

25th November 2019

Katerina Vlachavas
Senior Consumer Policy Manager
Ofcom
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2a Southwark Bridge Road
London SE1 9HA

Dear Katerina

Ofcom's Trialling Remedies Consultation

The members of Mobile UK (O2, Three, Vodafone and EE/BT) have asked me to write to you in relation to Ofcom's consultation on 'Trialling Remedies'.

Each has submitted a response in which there is a common theme – a strong belief that a voluntary, industry-led solution would be more proportionate and, furthermore, much more likely to achieve the ambitions set out in any trial.

The purpose of this letter is to affirm that this is something that they would like to propose jointly and to set out the key principles on which working jointly towards a voluntary solution would be based:

- **Consent based:** customers would only be involved in a trial on an active 'opt-in' basis.
- **Voluntary:** all providers should have the opportunity to take part but not be compelled. Trials should be designed to involve all operators, though.
- **Proportionate:** the size, duration and cost of the trial should be proportionate to whatever remedy/harm is being tested. Suitable funding arrangements must be proposed (for consultation with industry) so as not to distort competition. This may include a contribution from the regulator.
- **Transparent:** the scope, nature and remedy being trialled should be fully transparent and trial design developed in collaboration with industry.
- **Accountable:** results of the trial should be published and reviewed collaboratively. Outcomes must be fully reflected if there is subsequent consultation about a proposed intervention (including the option of no intervention).

We very much support the principle that trialling remedies is potentially an effective way of improving market engagement before industry gets committed to significant investment in remedies that may not work. But, in line with the principles of better regulation, it is incumbent on Ofcom to

seek the least intrusive way of intervening. We thus ask that industry and Ofcom explore together a voluntary approach in the first instance.

Yours sincerely,



Hamish MacLeod

Director, Mobile UK