



Commission for  
**Communications Regulation**

## Guidelines

### **Guidelines and Sample Application Form for a Premium Rate Services Licence**

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**An Coimisiún um Rialáil Cumarsáide**  
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## 1 Introduction

The licensing of Premium Rate Services (“PRS”) is governed by Section 6 of the Communications Regulation (Premium Rate Services and Electronic Communications Infrastructure) Act, 2010 (“the Act”) and the Communications Regulation (Licensing of Premium Rate Services) Regulations, 2010, S.I. 338 of 2010 (“the Regulations”). The Regulations detail, amongst other things, the terms and conditions under which a licence is granted. The Commission for Communications Regulation (ComReg) administers the issue of licences for PRS under the Regulations.

This document (“the Guidelines”) sets out ComReg’s guidelines and a sample application form to assist persons wishing to apply for a PRS licence.

ComReg encourages all potential applicants to read the Guidelines carefully if they are considering submitting an application.

Any queries regarding these guidelines or the licensing process can be directed to ComReg’s **PRS Licensing Team**:

Telephone: + 353 (0)1 8049600  
E-mail: [prs@comreg.ie](mailto:prs@comreg.ie)

ComReg may revise the Guidelines and Application Forms from time to time.

## 2 Statutory Regulations

A Premium Rate Services (PRS) licence is required under Section 6 of the Communications Regulation (Premium Rate Services and Electronic Communications Infrastructure) Act, 2010 (“the Act”) to promote and operate certain classes, or types of PRS namely, “*Specified Premium Rate Services*”. ComReg has set out in Regulation 3 of the Regulations those classes, or types, of PRS that are *specified* and therefore required to be licensed.

The specific Regulations governing the issue of licences for PRS is the Communications Regulation (Licensing of Premium Rate Services) Regulations, 2010 - S.I. 338 of 2010, which is contained on our website at

<http://comreg.ie/fileupload/publications/SI338of2010.pdf>

Applicants should be aware that a PRS Licence does not absolve the Licensee from complying with any other statutory obligations (e.g. the obligations of an Electronic Communications Service or Electronic Communications Network Operator to obtain an authorisation under the European Communities (Electronic Communications Networks and Services) (Authorisation) Regulations, 2003 S.I No. 306, as amended, and the requirements provided for in the Data Protection legislation).

### **3 General Information**

A Premium Rate Services (PRS) Licence is required for the promotion and operation of specified PRS.

A PRS Licence must be kept current at all times and the provision of specified PRS, without holding a valid PRS licence, is an offence under the Act.

Those providers of specified PRS, who were authorised by RegTel prior to the transfer of regulatory functions to ComReg on 12 July, 2010 are deemed to be licensed for a period of 6 months, that is until 12 January, 2011. Anyone who held a Regtel authorisation and wishes to continue to provide specified PRS after 12 January, 2011 must be in possession of a PRS Licence issued by ComReg.

Details of the Licence conditions attached to a PRS Licence are contained in Regulation 5 of the Regulations. Applicants are advised to familiarise themselves with these conditions as non-compliance with any of these conditions may render the Licensee liable to an enforcement action by ComReg.

## **4 Licence Information**

In accordance with the Act and the Regulations, all providers of specified PRS must have a PRS licence.

ComReg is subject to Irish and EU rules on the treatment and handling of confidential information, it is a 'Public Body' for the purpose of the Freedom of Information Act 1997, and is bound by this Act in relation to the release of information.

Any personal information provided to ComReg will be treated in accordance with the Data Protection Acts, 1988 & 2003.

### **4.1 The Licensee**

A Licensee is a person who provides specified PRS as per the Act and in accordance with the Regulations.

### **4.2 The Licence**

A PRS Licence does not confer any special rights on the Licensee other than to provide PRS. It allows for the provision of specified PRS in accordance with the conditions of the specified PRS Licence.

### **4.3 Licence Duration**

It is the responsibility of the Licensee to ensure that their Licence details remain valid and updated and, in this regard, Licensees are required to ensure that they apply for a new licence in advance of the expiry of the current licence and that their licence details are correct.

### **4.4 Licence Fees Payable**

The granting of a PRS Licence is subject to payment of the following prescribed fees (Licence fees must be submitted with the application forms):

- New Licence: €100

### **4.5 Amendments to a Licence**

In accordance with Section 6 (9) of the Act, a Licence amendment occurs when the details on the Licence document are no longer correct and therefore need to be updated. Some examples of this may include:

- the address of the Licensee has changed; and / or
- any other details indicated on the Licence documentation requires amendment.

Under the Regulations, it is the responsibility of the Licensee to inform ComReg of any amendments as soon as they occur but in all circumstances no later than 14 days later.

