**Decision No. 1/38 of the Board of the Public Utilities Commission**

Adopted 3 November 2022

**Regulations Regarding the Information Comparison Tool in the Field of Electronic Communications**

*Issued pursuant to*

*Section 39 of the Electronic Communications Law and Section 25, Paragraph one of the law On Regulators of Public Utilities*

**1. General Provisions**

1. The regulations prescribe:

1.1. the requirements for an information comparison tool which includes information on an Internet access service and number-based interpersonal communications service;

1.2. the amount of information for ensuring the functionality of the comparison tool;

1.3. the procedures by and time limits within which electronic communications merchants shall provide information for ensuring the functionality of the comparison tool.

2. The following terms are used in the regulations:

2.1. **merchant** – an electronic communications merchant;

2.2. **Regulator** – the Public Utilities Commission;

2.3. **comparison tool** – an information comparison tool;

2.4. **comparison tool provider** – an organisation managing the operation of an information comparison tool to provide the end-users of electronic communications with information on the prices of services provided by electronic communications merchants and their comparison to one another;

2.5. **users** – users of an information comparison tool;

2.6. **XML** – the Extensible Markup Language;

2.7. **offer** – a set of several electronic communications services offered for retail trade at a common price.

3. A comparison tool provider shall ensure a comparison tool for Internet access services and number-based interpersonal communications services, prices, tariffs, and quality in accordance with the requirements laid down in these regulations.

4. The merchant for whom the Regulator has imposed a commitment to ensure the amount of information for ensuring the functionality of the comparison tool has an obligation to provide such information in accordance with these regulations.

**2. Requirements for the Comparison Tool**

**2.1. General Requirements**

5. A comparison tool provider shall ensure free access for end-users to a comparison tool on the prices, tariffs, and quality of Internet access services and number-based interpersonal communications services.

6. A comparison tool provider shall ensure a comparison tool on a global website managed by the provider, without restricting access to the comparison tool regionally or by any other feature, criterion.

7. A comparison tool provider shall not impose a registration requirement on the users so that they could use the comparison tool services – the comparison tool shall be available without registration or prior application.

8. Independence of the comparison tool:

8.1. the comparison tool shall be independent, thus ensuring that merchants receive equal treatment in comparison of the prices of the electronic communications services provided;

8.2. the ownership rights, affiliation to a specific comparison tool provider shall be clearly indicated for the comparison tool;

8.3. it is prohibited for the comparison tool provider to promote, advertise the services of any merchant or merchants which would directly influence the possibilities of the user to choose electronic communications services provided by a specific merchant;

8.4. on the web page of the comparison tool where the price comparison is ensured, the prices for electronic communications services offered by merchants may only contain a reference to a specific service which is provided by the merchant on its website on which the user can obtain information on the respective electronic communications service;

8.5. the comparison tool provider shall clearly indicate to the users of the comparison tool the source of financing for the comparison tool, without disclosing information on commercial contracts with specific third parties.

9. The comparison tool shall provide clear and objective criteria on which the comparison is based:

9.1. objective criteria shall be used for obtaining the results of the comparison tool which must at least be based on the price and the functionality of the service;

9.2. in ensuring the comparison tool, it shall be clearly indicated how the results of the comparison tool are sorted, ranked. It shall be ensured by the comparison tool that the users may adjust the order in which the results of the comparison tool are displayed, for example, by changing the sorting, ranking order from the highest to the lowest price;

9.3. it shall be ensured by the comparison tool that it is clear to the users how the comparison results have been calculated;

9.4. any assumptions made within the scope of the calculations shall be explained to the comparison tool user.

10. A comparison tool provider shall use plain and unambiguous language in ensuring the comparison tool.

11. A comparison tool provider shall ensure accurate and updated information and indicate the time of the last update:

11.1. the information displayed to the users must be accurate and clear;

11.2. the comparison tool shall ensure that information is provided on the following aspects of the services:

11.2.1. the duration of the fixed-term contract for the electronic communications service;

11.2.2. the initial cost of the service – installation, connection fee;

11.2.3. the information on any data usage restrictions for the services identified in the comparison results;

11.2.4. the discounts which are applied to the service tariff for a specific period of time;

11.2.5. other aspects of the service in accordance with the requirements of Annexes 1, 2, and 3 to these regulations;

11.3. if the price of the service depends on where and how the service is purchased, this must be clearly displayed in the comparison tool;

11.4. the comparison tool shall ensure that raw data used for calculating the comparison results are updated at least once in twenty-four hours;

11.5. the date and time of updating the information shall be indicated for the comparison tool.

