

GREECE

INTRODUCTION

The Greek electronic communications market in 2009 depicts positive trends in all segments of the market, most importantly though, in the broadband market. Increased investments in the wholesale broadband access market coupled with the strong uptake of retail products bundling broadband access, resulted in higher rates of broadband penetration. Greek consumers demanded higher broadband speeds, enjoying products and services of better quality. Mobile penetration increased further and flat rate packages with unlimited volume of on-net calls were offered. The continuous development in the unbundling of the local loop also intensified the retail competition on the fixed market. The Government's initiatives for enhancing network infrastructure deployment along with the incumbent's intention to upgrade its copper network give positive signals that these trends might be maintained.

Notwithstanding these positive trends, the market still lacks a regulatory framework for the granting of rights of way, and is being hampered by the complicated procedures for the licensing of masts and base stations. An awaited decision by the Plenary of the Council of State (Highest Administrative Court) is expected to clarify the jurisdiction of the Appeal Court and determine the effectiveness of the appeal mechanism against the decisions of the regulatory authority.

REGULATORY ENVIRONMENT

Main regulatory developments

Following early national elections in Greece held in October 2009, the former Ministry of Transport and Communications was renamed the Ministry of Infrastructure, Transport and Networks, which maintained all the responsibilities for the electronic communications sector, and added new competences in public works and maritime policies. The new Government's strategic directions for the electronic communication sector focus on enhancing broadband penetration and addressing the digital divide, on progressing with the transition to digital terrestrial transmission, and on addressing some of the issues preventing the Greek electronic communications market from reaching its potential.

In September 2009, the National Regulatory Authority, Εθνική Επιτροπή Τηλεπικοινωνιών & Ταχυδρομείων, (Hellenic Communications & Post Commission, "EETT") has seen the appointment of its new 9-member Plenary. EETT's main priorities for its four-year mandate include the further development of broadband products and services throughout Greece, the efficient use of spectrum (in light of the digital dividend, the expiration of the GSM licenses in 2012, and the assigned spectrum for fixed wireless access), as well as the protection of consumer rights.

While the changes at governmental and regulator's level went smoothly, market operators raised concerns regarding the long-awaited adoption of secondary legislation on rights of way which is now delayed anew given the need for re-examination of the initial draft legislation by all nine competent Ministries. Risks in running late with the transition to digital terrestrial transmission are possible, while no decisions are yet taken on the calculation and use of the digital dividend. Though the new Government strongly supports the installation of a nationwide fibre optic network that would give access to broadband services to 2 million homes and

businesses, the original provisional timeframes of the project are now postponed anew until the re-examination of the project's parameters. The initial ambiguity regarding the plan's design, feasibility, and implementation has sent confusing signals to market players who have temporarily put on hold their investment plans. Adherence to the announced deadlines is essential for the credibility and clarity of the project.

Plans to revise the national law 3431/2006 'Περί Ηλεκτρονικών Επικοινωνιών και Άλλες Διατάξεις 3431/2006' (Law on Electronic Communications and Other Provisions) are underway. As a consequence of the change of government, the timetable for the submission of the draft legislation before the Greek Parliament has been pushed back. Principally, the latest version of the draft law (September 2009) provides for the establishment of a National Observatory for Electromagnetic Fields, mainly to address public health concerns. In addition, it aims at amending certain provisions concerning the spectrum management, appeal mechanism, administration of EETT, the procedures for the licensing of base stations and antennas, and the granting of rights of way. In public statements, the Government also indicated its intention to amend the method of appointment of the EETT's board. The revised national law would re-establish the procedures followed before the adoption of Law 3371/2005, whereby the President and the two Vice-Presidents of EETT were appointed by the qualified majority-voting of the Conference of the Presidents of the Parliament. Therefore, the current procedure of appointment by the Council of Ministers following a parliamentary hearing would be dropped.

