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Contact person	Our reference	Your reference	Direct dial number
	OPTA/ACNB/2008/201431		
Date	Subject		Enclosure(s)
	Legal obligations of number holders and users		

Dear Sir/Madam,

The Independent Post and Telecommunications Authority of the Netherlands (referred to throughout as OPTA) regulates compliance with the legislation and regulations governing electronic communications services. In this letter OPTA wishes to inform you about the most important amendments of the Telecommunications Act [Telecommunicatiewet], the Universal Service and End User Regulations [Regeling Universele Dienstverlening en Eindgebruikersbelangen] and the Universal Service and End User Decree [Besluit universele dienstverlening en eindgebruikers] which have direct implications for you in your capacity as a holder of an 090x or 18xy number. The purpose of the new regulations is to protect consumers against the potential misuse of paid information numbers by number users, to provide greater transparency for consumers in relation to the tariffs (and call charges) levied for calls to paid information numbers and to limit waiting times when calling 0900 numbers to eliminate consumer annoyance in this respect. The most important amendments entail the following.

1. Introduction of the concept of a number user

In the past OPTA assigned an 090x or 18xy number to you and you were listed as the holder of that number in the public number register. The amended Telecommunications Act introduces the concept of a number user. A number user is anyone who uses a number (Section 1.1(ddd) of the Telecommunications Act). Specific obligations have been imposed on number users since 1 July 2007. You may read more about this in this letter.

2. Prohibition against passing on numbers

A number holder is anyone to whom OPTA has assigned a number. A number holder may allow a number user to use a number, if he is not using it himself. A number user may not allow anyone else to use a number that he has been given to use (Section 4.9(3) of the Telecommunications Act).

3. Duty to keep a record of a number user's details

The holder of an 090x or 18xy number has a duty to keep a record of the details of the relevant number user and the use of the number concerned (Section 4.9(3)(b) of the Telecommunications Act and



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Section 3.8 of the Universal Service and End User Regulations). This refers to the following details:

- a. the number user's name and address;
- b. the number user's telephone number;
- c. the period during which the number is used;
- d. the period during which no charges are levied for a call service in addition to the relevant electronic communications service tariff;
- e. the name, address and telephone number of the platform service provider that connects the number.

4. Submission of number user details to OPTA

It may be necessary for OPTA to receive a number user's details from you for the purposes of effective regulation. You are therefore expected to maintain up-to-date records of the users of any numbers assigned to you and, if OPTA requests these details, to hand them over immediately. OPTA has the power to demand this information (Section 18.7 of the Telecommunications Act). In the event that you are unable to submit such details immediately, OPTA may treat this as a contravention of the law and impose a fine or conditional penalty on you in this respect.

5. Misuse of paid numbers and OPTA's powers

The misuse of 0900 and 18xy numbers is prohibited (Section 4.4 of the Telecommunications Act and Section 3.6b of the Universal Service and End User Decree). Misuse may occur where:

- incorrect information is provided before a call, for example, concerning the total cost of that call; or
- essential information is omitted before a call, for example, concerning the charge per minute or the cost of each call; or
- a caller is kept waiting on the line without eventually getting to speak to anyone or without any service being provided (for example, a waiting time of no less than 10 minutes); or
- the user of a number with a fixed charge per call breaks the connection without providing any service.

If it suspects that an 0900 or 18xy number has been misused, OPTA may take the following action, amongst other things:

- a. it may allow payment to the relevant number user to be suspended;
- b. it may suspend access to the number concerned (or alternatively arrange for the number to be disconnected);
- c. it may withdraw the number concerned;
- d. it may impose a fine.

6. Stricter enforcement of duty to mention tariff and maximum tariff (comes into effect on 1 October 2008)

Users of 0900, 0906, 0909 and 18xy numbers (and providers of public electronic communications services for which the relevant provider charges consumers) have a duty to ensure that the relevant tariff is clearly stated before each call. Where the tariff charged for calling an 0900 number amounts to

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more than €0.15 per minute, the relevant number user (and the provider referred to above) has a duty to cite the maximum charge for a call to the relevant 0900 number before each call. This duty to mention the maximum tariff does not apply to 0906, 0909 and 18xy numbers or where a charge is levied for each call (instead of each minute).

In addition, in the case of advertising the relevant number user is required to mention the applicable tariff (for a call to the relevant 0900, 0906, 0909 or 18xy number). Where a number user has a duty to disclose the maximum tariff, he is also required to do so in the case of advertising.

7. In summary what does the above mean to you?

The above means the following to you in your capacity as a number holder:

- if you are also a number user, you may not allow anyone else to use the relevant number, as is set out in §2 above;
- if you are also a number user, you may not misuse the relevant number, as is set out in §5 above;
- you have a duty to keep a record of a number user's details – see §3(a) to (e). You are required to register a number user's details by 1 January 2009;
- at all times you have a duty to hand over a number user's details immediately, if OPTA requests this – see §3(a) to (e);
- if you are also a number user, you have a duty to comply with the provisions of the law governing the disclosure of tariffs, as is set out in §6 above;
- if you are also a number user and the charge levied for a call to an 0900 number amounts to more than €0.15 per minute, you have a duty to disclose the maximum charge for a call to the relevant 0900 number beforehand.

You will be informed separately above the legal duty of specific number users to affiliate to an accredited dispute resolution committee, which will apply in the future.

You may consult our website (www.opta.nl) to obtain additional information. If you have any further questions, you may send an e-mail message to vragennummerhouders@opta.nl. In addition, from 17 July 2008 to 14 August 2008 you may contact the number misuse team (on 070 315 9186) during our telephone consultation hours from 3 pm to 4 pm on Tuesday afternoons and from 10 am to 11 am on Thursday mornings.

Yours faithfully

THE COMMISSION OF THE INDEPENDENT POST AND TELECOMMUNICATIONS AUTHORITY
on behalf of the Commission
Acting Head of the Consumers, Numbers and Administration Department

Ms I.M.A. van der Hart