



An Coimisiún um  
**Rialáil Cumarsáide**  
Commission for  
**Communications Regulation**

# Updating the Numbering Conditions of Use and Application Process Document Consultation

Consultation

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**An Coimisiún um Rialáil Cumarsáide**  
**Commission for Communications Regulation**

1 Lárcheantar na nDugaí, Sráid na nGildeanna, BÁC 1, Éire, D01 E4X0.  
One Dockland Central, Guild Street, Dublin 1, Ireland, D01 E4X0.  
Teil | Tel +353 1 804 9600 Suíomh | Web [www.comreg.ie](http://www.comreg.ie)

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# Content

| Section                                                                                                           | Page   |
|-------------------------------------------------------------------------------------------------------------------|--------|
| 1 Introduction and Overview                                                                                       | .... 5 |
| 2 Administrative updates                                                                                          | .... 9 |
| 2.1 Administrative updates to take account of ComReg Decision 06/18 on Mobile and M2M Numbering .....             | 9      |
| 2.2 Administrative updates to take account of ComReg Decision D15/18 on the Non-Geographic Numbering Review ..... | 14     |
| 2.3 Other Administrative updates .....                                                                            | 17     |
| 3 Proposed Amendments to Support Implementation of the New NGN Platform                                           | .. 18  |
| 4 Other issues                                                                                                    | .. 25  |
| 5 Draft Regulatory Impact Assessment                                                                              | .. 26  |
| 6 Next Steps                                                                                                      | .. 28  |
| 7 Consultation Questions                                                                                          | .. 29  |

# Annex

## Section

## Page

Annex: 1 Legal Basis

.. 30

# 1 Introduction and Overview

- 1 The Commission for Communications Regulation (“ComReg”) aims to review and update the Numbering Conditions approximately every 2 years. The last review and update was completed in 2018<sup>1</sup>. The purpose of these updates is to address any issues that have arisen since the prior update, by proposing new or amended conditions of use. It is also an opportunity to make any necessary administrative amendments, where appropriate. In general, we aim to remove any conditions of use that have become obsolescent, and propose new or amended conditions to take account of developments such as new products, market developments, changes to industry processes, or new legislation.
- 2 Aside from any general steps, there are two main areas that will be addressed by this update:
  - To incorporate conditions of use for new M2M numbers introduced by ComReg in 2018<sup>2</sup>. This is an administrative update to incorporate conditions of use and eligibility criteria that have already been consulted upon as part of the consultation process leading to the introduction of the new M2M range.
  - To support the Non-Geographic Number (NGN) implementation project. This will be partly administrative - to incorporate conditions of use already consulted upon as part of the NGN Review consultation process in 2018 (and in particular the ‘Geo-Linking’ retail pricing condition which will take effect from 1 December 2019)<sup>3</sup>. In addition, some of the detailed NGN implementation project planning undertaken in the first half of 2019 has highlighted the need for some further amendments and additions to the Numbering Conditions.
- 3 ComReg has the statutory function of managing the national numbering resource. ComReg performs this function under section 10 of the Communications Regulation Act 2002, as amended, (“2002 Act”)<sup>4</sup> and subject to its related objectives as mainly set out in section 12 of the 2002 Act and regulation 16 of the Framework Regulations<sup>5</sup>, and in accordance with any directions issued by the Minister for Communications, Climate Action and Environment under section 13 of the 2002 Act.

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<sup>1</sup> Numbering Conditions of Use and Application Process – consultation – ComReg document 17/102 - 7<sup>th</sup> December 2017. The Response to Consultation was ComReg Document 18/44 and D05/18.

<sup>2</sup> Decision D06/18 in ComReg document 18/46.

<sup>3</sup> ComReg Document 18/106: Review of Non Geographic Numbers, Response to Consultation 18/65 and Decision. Part IV of Annex 1 deals with the “Effective Date” of the Decision Instrument.

<sup>4</sup> Communications Regulation Act, 2002, as amended – <http://revisedacts.lawreform.ie/eli/2002/act/20/revised/en/html>

<sup>5</sup> S.I. No. 333 of 2011 – <http://www.irishstatutebook.ie/2011/en/si/0333.html>

- 4 Key requirements under ComReg's statutory function to manage the national numbering resource, and its objective to ensure the efficient use and effective management of numbering resources, are:
- (i) establishing open, objective, transparent, non-discriminatory and proportionate procedures for the granting of rights of use for national numbering resources;
  - (ii) specifying conditions to be attached to rights of use for numbers in accordance with legislation<sup>6</sup>;
  - (iii) giving notice of all non-minor amendments to the rights of use (i.e. consultation process for such amendments); and
  - (iv) ensuring that all relevant information on rights, conditions, procedures, charges, fees and decisions concerning the rights of use are kept up to date in an appropriate manner so as to provide easy access to that information for all interested parties.
- 5 ComReg manages numbers principally by granting rights of use for classes or types of numbers to authorised undertakings who apply for same, and by attaching conditions to such rights of use as are considered justified and proportionate, under regulations 13 and 14 of the Authorisation Regulations.<sup>7</sup>
- 6 Certain numbering conditions attach to the General Authorisation<sup>8</sup> rather than to individual rights of use for numbers. A General Authorisation condition ("GA Condition") has general effect – i.e. it binds all undertakings which use a number – whereas a condition attached to an individual right of use for a number (a "RoU Condition") only binds the specific undertaking which was granted that individual right of use<sup>9</sup>.
- 7 Under the EU-wide harmonised framework for the regulation of electronic communications, an undertaking intending to supply an electronic communications service has to notify ComReg of its intent to provide an electronic communications network or service (pursuant to regulation 4 of the Authorisation Regulations), at which point the undertaking is deemed to be authorised to provide that network or service, subject to the conditions attaching to the General Authorisation.

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<sup>6</sup> Principally the Authorisation Regulations, including the schedule to those Regulations which refers also to other Regulations. Also Universal Service Regulations for some items (e.g. "00" code, Northern Ireland access dialling, EC Decision on the "116" services of a social nature, etc.)

