



Commission for  
**Communications Regulation**

## Information Notice

### **Future Regulation of Electronic Communications Networks and Services - Numbering Issues -**

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**Future Regulation of Electronic Communications Networks and Services/  
Numbering Issues**

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## **1 Introduction**

This document is published in order to provide an overview to interested parties of the main issues affecting Numbering in respect of the new European telecommunications regulatory framework. It is not an exhaustive document and it treats the issues and references in a manner that is intended to be more user-friendly than formal.

The general approach of the document is to identify a matter of relevance in one of the new framework Directives, provide a short description of the issue involved and the implications (under "Issue for consideration") and then provide an explanation of how ComReg sees the issue and/or how it expects to respond to this issue (under the sub-heading "Discussion").

The document takes the form of an information notice so no specific questions requiring responses are raised in it. However, ComReg would welcome comments of any kind on any aspect of the document or indeed alternative viewpoints on how the new framework may impact the management and administration of the National Numbering Scheme.

*This document is without prejudice to the legal position or the rights and duties of ComReg to regulate the market generally. Any views expressed are not binding and are without prejudice to the final form and content of any decisions which ComReg may make.*

## **2 Background**

### **2.1 Legislation**

Regulation 13 of the Interconnection Regulations (S.I. No 15 of 1998), which transpose the European Interconnection Directive 97/33 EC, provides that the Director (now ComReg) shall administer the national telecommunications numbering resource, and provide adequate numbers and number ranges or other characters for all public telecommunications services in a manner that gives fair and equal treatment to all organisations providing public telecommunications services. The allocation of numbers must be carried out by ComReg in an objective, transparent, non-discriminatory and timely manner. An amendment to these interconnection regulations in 1999 provided for the introduction of Carrier Pre-Selection and Number Portability.

In April 2002, four new Directives which will have an impact on the management of Numbering<sup>1</sup>, were published in the Official Journal of the European Communities; a brief listing of these is as follows:

- Directive 2002/19/EC: Access Directive
- Directive 2002/20/EC: Authorisation Directive
- Directive 2002/21/EC: Framework Directive
- Directive 2002/22/EC: Universal Service Directive

These Directives may be accessed on the European Commission's web site at: [http://europa.eu.int/information\\_society/topics/telecoms/regulatory/madocs/index\\_en.htm - directives](http://europa.eu.int/information_society/topics/telecoms/regulatory/madocs/index_en.htm - directives).

At the time of publication of this document, the Directives are in the process of being transposed into Irish legislation (see below). From 25<sup>th</sup> July next, all management aspects of the Irish numbering resource must be in line with the requirements of this new framework.

### **2.2 Impact of the new Framework**

ComReg has carried out a detailed study of the European Directives in order to establish which changes, if any, are needed following their introduction. The various positions set out in this document have been established based on the Directives themselves but as the Directives are not fully prescriptive about all aspects of regulatory mechanisms and regulatory instruments, firm conclusions can only finally be reached once the transposing Irish legislation is in place. The impact of this is that the manner in which particular conditions may be implemented, or indeed the scope of the regulatory requirements in relation to individual types of networks or services also cannot be finalised until that time.

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<sup>1</sup> A listing of Articles within each of the Directives that ComReg considers affect Numbering is provided in Appendix 1, in order to complete the 'picture' presented by the balance of this document, which addresses the key issues.

## **Future Regulation of Electronic Communications Networks and Services/ Numbering Issues**

Full information on the Departmental consultation on the regulations – which runs until 24 January 2003, as well as downloadable draft legislation, may be found on the web site of the Department of Communications, Marine and Natural Resources at <http://www.dcmnr.gov.ie>.

### **3 Discussion Issues**

The following sections address the main areas where the new framework Directives potentially impact the numbering resource and/or the present ComReg approach to management of that resource. It takes a broad-brush approach to the individual numbering issues within the Directives, rather than addressing each Directive with a sequential paragraph-by-paragraph trawl.

#### **3.1 Managing assignment of all national numbering resources**

##### *3.1.1 Issue for consideration*

Article 10(4) of the Framework Directive, supported by Recital 20, requires that NRAs<sup>2</sup> shall control the assignment of ALL national numbering resources and manage the national numbering plans. In Articles 10(1), 10(2) and 10(3), it sets out requirements – consistent with existing Irish numbering rules – on how the NRA shall carry out these functions. As noted elsewhere, recitals assist in the interpretation of the articles which are binding.