Organisation of the NRA

EETT is an independent authority which enjoys financial and operational autonomy as entrusted by national law. Its financial resources are based mainly on fees (licensing and numbering fees) and to a lesser extent on fines and interests. EETT currently has a staff of 196 employees. An additional 25 professionals were expected to join the regulatory authority, as a result of a call for applications.

EETT nominated the year 2009 as the 'Year of Broadband Convergence of Telecommunications with the Press and Media' mirroring the initiated convergence in the Greek electronic communications market. To that end, it geared its legislative and monitoring role towards further enhancing the broadband market, establishing a level playing field for converged products and services, while also promoting initiatives for a political debate on the digital switchover and digital dividend.

In general, EETT has been successful in carrying out its tasks with a noticeable impact in all segments of the market (enhanced competition in retail markets, increased availability of wholesale products, increased transparency in its decisions, and a decreased number of consumer complaints). Market operators noted the changes both in the government and in the leadership of the regulator, claiming that a period of uncertainty prevailed during the transition until the respective authorities signalled their main priorities during their terms.

Decision-making

During 2009, EETT finalised its work on submitting legislative input (according to the national law 3431/2006) to the Ministry of Infrastructure, Transport and Networks. Its last submission concerned the minimum obligations for ensuring the integrity of the public telephone network and availability of public telephony services at fixed locations. Other regulatory interventions related to the modifications of the national numbering plan, the

regulation of domain names, and the Regulation on General Authorisations to address the licensing of digital broadcasters. Work has also been undertaken in the area of universal service.

Regarding its *ex ante* market monitoring role, EETT analysed and adopted final measures for the markets of wholesale network infrastructure access at a fixed location, and the market of wholesale broadband access. It intended to analyse the remaining markets listed in the Commission's Recommendation on relevant products and service markets of December 2007, and those markets found non-competitive in the first round of market analysis (applying the three criteria test) by March 2010.

In April 2009, following EETT's approval, the 2009 prices for regulated retail and wholesale services for which the incumbent was imposed obligations of cost-orientation were available to the market. EETT also audited the cost-accounting templates and accounting separation reports provided by the incumbent, and mandated the incumbent to publish the accounting separation reports, including the comments and the approved LRIC templates, on its website.

During the reporting year, EETT conducted hearings and imposed fines exceeding in total €13.5 million on market operators for violations of the electronic communications and/or competition law¹⁵², with the reporting figure excluding fines imposed for the illegal installations of antennas, masts, or for violations regarding radio-equipment. The vast majority of these fines were imposed on the incumbent.

Market players' criticism regarding the decision-making process focused mainly on the handling of the appeals against EETT's decisions. In practise, EETT decisions (administrative and regulatory) are generally appealed. The law 3431/2006 amended the procedures for appealing cases. According to it, EETT's decisions and fines imposed are subject to appeal before the Administrative Court of Appeal which has the right to examine a case in its substance. In practise, the Appeal Court takes about 18 months to issue a decision. Prior to Law 3431/2006, EETT's decisions were subject to a petition of annulment before the Council of State. This Court was restricted to examine the legality of the appealed decision and not its substance. Two divisions of the Council of State considered that it was unconstitutional to have appeals of regulatory decisions addressed by the Administrative Court of Appeal and in April 2008, they referred the case to the Plenary of the Council of State for a final decision. To date, a final decision of the Plenary is still pending. So far, no decisions on the appeals brought before the Council of State (around 20 cases) have been taken.

In the meantime, pending the outcome of the appeal, EETT's decision shall stand unless the Appeal Court decides otherwise. In practice, the ambiguity regarding the respective jurisdictions of the two bodies and the delays in issuing decisions on appeals create legal uncertainties, with operators often flouting legal obligations until final decisions are taken.

¹⁵² According to the national law on electronic communications 3431/2006, in case of an infringement of the provisions of this law, EETT can impose sanctions, including warning fines between €7 000 and €2 million or ask for a suspension or recall of the right to provide telecommunication services. In addition, under its competition powers in the electronic communications market, EETT can impose much higher fines in case of an infringement of the provisions of the Greek Competition Law 703/1977 (up to 15% of the gross income of the offending party).

