



Commission for
Communications Regulation

Response to Consultation

National Numbering Conventions Revision

Update to Version 6

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1 Introduction

1.1 General

The National Numbering Conventions is the basic rule book that describes how ComReg fulfils its legislated responsibilities to manage the national numbering resource effectively and efficiently. It also sets out the rights and obligations of the other main stakeholders in respect of numbers and codes.

The first version of the National Numbering Conventions, Document ODTR 00/10, was published in February 2000 and that was followed successively by four other versions leading to Version 5.0 as document ComReg 05/62 in August 2005. These evolutions of the Conventions each extended coverage into a number of new areas. A new draft Version 6, ComReg 07/46A was published on 23 July 2007 for public consultation, along with consultation document ComReg 07/46.

In addition, in March 2004, ComReg published a first inclusive procedures document for numbering applications, including a collection of application forms, as ComReg 04/36. A draft update of this was published as ComReg 07/46B on 23 July 2007 for public consultation.

This report now describes the outcome of that consultation and the changes that are being made to the National Numbering Conventions document and to the Numbering Applications Procedures document as a result. The table below identifies the respondents to the consultation. The response from the Consumers' Association of Ireland was received after the formal closing date but in view of the importance of the consumer category and that this was the only response in that category, ComReg decided that it should be accepted as an input.

The legal basis for ComReg's management of the numbering resource and under which this consultation was taken was set out in Consultation Document ComReg 07/46 and is restated in Appendix A.

Respondent	Category
BT Ireland	Fixed-line operator
Budget Telecom	Fixed-line operator
Consumers' Association of Ireland	Consumer Representative Body
Conduit	Directory Provider
Eirborne	Service Provider
<i>eircom</i>	Directory Provider/Fixed-line operator
Meteor Communications	Mobile Operator
O2	Mobile Operator
Perlico	Fixed-line operator
Regtel	Regulator of Premium Rate Services
Vodafone	Mobile Operator

1.2 Consultation Issues

Consultation document ComReg 07/46 posed 14 separate questions, of which the last was an open invitation to comment on any issues not specifically addressed elsewhere. Respondents generally followed that format and accordingly this document section is structured in the order of the original questions, with miscellaneous matters about the contents of the Conventions being covered under question 14. An additional section “General Points Raised” has also been added to deal with comments of a broader scope that were raised by respondents.

For each consultation question posed by ComReg, the document follows the approach of repeating the main arguments put forward, including the actual consultation question. This is then followed by a summary of the public responses received and then a statement of ComReg’s position on the issue in question, having taken account of respondents’ submissions. A formal ComReg Decision is also included, where relevant.

2 Coverage of Premium Rated Services

2.1 Submissions on Premium Rate Services

Premium Rate Services are regulated by [Regtel](#) (in respect of their content and promotion) and by ComReg (in respect of numbering aspects and aspects of consumer protection). In the past, such services were limited to voice communications and premium SMS but the emergence of new bearer mechanisms like [EMS](#), [MMS](#), [WAP](#) and Internet (including mobile Internet) has raised issues related to the appropriate scope and extent of premium rate regulation.

ComReg considers that the Numbering Conventions already cover numbering aspects (including associated conditions attached to rights of use) for EMS and multi-media messaging services MMS¹ but perhaps not for other bearers. However, as queries received from time to time by Regtel show, some users appear to be unclear about this. Furthermore, some premium rate service providers have previously suggested to Regtel that ‘video short codes’ need to be addressed, though it is not clear what additional proposals were expected in that regard or even why numbers or codes should form part of such services.

ComReg stated it considered that Information-society services not using numbers do not currently fall within the remit of the conventions. They may nevertheless be classified by Regtel as Premium Rate Services and any abuse of such facilities could be addressed in the context of more general consumer protection legislation.

A specific related issue to the above considerations is that while the existing 5XXXXX SMS short codes may be used to order content that is subsequently delivered as a mobile data download, additional charges can sometimes be levied for that download. In some instances, the download charges have been alleged to significantly exceed the premium rate charge, and in the consultation ComReg noted its concerns that this was not sufficiently transparent to the consumer.

In general, some further clarity may also be necessary in the context of premium rate services where service ordering and delivery occur as separate communications events, often using different network capabilities, or indeed different networks. For services that require numbering resources, premium rate numbering should be used as the basis for initial contact, in order to ensure transparency for consumers. In such circumstances, a cascaded chain of communications should not result in evasion of obligations to meet current rules regarding Premium Rate services.

ComReg stated that it wishes to bring certainty to these areas and put forward a series of consultation questions, the responses to which would guide it in whether to introduce changes or new conventions.

**Q. 1. Do you agree that the existing coverage of SMS+EMS+MMS, using the current codes under 5XXXXX is adequate and expansion of rules and separation of number ranges is unnecessary?
Please explain your reasoning and provide your alternative proposals.**

¹ See footnote 19 and first sentence of section A6.5.3

2.1.1 Views of Respondents: Adequacy of SMS/EMS/MMS coverage

All respondents² agreed that the existing coverage of SMS, EMS and MMS in the Conventions is satisfactory and none sought practical changes. One however, felt that any residual doubts which might exist concerning intent regarding EMS/MMS could be removed by a simple change to the title of Section 11.4.3 and by inserting a new definition to explain the scope of 5XXXX.

2.1.2 Commission's Position: Adequacy of SMS/EMS/MMS coverage

ComReg concurs with the general view of respondents that the existing text is adequate and will therefore not make changes to it. The proposal to amend the title of Section 11.4.3 by referring to SMS, EMS and MMS would be more specific but the existing title that refers to "Messaging" instead is broader in scope and therefore allows for any future innovations. ComReg is also reluctant to add new definitions unless these are really needed, as such additions can have the undesired effect of becoming limiting factors in unforeseen circumstances.

Q. 2. Do you feel that separate number ranges and/or different conditions of use are needed for new premium rate services (e.g. video) that should be accessed via short codes?

If so, please describe the services to be addressed, the reason short codes are needed and propose the codes you suggest (e.g. currently reserved 5XXXX codes).

2.1.3 Views of Respondents: Separate short code ranges for new PRS

All responses agreed that there was no need for new number ranges or for different conditions of use for new premium-rated services, such as video, with two respondents adding that this situation could be reviewed in the future if the situation demanded. One suggested that any further differentiation or segmentation of numbering in this area would more likely bring confusion to consumers than clarity.

2.1.4 Commission's Position: Separate short code ranges for new PRS

ComReg notes the clear views expressed on this matter and is satisfied that no additions are needed to the available short codes for premium rate services.

² The expression "all respondents" throughout this document refers to all those who answered the question concerned.

Q. 3. Do you agree with ComReg that – at least for the present - Internet-based services (including those restricted to the confines of mobile networks³) are outside the scope of the National Numbering Conventions?

Please provide an explanation of your reasons for agreeing or disagreeing.

2.1.5 Views of Respondents: Internet-based services

Most respondents were agreed that Internet-based services, including mobile-based Internet services should be outside the scope of the Conventions, though with [Regtel](#) adding “*provided that such services do not fall within the definition of the revenue share model*”. One fixed-line respondent dissented, saying that “*services operated within the confines of mobile networks should come within the scope of Regtel as they fit the definition of a Premium Rate Service as per S.I. No 194 of 1995. It would significantly distort competition if services which are in most cases identical to those operated through PRS codes and that are billed and delivered to a subscribers [MSISDN](#) were exempted from regulation by Regtel.*”

Respondents justified the absence of conventions in this area as follows: -

- Internet based services are numberless by nature and not accessed via dial strings, so numbering convention(s) should not apply;
- Consumers are adequately protected, by codes of practice, general telecommunications laws and general consumer protection laws. These control both content and transparency of tariffs for internet based services (inc. those via mobile networks);
- Internet based services should be [are] governed by the Regtel code of practice ([CoP](#)) and Regtel’s activities. As these services typically use richer [HTTP](#) interfaces that facilitate clear presentation of pricing information, they provide significantly greater protection for customers.
- At present there are no premium rate charges for access to internet services. Instead, the Internet may be used to subscribe to premium rate content which is delivered to subscribers via SMS/MMS. That delivery is still subject to regulation by Regtel so consumers should be protected.
- In addition to the [Regtel] industry agreed CoP, content standards and access are already policed by mobile operators using net filters and age verification processes.

Regtel asked “*Where it is established that Internet-based delivery modes [e.g. i-mode and Vodafone live, the former of which is a premium rate service in the UK] offer value added content which has all the attributes of a revenue share model, will ComReg issue the necessary guideline/instruction to the relevant parties that such modes of delivery fall within Regtel’s Code of Practice?*”

³ Examples are, O2’s i-Mode; Vodafone Live; 3-Ireland’s video services; Meteor’s web/WAP services.

2.1.6 Commission's Position: Internet-based services

Having reviewed the responses received, ComReg concludes that the regulation of Internet-based services should remain outside the scope of the Conventions for the foreseeable future and insofar as premium rate content and related matters is covered, the current regulation by Regtel seems to find widespread support.

This developing area is undoubtedly complex and the various permutations of voice/video/text and numbering (or absence of numbering) which can occur during the various stages of a call sequence provide important challenges for consumer protection. However, while Regtel's stance and its [CoP](#) are so well supported by the operators concerned, ComReg believes these – along with the operators' own standards and filters – provide the best overall protection.

ComReg does not propose to pronounce on whether particular services fall within Regtel's CoP as that is largely a decision for Regtel itself.

Q. 4. How can transparency for consumers be best provided where service ordering and delivery are separate communications events, often using separate network capabilities?

2.1.7 Views of Respondents: Transparency for PRS in segmented services

The respondents all agreed that consumer transparency is essential and, using various arguments, they considered that this objective is currently being adequately met. Some key points were as follows: -

- Parts 3 and 4 of the new Consumer Protection Act 2007 give significant powers to the National Consumer Agency to intervene in the market to protect Consumers;
- Consumers should be made aware, at the outset, of the full cost of what they are ordering, and also, how many separate communication events make up the total order/service;
- Two key changes may radically change and massively increase the market in the coming year: -
 - Non premium rate billing (eg “mobile pay” and “payforit”);
 - The purchasing via a user's mobile phone account of items that are not consumed on the handset. An example is the purchase of flowers via a ‘payforit’ mobile pay scheme, based on billing to a user's mobile phone account and with hand delivery. There should be a roundtable discussion on how this might work and be regulated moving forward, with the participation of all industry parties and the Financial Regulator;
- The primary responsibility for informing customers of all charges relating to a service, including data or SMS charges, must rest with the service provider involved;
- For services where the primary billing mechanism is via Premium SMS (PSMS), the Regtel CoP details the service provider's responsibilities. Contracts between network operators and service providers oblige the latter to comply with all of the terms of the Regtel [CoP](#);

- Network operators have an obligation under the EU Universal Services and Users Rights Directive and the ComReg Tariff Presentation CoP to ensure the accuracy, comprehensiveness and accessibility of tariff information;
- Services offered through a combination of [PSMS](#) (using an SMS terminating message for charging) and [WAP](#) access have led to some difficulties⁴ in recent times. This matter has been addressed by Regtel by an amendment to the CoP and this is the most appropriate regulatory mechanism going forward;
- The current regime operates efficiently as network operators and service providers act as partners in offering content services to customers;
- Consumers are becoming more aware of the difference between text messaging costs and the WAP or mobile internet costs of their particular price plan;
- Recent and upcoming changes in the way mobile operators price their data services will resolve many of the difficulties of the past. It is ultimately the responsibility of the mobile network to ensure that its customers are fully informed of the costs involved in using basic data services;
- When subscribing for services, consumers should be properly informed of the cost to be incurred. If subscription occurs over the internet, then the information should be provided at that time via web-link or – if not possible - then by return SMS or other means;
- In the absence of any manifest failure of the above regulatory instruments, imposing further transparency obligations tied to the National Numbering Conventions would seem to be excessive and a duplication of existing requirements.

