



RESOLUTION

of September 15th, 2004 issued by the Secretary of State for Telecommunications and for the Information Society, whereby the publication of the

Code of Conduct

for the rendering of the Additional Billing Services is stipulated.

As the Plenary Meeting of the Additional Billing Services Supervisory Commission has approved the new Code of Conduct for the rendering of the Additional Billing Services, which includes the Classification of these Services, at its meeting on the 23rd of July of 2004, it is stipulated that the cited text be published in the "Official Gazette of the Spanish State", which appears as an Annex.

Madrid, on the 15th of September of 2004.

– The Secretary of State, Francisco Pos Perán.



Additional Billing Services Code of Conduct, and Service classification

Table of Contents

1. Scope and Purposes.
2. Definitions and responsibilities
 - 2.1 Definitions
 - 2.2 Responsibilities
3. Regulations concerning service advertising
 - 3.1 Scope of application
 - 3.2 Information regarding the price of the services
 - 3.3 Advertising contents
4. Information that the Start menu must contain
5. Rules of application regarding the content of the services
 - 5.1 Main principles
 - 5.2 General features of the Additional Billing Services
 - 5.3 Specific criteria for the rendering of voice services
 - 5.4 Specific criteria for the services rendered on data systems
 - 5.5 Specific criteria for the services intended for children and adolescents
6. Resolution of disputes
7. Instruments for compliance with the purposes of the Code of Conduct.



1. Scope and purposes

1.1. The purpose of the Code herein is to set down the standards of conduct to protect the rights of the consumers and users of the additional billing services.

1.2. The Code of Conduct contains regulations aimed especially and specifically at protecting the rights of the so-called vulnerable social groups, such as minors, the elderly and the handicapped.

Its intention is likewise to prevent basic rights recognized in our legal system from being violated, as well as to promote the compliance of all the specific and sectorial regulations and those of a horizontal nature which affect the rendering of these services within the sphere of its authority.

1.3. The Code of Conduct sets down mandatory rules for the renderers of additional billing services as to the way the services are to be offered and to their content, attempting, likewise, to respect the right to freely carry out business within the framework of the legislation in force, throughout the entire nation.

1.4. This Code of Conduct contains regulations for the correct diffusion and promotion of the services; it guarantees that the consumer and user are provided with sufficient information about the services that are being rendered and about their price; it includes a classification of the services (see annex no. 1), providing specific rules to guarantee that they are correctly placed within each telephone access code; it offers instruments to prepare the mandatory reports which might determine the cancelation of additional billing numbers and, lastly, it watches over the fulfillment of the minimum quality standards in the rendering of the services.

1.5. This Code is obligatory for the renderers of additional billing services, and for those additional billing network service operators who have been assigned public numbering resources belonging to the ranges attributed to the additional billing services.

This Code of Conduct shall be part of the framework contract signed between the additional billing network service operator and the service renderer, containing a statement of acceptance and specific submission to the provisions contained in the Code of Conduct herein.

1.6. The aim of this Code of Conduct is to protect the rights of the consumers and users within the scope of the additional billing services, be they rendered via fixed telephony or via mobile telephony.

1.7. All the provisions contained in the Code herein shall be construed for the sake of achieving maximum protection for the consumer or user.



2. Definitions and responsibilities

2.1 Definitions

2.1.1 Additional billing services are those which, by dialling a certain code, involve a specific payment as remuneration to the called subscriber, for the rendering of information services, communication services or others.

2.1.2 For the purposes of this Code, additional billing services will be understood to be those rendered via voice as well as those rendered on data systems.

2.1.3 The telephone access codes currently assigned for the rendering of additional billing services are 803, 806, 807 and 907, without prejudice to the competent Administrative Body being able to subsequently assign other codes different from the ones mentioned above.

2.1.3.1 With codes 803, 806 and 807, only voice services will be rendered.

2.1.3.2 Via code 907, only services over data systems will be rendered.

2.1.4 For the purposes of the Code herein, "called subscriber" or "additional billing services renderer" will be understood to be the natural or corporate person, public or private, who is the assignee of the numbering that provides information services, communications services or other services by means of additional billing telephone access codes, and who has entered into the framework contract for the rendering of the additional billing services, approved by the competent Administrative Body, with an additional billing network service operator.

2.1.5 The operator who has been assigned the public numbering resources belonging to ranges assigned to the additional billing services and provides numbers of this type to the additional billing services renderer, executing the corresponding framework contract, is called the "additional billing network service operator".

2.1.6 "Access operator" is understood to be the operator responsible for the invoicing and collection of the services rendered to the calling user.