##### *3.1.2 Discussion*

In Ireland, the national numbering plans are already fairly comprehensive in their coverage, dealing with all aspects of geographic, non-geographic and mobile numbers as well as a wide range of short codes – see ODTR 02/84 for the most recent plan. An area that is specifically mentioned in recital 20 of the Framework Directive, which has very recently been included, is 'point codes used in network addressing'; these are now fully covered in the latest version of the National Numbering Conventions, document ComReg 02/107. In addition, certain other types of number (such as Issuer Identification Numbers for telecommunications charge cards and ATM-addresses), which are not the source of difficulty or controversy in Ireland, should be included in the numbering plans on the first occasion that new resources are requested in those areas<sup>3</sup>.

#### **3.2 Support for Harmonisation of Numbering Resources**

##### *3.2.1 Issue for consideration*

Article 10(4) of the Framework Directive requires Member States to support the harmonisation of numbering resources within the Community, where necessary to support the development of pan-European services. The European Commission can, in accordance with the procedure referred to in Article 22(3), use its executive powers in respect of the technical implementing measures to deal with this.

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<sup>2</sup> The National Regulatory Authority (NRA) in Ireland is ComReg.

<sup>3</sup> Numbers have not been requested in those areas since the inception of the ODTR.

*3.2.2 Discussion*

Harmonisation of certain numbers already occurs e.g. '112' for emergency services, '00' for international access etc. It is not clear at this point whether the Commission foresees additional new European services being introduced in the future and/or whether it foresees some existing national numbering resources becoming more harmonised.

**3.3 Maintenance of Access & Interconnection Obligations**

*3.3.1 Issue for consideration*

Article 16 of the USO Directive and Article 7 of the Access Directive require Member States to maintain certain existing obligations on undertakings that were in force up to the time of entry into force of the Access Directive until a market analysis and determination complying with Article 16 of the Framework Directive has been carried out. For Numbering, the most significant area affected is that of (fixed line) Carrier Pre-selection (CPS), which currently must be provided by fixed operators with Significant Market Power, but the CPS obligation is again mandated under the USO Directive, as noted below. The determination that follows the analysis can result in maintenance, amendment or withdrawal of existing obligations.

*3.3.2 Discussion*

ComReg is already preparing for the analysis and determination referred to above.

**3.4 Carrier Selection and CPS**

*3.4.1 Issue for consideration*

Article 19 of the USO Directive mandates CS and CPS in fixed networks – a capability that is already in place in Ireland. Furthermore, the Article also requires user demand for such services on other network types to also be assessed in accordance with Article 16 of the Framework Directive and implemented in accordance with Article 12 of the Access Directive. Recital 29 of the USO Directive makes it clear that this latter requirement is primarily oriented towards mobile networks.

*3.4.2 Discussion*

Article 19 could potentially extend CPS to mobile networks. ComReg will be obliged to carry out the market analysis referred to above and, if appropriate, to arrange for the implementation of CS and CPS in Irish mobile networks.

### **3.5 Access to Operator and Directory Services**

#### *3.5.1 Issue for consideration*

Article 25 of the new USO Directive requires that all end-users shall be able to access Operator Assistance and Directory Enquiry services and to have an entry in the telephone directory, all of which are already requirements in Ireland under the existing arrangements. However, a new requirement of the USO Directive Article 25 is that Member States shall not maintain regulatory restrictions which prevent users in one member state from accessing directly the Directory Enquiry service in another Member State.

#### *3.5.2 Discussion*

ComReg has put no regulatory restrictions on access by Irish end-users to Directory Enquiry services in any other Member State. Likewise, Ireland has no regulatory restrictions preventing users in other Member States from accessing Irish Directory Enquiry services. However, direct access to Irish Directory Enquiry services using 118XX numbers or non-geographic numbers based on number translation codes (1XXX) is not currently possible<sup>4</sup>.

