



Commission for
Communications Regulation

Management and Maintenance of the National Directory Database

Consultation

Reference: ComReg 14/36

Version: Final

Date: 01/05/2014

Additional Information

All responses to this consultation should be clearly marked:

Submissions to ComReg 14/36

and should be sent by post, facsimile or e-mail to arrive on or before 30th May 2014, to:

Joan Killeen
Commission for Communications Regulation
Irish Life Centre
Abbey Street Freepost
Dublin 1
Ireland
Ph: +353-1-8049600 Fax: +353-1-804 9680

Email: retailconsult@comreg.ie
joan.killeen@comreg.ie

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 information – ComReg 05/24.

Legal Disclaimer

This consultation is not a binding legal document and also does not contain legal, commercial, financial, technical or other advice. The Commission for Communications Regulation is not bound by it, nor does it necessarily set out the Commission's final or definitive position on particular matters. To the extent that there might be any inconsistency between the contents of this document and the due exercise by it of its functions and powers, and the carrying out by it of its duties and the achievement of relevant objectives under law, such contents are without prejudice to the legal position of the Commission for Communications Regulation. Inappropriate reliance ought not therefore to be placed on the contents of this document.

Contents

Section	Page
1 Introduction.....	4
2 Background	5
3 Consultation Issues	9
4 Draft Regulatory Impact Assessment (“RIA”).....	12
4.1 Role of the RIA.....	12
4.2 Policy Issues	13
4.3 Policy Options	14
5 Draft Direction	19
6 List of Questions.....	21
7 Submitting Comments.....	22

1 Introduction

- 1 The National Directory Database ("NDD") is a comprehensive record of all subscribers of publicly available telephone services in the State who have not refused to have their details recorded in it. The function of the NDD is primarily to facilitate the compilation of and access to information for telephone directories and directory enquiry services. In addition, following the entry into force of the E-Privacy Regulations¹, the NDD continues to be the basis for the operation of the "opt-out" register for direct marketing purposes.
- 2 Eircom currently manages the NDD and the collation of information from all undertakings that assign telephone numbers to subscribers and is directed to do so until end June 2014. The Commission is now conducting a consultation regarding the maintenance and management of the NDD from July 2014.

¹ S.I. No 336 of 2011, the European Communities (Electronic Communications Networks and Services) Data Protection and Privacy) Regulations 2011

2 Background

- 3 Historically, Eircom, in its capacity as the universal service provider, was obliged by law to maintain the NDD.² Since the coming into force of the European Communities (Electronic Communications Networks and Services) (Universal Service and Users' Rights) Regulations 2011 ("the Regulations") a universal service provider designated as such under the 2011 Regulations, cannot be mandated to maintain the NDD merely by virtue of being the universal service provider.
- 4 Rather, there is a specific power for ComReg under Regulation 19(4) of the Regulations to require an undertaking to maintain the NDD.
- 5 The NDD lists over 2 million numbers of which over 1 million are opted out of receiving direct marketing calls.³
- 6 In addition, the NDD also holds details of consumer preferences for listing their telephone numbers. These are:
 - Listed: Details (name, address, telephone number) are listed in the telephone directory and with Directory Enquiries
 - Unlisted : Listed with Directory Enquiries only, i.e. not in the phonebook
 - Ex-Directory: Details not listed the phone book or with Directory Enquiries
- 7 In accordance with Regulation 19(2) of the Regulations, undertakings that assign numbers to subscribers must supply the NDD with the relevant subscriber information. These undertakings provide up-to date information to the NDD on a regular basis.
- 8 In accordance with Regulation 19(4) of the Regulations, the undertaking maintaining the NDD must provide access to the information on terms that are fair, objective, cost oriented and non-discriminatory.
- 9 This information is used for the collation of the printed telephone directory. Eircom is required to provide a printed telephone directory to subscribers, on an annual basis, by virtue of it being the universal service provider in the State⁴.

² Because of a provision in the European Communities (Electronic Communications Networks and Services) (Universal Service and Users' Rights) Regulations 2003.

³ Mobile telephone numbers are automatically protected pursuant to certain provisions in the European Communities (Electronic Communications Networks and Services) Data Protection and Privacy) Regulations 2011 against unsolicited communications.

⁴ Under Regulation 4(1) of the 2011 Regulations.

