



Office of the Director of
**Telecommunications
Regulation**

***eircom's* Draft Code of Conduct
Concerning Selling Practices:
A Consultation Paper**

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**Oifig an Stiúirthóra Rialála Teileachumarsáide
Office of the Director of Telecommunications Regulation**
Abbey Court, Irish Life Centre Lower Abbey Street, Dublin 1.
Telephone +353-1-804 9600 *Fax* +353-1-804 9680 *Web* www.odtr.ie

Table of Contents

Introduction.....	2
Legal Background.....	2
Structure of the Paper.....	3
Consultation Procedure, Timetable and Contact Personnel.....	4
Background Information.....	5
<i>Eircom's</i> current Code of Conduct.....	6
Response to Consultation.....	6
Annex 1: <i>eircom's</i> current draft Code of Conduct.....	8

1 Introduction

The Director of Telecommunications Regulation (“the Director”) is responsible for the regulation of the Irish telecommunications sector. The greater part of this sector’s regulation originates from European Community legislation subsequently transposed into national law.

The Director is the competent body in Ireland, as the designated National Regulatory Authority (“NRA”), to make designations and determinations and the Office of the Director of Telecommunications Regulation (“ODTR”) is under obligations in both EU and national legislation to make these designations and determinations.

There are criteria for designating major operators as holding Significant Market Power (SMP). These operators have special obligations in respect of abuse of their market position. The potential impact of abuses by operators in the telecommunications market with SMP requires additional obligations to ensure that such a position is not used in an abusive manner. Otherwise, such behaviour may undermine the major goals of regulation: opening up the telecommunications market; introducing competition through new entrants to the market; and offering users and consumers increased choice in price, quality and services.

The Director invites comments on the draft code, attached as Annex 1. The Director is undertaking this consultation for the following reasons:

- it is important that *eircom* is taking all the appropriate steps to ensure compliance with its obligations;
- it will promote full transparency of *eircom*’s draft Code of Conduct to the public;
- the comments of interested parties- industry and consumer bodies should be helpful in ensuring that the Code best meets its purpose.

This consultation and the subsequent decision of the Director are not substitutes for the relevant national Competition Acts and European Competition rules nor are they substitutes for the regulations and orders that are made under them. This consultation and the code should not be seen as a substitute for, or as a definitive interpretation of, Community or national law. The draft code, and any subsequent Code resulting from this consultation process, should be read in conjunction with all relevant legislation.

2. Legal Background

The Open Network Provision (“ONP”) framework requires NRAs to designate certain operators as having Significant Market Power (“SMP”).

Operators designated as having SMP as a result of the determination process by the relevant NRA (in this case, the Director) face additional obligations aimed, *inter alia*, at controlling the exercise of their market power¹ and promoting competitive behaviour in the telecommunications market.

¹ Point 4.6 in the Annex to EU Directive 97/13/EC.

The General Telecommunications Licence imposes specific obligations upon operators who have been designated as having SMP in a relevant market within the Irish Telecommunications market.

Operators designated as having SMP in the Fixed Telephone Network and Services Market are required to comply with such conditions.²

One such condition is the requirement that an operator with SMP in the Fixed Telephone Network and Services Market shall draw up an appropriate code of conduct for selling practices. This is detailed in Condition 19 of the General Telecommunications Licence.

Condition 19 states that this Code shall direct the Licensee's employees, agents and the Licensee's Affiliates' employees with regard to selling practices for Licensed Services within the Relevant Market. It should be designed to avoid unfair and anti-competitive practices.

The Licensee must submit this Code to the Director in draft form.

Condition 19 of the General Telecommunications Licence also states that the Director may initiate a consultation process on this draft code.

In Decision Notice D15/99³ the Director designated *eircom* as having SMP in the Public Fixed Telephone Networks and Service Market.

eircom is currently the only Licensed operator designated as having SMP in the Relevant Market for the purposes of this particular code of conduct, the Public Fixed Telephone Networks and Service Market.