EETT, under its competition law competence in the electronic communications market, investigated and approved the change of control of a satellite operator, and the establishment of DIGEA, a new digital network provider in the Greek broadcasting market.

MARKET AND REGULATORY DEVELOPMENTS

The total revenue of the Greek electronic communications sector for the year 2008 was €8.17 billion (decreasing from €8.44 billion in 2007), of which €3.67 billion came from the fixed market and €4.5 billion from the mobile market. Investments in the electronic communications sector have grown from €1.29 billion in 2007 to €1.37 billion in 2008, of which €566 million were made by the incumbent in the fixed telephony network, €321 million by alternative operators, and €483 million by mobile operators. Interestingly, the incumbent's investments contributed by 41.3% to the total amount of investments in the Greek market (compared to 22.8% in 2007) while the share of alternative operators' investments reached 23.4% (compared to 39.8% in 2007). The investment over revenues ratio in the Greek telecom sector for 2008 was 16.8%.

Market players considered that the economic crisis, hitting Greece considerably, has affected small businesses strongly, with some closing down and others postponing their investment plans due to credit constraints. On the consumer side, operators claimed that the economic crisis increased the demand for services of lower retail prices, but did not affect the volume of electronic communication products consumed.

The incumbent extended the development of its ADSL network nationwide with 1485 points of presence through which 94% of telephone connections are served. Its collocated sites in 2009 increased to 168 sites with physical collocation, and 609 sites with distant collocation (compared to 152 and 118 sites respectively in March 2008). The incumbent also announced its four-year investment plan to deploy fibre in the access network in urban and sub-urban areas based on FTTC architecture with VDSL⁺² at cabinet level. Alternative operators were carrying on with their investments plans, building mainly on local loop unbundling. Most of their investments were undertaken in small towns and villages, under the funded programme for Broadband Access Development in Under-Served Territories. Mobile operators maintained the same level of investment activity, both in fixed and mobile networks, so as to be able to address consumer demand for bundled products and to supply mobile broadband.

More Greek consumers used bundled services this year. As the figures in July 2009 suggest, 8.5% of the Greek population uses bundled services (compared to 4.6% in January 2009). The vast majority (7.7%) uses double play including telephony and broadband while a marginal 0.77% uses triple services (fixed-mobile telephony and broadband). The number of subscribers choosing bundled products which include mobile telephony have increased this year to 13 500 in October 2009, compared to only 3 600 in October 2008.

The Greek authorities' plan for a national fibre broadband project (announced in February 2008) found clear support by the new Government. As the project's parameters stand currently, the aim of the project is to provide access to broadband services with a speed of more than 100Mbps speed to at least 2 million households and enterprises in 56 cities across Greece. The design of the network foresees that Greece is divided into 3 geographical zones of equal investment interest, in terms of population density and of consumer purchasing power. Estimated to take seven years for the FTTH network roll-out, the project is to be co-financed by the Greek Government and private investments (approx. €700 million by the government and €1.4 billion by private investments) based on a Public Private Partnership

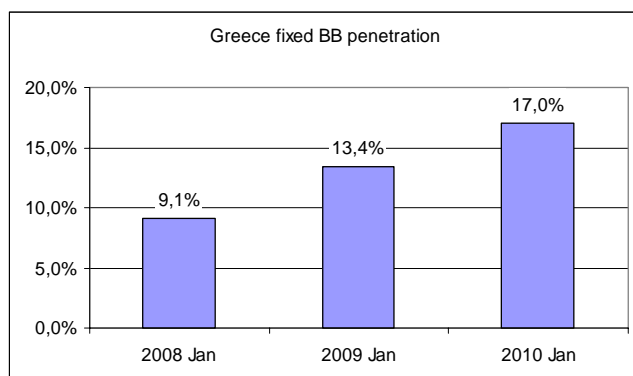
with a duration of 30 years. The initial project design suggest that the dark fibre network will be developed by the National Optical Fibre Infrastructure (E.FO.DIA.), which will also be responsible for the maintenance and for the supply of access to all electronic communications service providers on a non-discriminatory basis. E.FO.DIA. would not be offering electronic communication services to end-users.