<sup>7</sup> S.I. No. 335 of 2011 – <http://www.irishstatutebook.ie/2011/en/si/0335.html>

<sup>8</sup> Doc 03/81R4 – [http://www.comreg.ie/\\_fileupload/publications/ComReg0381R4.pdf](http://www.comreg.ie/_fileupload/publications/ComReg0381R4.pdf)

<sup>9</sup> The "GA Conditions" as set out in the Numbering Conditions constitute a sub-set of the conditions contained in the *General Authorisation - Conditions for the provision of Electronic Communications Networks and Services* (Doc 03/81R5).

- 8 ComReg is committed to regularly reviewing the numbering regime, including all numbering conditions. In this regard, ComReg seeks to strike a balance between having a clear and predictable set of numbering conditions in place while also having the flexibility to review and, if necessary, adjust those conditions from time to time where it is appropriate and proportionate to do so.
- 9 ComReg published its “Numbering Conditions of Use and Application Process” in 2015 (“the Numbering Conditions” - Doc 15/136)<sup>10</sup> and as noted above, the last update took place in 2017/2018. The Numbering Conditions is structured so as to clearly distinguish between (a) statutory obligations in respect of numbers which are imposed by the legislature, and (b) regulatory conditions in respect of numbers which are imposed by ComReg. The latter conditions are further divided between those which apply to all classes of numbers (see Section 3) and those which apply only to specific classes of numbers (see Sections 4 and 5).
- 10 Section 6 and Appendices 1 – 8 set out the administrative processes for applying for rights of use for numbers and for transferring those rights of use between undertakings. Appendix 9 sets out all classes of numbers used in the National Numbering Scheme and the Access/Area Codes. Appendix 10 describes the key statutory provisions relating to number management. Appendix 11 contains a glossary of key terms, many of which are defined terms contained in relevant statutes or statutory instruments.
- 11 For the convenience of stakeholders, a draft updated version of the Numbering Conditions, containing the proposed amendments, is published alongside this consultation paper.
- 12 Interested parties are now invited to comment on the draft Numbering Conditions by responding to the questions set out in this consultation paper. Interested parties are also asked to explain their comments and to provide any supporting information that they may possess.

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<sup>10</sup> Numbering Conditions of Use and Application Process General Document Reference: ComReg Doc 15/136, published on 22 December 2015.

15. The Numbering Conditions and the updates which are proposed in this consultation paper are compatible with the provisions relating to numbering (i.e. Articles 93, 94, 95, 97, 106, 109 and 112) contained in the European Electronic Communications Code (Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code) (“the EECC”). The EECC, which comes into force on 21 December 2020, has not yet been transposed in this jurisdiction.
16. In this consultation, ComReg is addressing one of the new numbering provisions of the EECC i.e. facilitating M2M services by providing numbers with a right of extraterritorial use. For clarity however, the scope of this consultation will not include a consideration of a second new numbering provision in the EECC, whereby NRAs *may* grant rights of use for numbers to undertakings other than providers of electronic communications networks or services<sup>11</sup>. ComReg is excluding this matter from this consultation as the Body of European Regulators for Electronic Communications (“BEREC”)<sup>12</sup> is required under the EECC to provide guidelines in relation to this, by 21 June 2020<sup>13</sup>. ComReg will consider those guidelines, once they are published, and assess at that point whether any revision of the Numbering Conditions might be necessitated. Finally, as regards the promotion of Over-The-Air Provisioning, also a new numbering provision of the EECC, ComReg plans to consider this issue further in 2020 and therefore this issue is also not covered in the current consultation.

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<sup>11</sup> Article 93(2) of the EECC, first paragraph.

<sup>12</sup> Established by Regulation (EU) 2018/1971 of the European Parliament and of the Council of 11 December 2018.

<sup>13</sup> Article 93(2) of the EECC, second paragraph.



## 2 Administrative updates

### 2.1 Administrative updates to take account of ComReg Decision 06/18 on Mobile and M2M Numbering

17. In Decision 06/18 on Mobile and M2M Numbering<sup>14</sup>, ComReg sought to develop a long-term numbering scheme to meet the existing and future needs of mobile communications services for E.164<sup>15</sup> numbers and for E.212<sup>16</sup> Mobile Network Codes (MNCs).
18. ComReg was mindful of forecasts for exponential growth of M2M connections on mobile networks and a clear trend for the ‘extraterritorial’ use of national numbers across the EU and internationally by M2M Service Providers. ComReg also noted that the (then draft, now made) EECC requires each Member State to have a dedicated number range for M2M services that explicitly permits extraterritorial use.

#### Machine-to-Machine Numbers

19. In relation to M2M numbers, the changes are administrative. The conditions of use, eligibility criteria and definitions introduced by Decision D06/18 in ComReg document 18/46<sup>17</sup> now need to be set out in the Numbering Conditions. The proposed updates are:
  - i. highlighting the required digit structure for the new M2M numbers: network access code (088) + 10-digit subscriber number;
  - ii. a condition that an M2M Number shall only be used for the provision of an M2M Service or a bundle of services in which an M2M service is a predominant component;
  - iii. a condition that the number holder shall ensure that M2M Numbers used extraterritorially are used in compliance with consumer protection and other national rules in the country in which they are used;
  - iv. definitions for ‘extraterritorial use’, ‘M2M service’ and ‘OTT service’;

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<sup>14</sup> Contained in ComReg document 18/46 “Review of Mobile Numbering: Promoting Innovation and Facilitating new services”, dated 11 June 2018.

<sup>15</sup> ITU Recommendation E.164 specifies the structure and functionality of telephone numbers. Mobile numbers are also sometimes referred to as ‘MSISDNs’ (Mobile Station ISDN number).

<sup>16</sup> ITU Recommendation E.212 covers Mobile Network Codes. MNCs are 2 or 3 digit codes that are part of the IMSI on the SIM that identify individual networks at national level.

<sup>17</sup> Review of Mobile Numbering, Response to Consultation and Decision. Appendix 2 sets out the changes needed to the Numbering Conditions of Use document.

- v. new text on eligibility criteria for mobile numbers, M2M numbers, and Mobile Network Codes (MNCs); and
- vi. Updating the application process.

20. By incorporating these elements into the Numbering Conditions, ComReg is addressing one of the main new numbering provisions in the EECC. This requires NRAs to make available a range of non-geographic numbers for the provision of electronic communications services other than interpersonal communications services, throughout the territory of the Union (i.e. extraterritorial use of national numbers)<sup>18</sup>.