- 10 Eircom also provides directory information held in the NDD to directory enquiry service providers under a Directory Information Licence Agreement. In addition, Eircom provides information in a CD format to the direct marketing industry under the Direct Marketing Licence Agreement.
- 11 Furthermore, following the entry into force of the E-Privacy Regulations, the NDD continues to be the basis for the “opt-out” register for direct marketing purposes. The “opt-out” register is the means by which subscribers express their preference not to be contacted by direct marketing companies (by so “opting out”).
- 12 In this context, Eircom has established a *Directory Information Licence Agreement* (DILA) and a *Direct Marketing License Agreement* (DMLA) for the purposes of access by directory enquiry service providers and direct marketers.
- 13 The number of DILA licences has remained at five since 2011, whereas the number DMLA licences has varied in the last number of years, numbering 41 in 2013. (See Table 1).

Table 1: Number of Licences

Number of Licensees		
Year	DMLA	DILA
2011	44	5
2012	39	5
2013	41	5

- 14 The table overleaf details the current prices that Eircom charges under these agreements to access the information contained in the NDD.

Table 2: Pricing for Direct Marketing Licences

DMLA Pricing			
Multi-use licence fee	Detail	€ (ex VAT)	Frequency
Biweekly updates	26CDs	1,640	Per Annum
Four-weekly updates	13 CDs	1,540	Per Annum
Single-use licence fee	Detail	€ (ex VAT)	
Biweekly updates	26CDs	730	Per Annum
Four-weekly updates	13 CDs	630	Per Annum
Price per update CD	Beyond licensed volume	42.5	Per CD

Table 3: Pricing for Directory Enquiries

DILA Pricing	
Directory Enquiry Services	€ (ex VAT)
Minimum fee per annum	14,200
Flat charge for nightly update per annum	11,000

- 15 Eircom has advised that the total revenue derived from the operation of the NDD was €114,000 for 2013 and that it operated the NDD at a loss in 2013.
- 16 In addition, Eircom recently commenced an NDD IT infrastructure and upgrade project. The database, operating system and hardware that support the NDD had reached the point where in order to guarantee support of the database, even until end June 2014. It was deemed necessary to upgrade this infrastructure. Eircom has advised that the cost of the project in financial terms will be approximately €140,000.

- 17 Eircom has managed the NDD to date in an effective manner. Due to its ownership of the assets and systems supporting the NDD, its operational control over the NDD and the assets and systems supporting the NDD, and because of its unique experience in maintaining the NDD, the Commission is of the preliminary view that Eircom is currently best placed to continue to maintain and manage the NDD on the same basis as it currently does.
- 18 However, ComReg also wishes to ascertain if any other undertakings are interested in maintaining the NDD it will and consider their interest as relevant.
- 19 ComReg looks forward to receiving responses from all stakeholders in relation to the proposals in this consultation. ComReg will review and fully take into account of all responses it receives and before coming to a final decision in respect of the management of the NDD from July 2014 onwards.

3 Consultation Issues

- 20 The Commission directed, under ComReg Decision 10/12⁵, that Eircom should maintain and manage the NDD, effective from July 2012 until 30th June 2014, as such Eircom currently manages the NDD and the collation of information from all undertakings that assign telephone numbers to subscribers.
- 21 The Commission is now conducting a consultation to ascertain views regarding the continued maintenance and management of the NDD.
- 22 Should the Commission not direct an undertaking to maintain and operate the NDD, it would create legal uncertainty for stakeholders.⁶
- 23 In view of the above factors, it is the Commission's intention to direct an undertaking to manage and maintain the NDD under Regulation 19 and Regulation 30 of the 2011 Regulations from July 2014 onwards.

Q. 1 Do you agree that an undertaking should be required, pursuant to Regulation 19 and 30 of the Regulations, to continue to manage and maintain the NDD? Please provide detailed reasons and supporting evidence for your view.

- 24 In considering which undertaking should be directed to manage and maintain the NDD ComReg considers that the definition of "operator" in the "E-Privacy Regulations" should be precisely aligned with the entity required to maintain the National Directory Database ("NDD") under Regulation 19(4) of the 2011 Regulations.
- 25 The definition of "operator" in the E-Privacy Regulations is currently aligned with the entity designated in respect of USO directory services but not the entity directed to maintain the NDD.
- 26 ComReg considers that the functions of the "operator" in the E-Privacy Regulations to be dependent on the maintenance of the NDD and not on the role of any universal service provider that provides a subscriber directory and therefore the current definition of "operator" in the E-Privacy Regulations would require amendment.