This Consultation Paper on the draft Code of Conduct concerning Selling Practices will therefore apply to the draft Code of Conduct concerning Selling Practices, as produced by *eircom* for its employees and affiliates' employees and agents.

This consultative document is not a legal document and does not constitute legal, commercial or technical advice. The Director is not bound by it. The consultation is without prejudice to the legal position of the Director or her rights and duties to regulate the market generally.

3. Structure of the Paper

The information in this paper is presented in the following manner:

- Section 4 details the timetable and contact personnel for this particular consultation

² See General Telecommunications Licence, Document ODTR 98/50R published at the ODTR web site: www.odtr.ie.

³ Decision Notice D15/99, Document Notice ODTR 99/75

- Section 5 provides some background information and the basis for this particular consultation
- Section 6 contains reference to *eircom's* current draft Code of Conduct (as attached in Annex I of this paper).
- Section 7 describes the scope of this consultation

4. Consultation Procedure, Timetable and Contact Personnel

The consultation period will run from 7th November 2000 to 5th December 2000. Comments should be submitted in writing before 5.00 p.m. on 5th December, 2000 to:

Ms Louise Power,
The Office of the Director of Telecommunications Regulation,
Abbey Court,
Irish Life Centre,
Lower Abbey Street,
Dublin 1

OR

Comments may be submitted via email before 5pm on 5th December 2000 to:
powerl@odtr.ie

Respondents are requested to identify confidential material clearly and if possible, to include it in a separate annex to the response.

All comments are welcome, but **it would make the task of analysing responses easier if comments reference the relevant question from this document.** In order to promote further openness and transparency the ODTR will, in its report on the consultation, summarise the responses received. Unless marked confidential, the ODTR will make copies of the comments available for public inspection at its offices.

The Director intends to issue her response to this consultation at the beginning of January 2001 which will include the draft Code of Conduct concerning Selling Practices including any draft amendments arising from this Consultation. In accordance with Condition 19 the Director will then consult with *eircom*. The Director would also welcome comments from interested parties at that stage. Following that further consultation with *eircom* the Director will issue directions to the Licensee specifying any modifications or additions that she considers should be made to the draft code. At the beginning of February 2001 *eircom* will then publish the code in the agreed amended form, in accordance with any directions as to publication made by the Director. It is also proposed that the ODTR will publish the final Code on the ODTR web site on completion of this consultation process.

The Director reserves the right to issue additional directions, from time to time, as she believes is appropriate, on this Code of Conduct concerning Selling Practices.

The Director also reserves the right to review this Code on a regular basis to ensure that the Code is maintained and reflects the development within both the telecommunications market and legal obligations generally.

5. Background Information

Following the liberalisation of the Irish Telecommunications market on 1 December 1998, the marketplace is witnessing the benefits that a competitive environment can deliver to customers, and to consumers, of Irish telecommunications services.

The key date for liberalisation marked an important milestone in the development of the Irish telecommunications market. We should be mindful that this act alone will not ensure that all users of telecommunications services reap the benefits of the more competitive Irish Telecommunications market. Ensuring the promotion of competitive standards, where possible, will allow the market to continue to advance for the benefit of all users. As the liberalised market matures, work continues on promoting and ensuring further competition and fair competition in the market place.

In order to ensure and promote fair competition in the market, operators designated as having SMP in the market place have additional obligations aimed at ensuring that their market power is not used for unfair or anti-competitive practices within the Relevant Markets.

The rules prohibiting anti-competitive behaviour, encompassing anti-competitive activity and unfair practices within the telecommunications market, stem from general legal obligations with which operators must comply, both at national and European Community level. Additionally, there are forms of anti-competitive behaviour and unfair practices that are of particular concern within the telecommunications market.

