



Commission for
Communications Regulation

Preliminary Consultation

Selective Call Barring

Preliminary Consultation

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An Coimisiún um Rialáil Cumarsáide

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1. Executive Summary

1. This preliminary consultation document is published by the Commission for Communications Regulation (“ComReg”) to seek the initial views of stakeholders on a range of issues related to the provision of selective call barring facilities by both the Universal Service Provider¹ (“USP”) and/or all undertakings². Following the assessment of the responses received to this preliminary consultation document, the purpose of the subsequent consultation will be to establish what facilities should be available to consumers to allow them to control their costs and perhaps access to certain number ranges and whether consumers should be charged, either on an initial and/or a recurring basis, for availing of some, or all, of these facilities.
2. It is ComReg’s preliminary position that consumers of telecommunications services should be able to avail of a range of facilities that would allow them to control access to certain number ranges, for example, number ranges with the 1598 and 1599 access codes and short codes 58XXX and 59XXX³, and also to control costs incurred in the use of telecommunications services.
3. Eircom Limited (“Eircom”), as the USP is currently required to provide selective call barring facilities in respect of certain number types including national, mobile, premium rate and international⁴. This measure expires in December 2015 and ComReg is considering what call barring facilities, if any, should be provided by undertakings.
4. Some undertakings offer similar selective call-barring facilities, voluntarily and without being directed to do so by ComReg, for example some undertakings may already block access to Premium Rate Services (“PRS”) by default. However, there are a number of additional call barring facilities, which are not currently available to consumers other than from the USP. As such, ComReg, in the interests of protecting consumers, is now consulting as to whether regulatory intervention would be appropriate to ensure that any necessary facilities are made available to all consumers and not only customers of the USP. As part of this process ComReg is also seeking submissions⁵ on what the cost of introducing these facilities would be to ascertain whether the cost is proportionate and whether any ongoing charge should be levied on consumers who may wish to avail of these facilities and what such a charge would be.

¹ Eircom is the designated USP in respect of Access at a Fixed Location in accordance with ComReg Decision D10/14 http://www.comreg.ie/_fileupload/publications/ComReg1471.pdf

² As defined in the European Communities (Electronic Communications Networks and Services) (Framework) Regulations 2011 (Si No. 333 of 2011)

³ Number ranges reserved for adult services

⁴ http://www.comreg.ie/_fileupload/publications/ComReg1471.pdf

⁵ ComReg acknowledges that some of the information being requested is commercially sensitive but such information will be treated in line with ComReg’s confidentiality guidelines

5. In order for ComReg to comprehensively consult on the subject of selective call barring it is considered that these issues should be first explored through a preliminary consultation as this will better inform ComReg before it forms any further preliminary views as to whether regulatory intervention is necessary to ensure that a necessary range of call barring facilities is available to all consumers.
6. In this preliminary consultation, ComReg highlights a range of issues related to this subject and would encourage all stakeholders, including industry, consumers and other regulatory bodies to respond. ComReg looks forward to receiving inputs from all stakeholders to enlighten its consultation process.
7. It is requested that inputs to this preliminary consultation are received by 17.00 pm on Friday 24 April 2015, and it should be noted that all submissions received will inform the further consultation, and will not be responded to separately.⁶

⁶ Please note that a draft Regulatory Impact Assessment (RIA) will be consulted on in the subsequent full consultation

2. Background & Summary of Issues

8. Regulation 24(1)(b) and Schedule 1 Part A of the Universal Service Regulations⁷ provide that ComReg may specify that all undertakings, and not solely the USP, are required to make available all or part of a suite of additional facilities, including:

“Selective barring for outgoing calls or premium SMS or MMS or, where technically feasible, other kinds of similar applications, free of charge.

i.e. the facility whereby a subscriber can, on request to the designated undertaking that provides telephone services, bar outgoing calls or premium SMS or MMS⁸ or other kinds of similar applications of defined types or to defined types of numbers free of charge⁹

9. In July 2014 ComReg published its "Response to Consultation and Decision" in relation to the provision of telephony services under the Universal Service Obligation ("USO")¹⁰. In this Decision ComReg designated the USP, Eircom, to continue to provide certain facilities in order to allow consumers to better control their expenditure. Specifically, under the heading "Control of Expenditure", ComReg stated:

"In accordance with Regulation 9 of the Regulations, Eircom, as the USP, shall do the following:

Provide selective call barring facilities for outgoing calls to national, mobile, international and premium rate numbers. The call barring facility in respect of premium rate numbers shall be provided free of charge to consumers,"

10. ComReg also made a commitment in its Annual Action Plan for the year to June 2015 to consult on call barring, with the objective of protecting consumer interests. It was initially considered that ComReg would consult on whether call barring facilities continued to be appropriate, and if so which facilities would be necessary and if all undertakings, not solely the USP, should be required to provide the proposed facilities, in order to allow all consumers to better control their expenditure.