2.1.8 Commission's Position: Transparency for PRS in segmented services

ComReg notes the viewpoints expressed and that in general it is felt that the objective of transparency is already well served. Furthermore, no intervention by ComReg is being sought, whether in respect of the National Numbering Conventions or otherwise. Any steps that are needed are – at least for the moment – best taken by Regtel, by the operators themselves or by the National Consumer Agency. ComReg will draw these viewpoints to the attention of the latter two bodies, though will of course be prepared to assist them⁵ in their roles to whatever extent is felt necessary.

⁴ In general this was due to a timing issue between delivery of the chargeable SMS and the SMS containing the URL needed to access the service. In some cases it was due to SPs using the links to the URL as a mechanism to subscribe people to a service.

⁵ ComReg is expected to operate in co-operation with the National Consumer Agency in accordance with the [Consumer Protection Act 2007 \(pdf\)](#) and will of course continue to be supportive of Regtel in its objectives of consumer protection.

3 Broadening the Scope of 118XX Directory Services

3.1 Using 118XX as a Textable Number

Existing 118XX Directory Services Providers (“DQ SPs”) have requested that ComReg permit the texting of DQ queries to their 118XX numbers and ComReg invited views on whether this should be permitted. Prospective service providers indicated that there are no technical impediments and ComReg understands that at least some operators are willing to make the facility available, subject to ComReg’s concurrence. While [DQ SPs](#) could already make use of the well-known 5XXXXX messaging codes for such a service, they would prefer to stretch the branding already built up around 118XX for this purpose.

The perceived advantage of such a facility is that consumers would have greater flexibility in how they submit their directory queries as the numbers 118xx are memorable at this point. There could also be a cost benefit to consumers in many cases, depending on how the individual DQ SP organised its texting service.

The disadvantage foreseen is that opening of 118XX for text might be perceived as a precedent that could lead to a host of similar requests for other purposes, whether within the “1” range of numbers or from other parts of the numbering resource. ComReg’s stated initial view was that this is not a significant problem for numbers commencing with “1”, as the usage of that range for other purposes is already limited by virtue of Ireland’s selection of “1” as the prefix for most non-geographic numbers and also for many short codes. ComReg therefore proposed that 118XX could be opened for text purposes.

If the 118XX range were to be opened up for text messages related to [DQ](#) then ComReg suggested that it is likely that these will be charged at premium rates. ComReg believes that the arrangements currently in place for premium SMS (the 5XXXXX number range)⁶ work very well and would not wish to see those arrangements undermined by higher charges on 118XX. Accordingly, ComReg proposed that any opening of 118XX for incoming text should be with inclusion of a new numbering convention that requires retail charges for 118XX to not exceed the maximum rate set for basic premium rate SMS services (i.e. 53XXXX) in the numbering conventions. ComReg proposed that this figure (which is currently €0.80, inclusive of VAT) should be seen as an upper limit and DQ SPs should in practice set charges which are well below this level.

Q. 5. Do you agree with ComReg that it is acceptable to open the directory access code 118XX for text purposes?

3.1.1 Views of Respondents: Opening 118XX for text purposes

All respondents agreed with this proposal, with two emphasising that this must be strictly limited to DQ services and with two others adding that 118XX numbers should only be available to those providers who will also (or who already) use the

⁶ In support of consumer transparency, the 5XXXXX range is split into separate pricing categories, with the specific dialled 5XXXXX code providing an indication of price to the caller. Service providers are required to sign an agreement to comply with Regtel’s Code of Practice, which inter alia places limits on the total charges that can accumulate during a call sequence.

numbers for voice [DQ](#) services (i.e. no numbers solely for 118XX text purposes or allocated to different SPs for voice and text purposes).

One DQ respondent indicated that to “Request and receive DQ number by SMS” text is the most requested improvement to the service, this being in line with the major trend for many mobile consumers globally who prefer to use text communications.

A respondent’s market research (and its own experience) shows that mobile consumers prefer to use text to obtain information in certain situations where voice calls are less appropriate, such as: -

- Low battery;
- Low signal;
- Noisy shop/pub/club;
- In a busy/public place;
- During a meeting.

One respondent suggested that the proposed insertion of the word “telephone” at various points in Section 11.4.1 of the Conventions is unhelpful in respect of any change to allow text DQ requests.

3.1.2 Commission’s Position: Opening 118XX for text purposes

ComReg notes the strong support for this proposal and accordingly will amend Section 11.4.1 of the Conventions to clarify that text requests to 118XX are permissible. ComReg accepts that the word “telephone” may imply voice communications to many people and will therefore change the word to “telecommunications”, in Sections A1.6 and A6.5.5 as well as in Section 11.4.1.

To allay the concerns of some respondents, ComReg wishes to confirm that there is no question of the same number being issued for voice DQ purposes to one applicant and for text purposes to some other.

Decision No. 1. Text calls to a 118XX number for the purposes of Directory Enquiries are permissible.

**Q. 6. Do you also agree that a limit should be placed on the maximum amount which can be charged for such calls in the interests of consumer protection and that the figure used for Basic premium SMS calls on 53XXX is suitable for this purpose?
Please outline the reasons for your response.**

3.1.3 Views of Respondents: Charging limitations on 118XX text messages

While recognising ComReg’s aim of consumer transparency, most respondents were against any form of price restriction on the proposed 118XX text services, mainly on the grounds that they consider the existing DQ services to be already competitive.

Two quoted ComReg's finding in document 06/29 that the market for 118XX services "appears increasingly competitive"⁷. Several felt the National Numbering Conventions was not the best place to include such a restriction, especially without a detailed study of the real costs of this service. The following points exemplify the additional arguments put forward against the proposed price cap: -

- Each SMS delivered to the [SP](#) must be read and acted upon manually by a Customer Service Representative, involving significant costs. A price point of 80c may be insufficient to ensure these services are launched into the Irish market;
- The [DQ](#) market in Ireland is already competitive with 3 players competing vigorously for both fixed and mobile customers. The price for voice services is currently set by the market and this should also be the case for text.;
- ComReg should only intervene to regulate the DQ price if and when there is some prima facia evidence that intervention is required and justified;
- The 118 number range offers a significant degree of transparency to consumers. It clearly signifies a DQ service and thereby alerts consumers to the fact that a higher than standard rate applies;
- DQ services (however delivered to the end customer) should not be categorised as Premium Rate services (PRS) because: -
 - The current offerings are unique and are not associated in consumer's minds with typical PRS;
 - Voice DQ is not subject to the Regtel [CoP](#) and the same should apply to SMS DQ;
 - [DQ SPs](#) value their 118x numbers more than [PRS](#) providers and invest on that basis. and the numbers are thus less likely to become associated with 'problem' services;
 - DQ services are far more focused on the business market than are PRS;
 - DQ investment levels are significantly greater than for PRS and entail a longer term [ROI](#) perspective;
 - UK price points – for a bigger market than Ireland - are above the 80c suggested by ComReg - e.g. 118118 text service cost standard network rates to send and £1 per reply.

The counter view was that "*It is obvious that these are high tariff services having all the hallmarks of premium rate charging and they appear not to be subject to any regulatory controls.*" The Consumers' Association expressed its concern about the price levels and also felt that there should be high levels of transparency for both request and response text messages.

⁷ ComReg: 06/29 The Future Provision of telephony Services under the Universal Service Obligations 4th July 2006"

3.1.4 Commission's Position: Charging limitations on 118XX text messages

Although ComReg has serious doubts that most ordinary consumers appreciate the high level of charges being applied by [DQ SPs](#), including those for call completion, it is persuaded by the above arguments regarding market competitiveness between services. ComReg will therefore not apply charging restrictions on [DQ](#) text via the National Numbering Conventions, though this position will be kept under review in case the situation deteriorates in the future.

In contrast to the position regarding levels of competition in DQ provision, ComReg is not persuaded that there is a very significant difference in character or in charging levels between DQ services and typical [PRS](#). ComReg also shares the [CAI's doubts](#)⁸ concerning the levels of tariff transparency provided to callers by some DQ services and feels that this should be kept under review. ComReg strongly encourages all DQ SPs to review their approach to tariff transparency and, where appropriate, to take steps to enhance this.

While an oversight of the industry by Regtel⁹ might provide appropriate protection for the consumer, ComReg considers that any steps taken towards such controls are beyond the scope of this consultation.

3.2 Providing Non-telecommunications Services using 118XX

DQ SPs asked ComReg to sanction use of their 118XX numbers for the provision of directory services of a general nature, in addition to the current usage related to telecoms directory services. The designated use of 118XX codes in section A6.5.5 is: *“the provision of the actual directory service and for supporting services that are directly associated with this, such as call completion”*.

Convention 11.4.1-1 furthermore states that:

“118XX directory information access codes shall be used only for the provision of directory enquiry services and relevant value added services e.g. call completion services;”

The DQ SPs have argued that the term “relevant value added services” includes a very wide range of services including ticket sales, television listings, train/bus/plane timetables, charitable donations via call cost, tourist information, libraries, priests, weather, cinemas and films, sports and lotto results, business hours etc.

ComReg noted in the consultation that it's consistent view up to that point was that “relevant value added services” in the conventions has always meant services allied closely to **telecommunications** directory services. This was the original intention in February 2000 when the first version of the Conventions was issued and ComReg maintained that it has remained unchanged since. Call completion was identified early on as such a relevant service and text confirmation of DQ data has been subsequently added.

ComReg has until now rejected requests to extend the designation of 118XX in the way proposed, in order to not dilute the clear message concerning the link to telephone numbers that the 118XX number currently provides to consumers. A

⁸ See Section 3.2.1, paragraph 3.