⁵ Contained in ComReg Document 12/115 "Response to Consultation and Direction: Management and Maintenance of the National Directory Database", 19 October 2012.

⁶ Including: undertakings, subscribers, directory enquiry service providers, direct marketing companies, and the Office of Data Protection Commissioner.

- 27 ComReg is in consultation with the Department of Communications, Energy and Natural Resources on this matter and is hopeful that it can be resolved quickly. This consultation therefore extends an invitation to all undertakings who are interested in maintaining the NDD to express their interest together with their submission to this consultation. If this amendment is not in place prior to end of the consultation period, ComReg may be unable to direct another undertaking to maintain the NDD at this time.
- 28 If expressions of interest are received, ComReg will consider such proposals and possible further steps, which may include aspects in respect of addressing the matter described in paragraphs 24-27. It may also include further consideration of the period of the direction and other aspects proposed in this consultation.
- 29 If the legislation is changed, it is possible that one undertaking could provide a directory of subscribers, as relevant, while another maintains the NDD. It may also be possible to designate an undertaking other than Eircom to provide a directory of subscribers and to direct the same undertaking to maintain the NDD. However, ComReg is of the view that the processes of designating/directing for each of these obligations, as relevant, should remain separate as the NDD is not a universal service and a subscriber directory is a universal service.
- 30 Where no expressions of interest are received ComReg is of the preliminary view that Eircom should be directed to continue to maintain the NDD for a period of 4 years.
- 31 Where expressions of interest are received, ComReg will consider those expressions in light of the progress on the legislative matter. In this case ComReg is of the preliminary view that Eircom should be directed to continue to maintain the NDD for a shorter period of up to 1 year so that the matters arising can be addressed.

Q2. Do you agree that if no expressions of interest are received, Eircom should be required, pursuant to Regulations 19 and 30 of the Regulations, to continue to manage and maintain the NDD for a period of 4 years? Please provide detailed reasons and supporting evidence for your view.

Q3a. Please advise at this time if you as an undertaking wish to express an interest in management and maintenance of the NDD, in accordance with Regulation 19, in the future? Please provide outline details of your capability and proposals.

Q3b. Do you agree that if expressions of interest are received that Eircom should be required, pursuant to Regulations 19 and 30 of the Regulations, to continue to manage and maintain the NDD for a period of 6 months to 1 year to allow time for consideration of the expressions of interest and to address the legislative matter ? Please provide detailed reasons and supporting evidence for your view.

4 Draft Regulatory Impact Assessment (“RIA”)

4.1 Role of the RIA

- 32 A RIA is an analysis of the likely effect of a proposed new regulation or regulatory change. The RIA should help identify regulatory options, and should establish whether or not a proposed regulation is likely to have the desired impact. The RIA should also in certain cases suggest whether regulation is or is not appropriate. The RIA is a structured approach to the development of policy, and analyses the impact of regulatory options on different stakeholders.
- 33 The Commission’s approach to RIA is set out in the Guidelines published in August 2007, Commission Document No. 07/56 & 07/56a. In conducting this RIA, the Commission takes account of the RIA Guidelines,⁷ adopted under the Government’s *Better Regulation* programme.
- 34 Section 13 (1) of the Communications Regulation Act 2002, as amended, requires the Commission to comply with certain Ministerial Policy Directions. Policy Direction 6 of February 2003 requires that before deciding to impose regulatory obligations on undertakings the Commission must conduct a RIA in accordance with European and International best practice, and otherwise in accordance with measures that may be adopted under the Government’s *Better Regulation* programme. In conducting the RIA, the Commission also has regard to the fact that regulation by way of issuing decisions e.g. imposing obligations or specifying requirements can be quite different to regulation that arises by the enactment of primary or secondary legislation.
- 35 In conducting RIA, the Commission takes into account the six principles of *Better Regulation*. These are:
1. Necessity.
 2. Effectiveness.
 3. Proportionality.
 4. Transparency.
 5. Accountability.