2.1.7 For the purposes of this Code, "Start menu" or introductory menu will be understood, in the voice services, to be the informative recording which the calling user hears every time the call is answered, and, in the services rendered over data systems, the information to be provided on the start screen of each service.

2.1.8 The words "advertising" or "advertisement" used in this Code will cover all ways of promotion and advertising.



2.2 Responsibilities

2.2.1 The service renderer will be the one responsible for the promotion and the contents of the services, whether or not it produces them itself, or it renders them upon the request of a third party, and they shall comply with the rules indicated in this Code of Conduct.

2.2.2 The service renderer will be responsible for respecting the services Classification which the Additional Billing Services Supervisory Commission has set up.

2.2.3 The service renderer will be responsible for assuring that the promotional material relating to the services complies with the obligations contained in the Code herein.

2.2.4 The service renderer will be responsible for applying the technical and human resources necessary to eliminate all unnecessary waiting time for the user, by actually rendering the service immediately after the call is answered, in voice services, and immediately after initiating the connection, after this has been accepted by the user, for the services rendered by means of data systems, except for what is indicated for the start menu.

2.2.5 The service renderer is responsible for cutting off the call once the maximum time set up for each of the services has elapsed.

2.2.6 The service renderer will be responsible for rendering the services under the terms indicated in their advertising. In addition, it will be responsible for making sure that the service content actually fits what is offered in the advertising.

2.2.7 The additional billing network service operator will guarantee that the calling users are informed about the terms indicated in the start menu.

2.2.8 The additional billing network service operator shall notify the Additional Billing Services Supervisory Commission, for the services rendered on data systems, about the screen presentation formats of the prices and other characteristics and conditions for the rendering of the services, prior to their start-up, in accordance with what is indicated in the regulations applicable to these services.

2.2.9 When the Additional Billing Services Supervisory Commission, upon exercising its control and follow up functions concerning the compliance with the Code of Conduct, feels that a failure to comply with the mentioned Code on the part of the service renderer has occurred, after having heard the interested parties, it will issue a Report in which it will specify the reasons for the non-compliance, the identification of the parties intervening in the contractual relationship, that is to say, the additional billing network service operator and the additional billing services renderer, and the determination of the telephone number upon which the non-compliance has occurred.

This report will be submitted to the consideration of the competent Administrative Body which, where appropriate, will reach a Decision, which will be notified to the corresponding additional billing network service operator, who will be obligated to cancel



the additional billing telephone number contracted by the service renderer, under the terms and within the timeframes regulated for this situation. In this regard, the network service operator will notify the Additional Billing Services Supervisory Commission of the exact date upon which it proceeded to disconnect the number in question, who will give the appropriate notice to the users concerning the date that the number was cancelled and cut off by the mentioned operator. As for the network service operator, it shall not be able to reassign that number until at least one year has gone by since the date it was cancelled.

2.2.10 The framework contract signed between the network service operator or additional billing operators and the service renderer shall include the power of the network service operator to cancel the framework contract or contracts in the event that the Code of Conduct is not complied with on the part of the additional billing services renderer. When this non-compliance occurs repeatedly, no matter what the reason or number of operators, the cancellation of the framework contract or contracts will be mandatory.

2.2.11 This Code of Conduct will understand a repeated non-compliance to be when a service renderer has, during one calendar year, lost at least 5 additional billing telephone numbers, no matter whether they are for the rendering of voice services or for rendering on data systems, because it has failed to comply with what is set forth in this Code.

2.2.12 Likewise, it will be understood that there is a repeated non-compliance when the non-compliance of the Code of Conduct occurs on the same additional billing number,

when it affects a specific or unspecific group of users, and if it might cause, or has caused, public alarm.

2.2.13 The operators who render the telephone service to the public will be the ones responsible for informing the subscribers about the right of the users to disconnect the additional billing services, in accordance with the stipulations and temporality determined by the regulations that govern these services. In addition, it shall comply with what is set forth in the applicable regulations with regard to the invoicing of the additional billing services.



3. Regulations concerning service advertising

3.1 Scope of application.

3.1.1 The following obligations will be applied to all forms of advertising, commercial notifications, vehicles or media used to promote additional billing numbers and/or services.

3.1.2 The service renderer shall always be easily identified by the users, so that the user has no problems contacting the renderer.

The service renderer will identify itself by specifically giving at least the following data: Holder (full first and last names or company name) and residence for notification purposes.

3.1.3 For the purposes of this Code, it will be understood that non-compliance exists when the service renderer sends mass advertising or promotional material, by any means, which has not been specifically requested by the user, which encourages calls to be placed to additional billing numbers.