12. Scope of the comparison tool:

12.1. the comparison tool shall display offers that represent a large market share;

12.2. the comparison tool shall indicate the names of the merchants included in the comparison results;

12.3. if the comparison tool does not reflect the full market scene, i.e. it does not include the amount of information specified in Paragraph 21 of these regulations on services of all merchants upon which a commitment to ensure information for ensuring the functionality of the comparison tool has been imposed, a statement in regard to it shall be provided on the comparison results page;

12.4. the comparison tool shall be available to any merchant which wishes to have the electronic communications services provided thereby made available in the comparison tool in conformity with these regulations.

13. The comparison tool provider shall ensure a clear, fair, and timely process for examination of complaints.

14. The comparison tool shall ensure the accessibility of the services provided thereby:

14.1. the comparison tool shall ensure that it offers a possibility for the users to obtain information on tariffs and discounts of services which are publicly available to all users, and the users may obtain this information on the website of the merchant or at the customer service centre of the merchant;

14.2. the comparison tool shall ensure that the comparison services thereof are compatible with the equipment, operating systems, and software of the user.

**2.2. Special Requirements**

15. The comparison tool provider shall include the following electronic communications services in the comparison tool:

15.1. Internet access service;

15.2. number-based interpersonal communications service.

16. The comparison tool provider shall also include offers in the comparison tool if:

16.1. the respective offer consists of an Internet access service and a number-based interpersonal communications service;

16.2. the respective offer consists of an Internet access service and an electronic communications terminal equipment, such as a Wi-Fi router;

16.3. the respective offer consists of an interpersonal communications service and an electronic communications terminal equipment.

17. The comparison tool provider shall provide information in the comparison tool on Internet access services in a fixed electronic communications network for the following data transmission rates from the termination point of the electronic communications network to the Latvian Internet Exchange point:

17.1. the minimum download data transmission rate;

17.2. the maximum download data transmission rate;

17.3. the minimum upload data transmission rate;

17.4. the maximum upload data transmission rate.

18. The comparison tool shall include discounts which are applied to the service tariff for a specific period of time. In such case, the comparison tool provider shall clearly indicate the conditions for obtaining the specific discount and the period of time during which the discount is valid.

19. The comparison tool provider shall ensure that the results of the comparison tool are sorted by default in order of the service prices (from the lowest to the highest), unless the user has chosen another condition – alphabetical order by the name of the merchant, etc. If the prices of several services are identical, the services are sorted in random order. The price shall mean the average monthly payment over the time of use of the services which can be chosen by the comparison tool user. The average monthly payment is calculated by adding up all payments over the chosen time of use of the service and dividing the sum of these payments by the chosen duration of the service use (in months). Information on service elements – subscription fee, one-off prices, etc. – shall also be displayed in a separate information field by the respective service in the results of the comparison tool.

20. A comparison tool provider shall ensure a possibility for the users to filter the services of the merchants by certain parameters in conformity with the requirements laid down in Annex 4 to these regulations:

20.1. the comparison tool shall provide the possibility to select the service or a set of services which the user wishes to compare;

20.2. the comparison tool shall provide the user with the possibility to specify the expected volume of consumption for the selected services, for example, if the user has chosen mobile data services, the comparison tool shall provide the user with the possibility to specify the volume of data per month. In order to ensure that the use of the comparison tool is as convenient as possible, the comparison tool shall provide the user with the possibility to define the range of values for the consumption of services, for example, the required volume of mobile data – from 0 to 5 GB per month, from 5 GB to 10 GB per month, from 10 GB per month;

20.3. the comparison tool shall provide the user with the possibility to choose whether the user wishes to conclude an unlimited contract for the electronic communications service or a fixed-term contract for the electronic communications service for a specific period of time for the use of the respective electronic communications service;

20.4. the comparison tool shall provide the user with the possibility to choose which additional advantages he or she wishes to receive in addition to the chosen service.

**3. Amount of Information for Ensuring the Functionality of the Comparison Tool**

21. A merchant on which the Regulator has imposed a commitment to ensure the amount of information for ensuring the functionality of the comparison tool shall ensure the comparison tool provider with the information on Internet access services and interpersonal number-dependent services in accordance with the requirements of Annexes 1, 2, and 3 to these regulations.

