

General Recommendations for the Provisioning of Audiotex Services



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1	INTRODUCTION AND SCOPE.....	3
1.1	PURPOSE.....	3
1.2	GLOSSARY OF TERMS.....	3
1.3	TYPES OF AUDIOTEX SERVICES	6
1.4	AUDIOTEX SERVICES BILLING MODELS.....	8
2	COMMUNICATION OF AUDIOTEX SERVICES AND CONSUMER PROTECTION.....	9
2.1	GENERAL PROVISIONS	9
2.2	COMMUNICATION OF AUDIOTEX SERVICES	9
2.3	COMMUNICATION OF ADULT SERVICES.....	14
2.4	COMMUNICATION OF SERVICES AIMED AT MINORS	14
3	NUMBER ACTIVATION, CANCELLATION	15
3.1	PROCESS OF ACTIVATION OF A PROVIDER'S NUMBER IN THE OPERATOR'S NETWORK	15
3.2	PROCESS OF CANCELLATION OF A PROVIDER'S NUMBER IN THE OPERATOR'S NETWORK	18
4 ERROR! BOOKMARK NOT DEFINED.	
	MISCELLANEOUS	20
4.1	OPERATORS' RESERVATION.....	20
4.2	PRE-RECORDED INFORMATION	20
4.3	ONE-OFF ACTIVITIES GENERATING HEAVY TRAFFIC.....	20
4.4	LEGAL COMPLIANCE.....	21
5	APPENDIX 1: DEFINITION OF PROHIBITED SERVICES AND THE RULES FOR THE PROVISIONING OF ADULT SERVICES.....	23
5.1	RECOMMENDATIONS FOR THE PROVISIONING OF ADULT SERVICES	23
5.2	PROHIBITED CONTENT	23
6	APPENDIX 2:	26
	REPORTING ONE-OFF EVENTS GENERATING HIGH TRAFFIC	26

1 INTRODUCTION AND SCOPE

1.1 Purpose

This document (hereinafter referred to as the “ATX Code”) provides customers of Audiotex Services (i.e. services subject to premium rates) with information to help them properly understand the principles of these services. The ATX Code also sets rules for the Providers and Aggregators of Audiotex Services and for the Operators in relation to the provisioning of premium voice services – Audiotex (hereinafter referred to as the “Services”) in the Czech Republic.

The document was prepared in cooperation with the Association of Mobile Network Operators (hereinafter referred to as the “AMNO”) and the Association of Public Telecommunication Network Providers (hereinafter referred to as the “APTNP”). The recommendations are based on the experience gained by AMNO and APTNP members in relation to providing these services in the Czech Republic as well as experience with similar services abroad.

The document aims to define transparent and non-discriminatory environment for providing Audiotex Services, while emphasizing customer protection and the improvement of reputation of these services in the market in the long-term.

1.2 Glossary of terms

Audiotex Services (ATX)	content-type voice services subject to special rates; specific numbers are assigned to these services by the valid Numbering Plan
ATX Code	binding recommendations to be observed by all providers of premium voice Audiotex services
Customer/End User	the calling party, final user of Audiotex Services
Provider	an entity offering Audiotex Services to customers in its own, or third party's telecommunication network
Operator	an operator of a public communication network which enables its end customers to use Audiotex Services subject to relevant fees for using these services
Aggregator	an entity that acts as an agent between the Provider/s and Operator/s with respect to the provisioning of Audiotex Services
Numbering Plan	Public Telephone Networks Numbering Plan defines binding rules for the numbering of public telephone networks and services, and for access to electronic communications services
Electronic Communications Act	Act No. 127/2005 Coll., on Electronic Communications and on Amendment to Certain Related Laws
Czech Telecommunications Office	(CTO) the central state administration body enforcing the law in areas specified by the law, including market regulation and definition of conditions for doing business in the area of electronic communications and postal services, established pursuant to the Act No. 127/2005 Coll., on Electronic Communications and on Amendment to Certain Related Laws.
AMNO	Association of Mobile Networks Operators
APTNP	Association of Public Telecommunication Network Providers

1.3 Types of Audiotex Services

These recommendations apply to the services defined below. The services are provided at numbers and numbering ranges reserved for this type of services in the valid Numbering Plan.