It is technically feasible to give full access to existing Irish Directory Enquiry services commencing with "+353.118" but this has not been considered to be an economically proportionate step up to now as it would require a much deeper level of analysis on dialled digits than is currently the case and expected demand from abroad for the services is anticipated to be low. Furthermore, this extra analysis would also be imposed on all foreign operators in respect of calls from their systems, if it is assumed they will want to distinguish in their charges between calls to Dublin subscribers, calls to Irish Directory Enquiry services and calls to Irish non-geographic numbers.

An alternative to deeper number analysis would be to change the codes for Irish non-geographic services or for the Dublin STD area (but not both) from "1". However, this would involve significant costs and disruption for Irish subscribers and service providers. This matter has been discussed in detail in the Irish Numbering Advisory Panel (NAP) – see Appendix 2.

The option of using geographic-like numbers (e.g. "818" Universal Access numbers) to call Irish Directory Enquiry services can provide direct access from abroad to these services - which is the implied wish behind the USO Directive's wording - though this approach is admittedly less attractive than being able to use the normal 118XX numbers. ComReg intends to look again at this whole issue during the months ahead, in the light of the new legislation.

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<sup>4</sup> Numbers commencing "+353.1" are identified by networks as addresses for Dublin numbers.



### **3.6 The Single European Emergency Call Number**

#### *3.6.1 Issue for consideration*

Article 27 of the new USO Directive reaffirms existing requirements on Member States to ensure that all end-users – including payphone users - are able to call the single European Emergency Call Number “112” free of charge, in addition to the use of existing national numbers (e.g. “999”) and have those calls appropriately answered.

A new requirement is that all public network operators will in future be expected to make caller location information available to the Emergency Services, to the extent that is technically feasible, for all calls to the “112” emergency number.

#### *3.6.2 Discussion*

The use of the “112” code is already established in Ireland and information about it is published in telephone directories and in public payphones. No changes are therefore necessary in that regard.

The requirement for provision of caller location information to the Emergency Services is new but recital 36 makes it clear that the reception and use of such information must comply with Community law on the processing of personal data. An important stipulation is that the requirement applies “to the extent that is technically feasible”. For conventional<sup>5</sup> fixed-line callers, precise location determination methods are well established but for mobile networks there are a number of different options available, with varying degrees of location accuracy.

### **3.7 The European Telephony Numbering Space (ETNS)**

#### *3.7.1 Issue for consideration*

Article 27 of the new USO Directive requires Member States to ensure that all operators handle all calls to the ETNS. It is clear from the Article that the operators concerned are entitled to recover all of their conveyance costs and in this respect, recital 37 makes it clear that the interconnection arrangements for ETNS are to be governed by the provisions of the Access Directive, which potentially provides for cost orientation.

#### *3.7.2 Discussion*

The National Numbering Conventions have already been updated to support the requirement of Article 27.

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<sup>5</sup> The locations of callers from Internet or other IP-based sources may not always be easily verifiable.

### **3.8 Non-geographic Numbers**

#### *3.8.1 Issue for consideration*

Article 28 of the new USO Directive requires Member States to ensure that end-users from other Member States are able to access Irish non-geographic numbers, where technically and economically feasible, provided the called subscriber has not placed a limitation on this for commercial reasons.

#### *3.8.2 Discussion*

The 'rider' to this requirement "where technically and economically feasible" is of importance in the Irish context. It is technically feasible to give full access to existing Irish non-geographic numbers commencing with "+353.1" but it has not been considered economically proportionate to do so up to now as this would require a much deeper level of analysis on dialled digits than is currently the case. Furthermore, this extra analysis would also be imposed on all foreign operators in respect of calls from their systems, if it is assumed they will want to distinguish in their charges between calls to Dublin subscribers, calls to Irish Directory Enquiry services and calls to Irish non-geographic numbers.

The issues here are exactly the same as those discussed for access to Directory Services Section 3.5.2 above. As proposed there, ComReg intends to look again at this whole issue during the months ahead, in the light of the new legislation.

### **3.9 Mobile Number Portability**

#### *3.9.1 Issue for consideration*

Article 30 of the new USO Directive mandates NP for mobile networks. The requirement for Number Portability on fixed networks remains unchanged.

#### *3.9.2 Discussion*

Work is already well in-hand to introduce mobile NP in Ireland; therefore Article 30 imposes no new requirements here. A separate paper will issue shortly on MNP in Ireland, taking account of the new directive.

