



## Consultation Paper

### Fifth Review of the National Numbering Conventions

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All responses to this consultation should be clearly marked:-  
“Reference: Submission re ComReg 07/46” as indicated above,  
and sent by post, facsimile, e-mail or on-line at [www.comreg.ie](http://www.comreg.ie)  
(current consultations), to arrive on or before 17:00, Friday 31<sup>st</sup>,  
August 2007, to:

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Please note ComReg will publish all respondents submissions  
with the Response to this Consultation, subject to the provisions  
of ComReg’s guidelines on the treatment of confidential  
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## 1 Executive Summary

This document opens a public consultation period on proposed revisions to the National Numbering Conventions and to the associated numbering applications procedures document. The changes that are proposed by ComReg take account of numbering developments that have occurred since the previous versions were published, as described below. The consultation period is expected to run until August after which ComReg will review the submissions received and make its final decisions on document revisions, currently targeted for October 2007.

The proposed text revisions in the National Numbering Conventions and in the numbering applications document are shown as tracked changes in draft versions of those documents, for the convenience of respondents. They are also described in this consultation document, by listing in the table of Annex C where of a relatively minor nature, or by inclusion in their own sections of this document where more significant.

The main issues on which views are sought in this current consultation are:-

- Premium Rate Services (PRS) (including text): Section 3 discusses the scope of coverage of PRS in terms of its completeness;
- Directory Enquiry services (DQ), using the short codes 118XX: This issue is discussed in detail in Section 4 in respect of texting queries to 118XX numbers and also in regard to whether non-telecoms services (e.g. travel timetables, cinema listings etc.) should in future be permitted on 118XX services;
- Withdrawal of numbers: Section 5 discusses withdrawal in the context of abuse of rights of use. This is a particular concern in respect of premium-rated numbers, where the potential for profiteering at the expense of consumers is at its greatest but it can apply to most number types. ComReg proposes some strengthening of wording to facilitate enforcement and deterrence;
- Harmonised services of social value: The European Commission Decision 2007/116/EC on reserving the national numbering range beginning with '116' for harmonised services of social value in all EU countries is addressed in this consultation document. New sections are included in the draft National Numbering Conventions and draft Applications Procedures document to cover this Decision.

In addition, a number of editorial corrections and/or textual enhancements have been carried out, and these can be observed in the tracked changes of the draft revised documents.

ComReg has considered whether any proposed changes require a Regulatory Impact Assessment (RIA) and has drafted a RIA in respect of one area, the proposal to extend the scope of 118XX services. ComReg's preliminary position is that it would be unwise to change the designated uses of the well-recognised 118XX code and the characteristics of the 118XX services in the way requested by some DQ operators. ComReg also believes that such changes if implemented would mean that the 118XX codes would need to be opened up to a much broader range of service

Fifth Review of the National Numbering Conventions providers, leading to a slow decay in the 'branding' and recognition associated with 118XX as a DQ service code.

ComReg now invites public viewpoints on the matters raised and will publish revised National Numbering Conventions and Applications Procedures documents in due course, taking those inputs fully into account.

## 2 Introduction

ComReg provides the national numbering plan administration, as required by Regulation 22 of the Framework Regulations. ComReg is required under Regulations 13 and 14 of the Authorisation Regulations to define conditions that shall be attached to the rights of use of numbers and these must be open, transparent and publicly available. ComReg achieves those aims by publishing the National Numbering Conventions and the procedures for numbering applications on its web site (currently documents ComReg 05/62 and 04/36R, respectively).

Since their first publication by ComReg's predecessor, the ODTR, in February 2000, the National Numbering Conventions have been updated on four occasions. Firstly, these changes have sought to increase coverage of the national numbering scheme and of the rules by which it is managed, in the interests of transparency. A second objective has been to keep pace with the rapid change in telecommunications and numbering, whether European-driven or as a result of national-level innovations and changes. Version 5 of the Conventions was published as ComReg 05/62 in August 2005 and in it the target of carrying out future reviews on an 18-month cycle was established. As telecommunications services have evolved steadily since August '05, it is now indeed timely to propose a further set of revisions to bring the Conventions up to date and the accompanying draft is intended to tackle that task. The changes in that document are mainly intended to address:

- Home-zonal service<sup>1</sup> as described in ComReg 07/15;
- Exhaustion of 190X customer support short codes and consequential opening of 191X codes for the same purpose;
- Implementation of European Commission Decision on 116XXX harmonised short codes (HESC) of social value;
- Perceived ongoing difficulties in ensuring that abuse of premium rate services is minimised or avoided, whether on voice or text services.

Furthermore, the changes described above have some implications for ComReg's Numbering Applications Procedures and Applications Forms document ComReg 04/36R, and a draft update of that document is also provided for consideration in this consultation.

The legal issues surrounding the National Numbering Conventions and the Applications Procedures, as well as any associated with this current update are discussed in their own section herein. The question of whether a Regulatory Impact Assessment is required has been considered by ComReg, which has concluded that a limited RIA is desirable, as described in Section 7 below.

ComReg now invites interested parties to comment on the proposed changes to the Conventions and Applications Procedures documents and it will take those comments fully into account before publishing the definitive updated documents. For convenience the draft revised documents are shown with amendments visible as tracked changes. In addition, the most significant amendments are discussed within this document while the minor changes are listed in the table of Appendix C of this document, along with the supporting rationale for the consideration of such changes.