Part 3 of the General Telecommunications Licence outlines additional conditions that are applicable where the Licensee is designated as having SMP in the Fixed Telephone Network and Services Market.

These additional conditions address the following issues:

- Access
- Retail Price Control
- Prohibition on Cross-Subsidies
- Separate Accounts
- Alterations to the Network
- Private circuits
- Approval of Customer Contracts
- Selling Practices
- Misuse of Data
- Access to Limited Facilities

The basis for this particular consultation is found under Condition 19 of the General Telecommunications Licence (“GTL”).

Condition 19, as stated above, refers to the Code of Conduct concerning Selling Practices.

Condition 19 of the General Telecommunications Licence (GLT) states:

“The Licensee shall draw up an appropriate code of practice directed to its and its Affiliates’ employees and agents concerning selling practices for licensed Services within the Relevant Market and designed to avoid unfair or anti-competitive practices, and shall submit the same to the Director in draft form. The Director may initiate a consultative process on the draft code and, after considering the responses received and consulting the Licensee, issue directions to the Licensee specifying any modifications or additions that she considers should be made to the draft code. The Licensee shall then publish the code in the agreed amended form, in accordance with any directions as to publication made by the Director, externally and internally to its and its Affiliates’ employees and agents; and shall forthwith implement the same. The Director may from time to time issue further directions requiring modifications or additions to the code and as to its republication and application.”

6. eircom’s Current Code of Conduct

In compliance with Condition 19 of the General Telecommunications Licence, *eircom* has produced a draft Code of Conduct concerning Selling Practices. *eircom* has also provided the Director with a copy of this draft Code of Conduct.

This draft code produced by *eircom* is not an exhaustive list of potential anti-competitive behaviour or unfair practices that may ensue, but rather, it is a guideline in the form of a Code of Conduct concerning Selling Practices for employees. *eircom*’s employees, and the employees of *eircom*’s affiliates, are directed within this draft, to contact the *eircom* in-house Regulatory Affairs Department and/or the Group’s lawyers before particular actions are taken. The contact details of the Regulatory Affairs Department for *eircom* are provided within these guidelines.

The draft Code of Conduct concerning Selling Practices, produced by *eircom*, is contained within Annex I of this consultation paper.

The ODTR welcomes comments from the telecommunications industry, telecommunications users and consumers on this draft code.

7. Response to Consultation

Respondents are invited to consider the following issues in their comments:

Question 1

Does the draft Code meet the objective set out in Condition 19 of *eircom*’s GTL i.e. ‘to avoid unfair or anti-competitive practices’? If not, what changes are required? Please give reasons.

Question 2

Is the draft Code comprehensive i.e. does it adequately address *eircom*'s obligations under its Licence and Competition Law? If not what additional obligations should be reflected?

Question 3

Do you believe that the guidelines mentioned in Section 3 of *eircom*'s draft Code of Conduct are exhaustive and are explained in sufficient detail? Please give reasons for your answer.

Question 4

Do you feel that Section 4 of *eircom*'s draft Code of Conduct dealing with its competitors' behaviour is appropriate? If not, please state your reasons.

Question 5

Eircom proposes to include sections outlining the required employee behaviour in dealing with Carrier Pre-Selection and Number Portability in its revised Code of Conduct. If you have an opinion on what these paragraphs should consist of please give submissions outlining your reasons.

Question 6

Are there any other issues which respondents wish to raise relating to the draft Code? Please provide explanations.

In responding to each question, please refer to the paragraph number in the draft code to which any set of comments relate.

Annex 1

Selling Practices - A code of conduct for the *eircom* Group

1. Introduction

It is the policy and duty of *eircom* and all of its subsidiaries to comply with all laws applicable to its operations.

The markets in which the Group operates are becoming increasingly competitive. Our position as the leading provider of telecommunications and information services in the country will be sustained by the highest standards of ethical behaviour in the carrying out of our business. Our position in the market leaves us vulnerable to allegations of anti-competitive behaviour. We must ensure that there is no foundation for such allegations.