The original timetable of the project has been pushed back, partly due to the change of government. Currently, feedback received from the public consultation (held on 5 August – 7 September 2009) on the draft legislation of E.FO.DIA. was being analysed. A notification of the project to the European Commission for compliance with state-aid rules is foreseen in the first half of 2010, after the Government has re-examined all of the project's parameters. A public consultation on the international tender and the launch of the tender is envisaged for the first half of 2011.

A new national project named DOR.Y aims to use satellite services for the deployment of a state satellite communications system intended to reach almost 1600 locations in Greece and address their needs for broadband access. Internet and intranet connectivity will be provided to public sector points of presence (e.g. schools, and government offices) particularly in areas that are currently broadband-wise inaccessible. The project is estimated to be fully developed in two years time.

Broadband

Market situation



The broadband market in Greece continues on its positive trend, reaching 17.0% penetration rate (13.4% in January 2009) with 1 916 630 broadband lines in January 2010, compared to 1 311 221 lines a year ago. Factors contributing to this incremental trend include the effective regulation and the authorities' effort to promote broadband, the investments of alternative operators (mainly in LLU), the increase in

collocated sites, and the significant increase in the take-up of bundled products. While Greece maintained its ranking position among the EU countries, the gap between Greece's broadband penetration with the EU average (24.8%) slightly narrowed. Greece recorded the third highest number of new fixed broadband lines per population (3.6 lines per 100 population) in January 2010.

The incumbent's market share of retail broadband connections decreased to 55.4% in January 2010 from 57.4% in January 2009 depending exclusively on DSL technology. During the same period, alternative operators increased their presence in the overall fixed broadband market, with their market shares increasing from 42.6% to 44.6%.

Greece ranks last among EU countries with regard to the number of broadband fixed lines using technologies other than DSL. The development and coverage of fibre access lines is still very limited with 2 625 fibre-to-the-home lines.

Broadband development is closely linked to the high uptake of physical interconnection and the LLU market. In January 2010, LLU contributed 41.5% of the retail broadband lines (794 678 LLU lines), significantly increasing since January 2009 (541 920 LLU lines – 36% of the retail broadband lines). 2.7% of the broadband lines are based on bitstream access lines (compared to 6.3% in end of 2008). This distribution mirrors the developments of infrastructure-based competition but also the lack of alternative networks in Greece.

Mobile broadband uptake in Greece has not developed as much over 2009. Its penetration increased slightly from 1.6% in January 2009 to 2.0% in January 2010. This percentage, calculated as the number of dedicated data services via modems, card, and USB keys, is lower than the 5.2% of the EU average (increasing from 2.8% in January 2009). This contrasts with the decrease in retail mobile broadband prices by almost 12% during the reporting year. Difficulties mobile operators are facing in deploying and maintaining their networks (licensing of base stations, and rights of way) may explain this slow trend.

Nominal access speeds have improved significantly. On retail level, all retail broadband lines had speeds higher than 2Mbps in January 2010, with 94.6% having speeds ranging 2-10 Mbps (compared to 24.8% in January 2009). 5.4% of broadband lines corresponded to packages with nominal download speeds above 10Mbps.

The roll-out of the funded project for Broadband Access Development in Under-served Territories, co-financing broadband investments for local access across Greece, reached its final stage, with operators concluding their investments and offering retail services. The project can claim its role in the uptake of local loop unbundling, which *inter alia* resulted after the rapid increase of distant collocation sites by the incumbent.

