



An Coimisiún um
Rialáil Cumarsáide
Commission for
Communications Regulation

National Directory Database (NDD)

Management and Maintenance of the National Directory Database

Response to Consultation and Decision

Reference: ComReg 22/54

Decision: D06/22

Date: 30/06/2022

An Coimisiún um Rialáil Cumarsáide
Commission for Communications Regulation

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1 Executive Summary

- 1 The National Directory Database ("**NDD**") is a record of all subscribers of publicly available telephone services in Ireland, including those with fixed, personal and mobile numbers who have not refused to be included in that record. 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 Regulations,¹ the NDD continues to be the basis for the operation of the "opt-out" register for direct marketing purposes.
- 2 The Commission for Communications Regulation ("ComReg") has the power to direct an undertaking to manage and maintain the NDD under Regulations 19 and 30 of the European Communities (Electronic Communications Networks and Services) (Universal Service and Users' Rights) Regulations 2011 ("Regulations").²
- 3 Porting Access B.V.³ ("PortingXS") is the undertaking that was directed by ComReg under ComReg Decision D16/18 ("D16/18") to manage and maintain the NDD in accordance with the operational specification agreed with ComReg ("the Operational Specification"), for a minimum period of 3 years, and up to 5 years from 1 July 2019.
- 4 In this Decision, ComReg has decided to amend D16/18 by substituting "30th June 2024" for "30th June 2022" the effect of which is that D16/18 is maintained until 30th June 2024. Accordingly, ComReg has decided to exercise its discretion to extend the direction pursuant to D16/18 on PortingXS which requires PortingXS to continue to manage and maintain the NDD until 30th June 2024 unless otherwise specified by ComReg.

Context

- 5 Pursuant to D16/18, PortingXS manages and maintains the NDD until 30 June 2022 unless otherwise specified by ComReg. D16/18 is due to expire on 30th June 2022, unless otherwise specified by ComReg. There is provision in D16/18 for ComReg to extend the direction pursuant to D16/18 on PortingXS and require it to continue to manage and maintain the NDD beyond 30th June 2022, up to a further maximum 2 year period, to 30th June 2024.

¹ European Communities (Electronic Communications Networks and Services) (Privacy and Electronic Communications) Regulations 2011 (S.I. No. 336 of 2011) ("**e-Privacy Regulations**").

² European Communities (Electronic Communications Networks and Services) (Universal Service and Users' Rights) Regulations 2011 (S.I. No. 337 of 2011).

³ PortingXS" is a Dutch company, which is an "authorised undertaking" pursuant to Regulation 4 of the European Communities (Electronic Communications Networks and Services) (Authorisation) Regulations 2011. PortingXS currently provides a fixed number portability solution in Ireland

- 6 Absent an NDD manager there is a risk that regulatory requirements would not be met and, stakeholders might lose their legal entitlements and protections under the Regulations.

Consultation and Decision

- 7 ComReg has undertaken a full public consultation and, has considered whether there have been any relevant developments impacting the operation of the NDD, in reaching its conclusions in relation to extending the direction pursuant to Document 18/108 and D16/18 on PortingXS and require it to continue to manage and maintain the NDD for a further two years for the period 1st July 2022 to 30th June 2024.
- 8 On May 2022, ComReg issued a Consultation entitled, “*Proposal to extend Direction made pursuant to ComReg Document 18/108 and D16/18 (Management and Maintenance of the National Directory Database)*”⁴ (“Consultation 22/35”), which gave interested stakeholders and opportunity to share views on ComReg’s proposal to extend the direction made pursuant to ComReg Document 18/108 and D16/18 and have PortingXS continue to manage and maintain the NDD for a further two years, for the period 1st July 2022 to 30th June 2024.
- 9 One submission was received in response to Consultation 22/35. This submission is published as ComReg document 22/54S
- 10 Having regard to its statutory objectives,⁵ the Regulations and the European Electronic Communications Code⁶ (“the Code”), having carefully considered the submission received in response to Consultation 22/35, and in light of the forthcoming expiration of the current direction on PortingXS to manage and maintain the NDD, ComReg believes that it is appropriate to extend the direction pursuant to D16/18 on PortingXS and require it to continue to manage and maintain the NDD for a further two years.
- 11 In order to help protect end-users and ensure that the requirements of the Regulations are met, ComReg has decided that PortingXS, as the existing undertaking directed to manage and maintain the NDD (until 30th June 2022), shall continue in that capacity effective from 1st July, 2022, (i.e. the Publication date of the Decision) until 30th June 2024. Accordingly, this Decision shall continue to be in force until 30th June 2024 unless otherwise specified by ComReg.