The *eircom* Group must meet the challenge presented by competitors and in so doing we must be creative and innovative. We must also work within the rules.

This code outlines our legal and regulatory obligations. The code is not exhaustive and any member of staff who is in any doubt as to whether a proposed course of conduct might infringe it must seek the advice of the Regulatory Affairs Department **before** such action is taken. Contact numbers are listed below:

2. The Licence

2.1 *eircom* has significant market power in various segments of the telecommunications market including public telecommunications services and cellular services. This market power imposes certain obligations on how the Company behaves in the market place.

2.2 For example, the General Telecommunications Licence contains of number of provisions which could best be described as "fair trading" provisions. These include

- Condition 6.9 - Dispute Resolution
- Condition 6.10 - Use of Directory Information
- Condition 13 - Price Control
- Condition 14 - Prohibition on Cross-Subsidies
- Condition 19 - Selling Practices
- Condition 20 - Misuse of Data
- Condition 23 - Undue Preference and Unfair Discrimination
- Condition 24 - Linked Sales

2.3 The full text of *eircom*'s General Telecommunications Licence is available on the Regulatory Affairs site on *eircom*'s Intranet, a summary of the Licence provisions is annexed to this Code.

2.4 These conditions, imposed on the *eircom* Group in the context of the Licensing regime, arise generally from provisions set out in

- Competition Law (EU and National)
- Data Protection Legislation (EU and National)
- EU Directives

3. **Selling Practices - The Guidelines**

- 3.1 This section details a set of guidelines to be observed by all staff engaged in selling *eircom* Group products and services. Again the guidelines are **not** exhaustive and any member of staff who needs advice or clarification should contact the Regulatory Affairs Department.
- 3.2 The *eircom* Group is fully committed to operating in a competitive market with the highest standards of integrity and professionalism.
- 3.3 While maintaining these standards of integrity and professionalism the Group will compete aggressively but fairly to maintain its position as Ireland's leading provider of telecommunications and information services.
- 3.4 Definitive regulatory advice can only be given by the Regulatory Affairs Department. Definitive legal advice may only be given by the Groups lawyers (internal and external).
- 3.5 If in any doubt, do not act without Regulatory or Legal advice.
- 3.6 The guidelines to be observed are as follows:
- **Members of staff must not engage in unfair or inaccurate criticism of competitors' product/service offerings.**
 - **Members of staff must not attempt to mislead customers or potential customers about competitors' product/service offerings.**
 - **Discrimination is prohibited. Essentially discrimination means treating differently two customers who are in a similar position. Customers who are in a similar position must be treated equally in terms of price, quality of service and other terms and conditions.**

- Where a competitor requires access to *eircom*'s facilities in order to compete, the duty not to discriminate may extend to *eircom* being required to offer a competitor access to *eircom*'s facilities on commercial and technical terms which are no less favourable than those given to other parties including *eircom*'s own downstream operating arm or subsidiary. Any showing of undue favour to a part of the *eircom* Group by a Group company compared to the treatment offered to other organisations who are competitors of the Group is specifically prohibited.

- The purchase of a product or service from a Group company by a customer may not be made conditional on the purchase of another product or service from a Group company unless this can be technically justified. Linked sales and bundling of products or services may give rise to regulatory issues and for the avoidance of doubt it is essential that you seek regulatory advice before doing any of these things.

- Predatory and below cost pricing is prohibited.

- *eircom* is not entitled to charge whatever it likes for its products and services or to vary its prices at will. *eircom*'s standard prices and details of its discount schemes are published in the Telecommunications Scheme, a copy of which is available at all Telecentres and in the Pricing Division in HQ, St. Stephen's Green.