3.1.4 The advertising or advertisements made by the additional billing services renderers shall be prepared in such a way that they are easily noticeable for the consumers, without any effort being necessary to consider or interpret them. They shall be presented:

3.1.4.1 With characters of an appropriate size and colour, which can be read by the consumer, with the advertised additional billing number being placed parallel to it and being read in the same direction.

3.1.4.2 The information on prices, identification of the renderer or any other mandatory data, shall be presented statically with appropriate characters to be perfectly viewed or seen.

In advertisements broadcast on radio or television, whenever the additional billing telephone number or any other mandatory data is given orally, the information about the price of the call shall also be given orally.

3.1.5 Any advertising vehicle containing additional billing numbers shall also inform about the following aspects:

3.1.5.1 Identification of the service renderer under the terms indicated in point 3.1.2.

3.1.5.2 Information regarding the price of the service under the terms indicated in points 3.2.1 and 3.2.2.

3.2 Information regarding the price of the services.

3.2.1 The service renderer, in all advertising vehicles in which it includes an additional billing number, shall inform the user about the maximum price per minute of the call, no matter what the day and timeband in which that call is made.



The referred-to maximum price per minute of the call will be indicated by showing the service charge from fixed network telephones as well as from mobile networks. Bearing in mind the diversity of fixed network and mobile network operators, and with the aim of simplifying and unifying the message to the users, for the purposes of this Code of Conduct, it will be considered that the maximum price to be advertised and notified will be the highest one set up by the users with significant power in the market or dominant in the fixed network and in the mobile network.

3.2.2 For the purpose of the consumer being able to estimate the actual cost of the service, the information regarding prices will be presented showing the price per minute, taxes included, so that it is not necessary to delve further.

3.3 Contents of the advertising.

3.3.1 The content of all advertising vehicles through which the rendering of additional billing services is offered shall comply with what is set forth in the Code herein, without prejudice to fulfillment of the regulations in force in the matter of advertising.

3.3.2 In addition, the contents of the advertising shall not cause or spread any individual or collective offense, produce or lead to any trickery. Moreover, it shall be appropriate for the true nature of the service or product being offered.

3.3.3 Any form of advertising through which promotions, offers, discounts, gifts or something similar are offered, the dates of the promotion, the terms for participating in or accessing it, as well as the advantages for the consumer shall be indicated, without prejudice to the fulfillment of the remaining regulations and obligations which might be of application in accordance with the applicable legislation.

3.3.4 In order to offer appropriate information to the user, the use of abbreviations in advertising the services may be used as long as these are commonly accepted and clearly and precisely express the contents of the minimum information required by the Code herein for each type of service. Each abbreviated word or vocable shall have at least three alphanumeric signs excluding the orthographic period indicating the abbreviation. The omission of these specifications will represent a non-compliance of the Code of Conduct.

(Of course since this is a translated text you need to use the correct abbreviations in Spanish language.)

Recommended age: "For 18 years of age and over".

Mobile network price: Mobile network

Fixed network price: Fixed network

Indication of the price in euros per minute: €/min; eur./min.

Postal Code: CP

Post-Office Box: P.O. Box



Taxes included: VAT

Maximum price: Max. price

Web page: Full name of the page's address

Identification of the additional billing number: 80X YYY YYY

Name of the province: Complete name.

Residence: Abbreviations can be used such as C/, Avda./, Industrial Pk., etc. with the full name of the street, avenue, etc.

4. Information that the start menu must contain

4.1 Voice services

4.1.1 Immediately after the call has been answered, the calling user shall be informed of the following in the start menu:

4.1.1.1. Identity of the called telephone number: First and last names or Company name, and residence for notification purposes.

4.1.1.2 Information on the maximum price per minute, calling from the fixed network as well as from the mobile network, using the following formula:

"The maximum price per minute for this call is X € or fraction of € if you are calling from a fixed telephone and Y € or fraction of a € if you are calling from a mobile telephone, tax included."

4.1.1.3 In those cases where the billing of the service takes place by the call, indication will be given as to the total cost of the call when calling from the fixed network as well as from the mobile network, tax included.

4.1.1.4 Generic information on the type of service being offered.

4.1.1.5 Indication if the service is intended for users over 18 years of age.

4.1.1.6 Any other mandatory information in accordance with what is set forth in the code herein.

4.1.2 The information indicated in point 4.1.1 above shall be stated clearly, precisely and only once, avoiding any unnecessary delays which might represent unjustified delay in the rendering of the service.

4.1.3 The cited information contained in the start menu shall be provided by means of a recorded message, either provided live or pre-recorded, which will last a maximum of 15 seconds. The calling user will only be invoiced for the call support fee during the recorded message and in the 5-second guard period after this message has finished, additionally



applying as of that instant, the price component which is paid to the renderer of the additional billing services.

