



Amendment of the KEM-V will become effective on November 1st, 2006

On May 12th, 2004 the Austrian „Kommunikationsparameter-, Entgelt- und Mehrwertsteuerordnung (KEM-V)“ became effective. Although this regulation could stand the test of time in practice, an adjustment to the changed market conditions was necessary.

The amendment will become effective on November 1st, 2006* and will implicate these necessary adjustments.

The amendment in detail:

Allocation of numbers

In the future natural persons without primary residence in Austria and legal entities without domicile in Austria have to disclose a domestic notification representative. [Coming into force: January 1st, 2007]

Sms-Premium-Services

Service Providers are bound to offer the termination of subscription-services with the codeword „Stopp“. If a user sends a sms with the codeword “Stopp” to the respective premium-rate-number, all subscription-services of this number have to be terminated. The upper and lower case of “Stopp” doesn’t matter (e.g. “StOpP” is possible too). [Coming into force: January 1st, 2007]

Subscription-Services

Concerning subscription-services with monthly charges less than EUR 10,--: The user must be informed about the rate per sms each time a step of EUR 10,-- is reached. If the user doesn’t confirm this information favorably, the subscription-service has to be stopped.

Concerning subscription-services with monthly charges higher than EUR 10,--: As hitherto the user has to be informed about the accumulated charge everytime a step of EUR 10,-- is reached. This information has to be confirmed expressly by the user.

Sms-Chat-Services

In the future such services can only be billed mobile originated (mo). [Coming into force: January 1st, 2007]

Voice-Premium-Rate-Services

Concerning Voice-Premium-Rate-Services with a fix charge up to EUR 0,70 per call (0901 and 0931): Here an amendment was necessary too. For example such Services are used for votings in TV-Shows. In the past the announcements often were misleading: The user didn’t know exactly if the call was billed.

Now immediately after a chargeable telephone connection is established the user has to be informed about the billing of the call. “Immediately” means that this information directly



after the establishment of the connection has to be provided (before a greeting or other information is implemented). [Coming into force: January 1st, 2007]

Premium-Rate-Numbers advertising

As this issue didn't cause problems since the day the KEM-V became effective, particular clauses could be loosened.

In the future the advertising of premium-rate-services with a rate below EUR 1,-- can be made in Eurocent.

Concerning 0810, 0820 and 0821 numbers: In these number ranges the indication of price can be omitted.

Concerning radio advertising: The indication of price can be omitted, if the caller rate doesn't exceed EUR 0,70 per minute, per call or per sms. But the user must be informed about the caller rate for free, when using the service.

Dialers from foreign countries

In principle premium rate services behind foreign numbers already are forbidden. But often the Austrian fixnet provider doesn't know that such dialer-services are offered. Now the providers are bound to take safety measures. [Coming into force: January 1st, 2007]

* If no other date is specified, the clauses will become effective on November 1st, 2006.

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