⁴ [Proposal to extend Direction made pursuant to ComReg Document 18/108 and D16/18 \(Management and Maintenance of the National Directory Database\)](#)

⁵ As set out in Section 12 (1) (a) (iii) of the Act, including the promotion of interests of end-users of services and protecting end-user welfare.

⁶ EECC Directive (EU) 2018/1972.

- 12 ComReg is satisfied that the measure set out in this Decision will help to ensure that entitlements and protections under the Regulations and pursuant to Article 109 of the Code will be met, and that this should not result in any significant additional costs to PortingXS as the current manager of the NDD in receipt of licence fees, nor will the measure result in substantial end-user detriment.

2 Background to the Decision

13 Under the Regulations, ComReg has the power to direct an undertaking to manage and maintain the NDD.

14 Regulation 19(4) of the Regulations provides as follows:

Subject to Regulation 14 of the Privacy and Electronic Communications Regulations and for the purposes of this Regulation, an undertaking that may be required to do so by the Regulator shall keep a record (to be known as the National Directory Database) 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 shall meet all reasonable requests for access to any information contained in that record in an agreed format, on terms that are fair, objective, cost orientated and non-discriminatory, and in accordance with such terms and conditions as may be specified by the undertaking and approved by the Regulator.

15 The e-Privacy Regulations require that all undertakings record a subscriber's telephone number in the NDD "do not call register" if the customer does not consent to unsolicited calls. Consumers can opt-out of direct marketing by asking their telecoms service provider to place their number on the "do not call register." Fixed line ex-directory numbers must be placed automatically on the "do not call register" by undertakings. Additionally, Regulation 13(6) of the e-Privacy Regulations automatically precludes unsolicited calls to mobile numbers and as such these numbers are already "opted out" by default. Therefore, the NDD is used as a direct marketing "opt-out" register, and is the mechanism used for collating the "do not call register" for the purpose of the e-Privacy Regulations.

16 Following public consultation,⁷ having regard to all information available to it and the continued need for the NDD, in December 2018 ComReg decided under D16/18 that PortingXS is the appropriate undertaking to manage and maintain the NDD for a minimum period of 3 years, and up to 5 years from 1st July 2019,⁸ at ComReg's discretion, having regard to any future developments as regards a changing legislative, regulatory framework and electronic communications sector generally.

⁷ ComReg Document 18/91, "Management and Maintenance of the National Directory Database", 15 October 2018.

⁸ Following the expiry of the Transition Period. As specified in D16/18, "Transition Period" means the period of time commencing upon the date ComReg confirms its agreement in writing to the Operational Specification in accordance with section 3.3 of this Decision Instrument and ending on 30 June 2019 unless otherwise specified by ComReg.

- 17 Pursuant to D16/18 ComReg has discretion to extend PortingXS management and maintenance of the NDD by a further two years.⁹ In this context, ComReg consulted on the extended management and maintenance of the NDD after 30th June 2022.

⁹ In accordance with Clause 6.2 of the D16/18 which provides:

6.2 This Decision shall remain in force from the effective date until 30th June 2022 unless otherwise specified by ComReg.

3 Summary of ComReg's Decision

18 The following section contains a brief summary of the rationale for ComReg's Decision and the contents of ComReg's Decision. The Decision Instrument is set out in Annex 1. This is based on ComReg's assessment of the current status of the NDD and having regard to requirements of the Regulations and ComReg's statutory objectives.

Appropriateness of a direction and direction period

19 Having considered all issues, ComReg has decided, in the interest of end-users, to amend D16/18 by substituting "30th June 2024" for "30th June 2022", the effect of which is to extend the direction pursuant to D16/18 on PortingXS which requires PortingXS to manage and maintain the NDD until 30th June 2024.