⁷ European Communities (Electronic Communications Networks and Services)(Universal Service and Users Rights) Regulations 2011 (S.I. No. 337 of 2011), which transposes into Irish law the Universal Service Directive (Directive 2002/22/EC of the European Parliament and of the Council of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services (Universal Service Directive) as amended by Directive 2009/136/EC of the European Parliament and of the Council of 25 November 2009)

⁸ Note that by revenue of PRS that are subject to the PRS levy, 70% of all PRS are generated through premium SMS (PSMS) and this therefore raises a particular concern for ComReg in respect of cost control facilities

⁹ Schedule 1 Part A of the Universal Services Regulations

¹⁰ ComReg Document No. 14/71 and Decision Notice D10/14

11. However, there are a number of additional aspects to call barring, that are not currently included in the USP's obligations. ComReg needs to consider these additional aspects in order to comprehensively appraise call barring as an effective consumer protection measure. For example, ComReg is mindful that the proliferation of mobile handsets in recent years, particularly if used by children, may mean that some consumers wish to bar access to number ranges that are intended only for adults.
12. In order for ComReg to comprehensively consult on the subject of call barring it is considered appropriate that these issues should be first explored through a preliminary consultation, which would better inform ComReg before subsequently consulting on:
 - a. Whether there is a continued consumer need to ensure call barring facilities are available,
 - b. Whether all undertakings, not solely the USP, should be required to extend facilities to their subscribers that would allow them to selectively bar a wider range of calls or SMS, for example:
 - (i). Calls to mobile numbers
 - (ii). Calls to national numbers
 - (iii). Calls to International destinations,
 - (iv). Calls to premium rate numbers, including:
 - (a). Calls to **all** premium rate number ranges, and/or
 - (b). Calls to the discrete premium rate number ranges set aside for adult services.
 - (v). Sending or receiving premium rate SMS or MMS,
 - (vi). Other kinds of similar applications (e.g. Direct Carrier Billing "DCB" or VOIP), or
 - (vii). To defined (i.e. specified) types/ranges of numbers,
 - (viii). All or any of the above
 - c. Whether to require all undertakings to provide the proposed facilities not just the USP, and

- d. Whether ComReg should require undertakings to provide all or any of these facilities free of charge or whether it is reasonable and proportionate for undertakings to charge consumers (initial charge and/or recurring charge), who may avail of these facilities and services.
13. The range of call barring facilities that consumers may wish to avail of in order to control both their costs and, perhaps, access to certain number ranges are considered in the following sections, with submissions sought on the questions arising.

3. Range of Cost Control and Consumer Protection Measures

14. In this section, ComReg sets out its initial thoughts regarding the facilities that it considers could be made available to allow consumers to control both their costs and their access to certain services and invites submissions regarding those facilities that are currently available and what impediments may exist to the introduction of a varied range of facilities that could benefit consumers by allowing them to better control their costs and protect their interests.

3.1 ComReg's Preliminary View

15. It is ComReg's preliminary view that in a fully functioning market, measures to allow consumers to control their costs should be available and, therefore, it follows that if any of these measures are not currently available to consumers then ComReg should consider requiring undertakings to make them available.
16. It is also ComReg's preliminary view that consumers of telephony services should be able to decide, either for themselves or for their children, that access to certain number ranges, for example the 1598 or 1599 access codes and 58XXX and 59XXX short codes can be blocked/restricted.
17. However, while there may be a *prima facie* case, in the interest of protecting consumers, for ComReg to require undertakings to provide a range of facilities that would allow consumers to control both their costs and their access to certain categories of numbers, ComReg must also be cognisant of its other statutory objectives and functions and must, therefore, consider any cost and/or any industry and competition implications that such a requirement would have.

