



MONTENEGRO

AGENCY FOR ELEKTRONIC COMMUNICATIONS AND POSTAL SERVICES

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## VIBER MEDIA S.A.R.L.

Attn: Ms. Idit Arad, Legal Department Manager

2 rue du Fosse  
L-1536, Luksemburg  
Grand Duchy of Luxembourg

Dear Ms. Arad,

With reference to your letter dated November 24, 2016, where you expressed your readiness to cooperate with us, we would like to initiate the cooperation with your office on preventing bulk messaging from taking place within Viber, as it causes a lot of inconvenience to users in Montenegro.

The Viber services have been widely used in Montenegro and according to the researches made in February 2016, 54% of all mobile users in Montenegro were using the Viber services. Having in mind this fact, the local Health Institutions have also come to the idea to improve their communication with the patients and allow them make appointments using Viber; Viber has also become more accessible to the local taxi services as well as to many other local organizations in their efforts to improve their everyday duties, thus becoming more competitive.

As stated in our letter dated November 18, 2017, according to Article 145, paragraph 4 of the Law on Electronic Communications (Official Gazette of Montenegro, 40/13, 56/13), at the request of the Agency or independently, if provided with the previous consent of the Agency, the operator shall block the access to particular numbers and services when this is justifiable in the events of fraud or abuse, while according to the Article 178, paragraph 1 of the Law thereto, the use of automated voice systems, without human intervention (automated call machines), facsimile machines or electronic mail, including SMS or MMS for calls to users for the purpose of direct advertising, may be allowed only if the prior consent of the user has been provided.

It was established in January 2017 that messages had been sent via Viber for the purpose of direct marketing without providing prior consent of the users.

Mobile phone users in Montenegro have been also complaining to the Agency on receiving the messages from "URA" sender. Upon receiving one message from this sender, the users block its number in order to prevent from further receiving such messages, while the same messages keep coming from the same sender but from a different telephone number. In these cases, the mechanism for blocking the number is definitely not a proper solution.

We are quite interested to know whether you have the users within your "Service Messages" who send their messages from "URA" address. In the messages received, at the beginning of conversation, there is neither "Validated by Viber" nor "Unsubscribe" option, while this appears when your user send from the address "poruka.me", where the users of this service are provided with the appropriate subscription rules.

As the above mentioned has already become a problem, we suggest you to establish the procedures allowing the Agency to send a report on receiving such messages, so that Viber could take the appropriate actions for their stopping. We do not want to make decisions on who is allowed to send the messages and what their contents should be. Nevertheless, our intention is to cooperate in defining the procedures, as well as the meaning of "unwanted message" as clear as possible; in line with this, the conditions in which your user can be blocked from sending such messages should be also precisely defined.

Furthermore, you are kindly requested to inform us of the reasons why the users in Montenegro can not install Viber application through the shortest and the most convenient way - "Google play", but still need to install this application using some other options.

Respectfully,



**Executive Director**

*Darko Grgurović*

Darko Grgurović