20 This Decision is made in light of the following facts:-

- As set out above, PortingXS obligations expire on 30th June 2022. If ComReg did not direct an undertaking to continue to manage and maintain the NDD from 1st July 2022 to 30th June 2024 consumers' legal entitlements would not be met including entitlements and protections under both the Regulations and the e-Privacy Regulations.
- Under the current Regulations, undertakings must provide up-to date information for the purposes of the NDD on a regular basis, details of subscriber preferences for listing their telephone numbers¹⁰ as well as unsolicited direct marketing communications preferences. Therefore, absent the NDD being in place, a number of regulatory requirements could not be guaranteed to be fulfilled by undertakings.
- The information contained on the NDD is used currently for the collation of online directories and directory enquiry services. In addition, the NDD continues to be the basis for the "opt-out" register for direct marketing purposes. Absent the NDD, direct marketing companies may not be able to access the information they require to determine who they may and may not contact under the e-Privacy Regulations. This may create legal uncertainty for stakeholders.¹¹
- In these circumstances, PortingXS is required to continue to manage and maintain the NDD. 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 experience in managing and maintaining the NDD so far, PortingXS is deemed to

¹⁰ 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 in the phone book or with Directory Enquiries.

¹¹ Including: undertakings, subscribers, directory enquiry service providers, direct marketing companies, and the Data Protection Commission.

currently be the most qualified undertaking to continue management and maintenance of the NDD.

- One submission was received in response to Consultation 22/35 which was from PortingXS. PortingXS in their submission to Consultation 22/35 set out their agreement to ComReg's proposal that they should continue in their capacity to manage and maintain the NDD for a further two years. ComReg notes PortingXS commitment to the management and maintenance of the NDD. ComReg notes that PortingXS identifies the NDD service as a core product for PortingXS and envisage working with all undertakings to continue to improve and update the NDD.
- In light of the above factors, and the fact that we have not received any objection to the proposal as set out in Consultation 22/35, and also having regard to the forthcoming expiration of the current direction pursuant to D16/18, ComReg believes that it is appropriate to extend the direction pursuant to D16/18 on PortingXS and require it to continue to manage and maintain the NDD for a further two years.

21 In Consultation 22/35, ComReg gave consideration as to whether there have been any relevant developments impacting the operation of the NDD, such as in respect of:

- The Regulatory Impact Assessment (RIA) as set out in D16/18;¹²
- Evolution of the regulatory framework and other associated legislative provisions; and
- Market or technological changes

The RIA in D16/18

22 In summary, as set out in Consultation 22/35, the RIA in D16/18 considered the effect upon stakeholders and competition, of ComReg exercising its powers to direct a manager of the NDD, and of imposing any associated requirements. The counterfactual analysis indicated that, absent a direction, it was not guaranteed that the NDD would continue to be managed and maintained, with the result that the need for the NDD would not be met. In that context, ComReg had decided that it was appropriate to require an undertaking to manage and maintain the NDD. The RIA analysis also considered the options available to it in terms of managing and maintaining the NDD.

¹² [ComReg-18108.pdf](#), see section 3.5 and section 4.

- 23 Having regard to the RIA and analysis as set out in D16/18, ComReg decided that to direct PortingXS to manage and maintain the NDD for a minimum period of 3 years from 1st July 2019, was the most appropriate and objectively justified option, as it is the only way to ensure that the related rights and obligations can be guaranteed, whilst having regard to any relevant future developments, such as legislative changes, including any new e-privacy Regulations or technological changes.
- 24 It was ComReg's view in Consultation 22/35 that the RIA analysis as set out in D16/18 supported ComReg's consultation proposal. Following the consultation, ComReg view is that that the RIA analysis as set out in D16/18, section 4, remains relevant.