⁹ Such oversight would parallel the situation in the UK, for example, where [PhonepayPlus](#) oversees the industry in addition to its role regarding PRS.

second reason was that ComReg believed that the provision of such general services over a short code which is restricted to DQ SPs would provide an unfair competitive advantage to them vis-à-vis 'ordinary' information providers who are obliged to use other longer numbers. Numbering Convention 6-2(vii) states that a criterion ComReg should take into account when deciding whether to allocate a short code is that "*No competitive imbalances should be created by the allocation*". ComReg considers that this criterion should apply equally to proposals to extend the usage of codes already allocated.

Those 'ordinary' (i.e. non-telecom) information providers mentioned above use 15XX and 5XXXX premium-rated numbers, whose relatively high charges are very transparent to consumers, and [Regtel](#) provides consumer protection by overseeing their services. ComReg considers those valuable protections would be largely removed if the less relevant directory code 118XX was used and therefore expressed strong opposition to the [DQ SPs](#)' proposals. Instead, ComReg proposed that the DQ SPs must follow the same rules in respect of general-purpose information and must use the same numbers, as other information providers.

Note: ComReg already has concerns that transparency of the relatively high price for consumers of even the existing DQ services is less than ideal and believes the SPs request would simply extend this disadvantage to new services.

ComReg also expressed its belief that if the 118XX code were to be opened up to a wide range of non-telecommunications services, then the justification for restricting the code to [DQ](#) providers would be removed; the telecommunications element would become just another (perhaps minor) part of the overall information service. This means that non-telecoms directory service providers of any category would be also permitted to receive such short codes, allowing them compete on level terms with the existing providers. One major disadvantage of this would be that associations in consumers' minds with the "telecommunications directory service" would become less obvious and the strong branding already built up by existing providers would slowly fade from the public perception.

Finally, DQ SPs have asked that business finder services of the kind provided by the Golden Pages should be allowed (e.g. "I need the phone number of a plumber in Cork city"). ComReg considers that finding a telephone number in this way may not be different in principle from finding one for a specific person's business address and should therefore be seen as a DQ service that already complies with the existing rules (and indeed some such services may already exist). In other words, it is already acceptable to offer a service that provides the telephone number of "a concert hall in Dublin" or "an Art Gallery in Limerick" but provision of advice about what is playing or what is on display there constitutes a general information service within the scope of the current consultation (as discussed below).

Q. 7. Do you agree that it is preferable to maintain the current clear focus of 118XX on strictly telecommunications directory services rather than opening the services to a diverse range of general information services¹⁰?

3.2.1 Views of Respondents: Maintaining clear focus of 118XX as DQ service

The majority of responses supported ComReg’s position with the two [DQ](#) respondents and one other respondent holding the opposite view. Some respondents, while basically supporting the principles put forward by ComReg, felt that an intermediate position might be possible. The basis of such an intermediate position was generally that ComReg would delineate the types of additional ‘general information’ services that would be acceptable and/or that individual prior approval by ComReg on a case-by-case basis could be required. In such an approach, entertainment/adult/gambling services would be clearly excluded and a line would be drawn somewhere above this level but below timetables/cinema listings etc. A respondent explained how a relationship to the core offering might work, by an example: *“For instance, a customer may base their decision to complete a call to a business on information that is received about opening times for that business.”*

Both [DQ SPs](#) reiterated the argument that certain such services are permitted elsewhere, with 118118 in the UK being specifically mentioned and train-timetabling given as an example. One argued *“Customers cannot only look for the number they require but also solve their additional related queries such as what time the next train from Mullingar to Dublin leaves at.”*

The CAI expressed their very strong opposition to the proposal to extend the services provided *“as we do not yet feel that the brand awareness and understanding of 118XX numbers is sufficiently mature enough among consumers. In addition, there is a negative consumer perception of 118XX services because of the high cost of the service.”* The [CAI](#) also expressed concern that the quality of the core DQ service could suffer if DQ SPs provide additional services that might be more profitable or become a distraction.

Some other arguments put forward by those for or against ComReg’s position were as follows: -

- Any deviation [from the existing clear focus] will result in consumer confusion and distort competition in the market. An existing Premium Rate framework is in place that can be used by such DQ SPs to provide general information services.
- It is vital that a clear distinction is maintained between directory services and [PRS](#). Any blurring of this distinction would be harmful for the identity of both and confusing to consumers.
- General information services would not meet the criteria for allocation of a short code. Short codes are more memorable and easier to use than longer numbers, and are preferable and more valuable for an [SP](#) than full length

¹⁰ “General” information services is used here as short-hand for information services that are unrelated or not closely related to telecommunications directory information.

numbers. However they are in limited supply and it is not possible to allocate short numbers to every service;

- For Golden Pages, it is normal to see Store Opening Hours, pricing information, cards accepted, and special offers. Yet consumers clearly recognise Golden Pages as a directory product;
- Maintaining a regime of ‘no change’ will only (a) Stifle innovation, (b) Hinder competition; (c) Ignore existing market/customer demand for information services; and (d) Restrict customer convenience & choice;
- The proposed services are associated and connected with the core [DQ](#) service and they will not alter the nature of the service but rather enhance its value and usefulness for end-users;
- DQ providers have invested substantial amounts in building a brand based on their particular number. It is normal and rational business practice to leverage brand equity to maximise business potential. Telecoms SPs should not be denied a similar opportunity;
- The more ‘permanent’ nature of a DQ provider and the fact that the SP can be readily identified by the access number means there are likely to be fewer instances of ‘problem services’ and subsequent customer complaints;
- Services of the type described above are available behind 118XX(X) numbers in some other jurisdictions.

3.2.2 Commission’s Position: Maintaining clear focus of 118XX as DQ service

ComReg has carefully considered the submissions made on this topic to establish whether a sufficient case has been made to change the current position. It notes that relatively strong views are held on all sides and also that the matter is multi-faceted and is closely linked to Q8 below - and indeed to Q12 (Preferred RIA option). Therefore, while each of those three questions is responded to individually for clarity, ComReg considered them together while drawing its conclusions on all three.

ComReg notes that while some respondents feel that adding additional general content services need not dilute the clear focus on 118XX as a DQ service but nevertheless there is wide agreement on the desirability of such a clear positioning. ComReg has not been persuaded by the arguments put forward that that vision would not be significantly clouded by the inclusion of such services and notes that the consumer position, as represented for example by the CAI, is strongly against this proposal. ComReg also considers that the “middle way” of drawing a line between acceptable and unacceptable services, while a good concept in principle, would very quickly become untenable in practice, even if that met all other objections to the proposal. Even the present dividing line, whose principles are far more clear-cut and whose basic interpretation of “relevant services” as meaning “telecommunications services” by ComReg has remained unchanged since the first conventions were set down, has found itself challenged of late. While several respondents have argued that certain general information services are “relevant” and extensive lists of candidate services have been mentioned, only one tenable example was identified of any relevance to a DQ service. This was that of a customer basing his/her decision on whether to complete a call to some enterprise on information previously received about opening times for that business. ComReg would consider even that association to be tenuous at best.

Other arguments put forward ignored the fact that DQ SPs are already free to offer all such services using the same numbers as all other SPs, whether Premium Rate numbers or otherwise, thereby competing fairly in the same marketplace as all other information providers (e.g. Golden Pages). ComReg has not previously been sympathetic to providing a privileged market position for this purpose to [DQ SPs](#) by virtue of a special short code given for a different purpose and does not now consider that the consultation responses provide convincing reasons for a change.

ComReg is also not sympathetic to the argument that such services are available in certain countries named by respondents as it understands that consumer-unfriendly difficulties which often blight premium-rated services also exist in respect of 118XX(X) in at least some of the jurisdictions concerned. ComReg's statement of this in the consultation was not subsequently contradicted by respondents. In any case, this is a national numbering matter and ComReg is far from being alone in asserting the regulatory position that it does.

Q. 8. Do you agree that inclusion of general information services within the scope of the current 118XX directory providers would constitute unfair competition with non-telecommunications directory providers unless 118XX codes were also made available to those bodies?

Please outline the reasons for your answers.

3.2.3 Views of Respondents: Competition aspect of widening content provision via 118XX

Responses were almost evenly split, or with a small majority proposing that inclusion of information services need not constitute unfair competition, provided that the information services concerned were linked in some way to the basic [DQ](#) service. Some saw a distinction between such services and those carried by [PRS](#).

However, [Regtel](#), which has an important role in this area, stated that using 118xx numbers for such services would “*constitute unfair competition for those Service Providers already providing such service using PSMS short codes. It is also moving away from the core purpose of what DQ is about, and if permitted would lead to considerable difficulties in regulating the promotion and content of these services.*” Regtel also suggested “*The promotion of [DQ] Services rarely if ever, includes the price of the service. The absence of pricing information may fall under the [heading of] ‘Misleading Commercial Practices’ as set out in Chapter 2 of the Consumer Protection Act 2007.*” Finally Regtel noted that “*It needs to be clarified whether there is any revenue share along the supply chain. If indeed this is the case, then they should be subject to ComReg’s interpretation [of Premium Rate Services] as set out in Section 3 paragraph 2*” of consultation document 07/46.

Some respondents pointed out that competition is already possible if general information providers are prepared to take on the cost of setting up a full DQ call centre with all the associated aspects that this entails. The following response was representative of those views: “*Value added information service as a supplement to the directory service is not equivalent to allowing un-restricted use of the short*

number for provision of information services. The elements used in DQ service provision (call centre, systems, database access) are primarily geared to answering directory calls. Callers must “pass through” this part of the service before any value added information could be provided. This would effectively prevent the numbers being used as a means of access to general information services”. This respondent added “It would be improper to allow a 118XX directory code to be used primarily for the provision of non-directory services. This could ... undermine the principles used to assess whether a service qualifies for a short number (including the requirement to avoid competitive imbalances).”

Those agreeing that competitive imbalances would be created argued that “‘non-telecom’ services are adequately covered by existing Premium, Revenue Share and Freephone services and attaching such services to [DQ](#) would lead to categorisation issues” and movement of existing services to the 118 range. Other concerns expressed were:-

- The dilution of the ‘118 brand’ is a significant risk;
- Given the ability of DQ SPs to set their termination rates, this would become unworkable from both a consumer pricing and origination/interconnect billing system point of view;
- Given the shortage of DQ numbers there would not be sufficient numbering capacity to provide ‘ordinary’ information providers with sufficient numbers to compete;
- How would fair and equitable selection of services be ensured, if more than one entry exists for a consumer’s information request. It is not clear what criteria would be used to present a selection of numbers to consumers that met their input criteria, or what appeals process would exist if the consumer wished to complain about the selection given;
- DQ Services in the United Kingdom fall under the jurisdiction of [Phonepayplus](#) (the former [ICSTIS](#) and a similar body to [Regtel](#)).