⁷See: http://www.taoiseach.gov.ie/eng/Publications/Publications_2011/Revised_RIA_Guidelines_June_2009.pdf

6. Consistency.

- 36 To ensure that a RIA is proportionate and not overly burdensome, a common sense approach is taken. As decisions are likely to vary in terms of their impact, and if after initial investigation a decision appears to have relatively low impact, the Commission would expect to carry out a less exhaustive RIA. In determining the impacts of the various regulatory options, current best practice appears to recognise that full cost benefit analysis would only arise where it would be proportionate, or, in exceptional cases, where robust, detailed, and independently verifiable data is available. This approach will be adopted when necessary.

4.2 Policy Issues

Purpose of the NDD

- 37 The Universal Service Regulations provide that all undertakings providing publicly available telephone services must ensure that their subscribers have the right without charge, to have an entry in a printed directory and/or a directory enquiry service.
- 38 Eircom as the USP in the State⁸ is legally obliged to ensure that a comprehensive printed directory of subscribers (based upon data maintained on the NDD) is made available to all subscribers, free of charge, and that it is updated at least once a year. For this purpose, Eircom receives stores and maintains relevant subscriber data electronically. The technical specifications and protocols in relation to the arrangements are overseen by the Commission. The relevant subscriber data is obtained and recorded by Eircom in the NDD, without charge to undertakings⁹ and the NDD is updated nightly. The NDD is therefore, a central, up to date and reliable source of data relating to subscribers who have consented to their details being recorded on it.
- 39 The E-Privacy Regulations also require all undertakings to record a subscriber's telephone number in the NDD "*do not call register*" if the customer requests, (fixed line ex-directory numbers must be placed automatically on the "*do not call register*" by undertakings). The NDD is used as a direct marketing "*opt-out*" register. The NDD is the mechanism used for collating the "*do not call register*" for the purpose of the Data and Privacy Regulations. Consumers can opt out of direct marketing by asking their telecoms service provider to place their number on the "*do not call register*."
- 40 Therefore, the Universal Service Regulations and the Data and Privacy Regulations require the NDD to be in place.

⁸ The Commission has commenced a consultation process in relation to the USP(s) from 1 July 2012.

⁹ Commission Document No. 07/20.

41 The NDD is a valuable and convenient resource for directory enquiry service providers. Subscriber names and telephone numbers are key inputs for their businesses and Eircom (who is currently responsible for maintaining the NDD) provides them with this information from a central and convenient source.

Issue

42 Since the coming into force of the Universal Service Regulations in 2011, a USP designated as such there under, cannot be mandated to maintain the NDD merely by virtue of being the USP.

43 However, the Commission now has the power to require an undertaking to maintain the NDD in accordance with Regulation 19 (4) of the Universal Service Regulations. That undertaking may still be the USP, but the USP cannot be obliged to maintain the NDD *in its particular capacity as the USP*, rather it would be obliged in its capacity as an *undertaking*, like any other undertaking.

44 Without the NDD, a number of regulatory requirements could not be fulfilled by undertakings. Residential consumers and businesses might lose their legal entitlements and protections under the Universal Service Regulations in respect of directories/directory enquiries and unsolicited direct marketing.

45 Given the various functions of the NDD, it is critical that it continues to be maintained in its current form.

4.3 Policy Options

46 The Commission has considered the options available to it to ensure that the NDD is maintained in its current form.

47 **Option 1:** Not to specify an undertaking to maintain the NDD.

48 **Option 2:** Specify Eircom, to maintain the NDD for 4 years.

49 **Option 2a:** Specify Eircom for a shorter period i.e. 1 year while ComReg considers any expressions of interest from other undertaking(s) to maintain the NDD.

Assessment of Options

Option 1

50 The Commission has considered the impact if it were to forebear from specifying an undertaking to maintain the NDD.

- 51 If the Commission does not direct an undertaking to maintain and operate the NDD, it would create legal uncertainty for stakeholders and may jeopardise other obligations on and rights of undertakings and other entities in relation to the NDD and in turn, affect the rights of consumers.

Consumers

- 52 The Commission is of the view that if there is no undertaking specified to maintain the NDD, consumers' rights (*viz.* directories and opting out of direct marketing) would be seriously jeopardised. In the Commission's view, this scenario must be avoided.

Industry

- 53 In accordance with Regulation 19 of the Universal Service Regulations, subscriber details are made available by undertakings, recorded and maintained by the undertaking that maintains the NDD. In addition, the undertaking that maintains the NDD must provide access to that information in accordance with specific terms and conditions. If there is no undertaking specified to maintain the NDD, this will create legal and commercial uncertainty about who must provide access to the NDD and the terms of the access specified in Regulation 19 (4) of the Universal Service Regulations.