Evolution of the regulatory framework and associated legislative provisions

- 25 As set out in D16/18, ComReg noted possible future changes of the Regulatory framework and that it was likely new e-privacy Regulations would also come into force in the relevant time period for the decisions and the impact of these Regulations possibly on the operation of the NDD was not clear. It was ComReg's view in Consultation 22/35 that the situation with regard to the updating of the Regulations remains unchanged and ComReg cannot consider any possible impact of these regulations on the operation of the NDD at this time.
- 26 It was ComReg's view in Consultation 22/35 that in the interim, and until the Draft European Union (Electronic Communications Code) Regulations¹³ are enacted, the 2011 Universal Service and Users' Rights Regulations, SI 337 of 2011 made pursuant to section 3 of the European Communities Act 1972 ("the 1972 Act") remain valid and in force.

Market or technological developments

- 27 ComReg is not aware of any significant market or technological developments that would change the initial RIA analysis as regards the continued need of the NDD and the direction of a manager for managing and maintaining the NDD.

¹³ <https://www.gov.ie/en/publication/339a9-european-electronic-communications-code-eecc/>

Decision

28 Therefore, having considered the above factors and having had regard to the forthcoming expiration of the current direction on PortingXS to manage and maintain the NDD, it is ComReg's view that it is appropriate to amend D16/18 by substituting "30th June 2024" for "30th June 2022", the effect of which is to extend the direction pursuant to Document 18/108 and D16/18 on PortingXS which requires it to continue to manage and maintain the NDD for a further two years for the period 1st July 2022 to 30th June 2024 so as to:

- Keep an up-to-date and comprehensive database (NDD);
- Help ensure end user rights are preserved, as appropriate; and
- Assist industry in meeting their respective obligations, and to help ensure that providers of directory information services (directory enquiries and/or directories) continue to have access to the relevant information on the appropriate terms necessary to offer services.

Annex 1: Final Decision Instrument

1. STATUTORY FUNCTIONS AND POWERS

1.1. This Decision and Decision Instrument is hereby made by The Commission for Communications Regulation (“ComReg”) established under section 6 of the Communications Regulation Act 2002 (as amended) (“the Act”), relates to the maintenance and management of the National Directory Database and is made:

- i. Pursuant to and having regard to sections 10 and 12 of the Communications Regulation Act 2002 (as amended) (“the Act”);
- ii. Pursuant to the functions and powers conferred upon ComReg under and by virtue of Regulations 19 and 30 of the European Communities (Electronic Communications Networks and Services) (Universal Service and Users’ Rights) Regulations 2011 (“the Universal Service Regulations”);
- iii. Having regard to The European Electronic Communications Code – EECC Directive (EU) 2018/1972 (“the Code”);
- iv. Having regard to the European Communities (Electronic Communications Networks and Services) (Privacy and Electronic Communications) Regulations 2011 (as amended).
- vi. Having had regard to the analysis and reasoning set out in ComReg Document 18/108 and D16/18.
- vii. Having had regard to the views of interested parties, including Undertakings and the submissions they made in response to ComReg Document 22/35 (which shall, where the context admits or requires, be construed together with this Decision Instrument).

2. APPLICATION SCOPE AND DURATION

2.1. This Decision Instrument extends and maintains ComReg Document 18/108 and D16/18 Management and Maintenance of the National Directory Database (“D16/18”) by amending Section 6.2 of D16/18. Section 6.2 of D16/18 is amended by substituting the words “30th June 2024” for “30th June 2022”

2.2. The amendment to D16/18 as set out above is set out as a markup in Annex 2 to this Decision Instrument.

3. EFFECTIVE DATE:

3.1. This Decision and Decision Instrument is effective from 30/06/2022 (“the Effective Date”).

THE COMMISSION FOR COMMUNICATIONS REGULATION MADE ON THIS
30th June 2022

Annex 2: Marked up version of Decision Instrument D16/18

STATUTORY FUNCTIONS AND POWERS GIVING RISE TO DECISION

1. This Decision and Decision Instrument, made by the Commission for Communications Regulation (“ComReg”), relates to the maintenance and management of the National Directory Database and is made:

- i. Having regard to sections 10 and 12 of the Communications Regulation Act 2002, as amended (“the Act”);
- ii. Having regard to the European Communities (Electronic Communications Networks and Services) (Privacy and Electronic Communications) Regulations 2011;
- iii. Pursuant to the functions and powers conferred upon ComReg under and by virtue of Regulations 19 and 30 of the European Communities (Electronic Communications Networks and Services) (Universal Service and Users’ Rights) Regulations 2011 (“the Regulations”);
- iv. Having taken account of the representations of interested parties submitted in response to ComReg document No. 18/91 and further information provided to ComReg following request; and
- v. Having regard to the analysis and reasoning set out in ComReg document No. 18/91 and 18/108.