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<sup>1</sup> Changes due to ComReg 07/15 are now tracked as changes in the Conventions but are not specifically consulted on here as they are the output of a previous consultation.

### 3 Coverage of Premium Rated Services

ComReg considers that the Numbering Conventions already cover numbering aspects (including associated conditions attached to rights of use) for enhanced messaging services (EMS) and multi-media messaging services (MMS) – see footnote 19<sup>2</sup> and first sentence of section A6.5.3. This does not appear to have been clear to all users, as evidenced by comments received by the regulator of premium rate services, RegTel, from time to time.

Furthermore, some service providers have suggested to RegTel that ‘video short codes’ need to be addressed, though it is not clear as to what additional proposals are expected in that regard or even why numbers or codes should form part of such services. This may be linked to a broader issue, where RegTel also felt that confusion exists concerning whether mobile-Internet type services are covered by the conventions and felt clarification would be helpful. ComReg considers that Information-society services not using numbers do not currently fall within the remit of the conventions. They may nevertheless be classified by RegTel as Premium Rate Services and any abuse of such facilities could be addressed in the context of more general consumer protection legislation.

A specific issue related to this is that while the existing 5XXX short codes are used to order content that is subsequently delivered as a mobile data download, additional charges may be levied for that download. In some instances, the download charges have been alleged to significantly exceed the premium rate charge, and ComReg has concerns that this is not sufficiently transparent to the consumer.

In general, some further clarity may be necessary in the context of premium rate services where service ordering and delivery are separate communications events, often using different network capabilities, or indeed different networks. For services that require numbering resources, premium rate numbering should be used as the basis for initial contact in order to ensure transparency for consumers. In such circumstances, a cascaded chain of communications cannot result in evasion of obligations to meet current rules regarding Premium Rate services

ComReg wishes to bring certainty to these areas and has developed a series of consultation questions, the responses to which will guide it in whether to introduce changes or new conventions.

**Q. 1. Do you agree that the existing coverage of SMS+EMS+MMS, using the current codes under 5XXXX is adequate and expansion of rules and separation of number ranges is unnecessary?  
Please explain your reasoning and provide your alternative proposals.**

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<sup>2</sup> Footnote 20 in draft version 6.

**Q. 2. Do you feel that separate number ranges and/or different conditions of use are needed for new premium rate services (e.g. video) that should be accessed via short codes?**

**If so, please describe the services to be addressed, the reason short codes are needed and propose the codes you suggest (e.g. currently reserved 5XXXX codes).**

**Q. 3. Do you agree with ComReg that – at least for the present - Internet-based services (including those restricted to the confines of mobile networks<sup>3</sup>) are outside the scope of the National Numbering Conventions?**

**Please provide an explanation of your reasons for agreeing or disagreeing.**

**Q. 4. How can transparency for consumers be best provided where service ordering and delivery are separate communications events, often using separate network capabilities?**

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<sup>3</sup> Examples are, O2's i-Mode; Vodafone Live; 3-Ireland's video services; Meteor's web/WAP services.

## 4 Broadening the Scope of 118XX Directory Services

### 4.1 Using 118XX as a Textable Number

Existing 118XX Directory Services Providers (“DQ SPs”) have requested that ComReg permit the texting of DQ queries to their 118XX numbers and ComReg would welcome views on whether this should be permitted. Prospective service providers have indicated that there are no technical impediments and ComReg understands that at least some operators are willing to make the facility available, subject to ComReg’s concurrence. While DQ SPs could already make use of the well-known 5XXXXX messaging codes for such a service, they would prefer to stretch the branding already built up around 118XX for this purpose.

The advantage of such a facility is that consumers would have greater flexibility in how they submit their directory queries as the numbers 118xx are memorable at this point. There could also be a cost benefit to consumers in many cases, depending on how the individual DQ SP organised its texting service.

The disadvantage is that opening of 118XX for text might be perceived as a precedent that could lead to a host of similar requests for other purposes, whether within the “1” range of numbers or from other parts of the numbering resource. ComReg’s initial view is that this is not a significant problem for numbers commencing with “1”, as the usage of that range for other purposes is already limited by virtue of Ireland’s selection of “1” as the prefix for most non-geographic numbers and also for many short codes. ComReg therefore currently considers that 118XX should be opened for text purposes and the case for any future request for allowing text messages to other numbers from the “1” range would be carefully considered on its own merits.

If the 118XX range were to be opened up for text messages related to DQ then it is likely that these will be charged at premium rates. ComReg believes that the arrangements currently in place for premium SMS (the 5XXXXX number range)<sup>4</sup> work very well and would not wish to see those arrangements undermined by higher charges on 118XX. Accordingly, ComReg proposes that if 118XX is to be opened in this way then it should be with inclusion of a new numbering convention that requires retail charges for 118XX to not exceed the maximum rate set for basic premium rate SMS services (i.e. 53XXX) in the numbering conventions. ComReg believes that this figure (which is currently €0.80, inclusive of VAT) provides an upper limit that is relatively high for the purposes envisaged and DQ SPs should target actual charges which are well below this level. If higher charges are required for specific purposes then – and again in the interests of consumer transparency – operators should have recourse to the regular high premium rate 57XXX numbers in the normal manner for that range.

