the end user asks for this.

Disconnected numbers

The operators will apply rigid regulations concerning to Disconnected numbers.

- Operators and Service providers will inform the SMS parties of telephone numbers, which are out of order (disconnected numbers).
Operators and Service providers will inform the SMS parties:
a) directly by answering the SMS message send by the SMS service industries, or
b) periodical including a digital format of disconnected numbers at the latest within one month after disconnecting
- Operators and Service providers will oblige the SMS parties not to send messages to telephone numbers, which are already disconnected by the operators and /or Service providers.
- The disconnected telephone numbers need to be removed by the SMS parties – at the latest within 10 working days after receiving the information mentioned in paragraph 1 under B mentioned information – from all the databases and /or systems. In that way all the existing SMS subscriber services with relation to these disconnected numbers will be deactivated. In case of reactivating these numbers, the new end users will not be confronted with unwanted subscriber services.
- In the first instance Echovox will send you the Disconnected Numbers. These numbers need to be removed from the database. Echovox is preparing value added services, that will bar messages to disconnected numbers. Please remove Disconnected Numbers from your databases. Operators highly penalize messages to Disconnected Numbers.

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Spamming

- Spamming is never permitted by operators.

Adherence to the Code of Conduct

Adherence to the code of conduct comprises of the following clauses:

- Parties will commit to correct and complete adherence to this Code of Conduct. Operators will adopt this Code of Conducts in their General Terms of Agreement. These General Terms of Agreement will also apply to future contracts.
- In the case this Code of Conduct is violated by any SMS service provider, the collected operators will issue measures against this Service Provider. SMS Service providers will adapt their services to this Code of Conduct or terminate the service within two working days.
- In the case services of any Service Provider violate this Code of Conduct, Operators will terminate the related shortcode services. Termination of shortcode services will be communicated to Service Provider well in advance.
- The aforementioned clause does not exclude additional finings by Operators.
- Parties shall install a committee to deal with conflicts between Service Providers and Operators. The committee will comprise of one delegate of Operators, Service Providers and SMS Service Providers.

Disputes and compensation:

In the case of a dispute between end users on the validity of a subscription, and the SMS Service Provider does not supply detailed subscription information within three working days, the consumer is protected from giving consent. The SMS Service Provider will compensate damages to the end user and claim these damages to their contractees.