4.2 Services rendered over data systems.

4.2.1 The information to be provided to the calling user on the start screen and on each of the subsequent screens prior to the user accessing the contents, will include at least the following elements:

4.2.1.1 Maximum price per minute for the service;

4.2.1.2 Telephone number used to access the contents which are the object of the additional billing;

4.2.1.3 Features of the service;

4.2.1.4 Tax identification name and number or, if appropriate, company name and tax identification code of the additional billing service renderer;

4.2.1.5 Procedure to terminate the call with the additional billing service and, where appropriate, to restore the Internet access via the initial number by which the calling user has connected;

4.2.1.6 Web page from where the calling user may download the computer program, free of charge, which warns against, and if the calling user so requires, prevents the installation of unsolicited dialer programs.

4.2.2. In addition to the obligations indicated in section 4.2.1, the following data will be included:

4.2.2.1 Place of business; electronic mail address for the customer support service and any other data permitting the user to set up direct and real communication with the service renderer; the data it has registered in the Trade Register; or Public Registry in which it was obligated to register in order to acquire corporate personality, or only for advertising.

4.2.2.2 Name of the additional billing network service operator who is rendering the supporting telephone service.

4.2.2.3 In the event that the activity were to be subject to a prior administrative authorisation plan, the data regarding that authorisation and the data identifying the competent body in charge of supervising it.

4.2.2.4 If it exercises a regulated profession, it shall indicate: data on the Professional Group to which, where appropriate, it belongs and the service holder's membership number; official or professional academic degree that it holds; State of the European Union or of the European Economic Sphere in which the mentioned degree was granted and, where appropriate, the corresponding homologation or recognition; rules applicable to its profession or way or place to obtain them.



4.2.2.5 The Codes of Conduct which, where appropriate, it abides by and the way to consult them electronically.

4.2.2.6 General or Specific Terms regulating the relationship between the service renderer and the user, if appropriate

4.2.2.7 The information indicated in points 4.2.1 and 4.2.2 above, to be provided to the user, shall be offered statically, without any moving windows or "pop ups" and shall also abide by the following requirements:

4.2.2.7.1 It shall be graphically shown in colour and will use the appropriate characters on the screen to be easily recognised by the user, who will likewise be offered the option to accept or cancel the access to these services. This information shall be able to be printed and stored by the calling users, from the display screen itself without the need to use other programs.

4.2.2.7.2 The additional billing services which are provided to the users are to be limited to those indicated prior to the user accessing.

4.2.2.7.3 The possible download, upon user request or that of the service renderers, of computer programs which dial an additional billing number (dialer programs) cannot take place without the prior, specific and absolutely clear consent of the calling user and, after the service which is the object of the additional billing has been used, it must be de-installed automatically, and the previous configuration that the user had for Internet access will be put back in place.

4.2.2.8 The component of the price which is to be paid to the service renderer in this additional billing services modality may not be applied until the calling user has been given all the above-indicated information on the start screen and only after 20 seconds have gone by since the call was set up through the additional billing number.

5. Rules of application regarding the content of the services

5.1 General principles.

5.1.1 The content of the additional billing services shall not:

5.1.1.1 Induce or promote sexual, racial or religious discrimination or any other violation of the fundamental rights and public freedoms recognised in the Spanish Constitution and the rest of the set of laws.

5.1.1.2 Induce or incite one to act in an illegal manner.

5.1.1.3 Lead to erroneous conclusions as a consequence of its inexactness, ambiguity, exaggeration, omission or anything similar.

5.1.1.4 Induce an unacceptable state of anxiety or fear, or take advantage of or exploit the state of economic, work or personal need of the calling user.



5.1.1.5 Induce or incite any person to become involved in dangerous activities of risk or that are prejudicial to his/her health or mental balance.

5.1.1.6 Violate the legal or reglementary laws on communications secrecy, intellectual property, the right to honour and to personal or family privacy, or any other provision applicable to the nature of the service.

5.1.1.7 Contain information that is false or is no longer valid

5.1.1.8 Delay its initiation or unreasonably prolong itself or keep the user waiting without actually rendering the service.

5.1.1.9 Take advantage of the confidence or offend the privacy of any person who is mentally disabled or unbalanced, or any other vulnerable person, and shall take into account the special protection that these people need.

5.1.1.10 Inflate the length of the call artificially.

5.1.2 In general, and with the exception of the specific conditions set up for each service, the maximum length of each call will be 30 minutes. The service renderer shall automatically cut off the call at the end of the established time.