ComReg does not believe the same arguments for opening short codes for text apply to other segments of the numbering plan (i.e. numbers commencing 0, 2, 3 .....9) or that a general precedent would be created in the event of opening of “118” (or other

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<sup>4</sup> In support of consumer transparency, the 5XXXXX range is split into separate pricing categories, with the specific dialled 5XXXXX code providing an indication of price to the caller. Service providers are required to sign an agreement to comply with RegTel’s Code of Practice, which inter alia places limits on the total charges that can accumulate during a call sequence.



numbers commencing with “1”, such as “116”, for example). The 5XXXX range, which is adaptable to most or all purposes, is already well known and should be used wherever possible. It should be noted that geographic numbers can also be used for text purposes (though obviously with tariffs that are already well defined).

*Note: Closing the national numbering and dialling plan and eliminating trunk dialling prefixes, is a high-level numbering fallback option discussed in ODTR D2/98, that is potentially still valid. It could inter alia give worthwhile gains in available numbering space, if ever deemed necessary. ComReg would not wish to see that option compromised by opening further primary digits (i.e. in addition to ‘5’ for 5XXXX services and ‘1’, as discussed above) as special texting spaces. This risk occurs because each potential user of a telephone number within such a closed plan would be entitled to use both text and voice on that number and any pre-existing text usage would run the risk of clashes (depending on number length) or at least of inadvertent nuisance calls.*

**Q. 5. Do you agree with ComReg that it is acceptable to open the directory access code 118XX for text purposes?**

**Q. 6. Do you also agree that a limit should be placed on the maximum amount which can be charged for such calls in the interests of consumer protection and that the figure used for Basic premium SMS calls on 53XXX is suitable for this purpose?  
Please outline the reasons for your response.**

#### 4.2 Providing Non-telecommunications Services using 118XX

DQ SPs have asked ComReg to sanction use of their 118XX numbers for the provision of directory services of a general nature, in addition to the current usage. In the past, other entities have also queried whether 118XX numbers could be used in that way, though not necessarily in association with telephone directory information. The designated use of 118XX codes in section A6.5.5 is for “*the provision of the actual directory service and for supporting services that are directly associated with this, such as call completion*”. Convention 11.4.1-1 states that “*118XX directory information access codes shall be used only for the provision of directory enquiry services and relevant value added services e.g. call completion services*”. The DQ SPs have argued that the term relevant value added services” should be read to include a very wide range of services including ticket sales, television listings, train/bus/plane timetables, charitable donations via call cost, tourist information, libraries, priests, weather, cinemas and films, sports and lotto results, business hours etc.

It has remained ComReg’s consistent view that the interpretation of “relevant value added services” in the conventions is that of services allied closely to **telecommunications** directory services. Call completion was identified early on as

such a relevant service and text confirmation of DQ data has been subsequently added.

ComReg has consistently rejected requests to extend the designation of 118XX in this way, in order to not dilute the clear message concerning the link to telephone numbers that the 118XX number currently provides to consumers. A second reason is that ComReg believes that the provision of such general services over a short code which is restricted to DQ SPs would provide an unfair competitive advantage to them vis-à-vis ‘ordinary’ information providers who are obliged to use other longer numbers. Numbering Convention 6-2(vii) states that a criterion ComReg should take into account when deciding whether to allocate a short code is that “*No competitive imbalances should be created by the allocation*”. ComReg considers that this criterion should apply equally to proposals to extend the usage of codes already allocated.

Those ‘ordinary’ (i.e. non-telecom) information providers mentioned above typically use the 15XX and 5XXXXX premium-rated voice and text numbers, whose relatively high charges are very transparent to consumers. Furthermore, RegTel provides an oversight on 15XX and 5XXXXX services that offers important additional protection to consumers. ComReg considers that those protections, which would be largely removed if the less relevant directory code 118XX was used, are very valuable and is strongly opposed to the proposals from the DQ SPs, who it believes must follow the same rules, and so use the same numbers for general-purpose information, as other information providers. Furthermore, ComReg already has concerns that transparency of the relatively high price for consumers of even the existing DQ services is less than ideal and believes the SPs request would simply extend this disadvantage to other services.

The interested DQ SPs point out that services of the type described above are available behind 118XX(X) numbers in some other jurisdictions. ComReg is not persuaded by this argument as it believes that consumer-unfriendly difficulties which often blight premium-rated services also exist in respect of 118XX(X) in at least some of the jurisdictions concerned.

ComReg also considers that if the 118XX code were to be opened up to a wide range of non-telecommunications services, then the justification for restricting the code to DQ providers would be removed; the telecommunications element would become just another (perhaps minor) part of the overall information service. This means that non-telecoms directory service providers of any category should be also permitted to receive such short codes and to compete fairly with the existing providers. One major disadvantage of this would be that the link to the “telecommunications directory service” would become less obvious and the strong branding already built up by existing providers would slowly fade from the public perception.

In addition, DQ SPs have asked that business finder services of the kind provided by the Golden Pages should be available (e.g. “I need the phone number of a plumber in Cork city”). ComReg considers that finding a telephone number in this way may not be different in principle from finding one for a specific person’s business address and should therefore be seen as a DQ service that already complies with the existing rules (and indeed some such services may already exist). In other words, it should be acceptable to offer a service that provides the telephone number of “a concert hall in Dublin” or “an Art Gallery in Limerick” but provision of an information service

about what is playing or what is on display there is outside the scope of a DQ service.

As the above issues are of much significance in how the Irish DQ services operate and in how consumers are assisted, ComReg invites public viewpoints on the issues raised. There are advantages and disadvantages involved, not only for the consumer but also for the DQ SPs themselves and ComReg will use the responses received to guide it in its next steps on these matters. See also the discussion in Section 7, Regulatory Impact Assessment (RIA), below.