2. Definitions

In this Decision Instrument, save where the context otherwise admits or requires:

“**National Directory Database**” (“**NDD**”) means a record of all subscribers of publicly available telephone services in the State, including those with fixed, personal and / or mobile numbers who have not refused to be included in that record, kept in accordance with regulation 19(4) of the Regulations and subject to regulation 14 of the European Communities (Electronic Communications Networks and Services) (Privacy and Electronic Communications) Regulations 2011.

“**Operational Specification**” means the process, and all technical requirements necessary for managing and maintaining the NDD, as agreed with ComReg.

“**Terms of Access**” means the terms and conditions specified by PortingXS for the purpose of providing reasonable access to the NDD as approved by ComReg.

“**Transition Period**” means the period of time commencing upon the date ComReg confirms its agreement in writing to the Operational Specification in accordance with section 3.3 of this Decision Instrument and ending on 30 June 2019 unless otherwise specified by ComReg.

3. Decision

- 3.1** From 1 July 2019, subject to Clause 3.2 and on expiry of the Transition Period, Porting Access B.V., "PortingXS" shall manage and maintain the NDD in accordance with the Operational Specification, for a period of 3 years. This 3 year period is extendable by ComReg, at its discretion, for a further period of up to 2 years, such that the maximum period, including any extension, shall not exceed 5 years.
- 3.2** The obligation imposed on PortingXS in Clause 3.1 may, subject to the prior agreement of ComReg in writing and in ComReg's sole discretion, be carried out by the successors or assigns of PortingXS or by a related company, its successors or assigns. For the purposes of this Decision Instrument the term "related company" shall have the meaning ascribed to it in the Companies Act 2014. References to "PortingXS" and to the obligations imposed on it in this Decision Instrument, shall be construed accordingly.
- 3.3** The Operational Specification shall be agreed with ComReg and confirmed by it in writing. The commencement of the Transition Period is conditional upon the Operational Specification being agreed by ComReg. ComReg may, if it considers necessary, extend the Transition Period.
- 3.4** For the purposes of Regulations 19(1) and 19(2) of the Regulations and prior to the expiry of the Transition Period, PortingXS shall enter into such agreements with relevant undertakings as are necessary to give effect to the requirements of Regulations 19(1) and 19(2) of the Regulations.
- 3.5** Upon request, PortingXS, its successors, assigns or any related companies, or the successors or assigns of any related companies, or any agents, contractors or sub-contractors of any of the foregoing, shall provide information to the Data Protection Commission and/or to ComReg, in the timeframe set out in the request, for the purposes of the carrying out their respective regulatory functions. To ensure the NDD continues to be managed and maintained at all times and to ensure the integrity and comprehensiveness of the NDD in the event of any changeover of provider of the NDD at any time or catastrophic event, PortingXS and / or any entity referenced in this Clause, shall provide and facilitate access by ComReg and/or any person nominated by ComReg in this regard, to any information contained in the NDD in such format, and within such time period, as may be specified by ComReg
- 3.6** PortingXS shall back up the contents of the NDD at appropriate intervals and make arrangements for the data contained on the NDD to be put in escrow as a means of ensuring the security, integrity and continuity of the NDD. The details of these requirements shall form part of the Operational Specification.
- 3.7** PortingXS shall meet all reasonable requests for access to any information contained in the NDD in a format agreed by ComReg.

- 3.8** The Terms of Access to the NDD shall be fair, objective, cost orientated and non-discriminatory and in accordance with the laws of Ireland and subject to the Courts of Ireland.
- 3.9** Subject to Clause 3.8, the Terms of Access to the NDD shall be specified by PortingXS and approved by ComReg. PortingXS is required to obtain ComReg's approval in writing to the Terms of Access prior to the expiry of the Transition Period.
- 3.10** PortingXS shall publish on its website the Terms of Access and all relevant information on how to access any information contained on the NDD.