5.1.3 The network service operator and, where appropriate, the access operator, will watch over the fulfilment of the obligation contained in the above stipulation, in such a way that in the event that they become aware that this obligation of the service renderers is not being complied with, they will make it known to the Additional Billing Services Supervisory Commission.

5.1.4 The services which incorporate the request for personal information or data of a personal nature, including name, residence or other data, considering the fixed or mobile telephone number to be as such, shall be appropriate, pertinent and not excessive with regard to the purpose for which they gather the data, stating clearly what that information is being requested for, indicating any purpose for which the requested information is going to be applied, without prejudice to the right of the user to withdraw the data.

The additional billing service renderers will specifically respect the rights contained in the legislation concerning the protection and automation of data of a personal nature.

For the purposes of this Code, any action contrary to the data protection regulations will be considered to be a non-compliance, and any request to minors for data will be considered to be a violation.

5.2 General characteristics of the Additional Billing Services.

5.2.1 The service renderers will apply the Additional billing services Classification that has been approved by the Additional Billing Services Supervisory Commission, which will be an integral part of this Code of Conduct.

5.2.2 The additional billing services, depending upon the modality of rendering and the basic contents they provide, are classified into the following modalities:

kwak Telekom Ltd., 16 Zenas Kanther St., Office 7/25 & 26, CY-1522 Nicosia, CYPRUS
Phone +357 (22) 022 628, Fax +357 (22) 022 629 Mail: ente@kwak-telecom.com



5.2.2.1 Services rendered by voice:

5.2.2.1.1 Access code 803 will be used to render services exclusively for adults.

5.2.2.1.2 Access code 806 will be used to render leisure and entertainment services.

5.2.2.1.3 Access code 807 will be used to render professional services.

5.2.2.2 Services rendered on data systems:

5.2.2.2.1 Access code 907 will be used to offer services which, with regard to their content, will be classified as professional services, leisure and entertainment services, or services for adults.

5.2.2.2.2 The classification of this type of services will be determined by the fourth digit of the 907 access code:

a. The services classified as professional, leisure and entertainment will be included within the following digits: 907(0), 907(1), 907(2), 907(3) and 907(4).

b. The services classified for adults will be offered through the following digits: 907(5), 907(6), 907(7), 907(8) and 907(9).

5.3 Specific criteria for the rendering of voice services.

5.3.1 The services rendered under the 803 telephone access codes, reserved for the rendering of services exclusively for adults, shall especially comply with the following regulations:

5.3.1.1 The content of these services will be exclusively for persons over 18 years of age who are mentally capable of discernment and making decisions. In this Code, any service will be included which, due to its content, presentation or advertising, offers notifications or messages which might hurt one's sensibility or proper social customs, according to the criteria approved in the services Classification.

5.3.1.2 In this services modality, it will be specifically indicated that it is prohibited for anyone under 18 years of age in the start or introductory menu. In addition, all advertising vehicles shall carry the complete sentence of "For 18 years of age and over".

5.3.1.3 The service renderer will, whenever possible, control that the people asking for these services are not under 18 years of age, using the appropriate self-control systems. The advertising of the services shall be placed in the media or vehicles which do not have children and adolescents as possible recipients.

5.3.1.4 The advertising which is made about the services and additional billing numbers belonging to the 803 telephone access codes will only be able to be included in the following advertising vehicles and time bands:

a. Television and radio between midnight and 7 AM of the next day.

b. Magazines or publications intended for adults.



c. Classified ads or services by the word in national or local newspapers.

d. In the remaining media and vehicles, as long as, bearing in mind their diffusion and content, they do not have children and adolescents as possible recipients.

5.3.1.5 The services rendered under this code will have a maximum length of 30 minutes.

5.3.2 The services rendered under the 806 telephone access codes, reserved for rendering leisure and entertainment services, shall comply especially with the following regulations:

5.3.2.1 By means of the additional billing numbers included in this telephone access code, the service renderers shall be able to offer communications or contents having to do with leisure and entertainment. In their configuration, in order to inform the potential users, a recommendation shall be made in all advertising vehicles regarding the age of the persons for which this service is intended.

5.3.2.2 In those cases in which the contents of the leisure or entertainment service are intended for persons over 18 years of age, this circumstance will be specifically indicated in the start menu.

In this case, any promotion or advertising that takes place, shall contain the complete sentence "For 18 years of age and over" and shall abide by the advertising criteria indicated for the services exclusively for adults which have been included in this Code of Conduct.