**Q. 7. Do you agree that it is preferable to maintain the current clear focus of 118XX on strictly telecommunications directory services rather than opening the services to a diverse range of general information services<sup>5</sup>?**

**Q. 8. Do you agree that inclusion of general information services within the scope of the current 118XX directory providers would constitute unfair competition with non-telecommunications directory providers unless 118XX codes were also made available to those bodies?**

**Please outline the reasons for your answers.**

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<sup>5</sup> "General" information services is used here as short-hand for information services that are unrelated or not closely related to telephone directory information.

## 5 Withdrawal of Numbers

In cases where abuse<sup>6</sup> of numbering resources has occurred, including those where there is ongoing excessive charging of consumers or damage to operators through inappropriate use of interconnection facilities, ComReg has found that the current Numbering Conventions text in Annex 3 has tended to inhibit corrective action. The conventions A3.1-9 to A3.1.12 and A3.2-9 to A3.2-12, in particular, were written to address large-scale number changes but the text in those sections nevertheless limits the scope for speedy action to tackle numbering abuse of all kinds. ComReg has proposed revised text that allows it to step in when abuse occurs of a serious nature.

The following is an example from the proposed text.

*“The affected party or parties shall first be informed of the intention to withdraw and the reasoning behind this and it shall be advised of the associated appeals procedure. In case A3.2-1 above, ComReg may take steps – immediate or otherwise - to have the relevant numbering resource(s) de-activated pending clarification of the perceived non-compliance, if it considers that to be necessary for the protection of consumers or affected network operators or service providers;”*

In addition, the numbering conventions have always required compliance with RegTel in respect of the usage of Premium Rate Numbers and Premium Rate SMS Codes, but until now there has been no description of steps to deal with failures of compliance. A new convention has been added to Sections A3.1 and A3.2 to deal with this, in view of difficulties experienced by RegTel and ComReg in curbing abuses of premium rated services, which can erupt very suddenly and with very damaging consequences.

**Q. 9. Do you agree with the changes to Annex 3 of the National Numbering Conventions, dealing with the withdrawal of numbering resources in cases of serious and/or repeated non-compliance with the conventions? If you disagree, please explain your concerns.**

<sup>6</sup> In Numbering Conventions terminology, ‘abuse’ is identified as ‘serious or repeated non-compliance’. In general, ComReg’s concerns relate to harmful consequences for consumers, for operators or service providers or for the numbering resource itself. While less serious non-compliances can also occur, it would be legally undesirable to formally make this distinction.

## 6 Harmonised European Short Codes of Social Value (HESCs)

Following a period of discussions with interested parties, the European Commission published its “COMMISSION DECISION of 15 February 2007 on reserving the national numbering range beginning with ‘116’ for harmonised numbers for harmonised services of social value<sup>7</sup>.” This Decision, which involves co-ordinated opening of the 6-digit number range ‘116XXX’ in all EU countries, must be implemented by 31 August 2007 at latest, to the extent that it must be possible for ComReg to allocate HESC numbers. Individual services, each behind one of the ‘116XXX’ numbers selected centrally by the European Commission<sup>8</sup>, will then be opened in all EU countries in which there is sufficient interest and where commercial negotiations by the potential service provider are successful. So far the Commission has reserved the following numbers: -

Number	Service for which this number is reserved	Specific conditions attached to the right of use for this number
116000	Hotlines for missing children	

ComReg has inserted new sections in the National Numbering Conventions, as mentioned in Appendix C of this document to address the designation and usage of this new short code range. The content of those sections is in conformance with the underlying Commission Decision, mentioned above.

*Note: Applications for numbers for individual HESC services will be dealt with by ComReg’s Numbering Plan Management as they arise and discussions with industry within the context of the Numbering Advisory Panel will continue apace, regarding their practical implementation.*

**Q. 10. Do you agree with the draft content inserted in Sections 11.4, A1.10 and A6.5 to address the new HESC codes?  
If not, please identify your concerns and/or your preferred approach.**

<sup>7</sup> See [http://eur-lex.europa.eu/LexUriServ/site/en/oj/2007/l\\_049/l\\_04920070217en00300033.pdf](http://eur-lex.europa.eu/LexUriServ/site/en/oj/2007/l_049/l_04920070217en00300033.pdf)

<sup>8</sup> The EU Commission has completed a public consultation to identify suitable services for ‘116’ and will shortly be publishing an amending Decision to 2007/116/EC, listing an initial set of agreed HESC services. For more information See [http://ec.europa.eu/information\\_society/policy/ecomms/info\\_centre/documentation/public\\_consult/index\\_en.htm#116](http://ec.europa.eu/information_society/policy/ecomms/info_centre/documentation/public_consult/index_en.htm#116)

## 7 Regulatory Impact Assessment (RIA)

### 7.1 Policy Objectives

In exercising its functions in relation to the electronic communications sector, ComReg is required to have regard to its statutory objectives as set out in the Communication Act 2002. These include: -

- The promotion of competition;
- Promoting the interests of users within the Community;
- Contributing to development of the internal market;
- Ensuring the efficient management and use of the national numbering scheme.