- The *eircom* Group may not use customer data to gain an unfair advantage. Information obtained in operating the *eircom* network cannot be used to benefit those parts of the Group's business which operate in competitive markets. There are strict rules arising from Data Protection Legislation as well as those imposed by EU Directives and Licence obligations and accordingly the flow of information must be strictly controlled. Breach of these controls is a serious matter. If you have any doubt in this regard it is essential that you seek legal or

regulatory advice.

- **Agreements which tie customers to *eircom* Group companies for an unreasonably long time are likely to be anti-competitive. Legal agreements should only be drawn up and finalised by the Group's legal advisors as appropriate.**
- **Agreements cannot include "English Clauses". This means that a Group company should not enter into any agreement with a customer under which it is entitled to meet a competitors price if it is lower and to sell to the customer in place of the competitor.**
- **The *eircom* group may not refuse to supply a product or service unless there is an objective reason for doing so. No refusal should be made without obtaining legal or regulatory approval.**
- **Contacts with customers and competitors should be clearly recorded and documented.**

4. **Competitors' Behaviour**

- 4.1 The *eircom* Group must compete fairly. It is entitled to expect that its competitors should also do so.
- 4.2 Improper behaviour on the part of competitors should be brought to the notice of the Regulatory Affairs Department who can then advise on what action is to be taken and by whom and will also decide whether or not to bring the matter to the attention of the Regulator and/or other appropriate regulatory authorities.
- 4.3 Improper behaviour would include (but is not limited to):
- **Interference with *eircom* Group installations**
 - **making false or misleading statements concerning the equipment or services supplied by the *eircom* Group whether verbally, in writing, or in published advertising or promotional material.**
 - **making false or misleading statements concerning the features and functionality of the services and/or equipment which they market in competition to the *eircom* Group**
 - **pressurising a customer to breach a contract with the *eircom* Group.**

5. **General**

- 5.1 This code is designed to help the *eircom* Group compete effectively and lawfully in a fast growing and developing market.
- 5.2 We are market leaders and we should compete aggressively but fairly to maintain that position. If we compete unfairly we stand to damage our reputation, be exposed to lengthy and expensive litigation, incur the risk of fines and damage our credibility with the Regulatory Authorities. Valuable time and management resources are also diverted from day to day operations if complaints have to be investigated and responded to.
- 5.3 It is the responsibility of each line manager to ensure that all staff under his/her control receive a copy of this Code of Practice and are fully briefed on its contents.
- 5.4 Failure by the Company to observe its compliance obligations if proven, may lead to significant financial penalties, and may damage the Company's corporate reputation. Accordingly if complaints arising on issues relating to this Code of Conduct involve individual employees, the Company will be obliged to examine these complaints under agreed procedures and take appropriate action.

***eircom* Licence – Summary**

1. The licence is issued pursuant to Sn 111(2) of the Postal and Telecommunications Service Act 1983 (as amended).
2. The licence commencement date is 30 November 1998.
3. The licence refers to services provided by ***eircom plc***, telecommunications services provided by its Affiliates/Subsidiaries are **not** covered by this licence.
4. The Company must provide information requested by the Director which the Director is then free to publish subject to an obligation to preserve business secrets.
5. The Director may arrange for an audit, or require the Company to arrange for an independent audit, of any aspect of the Company's business to ensure compliance with the licence conditions. The Company is responsible for the cost of any such audit.
6. The Director may impose sanctions, including revocation or suspension of the licence, on the Company for failing to comply with licence conditions.
7. The Director may designate the Company as having a USO.
8. The Company must publish the standard terms and conditions under which it provides licensed services. A statement of all applicable terms and conditions must be filed with the Director and made available for inspection at the request of any member of the public.
9. The Company must ensure the accuracy and reliability of its systems used to track the provision of services and the calculation of related charges.
10. Interception capabilities must be maintained.
11. The Company is required to safeguard the privacy and confidentiality of telecommunications messages on its networks.
12. The attachment of unapproved terminal equipment to the PSTN is prohibited.
13. The Company will be required to contribute to the funding of USO as directed by the Director.
14. The Company must comply with any direction issued by the Director regarding the provision of emergency services and the provision of services in times of emergency.
15. The Company must comply with any direction issued by the Director for the purposes of protecting the interests of its customers or users.