### **The required digit structure for the new M2M numbers**

- 21. ComReg adopted its preferred proposals for M2M numbers with 10 subscriber digits, using the 088 prefix. This is a maximum number length of 15 digits allowed in international format (i.e. +353 88 + 10 digits) and is in line with the CEPT recommendation to have M2M numbers as long as possible.
- 22. To this end, in accordance with Decision D06/18, ComReg adds the following text to the end of chapter 4 of the Numbering Conditions of Use, in order to reflect this decision:

#### *“4.11 Machine to Machine Numbers*

##### *RoU Conditions*

- 1. “M2M Numbers shall have the digit structure “network access code (088) + 10-digit subscriber number”**
- 2. “An M2M Number shall only be used for the provision of an M2M Service or a bundle of services in which an M2M service is a predominant component”*
- 3. “The number holder shall ensure that M2M Numbers used extraterritorially are used in compliance with consumer protection and other national rules in the country in which they are used”.*

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<sup>18</sup> Article 93(4) of the EECC.

## Definition of M2M Service

25. ComReg originally proposed a definition for 'M2M Service' and proposed a condition of use that M2M numbers shall only be used for the provision of an M2M service. This proposal raised a concern from some respondents that such a condition of use as proposed by ComReg was too restrictive, as it does not allow for a bundled services scenario.
26. ComReg recognised that a single communications module might be used for several functions (e.g. in a connected car). These may include a limited form of P2P communications (e.g. to facilitate eCall, where a call-back to the vehicle occupant may be required). ComReg has therefore modified the condition of use to also allow use of M2M numbers for "a bundle of services in which an M2M service is a predominant component".
27. To this end, in accordance with Decision D06/18, ComReg therefore will add the following text to the end of chapter 4 of the Numbering Conditions of Use, in order to reflect this decision:

### *"4.11 Machine to Machine Numbers*

#### *RoU Conditions*

1. *"M2M Numbers shall have the digit structure "network access code (088) + 10-digit subscriber number"*
  2. ***"An M2M Number shall only be used for the provision of an M2M Service or a bundle of services in which an M2M service is a predominant component"***
  3. *"The number holder shall ensure that M2M Numbers used extraterritorially are used in compliance with consumer protection and other national rules in the country in which they are used".*
28. In order to define the term "M2M service", ComReg will add the following text to Appendix 11 ("Definitions") of the "Numbering Conditions of Use and Application Process":  
  
*"M2M service" means a service consisting of the exchange of data between devices, over a public electronic communications network, with limited or no human intervention."*

## Extraterritorial use

29. ComReg, in Decision D06/18, adopted both its proposed definition for 'Extraterritorial Use' and its proposed condition of use that such extraterritorial use must be in compliance with consumer protection and other national rules in the country in which the numbers are used, noting also that no respondents had objected to these proposals.
30. To this end, in accordance with Decision D06/18, ComReg adds the following text to the end of chapter 4 of the Numbering Conditions of Use, in order to reflect this decision:

#### *"4.11 Machine to Machine Numbers*

##### *RoU Conditions*

1. *"M2M Numbers shall have the digit structure "network access code (088) + 10-digit subscriber number"*
2. *"An M2M Number shall only be used for the provision of an M2M Service or a bundle of services in which an M2M service is a predominant component"*
3. ***"The number holder shall ensure that M2M Numbers used extraterritorially are used in compliance with consumer protection and other national rules in the country in which they are used"***.

31. In order to define the term "Extraterritorial use", ComReg adds the following text to Appendix 11 ("Definitions") of the "Numbering Conditions of Use and Application Process":

*"Extraterritorial use" means the use of Irish numbering resources in other countries on a permanent basis by way of (i) activation of the Irish numbering resources in a telecommunications network in another country; or (ii) by way of permanent international roaming. The use of Irish numbering resources for temporary roaming is not considered as Extraterritorial use."*

#### **Eligibility criteria**

32. In ComReg Response to Consultation 18/46, ComReg noted that it previously only assigned numbering resources to those service providers authorised in Ireland and only assigned mobile numbers and MNCs to MNOs and MVNOs. ComReg noted that M2M has a different value chain compared with P2P. Bearing in mind its objective to support innovation and competition, ComReg concluded that these criteria are too restrictive for M2M services, and decided to expand rights of use for M2M numbers to MNOs, MVNOs and to M2M

Service Providers that can both justify the requirement and can manage the resources.

33. To this end, in accordance with Decision D06/18, ComReg adds the following text to the end of section 6.2 of the “Numbering Conditions of Use and Application Process”:

*“Rights of use for M2M numbers shall be granted to MNOs, MVNOs and only to M2M Service Providers that can both justify the requirement and can manage the resources. A right of use for one MNC shall be granted upon first application and the basis for any request for an additional right of use for an MNC must be fully set out”.*

34. To the extent that OTT providers may need new numbers, ComReg is also expanding eligibility for such numbers, and also eligibility for E.212 Mobile Network Codes (MNCs), to OTT Service Providers that qualify as an ECS, provided they can justify the requirement and have a contract with an Irish mobile network operator to access their network. To this end, in accordance with Decision D06/18, ComReg adds the following text to paragraph 6.2(2) of the “Numbering Conditions of Use and Application Process”:

*“Rights of use for Mobile Numbers and MNCs shall only be granted to MNOs and MVNOs, and to OTT Service Providers, provided the OTT Service Provider qualifies as an ECS, and the OTT Service Provider has a contract with an Irish MNO to access its network.”*

### **The use of Overseas (EU & Non-EU) Numbers and MNCs in Ireland**

35. ComReg decided in ComReg 18/46 that it should, for the avoidance of doubt, make clear in the Numbering Conditions that the regulatory obligations attached to the General Authorisation, and the conditions set out in Section 3.1 of the Numbering Conditions, apply to the use by undertakings, for M2M services in the State, of numbers assigned by the ITU, or overseas numbers.
36. In Consultation 18/03, ComReg stated that the proposed requirement in the EECC to support extraterritorial use of numbers does not deal in detail with the differing regulatory environments in each country. Therefore it is necessary for ComReg to ensure that there is explicit permission for the use of overseas numbers in Ireland. These numbers will be subject to the GA conditions as set out in ComReg 15/136R1, as amended.