The sometimes conflicting nature of these objectives means that, in some instances, trade-offs in policy decisions may be unavoidable. For example, the goal of encouraging competition (e.g. by allowing a very wide range of services to be provided behind 118XX DQ numbers opened to all-comers) could be considered at odds with the goal of transparency and protection of the interests of consumers (i.e. as pricing may become more complex and/or opaque, while the current clarity of what 118XX stands for simultaneously fades). When faced with such situations, ComReg needs to weigh up the different policy options, taking account of relevant viewpoints, before choosing the option which it believes will strike the appropriate balance that gives most benefit to consumers. In addition ComReg needs to be mindful of other issues - such as the need to be proportionate in its actions.

The National Numbering Conventions and the associated Numbering Applications Procedures are ComReg's response to its statutory obligation to publish the rules by which it manages the numbering resource, and indeed those documents are long established. A revision of those documents does not therefore of itself require the initiation of a RIA, though changes in the documents which have a significant effect on the marketplace (if any) might well do so.

The current consultation addresses proposals for important changes or additions as well as various minor changes and/or editorial corrections. ComReg considers that the latter, which are listed in the table of Appendix C, do not merit specific consideration in a RIA. The former items are considered individually below and – for reasons given – only the last item is at this point considered to merit specific consideration in a RIA.

- **Coverage of Premium Rated Services:** ComReg's questions on this issue, with the possible exception of Q. 3, refer to details of numbering management and do not imply impacts on any significant scale. If the consultation responses to Q. 3 lead to any changes that could have such an impact then ComReg will consider the inclusion of a RIA on that point in its consultation response document.
- **Using 118XX as a textable number:** Although this issue is of some consequence from a numbering perspective it does not have wider implications, bearing in mind that the only issue is whether 118XX could be used for a purpose already permitted under 5XXXX codes. However, if the consultation outcome is different in significance from ComReg's current

evaluation of what is possible, then ComReg is ready to consider the inclusion of a RIA on that point in its consultation response document.

- **Providing non-telecoms services using 118XX:** Annex E contains a draft RIA on this issue.

**Q. 11. Do you agree with ComReg's evaluation that provision of various non-telecoms services via 118XX numbers is the only issue in this consultation whose impact is potentially significant enough to merit the development of a RIA?**

**If you disagree, please explain<sup>9</sup> which other area(s) you feel need to be addressed and why you consider ComReg's proposed changes would have such a high impact that a RIA is needed to assess them.**

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<sup>9</sup> Please explain this under the headings of impact on Competition and/or End-users and/or The Single Market and/or Technological Neutrality.

## 7.2 Policy Options

In the context of the changes discussed in section 4.2 above concerning a wider range of 118XX services, ComReg has identified four principal policy options that it could potentially choose to adopt. These are:

- Option #1: Maintain the existing regulatory regime ('No change')
- Option #2: Extend the Rights of Use attached to 118XX numbers to permit the provision of a general range of information services only by those offering traditional DQ services;
- Option #3: Extend the Rights of Use attached to 118XX numbers to permit the provision of a general range of information services by any interested directory provider;
- Option #4: Use a separate (5 or 6-digit) sub-set of the 118XX(Y) range for services fitting either option #2 or option #3 above, while retaining the rest of the 118XX range for 'pure' DQ services.

Having regard to the objectives and principles outlined above, ComReg is currently of the view that Option #1 ('No change in present designation of use for 118XX') as outlined in Appendix D, represents the outcome that is most favourable to consumers. This, however, is a provisional view and ComReg will analyse submissions received to this consultation before making its final decisions.

**Q. 12. Do you agree with ComReg's evaluation that Option 1 is the best response to the proposal to extend the use of 118XX services to a wider range of 118XX services?  
Please discuss your reasoning on this issue.**



## 8 The Numbering Applications Procedures

In addition to proposing updates to the National Numbering Conventions (formerly ComReg 05/62), ComReg has also done so for the accompanying Numbering Applications Procedures document (formerly ComReg 04/36R). A marked-up draft of the latter is also provided in this consultation, with changes tracked for the convenience of readers. The changes to that document generally mirror those in the Conventions and are listed in Appendix C of this consultation document. In addition some text which has become outdated since ComReg 04/36R was published has been corrected and some minor textual improvements have been made.

ComReg invites respondents to include any comments concerning the proposed changes to the Numbering Applications Procedures document along with their comments on the corresponding National Numbering Conventions text. Alternatively, respondents may attach any comments as responses to the question below.

**Q. 13. Do you wish to comment on any aspect of the text revisions to the Numbering Applications Procedures document (formerly ComReg 04/36R)?**

**If so, please provide a detailed reply.**

## 9 Other Issues

Respondents are invited to comment on any aspect of the proposed changes not discussed above and/or on issues which they feel are appropriate to the National Numbering Conventions that they consider have been missed out.

**Q. 14. Do you wish to comment on issues not discussed adequately in your view in this consultation and which bear on the National Numbering Conventions?**

**If so, please discuss your proposals on relevant issues.**

## 10 Submitting Comments

All comments are welcome, however it would make the task of analysing responses easier if comments were referenced to the relevant question numbers from this document.

The consultation period will run from Wednesday, 23<sup>rd</sup> July 2007 to Friday, 31<sup>st</sup> August 2007 during which the Commission welcomes written comments on any of the issues raised in this paper.

Having analysed and considered the comments received, ComReg will review the proposed changes to the National Numbering Conventions and publish a report in October on the consultation which will, inter alia summarise the responses to the consultation.