1.3.1 Structure of Audiotex numbers

Audiotex services are, as a rule, provided at nine-digit numbers in the following format: **90X AB CD ZZ**, where:

- X defines the type of the provided service and can be any number between 0 and 9 in accordance with the Numbering plan
- AB determines the per-minute rate charged to the end user including VAT, the rate may also be charged per call
- CD ZZ these numbers are allocated by the Czech Telecommunications Office

1.3.2 Information, content, professional and entertainment Audiotex Services (excluding lotteries, adult and voting services)

These services and content are defined as information, content, professional and entertainment services (e.g., horoscopes, weather, fun chat, professional advice service, etc.), the contents of which is not at variance with the valid Czech laws.

1.3.3 Adult Audiotex Services

This type of services includes all voice Audiotex Services provided at the 909 numbering range; these services are defined as adult (for more information, see sections 0 and 4), and the content of these services must not be at variance with the valid Czech laws.

1.3.4 Audiotex Services for gaming and betting

These Audiotex Services include gaming and betting services for which customers register and provide their bets into a game or lottery via a phone call. These services are provided in accordance with the Lottery Act pursuant to the valid Gaming Plan of the Provider; the plan must be approved in advance by the Ministry of Finance of the Czech Republic. Lottery services must be provided exclusively in accordance with the approved rules and conditions.

1.3.5 Audiotex Services for voting

These Audiotex Services include services that customer uses to cast a vote in a pre-defined contest or public poll. The call duration is defined by the Provider; it is impossible for such a call to last longer than the call duration specified by the Provider, Aggregator or Operator. If the voting service is part of TV broadcast, the Provider must check in advance that the service does not rank among one-off services generating high traffic (see section **Error! Reference source not found.**).

1.3.6 Audiotex Services charged by duration

These Audiotex Services are charged to the end user by a unit of time. Operators and Aggregators offer 60 sec + 60 sec intervals (i.e. the each commenced minute of the call is charged) and price levels CZK 6, 8, 10, 11, 14, 16, 17, 18, 20, 23, 26, 30, 34, 38, 42, 46, 50, 55, 60, 65, 70, 80, 90, 95 per minute. The end prices are quoted including VAT, if applicable. Providers may apply for activation of additional price levels and methods of charging; however the functionality is not guaranteed.

1.3.7 Audiotex Services charged per unit

These Audiotex Services are charged to the end user on a per-unit basis, with the maximum duration of call being 60 sec.. Operators and Aggregators offer calls charged at a flat per-call rate and price levels CZK 6, 8, 9, 10, 16, 20, 30, 40, 50, 55, 60, 70, 79, 95. Kč. The end prices are quoted including VAT, if applicable. Providers may apply for activation of additional price levels and methods of charging; however the functionality is not guaranteed. Per-call charged Audiotex Services are available from 1 September 2007.

1.4 Audiotex Services billing models

1.4.1 *Reselling model*

If an Audiotex Service is purchased by the Operator from the Provider or Aggregator of the Service, and the Operator provides the service to the End User, the model is considered a reselling model. The End User will see the bill for the service including VAT on the invoice issued by the Operator (for post-paid customers); the bill will be presented as a tax document (tax base and tax). This model ceased to be effective as of 28 February 2007.

1.4.2 *Factoring model*

If an Audiotex Service is provided by the Provider to the End User and the Operator only charges the customer for using the service, this model is called Factoring. The customer does not receive a tax document for the provided service from the Operator; the customer only receives a billing document (non-tax document). A tax document is made out by the Service Provider at the request of the End User. This model took effect for all operators as of 1 March 2007.

2 COMMUNICATION OF AUDIOTEX SERVICES AND CONSUMER PROTECTION

2.1 General provisions

The Service Provider is responsible for ensuring that a comprehensible description of the service exists for all types of media so that its users or potential users are appropriately and truly informed about the service offered. The Provider must provide its contact information depending on the type of media.

Misleading of customers, or potential customers, by inaccuracies, ambiguity, exaggeration or omission of information is unacceptable. It is also unacceptable to state the information in an intelligible way – either in a very small font, or on a non-contrasting background.

All Providers must make sure that the Audiotex Services are in accordance with the provisions of the generally binding Czech and EU laws, primarily in respect to the protection of personal data and consumer protection. The Provider must not provide any third party (advertising agency, etc.) with any data obtained in communication with customers without explicit consent of the End Users.

2.2 Communication of Audiotex Services

If Audiotex Services are marketed via the media, customers must be clearly and unambiguously informed about price of the service including connection fee, value added tax as well as other details described below in the relevant advertising.