Regulatory issues

In July 2009, EETT published its final decisions concerning the market for wholesale network infrastructure access at a fixed location, and the market for wholesale broadband access. EETT designated the incumbent as an operator with significant market power in both markets, and imposed a full range of regulatory obligations, maintaining most of the obligations of the first round market analysis. In addition, it imposed an access obligation to additional facilities such as collocations and access to ducts and pipes, especially from the street cabinet to the incumbent's main distribution frame (thus, access on the three levels of the network). As to the price control obligation, EETT considered that the Long-Run Average Incremental Cost - LRAIC- cost methodology should replace the previously used retail minus methodology.

The current market analysis excludes any future developments of fibre access networks, but EETT committed to re-visit its analysis once new market developments occur. To that end, it would monitor the developments in the Government's plans to deploy a FTTH network, and the upgrading of the incumbent's network. Currently, the incumbent is required to submit bi-annually information on its network's development.

The incumbent submitted to EETT for approval its new Reference Unbundling Offer (RUO) and Reference Broadband Offer (RBO) in October 2009, and soon after EETT initiated public consultations on both offers. The obligation to publish a reference Bitstream Offer was maintained in this second round market analysis.

Mobile

Market situation

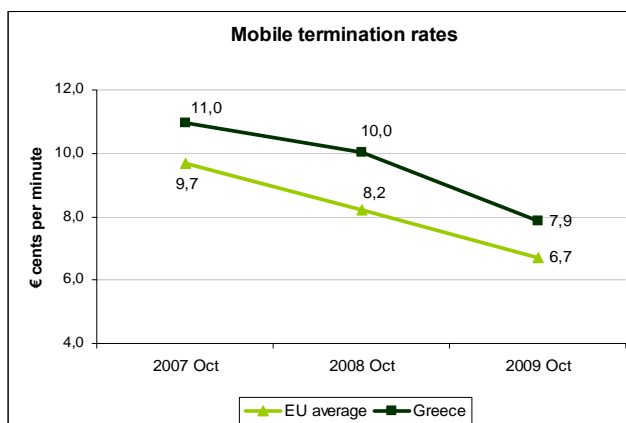
During the reporting year, all three mobile network operators (MNO) in Greece made use of their alliance with fixed operators and launched bundled offers incorporating mobile telephony. The subscribers base in Greece continued to grow, with the mobile penetration reaching 125.2% in October 2009 (122.2% a year ago), above the EU average of 121.9%. There is a strong trend towards pre-paid cards (64%) compared to post-paid contracts (36%). The average price per minute of mobile communication decreased from €0.16 to €0.14 (EU average €0.13) in December 2008.

Aggressive retail offerings in the market, with the launch of flat fee on post-paid contracts, determined market shares. The leading MNO continue to expand its customer base, acquiring a market share of 47.7% in October 2009 (43.1% a year ago), considerably higher than the average share of the leading operator in the EU (37.7%). Its gain in market share is mirrored in the shares of the second and third operator, which respectively had 26.1% (29.2% a year ago) and 26% (27.6% a year ago) of the market in October 2009.

Complying with the glide path imposed, all MNOs reduced their mobile termination rates (MTRs) to 7.86 €-cents as of 1 January 2009. Though 21% lower than last year, MTRs in Greece continue to be higher than the average MTRs in the EU, which equal to 6.70 €-cents. This difference was substantially reduced as of 1 January 2010, when the termination rates were reduced to 6.24 €-cents (to be further reduced to 4.95 €-cents as of 1 January 2011). In a period of three months from September 2009, all three mobile operators increased the minimum charged call duration from 30 to 45 seconds for the vast majority of post paid tariffs. This issue was being examined by EETT.

Regulatory issues

The third mobile operator appealed EETT's decision on the second round analysis of the market for voice call termination on individual mobile networks (published in October 2008) opposing the symmetry in the MTRs, and applying also for interim measures. The case has been referred to the Council of State which rejected the application for interim measures.