18. As such, it is considered appropriate for ComReg to conduct a preliminary consultation on a range of associated issues before consulting further to determine its position on what, if any, call barring facilities it may be appropriate to require the USP, or all undertakings, to make available to consumers, whether undertakings should be required to facilitate consumers request to block access to certain categories of services and whether it is appropriate for undertakings to charge a fee, either an initial and/or recurring fee, for offering any such measures.

- Q. 1 Do you agree with ComReg's preliminary position that consumers should be able to avail of facilities that allow them to adequately control their telecommunication costs? Please give reasons to support your view.
- Q. 2 Do you agree with ComReg's preliminary position that consumers should be able to control their (or their children's) access to certain types of numbers? Please give reasons to support your view.

3.2 Premium Rate Services (“PRS”)

19. The call barring facilities currently provided by the USP, even if extended as a requirement to all undertakings, do not allow consumers to control all of their costs with respect to a broad range of services. For example, the USP is required to offer a facility to call bar premium rate numbers. However, approximately 70% (by revenue) of all PRS is generated by consumers sending **or receiving** a premium rate SMS¹¹ (“PSMS”), and not by placing a call to a premium rate number.
20. PRS are defined in Section 3 of the Communications Regulations (Premium Rate Services and Electronic Communications Infrastructure) Act 2010 (“Act of 2010”). In short, the definition provides that a PRS is a good and/or service that a consumer can buy by charging the cost to their fixed line or mobile telephone account, whether pre-paid or bill-paid.
21. PRS can be provided via:
- a. Premium rate telephone numbers (starting with the prefix 15XX), which requires the consumers to dial a premium rate number, which has a higher tariff than a normal telephone call,
 - b. Premium rate shortcodes (a five-digit number within the range of 50xxx to 59xxx), where the consumers is charged a premium rate for sending **or receiving** an SMS to/from the shortcode, and

¹¹ Calculated from Levy returns submitted to June 2014

- c. Direct carrier billing (“DCB”), where technological developments now allow some PRS to be charged directly to a consumer’s mobile phone account, typically, when they click on a button on a mobile website, and without recourse to premium rate SMS shortcodes.
22. PRS, sometimes referred to as value-added services (“VAS”), include a variety of services such as television voting, entry to competitions, adult services, as well as digital content such as games and videos delivered to mobile handsets and audio content where the consumer places a call to a premium rate number.

3.3 Range of Potential Facilities

23. In order to facilitate a request from a consumer to bar access to certain categories of numbers , e.g. numbers intended for adult use, without necessarily barring access to all PRS, this would require undertakings to bar access to:
- a. Discrete number ranges within the full block of premium rate numbers or premium rate SMS/MMS ranges, and
 - b. Specified services if they are charged via DCB.
24. For the purposes of this preliminary consultation ComReg will use the example of adult services , to highlight the issues surrounding the barring of access to discrete number ranges set aside for particular classes of services, however, it is understood that some consumers may wish to bar access to other discrete ranges or specific number types and these could also be included in any potential final decision, such as calls to international numbers or calls to non-geographic numbers for example.
25. The range of potential facilities and services that ComReg therefore considers may be necessary to allow consumers to fully control both their costs and their access to certain categories of services include:
- a. Call barring for certain types of outgoing voice calls, for example:
 - (i). Calls to mobile numbers
 - (ii). Calls to national numbers
 - (iii). Calls to International destinations,
 - (iv). Calls to premium rate numbers, including:
 - (a). Calls to **all** premium rate number ranges, and/or

- (b). Calls to the discrete premium rate number ranges set aside for adult services.
 - (v). All or any of the above.
- b. Barring access to “non-voice” premium rate services (“PRS), i.e. all types of PRS that do not require the consumers to make a call to a premium rate number, which would be addressed by barring outgoing voice calls as set out above. If a consumer wished to bar access to non-voice PRS, this could potentially include:
 - (i). Barring the consumers access to premium SMS or premium MMS (“PSMS” or “PMMS”), including:
 - (a). The sending **or receipt** of all PSMS or PMMS (on the basis that many PRS charge consumers for receiving a PSMS rather than for sending an SMS to a premium rate shortcode), and/or
 - (b). The sending or receipt of PSMS or PMMS to/from discrete shortcode number ranges that are set aside for adult services, such as gambling or SES.
 - (ii). Barring the consumers access to direct-carrier-billing¹² (“DCB”) charges, which are used by mobile network operators to charge consumers for PRS in a similar manner to charges imposed through the use of PSMS, including:
 - (a). Barring access to all services charged through DCB. and/or
 - (b). Barring access to a discrete category of services, e.g. SES, which are charged through DCB.