#### **4.6 Transfer of a Licence**

In accordance with Regulation 5(10) a Licensee may not transfer, let or lease a PRS Licence, or any of the rights conferred by it, to another party, without first obtaining prior written consent from ComReg.

#### **4.7 Cancellation of a Licence**

A PRS Licence should, generally, only be cancelled if the holder is intending not to be involved, in any way, in the provision of PRS.

A PRS Licence may be cancelled at the written request of the Licensee. However, there is no entitlement to any refund of Licence fees in the event of cancellation.

#### **4.8 Amendment, Suspension and Revocation of a Licence**

In accordance with Sections 9 and 10 of the Act, ComReg may amend, suspend or revoke a Licence where, ComReg determines following an investigation that there is non-compliance by the Licensee with the conditions of the PRS Licence.

## 5 Applying for a Licence

All applications for new or amended PRS Licences must be made on the PRS Application Form, a completed sample of which is contained in Section 6 of the Guidelines.

### 5.1 Submitting an Application

1. The application form must be completed in full and in accordance with these Guidelines.
2. The Declaration Form (Part 3 of the application form) must be signed.
3. The appropriate fee must be enclosed with the application form:
  - New Application €100
4. To ensure a PRS Licence can be issued by the required date, it is recommended that all applications be submitted a minimum of 2-3 weeks prior to the requirement date.
5. Applications may be submitted by:
  - post to -  
**Premium Rate Services Licensing**  
The Commission for Communications Regulation  
Abbey Court  
Irish Life Centre  
Abbey Street  
Dublin 1, or
  - facsimile to 01 8049665, or
  - e-mail (in .pdf format) to [prs@comreg.ie](mailto:prs@comreg.ie).



# **PREMIUM RATE SERVICES LICENCE APPLICATION - GUIDELINES**

## **6 Applying for a Licence – The Licence Application Form**

### **Part 1: General Details**

<b>Type of Application</b>	<b>New</b> <input type="checkbox"/>	<b>Amendment</b> <input type="checkbox"/>
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Items marked with an asterisk (\*) will be published by the Commission for Communications Regulation (ComReg) on the public register of PRS providers.

#### **Applicant Details:**

##### **a. Company/Personal Details**

<p><b>* Full Name of the Company or Person in whose name the licence is sought</b> <b><u>Mandatory Field</u></b></p>	<p>This should be the name of the company, if incorporated, or the natural person. Trading names should not be used. i.e. <i>Mr. A O'Brien</i> or <i>A O'Brien Ltd.</i> are acceptable entries; <i>O'Brien Services</i> is not. <b>Sample entry: A O'Brien Ltd.</b></p>
<p><b>*Full Postal Address i.e. Business Address for Regulatory Contact</b> <b><u>Mandatory Field</u></b></p>	<p>Enter the address to which members of the public should direct correspondence. <b>Sample Entry: Unit 4, ABC Business Park, Sligo.</b></p>
<p><b>*Registered Office Address (if different to Business Address)</b> <b><u>Mandatory Field (for registered companies)</u></b></p>	<p>The registered address should always be shown in the case of a company. This address will be used by ComReg for the delivery of statutory notices.</p>
<p><b>Company Registration Office Number (or foreign equivalent)</b> <b><u>Mandatory Field (for registered companies)</u></b></p>	<p>Where the company is registered at the Irish Companies Registration Office, the number and the company registry should be shown e.g. 123456 (Companies House, London)</p>
<p><b>Current Trading Name(s):</b></p>	<p>Enter the trading name or names as used by the enterprise. Note that where ComReg enters details of a trading name, this is without prejudice to whether the requirements of the Companies Acts relating to Business Names have been complied with. <b>Sample entry: O'Brien Services</b></p>
<p><b>Previous Trading Name(s):</b></p>	<p>Enter the trading name or names previously used by the enterprise.</p>

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**b. Director(s) Contact Details**

<b>Director (1) Contact Name and Date of Birth (dd/mm/yyyy):</b>	Name	D.O.B.
<b>Position held:</b>	This should be the title of the individual named in the box above.	
<b>Contact Phone Number:</b>	This should be a direct telephone number, not a general switch number, for the Director	
<b>Contact E-mail Address:</b>	This should be a specified e-mail address for the Director and not a general company e-mail address.	
<b>Contact Postal Address: (if different to Business Address)</b>	This should be the specified postal address for the Director.	

<b>Director (2) Contact Name and Date of Birth (dd/mm/yyyy):</b>	Name	D.O.B.
<b>Position held:</b>	This should be the title of the individual named in the box above.	
<b>Contact Phone Number:</b>	This should be a direct telephone number, not a general switch number, for the Director	
<b>Contact E-mail Address:</b>	This should be a specified e-mail address for the Director and not a general company e-mail address.	
<b>Contact Postal Address: (if different to Business Address)</b>	This should be the specified postal address for the Director.	

