



## Comments on BEREC Draft Report on Cross-Border Issues under Article 28 USD

*The Number*  
*January 2011*

The Number welcomes the opportunity to comment on the Draft BEREC report on Cross-Border Issues under Article 28 USD (hereafter “the Report”).

The Number’s contribution will specifically focus on **Question 3 of the Report**: ‘*Are there additional cross-border issues, other than those identified in Section 2, to be considered within the scope of Article 28 of the USD? If yes, please describe them*’.

The Number regrets that the entire report only looks at tackling fraud in the PRS space, notably by looking at how NRAs can be given the necessary powers to **block** numbers that have committed fraud.

The Number would like to first point out that in this area, NRAs should consider differentiating between PRS generally, and directory services, the latter being Electronic Communications Service providers and hence already complying with authorization requirements.

Moreover, for The Number, **NRAs should be given the power to not only mandate operators to block numbers but also to open them on their networks, especially when it comes to mobile operators.**

The Report indeed does not look into the fact that Art 25 (4) of the Universal Service Directive as revised in 2009 stipulates that “*Member States shall not maintain any regulatory restrictions which prevent end-users in one Member State from accessing directly the directory enquiry service in another Member State by voice call or SMS, and shall take measures to ensure such access in accordance with Article 28.*”

**We therefore consider that BEREC’s work stream on art. 28 USD should encompass this requirement of Art 25 (4) in a proactive manner as:**

- In some Member States, whilst mobile operators give access to their own directory services’ numbers to their users roaming across Europe, they do not allow competitors’ directory services to do so, thereby not giving choice to their users.
- This blocking has NO technical justification and can easily be removed as Mobile operators manage their numbering plans as “private plans”. A mobile phone can there-



fore easily identify a subscriber's home country to enable directory services to be enabled when roaming.

- Even where a number is not blocked technically by an access operator, the prohibitive charges imposed on end-users (which are not under the control of a directory service provider) can have the same effect by scaring people from using non-geographic numbers. Such abusive charges should hence be equally prohibited and addressed as a form of blocking by NRAs.

Measures are hence necessary to permit existing national DQ services to be accessed across internal EU borders (whether in interconnection or in roaming) and for DQ providers to be able to control and set their own transparent prices.

The Number encourages BEREC and its members to ensure that the transposition of Article 28 combined with Article 25 of the USD clearly sets out that NRAs have the power to mandate the '**blocking and un-blocking**' of numbers. Un-blocking should be especially considered when it is motivated by commercial discrimination, as is often the case with directory numbers on mobile networks, where the shortcode of the mobile operator remains accessible cross-border whilst those of its competitors are blocked.

**BEREC should specifically ensure that all NRAs enable DQ providers** (whether themselves directly as public communications network operators or indirectly via transit operators who manage interconnection for them) **to have their numbers "opened up" (or that NRAs have the powers to mandate operators to open these numbers)** in cross-border interconnection and in roaming agreements in order to permit end users from any Member State, or traveling to any Member State, to access their services.

In practice, this would mean that users travelling abroad in Europe with their mobile telephone (business users, elderly users, and persons who have difficulty using foreign languages or who simply are unaware of what local DQ services are available, how to access them and at what price) would enjoy the huge benefit of being able to obtain local directory (and other enhanced) information from a live operator back home in their own native language at a price they know and understand.

Moreover, the need for this power for NRAs to be able to mandate operators to 'open' numbers is equally true from a national (i.e. non cross border perspective) perspective, in the context of telcos switching from copper to IP networks.

This is illustrated currently in the UK, where the incumbent operator BT is moving from one technology (voice over legacy PSTN) to another (managed VoIP/VOB) in a manner



which is restricting consumer choice and restricting competition more on the new technology, through the a discriminatory use of number 'opening'.