22. A merchant on which the Regulator has not imposed a commitment to ensure the amount of information for ensuring the functionality of the comparison tool may, at its own free will, ensure information on services in conformity with the requirements laid down in these regulations for ensuring the amount of information and the procedures by which merchants provide information for ensuring the functionality of the comparison tool. In such case, the comparison tool provider has an obligation to include the information ensured by the merchant in the comparison tool.

**4. Procedures by which Merchants Provide Information for Ensuring the Functionality of the Comparison Tool**

23. The Regulator shall approve a list of the merchants (hereinafter – the list) which are required to provide information for ensuring the functionality of the comparison tool.

24. The commitments to ensure information are imposed on the merchants with the largest number of end-users the total number of end-users of which as on 31 December of the previous calendar year was at least 90 % of the total number of end-users in each service group in each of the following electronic communications service groups:

24.1. Internet access service in a fixed electronic communications network;

24.2. Internet access service in a mobile electronic communications network;

24.3. voice communications service in a fixed electronic communications network;

24.4. voice communications service in a mobile electronic communications network.

25. A comparison tool provider shall update and publish once a month the list of merchants which ensure information for ensuring the functionality of the comparison tool. In this list, the comparison tool provider shall include the merchants which ensure information on the basis of Paragraphs 21 and 22 of these regulations.

26. A merchant which ensures information for ensuring the functionality of the comparison tool shall comply with the following requirements:

26.1. the information is up-to-date and is ensured through an online publication – a data file published on the website of the merchant which is accessible to the comparison tool provider on the Internet through the use of software;

26.2. XML format is used for providing the data;

26.3. the data is ensured in a file that conforms to the data structure approved by the comparison tool provider.

27. A comparison tool provider shall inform merchants of the approved data structure in XML format.

28. On the web page of the merchant which has been agreed upon with the comparison tool provider, the merchant shall insert a link to the data provided in the specified XML format so that the comparison tool provider could import the information by establishing a connection.

29. A merchant shall ensure that the information required for the comparison tool is up-to-date and is updated on the same day when changes enter into effect.

**6. Closing Provisions**

30. The commitment to ensure the amount of information specified in Chapter 3 of these regulations shall enter into effect within one month after the day of introducing the functionality of the comparison tool whereof a separate notification of the comparison tool provider shall be provided.

31. The regulations shall come into force on the day after its publication in the official gazette *Latvijas Vēstnesis*.

Chair of the Board of the Public Utilities Commission A. Ozola

**Annex 1**

Decision No. 1/38 of the Public Utilities Commission

3 November 2022

**Amount of Information to be Ensured by Electronic Communications Merchants on Internet Access Services**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| No. | Parameters of the service or offer | Unit of measurement | Internet access service in a fixed electronic communications network or offer | Internet access service in a mobile electronic communications network or offer |
| 1. | Unlimited or fixed-term contract for the electronic communications service for a specific period of time | unlimited or fixed-term |  |  |
| 2. | Period of time of a fixed-term contract for the electronic communications service | months |  |  |
| 3. | Data transmission rate1: |  |  |  |
| 3.1. | minimum download data transmission rate | Mbit/s |  |  |
| 3.2. | maximum download data transmission rate | Mbit/s |  |  |
| 3.3. | minimum upload data transmission rate | Mbit/s |  |  |
| 3.4. | maximum upload data transmission rate | Mbit/s |  |  |
| 4. | Installation (connection) fee | euro/connection |  |  |
| 5. | Subscription fee | euro/month |  |  |
| 6. | Volume of data included in the subscription fee: |  |  |  |
| 6.1. | Latvia | GB/month |  |  |
| 6.2. | EU countries | GB/month |  |  |
| 7. | Tariff for the use of the service when the volume of data included in the subscription fee for the service or offer is exceeded: |  |  |  |
| 7.1. | Latvia | See note2 |  |  |
| 7.2. | EU countries | See note2 |  |  |
| 8. | Is electronic communications terminal equipment included? | Yes or No |  |  |
| 9. | Name of the terminal equipment included | Modem, Wi-Fi router, other |  |  |
| 10. | Are additional services included? | yes or no |  |  |
| 11. | Name of the additional service included | name |  |  |
| 12. | Period of time during which discount is applied to the service or offer | months |  |  |
| 13. | Price of the service or offer after application of the discount | euro |  |  |
| 14. | Does the tariff for the service or offer depend on where and in what way it is being applied for? | yes or no |  |  |
| 15. | The service channel of the merchant where the tariff indicated is valid upon application3 | name |  |  |

