

Dear Sirs,

We are writing in response to the further consultation on implementing the new European Electronic Communications Code (EECC).

### **Annual best tariff information**

We support the change to GC C1.16 to clarify that only those contracts that were previously subject to a fixed commitment period that has since expired should receive annual best tariff information.

### **Business customer definitions**

We welcome the review of the definitions of micro enterprises and small enterprises and the proposed simplification of these definitions. However, in common with many other respondents, we still have concerns in relation to the application of protections designed for individual consumers to businesses.

The purpose of the EECC is to ensure that business customers which have a similar bargaining position to individual residential customers are provided with certain consumer protections. We note that Ofcom does not have discretion over the types of customers to which the end-user protections apply, although it has discretion over the definitions of those types of customers and see the logic of Ofcom's Option 2 definition, given the fact that this will align with the existing small business customer definition in the GCs.

However, we remain concerned that Ofcom's proposals in relation to the provision of information to customers about their services at the point of sale go beyond the requirements of the EECC. Even with the refinement of the definition of micro-enterprise and small enterprises, these increased protections will apply to almost all businesses. In July 2020, the UK Government published a briefing paper confirming the proportion of UK businesses with fewer than 10 employees at 96%<sup>1</sup>.

We accept that the protections set out in the EECC must be implemented but consider that it is not necessary to implement any requirements over and above those set out in the EECC and believe it would be disproportionate to do so. In our response to the consultation on fair treatment and easier switching, we provided several examples of scenarios where we do not believe businesses, even the smallest ones, would benefit from the protections proposed by Ofcom including:

- Requiring providers to explain RPI and CPI uplifts, despite these affecting most charges for businesses;
- The inclusion of VAT in the core subscription prices which would differentiate telecoms pricing from most other utility services business customers receive;
- The inclusion of information on complaint handling procedures, ADR schemes and the Ofcom Approved Complaints Code, which is already available on providers' websites and invoices in accordance with the current General Conditions; and
- Providing information in a durable medium on service level guarantees, after sale services or commercial guarantees; and refund and compensation arrangements.

We support easy customer access to increased contract information, as provided for in the EECC end-user protections. However, we believe that limiting the information to be provided to that which is required by

---

<sup>1</sup> <https://researchbriefings.files.parliament.uk/documents/SN06152/SN06152.pdf>

the EECC will prevent excess information being imposed on business customers at the point of sale. A more proportionate approach to the additional information proposed by Ofcom would be to have this information available on request or on providers' websites (as is currently the case with much of the information above) and to bring customers' attention to the availability of this information to be reviewed at their convenience if they wish to do so.

As stated above, we recognise that Ofcom cannot deviate from the EECC wording regarding the types of customers to which the end-user protections apply. We therefore consider that the only way to ensure that businesses are not provided with protections that they neither want nor require is to ensure that Ofcom does not implement protections which go above those set out in the EECC.

Should you wish to discuss any of our comments in relation to this consultation, please do not hesitate to contact me at [REDACTED]

Yours sincerely,

[REDACTED]  
Compliance Officer