In order to promote further openness and transparency ComReg will publish all respondents' submissions to this consultation, subject to the provisions of ComReg's guidelines on the treatment of confidential information – ComReg 05/24. We would request that electronic submissions be submitted in an-unprotected format so that they can be appended into the ComReg submissions document for publishing electronically.

## Appendix A – Legislation

### A1.1 Policy Objectives

In exercising its functions in relation to the electronic communications sector, ComReg is required to have regard to its statutory objectives as set out in Section 12 of the Communications Regulation Act, 2002. These objectives require ComReg:

- To promote competition;
- To contribute to the development of the internal market; and
- To promote the interests of end-users within the Community.

In working towards these objectives, the Act also provides guidance as to the measures ComReg is required to take to meet these objectives. In the context of the proposals currently under review, only a subset of the full list of measures is relevant<sup>10</sup>. These have been taken from Section 12 of the Act which states:

*‘In relation to the objectives referred ...the Commission shall take all reasonable measures which are aimed at achieving those objectives, including- :*

- (a) *in so far as the promotion of competition is concerned:*
- (i) *ensuring that users, including disabled users, derive maximum benefit in terms of choice, price and quality;*
  - (ii) *ensuring that there is no distortion or restriction of competition in the electronic communications sector;*
  - (iii) *encouraging efficient investment in infrastructure and promoting innovation, and;*
  - (iv) *encouraging efficient use and ensuring the effective management of radio frequencies and numbering resources.*
- (b) *in so far as promotion of the interests of users within the Community is concerned:*
- (v) *promoting the provision of clear information, in particular requiring transparency of tariffs and conditions for using publicly available electronic communications services.*

In addition to these objectives, ComReg is also required to have regard to the principle of technological neutrality as outlined in Section 12(6) of the Communications Regulation Act, 2002. This requires that ComReg take *‘the utmost account of the desirability that the exercise of its functions aimed at achieving the objectives ... does not result in discrimination in favour of or against particular types of technology for the transmission of electronic communication services’*.

### A1.2 General Authorisation

The General Authorisation under which Irish Undertakings operate (ComReg 03/81) at Section 15.1 states:

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<sup>10</sup> See Section 12(2) of the Communications Act 2002 for full listing.

*The Authorised Person must at all times comply with the National Numbering Conventions in force from time to time in respect of numbers allocated from the national numbering scheme, as well as any special conditions that ComReg may attach to specific numbers from time to time.*

### **A1.3 Numbering and Number Allocation**

Regulation 22(1) of the Framework Regulations<sup>11</sup> states that “*The national numbering scheme shall be administered by the Regulator ...*”, while Regulation 22(3) states that “*The Regulator shall ... grant rights of use for numbers and number ranges for all publicly available electronic communications services in a manner that gives fair and equitable treatment to all undertakings...*”.

Furthermore Regulation 13(1) of the Authorisation Regulations states that “*The Regulator shall establish open, transparent and non-discriminatory procedures for the grant of rights of use of numbers and shall cause any such procedures to be made publicly available.*”

The National Numbering Conventions (currently ComReg 05/62) is ComReg’s main vehicle for setting out the framework for management and use of numbering resources and making its procedures open and transparent, while the Numbering Applications Procedures (currently described in ComReg 05/62) informs potential number users of how to apply for numbers and provides them with formats for this purpose.

### **A1.4 Public Consultations**

Article 19 of the Framework Regulations<sup>11</sup> requires that where the Regulator intends to take a measure in accordance with the Framework Regulations<sup>11</sup> or the Specific Regulations which have a significant impact on a market for electronic communications networks or services<sup>12</sup>, it shall first consult on it, after which the measure may be adopted with or without amendment. Although update of the Conventions and Applications Procedures is now fairly routine, ComReg is minded to seek the views of industry and consumers before proceeding further.

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<sup>11</sup> European Communities (Electronic Communications Networks and Services) (Framework) Regulations 2003.

<sup>12</sup> Except in cases falling within Regulations 20(8) of the Framework Directive.

## Appendix B – Consultation Questions

### List of Questions

- Q. 1. Do you agree that the existing coverage of SMS+EMS+MMS, using the current codes under 5XXXX is adequate and expansion of rules and separation of number ranges is unnecessary? Please explain your reasoning and provide your alternative proposals. .... 5
- Q. 2. Do you feel that separate number ranges and/or different conditions of use are needed for new premium rate services (e.g. video) that should be accessed via short codes? If so, please describe the services to be addressed, the reason short codes are needed and propose the codes you suggest (e.g. currently reserved 5XXXX codes). .... 6
- Q. 3. Do you agree with ComReg that – at least for the present - Internet-based services (including those restricted to the confines of mobile networks) are outside the scope of the National Numbering Conventions? Please provide an explanation of your reasons for agreeing or disagreeing. .... 6
- Q. 4. How can transparency for consumers be best provided where service ordering and delivery are separate communications events, often using separate network capabilities?..... 6
- Q. 5. Do you agree with ComReg that it is acceptable to open the directory access code 118XX for text purposes?..... 8
- Q. 6. Do you also agree that a limit should be placed on the maximum amount which can be charged for such calls in the interests of consumer protection and that the figure used for Basic premium SMS calls on 53XXX is suitable for this purpose? Please outline the reasons for your response. .... 8
- Q. 7. Do you agree that it is preferable to maintain the current clear focus of 118XX on strictly telecommunications directory services rather than opening the services to a diverse range of general information services? ..... 10
- Q. 8. Do you agree that inclusion of general information services within the scope of the current 118XX directory providers would constitute unfair competition with non-telecommunications directory providers unless 118XX codes were also made available to those bodies? Please outline the reasons for your answers. .... 10
- Q. 9. Do you agree with the changes to Annex 3 of the National Numbering Conventions, dealing with the withdrawal of numbering resources in cases of serious and/or repeated non-compliance with the conventions? If you disagree, please explain your concerns. .... 11
- Q. 10. Do you agree with the draft content inserted in Sections 11.4, A1.10 and A6.5 to address the new HESC codes? If not, please identify your concerns and/or your preferred approach. .... 12
- Q. 11. Do you agree with ComReg’s evaluation that provision of various non-telecoms services via 118XX numbers is the only issue in this consultation whose impact is potentially significant enough to merit the development of a RIA? If you disagree, please explain which other area(s) you feel need to be addressed and why you consider ComReg’s proposed changes would have such a high impact that a RIA is needed to assess them. .... 14