In July 2009, the government introduced new fiscal measures affecting the mobile sector. These measures foresee the increase of the special levy on post-paid mobile subscriptions which was first introduced in October 2006. In addition, it foresees an extension of this fiscal obligation to pre-paid mobile telephony. The levy imposed before VAT (19%) is calculated as a percentage of the monthly usage of mobile communications (post paid) of a mobile communications user¹⁵³. As for the taxation on pre-

¹⁵³ The special levy imposed on post-paid mobile subscriptions increases with the monthly bill in a stepwise manner, as follows: for a monthly bill up to €50, the percentage of taxes is 12%; from €50.01-

paid cards, a percentage of 12% on the value of communication time before VAT (on new cards or re-loads) is imposed which the mobile operators have to submit to the state on a monthly basis. Mobile operators raised strong concerns on these taxes criticising that the measure was discriminative, as mobile broadband services are being taxed, while no taxes are imposed on fixed broadband services.

Roaming Regulation

In general, all mobile operators complied with the provisions of the Roaming Regulation of July 2007 in terms of the voice roaming pricing obligations, with tariffs ranging below or equal to the price caps. Regarding the amended Roaming Regulation, in force since July 2009, the first indications denote the compliance of the Greek mobile operators.

Fixed

Market situation

In the fixed telephony, service-based competition intensified, thanks to the continuous development of LLU which has reached 794 678 lines in January 2010. The market share of the incumbent in the fixed telephony market (by retail revenues) present a steady but slow decrease, being 70.5% in December 2008, losing 3.1% market share in a year.

In July 2009, the Greek consumers depended to a lesser extent on the incumbent for direct access than a year ago, decreasing from 92.2% in July 2008 to 85.3% in July 2009, though still above the EU average of 76%. Directly connected subscribers to alternative operators nearly doubled from 7.8% a year ago to 14.7% in July 2009 (EU average at 24%). The wholesale line rental product, offered in the market since last year, is exploited by some operators but remains at low levels.

Termination rates in Greece are close to the EU average, lower for local interconnection (0.48 €-cents compared to the EU average of 0.52 €-cents), slightly higher for single transit (0.82 €-cents compared to 0.79 €-cents EU average), and slightly lower than the EU average of 1.09 €-cents for double tandem connections (1.07 €-cents).

The offerings of VoIP telephony in the Greek market have not yet attracted the interest of many consumers, with operators providing VoIP telephony gaining a 2.1% market share (on the basis of volume of traffic) in December 2008 with EU average reaching 14.5%.

Regulatory issues

The final stage of the glide path for reducing fixed termination rates (FTRs) was applied as of 1 January 2009. FTRs were not to exceed 0.89 €-cents/minute. Following the 2009 cost audit of the incumbent, the termination rates have been slightly reduced to 0.81 €-cents.

€100, the percentage reaches 15%; from €100.01-€150, the percentage amounts to 18%; and from €150.01 and above, the percentage of taxes is 20%.

Broadcasting

Market situation

The main platform in Greece for the provision of broadcasting services is analogue terrestrial TV (above 99%) followed at a distance by digital terrestrial and satellite TV (8.5% and 7.8% respectively). IPTV has not seen a substantial increase in its penetration but remains at 2.0%. To date, there is no mobile TV offering.

Regulatory issues

Greece intends to move to full digital broadcasting by the end of 2012. The national law 3592/2007 on the Concentration and Authorisation of Mass Media Enterprises and Other Provisions specified a road map for the transition to digital television and describes among other things, the licensing procedures for digital terrestrial TV. Formally, the transition from analogue to digital TV started on 1 November 2008. The digital terrestrial audiovisual services of the public service broadcaster (using MPEG2) cover to date more than 70% of national population. A new entity established by the seven national terrestrial content providers started pilot broadcasting (using MPEG4) in September 2009.

