

federal frequency usage plan. The decision on the harmonisation of the 169.4-169.8125 MHz frequency band (2005/928/EC) was implemented at the beginning of 2007.

THE CONSUMER INTEREST

Retail tariffs

The trend in retail rates for fixed line voice telephony has been stagnating. According to the NRA, the trends in retail rates for mobile communications have been clearly going down. Retail prices for broadband have been decreasing only slightly¹⁰¹.

Payphone access charge

Another issue affecting retail prices and consumer choice concerns the “payphone access charge”. During dispute-settlement procedures before the NRA the incumbent fixed line operator asked to be allowed to obtain such a charge from four of its competitors currently providing 0800 freephone number calls to their clients from public payphones.

By setting the payphone access charge TTK intended to allow the incumbent fixed network operator to charge the abovementioned operators not only for the call origination as such, but also for the use of the public payphones by designating these as ancillary costs to interconnection.

On 19 December 2005, the Austrian Administrative Court ruled that this charge did not constitute an interconnection fee and that TTK was not the relevant authority in this case. However, it did not assess the payphone access charge as such. To respond to comments that the use of public phone booths with these calling cards formed part of the universal service obligation of the incumbent fixed network operator designated to provide this service, the Ministry changed the Universal Service Regulation by releasing the designated universal service provider from the obligation to transfer each and every call to a 0800 number from a public telephone booth. The Commission services are currently investigating whether this complies with Article 6 of the Universal Service Directive.

Tariff transparency

Lack of transparency is still an issue, especially with regard to mobile tariffs, despite the fact that all tariffs are published on the NRA’s website. The Austrian Chamber of Labour’s Consumer Protection Department has complained about the further abolition of per-second billing contracts.

Premium services

The Austrian Chamber of Labour’s Consumer Protection Department reported that consumers are billed for incoming premium SMSs even though they had not asked for such an SMS and no civil agreement had been concluded. For its part, the NRA confirmed that consumers do not have to pay for such SMSs

¹⁰¹ RTR’s Communications Report 2005.