**Annex 2**

Decision No. 1/38 of the Public Utilities Commission

3 November 2022

**Amount of Information to be Ensured by Electronic Communications Merchants on Number-based Interpersonal Communications Services**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| No. | Parameters of the service or offer | Unit of measurement | Voice communications service in a fixed electronic communications network or offer | Voice communications service in a mobile electronic communications network or offer |
| 1. | Unlimited or fixed-term contract for the electronic communications service for a specific period of time | unlimited or fixed-term |  |  |
| 2. | Period of time of a fixed-term contract for the electronic communications service | months |  |  |
| 3. | Installation (connection) fee | euro/connection |  |  |
| 4. | Subscription fee | euro/month |  |  |
| 5. | Volume of calls included in the subscription fee: |  |  |  |
| 5.1. | for calls with end-users of networks of Latvian merchants | min/month |  |  |
| 5.2. | for international calls to EU countries | min/month |  |  |
| 6. | Connection fee when the included volume of calls is exceeded: |  |  |  |
| 6.1. | for calls within the network of the merchant | euro/connection |  |  |
| 6.2. | for calls with end-users of other networks of Latvian merchants | euro/connection |  |  |
| 6.3. | for international calls to EU countries | euro/connection |  |  |
| 7. | Charge per minute of a call when the included volume of calls is exceeded: |  |  |  |
| 7.1. | for calls within the network of the merchant | euro/min |  |  |
| 7.2. | for calls with end-users of other networks of Latvian merchants | euro/min |  |  |
| 7.3. | for international calls to EU countries | euro/min |  |  |
| 8. | Volume of SMS messages included in the subscription fee: |  |  |  |
| 8.1. | sending an SMS message to end-users of networks of Latvian merchants | SMS messages/month |  |  |
| 8.2. | sending an SMS message to EU countries | SMS messages/month |  |  |
| 9. | Charge for an SMS message when the volume of SMS messages included in the subscription fee for the service or offer is exceeded: |  |  |  |
| 9.1. | sending an SMS message within the network of the merchant | euro/SMS message |  |  |
| 9.2. | sending an SMS message to end-users of other networks of Latvian merchants | euro/SMS message |  |  |
| 9.3. | sending an SMS message to EU countries | euro/SMS message |  |  |
| 10. | Is electronic communications terminal equipment included? | yes or no |  |  |
| 11. | Name of the terminal equipment included | name |  |  |
| 12. | Are additional services included? | yes or no |  |  |
| 13. | Name of the additional service included | name |  |  |
| 14. | Period of time during which discount is applied to the service or offer | months |  |  |
| 15. | Price of the service or offer after application of the discount | euro |  |  |
| 16. | Does the tariff for the service or offer depend on where and in what way it is being applied for? | yes or no |  |  |
| 17. | The service channel of the merchant where the tariff indicated is valid upon application4 | name |  |  |