3.2.4 Commission’s Position: Competition aspect of widening content provision via 118XX

ComReg recognises the merit in those responses to Q7 which argue that DQ providers are likely to be more responsible than certain ‘transient [PRS](#) SPs’. It was argued that (genuine) DQ providers have made heavy investments and would not wish to spoil this, while new entrants could compete if they make the same investments. However, ComReg cannot discriminate between applicants for short codes on this basis. ComReg would be obliged to accept the bona fides of any applicants who claim they will set up a full DQ service and meet minimum information requirements. Realistically, ComReg would also not subsequently be in a position to verify the quality of DQ service provided, unless this were causing very significant problems. Therefore the statement by one respondent that “*the provision of value added information services as a supplement to the directory service is not equivalent to allowing un-restricted use of the short number for provision of information services*” may be a fair aspiration but would be unlikely to remain true in the event that the requested extension was approved.

In practice therefore, there would be very little to prevent multiple new competitors seeking 118XX codes in order to gain the advantage of a short code, bypass Regtel

regulation and benefit from the brand recognition that has carefully been built up on 118 numbers.

In ComReg's view a workable split can not be made between 'general information content associated with DQ services' and 'other information content', and neither does ComReg believe that a clean line can be drawn between information provided by 15XX or 5XXXX premium rate services and such 'DQ-associated' information. Any such lines would be open to constant challenge, complaints and revisions, satisfying nobody. ComReg notes that Regtel also has corresponding concerns in this respect.

From ComReg's perspective, therefore, the inevitable consequences of allowing general information content would be the undermining of the principles surrounding use of valuable short codes, consumer confusion between DQ and general information sources and a confusing overlap between DQ and Premium Rate Services. The consultation responses have not modified this belief in any way.

ComReg also notes some important concerns mentioned by respondents about issues that were not put forward in the consultation paper. One respondent was concerned that if the number of new applicants for 118XX codes rose sharply (e.g. a migration from PRS and/or new entrants) then the available codes could be insufficient. This would mean a move to 6-digit numbers for new entrants and, if deemed necessary on non-discrimination grounds, also for existing users. ComReg thinks this is an unlikely consequence but nevertheless is one that could occur.

A second issue was whether competition issues might arise in respect of the information sources selected by DQ providers (e.g. whose 'finder services' would they use?). ComReg believes it would primarily be a matter for the DQ provider itself to ensure it complies with competition law, and that the allocation of a 118XX number to the provider should not be a salient factor in this (e.g. by implicating ComReg in any offence that might be deemed to have been committed).

In conclusion, having weighed up all arguments put forward¹¹, both for and against the extension of 118XX rules to allow additional non-telecommunications information services, ComReg is not persuaded that a change is advisable. Indeed the balance of advantage to consumers and to orderly regulation goes the other way. Arguably, the balance of advantage to genuine DQ providers also lies in the direction of no change, as any change that could be envisaged as acceptable would inevitably entail consequences they have argued against (e.g. opening of 118XX numbers to non-telecoms directory providers). Finally, ComReg wishes to emphasise that the practical significance of this decision is that the term "relevant value added services" used in the National Numbering Conventions continues to mean value added services of a telecommunications nature.

¹¹ See also discussion on RIA at Section 6.2.2

Decision No. 2. the term “relevant value added services” used in the context of Directory Enquiry (DQ) services in the National Numbering Conventions means value added services that are of a clearly telecommunications nature and which are directly related to the DQ service itself.

It excludes directory and/or information-provision services of a more general nature.

This Decision applies regardless of whether the communication is initiated via voice or text.

4 Withdrawal of Numbers

4.1 Withdrawal of Numbers following abuse

In cases where abuse¹² of numbering resources has occurred, including those where there is ongoing excessive charging of consumers or damage to operators through inappropriate use of interconnection facilities, ComReg has found that the current Numbering Conventions text in Annex 3 has tended to inhibit corrective action. The conventions A3.1-9 to A3.1.12 and A3.2-9 to A3.2-12, in particular, were written to address large-scale number changes but the text in those sections nevertheless limits the scope for speedy action to tackle numbering abuse of all kinds. ComReg proposed revised text that allows it to step in when abuse occurs of a serious nature.

The following is an example from the proposed text.

“The affected party or parties shall first be informed of the intention to withdraw and the reasoning behind this and it shall be advised of the associated appeals procedure. In case A3.2-1 above, ComReg may take steps – immediate or otherwise - to have the relevant numbering resource(s) de-activated pending clarification of the perceived non-compliance, if it considers that to be necessary for the protection of consumers or affected network operators or service providers;”

In addition, the Numbering Conventions have always required compliance with [Regtel](#) in respect of the usage of Premium Rate Numbers and [PSMS](#) Codes, but until now there has been no description of steps to deal with failures of compliance. A draft new convention was added to Sections A3.1 and A3.2 to deal with this, in view of difficulties experienced by Regtel and ComReg in curbing abuses of premium rated services, which can erupt very suddenly and with very damaging consequences.

Q. 9. Do you agree with the changes to Annex 3 of the National Numbering Conventions, dealing with the withdrawal of numbering resources in cases of serious and/or repeated non-compliance with the conventions? If you disagree, please explain your concerns.

4.1.1 Views of Respondents: Withdrawal of numbers following abuse

There was general support for the changes proposed by ComReg, with suggestions made that more clarification could be given of the decision and enforcement process involved in withdrawing numbers and that the process itself could be made more robust: *“In the case of an ongoing abuse, a rapid procedure is required that allows such abuse to be stopped.”*

Some key suggestions or questions were as follows:

- Who will decide that the offence requiring withdrawal has occurred?

¹² In Numbering Conventions terminology, ‘abuse’ is identified as ‘serious or repeated non-compliance’. In general, ComReg’s concerns relate to harmful consequences for consumers, for operators or service providers or for the numbering resource itself. While less serious non-compliances can also occur, it would be legally undesirable to formally make this distinction.

- Complete withdrawal of a number would need to follow due process, which might not be sufficiently rapid in extreme cases of abuse. For such cases, the Numbering Conventions should explicitly state that a suspension of service provision is permitted as a rapid remedial measure. In the case of [PRS](#) this suspension should be at the Direction of [Regtel](#), and otherwise it should be by ComReg Direction;
- Regtel must be able to intervene to prevent abuse without finding that its standing is subject to challenge. Therefore, Regtel’s own Codes, Regulation Agreement and procedure must be robust, comprehensive and fair, but must also be supported by the Numbering Conventions. ComReg should review and clarify the definition of PRS in the Numbering Conventions – in order to avoid any apparent conflict that could be used to prevent Regtel taking action;
- Draft convention A3.1-9, should be redrafted to remove confusion between footnote 37 and references to Section 45 of the Communications Regulation Act 2002. Also, the reference to “telephones” seems to limit the scope unnecessarily;
- An amendment needs to be added to Annex A3.2 of the Numbering Conventions to provide for the partial withdrawal of numbers used to access “shared services¹³”. If just one service is in breach of the Conventions (or any other Regulation or Code), then it may be necessary to withdraw just the offending service while other compliant services continue to operate;
- The text relating to number withdrawal should be strengthened by including a provision along the following lines: “*Where a party has been convicted in an Irish Court for causing consumer harm through abuse/misuse of [resources covered by] the National Numbering Conventions the numbers allocated to that party shall be automatically withdrawn (perhaps for a defined period)*”;
- The new text of Section A3.1.10 supporting withdrawal of numbers when Regtel advises ComReg of a non-compliance with its [CoP](#) should be supplemented by text allowing ComReg to do likewise if it discovers of its own accord that an Agreement to implement the CoP has not been put in place (proposed wording was suggested by the respondent);
- The current words distinguishing PRS (11.2.8) from [PSMS](#) services (11.4.3) are not sufficiently clear. Likewise the de-facto consideration of [DQ](#) services as not being PRS, even though they may fit the definition of PRS, could cause legal problems for the Conventions as a whole;
- References to “new and/or innovative services” in Sections 11.2.1-8 and 11.4.4-4 are time-limited, whereas the basic requirements they refer to must continue;

4.1.2 Commission’s Position: Withdrawal of numbers following abuse

ComReg has taken note of respondents’ inputs (Section 4.1.1 above) concerning withdrawal of numbers and made changes as follows: -

- Text clarifying who takes decisions about withdrawal has been added as a new introductory paragraph to Annex 3 of the National Numbering Conventions. This addition should also help to underpin operators’ positions when withdrawal becomes necessary;
- ComReg agrees with the suggestion that a suspension process should provide a speedier and less drastic alternative to full withdrawal and has inserted a new convention after each of A3.1-10 and A3.2-10 to deal with this;

¹³ Many different services and service providers can currently operate behind a single 5XXXX number by using different keywords.

- ComReg believes that its definition of [PRS](#) (which is essentially that of S1 194 of 1995) would not cause problems for [Regtel](#) in the event of a challenge to any Regtel position. ComReg has nevertheless added a new note to the description in Section 11.2.8 to decouple any definitions used by Regtel from those in the Conventions;
- ComReg has redrafted the new convention A3.1-9 so that it refers directly to the Post Office (Amendment) Act 1951, Section 13, rather than to the Communications Regulation (Amendment) Act 2007, which inserts that Section. Although the word “telephone” may indeed seem limiting as suggested by the respondent, in this instance it is an element of the Act and it is used in a context which seems sufficiently clear for the purposes of the Conventions;
- ComReg has added a new Convention to Section A3.2 to provide backing for operators wishing to withdraw service from just one participant of a shared numbering resource;
- ComReg believes that conviction in Court for reasons of consumer harm cannot of itself be used as a basis for withdrawal of numbers. However, where details of the conviction or evidence given in Court describe misuse of a numbering resource, ComReg may note this when providing its reasons for withdrawing or suspending rights of use. This does not require any change to the Conventions;
- ComReg does not consider that new text is needed in Section A3.1.10 to deal with the situation where an [SP](#) holding a 15XX or 5XXXX number has failed to conclude an agreement with Regtel. The final sentences of conventions 11.2.8-2 and 11.4.3-1 respectively, already cover this situation;
- ComReg agrees with the respondent who pointed out difficulties in the relationships of PRS, [PSMS](#) and [DQ](#) services and has made certain changes to the relevant text to remove/reduce legal risk;
- ComReg has revised the wording of Sections 11.2.1-8 and 11.4.4-4 to improve the references to “new and/or innovative services”.