5.3.2.3 The service renderer who promotes a contest or draw, no matter what the communications media used, shall do so using the additional billing numbers assigned to code 806, unless due to its content, it should be assigned to the 803 telephone access codes. In addition, it shall comply with the following regulations:

a. Any contest or draw which requires testing the user's skill or knowledge; random combinations or any other modality in which luck or chance intervenes, shall have the pertinent bases set up regulating its operation.

b. The bases of the contests or draws, as well as how the decision will be made as to winners, shall be deposited before a Notary or competent public body in such a way that they are easily accessible to the users.

c. All draws shall be subject to the regulations in force with regard to games of chance and, where appropriate, shall have the appropriate authorisations.

d. The contests or draws shall not last more than five minutes, and within this timeframe, the renderer shall have indeed rendered the service requested by the user.

5.3.2.4 The services rendered under this code shall have a maximum length of 30 minutes, excluding contests and draws. Notwithstanding the above, the Additional Billing Services Supervisory Commission shall set the length of these services, depending upon the type of rendering involved.



5.3.3 The services which are rendered under the 807 telephone access codes, reserved for the rendering of professional services, shall comply especially with the following regulations:

5.3.3.1 In addition to the general indications provided in the start menu, and right after it, the service renderers will provide the following information: the source of the information, expert or qualified person, identification of the service renderer and its registered data. The services provided by professionals or experts who, in order to exercise their profession, are obligated to belong to a Professional Association, shall indicate the official or professional academic degree that they hold, and also indicate the membership number of the responsible professional person.

5.3.3.2 The services regarding other business, professional or artistic activities not included in the above point will be considered to be professional services.

5.3.3.3 The professional services rendered through additional billing numbers assigned to the 807 access code, shall comply with the same legal requirements that are demanded to render the activity outside the scope of application of the Code of Conduct herein.

5.3.3.4 The services rendered under this code will have a maximum length of 30 minutes. Nevertheless, the Additional Billing Services Supervisory Commission may set a certain length for some of the services rendered through the 807 access code.

5.3.3.5 The rendering of the following services shall, in addition, comply with the following requirements prior to rendering them:

a. The services rendered by professionals which provide any form of medical and/or psychological advice to the users shall have obtained prior certification from their respective Professional Association which backs up and guarantees the content of the additional billing service that is going to be rendered, and the professional person or persons who are going to answer the users' calls, indicating the additional billing number or numbers through which the service will be rendered.

b. The services rendered by professional people which provide or inform about dietetic recommendations or of any other sort, having to do with the consumer's health or well-being, may only be rendered by official doctors or professionals who are a member of a Professional Association which has been homologated by the Administration and has the certification indicated in the preceding paragraph.

c. The technical support services shall offer an effective service rendering to the user. It will be considered that the content of the Code of Conduct herein has not been fulfilled and, consequently, the additional billing number through which the service is rendered may be cancelled in those cases in which the services offered are based simply upon taking note of the failure notice or user data, delaying the actual rendering of the service for a time or until a later telephone call.

d. In addition, it will be considered that this Code of Conduct has not been fulfilled, and consequently, it may be requested that the number be canceled when, through an additional billing number, technical support, repair or goods and services replacement services are offered within their legal warranty period.



5.3.3.6 The services aimed at requesting or offering employment or jobs, either directly or indirectly, whether paid or unpaid, may not be offered through calls to additional billing numbers.

5.4 Specific criteria for the services rendered on data systems.

5.4.1 The services rendered on data systems are classified, with regard to their content, into professional services, entertainment and leisure services and, lastly, adult services.

5.4.2 For the services rendered through this system and classified exclusively for adults, all the general conditions contained in the Code of Conduct herein will be applicable, especially all the conditions set forth for the rendering of voice services applied to the 803 telephone access codes.

5.4.3 For the services rendered by this system and classified as professional, leisure and entertainment services, all the general conditions contained in the Code of Conduct herein will be applicable, especially all the conditions set forth for the rendering of voice services applied to the 806 and 807 codes, as well as the rules set forth for the services intended for children and adolescents.

5.4.4 Through this modality, the conditions included in the Code herein regarding contests and draws shall also be taken into account. In any case, access by the user to the bases of the contests and draws will take place prior to connection to the additional billing numbers, and will make up a part of the start menu to the service. The service renderer will give the user the possibility to electronically store or print the bases regulating the contests and/or draws, from the display screen itself, without the need to use other programs.

5.5 Specific criteria for the services intended for children and adolescents.

5.5.1 Services for children and adolescents will be considered to be all those services which in whole or in part are intended for persons under 18 years of age, this being applicable for voice services as well as data services. It is understood that any service promoted in a publication or media oriented toward children or adolescents is intended for these persons.