37. To this end, in accordance with Decision D06/18, ComReg adds the following text to the end of section 3.1 of the Numbering Conditions of Use:

*“10. For the avoidance of doubt, the regulatory obligations attached to the General Authorisation and the conditions set out in Section 3.1 of this document shall apply to the use by undertakings, for M2M services in the State, of numbers assigned by the ITU, or overseas numbers”.*

**Q.1 Do you have any comments on ComReg’s proposed administrative amendments to the conditions relating to M2M Numbers? Please explain the basis for your response in full and provide supporting information.**

## **2.2 Administrative updates to take account of ComReg Decision D15/18 on the Non-Geographic Numbering Review**

### **Non-Geographic Numbering Review**

38. In August 2017, ComReg commenced a public consultation on its review of NGNs (“Consultation 17/70”). ComReg noted therein that NGNs are used by various organisations and businesses (“Service Providers” or “SPs”) to provide various telephone-based services such as public information services, banking services, and consumer helplines. ComReg also noted that growth in mobile usage, increased market competition, and the varying needs of SPs appeared to have contributed to the creation of a relatively complex NGN platform, consisting of several different classes of NGN and multiple retail tariffs.
39. ComReg, in Consultation 17/70, also described its main preliminary concerns with the NGN platform, in the following terms:
- fixed-line and mobile operators are not communicating their retail tariffs for NGN calls in a sufficiently clear manner so as to enable consumers to know, or to reasonably estimate, the retail tariff for any NGN call in advance and this lack of price transparency discourages many consumers from calling NGNs;

- a significant number of consumers do not know how NGN calls are charged under the various telephone subscription packages available and/or do not know the different designation of each of the five classes of NGNs;
  - if a significant number of consumers do not know, or cannot reasonably estimate, the retail tariff for any NGN call in advance and/or if they do not know the designation of each class of NGN then the potential for consumer harm through the use of NGNs is much greater (and this will likely act as a disincentive for using NGNs where otherwise they would do so); and
  - relatively high NGN retail prices deter a significant number of consumers from calling NGNs and/or cause a significant number of consumers to call NGNs only when absolutely necessary (i.e. when they have no alternative means of contact) and this reduced level of consumer utilisation of the NGN platform and consequential reduced accessing of services provided by SPs through NGNs is to the detriment of consumers and SPs.
40. To address these problems, and in light of inter alia a “Consumer Study” and “Organisation Study” conducted by Behaviour and Attitudes Ltd, and market research conducted by DotEcon Ltd, ComReg consulted on proposed measures aimed at ensuring the more efficient and effective functioning of the NGN platform at the retail level, the ultimate objective being to better meet the reasonable needs of consumers.
41. The measures, which were outlined in ComReg Response to Consultation 18/106 and Decision D15/18, are:
- (i). To apply two retail tariff principles to NGNs:
- A “Freephone” retail tariff for ‘1800’ NGNs (i.e. retain the current tariff principle); and
  - A retail tariff for the other four classes of NGNs (1850, 1890, 0818 and 076) which would be equivalent to calling Geographic Numbers i.e. to ‘Geo-link’ NGN calls to equivalent Geographic Number calls so that, for example, if a consumer’s Geographic Number calls are included in their bundle of call minutes then that consumer’s NGN calls must also be included in their bundle of call minutes.
- (ii). To consolidate the number of NGN classes from five to two over a three year period, to one Freephone class (‘1800’) and one ‘Geo-Linked’ class (‘0818’) while closing the ‘1850’, ‘1890’, and ‘076’ classes.

42. In relation to the Numbering Conditions, the Decision Instrument in 18/106<sup>19</sup> states that a revised version of the “Numbering Conditions of Use and Application Process” (currently Commission Document No. 15/136R1) reflecting the two decisions in the DI shall come into effect on 1 December 2019.

43. The two decisions are summarised as follows:

- (i) “Geo-linking Non-Geographic Numbers with Geographic Numbers - The retail tariff charged to any end-user for a call to a Non-Geographic Number in any of the four ranges 1850, 1890, 0818, or 076 shall not exceed the retail tariff that would be charged to the same end-user for a national call made to a Geographic Number, at the same time”.
- (ii) “With the exception of 076 numbers used to provide emergency services, and save for any exceptional circumstances as ComReg shall determine, all rights of use for Non-Geographic Numbers in the ranges 1850, 1890, and 076 shall be withdrawn from all undertakings to whom such rights of use were granted at midnight on 31 December 2021 and from the date of this decision no new rights of use for Non-Geographic Numbers in the ranges 1850, 1890, and 076 shall be granted to any undertaking. All rights of use for Non-Geographic Numbers in the ranges 1800 and 0818 shall remain in effect and new rights of use for numbers in those ranges may be granted to any authorised undertaking which applies for same.”

44. Decision (i) above simply replaces the existing pricing conditions for 1850, 1890, 0818 and 076. This has already been clarified for operators participating in the NGN Industry Working Group<sup>20</sup>.

45. The effective date of Decision D15/18, as set out in Part IV of that Decision, is 1 December 2019, i.e. this is the date by which a revised version of the Numbering Conditions, reflecting decisions (i) and (ii) will come into effect.

46. Please see the draft updated version of the Numbering Conditions, containing the proposed amendments, which is published alongside this consultation paper, for these amendments.

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<sup>19</sup> Review of Non Geographic Numbers, Response to Consultation 18/65 and Decision. Part IV of Annex 1 deals with the “Effective Date” of the Decision Instrument.

<sup>20</sup> Formed in March 2019. See introductory paragraphs of Chapter 3 for details.



**Q.2 Do you have any comments in relation to ComReg’s proposed administrative amendments to the conditions relating to Non-Geographic Number Review? Please explain the basis for your response in full and provide supporting information.**

## **2.3 Other Administrative updates**

47 In addition to the elements discussed above, ComReg is proposing that the Numbering Conditions should also be updated in the following ways:

(a) A Bursty Traffic Number means a Non-Geographic Number that is used for services that are likely to generate very large call volumes over a short period of time. The current application process for NGNs requires the applicant to identify if such a bursty traffic number is needed. If needed, ComReg assigns particular numbers to enable operators to identify potential bursty traffic. However recent discussion with operators has indicated that the identification of these numbers may not be important for current networks. ComReg therefore proposes to delete the reference to Bursty Traffic Numbers in the Numbering Conditions and not require an application to identify same.

