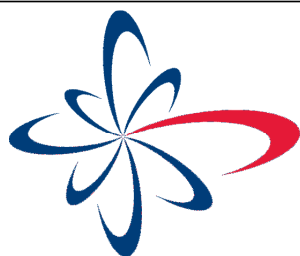


The case of “mis-selling”

In the Serbian market, we experience nowadays an exponential growth of the ICT market, with a special emphasis on the mobile telephony and broadband. Use of mobile phones and internet is considered part of citizens' everyday life.

Consumers benefit from a competitive market for fixed, mobile and broadband telecoms which increasingly offers them lower prices and more choice. Competing services are offered to customers via a number of different marketing channels, including direct mail, telesales, and doorstep selling. However, there is also the potential, under certain circumstances, for abuse of these channels. Consumers should be specifically well aware of the possibility of “mis-selling”.

The term mis-selling describes a range of sales and marketing activities which are not fully transparent and / or are intended to mislead and therefore work against consumers' interests.



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Consumer Rights in the ICT Sector



"Mis-selling" Possibilities

Several activities, performed by different operators, can be included under the overall category of "**mis-selling**". The most important ones are listed below:

a. **Subscription contracts terms & conditions:** this is the case when services and /or products advertisement does not fully comply with the detailed terms & conditions sheet of the offer.

b. **"Slamming":** consumers are switched from one supplier to another without their knowledge and consent. By receiving a call, and without being well-informed, end-users are persuaded by a different operator to switch from the existing one without their direct approval.

c. **Discount pricing time-horizon:** consumers buy a product/service when it is discounted, without being fully aware that the discount pricing is valid just for a specific time-period and then it is followed by the full-pricing scheme.

d. **Quality of service warranties:** this is mostly relevant to the broadband services, where operators advertise the maximum download/upload rate without specifying what are the real expectations when the line is shared simultaneously by multiple users.

e. **Installation timings:** consumers are misled with regards to actual installation timings, when purchasing a specific service/product. This results to consumers having to communicate multiple times with operators prior to actually receiving the service.

Consumer Actions

In order to restrict mis-selling phenomena, consumers need to act both proactively and reactively, in case a mis-selling event occurs.

→ Proactive measures

- ⇒ Thoroughly examine services/products' service offerings and detailed terms & conditions.
- ⇒ Be skeptical when being offered a very low-priced service/product of high-quality; ask for more clarifications.
- ⇒ Contact **RATEL** to acquire more information on a certain service/package.

→ Reactive measures

- Require from operators/service providers a "Codes of Practice" on sales and marketing, if available
- Register a complaint with **RATEL**
- Use of legal actions, if deemed necessary

In general, consumers should take any possible action against companies who are found to engage in irresponsible sales and marketing practices.

The Role of RATEL



The role of **RATEL**, as the national telecommunications Regulator, is to safeguard consumers' interests and ensure that consumers' rights are well protected.

In this context, **RATEL** is continuously monitoring the electronic communications market and intervenes, when is needed, in order to restrict possible marketing and selling practices' abuse by operators. Consumers' feedback is definitely considered essential to enable **RATEL** to better identify any mis-selling practices and resolve the issue respectively.

Hence, consumers are strongly advised to contact **RATEL**, through the following email, when faced with mis-selling cases.

Email: ratel@ratel.rs