Competition

- 54 The Commission considers that not specifying an undertaking to maintain the NDD, and to provide access to it for third parties, could result in directory enquiry service providers being deprived of access to the NDD, Eircom having exclusive access and being able to unilaterally set terms and conditions of access to it. This could result in Eircom having an unfair competitive advantage in the market; with the result that competition could be seriously damaged or lessened.

Option 2

- 55 The Commission has considered the impact of requiring an undertaking to maintain the NDD.
- 56 The Commission is of the preliminary view that this is the most appropriate, justified, and appropriate option at this time, as it is the only way to ensure that the related rights and obligations can be guaranteed.
- 57 In addition, the Commission has considered which undertaking it should specify and it is of the preliminary view that to specify Eircom as the undertaking to maintain the NDD, is the most appropriate, justified, and proportionate option at this time unless expressions of interest are received.

58 ComReg will consider further options (option 3) if expressions of interest are received.

59 If the NDD is maintained in its current form by Eircom it will mean that there is no change to the *status quo*.

Consumers

60 The Commission is of the view that the preferred option to facilitate the associated consumer rights (in respect of directory entries and opting out of direct marketing (the Data and Privacy Regulations)) is for the Commission to specify an undertaking to maintain the NDD. In addition, in order to avoid any risks in relation to the continuity of operation and indeed, the integrity of the data in the NDD, the Commission is of the preliminary view that Eircom should continue to maintain the NDD.

Industry

61 Subscriber details are obtained from undertakings and recorded by the undertaking that maintains the NDD, without charge to undertakings. In addition, the undertaking that maintains the NDD must allow access to the information in accordance with specific terms. Undertakings provide nightly updates to the NDD in relation to their consumer's directory preferences. Undertakings also provide, on an annual basis, details of their customers who wish to have their telephone number listed in the telephone directory.

62 By ensuring the maintenance of the NDD by a specified undertaking, industry and direct marketers will not need to obtain information from each telecoms service provider individually. While undertakings are legally obliged to provide this information, the directory enquiry service providers do not obtain it in this manner. It is more convenient and less costly for them and undertakings to obtain the information from the one, centralised source that is the NDD.

63 Requiring Eircom to maintain the NDD would preserve the *status quo* and continuity and clearly have a positive impact on the industry.

64 The Commission believes that the administrative burden on all undertakings to ensure their consumer data is accurately recorded, would be costly and time consuming. As the NDD is already operational and as undertakings have access to the NDD to update their subscriber data, the Commission considers that the current systems for managing this data should be maintained to ensure regulatory certainty and continuity for undertakings and consumers. As Eircom currently manages the NDD for industry, the Commission considers that Eircom is best placed to continue to maintain the NDD.

65 The Commission understands that the costs to Eircom of maintaining the NDD should be covered by the licence fees (Directory Information Licence Agreement/Direct Marketing Licence Agreement).¹⁰ However, if the NDD was to be maintained by *another* undertaking, there would clearly be costs to Eircom and all other undertakings to put in place new systems to maintain the NDD and to integrate/interact with the NDD to ensure their customers' preferences are up-to-date and accurately recorded by another undertaking.

Competition

66 The Commission is not aware of any competition issues arising by specifying Eircom to continue to manage the NDD. In addition, the Commission has observed from responses by industry to previous consultations by the Commission, that the majority of telecoms service providers were supportive of the NDD and its functions and the continued maintenance and operation of the NDD by Eircom.

67 In light of the above, the Commission is of the preliminary view that it is appropriate, justified and proportionate that the Commission specifies Eircom be the undertaking required to continue to maintain the NDD, in the absence of any expressions of interest on foot of this consultation.

Option 2a

68 The Commission will conduct a regulatory impact assessment on the responses this question should it receive expressions of interest from undertakings in managing and maintaining the NDD in the future.

69 The Commission has considered the impact of requiring an undertaking to maintain the NDD in the event that Undertakings express an interest in managing and maintaining the NDD in the future.

70 In the interim period between expressing an interest in the management and maintained of the NDD and an Undertaking other than the current incumbent being designated with the obligation to manage and maintain the NDD, NDD itself would still need to be managed and maintained.