<b>Director (3) Contact Name and Date of Birth (dd/mm/yyyy):</b>	Name	D.O.B.
<b>Position held:</b>	This should be the title of the individual named in the box above.	
<b>Contact Phone Number:</b>	This should be a direct telephone number, not a general switch number, for the Director	
<b>Contact E-mail Address:</b>	This should be a specified e-mail address for the Director and not a general company e-mail address.	
<b>Contact Postal Address: (if different to Business Address)</b>	This should be the specified postal address for the Director.	

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### **c. Regulatory Contact Details**

<b>Regulatory Contact Name:</b>	This should be the name of the individual who will be contacted by ComReg should there be a need to do so.
<b>Position held:</b>	This should be the title of the individual named in the box above.
<b>Contact Phone Number:</b>	This should be a direct telephone number, not a general switch number, for the Regulatory Contact.
<b>Contact E-mail Address:</b>	This should be a specified e-mail address for the Regulatory Contact and not a general company e-mail address.

### **d. Customer Service Contact Details**

<b>*Customer Service Contact Phone Number <u>Mandatory Field</u></b>	This should be the telephone number/s that customers can call if they need to contact your company.
<b>*Customer Service Contact email address <u>Mandatory Field</u></b>	This should be the e-mail address that customers can write to if they need to contact your company.
<b>*Customer Service Contact website address <u>Mandatory Field</u></b>	This should be the website address for customers if they need to contact your company.
<b>Does the Applicant intend to provide Customer Service from within its own resources or outsource</b>	Tick one box below Internal <input type="checkbox"/> Outsourced <input type="checkbox"/>
<b>If Outsourced, Company Name:</b>	This should be the name of the company who provides Customer Services on your behalf.
<b>Full Postal Address i.e. Postal Address for Outsourced Customer Services:</b>	Enter the address of the company to whom your Customer Services are outsourced.
<b>Does the provider of Customer Services on behalf of the Applicant hold a PRS Licence? (This is not a mandatory requirement)</b>	Tick one box below Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>If “Yes” state the Licence Number</b>	Enter the PRS Licence Number of the company or individual providing Customer Services on behalf of the Applicant.

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### **Part 2: Role of the Applicant in the Provision of Specified Premium Rate Services**

Every entity involved in the provision of specified PRS must be licensed. In the past, only those to whom premium rate numbers (or shortcodes) had been assigned were required to obtain a licence (authorisation). Since the enactment of the Act and the Regulations, all parties, including Network Operators who may not have directly contracted with the holder of the premium rate number (or shortcode), are required to be licensed.

ComReg understands that some parties may play more than one role in the provision of PRS and therefore, it is possible to indicate which roles these may be by ticking the appropriate boxes.

Applicants should be aware that providers of specified PRS are only required to hold one (1) PRS Licence but if they intend to provide, **or are involved in the provision**, of an Authorised Service, as set out in Regulation 7, they must ensure that there is an Authorised Service Certificate in respect of each such service.

(Note: more than one box may be ticked)

<ul style="list-style-type: none"><li>• provides the contents of a premium rate service</li></ul>	<input type="checkbox"/>
<ul style="list-style-type: none"><li>• exercises editorial control over the contents of a premium rate service</li></ul>	<input type="checkbox"/>
<ul style="list-style-type: none"><li>• packages together the contents of a premium rate service for the purpose of facilitating its provision</li></ul>	<input type="checkbox"/>
<ul style="list-style-type: none"><li>• makes available a facility as part of a premium rate service</li></ul>	<input type="checkbox"/>
<ul style="list-style-type: none"><li>• transfers a premium rate service from a content provider to one or more electronic communications networks</li></ul>	<input type="checkbox"/>
<ul style="list-style-type: none"><li>• provides the electronic communications service over which a premium rate service is provided, or provides the electronic communications network over which a premium rate service is transmitted.</li></ul>	<input type="checkbox"/>

#### **Types or Class of Service that Require Authorised Service Certificates**

Note: ComReg requires Licensees to obtain individual certificates in respect of the following Authorised Services:

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Note the provisions of Regulation 7(3): where there is more than one Premium Rate Service provider involved in the provision of the Authorised Services, then only one (1) certificate needs to be issued in respect of that proposed service.

- Chatline Services (Live or Virtual),
- Services for the benefit of a charitable organisation or non-profit organisation,
- Sexual Entertainment Services,
- Subscription Services,
- Internet Dialler software operated,
- Quiz Television Services.

