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Val Lloyd AM
Chair
Legislation Committee No 2
National Assembly for Wales
Cardiff CF99 1NA

Dear Chair,

The proposed Welsh Language (Wales) Measure – additional evidence to Legislation Committee No.2

Thank you for your letter of 19th May, requesting answers to questions that there was not time to cover during the oral evidence session on 13th May. I have pleasure in setting out our answers below. I also enclosing a note about the situation in Spain.

a) Comparison and estimates of costs

The MBG has not yet made any detailed appraisal of the costs involved in complying with the regulations as it not yet clear what precisely will be required of our members.

However the broad scope given in Schedule 9 and initial assessments of the impact from discussions estimate they will be extensive, particularly where alterations have to be made to the extremely complex IT infrastructure that is needed to support millions of customers – such as billing, web sites and customer care centres.

The information is very dynamic and maintaining it in one language is challenging enough. It appears to us that the Welsh language schemes operated by public bodies are dealing with much more static information. For example Ofcom only offers the option of having calls answered in Welsh in its Welsh office and they translate only a portion of the documents it publishes into Welsh.

Mobile operators have to update billing systems, web sites and call centre support information on a daily or even hourly basis, and to translate this information in to Welsh shall require extensive investment in systems and people to ensure this is done effectively.

We are concerned that an estimate of annual running costs was inserted in the impact assessment of the Explanatory Notes without apparently taking any evidence from the telecommunications sector.

As the Committee heard, BT already spends more than this on existing services.

While the estimated cost of £200,000 was heavily qualified in the Explanatory Notes, it is concerning that an unsubstantiated number was used in this way, because it will inevitably be considered a 'ball park' number by many, when in fact it could be quite misleading.

The MBG is very anxious to ensure that future impact assessments on this topic employ a much more thorough and evidenced based process and that is why are suggesting that the Commissioner prepares a report looks at costs, likely customer demand and potential consumer benefits. This report will underpin the impact analysis required for the Regulations.

b) Time and cost implications

We have set out in our reply to part a) our initial assessment that the alterations and maintenance of IT infrastructure for billing systems, web sites and call centres are likely to be the most costly because the platforms are so complex and the information so dynamic.

Mobile networks are now multi-platform – supporting voice calls, Internet access, texting and many other features. The billing system has to integrate information from many sources in order to provide a consolidated bill to the customer. Adding a second language is a significant complicating factor.

The other point we were making is that technical, capital and manpower resources are limited. It follows that time and money spent on developing Welsh language services displaces time and money that would be spent on other innovation. The activity displaced will vary from operator to operator, depending on their respective priorities, although roll out of further mobile broadband infrastructure in response to the explosion in demand for more data services is fairly common to all.

c) How measures will impact on consumers in practical terms

The impact on consumers in practical terms will very much depend on the extent to which Welsh language services offered are taken up by customers. One example in the mobile sector could be customer's texting in Welsh, using a predictive texting facility¹ (there is already one model on the market offering this function).

But what we are urging most of all is that the process is very much driven by what would benefit consumers, and Welsh language development, and could be delivered at a reasonable cost. This is why we are so keen that, by way of preparation for the regulation, a report is prepared that would analyse demand, assesses benefits and calculate likely cost.

In this way, services can be brought in over time, reflecting consumer preferences as opposed to a 'big bang' approach, which would be much more expensive and disruptive and not necessarily meet the needs of customers in Wales.

The phased approach is one that has been used reasonably successfully for the regional languages in Spain.

d) Jurisdiction

As the MBG states in its evidence, members do provide multi-lingual services in other territories, such as Belgium, Switzerland and Spain. The legislative context and demographic profile of each are very different and so it is difficult to provide direct comparisons. In Belgium, for example, networks and services have been established from the start to deal with French and Flemish and the two communities are largely served by call centres and the like located in the respective regions.