Upon Operator's or Aggregator's request, the Service Provider is obliged to historically document the format and scope of provided information regarding Audiotex Services. At the request of the Operator or Aggregator, the Provider must submit evidence of compliance with the disclosure duty towards customers for audit.

When advertising the information and services provided through the means of electronic communications (i.e. in the form of voice, text, audio or video message transmitted through public electronic communication network), the Provider must observe all provisions of the "Act Regarding Certain Information Society Services and Its Amendments" (Act No. 480/2004, Coll., as amended), especially so as to obtain in advance a demonstrable consent of a natural or legal person with such form of advertising through the means of electronic communications.

2.2.1 Services charged by call duration

When advertising Audiotex Services, the Providers must clearly inform end users about the type of service:

- standard type service; call duration is not limited by the Provider;
- one-off service:
 - o with a fixed call duration (for example 10 seconds, after which the call is terminated by the Provider),
 - o with a flat rate charged per call.

2.2.2 Services charged per unit

The rate charged for the use of an Audiotex Service must be clearly stated so that there is not any doubt about the price charged to the End User. The price is charged depending on the type of service either as:

- o per-minute rate (for example adult, information services, etc.), or
- o per-call rate (voting, for example)

2.2.3 Price information

The price charged for Audiotex Services will always be stated as final for the End User, in CZK including VAT, if VAT applies; in such a case the information will be clearly stated. The price must not be stated for any unit other than per-minute connection, with the exception of Audiotex Services which attract a one-off fee charged per call, or voting-type services which are charged at a rate with a shorter than one minute interval. In the case of paid voting services, for which fixed maximum call duration is defined by the Provider and such duration is shorter than one minute, the Provider must specify the maximum price including VAT in CZK instead of the per-minute rate in CZK.

The Provider must ensure that all users of Audiotex Services provided by him are transparently, clearly and comprehensively informed about the price of the Audiotex Service – prior to its provision, regardless of the way the user learns of the Audiotex Service.

If the Provider markets Audiotex Services at any number different from the Audiotex Number, he is also obliged to state, in addition to the Audiotex Service Number, the maximum per-minute price of a call including VAT; the price information must be shown immediately after the Audiotex Service Number. For an example of such communication, see point 2.2.5 – Other voice-based advertising

2.2.4 Information about the Service Provider, helpdesk, addressing of complaints and availability

The Provider must ensure that all users of Audiotex Services provided by him are transparently, clearly and comprehensively informed - prior to the provision of the service and regardless of the way the user learns of the Audiotex Service – about the following:

- The Provider – full first and last name for natural persons and business name for legal persons; the business name must be the same as registered in the commercial, trade or other registry, also the registered address or a P.O. Box;
- Helpdesk for End Users – namely for requesting receipts in the form of tax documents, lodging complaints and addressing availability issues in respect of Audiotex Services.

The Provider must address customer inquiries and complaints without undue delay in order to prevent any damage to Operator's or Aggregator's good reputation. The Provider shall handle customer inquiries and complaints at the point of contact specified in communication. Neither the Provider nor the Aggregator are allowed to refer customers to Operator's customer service lines.

In the event that an Audiotex Service is not available to customers in a network of any of the Operators, the Provider must specify the networks where the service is available when advertising the service. If the Audiotex Service is available in the networks of all Operators, the information is not mandatory.

2.2.5 Examples of requested information depending on the type of medium used

Type of medium - Service	Requested information	Example
TV - Counselling	- Service access number - Price in CZK/min incl. VAT - Full name and surname/business name of the Provider - Provider's contact (address or P.O. Box) Information must be well legible and must be shown on TV screen for 7 seconds.	Are your problems getting you down? Call our Counselling at 906 10 00 00. Price: CZK 10 per minute including VAT. Maximum call duration is 30 minutes. The service is provided by Audix Praha s.r.o., P.O.Box 1234, Praha 1
TV - Voting	- Service access number - Price in CZK/min. incl. VAT or maximum price charged per call - Full name and surname/Provider's business name - Provider's contact (address or P.O.Box) Information must be well legible and must be shown on TV screen for 7 seconds.	For voting in the "Call Us" contest, call 906 50 00 00. Max. price of the call is CZK 10 incl. VAT. The service is provided by Audix Praha s.r.o., P.O.Box 1234, Praha 1, www.audix.cz
Radio	- Service access number - Price in CZK/min incl. VAT - Full name/business name of the Provider	Call 906 500 000. CZK 50 including VAT per minute. Provided by Audix Praha.
Other voice-based advertising	- Service access number - Price in CZK/min incl. VAT - Full name/business name of the Provider	Call 900 10 00 00, price per call is CZK 10 incl. VAT per minute, maximum call duration is 30 minutes. Provided by Audix Praha s.r.o., P.O.BOX 1234, Praha 1
Internet Press Billboard Printed materials	- Service access number - Price in CZK/min incl. VAT or maximum price charged per call - Full name and surname/Provider's business name	Are your problems getting you down? Call our Counselling at 906 10 00 00. Price: CZK 10 per minute including VAT. Maximum call duration is 30 minutes. The