¹² Direct Carrier Billing, sometimes referred to as “charge-to-mobile” (“C2M”), applies a charge for a PRS directly to the users account, without the use of a PSMS and, as such, can reasonably be considered to be “kinds of similar applications of defined types” and within the scope of the cost control measures envisaged in the Universal Services Regulations.

26. ComReg is also aware that it is possible for consumers to incur charges through “in-app” purchases. Many smartphone and tablet applications rely on a ‘freemium’ model, whereby the application or game itself might be free but various add-ons will be offered to consumers as in-app purchases. Typical in-app purchases include in-game currency to help the player to buy upgrades, unlockable videos or magazine back issues. However, it is possible for consumers, including children, to unknowingly incur charges that may add up to large sums. It is, however, possible to turn off in-app purchases on the mobile device, whether it uses the Google Android¹³ or Apple iOS operating systems. The typical in-app purchase, where the charge is applied to the end users credit card account, as described above, is not within ComReg’s remit and therefore not within the scope of this preliminary consultation. However, purchases where the associated charge is applied either to the consumers phone account or applied via PSMS are under ComReg’s remit and are therefore within the scope of this preliminary consultation.

Q. 3 Do you agree with ComReg’s initial assessment of the range of facilities that could be necessary to allow consumers to fully control their costs and access to certain number ranges (for example number ranges using the 1598 and 1599 access codes)? Please give reasons to support your view.

3.4 Availability of Cost Control Facilities

27. ComReg understands that some undertakings that provide retail telephony services may offer the same, or similar, selective call barring facilities that the USP is currently obliged to provide, namely, facilities to bar certain number ranges, and/or the facility to bar outgoing calls to premium rate numbers provided free of cost. In addition, it may be possible for consumers to implement additional cost control measures, for example by adjusting the settings on their handsets in order to bar incoming calls while roaming abroad, for instance.
28. However, ComReg, in this consultation process, is primarily interested in the cost control measures that are available to consumers in Ireland, that is not roaming consumers, and, as such, ComReg has framed its questions with reference to the total range of facilities, as set out in Section 3.3 above, that it has assessed which may be required to allow consumers to fully control their costs.
29. ComReg has noted that some consumers may be experiencing bill shock in respect of domestic data charges and ComReg is currently considering what the most appropriate way of addressing this issue might be.

¹³ Amazon’s Kindle Fire is an Android-powered tablet but the operating system has been modified by Amazon so the process for restricting in-app purchases differs from a “pure” Android powered device. Nonetheless, it is still possible to restrict in-app purchases on Kindles.

30. ComReg is seeking submissions to determine the extent of the cost control measures that are currently available to consumers and any cost associated with such. The responses received will inform ComReg's further consultation on whether it would be necessary and appropriate to require all undertakings to provide those facilities, not currently available, but considered necessary to enable consumers to effectively control their costs.

3.4.1 Outgoing Voice Calls

31. While the USP is required to provide call barring facilities in respect of premium rate numbers free of charge, ComReg understands that the USP charges its subscribers, both an initial setup and subsequent recurring fee, to avail of the other the additional call barring facilities that it is required to make available¹⁴.
32. While ComReg has not yet developed a final view on the cost that the USP charges its subscribers to avail of certain call barring facilities, ComReg nonetheless has concerns that if such charges were considered to be set too high, the effect would be to deter consumers from availing of them. In other words, the cost of availing of the facility could be perceived as being greater than the costs it is intended to control. As such, ComReg is seeking submissions on the range of charges that a consumer is currently required to pay in order to avail of any of the call barring facilities that are available.
33. Finally, in respect of outgoing calls, ComReg is interested in any submissions that would indicate why an undertaking, which does not currently provide call barring facilities for outgoing calls to mobile numbers, national numbers, International destinations, premium rate numbers or any other discrete number range, would be deterred from doing so, to include:
 - a. Details of any cost implications for making such facilities available, including both set up costs and any ongoing costs and the charges that would be imposed on consumers who may avail of the facilities,
 - b. Details of any solutions, such as handset settings or apps that may provide adequate substitutes for call barring facilities provided by an undertaking, and
 - c. How the undertaking might seek to recover/offset such costs if required by ComReg to provide any or all of these call barring facilities.

¹⁴ The USO designation does not require the USP to provide these additional call barring facilities free of charge.