5 Harmonised European Short Codes of Social Value (HESCs)

5.1 New Conventions to address HESC Codes

Following a period of discussions with interested parties, the European Commission published its “COMMISSION DECISION 2007/116/EC of 15 February 2007 on reserving the national numbering range beginning with ‘116’ for harmonised numbers for harmonised services of social value¹⁴.” This Decision, which involves co-ordinated opening of the 6-digit number range ‘116XXX’ in all EU countries, was implemented during August 2007 as required by the Decision, to the extent that it is now possible for ComReg to allocate [HESC](#) numbers. Individual services, each behind one of the ‘116XXX’ numbers selected centrally by the European Commission¹⁵, can be opened in all EU countries in which there is sufficient interest and where commercial negotiations by the potential service provider are successful. So far the Commission has reserved the following numbers: -

Number	Service for which this number reserved	Specific conditions attached to the right of use for this number
116000	Hotline for missing children (takes calls reporting missing children)	Service continuously available (i.e. 24 hours a day, 7 days a week, nation-wide)
116111*	Child helplines (helps children in need of care and protection)	Service available nation-wide 24 hours a day, 7 days a week, or information on availability to be provided
116123*	Emotional support helplines (caller benefits from human relationship based on non-judgemental listening)	Service available nation-wide 24 hours a day, 7 days a week, or information on availability to be provided

* Introduced by Commission Decision 2007/698/EC, amending Decision 2007/116/EC

ComReg inserted new sections in the draft Version 6.0 of the National Numbering Conventions to address the designation and usage of this new short code range. The content of those sections is in conformance with the underlying Commission Decision, mentioned above.

Note: Applications for numbers for individual HESC services will be dealt with by ComReg’s Numbering Plan Management as they arise and discussions with industry within the context of the Numbering Advisory Panel are continuing apace, regarding their practical implementation.

**Q. 10. Do you agree with the draft content inserted in Sections 11.4, A1.10 and A6.5 to address the new HESC codes?
If not, please identify your concerns and/or your preferred approach.**

¹⁴ See http://eur-lex.europa.eu/LexUriServ/site/en/oj/2007/l_049/l_04920070217en00300033.pdf

¹⁵ The EU Commission has completed a public consultation to identify suitable services for ‘116’ and has published an amending Decision to 2007/116/EC, listing an initial set of agreed HESC services. For more information See http://ec.europa.eu/information_society/policy/ecommm/info_centre/documentation/public_consult/index_en.htm#116

5.1.1 Views of Respondents: New conventions to address HESC codes

The majority of respondents agreed with ComReg's proposed text with none rejecting it. However, two respondents raised particular concerns as follows:

- Allocation should be made via an applicant's communications provider;
- ComReg's proposed text included taking into account any relationship between an applicant to ComReg and the body that made the applicant to the European Commission for reservation of the number was deemed by both respondents to be too vague and open to dispute;
- The implied process [of Section 11.4.5] "*does not appear to be complete in that there is no appeals process cited for entities to follow if they disagree with ComReg's allocation or if the recipient of the code chooses not to, or is unable to comply with 11.4.5.4*" [i.e. sharing with others];
- The nature of some of the services for which codes are being applied, are of sufficient social importance not to leave their assignment to "lottery". A clear and consistent approach to the assignment of these resources, irrespective of their intended use, needs to be developed and followed;
- Are the [HESC](#) numbers subject to number portability?
- Clarification is needed that calls to 116XXX are free only to the caller;
- There should be a statement that the calls must originate and terminate in Ireland;
- There should be a specified time limit by which other parties could express an interest in applying for the code;
- Where there are multiple requests for the same code, then a method of co-operation should be agreed by the applicants before the code is assigned.

5.1.2 Commission's Position: New conventions to address HESC codes

ComReg is satisfied from the overall response that its proposals are generally sound but it has taken into account certain comments/concerns made to it and revised the related text accordingly. ComReg's responses to the points raised are: -

- ComReg has reconsidered the original text of Convention 11.4.5-2 that suggested preference should be given to an applicant linked to the body that requested reservation of the code at European level and agrees this could be contentious in some cases. ComReg has therefore removed this criterion for allocation, including deletion of the proposed new Section A1.10;
- The proposed policy of allocating 116XXX codes directly to their service provider users will be retained, as that is the most convenient approach for the very limited quantity of numbers concerned. However, any service providers who would prefer to have their applications submitted by and codes received via their communications providers will be facilitated by ComReg;
- In common with other sections of the Conventions, ComReg has not built any specific appeals procedure into Section 11.4.5 for unsuccessful applicants. However, the general appeals process included in Section 4.6 is applicable. If applicants are unwilling (or unable) to share their numbers, this will be deemed a potential reason for non-allocation to them or - if already allocated - for withdrawal;

- The use of lottery for allocation of contested numbers and codes is a proven approach that gets around the disagreements which could spring from any other selection mechanism. The obligation on the winner to share its resource ensures no serious user need be barred from offering its service;
- ComReg confirms that the 116XXX [HESC](#) codes are subject to number portability;
- ComReg confirms that there is no obligation on operators to provide the HESC service free of charge. The obligation is only for calls to be free to the caller;
- ComReg has added a requirement that calls to 116XXX must originate and terminate on Irish public networks, though subsequent call forwarding (including within the private domain) is permissible;
- ComReg has made more specific the time limits associated with application for a 116XXX HESC code;
- ComReg has extended the text related to sharing of codes where there is more than one applicant.

ComReg has considered the issue of implementation timescales for HESC and feels that many aspects of this should be quickly achieved, bearing in mind that the retail arrangements (Freephone and for a clearly defined purpose) are known. Accordingly, ComReg produced a general information notice on the issue (ComReg 07/47 of 23/07/07) and it wrote to operators on 23/08/07 specifically asking that access be opened to 116XXX numbers. ComReg also asked that other preparations such as retail billing be undertaken. These preparations were to be completed by November 30th 2007. Only one operator identified difficulties with meeting that timescale and they are expected to complete their preparations as early as possible during Q1/'08 to ensure the opening of new 116 services is not impeded.

Clearly, inter-network routing is one aspect of implementation that cannot be completed in advance as each case will be specific to the service being offered. ComReg expects that each communications provider hosting a 116XXX service will undertake interconnection negotiations and make arrangements as necessary on behalf of the 116XXX service provider concerned and that other communications providers will co-operate to ensure early opening of the service. In ComReg's view, these arrangements should in no case need to take longer than three months to complete from the initial request of the hosting provider.

6 Regulatory Impact Assessment (RIA)

6.1 Policy Objectives

In exercising its functions in relation to the electronic communications sector, ComReg has regard to its statutory objectives as set out in the Communication Act 2002. These include: -

- The promotion of competition;
- Promoting the interests of users within the Community;
- Contributing to development of the internal market;
- Ensuring the efficient management and use of the national numbering scheme.

When faced with the sometimes conflicting impact of these objectives on a situation, ComReg weighs up the different policy options, taking account of relevant viewpoints, before choosing the option which it believes will strike the appropriate balance that gives most benefit to consumers. In addition ComReg is mindful of other issues - such as the need to be proportionate in its actions.

A revision of the National Numbering Conventions and associated documents does not of itself require the initiation of a [RIA](#), though it is possible that changes in the documents – if they have a significant effect on the marketplace – might well do so.

ComReg concluded that the provision of non-telecoms services using 118XX could be a topic that merited specific consideration in a RIA and Appendix D of the consultation document therefore contained a draft RIA on this issue for consideration by respondents.

Q. 11. Do you agree with ComReg’s evaluation that provision of various non-telecoms services via 118XX numbers is the only issue in this consultation whose impact is potentially significant enough to merit the development of a RIA?

If you disagree, please explain¹⁶ which other area(s) you feel need to be addressed and why you consider ComReg’s proposed changes would have such a high impact that a RIA is needed to assess them.

6.1.1 Views of Respondents: RIA and its content

Almost all respondents agreed with ComReg that the only issue in the consultation which might merit a RIA is the proposal from some [DQ SPs](#) that the permitted scope of 118XX services should be expanded to include a range of additional information services, as described briefly in Section 3.2 above.

However one operator respondent felt that the proposal of applying a price ceiling to 118XX text services (see Q6) also merits consideration in a [RIA](#). A second operator considered that any significant change to the conditions applied to 190X short codes

¹⁶ Please explain this under the headings of impact on Competition and/or End-users and/or The Single Market and/or Technological Neutrality.

could have a significant impact on consumers and therefore qualified for consideration in a RIA.

And a third (DQ) respondent, while agreeing with ComReg that no other issue required a RIA, stated they “*question ComReg’s intention to conduct a thorough, rigorous and complete RIA, including a cost-benefit analysis (CBA) ... (e.g., to quantify the gross benefit of additional information services supplied to the public).*”

6.1.2 Commission’s Position: RIA and its content

ComReg is satisfied that, in view of the responses received and the final outcomes of this consultation, no additional topics need to be addressed in a RIA.

ComReg is disappointed that a respondent questions the rigour with which it undertakes RIAs, including the presence or otherwise of a CBA. In the current consultation ComReg considered that the requirement for a RIA was marginal at best but in the spirit of maximum transparency included a draft RIA, which is now completed in this current document.

ComReg also disagrees with the concept that a CBA is an inherent element of a RIA and specifically does not accept that a CBA would be useful in the current context. Attempting to assign monetary costs to numbering management principles such as allocation rules for short codes, avoidance of consumer confusion in respect of DQ and PRS services and risk of unacceptable content services on DQ would be a near futile exercise, even though these are key issues in respect of the present Numbering Conventions consultation. In other words, ComReg does not accept that numbering management can be simply enumerated on “*the gross benefit of additional information services...*”.

6.2 Policy Options

In the context of the changes discussed in section 3.2 above concerning a wider range of 118XX services, ComReg identified four principal policy options in its consultation document that it could potentially choose to adopt, as follows: -

- Option #1: Maintain the existing regulatory regime (‘No change’)
- Option #2: Extend the Rights of Use attached to 118XX numbers to permit the provision of a general range of information services only by those offering traditional DQ services;
- Option #3: Extend the Rights of Use attached to 118XX numbers to permit the provision of a general range of information services by any interested directory provider;
- Option #4: Use a separate (5 or 6-digit) sub-set of the 118XX(Y) range for services fitting either option #2 or option #3 above, while retaining the rest of the 118XX range for ‘pure’ DQ services.

ComReg then indicated that its provisional view at that time was that Option #1 (‘No change in present designation of use for 118XX’) as outlined in Appendix D, represented the most favourable outcome for consumers. ComReg then invited submissions on these points so that it could complete the RIA and draw final conclusions.

**Q. 12. Do you agree with ComReg’s evaluation that Option 1 is the best response to the proposal to extend the use of 118XX services to a wider range of 118XX services?
Please discuss your reasoning on this issue.**

6.2.1 Views of Respondents: RIA content and conclusions

Of the eight respondents to this question, three agreed that Option 1 was best, three preferred option 2, one selected no specific choice but suggested that controlled opening of new services should be considered in the RIA and the seventh suggested a new Option 5, based on control by ComReg of new services, limited to those offering traditional [DQ](#) services. It can also be readily inferred from its clear and firm response to questions 7 and 8 that a ninth respondent – which did not answer Q12 – would reject options 2, 3 and 4, as well as the new option 5 (see 6.2.2 below).

All those in favour of widening the scope of service wished the extent of that widening to be limited in some way, typically by means of content category control by ComReg. The responses to Q7 and Q8 by those respondents indicated they nevertheless also expect controls on who could gain access to 118XX numbers i.e. restricted to those offering a genuine DQ service. The example of content control by the UK was given by two respondents for how this “controlled broadening of scope” could work. One DQ provider offered to provide a written guarantee to ComReg regarding the exclusion of adult services from its offering.