16. The Company must implement an appropriate code of practice for the resolution of customer disputes and in relation to non-payment of bills and disconnection.
17. The Company must ensure that users have access to directory information services offered by at least one Directory Information Service Provider.

Subject to data protection legislation, the Company must maintain a complete and accurate database of its customers' **numbers** and, for the sole purpose of facilitating provision of directory information services, shall make such information available to every Directory Information Service Provider and co-operate with them in the supply and compilation of comprehensive and accurate directory information.

18. If information is disclosed **to** the Company for the purpose of providing directory information services, the Company shall not use that information for any other purpose unless specifically authorised to do so by the person disclosing same.
19. The following services must be available at all the Company's Public Pay Telephones:
 - (a) access to voice and directory information services;
 - (b) access to emergency calling services without the use of any card or coin;
 - and
 - (c) access to freephone services.
20. A notice must be displayed at all the Company's public pay telephones specifying
 - (a) the minimum charge for connection, call charge information and permissible methods of payment;
 - (b) location of the public pay telephone
 - (c) the statement that emergency calls can be made without charge;
 - (d) contact information in the event of service complaints.
21. The Company must ensure that its public pay telephones are equipped with apparatus to enable their use by people with hearing impairments.
22. If the Company wishes to withdraw a public pay telephone from service it shall display a notice to that effect at the telephone not less than 60 days before it is withdrawn.
23. The Company must comply with the European Communities (Interconnection in Telecommunications) Regulation 1998.

24. If the Company proposes to carry out trenching work on a public highway or public place it shall notify the Director of its intention to do so and shall publish a notice of same in at least one national and one local newspaper not less than 21 days in advance of the commencement of such works, **or as otherwise agreed with the Director.**
25. If the Company receives a request from any other licensed operator for permission to lay separate ducts in the trenches opened by the Company and sharing would not result in any material deviation from the Company's timetable for completion of the trenching work or roll-out of its telecommunications networks, the Company shall negotiate in good faith with the other licensed operator with a view to agreeing the terms on which such trench sharing shall take place.
26. The Company must use numbers allocated to it only for the purpose for which they were allocated and in accordance with the conditions of the allocation.
27. The Company shall not acquire any proprietary rights in any number allocated to it or used by its customers.
28. No number or range of numbers may be sold or otherwise transferred by the Company without the prior **written** consent of the Director.
29. The Company will have to maintain a record of the status of all numbers allocated to it, such record to be made available to the Director on request.
30. The Company must allocate numbers to its customers in an objective, transparent, non-discriminatory and timely manner.
31. The Director may change the numbers allocated to the Company at any time.
32. The Director may reclaim any numbers or numbering ranges allocated to the Company if, in her opinion,
 - (a) the numbers are unused and unlikely to be put into use in the foreseeable future;
 - (b) reclamation is necessary as part of a change to the National Numbering Scheme; or
 - (c) the Company is found to be in breach of **any** condition, including specific numbering conditions.
33. The Company cannot charge its customers for allocations of numbers except where authorised by and in accordance with any Direction from the Director.
34. The codes 112 and 999 are designated exclusively as emergency access codes.
35. The Company must comply with any directions issued by the Director from time to time regarding quality of service indicators and measurement methods for basic telephony services and/or digital leased lines.