In response to the provision of Law 3592/2006, EETT issued a Regulation regarding the General Authorisation terms concerning service provision of network operators transmitting broadcasting signals. It held public consultations on the definition of obligations regarding access to Application Program Interface (API) and access to Electronic Programme Guides (EPG), and concerning the 'Licensing for Installation of Transmitters, Antennas, and Auxiliary Equipment at the Antenna Parks'. The adoption of both regulations was pending at the time of drafting this report.

It is worth pointing out that so far, no analogue or digital broadcasting licenses have been formally awarded by the competent authorities, nor have the properties to be used for antenna parks been specified. Against this background, it remains to be seen whether Greece will effectively switch off analogue broadcasting by the 2012 deadline.

EETT organised an international conference regarding the digital switchover and digital dividend in February 2009, in an attempt to initiate a public dialogue on the issue.

Horizontal regulation

Spectrum management

In March 2009, EETT run a public consultation regarding the possibility to grant rights of use for radio frequencies for the provision of terrestrial wireless electronic communication services in the 2.6 GHz band. While EETT run a public consultation on the introduction of technologies other than the GSM for the 900 and 1800 MHz bands during the summer of 2008, no formal decision was taken on the issue during the reporting year.

Implementation of spectrum decisions

All of the European Commission's decisions adopted up to 2008 have been integrated into the National Frequency Allocation Table. Regarding the latest Commission Decision 2009/381/EC, amending Decision 2006/771/EC on harmonisation of the radio spectrum for

use by short-range devices, EETT was currently assessing its implementation, in particular for any competition issues.

Rights of way and facility sharing

The systematic problems with the timely licensing and installation of mobile antennas and base stations in Greece were not resolved during the reporting year. The legislation in place is still not being applied correctly by all relevant authorities. The cumbersome procedures to get a license (around 10 permits needed), which often lead to long delays (between 2-3 years to be granted a license) and strong public reaction (often people bringing down masts and antennas) were not simplified. Certain local authorities set ad-hoc conditions for the granting of the final permission needed for the installation of base stations. Fewer than 8% of the 6000 required licenses for existing and new base stations have been granted by the relevant authorities. There appears to be around 900 Court cases per year that relate to individual base stations installations. While the Government introduced legislation on standardised antenna structures, the complementary decision for applying the rules for the installation of these antenna structures was still pending. Such a situation results in an inability to deploy and maintain a proper wireless network, and renders increased operational costs for the mobile operators. This ultimately affects the quality of services offered to end-users and their right to access advanced communication services based on high-speed broadband.

The Joint Ministerial Decision setting out the framework and the procedures for granting rights of way has been awaited for several years. With the appointment of the new Government in October 2009, the process for the approval of the draft legislative act by all competent Ministries started anew. The Government's intentions are to address the issue with the revision of the electronic communications law 3431/2006. The lack of adoption of this secondary legislation hampers the deployment of fixed and wireless access networks, discourages network investments, and blocks the market from reaching its full potential.

On 30 June 2009, EETT issued a Regulation on the Right of Ways' fees and usage, which will only be enforceable after the Joint Ministerial Decision is adopted and published.

Earlier in May 2009, EETT published the 'Regulation on Collocation'. Since adherence to its provisions is not mandatory, disputes between operators were recorded. It is noted that collocation at the incumbent's local exchanges is regulated by the provisions of RUO and the relevant regulation.

THE CONSUMER INTEREST

Tariff transparency and quality of service

In August 2009, the national regulator inaugurated KOMEX (Broadband Quality Measurements Node), a new national infrastructure for measuring the qualitative characteristics of broadband connections allowing Internet users to test their connection speeds and to diagnose common problems with their network connections. KOMEX is accessible via the EETT's website.