4. Statutory Powers Not Affected

Nothing in this direction shall operate to limit ComReg 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

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 and Duration

- 6.1** This Decision shall be effective from 6 December 2018 (the "Effective Date").
- 6.2** This Decision shall remain in force from the effective date until ~~30 June 2022~~30 June 2024 unless otherwise specified by ComReg.

THE COMMISSION FOR COMMUNICATIONS REGULATION

Annex 3: Legislation

1. Sections 10 and 12 of the Communications Regulation Act 2002, as amended (“the Act”)
2. Regulation 14 of the European Communities (Electronic Communications Networks and Services) (Privacy and Electronic Communications) Regulations 2011 (as amended) (the e-Privacy regulations);
3. Regulation 19(4) of the European Communities (Electronic Communications Networks and Services) (Universal Service and Users’ Rights) Regulations 2011 (“the Regulations”)

Subject to Regulation 14 of the Privacy and Electronic Communications Regulations and for the purposes of this Regulation, an undertaking that may be required to do so by the Regulator shall keep a record (to be known as the National Directory Database) 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 shall meet all reasonable requests for access to any information contained in that record in an agreed format, on terms that are fair, objective, cost orientated and non-discriminatory, and in accordance with such terms and conditions as may be specified by the undertaking and approved by the Regulator.

4. Regulation 14 of the e-Privacy Regulations¹⁴ provide:

National Directory Database

14. (1) An undertaking referred to in Regulation 19(1) or (2) of the Universal Service Regulations shall, for the purpose of Regulation 13(3)(b) or (5)(b), record or cause to be recorded in the National Directory Database the relevant information specified in paragraph (3) in respect of a line of any one of its subscribers who—

(a) is, upon the making of these Regulations, an ex-directory subscriber in respect of that line who, in the absence of any express instructions to the contrary, shall be taken not to consent to unsolicited calls for the purpose of direct marketing or to such calls by means of an automated calling machine or a facsimile machine, or (b) had, at any time after the establishment of that Database, made a request to the operator or notified the relevant undertaking that the subscriber does not consent to unsolicited calls for the purpose of direct marketing or to such calls by

¹⁴ European Communities (Electronic Communications Networks And Services) (Privacy And Electronic Communications) Regulations 2011 (as amended) - SI 336 of 2011

means of an automated calling machine or a facsimile machine to a line of that subscriber.

(2) An undertaking referred to in Regulation 19(1) or (2) of the Universal Service Regulations that has not already done so shall ensure that its subscribers are provided with information regarding their entitlements under Regulation 13(1), (3)(b) and (5)(b) and the possibilities referred to in paragraph (1).

(3) An undertaking referred to in Regulation 19(1) or (2) of the Universal Service Regulations shall, for the purpose of Regulation 13(3)(b) and (5)(b) and when so notified by any one of its subscribers, make available to the operator the following relevant information in respect of a line of that subscriber to be recorded in the entry in the National Directory Database in relation to that subscriber—

(a) the fact that the subscriber does not consent to unsolicited telephone calls for the purpose of direct marketing or to such calls by means of automated calling machines or facsimile machines, and

(b) if appropriate, the date on which a notification under Regulation 13(3)(b) and (5)(b) was received by the operator.

(4) (a) An undertaking, for the purpose of Regulation 13(3)(b) or (5)(b), shall, as soon as practicable after having been notified under paragraph (3) that a subscriber does not consent to unsolicited telephone calls for the purpose of direct marketing or to such calls by means of automated calling machines or facsimile machines, transmit particulars of such notification to the operator or other person who publishes a directory to whom the undertaking supplies relevant information relating to its subscribers for inclusion in that directory.

(b) When the operator or other person who publishes a directory receives particulars of a notification under paragraph (1), the notification shall be deemed, for the purpose of this Regulation, to have been made to the operator or that other person at the time the operator or that other person receives particulars of the notification.

(5) The operator shall record the relevant information referred to in paragraph (3) in respect of a line of a subscriber in the entry in the National Directory Database in relation to that subscriber when it is made available to the operator.