6.2.2 Commission’s Position: RIA content and conclusions

For completeness, ComReg has included the new Option 5 suggested by one respondent in the revised RIA of this consultation response document and – as requested by another respondent – has expanded the analysis elements so the arguments are more clearly shown.

ComReg appreciates the offer by one DQ provider to give undertakings regarding the extent of services it would offer. On a first consideration this might seem to provide a way forward and ComReg considered adding it as a RIA option. However, while such an approach has been used in other circumstances (e.g. [NGN](#) undertakings in the UK) this was judged to be unworkable as a general solution in this case. ComReg would already expect high standards from the existing DQ providers but could not insist on similar voluntarily given (but obligatory) undertakings from all potential applicants – and it is precisely those who would refuse that are likeliest to cause difficulties.

ComReg notes that the UK situation has been proffered as a positive example of how things could work. However, ComReg is conscious that even though the UK has stronger controls in place, as DQ services there fall clearly within the remit of [Phonepayplus](#), [Ofcom](#) has nevertheless encountered real difficulties in regulating this area and specifically with regard to delineation of acceptable from unacceptable services. ComReg detects no appetite for all Irish actual and potential [DQ SPs](#) to submit themselves to regulation of content by [Regtel](#). Furthermore, such regulation in the UK is backed up by specific legislation whereas in Ireland regulation by [Regtel](#) of [DQ](#) content could at present only be based on contract law. Any voluntary

consumer-oriented controls could easily be ignored or even rejected by precisely the few who would cause serious problems.

Considering the [RIA](#) in Appendix D, ComReg concludes that when all factors are taken into account, the disadvantages to consumer protection and to the interests of competing information providers of opening 118XX to any new category of information content which is not clearly of a telecommunications nature, very much outweigh the advantages to consumer choice and to DQ providers. As stated at Q8, ComReg will not therefore change its interpretation of “relevant value added services” in the National Numbering Conventions from the existing one of ‘services that are of a telecommunications nature’.

While there was a small balance of responses in favour of including general information content, these all foresaw a situation in which some delineation of acceptable content could be maintained, which in ComReg’s judgement would be untenable and unrealistic. ComReg could not accept such a role, RegTel might be able to accept such a role only if new legislation was first passed and would still face continuous disputes about the chosen line and borderline cases, and there is no other credible candidate who could police such a split. Against this, a scope of telecommunications service is much clearer and more obvious to consumers as being of a DQ nature. More specifically, ComReg has not identified any convincing explanation of why ticket sales (or indeed any of the proposed general content services) have a DQ nature.

Furthermore, those respondents favouring extension generally were not in favour of allocating 118XX numbers to existing providers of the types of content services they propose to offer, noting only that those bodies are also free to initiate “full” DQ services. ComReg’s clear message in the consultation document that policing the quality or extent of such new DQ services could not be effective in practice and that permitting wider information categories would invite bogus entrants, was ignored. ComReg believes that the best approach for those DQ providers who wish to offer additional information services is to use the already established channels of 1850/1890/15XX numbers to do so, in normal competition with those already offering such services. They are then also free to provide call completion to those numbers – in the same way as for any other numbers – for customers who express an interest in this.

7 The Numbering Applications Procedures

7.1 Changes to the Numbering Applications Procedures

In addition to proposing updates to the National Numbering Conventions, ComReg also did so for the accompanying Numbering Applications Procedures document ComReg 04/36R. A marked-up draft of ComReg 04/36R was provided showing tracked changes for the convenience of readers.

Q. 13. Do you wish to comment on any aspect of the text revisions to the Numbering Applications Procedures document (formerly ComReg 04/36R)?
If so, please provide a detailed reply.

7.1.1 Views of Respondents: Numbering Applications Procedures

All respondents were satisfied with the proposed revisions to ComReg 04/36R. One noted that not all providers issued with numbers proceed to open them in a sufficiently timely manner. A second suggested deletion of the number “175X XXX” from section 7.1 (“Number Portability Routing Prefix”), which would make that text more general.

7.1.2 Commission’s Position: Numbering Applications Procedures

ComReg has implemented its proposed changes in the revised Numbering Applications Procedures document ComReg 08/03, published along with this response to consultation document. It also agrees to deletion of the reference to “175X XXX”, as suggested by a respondent.

8 Other Issues

8.1 Comments submitted on miscellaneous issues

Respondents were invited to comment on any aspect of the proposed changes not discussed above and/or on issues which they feel are appropriate to the National Numbering Conventions that they consider have been missed out.

Q. 14. Do you wish to comment on issues not discussed adequately in your view in this consultation and which bear on the National Numbering Conventions?

If so, please discuss your proposals on relevant issues.

8.1.1 Views of Respondents: Any other issues

- 1 One respondent felt that mention of technology within the numbering conventions is a limiting factor in managing the numbering space efficiently. For example the definition of VoIP (“Voice over Internet Protocol”) was considered to be inappropriate as it could allow for the provision of services over the Public Internet, over an NGN, or on a private network offering that uses IP technology to implement VPN’s. This was felt to have implications for the ‘076’ numbering range;
- 2 The same respondent reiterated its request for a long-term numbering strategy to avoid future costly number changes, but without providing suggestions for this;
- 3 A respondent suggested that the titles of the three mobile-related sections 11.4.4, A1.3 and A6.2 should be reviewed to more accurately reflect the text of those sections;
- 4 One respondent requested that the obligation of number portability for ‘076’ numbers should be postponed until a significant quantity of such numbers are in use, bearing in mind that no requests for portability had been received by it so far;
- 5 A respondent proposed that the addition to Section A6.5.4 concerning CPS operator ID codes should be extended to include all operators, including LLU operators;
- 6 Another respondent re-opened the issue of 190X¹⁷ codes, arguing that these should be available to all operators, rather than only those providing their own networks. This respondent asserted that the current practice results in certain operators being placed at a significant competitive disadvantage to others and that the current 190X allocation process is in breach of both existing telecommunications-specific legislation and competition law. The respondent felt that calls to its customer care should be free of charge, as is the case for full network operators. It suggested that CPS operators procure fixed telephony services and therefore act as switchless resellers “in an equivalent manner to

¹⁷ The 191X codes have now been made available and references to 190X in this document can therefore be assumed to also refer to 191X (and in the future, perhaps 192X).

the way *eircom*-Retail functions as a switchless reseller of *eircom*-Wholesale services”. The respondent argued that on that analysis it was incorrect to allocate 190X codes to one category but not to the other i.e. either both should receive them or else 190X codes should be withdrawn from all.

The respondent argued that customers calling the CPS operator’s customer care service are currently charged for these calls, resulting in an often significant additional cost burden to those customers and placing the CPS operator at a disadvantage to operators providing the service free via a 190x number. It suggested that the option of using a freephone service would result in a significant increase in its cost base due to the fixed cost of sale and mobile origination charges associated with provision of this service;

- 7 A second concern regarding 190X codes was put forward by another respondent. It was concerned that the proposed new text for 190X codes that prohibit the inclusion of “advertising, entertainment, marketing and selling or future selling” would prevent Customer Care agents from providing a full customer support service on that access number. The respondent noted that the systems, practice, and procedures used to resolve a wide range of issues, difficulties and requests from customers, currently based on 190X, have been long established and several thousand calls are received daily on the number.

8.1.2 Commission’s Position: Any other issues

- 1 ComReg does not agree that the short definition of VoIP (“Voice over Internet Protocol”) is a problem; it is precisely what the letters VoIP stand for. The ‘076’ numbering range was introduced primarily for VoIP purposes but ComReg has deliberately kept the potential scope of its use as open as possible – hence the title “IP-based” number range. If real applications for 076 numbers arise in NGNs or in conjunction with VPNs run over public network sectors, ComReg would see no reason in principle for blocking their use. ComReg sees no current case for allocating blocks of 076 numbers specifically for use on the public Internet but equally would have no objection to existing allocations being used in some secondary addressing mode on the Internet;
- 2 ComReg notes the repeated request of one applicant for a long-term numbering strategy. This is an issue for the Numbering Advisory Panel to which any solid proposal should be addressed. Previous suggestions for such a strategy have been generalised and/or demonstrated no national advantage;
- 3 ComReg has reviewed the titles of the mobile numbering sections, as suggested by a respondent and amended the title of section A6.2 from “Mobile E.164 Numbers and Services” to “Mobile Numbers, Mobile Codes and Services”;
- 4 ComReg has considered the request to postpone portability of ‘076’ numbers but is not minded to do so as the deadline has already passed by some nine/ten months. The imposition of NP is not considered to be a particular hardship as the process for NGNP is already well established and extension to ‘076’ is not onerous;
- 5 ComReg has carefully considered the proposal of one respondent to extend the CPS Operator ID codes in Section A6.5.4 to all operators including LLU but concluded that this could have far-reaching implications and would not be advisable. It could for example potentially impact cable, VoIP, FWALA, and

non-CPS OAOs. The original text is therefore maintained and it has immediate effect;

- 6 ComReg has considered the matter of 190X codes several times in the past but in view of its importance to those CPS operators who are currently excluded – including the strong appeal by one respondent to this consultation, decided to reconsider the rules at this point.

ComReg rejects the suggestion that the current rules breach laws as described by the respondent and notes that that suggestion is couched in general terms without referring to which legal provisions are alleged to have been breached.

Nevertheless, ComReg has concluded that certain customer service offerings now being provided by most operators with 190X codes are not so directly linked to network provision and network support as was originally envisaged for 190X. The absence of the short code for indirect operators does result in a limited degree of competitive disadvantage and ComReg is now minded to change the rules around 190X provision to allow allocation to such operators. Accordingly, the proposed additional text in Section A1.9 relating to physical network infrastructure will not be proceeded with.

Note: Whether there is a further advantage in terms of wholesale cost to the operator vis-à-vis freefone services is unclear at this stage; ComReg notes that existing 190X services are currently provided free of charge at the wholesale level, though this is based on voluntary reciprocity between ‘direct service’ network operators. The National Numbering Conventions is silent on tariff obligations for 190X at the wholesale level;

- 7 ComReg also notes a respondent’s concerns about the proposed additional convention 11.4-3¹⁸, which was introduced to tighten the wording around 190X codes, in view of borderline cases that have caused regulatory difficulties in recent times. This is intended to add specific words that unambiguously preclude use of those codes for clearly commercial activities, which is an objective that always applied to those codes. The wording used is similar to that introduced (at national and European levels) for the new HESC codes. It is not intended to change current general practice and ComReg specifically acknowledges that it is acceptable for customers to request help and then receive information that assists them to select a price plan or understand some service feature. It is also acceptable for a customer to call a 190X number in order to activate a price plan (e.g. for pre-pay services), where the actual selling has already been completed by other means;
- 8 ComReg has extended the minimum quarantine period for recovered numbers (including mobile numbers) from 12 to 13 months. This unusual figure has been used to overcome the risk of a previous user’s acceptance of unsolicited calls still being in place when a new customer activates an ex-quarantine number. *Note: The Data Protection Commissioner requires de-activation of such opt-ins after 12 months of non-use of the number.*

Decision No. 3. 190X/191X customer support short codes will be made available to ‘indirect’ network operators (e.g. CPS operators) with immediate effect.