To obtain an Authorised Service Certificate, the Licensee must complete a separate form available on ComReg's website [www.comreg.ie](http://www.comreg.ie).

### **Part 3: Declarations**

Part 3 of the Licence Application form requires the Applicant to provide information in respect of previous performance in the industry, specifically if there were any prosecutions registered against the applicant under the Act or under the Data Protection Regulations.

The declaration must be signed and dated by or on behalf of the notifying person.

In completing this section, the applicant is declaring that:

- (a) The information provided is accurate and complete,
- (b) The documents listed have been reviewed, and
- (c) The notifying person shall comply with any lawful directions of ComReg.

As noted earlier completed documents should be forwarded by post to:

#### **Premium Rate Services Licensing**

Commission for Communications Regulation,  
Abbey Court,  
Irish Life Centre,  
Lower Abbey Street,  
Dublin 1.

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## **Part 4: Fees and Method of Payment**

The Licensee should select the appropriate method of payment (do not forget to sign in the case of payment by debit or credit card) and ensure that all details given are correct.

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## **7 Applicable Legislative Definitions and Terms**

In accordance with Section 3 of the Communications Regulation (Premium Rate Services and Electronic Communications Infrastructure) Act, 2010 (“the Act”) and Regulations 3 and 7 of the Act, the applicable legislative definitions and terms, as referred to above, are as follows:

### **The Act**

“**facility**” in relation to the provision of premium rate services, includes a facility -

- (a) for making a payment for goods or services,
- (b) for entering a competition or claiming a prize,
- (c) for registering a vote or recording a preference, or
- (d) for enabling access to a premium rate service.

“**licence**” means a premium rate service licence.

“**premium rate service**” means a service having all of the following characteristics:

- (a) it consists in the provision of the contents of communications (other than a broadcasting service) through an electronic communications network or by using an electronic communications service, which may include or allow the use of a facility made available to the users of the service,
- (b) there is a charge for the provision of the service which exceeds the cost attributable to communications carriage alone, and
- (c) the charge referred to in paragraph (b) is paid by the end user of the service directly or indirectly to the provider of the electronic communications network or electronic communications service used in connection with the provision of the service by means of a billing or other agreed payment mechanism.

“**premium rate service licence**” means a licence authorising a premium rate service provider to provide a premium rate service under and in accordance with section 6.

“**premium rate service provider** ” means a person who does any or all of the following, for gain:

- (a) provides the contents of a premium rate service,
- (b) exercises editorial control over the contents of a premium rate service,
- (c) packages together the contents of a premium rate service for the purpose of facilitating its provision,
- (d) makes available a facility as part of a premium rate service,

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- (e) transfers a premium rate service from a content provider to one or more electronic communications networks, or
- (f) provides the electronic communications service over which a premium rate service is provided, or provides the electronic communications network over which a premium rate service is transmitted.

### **Regulation 3**

Subject to Regulation 4 and Section 6(10) of the Act of 2010 a specified premium rate service is a premium rate service, other than a service which is accessed only via an international call, in respect of which:

- 1) the service is accessed by a premium rate number and the price payable by the end user for each call exceeds 25 cent (inclusive of value added tax). For the purpose of this provision the price per call shall be calculated by reference to the call as charged to an end user of the “designated undertaking” (as that term is defined in Regulation 2(2) of the European Communities (Electronic Communications Networks and Services) (Universal Service and User’s Rights) Regulations 2003 ( S.I. No. 308 of 2003 ), as such designation may vary from time to time;
- 2) the service is accessed other than by means of a premium rate number and the price payable by the end user for each call exceeds 25 cent (inclusive of value added tax) for each call; or
- 3) the service is:
  - (a) a chatline service;
  - (b) a sexual entertainment service;
  - (c) a children’s service;
  - (d) a subscription service or
  - (e) operated by internet dialler software.

### **Regulation 7**

(1) In respect of the following categories of specified premium rate service, a certificate is required:

- (a) chatline services;
- (b) services advertised as being for the benefit of charity or any not for profit body or organisation;
- (c) sexual entertainment services;
- (d) subscription services;
- (e) internet dialler services; or
- (f) quiz television services.

(2) Premium rate service providers shall ensure that a certificate has been obtained prior to providing an authorised service.



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- (3) Where more than one premium rate service provider is involved in the provision of a specified premium rate service which requires a certificate pursuant to Regulation 5(12), only one certificate shall be granted by the Commission in respect of that proposed service. The person to whom the certificate is granted shall be responsible for the service.
- (4) An application for the grant of a certificate to which these Regulations apply shall be in such form as may from time to time be specified by the Commission and shall:-
  - (a) be made in writing to the Commission; and
  - (b) be signed by or on behalf of the applicant, whether by means of an electronic signature or otherwise.