(6) (a) For the purpose of complying with Regulation 13(3)(b) and (5)(b) a person may, on such terms and conditions as may be approved under Regulation 19(4) of the Universal Service Regulations and on payment to the operator of such fee as may be required by the operator—

(i) be allowed access to the National Directory Database at all reasonable times and take copies of, or of extracts from, entries in that Database, or

(ii) obtain from the operator a copy (certified by the operator or by a member of the operator's staff to be a true copy) of, or of an extract from, any entry in the National Directory Database, or both, but the operator shall refuse such inspection or copying of, or of extracts from, entries in the National Directory Database if the operator has reasonable grounds to believe that the person will not comply with the Data Protection Acts and these Regulations in respect of the information in that Database. (b) A subscriber, or other person with the written consent of the subscriber, may—

(i) be allowed access to the entry in the National Directory Database in relation to that subscriber in respect of a particular line of the subscriber at all reasonable times and, on payment to the operator of such fee as may be required by the operator, take a copy of that entry, or (ii) on payment to the operator of such fee as may be required by the operator, obtain from the operator a copy (certified by the operator or by a member of the operator's staff to be a true copy) of that entry, or both. (c) In any proceedings— (i) a copy of, or of an extract from, an entry in the National Directory Database certified by the operator or by a member of the operator's staff to be a true copy is evidence of the entry or extract on the date that it is so certified, and (ii) a document purporting to be such a copy, and to be certified as aforesaid, is deemed to be such a copy and to be so certified unless the contrary is proved. (d) In any proceedings— (i) a certificate signed by the operator or by a member of the operator's staff of an entry in the National Directory Database in relation to a specified subscriber in respect of a particular line is evidence of the entry on the date that it is so certified, and (ii) a document purporting to be such a certificate, and to be signed as aforesaid, is deemed to be such a certificate and to be so signed unless the contrary is proved.

(7) (a) Subject to subparagraph (c), the operator may require the payment of fees in respect of the matters referred to in paragraph (6)(a) or (b) and the amount of those fees shall be designed to secure, as nearly as may be and taking one year with another, that the aggregate amount of fees received, or reasonably expected to be received, equals the costs incurred, or reasonably expected to be incurred, by the operator in performing the functions conferred on the operator by this Regulation. (b) Different fees may be required in respect of the matters referred to in paragraph (6)(a) and (b). (c) The amount of the fees required under subparagraph (a) is subject to the approval of the Regulator.

(8) For the purpose of his or her functions under Regulation 17, the Commissioner— (a) shall be allowed access to the National Directory Database at all reasonable times and take copies of, or extracts from, entries in that Database, and (b) may obtain from the operator a copy (certified by the operator or a member of the operator's staff to be a true copy) of, or an extract from, any entry in the National Directory Database, without payment of a fee to the operator

5. Regulation 30 of the European Communities (Electronic Communications Networks and Services) (Universal Service and Users' Rights) Regulations 2011 ("the Regulations")

The Regulator may, for the purpose of further specifying requirements to be complied with relating to an obligation imposed by or under these Regulations, issue directions to an undertaking to do or refrain from doing anything which the Regulator specifies in the direction.

The Code

6. European Electronic Communications Code, Article 112 **Directory enquiry services**

1. Member States shall ensure that all providers of number-based interpersonal communications services which attribute numbers from a numbering plan meet all reasonable requests to make available, for the purposes of the provision of publicly available directory enquiry services and directories, the relevant information in an agreed format, on terms which are fair, objective, cost oriented and non-discriminatory.

2. National regulatory authorities shall be empowered to impose obligations and conditions on undertakings that control access to end-users, for the provision of directory enquiry services, in accordance with Article 61. Such obligations and conditions shall be objective, equitable, non-discriminatory and transparent.

7. The European Union (European Electronic Communications Code) Regulations 2022 (publicly available draft on gov.ie)

Draft Regulation 95 (3)

Subject to Regulation 14 of the Privacy and Electronic Communications Regulations and for the purposes of this Regulation, a person that may be required to do so by the Regulator shall keep a record (to be known as the National Directory Database) of all subscribers of voice communication services in the State, including those with fixed, personal and mobile numbers who have not refused to be included in that record, and shall meet all reasonable requests for access to any information.