(b) To make editorial changes to reflect new terminology arising from ComReg’s NGN and M2M Decisions as follows;

- Numbers with the 0818 access code will now be referred to as “Standard Rate Numbers” rather than the current “Universal Access Numbers”
- Numbers with the 1850 and 1890 access codes will now be referred to as “Standard Rate Numbers” rather than the current “Shared Cost Numbers”
- Numbers with the 076 access codes will now be referred to as “Standard Rate Numbers” rather than the current “Nomadic Numbers”

Please see the draft updated version of the Numbering Conditions, containing the proposed amendments, which is published alongside this consultation paper, for these amendments.

**Q.3 Do you agree with ComReg’s proposed other administrative updates to the Numbering Conditions of Use and Application Process? Please explain the basis for your response in full and provide any supporting information.**

## 3 Proposed Amendments to Support Implementation of the New NGN Platform

48. In March 2109, ComReg established a NGN Industry Working Group (NGN WG) to develop and agree a detailed Implementation and Communications Plan and to oversee implementation of the Geo-linking Condition and NGN Consolidation. ComReg also engaged Analysys Mason Ltd. to provide project management support and Pender & Associates (trading as PR360) as communications advisers.
49. The NGN WG agreed a vision for NGN Implementation - to successfully deliver the new NGN platform, through positive engagement and collaboration with industry and organisations that use NGNs, and to promote enhanced consumer understanding and usage of 1800 and 0818 numbers. ComReg would like to again express its appreciation to operators for their active participation in the NGN WG to date. We acknowledge the complex work involved, the strong level of engagement, and the very useful contributions received.
50. Some of the detailed NGN implementation planning undertaken by the NGN WG in the first half of 2019 has highlighted a small number of issues that may lead to some further amendments and additions to the Numbering Conditions.
51. In the main, these issues have already been discussed in the NGN WG, and should be relatively uncontentious. The issues are:
- a. Reflecting the move to individual assignments of 1800 and 0818 NGNs using the PortingXS system, and based on a valid end-user request or order;
  - b. Using mobile numbers for TETRA services rather than retaining 076 numbers solely for this purpose; and
  - c. Allowing the 1890 and 0818 NGNs to be presented as Calling Line Identifiers (CLIs), after 1 December 2019.
52. There are a number of other implementation issues being actively considered by the NGN WG that may ultimately lead to amendments and additions to the numbering conditions. These include:
- a. The possibility of extended parallel running for a small number of 1850 utility safety lines beyond the 31 December 2021 withdrawal date; and

- b. Facilitating international calls to 1800 Freephone numbers, with overseas callers being charged at their standard international calling rates.

53. In relation to these issues, ComReg proposes to consider whether any further amendments or additions to the Numbering Conditions are needed only when the NGN WG has fully considered the issues and ideally reached consensus on the way forward. Any necessary changes to the Numbering Conditions can then be made in a subsequent update, prior to 31 December 2021.

## Assignment of Individual NGNs

54. ComReg and industry have collaborated on the development of an Individual Number Assignment (INA) system. The INA system uses PortingXS, the existing industry Fixed Number Portability system, to facilitate the individual assignment of 1800 and 0818 NGNs.

55. Most operators are already signed up to PortingXS and thus are already able to apply for new 1800 and 0818 NGNs. Operators who have not yet signed up to PortingXS must do so as soon as possible if they intend to apply for these number ranges.

56. ComReg is currently using a temporary manual approach for all new 1800 and 0818 assignments using PortingXS. However, an automated INA system is in development and will shortly be launched. The automated INA system will allow operators to obtain new 1800 and 0818 assignments quickly and efficiently. In addition, operators and Service Providers (i.e. organisations that use NGNs as contact numbers) will be able to search for available 1800 and 0818 numbers, including by pattern search (e.g. 1800 XX YY ZZ or 1800 XXX YYY).

57. As part of the development of the INA system, ComReg recently conducted a detailed audit of NGN usage across all operators. The audit data will be used to ensure the NGN database is accurate and up to date. Any unused 1800 and 0818 NGNs will be recovered by ComReg and made available for future assignment. This will ensure that operators have the widest possible range of 1800 and 0818 NGNs to choose from to meet future NGN needs. The recovery of unused numbers is scheduled for completion by mid-October 2019.

58. Crucially, the assignment of new individual 1800 and 0818 NGNs must be fair and transparent. ComReg is now assigning 1800 and 0818 NGNs on a First-Come-First-Served basis. All assignment requests must be supported by a valid end user order/request, confirming that real customers intend to use the numbers. This requirement should ensure the efficient use of 1800 and 0818 NGNs in the future and prevent hoarding of numbers, including 'golden' numbers, by operators or resellers.

59. When initiating a request for an NGN assignment (effectively a Port request) operators should note that a unique identifier (customer name, or suitable alternative such as account number or order number) is required in the Customer ID field of each Port Authorisation Request to validate the authenticity of the assignment request, with the content of this field relating to the specific request for an NGN. Operators agreed the following text at NGN WG–8 held on 27 June 2019:

*All operators are required to populate the Customer ID field of each Port Authorisation Request with a unique identifier which provides ComReg the ability to sufficiently audit the authenticity of the original request and to validate the existence of an actual customer (Service Provider).*

60. ComReg and Analysys Mason are preparing a process manual for the INA system and will incorporate into it business rules reflecting the above text. Our intention is to agree this process manual with the NGN WG. ComReg is also proposing a new condition of use requiring that all applications for 1800 and 0818 numbers must be supported by a valid end user order/request. This is intended to ensure a level playing field and prevent number hoarding.

61. ComReg notes that the Numbering Conditions under bullet 17 of Section 6.1 General Application Criteria currently state: “There is currently no fee for the granting of rights of use for numbers. ComReg however reserves the right to review its position and introduce a fee in the future, in accordance with regulation 19 of the Authorisation Regulations”.