Consumers cannot use BT's managed VoB service (BT Broadband Talk) to access services such as 118118 (the most called phone number in the UK and the market leading Directory Enquiries service) that are available via traditional PSTN calls on BT's network. BT has "over two million registered consumer customers"<sup>1</sup> for its VoIP-based services such as BT Broadband Talk and BT Softphone. Only 118500, BT's own Directory Enquiries (DQ) service is available for customers of BT Broadband Talk. BT asserts that they are open to commercial negotiations, yet it is notable that BT has not agreed to provide access for any competitor DQ services over BT Broadband Talk yet, despite discussions having started over 2 years ago.

After a year of negotiations, the lowest proposed charges to The Number for BT customers to be able to call 118118 from BT's managed VoB access services are over 15 times the level of charges today levied by BT for their customers to call 118118 from traditional landline services, despite VoB services typically having lower running costs than traditional networks.

This is another typical case where an NRA should be able to step in and mandate the opening of all DQ numbers on this BT's lines, regardless of the underlying technology used by the network.

We thank you in advance for taking consideration of these views. Feel free to contact Nik Hole, Executive Director, Government and Business Affairs – Europe for The Number, by phone (+44 7973 748952) or email ([nik.hole@118118.com](mailto:nik.hole@118118.com)) should you need further information.

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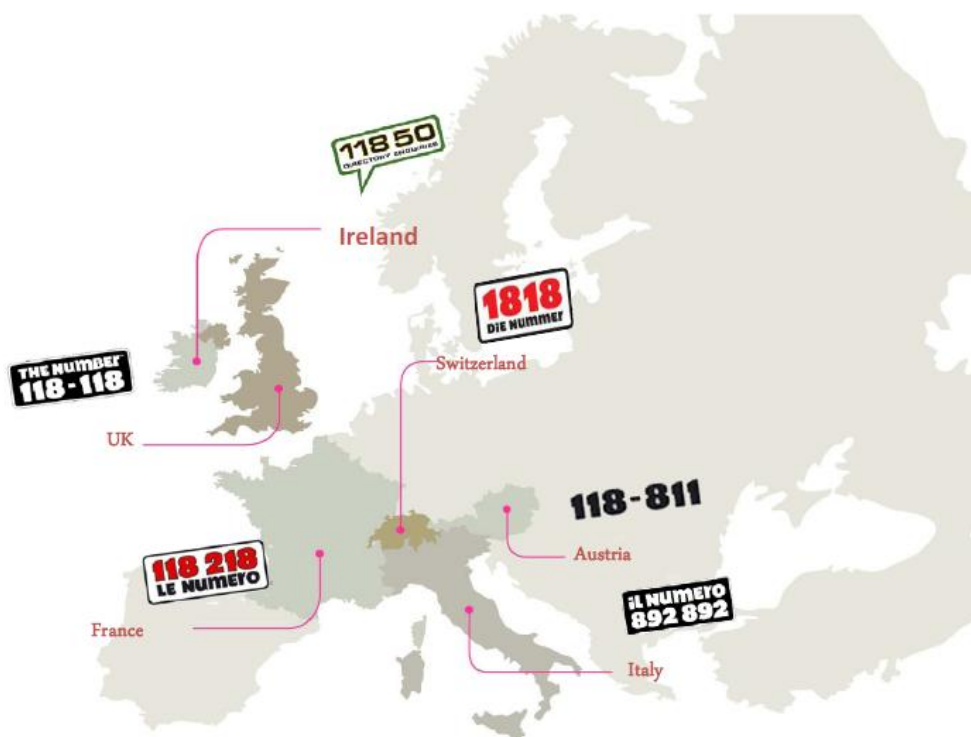
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<sup>1</sup> BT Group - 2008 Annual report



## About The Number



The Number and its group companies are the largest independent providers of directory enquiry (DQ) services in the world. In Europe, the group has entered six markets (UK, France, Italy, Austria, Switzerland and Ireland) offering new, competitive and high quality services to end users. We use live operators to handle enquiries and today employ more than 6,000 in our European operations. The companies have invested heavily in the development of enhanced databases and innovative new services (such as two-way SMS services).