### **3.10 Rights of Use for Numbers**

#### *3.10.1 Issue for consideration*

Article 5 of the Authorisation Directive requires that individual rights of use to numbers shall be granted upon request to any undertaking providing or using networks or services under the general authorisation, subject to provisions within Articles 6 and 11 of that Directive and any rules to ensure the efficient use of resources in the Framework Directive.

An overview of the main provisions affecting Numbering as a consequence of Article 5 or other references it cites is given in Appendix 3 to this document.

A maximum period of 3 weeks is set down for decisions to be made and communicated to applicants for rights of use, apart from cases where numbers of exceptional value are allocated competitively, in which case 6 weeks is allowed.

The Authorisation Directive Annex Part A Condition 4 specifies a condition of general authorisation as the accessibility of numbers including their conditions, in conformity with the USO Directive. In Ireland, the conditions are contained in the National Numbering Conventions, compliance with which up to now was a condition of number-holder's licences.

### *3.10.2 Discussion*

A careful study of these references suggests that the current ComReg approach to management of the National Numbering Scheme is generally in line with their requirements, with the exception of timescales on difficult cases. The National Numbering Conventions document contains the rules governing rights of use and this document will be kept up to date and in conformity with the new legislative framework.

Most applications for numbering resources are dealt with within three weeks of receiving a properly completed application but a small minority of requests can cause considerable difficulty and these have traditionally taken longer. In future, the three week period must be met for all properly completed requests and the National Numbering Conventions have already been amended to reflect and anticipate this position.

The need to ensure that compliance with the Numbering Conventions remains an integral part of number allocations once the General Authorisation is in place, must be addressed. This position is recognised in the Response to Consultation document ComReg 02/114, which states in its section 6.4 that "*To maintain continuity with the current regime, under which numbering is subject to a condition on licences which requires compliance with the National Numbering Convention, ComReg shall issue a direction with the same requirement*".

## **3.11 Fees for Rights of Use**

### *3.11.1 Issue for consideration*

Article 13 of the Authorisation Directive permits the imposition of fees for the rights of use of numbers.

### *3.11.2 Discussion*

ComReg is currently consulting on all charges, including the question of charging for numbers<sup>6</sup>.

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<sup>6</sup> See Document ODTR 02/102: Future Regulation of Electronic Communications Networks and Services - Charging Principles for Authorisations and Rights of Use

## **4 Conclusions**

This document provides an overview of how the new European legislative framework may be expected to affect the current management and administration of the Irish National Numbering Scheme. However, definitive views can only be formed once this legislation is transposed into national legislation.

In principle, existing Irish approaches were already very much in line with the legislation and some additional adjustments during the recent update of the National Numbering Conventions have helped to improve this alignment further.

Potentially the most significant impact is in respect of the obligation in Article 28 of the new USO Directive – subject to technical and economic feasibility – to open foreign access to Irish non-geographic numbering resources<sup>7</sup>. There are costs involved in such opening of access and the matter of economic feasibility is one of judging the balance of advantage. For the moment, the benefits of opening access may not be economically proportionate to the levels of cost and disruption incurred but ComReg intends to review this issue over the coming months.

The need to ensure the General Authorisation includes a condition requiring compliance with the National Numbering Conventions is very important, but this can be accommodated by insertion of a suitable condition, as described in Section 3.9.

Section 3.4, describing impacts on Carrier Selection/Pre-selection also touches on an area of great importance for competitive reasons, although no immediate changes will take place (i.e. pending the results of the market analysis described in Section 3.4).

Finally, as indicated in the introduction, ComReg would welcome reader's feedback on this document or any aspect of it and/or alternative opinions about operation of the new legislative framework.

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<sup>7</sup> See 3.8, above.

## **Appendix 1: Articles in the new Directives that affect Numbering.**

### **Directive 2002/22/EC: Universal Service Directive**

**Article 16:** *Review of obligations* – Requires Member States to maintain existing obligations for CS and CPS, until a market analysis and determination complying with Article 16 of the Framework Directive has been carried out.

**Article 19:** *Carrier selection and carrier pre-selection* - Mandates CS and CPS in fixed networks, and requires an assessment of user demand for such services on other networks in accordance with Article 16 of the Framework Directive and implemented in accordance with Article 12 of the Access Directive.