**Q. 4 Do you agree with ComReg’s proposal to introduce a new condition of use requiring that all applications for 1800 and 0818 NGNs must be supported by a valid end user order/request? Please explain the basis for your response in full and provide supporting information.**

## Numbering for TETRA Services

62. The Decision Instrument in ComReg Decision D15/18 (ComReg document 18/106) states: “*With the exception of 076 numbers used to provide emergency services, and save for any exceptional circumstances as ComReg shall determine, all rights of use for Non-Geographic Numbers in the ranges 1850, 1890, and 076 shall be withdrawn from all undertakings to whom such rights of use were granted at midnight on 31 December 2021*”.

63. In relation to the reference to continued use of 076 for emergency services, the Office of the Government Chief Information Officer (OGCIO) has since indicated to ComReg that 076 numbers being used for TETRA services will not now form part of a closed user group and are likely to be diallable by members of the public. Given this new usage scenario, the OGCIO preference is to use mobile numbers going forward.
64. ComReg's Decision in D15/18 to retain 076 solely for TETRA services was on the basis of TETRA users being a closed user group. ComReg reported in Document 18/106 that 076 NGNs would not be consumer facing in the same way as other NGNs. Hence the consumer harm described in Consultations 17/70 and 18/65 should not apply in the specific case of TETRA and ComReg was therefore of the view that continued use of the 076 range for TETRA should not cause consumer harm and thus considered it appropriate to allow it to continue to be used for TETRA.
65. ComReg nevertheless also indicated that it planned to engage further with OGCIO on the TETRA usage of 076. This subsequent engagement highlighted the new usage scenario now preferred by OGCIO, where TETRA numbers are likely to be diallable by members of the public.
66. The OGCIO request to use mobile numbers in place of 076 number for TETRA has also been discussed in the NGN WG. Whilst there was some discussion about the merits of retaining 076 numbers in general, there were nevertheless no strong objections to the OGCIO request to use mobile numbers for TETRA services.
67. ComReg's reasons for withdrawing the 076 range are well documented and the matter is closed. Moving forward, guidance for migration options for end users affected by this Decision were provided by ComReg to serving operators in Section 3 of ComReg Document 19/01<sup>21</sup>. This guidance has also been summarised by PR360 and incorporated into a 'Guidance for Service Providers' document and will ultimately feature on a ComReg microsite dedicated to providing information on the NGN Platform improvements. Operators are encouraged to customise this generic guidance to meet their own specific messaging and branding needs.

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<sup>21</sup> Implementing the New NGN Platform - Outline plan and next steps, ComReg Document 19/01, 4 January 2019.

68. Returning to the matter of the OGCIÓ's request to use mobile numbers in place of 076 number for TETRA, ComReg is minded to accede to the request. Notwithstanding the network technologies between mobile and TETRA networks differ to some extent, both technologies have much in common and indeed the current generation of TETRA is based on LTE technology. TETRA networks use the Mobile Country Code from ITU-T Recommendation E.212<sup>22</sup> together with a 10-bit binary Mobile Network Code. However, a TETRA network may be assigned an E.212 Mobile Network Code as well.
69. In addition, ComReg understands that a significant proportion of European Member States already use mobile numbers for TETRA, and for those that do not, the alternative choices and the reasons for those alternatives are varied, and linked to differences between national numbering plans, differing national implementations of TETRA (e.g. as a closed user group only), and so on.
70. More significantly however, ComReg considers that the usage case and the consumer perception of same is the most compelling reason to use mobile numbers for TETRA, going forward. If a member of an emergency service provider provides a personal contact number to a member of the public, that person's reasonable expectation would be that it would be a mobile number. This brings with it a sense of comfort, familiarity and reasonable expectation about the cost of calling the number, service availability, etc.
71. For the avoidance of doubt, if stakeholders are in agreement that mobile numbers are indeed appropriate, then ComReg also proposes that they should be treated no differently from a retail and wholesale charging perspective. Any retail call bundles that include calls to mobile should also include calls to TETRA mobile numbers. OGCIÓ and TETRA Ireland should be aware that regulated mobile termination charges would apply, although there is no obligation to charge for call termination.

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<sup>22</sup> The international identification plan for mobile terminals and mobile users.

72. In considering which 08X mobile range might be appropriate for TETRA services, ComReg is mindful of the outcome of its review of mobile numbering in 2019<sup>23</sup>, and earlier work in 2016 on conserving mobile numbers<sup>24</sup>. Following the outcome of the 2018 consultation, ComReg has reserved the 082 and 084 ranges to cater for anticipated future growth of P2P mobile communications, and will not to use 080 or 081 ranges, due to the risk of misdials and other issues.
73. ComReg will therefore not consider using the 082 or 084 ranges solely for TETRA, as this would not be an efficient use of numbers. Although ComReg has not been provided with forecasts of TETRA usage, it is not likely to merit the designation of an entire range at any point.
74. ComReg is therefore minded to make an initial 100,000 block of 089 numbers available for use by OGCI/TETRA Ireland. This will simplify implementation by industry, who are currently routing at the 100K block level, and can distinguish at this level (e.g. for different Mobile Virtual Network Operators (MVNOs)) for interconnection billing purposes. The implementation of this proposal should therefore be straightforward and low cost.
75. Nevertheless, ComReg is interested in stakeholders' detailed views in relation to extending rights to use mobile numbering resources (including E.212<sup>25</sup> Mobile Network Codes) to TETRA services in general, and the specific proposal to make an initial assignment of 100K 089 numbers to OGCI/Tetra Ireland at this time.
76. Finally, the obligation for number portability applies to all numbers in the National Numbering Scheme. Whilst in principle the current industry Mobile Number Portability (MNP) process might be appropriate for TETRA, the circumstances and mechanics of switching any large TETRA user base between TETRA and a commercial mobile network might also merit a project based approach between the losing and gaining operators, and perhaps their interconnection partners.

**Q. 5 Do you agree with ComReg's proposal to make mobile numbering resources available for TETRA services in Ireland and its specific proposal to make an initial assignment of 100K 089 numbers to OGCI/Tetra Ireland at this time? Please explain the basis for your response in full and provide supporting information.**

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<sup>23</sup> Review of Mobile Numbering - Response to Consultation and Decision, ComReg Document 18/46, 11 June 2018

<sup>24</sup> Information Notice - Conserving Geographic and Mobile Numbers, ComReg Document 16/20 and Analysys Mason Report for ComReg: Conservation measures to meet future demand for mobile numbers, Document 16/20a, both published 11 March 2016.