Universal service

Following a Decision by EETT in 2008 on the determination of the performance targets in the provision of Universal Services (US), the definition of content, and shape of information to be published, a call for expression of interest was launched during the reporting year for the

provision of the whole or part(s) of the US. One enterprise expressed interest to provide the directory enquiry services and directories. Currently, there is an ongoing procedure, based on an auction mechanism, for the designation of the new US provider. EETT is also examining the terms and conditions of the auction, and is also preparing a regulation on the definition of the cost accounting principles of the US. EETT has recently initiated a public consultation procedure, regarding the Call for Tenders for the selection of the US Provider. The finalisation of the documentation for the Call for Tenders is expected within the first quarter of 2010.

Consumer complaints

In 2009, the number of consumer complaints received presented a steady decrease. This positive development can be attributed to the relevant actions undertaken by EETT (such as the issuing of the Code of Practice), to improvements in the quality of services offered by market operators and to their improved customer care and technical support services, and to the number of penalties imposed on infringing market players.

EETT introduced amendments to the Code of Practice for the provision of value added services, in particular, to the provision of premium rate SMS subscription services, relating to thorough charging information to end-users before entering to subscription services.

The Hellenic Consumer Ombudsman, in collaboration with EETT and the Cyber Crime Unit of the Hellenic Police, issued a Recommendation on providers of multimedia services and providers of call origination services in an effort to address consumers' complaints regarding unsolicited text messages and e-mails on end-users' mobile handsets.

European emergency number 112

Emergency calls are made to 112 and to other national emergency numbers (100 for the Police, 199 for the Fire Brigade, 166 for the Medical Emergency Services, and 108 for the Coast Guard). According to the Greek Ministry, calls can be handled in Greek, English and French. Indicatively, around 2 482 757 calls were made in the first 10 months of 2009. All calls are being answered in nine seconds on average. The "Pull" technique for the provision of caller location information is currently used for both fixed and mobile calls. A number of public awareness measures for the 112 emergency number were undertaken, such as television and radio spots, display on the Civil Protection Centre's vans, on bus tickets, and various governmental web sites.

Harmonised numbers for harmonised services of social value (116)

Greece has assigned the 116000 number to 'The Smile of the Child', a voluntary organisation for children. The number is operational since October 2008. The 116111 number was assigned to the Society of Psychological Education of Children and Youth, and only recently has started being operational. It should be noted that to date, this number is not yet accessible by all providers' networks and that only limited service is offered. In regards to the 116123 number, no assignment has yet taken place.

Number portability

Between 1 January to 30 September 2009, the total number of fixed ported numbers equalled to 393 226 and the total number of mobile ported number amounted to 355 484. The inter-

operator price for fixed number portability was €2.5 (among the lowest in the EU), and for mobile number portability was €9.6.

The number portability regulation mandates operators to implement number portability (both for fixed and mobile numbers) within 10 working days, giving the option of an extension by 5 working days. In practice, number portability is implemented within 12 working days on average with no retail costs for the consumers.

In June 2009, EETT ran a public consultation on reducing the 10 working days for porting a number to 3 working days. An extended deadline would be granted for requests combining number portability and unbundling of the local loop. EETT was in the process of amending the number portability regulation at the time of writing this report.

Data protection

With its ruling on 26 November 2009, the European Court of Justice condemned Greece for not transposing the Data Retention Directive.

A Joint Ministerial Decision on the minimum obligations of network operators to ensure the integrity of public telephony networks and the availability of public telephony services at fixed location is still pending. According to the Ministry, the draft law was expected to be put before the Greek Parliament for adoption in due course.

In an effort to combat terrorism, the Greek government adopted in August 2009 the national legislation 3783/2009 on the identification of users (natural persons and legal entities) of mobile telephony equipment and services. Subscribers not providing correct details are subject to criminal liability. The transitional provisions allow mobile operators to record the personal data of all pre-paid mobile telephony users until 30 July 2010, after which any anonymous SIM cards will be blocked. Mobile operators foresee a decrease in the number of pre-paid cards users, and an increase in their operational costs due to the re-organisation of their network chain outlets where pre-paid cards now can be bought.