



Commission for
Communications Regulation

Information Notice

CPS Code of Practice Review

Output of the Review

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1 Introduction

Carrier Pre-Selection (CPS) is a mechanism that allows end-users to select, in advance, alternative Communications Providers to carry their calls without having to dial a prefix or install any particular equipment at their premises.

The end-user may subscribe to such a service and services to choose the type of call (e.g. all national calls) that should be carried by their chosen service provider. The end-user is invoiced for these calls by their CPS service provider and the line rental will continue to be invoiced separately for the line rental charge.

The end-user may opt for CPS on three different types of call:

1. **International Calls** - an alternative service provider is chosen to carry your calls to an international location
2. **National Calls** - an alternative service provider is chosen to carry your calls to a location within Ireland
3. **All Calls** - an alternative service provider is chosen to carry all your calls, whether they be to a destination within Ireland, or overseas.

ComReg have now conducted a review of the CPS CoP and is publishing two documents to replace the original Code that relate to CPS, these documents are:

1. The CPS Regulatory Guidance Document (A compendium of key regulatory and legal obligations that an Undertaking must observe), Title: “*Regulatory Guidances for Undertakings Relating to CPS*”; ComReg document number 08\28a; and
2. Output of the CPS CoP Review (A compendium of provisions not having a legal basis), Title “*Output of the CPS CoP Review: Provisions not having a legal basis*”; ComReg document number 08\28b

The nature and purpose of these documents is further explained below.

2 Background

Carrier Pre-Selection (CPS) is a mechanism that allows end-users to select, in advance, Other Authorised Operators (OAOs) to carry their voicecalls without having to dial a prefix or install any particular equipment at their premises. Carrier Pre-Select (CPS) has been a key enabler of infrastructure competition across Europe in the provision of fixed line telecommunications services.

The CPS Code of Practice (CoP) was agreed by industry previously when CPS was originally launched. The provisions of this CoP were a mixture of restatements of existing legal obligations and guidelines for dealing with customers.

The CPS CoP was first introduced by the ODTR¹ (now the Commission for Communications Regulation (ComReg)) in 1999 under the Interconnection Regulations². In 2006 the Third Party Verification (TPV) portion of the CPS Code of Practice was separated out into a stand alone TPV Code of Practice. In August 2007 the Retail Access paper (D7/61) decision ended the continued provisions of the Interconnection Regulations pursuant to Access Regulation 8 and Universal Service Regulation 13 (b) and did not impose to CPS or TPV Codes of Practice as remedies in that market. As such these Codes of Practice were no longer mandated by ComReg³.

However some of the provisions of the Codes of Practice are required by various laws and to the extent that Codes of Practice are contained within either Eircom's Reference Offer and/or contracts either between Eircom and other provisions or CPS providers and CPS resellers, the requirements of the Codes of Practice can be enforced as and between the parties to those contracts.

The CPS CoP dealt with a number of CPS specific issues and required Undertakings to engage in, or desist from, specific activities in relation to the inter-operator processes and end-user communications in the provisioning of telephony and/or broadband service to customers through CPS. The CPS CoP contained some provisions already required by law enforceable by ComReg or other agencies and some provisions not having an independent legal basis outside of the Code.

ComReg undertook a review of industry Codes of Practice (CoP) which support all regulated wholesale products in order to:

- Review the objectives of the CoP
- Determine the legal and policy status of each of the provisions in the CoP
- Consider the enforceability of the CoP provisions.

¹ Office Director of Telecommunications Regulation

² S.I. 249 of 1999 European Communities (Interconnection in Telecommunications (amendment) Regulations 1999 Interconnection Regulations

³ European Communities (Electronic Communications Networks and Services) (Access) Regulations 2003 [S.I. 305 of 2003](#) as amended; European Communities (Electronic Communications Networks and Services)(Universal Service and Users' Rights) Regulations 2003 [S.I. 308 of 2003](#) as amended.

- Consider whether a CoP is the appropriate document for provisions deemed relevant and beneficial to CPS, the products, the market and customers

In order to carry out the review a number of approaches were considered including removal, redrafting or replacement of the existing CoP.

The CoP addressed many issues already required by existing legislation within the remit of either ComReg, the Office of the Data Protection Commissioner or the National Consumer Agency. The review commenced with an examination of the provisions contained in the CoP to determine whether they were supported by existing legislation and thus enforceable by either ComReg or another agency. The continued relevance of provisions found not to be enforceable was also assessed and where a provision was deemed relevant, but currently unenforceable in law, mechanisms were considered as to how the provision might be given a firmer legal standing.

In conducting the review ComReg analysed the provisions contained in the current CPS CoP from both a legal and a policy perspective having regard to relevant legislation and ComReg's functions and objectives.

As a result of ComReg's review ComReg is now publishing two documents that relate to the CPS product.

The first document is entitled "*Regulatory Guidances for Undertakings Relating to CPS*" (08\28a) is a general guide for Industry as to the enactments, regulatory decisions and directions that they must meet, provisions which are enforceable by ComReg and other agencies (including the Office of the Data Protection Commissioner and the National Consumer Agency) which apply to CPS. The provisions contained in the document will serve to clarify for all stakeholders (customers, industry, etc) those key provisions that are required by law and those provisions that are enforceable.

The second document, titled the "*Output of the CPS CoP Review: Provisions not having a legal basis*" (08\28b) contains provisions from the original CPS CoP which, following ComReg's review of the CPS CoP, have not been included in ComReg's Guidance document as they were considered not to have any independent legal basis. However these provisions were developed and agreed by Industry as part of the original CPS CoP, as industry felt that these provisions had both value and also assisted an Undertaking in the efficient delivery of services. These provisions were adhered to in the original CoP.

ComReg recommends these provisions should continue to be followed by Undertakings in relation to CPS because such provisions would continue to be of value to the Industry to better meet customer needs. ComReg has suggested that Undertakings should review the existing provisions in conjunction with the Output document "*Output of the CPS CoP Review*", then modify and develop these provisions and consider how best to implement them going forward. ComReg has engaged in some discussions with industry to determine how these provisions may be used in the future, and invites industry to submit comments, in this regard, if they

so wish, prior to further discussions taking place. It is expected that these discussions will take place before the end of May 2008.