Fifth Review of the National Numbering Conventions

Q. 12. Do you agree with ComReg's evaluation that Option 1 is the best response to the proposal to extend the use of 118XX services to a wider range of 118XX services? Please discuss your reasoning on this issue..... 15

Q. 13. Do you wish to comment on any aspect of the text revisions to the Numbering Applications Procedures document (formerly ComReg 04/36R)? If so, please provide a detailed reply. .... 16

Q. 14. Do you wish to comment on issues not discussed adequately in your view in this consultation and which bear on the National Numbering Conventions? If so, please discuss your proposals on relevant issues. .... 17

## Appendix C: National Numbering Conventions &amp; Applications - Issues covered/comments

## National Numbering Conventions Document

Ref	Issue	Section(s) affected	Remarks
1	Scope of the Conventions	1	Revised to reflect Version 6. Mention of ENUM.
2	Rights to use numbers	8.1-4 comment	Add “as amended ...” to allow for conventions updating
3	Premium SMS	11.1-5	Add coverage of PSMS to existing PRS
4	Terminology	11.1-13	More accurate terminology
5	Geographic numbers	11.2.1-3	“Fixed destination” clarified in compliance with Appendix B of ComReg 07/15 (home-zonal services)
6	Geographic numbers	New 11.2.1-4	Takes account of Decision No 4 of ComReg 07/15 (home-zonal services)
7	Geographic Numbers	11.2.1-7	Show requirement is for registered address in the MNA (Appendix B of ComReg 07/15 refers)
8	Geographic Numbers	11.2.1-4 to 11.2.1-7	Number sequence changed; Consequence of Items 6 & 7.
9	Geographic Numbers	New 11.2.1-8	Promote previous 11.2.1-7(d) to full convention 11.2.1-8, applicable to all new & innovative services (i.e. not just VoIP)
10	Footnote text	Footnote New 11.2.1-8	Doc ref added to footnote
11	Compliance with RegTel Code of Practice	11.2.8-2	Added explicit statement that compliance is required while holding rights of use to PR numbers.
12	Customer short codes	11.4	New range 191X added to convention 11.4-2 as 190X consumed and terminology improved. New convention 11.4-3 inserted to explicitly exclude advertising/promotion/ selling. Clarifies previous position and also aligns with requirements for HESC.
13	Telephone directory Enquiry code usage	11.4.1-2	Number of permissible codes increased from 4 to 6; these are limited in number but small increase deemed reasonable now.
14	Use of 5XXXX-series Messaging Short Codes	11.4.3	Sequencing of conventions in this section re-organised.
15	Compliance with RegTel Code of Practice	New 11.4.3-1	Added explicit statement that compliance is required while holding rights of use to 5XXXX codes.
16	Customer short codes	New 11.4-4	New convention to make explicit the previous implicit rule of only one 190X (or 191X) code per operator with own network.
17	Mobile numbers	New 11.4.4-4	Similar requirement for mobile numbers as 11.2.1-7 provides for geographic numbers. (See item 9)



**National Numbering Conventions Document (Continued)**

Ref	Issue	Section(s) affected	Remarks
18	Harmonised European Short Codes (HESCs)	11.4.6	New section inserted (and subsequent sections of 11.4 renumbered) to cater for European Commission Decision 2007/116/EC on HESCs.
19	CPS Identification Codes	(New) 11.4.9 & A6.5.4	Requirement of CPS industry process brought forward as a convention, as difficult to ensure implementation at present.
20	Portability of numbers	(Former) 11.7-2	11.7-2 deleted as it related to the intro date for NP for '076' numbers (31/1/07), now passed.
21	Portability of numbers	11.7-6→11.7-5 & 11.7-6	Former 11.7-6 (fixed and mobile NP) split into new 11.7-5 and 11.7-6, respectively; Appendix B of ComReg 07/15 refers.
22	Criteria for MNCs and mobile numbers	A1.3-2	Convention A1.3-2 (i.e. restriction to switched networks) deleted in view of emergent capability of other network types to provide mobile services.
23	Infrastructure requirement for MVNO	(New) A1.3-2	Obligation of certain minimum of infrastructure to obtain MNC extended to mention 08X mobile numbers (previously MNC was needed to obtain 08X mobile numbers), in view of ability of some systems to provide mobility without need for MNC.
24	Mobile numbering criteria	(New) A1.3-5	Clarification that extra information to be provided for mobile number applications must cover hand-over and roaming in case of new and innovative technologies.
25	Telephone directory Enquiry code criteria	A1.6 title, A1.6-1 & A1.6-2; A6.5.5; 11.4.1	Word "telephone" added to distinguish function from non-telecoms directories. This change will be discarded if consultation result is to broaden scope of DQ service under 118XX.
26	Customer short codes	New A1.9	Previous implicit rule governing eligibility for 190X codes made explicit.
27	Harmonised European Short Codes (HESCs)	A1.10 & A6.5	New allocation criteria and Designation of use added for HESC.
28	Parallel working of numbers during changes	Annex 2 Note 2	12 months reduced to 6 months, per NAP123 agreement.
29	Withdrawal of numbers	A3 note	Implicit right to withdraw numbers in last sentence of note made explicit.
30	Withdrawal of numbers	A3.1-1 + A3.2-1	Terminology corrected.