71 The Commission is of the preliminary view that to specify Eircom as the undertaking to maintain the NDD in such circumstances, is the most appropriate, justified, and proportionate option at this time unless expressions of interest are received,

72 If the NDD is maintained in its current form by Eircom it will mean that there is no change to the *status quo*.

¹⁰ Commission Document No. 10/46.

- 73 The Commission is of the view that the factors mentioned in paragraphs 60-67 above would be replicated in this case also.
- 74 The Commission is of the preliminary view that it is appropriate, justified and proportionate that the Commission specifies Eircom be the undertaking required to continue to maintain the NDD, should any no expressions of interest be forthcoming on foot of this consultation.

5 Draft Direction

1 Definitions

In this direction:

“Act of 2002” means the Communications Regulation Act 2002, as amended;

“Commission” means the Commission for Communications Regulation;

“Undertaking X” means Eircom Limited;

“NDD” means the national directory database, being the record of all subscribers of publicly available telephone services in the State, including those with fixed, personal and mobile numbers who have not refused to be included in that record; and

“Regulations” means the European Communities (Electronic Communications Networks and Services) (Universal Service and Users’ Rights) Regulations 2011.

2 Statutory Basis for Direction

1. This direction is issued to [Undertaking X] by the Commission under Regulation 19 (4) and Regulation 30 of the Regulations and section 10 (1) (a) of the Act of 2002 and having regard to section 12 of the Act of 2002.

3 Direction

1. [Eircom] shall maintain the NDD for a period of X years.
2. [Eircom] shall meet all reasonable requests for access to any information contained in the NDD in an agreed format.
3. The terms of access to the NDD shall be fair, objective, and cost orientated and non-discriminatory.
4. The terms of access to the NDD shall otherwise be in accordance with such terms and conditions as may be specified by [Eircom] and approved by the Commission.

4 Statutory Powers Not Affected

1. Nothing in this direction shall operate to limit the Commission in the exercise and performance of its statutory functions, powers and duties under any primary or secondary legislation (in force prior to or after the effective date of this direction) from time to time as the occasion may require.

5 Maintenance of Obligations

1. If any section, clause or provision or portion thereof contained in this direction is found to be invalid or prohibited by the Constitution, by any other law or judged by a court to be unlawful, void or unenforceable, that section, clause or provision or portion thereof shall, to the extent required, be severed from this direction and rendered ineffective as far as possible without modifying the remaining section(s), clause(s) or provision(s) or portion thereof of this direction and shall not in any way affect the validity or enforcement of this direction.

6 Effective Date

1. This direction shall be effective from 1 July 2014.
2. This direction shall remain in force from the effective date until for a period of x years.

6 List of Questions

- 7 **Q1** Do you agree that an undertaking should be required, pursuant to Regulation 19 and 30 of the Regulations, to continue to manage and maintain the NDD? Please provide detailed reasons and supporting evidence for your view.
- 8 **Q2** Do you agree that if no expressions of interest are received, Eircom should be required, pursuant to Regulations 19 and 30 of the Regulations, to continue to manage and maintain the NDD for a period of 4 years? Please provide detailed reasons and supporting evidence for your view.
- 9 **Q3a** Please advise at this time if you as an undertaking wish to express an interest in management and maintenance of the NDD, in accordance with Regulation 19, in the future? Please provide outline details of your capability and proposals
- 10 **Q3b** Do you agree that if expressions of interest are received that Eircom should be required, pursuant to Regulations 19 and 30 of the Regulations, to continue to manage and maintain the NDD for a period of 6 months to 1 year to allow time for consideration of the expressions of interest and to address the legislative matter ? Please provide detailed reasons and supporting evidence for your view.

7 Submitting Comments

- 11 The consultation period will run from 1st May 2014 to 30th May 2014. Responses must be submitted in written form. If responses are submitted electronically, they must also be unprotected so as to facilitate online publication.
- 12 It is sometimes necessary for respondents to provide confidential information in their submissions. Confidential information must be clearly identified as such. The Commission will publish all of the responses it receives to this consultation, subject to its guidelines on the treatment of confidential information.
- 13 The Commission has considered the factors set out in its consultation procedures¹¹ that would justify a period for consultation that is shorter than four weeks and the Commission is satisfied that two weeks is an appropriate and adequate period for this consultation.

¹¹ Commission Document 11/34