¹⁸ Now 11.4.0-2, in Conventions V6.0 as published.

8.2 General Points Raised

Some general points were raised that were unrelated to any specific question of the Numbering Conventions and these are discussed in this part of ComReg's consultation response document.

8.2.1 Views of Respondents: Proposal to Review the Numbering Scheme

One respondent proposed a fundamental review of the national numbering scheme in conjunction with stakeholders, in view of the ongoing evolution towards Next Generation Networks (NGNs). This respondent argued that the scope of the current consultation is not sufficiently forward thinking in that regard.

8.2.2 Commission's Position: Review of the Numbering Scheme

The present numbering scheme is based on two major strategic reviews of numbering in Ireland. Not many fundamental changes have taken place in the telecommunications scene since the ODTR published its framework document "Numbering in Ireland for the 21st Century" in July 1998, followed by Decision Notice D11/01¹⁹. Furthermore, while the evolution towards NGNs has indeed now commenced in Ireland, it is still very unclear what the future will hold in that respect and it is equally unclear how NGNs will impact on numbering and vice versa. In addition, it seems clear that the European Commission intends to take a more interventionist stance on numbering across Europe during the next few years and the consequences of that are quite unclear at this stage.

In those circumstances it would be premature to set about any wholesale change to the numbering scheme with the disruption that could entail, only to find that a change of tack is then needed after just a couple of years. Only the recent strong emergence of on-line technologies (such as VoIP, home-zonal services, broadband access mechanisms etc.) have so far raised any fundamental questions concerning numbering, naming and addressing but the long and medium-term impact of these is in any case likely to be affected by the evolutionary track taken by NGNs. ComReg has nevertheless taken steps to deal with each of these numbering innovations as they have arisen and is also already discussing the evolution of NGNs with all interested parties. If however, clear strategy proposals for numbering evolution are put forward, that are adapted or adaptable to all emerging scenarios, whether within these discussions or otherwise, ComReg will be ready to consider them actively with those concerned.

8.2.3 Views of Respondents: Review of the National Numbering Conventions

A respondent proposed that rather than reviewing the Conventions completely whenever introducing new numbering types, ComReg could just consult and add an addendum to the existing document. This could be done more quickly thereby ensuring the Conventions remain up to date. ComReg could still carry out periodic general updates to make major changes but on a less frequent basis.

¹⁹ Document ODTR 01/58: Review of the National Numbering Scheme for Telephony in Ireland – Decision Notice D11/01.

The respondent added that ComReg should also publish an updated document showing the national number and dialling scheme at the same time that the updated Numbering Conventions document is published.

8.2.4 Commission's Position: Review of the National Numbering Conventions

ComReg's reviews are based on the target of 18-monthly review, as set out in Section 15, rather than on introduction of new number types. ComReg has not so far published addenda to the National Numbering Conventions in between the full revisions but is prepared to do so if this ever seems advantageous.

Minor decisions on numbering may be made directly under ComReg's powers to administer the numbering resource, whereas discrete consultations will be undertaken in respect of major numbering decisions (such as for '076'). Decisions about numbering taken in these ways between reviews (e.g. and set down in other ComReg documents in the latter case), are usually deemed adequate pending the next full update.

ComReg will publish an updated version of the national number dialling scheme, as suggested by a respondent, at the same time as this consultation response.

8.2.5 Miscellaneous items

Respondents also pointed out various other minor issues or editorial improvements which because of their minor nature are not discussed individually in this document. ComReg appreciates these inputs and having considered them carefully has adopted them, as appropriate.

9 Next Steps

Version 6.0 of the National Numbering Conventions and version 2.0 of the Numbering Applications Procedures documents, as amended by this consultation, are published in parallel with this document. They take immediate effect.

The National Numbering and Dialling Scheme document is also published in parallel, as discussed at Section 8.2.4 above.

Appendix A – Legislation

A1.1 Policy Objectives

In exercising its functions in relation to the electronic communications sector, ComReg is required to have regard to its statutory objectives as set out in Section 12 of the Communications Regulation Act, 2002. These objectives require ComReg:

- To promote competition;
- To contribute to the development of the internal market; and
- To promote the interests of end-users within the Community.

In working towards these objectives, the Act also provides guidance as to the measures ComReg is required to take to meet these objectives. In the context of the proposals currently under review, only a subset of the full list of measures is relevant²⁰. These have been taken from Section 12 of the Act which states:

‘In relation to the objectives referred ...the Commission shall take all reasonable measures which are aimed at achieving those objectives, including- :

- (a) *in so far as the promotion of competition is concerned:*
- (i) *ensuring that users, including disabled users, derive maximum benefit in terms of choice, price and quality;*
 - (ii) *ensuring that there is no distortion or restriction of competition in the electronic communications sector;*
 - (iii) *encouraging efficient investment in infrastructure and promoting innovation, and;*
 - (iv) *encouraging efficient use and ensuring the effective management of radio frequencies and numbering resources.*
- (b) *in so far as promotion of the interests of users within the Community is concerned:*
- (v) *promoting the provision of clear information, in particular requiring transparency of tariffs and conditions for using publicly available electronic communications services.*

In addition to these objectives, ComReg is also required to have regard to the principle of technological neutrality as outlined in Section 12(6) of the Communications Regulation Act, 2002. This requires that ComReg take *‘the utmost account of the desirability that the exercise of its functions aimed at achieving the objectives ... does not result in discrimination in favour of or against particular types of technology for the transmission of electronic communication services’*.

A1.2 General Authorisation

The General Authorisation under which Irish Undertakings operate (ComReg 03/81) at Section 15.1 states:

²⁰ See Section 12(2) of the Communications Act 2002 for full listing.

The Authorised Person must at all times comply with the National Numbering Conventions in force from time to time in respect of numbers allocated from the national numbering scheme, as well as any special conditions that ComReg may attach to specific numbers from time to time.

A1.3 Numbering and Number Allocation

Regulation 22(1) of the Framework Regulations²¹ states that “*The national numbering scheme shall be administered by the Regulator ...*”, while Regulation 22(3) states that “*The Regulator shall ... grant rights of use for numbers and number ranges for all publicly available electronic communications services in a manner that gives fair and equitable treatment to all undertakings...*”.

Furthermore Regulation 13(1) of the Authorisation Regulations states that “*The Regulator shall establish open, transparent and non-discriminatory procedures for the grant of rights of use of numbers and shall cause any such procedures to be made publicly available.*”

The National Numbering Conventions (now updated to Version 6.0 as ComReg 08/02) is ComReg’s main vehicle for setting out the framework for management and use of numbering resources and making its procedures open and transparent, while the Numbering Applications Procedures (now updated to Version 2.0 as ComReg 08/03) informs potential number users of how to apply for numbers and provides them with formats for this purpose.

A1.4 Public Consultations

Article 19 of the Framework Regulations²¹ requires that where the Regulator intends to take a measure in accordance with the Framework Regulations²¹ or the Specific Regulations which have a significant impact on a market for electronic communications networks or services²², it shall first consult on it, after which the measure may be adopted with or without amendment. Although update of the Conventions and Applications Procedures is now fairly routine, ComReg sought the views of industry and consumers before proceeding further and this present document describes the outcome.

²¹ European Communities (Electronic Communications Networks and Services) (Framework) Regulations 2003.

²² Except in cases falling within Regulations 20(8) of the Framework Directive.

Appendix B – List of Directions and Decisions

For ease of reference, the following sets out a list of Decisions set out in this Notice.

List of Decisions

Decision No. 1.	Text calls to a 118XX number for the purposes of Directory Enquiries are permissible.	11
Decision No. 2.	the term “relevant value added services” used in the context of Directory Enquiry (DQ) services in the National Numbering Conventions means value added services that are of a clearly telecommunications nature and which are directly related to the DQ service itself. It excludes directory and/or information-provision services of a more general nature. This Decision applies regardless of whether the communication is initiated via voice or text.	20
Decision No. 3.	190X/191X customer support short codes will be made available to ‘indirect’ network operators (e.g. CPS operators) with immediate effect.	34

Appendix C: Acronyms and Abbreviations Used in this Document

CAI	Consumers' Association of Ireland
CBA	Cost Benefit Analysis
CoP	Code of Practice
DQ	Directory Enquiries
EMS	Enhanced Messaging Services
HESC	Harmonised European Short Code (a number in the format 116XXX)
HTTP	Hyper-text Transfer Protocol (the set of rules for transferring files on the World Wide Web)
ICSTIS	See under Phonepayplus, below
MMS	Multimedia Messaging Services
MSISDN	Mobile Station International Subscriber Directory Number (a number used to identify a mobile phone number internationally)
NGN	Next Generation Network
Ofcom	Office of Telecommunications (the UK telecoms Regulator)
Phonepayplus	The UK Regulator of Premium Rate Services, formerly called ICSTIS
PSMS	Premium-rate SMS. In Ireland this is accessed via a 5XXXX number.
PRS	Premium Rate Service(s)
Regtel	The Regulator of Premium Rate Services in Ireland
RIA	Regulatory Impact Assessment
ROI	Return on Investment
SP (DQ SP)	Service Provider (Directory Enquiries Service Provider)
URL	Uniform Resource Locator (the unique address for a file that is accessible on the Internet)
WAP	Wireless Application Protocol (A standard for providing cellular phones, pagers and other handheld devices with secure access to e-mail and text-based Web pages)

Appendix D: Regulatory Impact Assessment Table

Any comments under these headings should be attributed to the specific question/option below and should be supported by detailed explanations.

D.1 **Cost, Benefits and Other Impacts of Policy Options**

The table below seeks to outline the principal impacts in terms of costs and benefits of each of the policy options identified.