- Q. 4 (a) Does the telecommunications services provider (i.e. undertaking) to which you are subscribed provide facilities to bar outgoing calls to all or any of the following: mobile numbers, national numbers, International destinations, premium rate numbers or any other discrete number range? Please specify which, if any, of these call barring services that you avail of.
OR
- (b) As an undertaking do you provide facilities to bar outgoing calls to all or any of the following: mobile numbers, national numbers, International destinations, premium rate numbers or any other discrete number range? Please specify which, if any, of these call barring services that consumers may avail of.
- Q. 5 Is there a charge to availing of any of these facilities? If so please specify what these charge are, to include details of any initial/setup charges and any subsequent recurring charges.
- Q. 6 Are you aware of any third-party solutions, such as handset settings or apps that would allow consumers to bar outgoing calls to all or any of the following: mobile numbers, national numbers, International destinations, premium rate numbers or any other discrete number range? Please provide details of any such solutions.
- Q. 7 If, as an undertaking, you do not currently offer facilities that would allow subscribers to bar outgoing calls to all or any of the following: mobile numbers, national numbers, International destinations, premium rate numbers, or any other discrete number range are there any impediments either financial or technical for instance, to making these facilities available? Please provide details to support your answer to include details of any investment costs that would be required to make such facilities available and how such costs might be recovered/offset.

3.4.2 Access to Premium SMS/MMS and DCB

34. As noted above, 70% of PRS are provided by PSMS. Common practice in the industry is to charge consumers by way of “reverse billed PSMS”, whereby consumers are charged for receiving an SMS from a premium rate shortcode rather than for sending an SMS to a premium rate shortcode. It should, therefore, be noted that in order to effectively control their costs subscribers to mobile networks, who wish to block access to all PRS not solely outgoing voice calls to premium rate numbers, may also wish to avail of a facility to bar sending and receiving PSMS/PMMS.

35. ComReg is also mindful of relatively recent technological developments, which allow consumers to charge the cost of a PRS to their mobile phone account through the use of DCB. Following from the fundamental principal that consumers should be able to avail of facilities that allow them to control their costs, then since most, if not all, MNOs currently offer their subscribers the facility to bar outgoing calls to premium rate numbers, ComReg's preliminary view is that it seems logical, that MNOs should also offer their subscribers facilities to bar access to **all** types of PRS, including those provided by PSMS/PMMS and/or DCB. Put simply, if a consumer who is subscribed to an MNO is concerned about incurring costs from PRS then, it is ComReg's preliminary view that they should be able to avail of a facility to control their costs (including even their children's costs) by barring access to all PRS regardless of how the PRS is charged, whether by making an outgoing call to a premium rate number, the sending or receipt of a PSMS or by clicking on a button which triggers a DCB charge.
36. ComReg understands that mobile network operators (MNOs) do not currently offer their subscribers a facility to bar access to PSMS/PMMS but, on the basis that the USP is required to make available facilities to allow consumers to bar outgoing calls to premium rate numbers, there is merit to proposing that MNOs should similarly make available facilities to their subscribers that would allow them, of their own volition, to bar access to all PRS, including those provided by PSMS/PMMS and/or DCB.
37. In accordance with its preliminary position that consumers should be able to effectively control their costs how and when they wish, ComReg, therefore, seeks submissions on whether MNOs should make barring facilities available to their subscribers for:
- a. Incoming PSMS/PMMS
 - b. Outgoing PSMS/PMMS, and
 - c. PRS provided by DCB.
38. ComReg also welcomes submissions on what impediments there may be to introducing such facilities and, in respect of any investment/development costs that may have to be incurred to make these facilities available, how the MNOs would propose to recover/offset these costs.

<p>Q. 8 Should MNOs provide facilities that would allow consumers to bar access to all PRS, including those provided by PSMS/PMMS and DCB? Please give reasons to support your view.</p>
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- Q. 9 Are you aware of any third-party solutions, such as handset settings or apps that would allow consumers to bar access to all PRS, including those provided by PSMS/PMMS and DCB? Please provide details of any such solutions.
- Q. 10 If, as an undertaking, you do not currently offer facilities that would allow subscribers to bar access to all PRS, including those provided by PSMS/PMMS and DCB, are there any impediments to making these facilities available? Please provide details to support your answer to include verified details of any investment costs that would be required to make such facilities available and how such costs might be recovered/offset.
- Q. 11 For undertakings that already offer these facilities, please provide details of the actual cost to you in providing this service