<sup>25</sup> ITU Recommendation E.212 covers Mobile Network Codes. MNCs are 2 or 3 digit codes that are part of the IMSI on the SIM that identify individual networks at national level.



**Q. 6 Do you have any views or insights to share on the potential user switching mechanisms between TETRA and commercial mobile networks? Please explain the basis for your response in full and provide supporting information.**

## Presentation of 1890 and 0818 Calling Line Identifiers

77. The current General Authorisation condition (see Section 3.1 of ComReg 15/136R1) in relation to CLI presentation does not permit 1890 or 0818 numbers to be presented:

“Condition 5(b): The following classes of numbers shall not be used as the presentation CLI: Directory Enquiry Access Codes, Internet Access Numbers, Network-Use Short Codes, Premium Rate Numbers, Premium Rate Short Codes, ‘1890’ Shared Cost Numbers, and Universal Access Numbers;”

78. The reason for this is that if consumers currently return a missed call to a 1890 or 0818 number, operators for the most part do not include calls to these numbers in call packages, so returning a missed call may cost up to 65 cent/minute.

79. ComReg proposes that, once the Geo-linking tariff condition is implemented by all operators from 1 December 2019, the use of 1890 and 0818 numbers as presentation CLIs should be permissible.

**Q. 7 Do you agree with ComReg’s proposal to permit the presentation of 1890 and 0818 CLIs, following the implementation of the Geo-linking tariff condition on 1 December 2019? If you do not agree, please explain the basis for your response in full and provide supporting information.**



## 4 Other issues

81. ComReg encourages all interested parties to respond to this consultation to comment on any issues relating to the draft Numbering Conditions not discussed in this document and/or on issues which they feel are appropriate to the draft Numbering Conditions. Please provide such views, again explaining your reasoning and providing any supporting information.

**Q.8 Do you have any views on any issues not discussed in this document and/or on issues which you feel are appropriate to the draft Numbering Conditions? Please explain the basis of your response in full and provide supporting information.**

## 5 Draft Regulatory Impact Assessment

83. ComReg's published Regulatory Impact Assessment ("RIA") Guidelines (Doc 07/56a) ("Guidelines"), in accordance with Policy directions to ComReg issued to ComReg by the Minister for Communications, Climate Action and Environment under section 13 of the 2002 Act, state that ComReg will conduct a RIA in any process that may result in the imposition of a regulatory obligation, or the amendment of an existing obligation to a significant degree, or which may otherwise significantly impact on any relevant market or any stakeholders or consumers. However, the Guidelines also note that in certain instances it may not be appropriate to conduct a RIA and, in particular, that a RIA is only considered mandatory or necessary in advance of a decision that could result in the imposition of an actual regulatory measure or obligation, and that where ComReg is merely charged with implementing a statutory obligation then it will assess each case individually and will determine whether a RIA is necessary and justified.
84. ComReg notes that the changes to the Numbering Conditions proposed in this consultation are mainly administrative updates from previous ComReg decisions, namely Decision D06/18 on Mobile and M2M Numbering, and Decision D15/18 on Review of Non-Geographic Numbers.
85. ComReg has already undertaken detailed Regulatory Impact Assessments in relation to these Decisions, in accordance with the Guidelines, the RIA Guidelines issued by the Department of An Taoiseach in June 2009 and relevant Policy Directions issued to ComReg by the Minister for Communications, Climate Action and Environment under section 13 of the 2002 Act.
86. In relation to the proposal to now use 089 mobile numbers in place of the current 076 numbers for TETRA, ComReg notes that this is at the request of OGCIO, who have undoubtedly considered the tasks and costs associated with such a migration, and the impact on its stakeholders. As highlighted in Chapter 3 ComReg proposes to make an initial assignment of a single block of 100,000 numbers to OGCIO. This will simplify implementation by industry, who are currently routing at the 100K block level, and can distinguish at this level (e.g. for different MVNOs) for interconnection billing purposes. The implementation of this proposal should therefore be straightforward and one of low cost for industry. If this proposal is taken forward, this will also mean that operators will no longer need to keep open a subrange of the 076 number range beyond 1 December 2021, thereby also simplifying implementation of the NGN Consolidation Decision for operators. In

conclusion, ComReg therefore considers that no RIA is required in relation to this proposal.

## 6 Next Steps

87. ComReg invites and welcomes the views of all interested parties and will consider all information submitted to it on foot of this consultation. Upon completion of this consultation, which will include a review of all responses received and publication of ComReg's response to this consultation, the Conditions of Use and Application Process document will be published.

### Submitting comments

88. The period for submitting responses to this consultation will run until 5pm on 25 October 2019.

89. ComReg requests that all responses reference the relevant question numbers and/or paragraph numbers from this document. ComReg also requests that respondents set out the rationale for their submitted views, to include any supporting information.

90. ComReg will publish all responses to this consultation in due course in accordance with its policy. Respondents are therefore asked to provide confidential and non-confidential versions of any document in respect of which any confidentiality is claimed (e.g. commercially sensitive information). In this respect, please see ComReg's *Consultation Procedures* (ComReg 11/34) and *Guidelines on the Treatment of Confidential Information* (ComReg 05/24).

91. ComReg requests that electronic responses to this consultation be submitted in an unprotected format in order that they can be appended into ComReg's submissions document for electronic publication.

92. All responses to this consultation should be clearly marked:- "Reference: Consultation 19/88 "Updating of the Numbering Conditions of Use and Application Process", and sent by post, facsimile or e-mail to arrive on or before 5pm, on 25 October 2019, to:

Conor Mahon  
Freepost  
Commission for Communications Regulation  
One Dockland Central, Guild Street,  
Dublin 1, D01 E4X0,  
Ireland  
Ph: +353-1-804 9722  
Fax: +353-1-804 9680  
Email: [marketframeworkconsult@comreg.ie](mailto:marketframeworkconsult@comreg.ie)

## 7 Consultation Questions

Q.1 Do you have any comments on ComReg's proposed administrative amendments to the conditions relating to M2M Numbers? Please explain the basis for your response in full and provide supporting information. ....

