

Recommendation aimed at mitigating the impact of the rising cost of living on access to electronic communications services

25 October 2022

In the current framework of a rising cost of living, the concern with the **affordability** of essential public services takes on special relevance in segments of the population other than those covered by the social tariff measure for supplying broadband Internet access services, already in force. In this context, ANACOM can only **urge what it regards as one of the aspects of the social responsibility of providers** of electronic communications services, as **essential public services**, to ensure that, within the scope of the applicable legal and contractual rules, the pricing policy is addressed by them with special care. It is therefore important to ensure that the impact of possible price increases for most families, in the current exceptional scenario, is duly considered when prices to be applied to the respective service offers are established, as well as in the context of the increase of those prices within the scope of contracts already underway.

For the above reasons, it is important that companies in the sector, in this climate of uncertainty, consider in particular the impact of their pricing policies on families, who are facing an unprecedented rise in the cost of living in recent economic history. In this regard, it should be noted that in the context of the COVID-19 pandemic, exceptional measures were determined, and companies in the sector can benefit from the experience obtained in that framework.

In view of the above, in compliance with ANACOM's duty to protect the rights and interests of consumers and other end users, as set out in point h) of paragraph 1 of article 8 of its Statutes, as approved by Decree-Law No 39/2015 of 16 March, as well as the regulatory objective relating to the protection of citizens' interests, as set out in point c) of paragraph 1 of article 5 of Law No 5/2004 of 10 February, as amended¹, and for the purposes of point b) of paragraph 4 of the same article², which charges this Authority to ensure a high level of consumer protection in their relationship with companies, and under the powers resulting from point b) of paragraph 2 of article 9 of the aforementioned Statutes, **ANACOM hereby recommends** companies providing publicly available electronic communications services as follows:

¹ Which is matched by point d) of paragraph 1 of article 5 of Law No 16/2022 of 16 August.

² Which is matched by point c) of paragraph 3 of article 5 of Law No 16/2022 of 16 August.

1. To **ensure that**, within the scope of the applicable legal and contractual rules, **any price increases**, either in tariffs available for new subscriptions or in contracts underway, to be implemented in the coming months, **take into due consideration the social and economic context of the country**, so as to ensure effective access to the service by end users of these services;
2. **Not to demand payment** of contractually established **charges in the event of early termination** of the contract during the loyalty period by **consumers subscribing to a social tariff offer for broadband internet access**;
3. **To promote the conclusion of agreements for the fractioned payment of invoices** in situations of difficulty or effective delay by the subscriber, in order to avoid suspension and subsequent termination of the contract, under the terms of the legal regime applicable to the suspension of services to end-users who are consumers, and also that the agreed instalments are of an amount that can be afforded by the consumer, taking into account his/her particular situation, as well as that, when appropriate, time limits are considered to allow the consumer to regain solvency and the ability to comply with the respective contractual obligations;
4. **To provide for contractual reduction without penalty**, particularly for end users who prove to be in a vulnerable economic situation, even if not included in the situations legally provided for as grounds for temporary suspension of the contract or its termination;
5. **To make available a specific tariff advice service**, through diversified customer service channels, enabling end users to obtain information on any alternative lower prices or more convenient and sparing offers, ensuring that customer service teams are properly trained to provide such advice or, where applicable directing end-users who so request or are in a position to benefit from it to service channels specially made available for this purpose³, and adequately disclosing the respective contact details in a visible place on companies' websites, as well as on monthly invoices of services and other means normally used in their communication with end-users;

³ Without prejudice to compliance with the legislation in force, namely Decree-Law No 134/2009, of 2 June, as amended, which establishes the legal framework applicable to the provision of promotional, information and support services to consumers and users through call centres.

6. **To promote the supply of offers with lighter formats**, focused on the essential features, which do not include features or services that are not valued by consumers;
7. **To foster the appeal of isolated service offers (1P) and to improve their dissemination and visibility**, both in digital communication channels and in physical shops where products for which the provider is responsible are available.