3.5 Consumer Protection Measures

39. ComReg is cognisant that some consumers may wish to block access to certain categories of PRS, without necessarily blocking access to all PRS. For example, some consumers may wish to block access to 1598 and 1599 number ranges, while still continuing to pay for other PRS such as TV voting or entering competitions. As such, the consumer's concern is not the cost but rather the nature/content of the PRS. The consumer's concern regarding the content of PRS may also extend to their children, who may, without adequate access control mechanisms, access content not suitable for minors.
40. It would seem to ComReg, that it is technically possible for all undertakings to bar a consumer's access to the discrete 1599 number range, without necessarily barring access to all other premium rate number ranges. In practical terms this would result in a consumer being unable to dial (i.e. connect to) a PRS that is provided on the 1599 shortcode but could, for example, place an outgoing call to a PRS, hosted on a premium rate number with a 1516 prefix that registered their entry to a competition.
41. In a similar manner, it would seem to ComReg to be feasible that consumers would be able to ensure that they can register a vote on a TV programme by sending an SMS to a 57XXX premium rate shortcode but not be able to access adult-related content, which imposes a charge on the consumer through their sending or receiving a PSMS from the discrete 58XXX and 59XXX ranges.

42. It would appear to ComReg that it would be in the interests of both consumers and MNOs if consumers were able to bar access to discrete number ranges, such as those designated for adult content. If consumers are unable to block access to such discrete ranges, then there is a possibility that they may opt for the safe option, particularly on behalf of their children, and choose to block access to all PRS, with the resulting loss of revenue to MNOs and their contractual partners (notwithstanding that they may not currently be able to block access to PSMS/PMMS as discussed in Section 3.4 above).
43. In the case of adult content that may be provided by DCB, then it appears that the MNOs have a responsibility to ensure:
 - a. That such PRS are distinguishable from other categories of PRS in order that children cannot access them (so as to ensure compliance with the relevant provisions of the PRS Code of Practice), or
 - b. At a minimum and to use a “less precise” solution, consumers must be able to bar access to all PRS provided by DCB.
44. ComReg welcomes any submissions that MNOs or other interested parties may have on this and the other matters set out above.

- Q. 12 Should undertakings provide facilities that would allow consumers to bar outgoing calls to discrete premium rate number ranges, for example the 1599 range set aside solely for adult services of a sexual nature? Please give reasons to support your view.
- Q. 13 Should MNOs provide facilities that would allow consumers to bar access to PRS that are provided over to discrete premium rate shortcode ranges, for example the 59XXX range set aside solely for adult services of a sexual nature? Please give reasons to support your view.
- Q. 14 Are you aware of any third-party solutions, such as handset settings or apps that would allow consumers to bar access to certain categories of PRS, regardless of whether these PRS are accessed by placing an outgoing call or provided by PSMS/PMMS and DCB? Please provide details of any such solutions.

- Q. 15 If, as an undertaking, you do not currently offer facilities that would allow subscribers to bar access to certain categories of PRS, on the basis that they are provided on discrete premium rate number and/or premium rate shortcode ranges and/or by DCB, are there any impediments to making these facilities available to consumers? Please provide details to support your answer to include verified details of any investment costs that would be required to make such facilities available and how such costs might be recovered/offset.
- Q. 16 For undertakings that already offer these facilities, please provide details of the actual cost to you in providing this service.

4. Submitting Comments

45. ComReg welcomes all written responses from stakeholders by 8 May 2015; however, it will make the task of analysing responses easier if comments are referenced to the relevant question numbers from this document. In all cases please provide reasons in support of your views.
46. ComReg will, in the interests of openness and transparency, publish all non-confidential inputs received and would, therefore, request that electronic submissions be made in an unprotected format so that they can be published electronically. Submissions will be published, subject to the provisions of ComReg's Guidelines on the Treatment of Confidential Information (see ComReg Document No. 05/24¹⁵). Any confidential material should be clearly identified and placed in a separate Annex to stakeholder's response.
47. Responses must be submitted in written form (post or email) to the following recipient, clearly marked "Submissions to ComReg 15/31" and received:

Commission for Communications Regulation
Irish Life Centre
Abbey Street
Freepost
Dublin 1
Ireland
Phone: +353-1-8049600
Email: retailconsult@comreg.ie

Responses must be received by ComReg not later than 17.00 pm on Friday 24 April 2015.