Q.2 Do you have any comments on ComReg's proposed amendments to the conditions relating to Non-Geographic Number Review? Please explain the basis for your response in full and provide supporting information.

Q.3 Do you agree with ComReg's proposed other administrative updates to the Numbering Conditions of Use and Application Process? Please explain the basis for your response in full and provide any supporting information.

Q.4 Do you agree with ComReg's proposal to introduce a new condition of use requiring that all applications for 1800 and 0818 NGNs must be supported by a valid end user order/request? Please explain the basis for your response in full and provide supporting information.

Q.5 Do you agree with ComReg's proposal to make mobile numbering resources available for TETRA services in Ireland and its specific proposal to make an initial assignment of 100K 089 numbers to OGCI/Tetra Ireland at this time? Please explain the basis for your response in full and provide supporting information.

Q.6 Do you have any views or insights to share on the potential user switching mechanisms between TETRA and commercial mobile networks? Please explain the basis for your response in full and provide supporting information.

Q.7 Do you agree with ComReg's proposal to permit the presentation of 1890 and 0818 CLIs, following the implementation of the Geo-linking tariff condition on 1 December 2019? If you do not agree, please explain the basis for your response in full and provide supporting information.

Q.8 Do you have any views on any issues not discussed in this document and/or on issues which you feel are appropriate to the draft Numbering Conditions? Please explain the basis of your response in full and provide supporting information.

## Annex: 1 Legal Basis

ComReg manages the national numbering resource under the Communications Regulation Act 2002, as amended (“2002 Act”) and the Common Regulatory Framework including the Framework Regulations 2011 and Authorisation Regulations 2011.

ComReg’s key objectives are to ensure the efficient management and use of numbers and to promote competition, to contribute to the development of the internal market, and to promote the interests of users.<sup>26</sup> ComReg must take all reasonable measures to achieve those objectives. These include measures to ensure no distortion or restriction of competition, to encourage efficient investment in infrastructure and to promote innovation, and to encourage the efficient use and effective management of numbers.<sup>27</sup> Measures must be proportionate<sup>28</sup>, must have regard to international developments<sup>29</sup>, and should not favour particular technologies or services.<sup>30</sup>

In pursuit of its objectives as outlined above ComReg must apply objective, transparent, non-discriminatory and proportionate regulatory principles. These include: promoting regulatory predictability; ensuring that there is no discrimination in the treatment of comparable undertakings; safeguarding competition; promoting efficient investment and innovation; taking due account of the variety of conditions relating to competition and consumers that exist in the various geographic areas within the State, and imposing *ex ante* regulatory obligations only where there is no effective and sustainable competition.

Regulation 4 of the Authorisation Regulations requires that any undertaking, intending to provide an electronic communications network or service, must first notify ComReg. The undertaking is thereby deemed authorised to provide the network or service concerned, subject to such conditions as may be specified by ComReg. Regulation 8 mandates that ComReg “*shall ... specify conditions to be attached to a general authorisation only as are listed in Part A of the Schedule.*”

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<sup>26</sup> Section 12(1)(a) of the 2002 Act as amended.

<sup>27</sup> Section 12(2)(a) of the 2002 Act as amended.

<sup>28</sup> Section 12(3) of the 2002 Act as amended.

<sup>29</sup> Section 12(5) of the 2002 Act as amended.

<sup>30</sup> Section 12(6) of the 2002 Act as amended.

Regulations 13(1) and (2) of the Authorisation Regulations provide that ComReg may grant a right of use for any class or description of number to any authorised undertaking, through open, objective, transparent, non-discriminatory and proportionate procedures. Regulations 14(1)-(3) of the Authorisation Regulations provide that ComReg shall specify non-discriminatory, proportionate and transparent conditions to be attached to such rights of use for numbers, though only as are listed in Part C of the Schedule to the Authorisation Regulations.

[There is a distinction between (a) statutory obligations relating to numbers which exist under primary or secondary legislation and (b) conditions attached to numbers which are imposed by ComReg pursuant to regulation 8 or 14 of the Authorisation Regulations.

The numbering conditions set out in sections 4 and 5 of the *Numbering Conditions of Use and Application Process* Document fall into two broad categories in that they are either “General Authorisation Conditions” or “Rights of Use Conditions”.

Most of the numbering conditions are attached to the General Authorisation. These conditions are created and imposed pursuant to Regulation 8 and Part A of the Schedule to the Authorisation Regulations. This category of condition has universal effect in that applies equally to all authorised undertakings or to such categories of authorised undertaking as may be specified. An authorised undertaking which uses a number, to which one more conditions under the General Authorisation have been attached, is required to comply with those conditions.

Some of the numbering conditions are attached to “rights of use for numbers” which ComReg has granted to individual undertakings. These conditions are created and imposed pursuant to Regulations 13 & 14 and Part C of the Schedule to the Authorisation Regulations. This category of condition does not have universal effect in that it applies only to the individual authorised undertaking which applied for and was granted the right of use to which the condition is attached. Only the individual authorised undertaking which applied for and was granted the right of use for a number is required to comply with the conditions attached to that right of use.]

Regulation 20(1) of the Authorisation Regulations requires ComReg to “*ensure that all relevant information on rights, conditions, procedures, charges, fees and decisions concerning the general authorisation, rights of use for radio frequencies, rights of use for numbers and rights to install facilities is published and kept up to date in an appropriate manner so as to provide easy access to that information for all interested parties*”.

Regulation 20(5) of the Framework Regulations requires ComReg to “*ensure that adequate numbers and numbering ranges are provided for all publicly available electronic communications services ... in a manner that gives fair and equitable treatment to all undertakings providing publicly available electronic communications services.*”

Regulation 15 of the Authorisation Regulations provides that ComReg may amend the rights, conditions and procedures concerning rights of use for numbers, in an objectively justified and proportionate manner. Except where such an amendment is minor in nature and agreed to, ComReg shall give notice of its intention to make any amendments and shall invite interested parties to make representations.

The updates to the Numbering Conditions which are proposed in this consultation are compatible with the provisions relating to numbering (i.e. Articles 93 and 94) contained in the European Electronic Communications Code (Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code) (“the EECC”). The EECC, which comes into force on 21 December 2020, has not yet been transposed in this jurisdiction.