

**Title:**

**Forename:**

**Surname:**

**Representing:**

Self

**Organisation (if applicable):**

**Email:**

**What do you want Ofcom to keep confidential?:**

Keep name confidential

**If you want part of your response kept confidential, which parts?:**

**Ofcom may publish a response summary:**

Yes

**I confirm that I have read the declaration:**

Yes

**Ofcom should only publish this response after the consultation has ended:**

You may publish my response on receipt

**Question 1: Do you agree that it is helpful and appropriate for Ofcom to issue guidance on the application of the Regulations to consumer contracts for communications services?:**

Yes. As it is Ofcom's intention to complement the Regulations, which is in its ratio an horizontal instrument, and therefore permit both services providers and end users to easily devise what their rights and obligations are, when entering into contract, not only will consumers benefit from the transparency and clarity of the new information clauses should include, but also service providers, as it will avoid complaints and the need to resorting to alternative dispute resolution mechanisms or the Courts.

**Question 2: Do you agree with Ofcom's proposed guidance regarding core terms and transparency?:**

Yes. It is still left up to competition to ensure the market regulates itself and prices are fair, while the quality and variety of the services provided improves. This two-level system of assessing fairness aims only to guarantee services providers allow end-users to make a conscious choice on the company and service which best fit its needs and that implies being given proper information on those elements that make consumers opt by one provider instead of another. Which terms will however entice consumers the most will always prove challenging to identify, as it is mostly a subjective/personal choice and it might not always be about costs.

**Question 3: Do you agree with Ofcom's proposed guidance (including any administrative thresholds we have set) on non-core terms to which we apply the test of fairness?:**

Not entirely. Although in theory Ofcom's guidance presents itself as the ideal frame set for ensuring that no unexpected cost is put upon consumers, it fails to encompass consumers will not look at costs in a first approach but to the service they're looking to get as well. Comparison of services is therefore essential to assess if a cost is fair or not, whether that cost is a core term or a non core term. By taking off all possibility of profit from non core terms is burdening service providers with a too wide and too vague sense of obligation to inform: where then to draw the line in what is and what is not informed, especially if all due information is explicit on the contract? Should not consumers have their role too on the fulfilling of that obligation? What is clear to one might not be evident to another consumer ? should it not be part of a consumer's education to start looking into contracts and reading what he is signing for? It also leaves out distance contracting/contract changes requested by consumers by phone, etc.

**Question 4: Are there any other issues that are covered by the Regulations which Ofcom should give guidance on?:**

I do not have the knowledge to answer this one.

**Additional comments:**

In Portugal, ANACOM deliberated on the object and manner for availability to users of offer and usage conditions on electronic communications services and guidelines on the minimum of content in contracts for electronic communications services providing, with a goal similar to Ofcom's. However the challenge still proves to be what non-economic rights and obligations should be explicit and complaints from end-users have come to show that it is the most basic rules/principles that often lack regulation either under the law or under the contracts between services providers and end-users.