¹⁵ Document 05/24 <http://www.comreg.ie/fileupload/publications/ComReg0524.pdf>

5. Next Steps

48. The responses will inform ComReg's consultation on these issues. A consultation document will be published following ComReg's analysis of the submissions received to this preliminary consultation.

Annex: 1 Legal Basis

The Communications Act 2002 to 2011

Objectives of the Commission

12.—(1) *The objectives of the Commission in exercising its functions shall be as follows—*

(a) in relation to the provision of electronic communications networks, electronic communications services and associated facilities—

(i) to promote competition,

(ii) to contribute to the development of the internal market, and

(iii) to promote the interests of consumers within the Community,

[..]

(2) In relation to the objectives referred to in subsection (1)(a), 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 consumers, including disabled consumers, 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 contributing to the development of the internal market is concerned—

(i) removing remaining obstacles to the provision of electronic communications networks, electronic communications services and associated facilities at Community level,

(ii) encouraging the establishment and development of trans-European networks and the interoperability of transnational services and end-to-end connectivity,

[(iii) Revoked by the European Communities (Electronic Communications Networks and Services) (Framework) Regulations 2011 reg41(1)]

(iv) cooperating with electronic communications national regulatory authorities in other Member States of the Community and with the Commission of the Community in a transparent manner to ensure the development of consistent regulatory practice and the consistent application of Community law in this field, and

(c) in so far as promotion of the interests of consumers within the Community is concerned—

(i) ensuring that all consumers have access to a universal service,

(ii) ensuring a high level of protection for consumers in their dealings with suppliers, in particular by ensuring the availability of simple and inexpensive dispute resolution procedures carried out by a body that is independent of the parties involved,

(iii) contributing to ensuring a high level of protection of personal data and privacy,

(iv) promoting the provision of clear information, in particular requiring transparency of tariffs and conditions for using publicly available electronic communications services,

(v) encouraging access to the internet at reasonable cost to consumers,

(vi) addressing the needs of specific social groups, in particular disabled consumers, and

(vii) ensuring that the integrity and security of public communications networks are maintained.

[..]

(3) In carrying out its functions, the Commission shall seek to ensure that measures taken by it are proportionate having regard to the objectives set out in this section.

(5) In carrying out its functions, the Commission shall have regard to international developments with regard to electronic communications networks and electronic communications services, associated facilities, postal services, the radio frequency spectrum and numbering.

(6) The Commission shall take the utmost account of the desirability that the exercise of its functions aimed at achieving the objectives referred to in subsection (1)(a) does not result in discrimination in favour of or against particular types of technology for the transmission of electronic communications services.

Universal Service Regulations (S.I. No. 337 of 2011)

Control of expenditure

[..}

9. (2) A designated undertaking shall, for the purpose of ensuring that subscribers can monitor and control expenditure and avoid unwarranted disconnection of service, provide the specific facilities and services set out in Schedule 1, Part A.

[..]

Provision of additional facilities

24. (1) Without prejudice to Regulation 9(2) and subject to paragraph (3), the Regulator may specify that all undertakings providing publicly available telephone services or access to public communications networks are required to make available—

(a) all or part of the additional facilities listed in Schedule 1, Part B, subject to technical feasibility and economic viability, and

(b) all or part of the additional facilities and services listed in Schedule 1, Part A.

[..]

(3) Where an undertaking referred to in paragraph (1) considers that it is not technically feasible or economically viable to provide all or part of the additional facilities listed in Schedule 1, Part B, it shall notify the Regulator of the fact and give reasons including all relevant information in support of its views.

[..]

SCHEDULE 1

DESCRIPTION OF FACILITIES AND SERVICES REFERRED TO IN REGULATIONS 9 AND 24

Regulations 9(2) and 24

Part A: Facilities and services referred to in Regulation 9:

[..]

(b) Selective barring for outgoing calls or premium SMS or MMS or, where technically feasible, other kinds of similar applications, free of charge.

i.e. the facility whereby a subscriber can, on request to the designated undertaking that provides telephone services, bar outgoing calls or premium SMS or MMS or other kinds of similar applications of defined types or to defined types of numbers free of charge.

Authorisation Regulations (S.I. No. 335 of 2011)

Conditions attached to a general authorisation

8. (1) The Regulator shall, as soon as practicable after the commencement of these Regulations, specify conditions to be attached to a general authorisation only as are listed in Part A of the Schedule. The Regulator may specify that certain conditions do not apply to undertakings of such class or type as may be specified by the Regulator.