**Article 25:** *Operator Assistance and Directory Enquiry Services* - Requires end-users to be able to access Operator Assistance and Directory Enquiry services and to have an entry in the telephone directory. In addition, regulatory restrictions must not be maintained which prevent users in one Member State from accessing directly the Directory Enquiry service in another Member State.

**Article 26:** *Single European emergency call number* – Requires that end-users, including payphone users, are able to call 112 free of charge (in addition to 999), that the calls are appropriately answered and that users are adequately informed of the existence of 112. In addition, operators should make caller location information available to the authorities handling emergency calls, to the extent technically feasible.

**Article 27:** *European telephone access codes* – Requires Member States to ensure that all operators handle calls to the ETNS and to ensure that the "00" code is the standard international access code.

**Article 28:** - *Non-geographic numbers* - Requires Member States to ensure that end-users from other Member States are able to access Irish non-geographic numbers, where technically and economically feasible, provided the called subscriber has not placed a limitation on this for commercial reasons.

**Article 30:** *Number Portability* - Mandates NP for mobile networks, while the requirement for Number Portability on fixed networks remains unchanged.

### **Directive 2002/20/EC: Authorisation Directive**

**Article 5:** *Rights of use for radio frequencies and numbers* - Requires that individual rights of use to numbers shall be granted upon request to any undertaking providing or using networks or services under the general authorisation, subject to provisions within Articles 6 and 11 and any rules to ensure the efficient use of resources in the Framework Directive. An overview of the main provisions affecting Numbering as a consequence of Article 5 or other references it cites is given in Appendix 3.

## **Future Regulation of Electronic Communications Networks and Services/ Numbering Issues**

**Article 6:** Conditions attached to the general authorisation and to the rights of use for radio frequencies and for numbers, and specific obligations.

**Article 10:** Compliance with the conditions of the general authorisation or of rights of use and with specific obligations

**Article 11:** Information required under the general authorisation, for rights for use and for the specific obligations.

**Article 13:** *Fees for rights of use and rights to install facilities* - Permits the imposition of fees for the rights of use of numbers.

**Article 14:** Amendment of rights and obligations.

### **Directive 2002/19/EC: Access Directive**

**Article 7:** *Review of former obligations for access and interconnection* – Requires the maintenance of all existing obligations for access and interconnection until a market analysis and determination complying with Article 16 of the Framework Directive has been carried out.

### **Directive 2002/21/EC: Framework Directive**

**Article 10:** *Numbering, naming and addressing* - Requires that NRAs shall control the assignment of all national numbering resources and manage the national numbering plans, setting out requirements on how the NRA shall carry out these functions. It also requires Member States to support the harmonisation of numbering resources within the Community, where necessary to support the development of pan-European services.

**Article 16:** *Market analysis procedure* - Used to decide whether the CS, CPS, and other access obligations should be maintained, removed or extended.

**Article 26:** *Repeal* - Repeals various earlier Directives and Decisions with effect from 25 July 2003.

**Article 27:** *Transitional measures* – Repeat of requirements in Article 7 of the Access Directive and Article 16 of the USO Directive, to maintain existing obligations for the moment.

## **Appendix 2: NAP Position Paper No. 4**

### **Access to Directory Information Services from Abroad**

#### **Background**

The current dialling procedure is limiting in so far as non-geographic numbers with the dialling formats 15XX XXX XXX and 18XX XXX XXX and short codes such as 118XX cannot be accessed from outside Ireland. This is because first digit "1" in the Nationally Significant Number is the NDC Code for Dublin.

In the recent consultation on the National Numbering Scheme for Telephony in Ireland, respondents were asked if provision should be made for global access to certain non-geographic numbers and short codes and if so, the case for such requirements, the basis for commercial agreements and the preferred access options.

Two respondents were in favour of extending global access to certain non-geographic numbers and short codes, advocating that international access should be made available behind the country code +353 after the Dublin NDC is changed from "1" to "3". With regard to providing for international access to Directory Information Services, two respondents were in favour of using "+353 118XX".