36. The Company must provide the Director, at her request and in a form specified by her with the results of its own measurements of performance against quality of service targets.
37. The Company must provide licensed services on a non-discriminatory basis to all persons requesting such services, including other licensed operators.
38. The Company must provide equal access in accordance with directions issued by the Director.
39. The Company cannot charge any fee or require the customer to acquire any special equipment as a pre-requisite to obtaining equal access.
40. Insofar as the Company is deemed to have significant market power in a relevant market, the Company must publish its prices for **each** category of licensed services provided by it in that market.
41. The Company can provide such services **only** at the prices and in accordance with all the other terms and conditions for the relevant category of licensed services.
42. Where, the Company intends at any time to introduce:
 - new prices for any licensed services, or prices for any new licensed services to be introduced by the Company;
 - any discounts to published prices for licensed services or for any customers to whom additional services, whether or not licensed services, or goods are provided by the Company or any Affiliate; or
 - special offers to all or any of its customers for particular categories of licensed services.It shall publish notice of same at least **21** days prior to their coming into effect and provide full details of same to the Director.
43. If the Director is satisfied that there is competition sufficient to protect the interests of the users in the relevant market in respect of a licensed service she may terminate the application of the price control condition to that service.
44. If the Director considers that the Company may be in breach of these conditions she may require a written explanation, and a confirmation signed by a director or senior manager that no breach has occurred or that any offer made to a potential customer which was not compliant has been withdrawn.
45. Published prices, discount schemes and special offers must be transparent, non-discriminatory and cost oriented. Discount schemes must be cost justified and all special offers shall be objectively justifiable.
46. Unfair cross subsidisation is prohibited .

47. The Company must record at full cost in its accounting records any material transfer of assets, funds, rights and liabilities between a part and any other part of its business, and between itself and any Affiliate.
48. The Company will have to maintain accounting records for business units specified by the Director. This shall include the preparation, in respect of each calendar quarter, accounting statements setting out and fairly presenting the costs (including capital costs), the revenue and the financial position of each of those business units including a reasonable assessment of the assets employed in and liabilities attributable to them.
49. The Company must give the Director a copy of its annual accounts upon publication of same.
50. The Company will have to notify the Director in advance of any proposed alterations to the network which would require a person to change equipment lawfully connected thereto.
51. The Company must comply with its obligations under the European Communities (Leased Lines) Regulations 1998.
52. In relation to international circuits or half circuits owned or controlled by the Company or an Affiliate the Director may direct the Company to provide IRUs to an OLO where she considers that alternative sources are not available at an economic cost, unless she is satisfied that the Company has or will have insufficient capacity to meet the request.
53. The Company is obliged to provide copies of its standard form contracts to the Director who may publish and consult on same.
54. The Company must also submit to the Director a draft statement setting out minimum service levels for customers, including OLOs, and compensation/refund arrangements. The Director may publish and initiate a consultative process on the draft statement.
55. The Director has the power to direct the Company to alter its standard form contracts and/or compensation or refund schemes offered to customers or prospective customers.
56. The Company will have to submit to the Director a draft code of practice directed to its and its Affiliates' employees and agents concerning selling practices for licensed services and designed to avoid unfair or anti competitive practices. The Director may initiate a consultative process on the draft before agreeing its publication.
57. The Company shall not make use of network or traffic data, traffic profiles or any other data of any nature, and which are not otherwise lawfully publicly available and which become available to the Company directly or indirectly either as a result of entering into interconnection arrangements or otherwise as a result of carrying telecommunications messages, in such a way which, in the

reasonable opinion of the Director, would unduly prefer the interests of any business carried on by the Company or an Affiliate or place persons competing with that business at an unfair disadvantage.

58. In the event of a licensee and an OLO failing to reach agreement on access to limited facilities, the Director shall intervene and issue a determination in the matter.
59. The Director will publish details of bodies recognised by her as representing the interests of users. The Company must deal with issues raised by such bodies and report on its dealings with same to the Director.
60. The exercise of undue preference/and or undue discrimination by the Company is prohibited.
61. The Company cannot make it a condition of providing any licensed services that a person require from the Company or any person specified by the Company any service or apparatus other than the one that is specifically requested, unless there are technical reasons for doing so.