Other media	- Provider's contact (address or P.O.Box)	service is provided by Audix Praha s.r.o., P.O.Box 1234, Praha 1.
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The bold text in the communication cannot be manipulated; the sequence must not be changed, parts must not be deleted.

In addition to the information specified above, the information **“Minimum required age 18 years”** must be included for Audiotex Services of adult and lottery character as well as for other services where the minimum required age is 18 years.

2.3 Communication of adult services

The Providers must communicate all adult services in a proper way in accordance with the valid Czech laws (for more details see Appendix no. 1 hereto).

Any communication (video, audio or any other form of communication) of all “permitted” categories of adult services (or products) must contain a warning that the content is not suitable for young people under 18 years of age.

The Provider is fully responsible for posting such warning; the Provider will also be responsible for possible damage and will bear any risks. Operators mediating Audiotex Services shall not be held responsible for meeting the duties of the Aggregator or Provider, or for the service content in any way.

2.4 Communication of services aimed at minors

Children's services are services targeted at the age group below 15 years of age (hereinafter referred to as “children”) such as the “chat” service. These services and any related communication must not contain anything that could be harmful to children or that could abuse or exploit children in any way in respect to their mental and moral maturity or that could violate the valid Czech laws.

3 NUMBER ACTIVATION, CANCELLATION

3.1 Process of activation of a Provider's number in the Operator's network

3.1.1 *The following principles apply to the activation of a new number allocated to a Provider:*

a) The Audiotex Services numbers are allocated in accordance with the rules defined by relevant Czech government body. The number is allocated based on a request submitted by the Provider, or Aggregator;

b) After the number is allocated, the Provider requests from the Operator activation of the given number in its network, such request is submitted either by the Provider or by the Aggregator;

All requests for activation of the allocated Audiotex Service number must contain especially the following information:

- i. Business name of the Provider
- ii. Provider's registered address
- iii. Copy of a final licence for using the numbers allocated by the Czech Telecommunications Office
- iv. If the number activation is requested by the Aggregator, the request must also specify the business name and registered address of the Aggregator and the Provider's consent to activate the numbers
- v. Provider's contact details for the purpose of handling warranty claims; particularly the helpdesk (in the Czech Republic) which can be contacted by End Users via mail (postal address of the Provider's headquarters or its P.O. Box) and by phone or electronically, particularly for the purpose of their requests for tax documents

c) If the Provider requests activation of a number that is to be used for special purposes (such as lottery), the Provider will also supply a permission issued by the relevant body of the government (for example a lottery permission for the given Audiotex number) together with the request;

d) The request for number activation must be delivered to the Operator at least 15 calendar days prior to the required date of activation;

e) If an existing tariff is to be activated, the Operator will activate the number for its End Users no later than as of the first or fifteenth day in a regular month, with the exception of 1 January, provided that the Provider meets all the requirements specified above. If the given day is not a business day, the activation can be performed on the first business day that follows.

3.1.2 *The following principles apply for the activation of a ported number:*

a) An Audiotex Services number can only be ported between the Operators and Aggregators which operate their own communication networks in accordance with the Electronic Communications Act.

b) Number porting is governed by the same principles as those applying to the activation of a new allocated number specified in section 3.1.1; the request shall also contain a specification of the network from which the given number is being ported. Also, the principles defined in Measure of General Nature No. 10 shall adequately apply.

c) The recipient Aggregator or Operator shall also ensure that the corresponding reference material concerning the ported numbers is updated in a standard way. With regard to the technical and operational conditions for providing Audiotex Services, the required date of porting needs to be specified as the date of activation of the ported number, in accordance with paragraph 3.1.1 e).