**National Numbering Conventions Document (Continued)**

Ref	Issue	Section(s) affected	Remarks
31	Withdrawal of numbers	A3.1 & A3.2	Conventions 9 to 13 amended to deal better with withdrawal for reasons of abuse or non-routine cases.
32	Withdrawal of Premium Rate Numbers and codes	New A3.1-9+A3.2-9	Notification by RegTel of non-compliances
	Withdrawal of numbers	A3.2-7	Added context of number withdrawal at secondary level following ComReg instruction to do so (previously implicit obligation).
	Designations for numbers and codes	A6 paragraph 2	Withdrawal: References added to applicable text.
	Designation of usage of geographic numbers	A6.1	New introductory note: Appendix B of ComReg 07/15.
	Customer short Codes	A6.5.1	Textual changes; 191X added. '10' and '114' deleted as services being withdrawn or moved to 118XX/196 etc.
	Designated use of NUSCs	A6.5.2	Minor expansion of statement excluding competitive use of NUSCs for avoidance of doubt re competition with other operators. Footnote added confirming use for top-ups is permitted.

**Numbering Applications Procedures Document- Issues covered/comments**

Ref	Issue	Section(s) affected	Remarks
1	Geographic number block sizes	3	Blocks of 100 introduced
2	Bursty numbers	4.1	Note added; previously implicitly understood
3	Mobile numbers	5	Information table revised
4	Mobile number requirements	5.1	Application information, as per National Numbering Conventions
5	Directory numbers 118XX	10.1.1	Information on extra services requested
6	HESC	12	New section inserted (and subsequent sections renumbered)
7	General application form	Appendix I	Paragraph re MVNOs inserted, seeking details
8	Geographic numbers	Appendix II	Form updated to account for 2006 number changes
9	HESC	New Appendix VII	New form inserted (and subsequent appendices renumbered)

## Appendix D: Regulatory Impact Assessment Table

Any comments under these headings should be attributed to the specific question/option below and should be supported by detailed explanations.

### D.1 **Cost, Benefits and Other Impacts of Policy Options**

The table below seeks to outline the principal costs, benefits and other impacts of each of the policy options identified.

Option	Costs / Disadvantages	Benefits / Advantages	Other Impacts
1. 'No change'	<ul style="list-style-type: none"> <li>▶ No cost</li> </ul>	<ul style="list-style-type: none"> <li>▶ Well recognised 118XX brand not diluted</li> </ul>	<ul style="list-style-type: none"> <li>▶ No other impact</li> </ul>
2. 'Extend 118XX to support general information services –only by providers of a traditional DQ service'	<ul style="list-style-type: none"> <li>▶ Very difficult to police sham DQ services – so this option likely to slide towards option 3, below .</li> <li>▶ Telecom DQ providers given unfair competitive advantage over other providers for non-DQ services.</li> <li>▶ Branding of 118XX as DQ service becomes submerged in mass of generic services; consumer confusion.</li> <li>▶ Transparency of DQ costs likely to worsen.</li> </ul>	<ul style="list-style-type: none"> <li>▶ More information services for public.</li> <li>▶ More flexibility for DQ providers.</li> </ul>	<ul style="list-style-type: none"> <li>▶ Loss of current clear focus on DQ service</li> </ul>
3. 'Extend 118XX to support general information services – by any interested party'	<ul style="list-style-type: none"> <li>▶ Visibility of 118XX as DQ service – if provided at all – becomes submerged in mass of generic services.</li> <li>▶ Transparency of DQ costs likely to worsen.</li> <li>▶ Providers of general directory information on 5xxxx numbers are placed at a competitive disadvantage.</li> <li>▶ Consumer confusion about focus of service.</li> </ul>	<ul style="list-style-type: none"> <li>▶ More information services for public.</li> <li>▶ Maximum flexibility for directory providers of any kind.</li> </ul>	<ul style="list-style-type: none"> <li>▶ Loss of current clear focus on DQ service</li> </ul>
4. 'Use distinctive sub-set of 118XX(Y) for either option #2 or option #3 general directory services.'	<ul style="list-style-type: none"> <li>▶ More complicated numbering arrangement, especially as existing 118XX allocations are widely spread.</li> <li>▶ Policing of these arrangements would be nearly impossible over time, as services evolve and change.</li> <li>▶ Already-branded 118XX SPs would be dissatisfied at having to use new numbers for extra services.</li> <li>▶ Limited transparency of numbering arrangement for users.</li> </ul>	<ul style="list-style-type: none"> <li>▶ Improved transparency of pricing and service differentiation vis-à-vis options #2 and #3.</li> </ul>	<ul style="list-style-type: none"> <li>▶ Loss of current clear focus on DQ service</li> </ul>