Taking account of the responses, the Director decided<sup>8</sup> that a sufficient case had not been made for changing the Dublin code to provide access to the "1XXX XXX XXX" range of non-geographic services. However, she was persuaded that there is a case for opening international access to Directory Information Services, and is open to considering measures that facilitate international access using the access digits +353 118....

The ODTR undertook to consult with the telecommunications industry on this matter.

#### **The Numbering Advisory Panel**

##### **having considered**

- the discussion papers NAP 7 and 37;
- the points made during the discussions on access to Directory Information Services from abroad at NAP Meetings Nos. 1, 3, 4 and 6.

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<sup>8</sup> Decision Notice D11/01 – ODTR Doc. No. 01/58

## **Future Regulation of Electronic Communications Networks and Services/ Numbering Issues**

### **now adopts the following position**

1. The use of "353 118XX" for the routing of calls to Directory Information Service Providers in Ireland from abroad from a technical perspective may be possible, but the following potential technical difficulties could arise for some operators:  
the variation in number lengths between this routing code (8 digits) and Dublin numbers (11 digits) would have to be handled by network operators outside Ireland to ensure successful call establishment;
  - modifications to routing data may be required for some network operators in Ireland to ensure routing separation between 353 118... Directory Information traffic from abroad and 18XX... Freefone/Part Pay traffic from Dublin;
  - it might be possible to overcome some of the potential technical difficulties, using solutions which rely on signalling system no. 7.
2. The routing of calls to Directory Information Service Providers in Ireland from abroad from a commercial perspective would require special arrangements to be put in place so that Service Providers could recover their costs – these commercial arrangements could be complex, difficult to agree and difficult to manage;
3. In practice, it might be difficult to separate the charging for such calls to Directory Information Services from charging for calls to Dublin numbers.
4. The implementation of a charging regime for international call completion services offered by Directory Information Service Providers would be difficult to achieve. In addition, adequate fraud prevention measures would have to be put in place.
5. Alternatively, the use of ETNS for the provision of access to Directory Information Services might not be appropriate, having regard to the requirement that ETNS is not intended for use for services that duplicate national or international services.



## **Appendix 3 Main Provisions Potentially Affecting Numbering**

(as a consequence of Article 5 of the Authorisation Directive)

### **A1. Conditions attached to a General Authorisation [Auth: Annex A]**

Conditions affecting the following may be attached to a general Authorisation:

- (1) Interoperability of services and interconnection of networks in conformity with the Access Directive.
- (2) Accessibility of numbers from the national numbering plan to end-users, including conditions in conformity with the new USO Directive.
- (3) Personal data and privacy protection specific to the electronic communications sector in conformity with Directive 97/66/EC of the European Parliament and of the Council of 15 December 1997 concerning the processing of personal data and the protection of privacy in the telecommunications sector [CLI data].

### **A2. Conditions attached to Rights of Use for Numbers [Auth: Annex C]**

Conditions affecting the following may be attached to rights of use granted for numbers:

- (1) Designation of service for which the number shall be used, including any requirements linked to the provision of that service.
- (2) Effective and efficient use of numbers in conformity with the Framework Directive.
- (3) Number portability requirements in conformity with the new USO Directive.
- (4) Obligation to provide public directory subscriber information for the purposes of Articles 5 and 25 of the new USO Directive.
- (5) Maximum duration in conformity with Article 5 of this [Authorisation] Directive, subject to any changes in the national numbering plan.
- (6) Transfer of rights at the initiative of the right holder and conditions for such transfer in conformity with the Framework Directive.
- (7) Usage fees in accordance with Article 13 of this [Authorisation] Directive.
- (8) Any commitments which the undertaking obtaining the usage right has made in the course of a competitive or comparative selection procedure.
- (9) Obligations under relevant international agreements relating to the use of numbers.

**A3. Specific Conditions relating to Carrier Selection & CPS [Auth: Article 6]**

Numbering conditions that are requirements for the proper operation of Carrier Selection and/or CPS (e.g. such as codes used in those services) may be applied in accordance with USO Article 19.

**A4. Information Requirements [Auth: Articles 10 & 11]**

Articles 10 and 11 of the Authorisation Directive define information requirements that can be specified in respect of numbers and Article 10 also describes measures that can be taken to ensure compliance with the conditions of allocation.