Spain is in a more similar situation to Wales, where regional services are being developed after the fact. The regional governments, though, have adopted a more

¹ **Predictive text** is an [input technology](#) most commonly used on [mobile phones](#), and for [accessibility](#). The technology allows some common words to be entered by a single keypress for each letter, as opposed to the multiple keypress approach used in the older generation of phones.

cajoling approach and have not tried legal enforcement of their agreements and so it's not possible to say whether or where they would be able to do so when a given service is provided from outwith the region covered by an agreement (e.g call centres serving Catalan customers from outside Spain). It is certainly true to say that the operators struggle to provide Catalan services from call centres based in South America. Web provision for regional languages is also quite patchy.

However, each situation is different and we need a solution that works for Wales.

As matters stand, the MBG is unclear as to how the Measure applies to mobile customers that are roaming throughout the UK and internationally.

In response to the Committee's request for a comparison with Spain, Telefonica and MBG have worked together to provide the attached note which, as far as is practical on the information we have today, seeks to compare the implementation of language rules in the telecommunications sector in Spain with what is proposed for Wales.

Yours sincerely,

Hamish MacLeod

Hamish MacLeod
Chair, Mobile Broadband Group

Telefonica/MBG memo comparing Spanish language regulation v proposed Welsh language regulation in the telecommunications sector

Background

Since 1982, the regions of Spain have passed language normalisation laws to guarantee the rights of citizens to freely choose the language in which they lead their everyday lives. Normalisation laws exist in Basque Country (2008- revision of 1982 law), Galicia (1988), Valencia (1983), Navarre (1986), Balearic Islands (1986) and Catalunya (1998 – revision of 1983 law).

With respect to specific sectors, and considering the practical difficulties in the implementation of the provisions of these laws, several agreements have been agreed, between the regional governments and the market actors in specific sectors, setting out in more detail how the provisions related to language normalisation might be fulfilled. In the telecommunications sector, three autonomous regions have reached agreements with some of the operators, setting out the direction of development on an evolving basis. 1. Catalunya 2. The Basque country, and 3. Galicia. Broadly the agreements cover: Invoicing, marketing materials, customer services, sponsorship and languages to be displayed in the menus of the terminals and marketing campaigns.

The Welsh approach has the appearance of being more of a regulatory and enforcement model, whereas the agreements are more balanced and allow for improvements to be introduced over time. The operators agree to offer more personalised services in regional languages and the regional governments agree to give support through technical advice, assistance with place names etc. and on-site language training for staff.

Implementation

The experience of implementing these agreements has demonstrated that delivering multi-lingual services is complex and entails the execution of very large and costly internal company projects. Much progress has been made, nevertheless, with bills, marketing material, web sites and handset language options widely available. Maintaining multi-lingual web sites, though, on a day by day basis (they change a lot) is complex. It is also very difficult to handle incoming customer services calls in the appropriate language, if the call centre is based in a different part of Spain or offshore from that which the call is coming from.

By way of direct comparison between the Catalunya legislation and telecommunication sector agreement and the Welsh Language legislation, the requirements are as set out in the table below. However, as the context for each region is so different, it is very hard to judge whether this represents a greater or smaller regulatory burden in relation to the population served. The table set out below is for factual comparison alone.

| <i>Schedule 9 of Welsh Language Measure</i> | <i>Agreement with Catalan Government</i> |
|--|---|
| <i>Correspondence</i> | <i>Yes</i> |
| <i>Telephone Calls</i> | <i>Yes</i> |
| <i>Help lines and Call centres</i> | <i>Yes</i> |
| <i>Personal meetings</i> | <i>No</i> |
| <i>Public meetings</i> | <i>no</i> |
| <i>Publicity and advertising</i> | <i>Yes</i> |
| <i>Public exhibitions</i> | <i>No</i> |
| <i>Publications</i> | <i>Yes</i> |
| <i>Forms</i> | <i>Yes</i> |
| <i>Web sites and on-line services</i> | <i>Yes</i> |
| <i>Signage (on shops)</i> | <i>Yes</i> |
| <i>Reception and visitors</i> | <i>yes</i> |
| <i>Official notices</i> | <i>Yes</i> |
| <i>Awarding Grants</i> | <i>No</i> |
| <i>Awarding Contracts</i> | <i>No</i> |
| <i>Raising awareness of dual language services</i> | <i>No</i> |