**Annex 3**

Decision No. 1/38 of the Public Utilities Commission

3 November 2022

**Amount of Information to be Ensured by Electronic Communications Merchants on Offers Consisting of an Internet Access Service and a Number-based Interpersonal Communications Service**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| No. | Parameters of the offer | Unit of measurement | Offer of communications services in a fixed electronic communications network | Offer of communications services in a mobile electronic communications network |
| 1. | Unlimited or fixed-term contract for the electronic communications service for a specific period of time | unlimited or fixed-term |  |  |
| 2. | Period of time of a fixed-term contract for the electronic communications service | months |  |  |
| 3. | Data transmission rate5: |  |  |  |
| 3.1. | minimum download data transmission rate | Mbit/s |  |  |
| 3.2. | maximum download data transmission rate | Mbit/s |  |  |
| 3.3. | minimum upload data transmission rate | Mbit/s |  |  |
| 3.4. | maximum upload data transmission rate | Mbit/s |  |  |
| 4. | Installation (connection) fee | euro/connection |  |  |
| 5. | Subscription fee | euro/month |  |  |
| 6. | Volume of data included in the subscription fee: |  |  |  |
| 6.1. | Latvia | GB/month |  |  |
| 6.2. | EU countries | GB/month |  |  |
| 7. | Tariff for the use of service when the included volume of data is exceeded: |  |  |  |
| 7.1. | Latvia | see note6 |  |  |
| 7.2. | EU countries | see note4 |  |  |
| 8. | Volume of calls included in the subscription fee: |  |  |  |
| 8.1. | for calls with end-users of a network of Latvian merchants | min/month |  |  |
| 8.2. | for international calls to EU countries | min/month |  |  |
| 9. | Connection fee when the included volume of calls is exceeded: |  |  |  |
| 9.1. | for calls within the network of the merchant | euro/connection |  |  |
| 9.2. | for calls with end-users of other networks of Latvian merchants | euro/connection |  |  |
| 9.3. | for international calls to EU countries | euro/connection |  |  |
| 10. | Charge per minute of a call when the included volume of calls is exceeded: |  |  |  |
| 10.1. | for calls within the network of the merchant | euro/min |  |  |
| 10.2. | for calls with end-users of other networks of Latvian merchants | euro/min |  |  |
| 10.3. | for international calls to EU countries | euro/min |  |  |
| 11. | Volume of SMS messages included in the subscription fee: |  |  |  |
| 11.1. | sending an SMS message to end-users of networks of Latvian merchants | SMS messages/month |  |  |
| 11.2. | sending an SMS message to EU countries | SMS messages/month |  |  |
| 12. | Charge for sending an SMS message when the included volume is exceeded: |  |  |  |
| 12.1. | sending an SMS message within the network of the merchant | euro/SMS message |  |  |
| 12.2. | sending an SMS message to end-users of other networks of Latvian merchants | euro/SMS message |  |  |
| 12.3. | sending an SMS message to EU countries | euro/SMS message |  |  |
| 13. | Is electronic communications terminal equipment included? | yes or no |  |  |
| 14. | Name of the terminal equipment included | name |  |  |
| 15. | Are additional services included? | yes or no |  |  |
| 16. | Name of the additional service included | name |  |  |
| 17. | Period of time during which discount is applied to the service or offer | months |  |  |
| 18. | Price of the service or offer after application of the discount | euro |  |  |
| 19. | Does the tariff for the service or offer depend on where and in what way it is being applied for? | yes or no |  |  |
| 20. | The service channel of the merchant where the tariff indicated is valid upon application7 | name |  |  |

**Annex 4**

Decision No. 1/38 of the Public Utilities Commission

3 November 2022

**Comparison Tool Filters and Their Values**

|  |  |  |
| --- | --- | --- |
| No. | Filter | Filter values |
| 1. | Selection of the service | Internet access service in a fixed electronic communications network |
| Internet access service in a mobile electronic communications network |
| Voice communications service in a fixed electronic communications network |
| Voice communications service in a mobile electronic communications network |
| Offers |
| Offer of Internet access and voice communications services in a fixed electronic communications network |
| Offer of Internet access and voice communications services in a mobile electronic communications network |
| 2. | Selection of the term of the contract for the electronic communications service | Unlimited contract for the electronic communications service |
| Fixed-term contract for the electronic communications service |
| 3. | Internet access data transmission rate | in the range from 0 to X1 Mbit/s |
| in the range from X1 Mbit/s to X2 Mbit/s |
| exceeding X2 Mbit/s |
| 4. | Consumption of mobile data per month | in the range from 0 to Y1 GB |
| in the range from Y1 GB to Y2 GB |
| exceeding Y2 GB |
| 5. | Volume of calls per month | in the range from 0 to Y1 min |
| in the range from Y1 min to Y min |
| exceeding Y2 min |

1Data transmission rate shall not be indicated for Internet access services in a mobile electronic communications network.

2The unit of measurement of the service shall be indicated by the merchant according to the tariff formation principles of the specific offer.

3The information in Paragraph 15 shall be provided if the tariff for the service or offer depends on how, where, and in what way it is being applied for.

4The information in Paragraph 17 shall be provided if the tariff for the service or offer depends on how, where, and in what way it is being applied for.

5Data transmission rate shall not be indicated for Internet access services in a mobile electronic communications network.

6The unit of measurement of the service shall be indicated by the merchant according to the tariff formation principles of the specific offer.

7The information in Paragraph 20 shall be provided if the tariff for the service or offer depends on how, where, and in what way it is being applied for.