3.1.3 Available numbering ranges

<i>Numbering range (90X)</i>	<i>Type of the Audiotex Service</i>	<i>Examples:</i>
900	Premium rate voice services – professional and commercial	Legal, medical and other professional counselling
906	Premium rate voice services – entertainment competitions and games, dating, advertising, horoscopes and similar services	Telephone competitions and games, lotteries, dating, advertising, horoscopes, paid internet content and similar services
908	Premium rate voice services – charged per call	Telephone competitions and games, lotteries, paid internet content and similar services
909	Premium rate voice tariff – adult content	Adult chats and personals, paid adult content

If any reserves in the Numbering Plan are released to be used for new Audiotex Services, these rules will be binding also on the services provided within the new numbering ranges, unless stipulated otherwise.

3.1.4 Available AB price levels

The price levels are determined by the 4th and 5th digit (AB) of the Audiotex Service number, they express the price in CZK including VAT.

The numbers can be from CZK 1 to 99. All generally available price levels are listed in sections 1.3.6 and 1.3.7.

The price level determines the per-minute rate, or the one-off rate charged per connection in case of one-off tariffs.

3.2 Process of cancellation of a Provider's number in the Operator's network

The standard cancellation process to cancel a Provider's number follows these principles:

- a) The Service Provider asks the Operator to cancel and disable the Audiotex Service number in its network. The request may be submitted to the Operator either by the Audiotex Service Provider, or by the Aggregator.
- b) The Provider or Aggregator must request number cancellation every time when the authorisation to use the given numbering range or lottery permission expires (if requested by the law), or when the conditions specified for electronic communications business are no longer being met;
- c) The Operator must cancel and disable the Provider's number by the deadline specified by a bilateral agreement, however, no later than 30 calendar days after the request is submitted. If the number is cancelled and disabled due to any of the reasons specified in section b), the Operator will cancel and disable the number without any undue delay after being informed about the fact.
- d) If an Audiotex Service number is cancelled, or the service is temporarily disabled, calling customers must be informed about the fact: either by an information message, or by a signalling tone (see paragraph 4.2). Customers must not be charged for such service

MISCELLANEOUS

3.3 Operators' reservation

The Operators and Aggregators associated in AMNO and APTNP are authorised to amend this ATX Codex at any time to comply with the legal environment in the Czech Republic as well as other self-regulatory codes.

3.4 Pre-recorded information

The Operator, Provider or Aggregator is entitled to include a free of charge message to inform End Users about the special rates the number is subject to before connecting the Audiotex Service. The message must not be discriminatory, i.e. the message must not differ in respect to different Operators, Providers of Aggregators and must not promote just one type of access.

If an Audiotex Service is cancelled or temporarily disabled, the Operator must use a special message or signalling tone to inform the customer about the fact. If this is the case, the customer must not be charged for such a call.

All messages must be primarily in the Czech language. Other language versions are permitted, however, the Czech version must always be heard first.

3.5 One-off activities generating heavy traffic

These are activities of the Provider or its partners that can be reasonably assumed to cause one-off heavy load on the use of Audiotex Services by customers exceeding the standard level load on telephone networks of Operators for a certain period of time, and such one-off heavy load is limited in time. If the number of calls to Audiotex Service number exceeds 10,000 calls per hour, the load will be defined as one-off heavy load on the use of Audiotex Services by customers. Such situation occurs especially when Audiotex Services are used in relation with TV contests, voting, etc. The Provider must inform the Operators about such activities by filling in the form attached as Appendix no. 2 hereto at least 14 days before the date when such activity is to take place..

3.6 Legal compliance

All Providers must commit themselves that the services and content they or their partners offer, will be provided in accordance with the valid Czech legislation, primarily with the regulations governing protection of intellectual property rights (legislation applicable to works subject to copyright, trademarks, patents and utility design), personal data protection, protection against unsolicited commercial messages and protection of consumers; lotteries or similar games shall also be subject to The Lottery Act, approved and valid Gaming Plan, as well as provisions regarding protection of minors (adult content).

Should there occur any disputes, related to any breach of the valid legislation, or should any of the Operators discover any indications that the valid legislation is being breached by the provisioning of Audiotex Services or content, the Operator shall be entitled to suspend the use of these services in the Operator's network in relation to the Provider or Aggregator after previous notification.

Similarly, it shall also be possible to suspend the use of Audiotex Services, if the Operator learns about the suspicion that the Audiotex Services or content provided through the service are abused, or may be abused, to launder money from criminal activities as specified by the valid legislation regulating measures adopted to prevent money laundering.