5.5.2 The renderers of this type of services will take special care to respect the rights of minors, specifically with regard to the following:

5.5.2.1 The length of the call shall not be increased artificially.

5.5.2.2 It shall be indicated and warned that to use the service, the consent is needed of a parent or guardian and/or that of the person under whose name the telephone is registered.

5.5.2.3 The services intended for children and adolescents which last more than one minute shall be preceded by a short note, included in the start menu, which clearly indicates that the service should only be used with the consent of the person under whose name the telephone that is being used to call is registered.



5.5.2.4 Care shall be taken as to the vocabulary used in the service and obnoxious or offensive words will not be used.

5.5.2.5 The use of other additional billing services or the repetition of the numbering being called shall not be encouraged during the rendering of the service.

5.5.2.6 Their credulity or lack of experience shall not be taken advantage of.

5.5.3 These services may not last more than 8 minutes and they shall be automatically terminated by the service renderer.

5.5.4 They will be preceded by information on their cost per minute and it will likewise be notified in the start menu that the invoicing will be sent to the subscriber.

5.5.5 These services will operate between 8 AM and 11 PM.

5.5.6 The additional billing services intended for children and adolescents will, among other matters, make sure that minors are protected and that bad consumer habits are not created or promoted.

6. Resolution of disputes

6.1 The Additional Billing Services Supervisory Commission, having heard the interested parties, will issue a Report in which it will specify the reasons for the non-compliance, the identification of the parties intervening in the contractual relationship, that is to say, the additional billing network service operator and the additional billing services renderer, and the determination of the telephone number upon which the non-compliance has occurred.

6.2 The claims derived from the non-compliance of the Code of Conduct herein which involve economic damages and prejudicial consequences for the users may be resolved through the Consumer Arbitration System, without prejudice to the user being able to go to the ordinary courts of law or to the Administrative Authority or Body which is competent in this case, and are excluded from the competence of the Additional Billing Services Supervisory Commission.

7. Instruments for compliance with the purposes of the Code of Conduct

7.1 The Additional Billing Services Supervisory Commission (CSSTA) will be responsible for the following:

7.1.1 For preparing, approving and, where appropriate, modifying the Code of Conduct herein.

7.1.2 For the control and follow-up of the compliance with the Code of Conduct.



7.2 The Additional Billing Services Supervisory Commission will delegate the following functions to the Permanent Commission:

7.2.1 The control and follow-up of the compliance with the Code of Conduct-

7.2.2 Presentation to the Plenary Meeting, for its approval, of any modification to the Code of Conduct and to the services Classification, taking into account what is set forth in the decisions of the SETSI whereby the numbering codes are determined, in the case this becomes necessary.

7.2.3 The Permanent Commission, having heard the interested parties, will issue a report in which the reasons for the non-compliance will be specified and will send it to the competent Administrative Body so that it can reach a Decision, which will be notified to the corresponding additional billing network service operator, for the purposes set forth in the Code of Conduct herein.

7.2.4 The preparation and presentation to the Plenary Meeting of the Additional Billing Services Supervisory Commission of an annual report regarding the work carried out by the Permanent Commission. For the sake of information transparency, this Report will be made public,

7.2.5 The study of the presentation formats referring to the services offered through data systems, which the additional billing network service operators send to the Secretary of the Permanent Commission.

7.3 The Permanent Commission of the CSSTA will periodically carry out a follow-up on those service renderers who repeatedly fail to comply with the Code of Conduct, and will inform the competent Administrative Body so that it can adopt the appropriate measures.



ANNEX NO. 1 TO THE CODE OF CONDUCT

Classification of the Additional Billing Services

The Resolution of the Secretary of State for Telecommunications and for the Information Society dated the 16th of July of 2002, and the Code of Conduct, which regulates that good practices are followed in the additional billing services, set up a classification for the rendering of the voice communication and information services to be offered by the service renderers:

Code 803. Services exclusively for adults.

Code 806. Leisure and entertainment services.

Code 807. Professional services.

Pursuant to what is set forth in the first paragraph of the Resolution, the use of these codes will be limited exclusively to the voice additional billing services and may not be used to access services based upon data transmission.

Moreover, the Resolution of November 3rd, 2003, issued by the Secretary of State for Telecommunications and for the Information Society, assigns a new range of specific numbering, the 907 range, to the additional billing services to be rendered over data systems.

The additional billing services which use the 907 code are classified by their content, depending upon the fourth digit, into the following modalities:

907(0), 907(1), 907(2), 907(3) and 907(4). Professional and leisure and entertainment services.

907(5), 907(6), 907(7), 907(8) and 907(9). Services for adults.