[..]

SCHEDULE

Regulations 8, 10, 14, 18 and 27

Part A. Conditions which may be attached to a general authorisation

[..]

8. Consumer protection rules specific to the electronic communications sector including conditions in conformity with the Universal Service Regulations and conditions on accessibility for consumers with disabilities in accordance with Regulation 6 of those Regulations.

Annex: 2 Questions

- Q. 1 Do you agree with ComReg’s preliminary position that consumers should be able to avail of facilities that allow them to adequately control their telecommunication costs? Please give reasons to support your view.9
- Q. 2 Do you agree with ComReg’s preliminary position that consumers should be able to control their (or their children’s) access to certain types of numbers? Please give reasons to support your view.9
- Q. 3 Do you agree with ComReg’s initial assessment of the range of facilities that could be necessary to allow consumers to fully control their costs and access to certain number ranges (for example number ranges using the 1598 and 1599 access codes)? Please give reasons to support your view. 12
- Q. 4 (a) Does the telecommunications services provider (i.e. undertaking) to which you are subscribed provide facilities to bar outgoing calls to all or any of the following: mobile numbers, national numbers, International destinations, premium rate numbers or any other discrete number range? Please specify which, if any, of these call barring services that you avail of. OR..... 14
- (b) As an undertaking do you provide facilities to bar outgoing calls to all or any of the following: mobile numbers, national numbers, International destinations, premium rate numbers or any other discrete number range? Please specify which, if any, of these call barring services that consumers may avail of. 14
- Q. 5 Is there a charge to availing of any of these facilities? If so please specify what these charge are, to include details of any initial/setup charges and any subsequent recurring charges. 14
- Q. 6 Are you aware of any third-party solutions, such as handset settings or apps that would allow consumers to bar outgoing calls to all or any of the following: mobile numbers, national numbers, International destinations, premium rate numbers or any other discrete number range? Please provide details of any such solutions..... 14
- Q. 7 If, as an undertaking, you do not currently offer facilities that would allow subscribers to bar outgoing calls to all or any of the following: mobile numbers, national numbers, International destinations, premium rate numbers, or any other discrete number range are

- there any impediments either financial or technical for instance, to making these facilities available? Please provide details to support your answer to include details of any investment costs that would be required to make such facilities available and how such costs might be recovered/offset..... 14
- Q. 8 Should MNOs provide facilities that would allow consumers to bar access to all PRS, including those provided by PSMS/PMMS and DCB? Please give reasons to support your view. 15
- Q. 9 Are you aware of any third-party solutions, such as handset settings or apps that would allow consumers to bar access to all PRS, including those provided by PSMS/PMMS and DCB? Please provide details of any such solutions..... 16
- Q. 10 If, as an undertaking, you do not currently offer facilities that would allow subscribers to bar access to all PRS, including those provided by PSMS/PMMS and DCB, are there any impediments to making these facilities available? Please provide details to support your answer to include verified details of any investment costs that would be required to make such facilities available and how such costs might be recovered/offset..... 16
- Q. 11 For undertakings that already offer these facilities, please provide details of the actual cost to you in providing this service..... 16
- Q. 12 Should undertakings provide facilities that would allow consumers to bar outgoing calls to discrete premium rate number ranges, for example the 1599 range set aside solely for adult services of a sexual nature? Please give reasons to support your view. 17
- Q. 13 Should MNOs provide facilities that would allow consumers to bar access to PRS that are provided over to discrete premium rate shortcode ranges, for example the 59XXX range set aside solely for adult services of a sexual nature? Please give reasons to support your view..... 17
- Q. 14 Are you aware of any third-party solutions, such as handset settings or apps that would allow consumers to bar access to certain categories of PRS, regardless of whether these PRS are accessed by placing an outgoing call or provided by PSMS/PMMS and DCB? Please provide details of any such solutions..... 17
- Q. 15 If, as an undertaking, you do not currently offer facilities that would allow subscribers to bar access to certain categories of PRS, on the basis that they are provided on discrete premium rate number

and/or premium rate shortcode ranges and/or by DCB, are there any impediments to making these facilities available to consumers? Please provide details to support your answer to include verified details of any investment costs that would be required to make such facilities available and how such costs might be recovered/offset. . 18

Q. 16 For undertakings that already offer these facilities, please provide details of the actual cost to you in providing this service..... 18