4 APPENDIX 1: DEFINITION OF PROHIBITED SERVICES AND THE RULES FOR THE PROVISIONING OF ADULT SERVICES

4.1 Recommendations for the provisioning of adult services

The Operators and Aggregators associated in AMNO and APTNP are entitled to assess content and place it in a relevant category of provided Audiotex Services, and possibly also change the content category. In such a case the content Providers must act in accordance with instructions of the Operators and Aggregators associated in AMNO and APTNP. Should a Provider violate the instructions, the Operators and Aggregators associated in AMNO and APTNP shall be entitled to make relevant steps to remedy the situation, or act pursuant to the valid contracts entered into with the Providers, and as the case may be, pursuant to the applicable Czech law.

4.2 Prohibited content

4.2.1 *Conditions applicable to lottery activities*

Lotteries that violate the law or are based on Gaming Rules that have not been approved will be considered illegal. Competitions involving misleading advertising will also be considered illegal.

4.2.2 *Deceitful and fraudulent services*

It is forbidden to provide the following Audiotex Services clearly designed to artificially increase earnings, i.e. services the contents of which evidently does not correspond with the requested price, or services that may damage the rightful interests of the consumer. These services include, but are not limited to, especially the following:

- a) automatic diallers (calling shows characteristics of a time sequence, mathematical series, etc.),
- b) services that forward calls to other numbers,
- c) repeating messages, circular IVR,
- d) silence,
- e) clearly outdated/useless message,
- f) nonsensical content, sounds,
- g) obvious artificial prolongation of call before the requested information is provided (redundant IVR items, etc.)

4.2.3 *Prohibited adult content*

This area includes everything that violates the generally binding regulations valid in the Czech Republic and is offensive to good manners as such. Especially the following must not be presented:

- a) content evoking sex with minors (under 18 years of age), or a person whose appearance evidently suggests s/he is younger than 18 years,
- b) sex with a next of kin (for example mother and son, brother and sister),
- c) human trafficking for sexual exploitation,
- d) service evoking sexual intercourse with animals (i.e. this includes petting or other sexual activities human + animal),
- e) torture and violence (against the will the persons involved; this includes also all forms of SM practices that could result in an injury and serious damage to health),
- f) SM practices will be assessed individually, the general opinion is that if SM includes humiliation of another person (for example sexual practices including bondage), the content will be considered illegal,
- g) sexual gratification using dead human bodies (as well as their dishonouring), and genocide (racist motivated sexual, or other, humiliation of the persons involved),
- h) describing human excrements in relation with sexuality (for example describing urine, stool, blood, etc.), associations relating to weapons, drugs, alcohol served to persons under age, murder, rape, keeping hostages and other criminal offences associated with the sexual content offered

5 APPENDIX 2:

REPORTING ONE-OFF EVENTS GENERATING HIGH TRAFFIC

Form for reporting Audiotex high-traffic event

One-off high-traffic events must be reported 14 days in advance!!!

Operators' contact details: audiotex@o2.com
90X-operations@col.cz
service@ctms.cz
audiotex@qtsnovera.cz
premium@t-mobile.cz
premium@vodafone.cz

Date of report

Audiotex provider (company)	<input type="text"/>		
	First name and surname	Email	Mobile/telephone
Contact - commercial	<input type="text"/>	<input type="text"/>	<input type="text"/>
Contact - technical	<input type="text"/>	<input type="text"/>	<input type="text"/>
Contact during the event	<input type="text"/>	<input type="text"/>	<input type="text"/>

Date of the reported event	<input type="text"/>	Voting begins	<input type="text"/>
	<input type="text"/>	Voting ends	<input type="text"/>

Audiotex access numbers	<input type="text"/>	<input type="text"/>
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Type of underlying programme	<input type="text"/>
Name of the underlying event/programme	<input type="text"/>
Medium	<input type="text"/>

Estimated number of callers total	<input type="text"/>	(all networks)	Max peak (#min)	<input type="text"/>
Estimated number of minutes total	<input type="text"/>	(all networks)	Peak times	<input type="text"/>

Online communication	<input type="text"/>	Number	<input type="text"/>
	<input type="text"/>	Number	<input type="text"/>
	<input type="text"/>	Number	<input type="text"/>
	<input type="text"/>	Number	<input type="text"/>

Previous communication	<input type="text"/>
	<input type="text"/>
	<input type="text"/>

Other information in respect of the reported events	<input type="text"/>
	<input type="text"/>