By the characteristics of the services offered, for the voice modalities as well as the data modalities, the Additional Billing Telephone Services Supervisory

(CSSTA) has set up a classification of the services supported by a framework of general and referential principles for the service renderers and operators.

Any typification of the services classification made a priori may, on one hand, not fit the true situation or not foresee the creative capabilities of the service renderers to offer modalities not included in the classification approved by the CSSTA and, on the other hand, may hinder the proper development of this telecommunications sector.

The CSSTA will make sure that this Classification is complied with and exhorts:

1. The service renderers to comply with and respect it.



2. The operators to make it known among the service renderers who enter into contracts with them.

3. The consumer associations, service rendering companies, as well as other instances or organisations, to spread the word about it among those they represent and the consumers, and to promote compliance with it.

4. The Permanent Commission to use the necessary instruments to make sure that it is abided by and to design control plans to verify the compliance with the Code of Conduct.

In accordance with the functions entrusted to it by the Plenary Meeting of the Additional Billing Services Supervisory Commission, the Permanent Commission may, ex officio or at the request of one of the parties, submit to the Plenary Meeting any variation or modification to the Classification herein, bearing in mind what is set forth in the SETSI resolutions which determine the numbering codes.

From this perspective, the CSSTA, which will strictly demand compliance with the Code of Conduct and the services Classification, with regard to respecting the rights of the users and the proper operation and rendering of the services offered through this additional billing modality, hereby agrees to the following regarding the services

Classification:

Voice services:

Code 803. Services exclusively for adults: The Commission agrees that the offering of services rendered through this code shall be aimed at users capable of discernment and of making decisions.

The services rendered under this code shall be directed exclusively to persons 18 years of age and over.

In this code, all those services will be rendered which, due to their content, way of advertising or presentation, spread content which is erotic, pornographic, which fosters personal or group contacts having to do with the above-mentioned services, or that use obnoxious or obscene language, related to any of the above categories.

Services of an erotic nature will be considered to be those additional billing services whose content refers either directly or indirectly to the exaltation of the sexual urge. As to services of a pornographic nature, these will be considered to be those services of a pornographic nature whose content alludes either directly or indirectly to the masculine and/or feminine genitals in an obscene manner Likewise, assigned to this code will be those services whose content refers to moral, ethical, religious and ideological values or opinions.

Code 806. Leisure and entertainment services: Leisure and entertainment services will be offered respecting with maximum scrupulousness the criteria stemming from the limitations stated in the Code of Conduct for the services exclusively for adults, and those which are defined and classified as professional services.



Likewise, this code will have to respect all the regulations of mandatory compliance which are indicated in the Code of Conduct and, especially, the services defined as intended for children and adolescents, which shall indicate the recommended age to use each one of the services.

By leisure and entertainment services, it will be understood all those services whose purpose, among others, is to entertain; to amuse; to pass the time; to play and chance, this being understood to be contests and draws which can be legally offered under this system; and the services of esoteric, astrological, mind-reading, cartomancy, fortune-telling content and/or regarding a prediction of the future by any other means.

All leisure and entertainment services whose content is included or defined in the 803 code will be assigned to that code.

Code 807. Professional services: In this code, services will be offered which are related to business, professional or artistic activities, for which one mandatorily has to be the member of a professional association, or for which, in order to exercise the professional activity, one must hold an homologated degree granted by the competent authorities, by virtue of the legal or reglamentary provisions of the Spanish State, respecting the limitations and requirements of its specific regulation.

In addition, it will be possible to offer services using this code which are services to provide information from the Public Administration or public bodies associated with or reporting to it, as well as other institutions of a public nature.

This code excludes the rendering of any type of activity or exercising of a profession which uses an euphemistic name or a service which is defined or included within the above codes.

Services rendered over data systems:

With regard to the services rendered over data systems, code 907, the following specifications are hereby agreed upon, regarding the contents and modality of the services:

907(0),

907(1),

907(2),

907(3) and

907(4).

Professional and leisure and entertainment services.

The services rendered through the above numberings will respect the principles described for the voice services regarding the 806 and 807 codes, as well as the regulations set

[kwa:k]
Telecom Ltd.



forth for the services intended for children and adolescents. 907(5), 907(6), 907(7), 907(8) and 907(9). Services for adults

In these numberings, those services will be rendered which fit the characteristics described for the voice services regarding code 803.

The CSSTA submits a standard format model, see annex 2, for the purpose of making the basic information to be presented on the start screen of the access to the data services harmonious

Secretary of State for Telecommunications

and for the Information Society

MINISTRY OF INDUSTRY, TOURISM

AND COMMERCE