Option	Costs / Disadvantages – Benefits/Advantages	ComReg comments
1. 'No change'	<p>Costs</p> <ul style="list-style-type: none"> ▶ No cost 	▶ N/A
2. 'Extend 118XX to support general information services –only by providers of a traditional DQ service'	<p>Benefits Well recognised 118XX brand not diluted</p> <p>Costs</p> <ul style="list-style-type: none"> i. Very difficult to police sham DQ services – so this option likely to slide towards option 3, below. ii. Telecom DQ providers given unfair competitive advantage over other providers for non-DQ services. They would have access to a short code and, in some cases, might be competing without regulation with information providers on 15XX/5XXX numbers where Regtel regulation is required. iii. Branding of 118XX as DQ service becomes submerged in mass of generic services; consumer confusion between DQ and general information offerings could result. 	<ul style="list-style-type: none"> i. [No respondent addressed this important point.] In practice this risk means the door would open to virtually any information provider to seek a 118XX number on non-discrimination and fair competition grounds. That in turn could lead to a number change to 6-digits (118XXX). ComReg considers it would be discriminatory to bar any self-declared DQ providers claiming to offer a proper DQ service – even if based on virtual facilities. ComReg is also not in a position to police content provision effectively. ii. Respondents claim competitors can open DQ services also. [ComReg accepts this –as partial answer; situation is then as per Option 2i. It is nevertheless disproportionate to oblige info providers to open DQ services in order to get access to short code so as to compete equally with new DQ competitors]. iii. [No respondent addressed this important point.] Some respondent's assumptions that ComReg can delineate a category of general information services as 'DQ-related' and police this are misconceived. ComReg's only role could be consumer protection (e.g. protection – perhaps via Regtel – against adult services). Apart from isolating (certain?) adult services, it would be all general information (including new 118XX actors) or none. ComReg believes the current clear consumer understanding of the purpose of

		118XX would quickly vanish in the former case.
	iv. Transparency of DQ costs likely to worsen.	iv. Two respondents referred to ComReg's Decision Notice D12/04 (ComReg 04/87: Access to Tariff Information on Directory Enquiry Services) and specifically it's Direction 2 as a potential means of controlling DQ pricing transparency. One said it would expect to follow a similar direction for new information services. D12/04 requires DQ providers to make printed tariff information available in accordance with the ComReg Code for Tariff Information. While this is a helpful suggestion, it is also true that D12/04 noted consumer complaints and low customer awareness regarding tariffs, with significant difficulties for DQ providers in explaining tariffs. The code could only partially address this issue, which would be worsened if a further layer of tariffs for general information provision was added.
	v. Loss of current clear focus on DQ service	v. Respondents in favour of wider information, while agreeing on importance of a clear image for 118XX as a DQ service, considered this could be achieved by delineating some types of services (to be approved by ComReg, if necessary) as DQ-related. ComReg rejects this concept, regardless of who polices it, as a complete continuum of potential information services exists. This means that any borderline that might be set down would be subject to ongoing – if not immediate – dispute. It remains ComReg's view that the only information services which can be strongly argued as being DQ-specific and which consumers would clearly understand as such are those of a telecommunications nature.
	Benefits ▶ More information services for public.	▶ This was the main point made by respondents in favour of allowing general information services. ComReg does not agree that this is a valid argument as DQ providers are already free to offer a full range of information services in the same way as all other information providers and in fair competition with them (e.g. via 1850/1890/15XX/5XXXX numbers, as appropriate). They even already have the opportunity of providing call completion to such numbers, should they choose to do this.
	▶ More flexibility for DQ providers.	▶ ComReg agrees that allowing wider information on DQ would facilitate DQ providers.

3. 'Extend 118XX to support general information services – by any interested party'	Costs	
	i. Visibility of 118XX as DQ service – if provided at all – becomes submerged in mass of generic services.	i. [No respondent favoured option 3.] Some respondent's assumptions that ComReg can delineate some category of general information services as 'DQ-related' and police this are misconceived. ComReg's only role could be consumer protection (i.e. protection – perhaps via Regtel – against adult services). Apart from isolating (certain?) adult services, it would be all general information (including new 118XX actors) or none. ComReg believes the current clear consumer understanding of the purpose of 118XX would quickly vanish in the former case.
	ii. Transparency of DQ costs likely to worsen.	ii. Two respondents referred to ComReg's Decision Notice D12/04 (ComReg 04/87: Access to Tariff Information on Directory Enquiry Services) and specifically it's Direction 2 as a potential means of controlling DQ pricing transparency. One said it would expect to follow a similar direction for new information services. D12/04 requires DQ providers to make printed tariff information available in accordance with the ComReg Code for Tariff Information. While this is a helpful suggestion, it is also true that D12/04 noted consumer complaints and low customer awareness regarding tariffs, with significant difficulties for DQ providers in explaining tariffs. The code could only partially address this issue, which would be worsened if a further layer of tariffs for general information provision was added.
	iii. Providers of general directory information on 5xxxx numbers are placed at a competitive disadvantage.	iii. Respondents in favour of wider information, while agreeing on importance of a clear image for 118XX as a DQ service, considered this could be achieved by delineating some types of services (to be approved by ComReg, if necessary) as DQ-related. ComReg rejects this concept, regardless of who polices it, as a complete continuum of potential information services exists. This means that any borderline set down would be subject to ongoing – if not immediate – dispute. It remains ComReg's view that the only information services which can be strongly argued as being DQ-related and which consumers would clearly understand as such are those of a telecommunications nature.
iv. Consumer confusion about focus of service & Loss of current clear focus on DQ service	iv. Regarding consumer confusion, ComReg D12/04 noted consumer complaints and low customer awareness regarding tariffs, with significant difficulties for DQ providers in explaining tariffs. This situation would be worsened if a further layer of tariffs for general information provision was added.	

		<p>Regarding clear DQ focus, Respondents in favour of wider information, while agreeing on importance of a clear image for 118XX as a DQ service, considered this could be achieved by delineating some types of services (to be approved by ComReg, if necessary) as DQ-related. ComReg rejects this concept, regardless of who polices it, as a complete continuum of potential information services exists. This means that any borderline that might be set down would be subject to ongoing – if not immediate – dispute. It remains ComReg’s view that the only information services which can be strongly argued as being DQ-related and which consumers would clearly understand as such are those of a telecommunications nature.</p>
	<p>Benefits</p> <ul style="list-style-type: none"> ▶ More information services for public. 	<ul style="list-style-type: none"> ▶ This was the main point made by respondents in favour of allowing general information services. ComReg does not agree that this is a valid argument as DQ providers are free to offer a full range of information services in the same way as all other information providers and in fair competition with them (e.g. via 1850/1890/15XX/5XXXXX numbers, as appropriate). They even already have the opportunity of providing call completion to such numbers, should they choose to do this.
	<ul style="list-style-type: none"> ▶ Maximum flexibility for directory providers of any kind. 	<ul style="list-style-type: none"> ▶ ComReg agrees that allowing wider information on DQ would facilitate DQ providers.
<p>4. ‘Use distinctive sub-set of 118XX(Y) for either option #2 or option #3 general directory services.</p>	<p>Costs</p> <ul style="list-style-type: none"> i. More complicated numbering arrangement, especially as existing 118XX allocations are widely spread. ii. Policing of these arrangements would be nearly impossible over time, as services evolve and change. iii. Already-branded 118XX SPs would be dissatisfied at having to use new numbers for extra services. iv. Limited transparency of numbering arrangement for users. 	<ul style="list-style-type: none"> i. No respondent favoured option 4 and opinions were against complications like sub-sets of numbering and/or extended number length for DQ. One added however that this could be kept under review and introduced later if necessary. ii. No further comment. iii. No further comment. iv. No further comment.

	v. Loss of current clear focus on DQ service	v. No further comment.
	<p>Benefits</p> <ul style="list-style-type: none"> ▶ Improved transparency of pricing and service differentiation vis-à-vis options #2 and #3. 	<ul style="list-style-type: none"> ▶ ComReg considers these benefits are real but would only balance the disadvantages (i.e. by a move to 118XXY) if risk arose of many new providers consuming all available 118XX numbers.
5. Extend Rights of Use attached to 118XX numbers (perhaps only by traditional DQ services), subject to prior ComReg permission for each new (info) service launched on a 118XX code.	<p>Costs</p> <p>i. Very difficult to police sham DQ services regarding content – so this option likely to slide towards option 3, below. ComReg could not take on this role. ComReg also considers it would be discriminatory to bar any self-declared DQ providers claiming to offer a proper DQ service – even if based on virtual facilities.</p>	<p>i. In practice this risk means the door would open to virtually any information provider to seek a 118XX number on non-discrimination and fair competition grounds. That in turn could lead to a number change to 6-digits (118XXX).</p>
	<p>ii. Telecom DQ providers given unfair competitive advantage over other providers for non-DQ services. They would have access to a short code and, in some cases, might be competing without regulation with information providers on 15XX/5XXX numbers where Regtel regulation is required.</p>	<p>ii. Respondents claim competitors can open DQ services also. [ComReg accepts this –as partial answer; situation is then as per Option 2i. It is nevertheless disproportionate to oblige info providers to open DQ services in order to get access to short code so as to compete equally with new DQ competitors].</p>
	<p>iii. Branding of 118XX as DQ service becomes submerged in mass of generic services; consumer confusion between DQ and general information offerings could result.</p>	<p>iii. [No respondent addressed this important point.] Some respondent’s assumptions that ComReg can define a category of general information services as ‘DQ-related’ and police this are misconceived. ComReg’s only role could be consumer protection (i.e. protection – perhaps via Regtel – against adult services). Apart from isolating (certain?) adult services, it would be all general information (including new 118XX actors) or none. ComReg believes the current clear consumer understanding of the purpose of 118XX would quickly vanish in the former case.</p>
	<p>iv. Transparency of DQ costs likely to worsen.</p>	<p>iv. Two respondents referred to ComReg’s Decision Notice D12/04 (ComReg 04/87: Access to Tariff Information on Directory Enquiry Services) and specifically it’s Direction 2 as a potential means of controlling DQ pricing transparency. One said it would expect to follow a similar direction for new</p>

		information services. D12/04 requires DQ providers to make printed tariff information available in accordance with the ComReg Code for Tariff Information. While this is a helpful suggestion, it is also true that D12/04 noted consumer complaints and low customer awareness regarding tariffs, with significant difficulties for DQ providers in explaining tariffs. The code could only partially address this issue, which would be worsened if a further layer of tariffs for general information provision was added.
	v. Loss of current clear focus on DQ service	v. Respondents in favour of wider information, while agreeing on importance of a clear image for 118XX as a DQ service, considered this could be achieved by delineating some types of services (to be approved by ComReg, if necessary) as DQ-related. ComReg rejects this concept, regardless of who polices it, as a complete continuum of potential information services exists. This means that any borderline that might be set down would be subject to ongoing – if not immediate – dispute. It remains ComReg’s view that the only information services which can be strongly argued as being DQ-related and which consumers would clearly understand as such are those of a telecommunications nature.
	Benefits ▶ More information services for public.	▶ This was the main point made by respondents in favour of allowing general information services. ComReg does not agree that this is a valid argument as DQ providers are free to offer a full range of information services in the same way as all other information providers and in fair competition with them (e.g. via 1850/1890/15XX/5XXXX numbers, as appropriate). They even already have the opportunity of providing call completion to such numbers, should they choose to do this.
	▶ More flexibility for DQ providers.	▶ ComReg agrees that allowing wider information on DQ would facilitate DQ providers.