

Communication No 1257/2014 (Official Gazette No 22/2014 of 26 November 2014, editorially corrected on 1 December 2021)

Application procedure for 0800 freephone numbers

1. Legal basis and purpose of the regulations

Under section 108(1) third sentence of the Telecommunications Act (TKG) of 23 June 2021 (Federal Law Gazette I page 1858), as amended by Article 8 of the Act of 10 September 2021 (Federal Law Gazette I page 4147), in conjunction with section 4 of the Telecommunications Numbering Ordinance (TNV) of 5 February 2008 (Federal Law Gazette I page 141), as amended by Article 121 of the Act of 10 August 2021 (Federal Law Gazette I page 3436), the Bundesnetzagentur assigns numbers to telecommunications network operators, telecommunications service providers and end users. Under section 5(1) TNV, the Bundesnetzagentur can specify in particular the form of applications for number use, and must publish such specifications.

This Communication contains such details specified and describes the application procedure for freephone numbers.

The Numbering plan for 0800 freephone numbers has been determined separately as a general administrative order (Administrative Order No 63/2014, Bundesnetzagentur Official Gazette No 22 of 26 November 2014) and provides the basis for their assignment and use.

2. Applications

Applications should be made where possible using the online tool at

<http://www.bundesnetzagentur.de>.

The application form (Annex 1) should be completed using the online tool and submitted to the Bundesnetzagentur via the internet. The completed application form must also be printed out, signed and sent or handed in to the following address

Bundesnetzagentur
Dienstleistungszentrum 22 Nürnberg
Standort Fulda
Marquardstr. 27-29
36039 Fulda

or faxed to +49 (0)180 3 110900 (9 ct/min).

Applications should be faxed where possible in order to avoid delays in processing.

Applications can also be made offline by completing and signing the application form and sending it or handing it in to the address given above. The application form is available at <http://www.bundesnetzagentur.de> or from the above address.

The 0800 guidance notes (Annex 2) contain information on how to complete the application form. The guidance notes are likewise available at <http://www.bundesnetzagentur.de> or from the above address.

Applications can be handed in personally at the above address on working days from 08.00 to 16.15 on Mondays to Thursdays and from 08.00 to 15.00 on Fridays.

3. Processing of applications

3.1 Order of processing

Applications will be processed in the order in which they are received. Relevant in determining this is the time at which the complete application is received.

The time of receipt for postal applications is taken as 12.00. The time of receipt for faxed applications is the start of reception in the recipient's fax log. The time of receipt for hand-delivered applications is the actual time of receipt.

If an application is incomplete, the applicant will be given a deadline to complete the application. If the application is not completed within the time given, it will be rejected and a fee charged.

If an applicant submits more than one application at the same time, the same number may not be requested in more than one application. If two or more applications for the same number are received at the same time, the application processed first will be considered. All other applications will be disregarded and the applicant will be informed accordingly.

3.2 Preferred dates

Applicants may request a date on which the assignment is to become effective, taking the following into account:

- the date requested may be no more than 90 days after the date of receipt of the application;
- the date requested in applications for recovered numbers (see 4 below) may be neither before nor more than 90 days after the reassignment date referred to in 7b) below.

If no date is requested, the assignment will become effective on the earliest possible date. Applicants requesting an inadmissible date will be given a deadline to correct their applications. If the application is not corrected within the time given, it will be rejected and a fee charged.

3.3 Preferred numbers

In deciding on the number to be assigned, account is taken in the first place of the applicant's preferred choice of number only.

If two or more applicants request the same number at the same time, the following priorities are assigned:

Level 1: Registered property right

The number requested is a vanity number as defined in 5 below and the applicant holds a registered property right to a word that can be represented by the subscriber number. The applicant must have held the property right for a period of at least 90 days prior to requesting the number. The priority also applies where a brand/trade mark or a protected trade name does not correspond to the number as described in 5 below but corresponds directly to a sequence of digits in the number. Proof of the right held (valid certificate) must be submitted with the application.

Level 2: Right to a name

The number requested is a vanity number and the applicant holds a right to a name within the meaning of section 12 of the German Civil Code (BGB) that can be represented by the number. Proof of the right held (valid document) must be submitted with the application.

Applications claiming a priority and not accompanied by the required proof are considered as applications without a priority.

The priority given to registered property rights over rights to names is without prejudice to the substantive priority of rights to names and property rights as provided for by the special legal regulations.

If two or more applicants claiming the same priority request the same number at the same time, the number will be assigned in an electronic draw.

Where an applicant is not assigned the preferred choice of number because

- at least one other applicant has a higher priority or
- the number is assigned to another applicant in a draw or
- the number is assigned to another applicant whose application was received earlier,

the applicant's second choice will be considered and the application processed as described above, after all the preferred number choices requested in applications received at the same time have been assigned. This procedure is repeated down to the applicant's fifth choice of number.

If none of the applicant's chosen numbers can be assigned, the applicant will be assigned a different number, where requested in the application. If the applicant cannot be assigned any of the chosen numbers and does not wish to be assigned a different number, the application will be rejected and a fee charged. If an applicant does not specify a choice of number, the applicant will be assigned any number even where the applicant does not put a cross in the box for any number to be assigned.

3.4 Supporting documents

In special cases, supporting documents such as the applicant's planned business model may be requested in order to verify that the conditions for assignment, in particular those concerning the intended purpose of use (4.1 of the Numbering plan), are met. This applies especially where there is reason to suspect misuse, one or more orders under section 123(1) of the Telecommunications Act have previously been issued, or an unusually large amount of numbers is requested.

3.5 Fees

Fees are charged for any processing of applications.

Under section 15 of the Federal Fees Act from 7 August 2013 (Federal Law Gazette I page 3154) as amended by Article 2 of the Act of 16 July 2021 (Federal Law Gazette I page 3019), an individually attributable public service to be provided upon application can be made conditional on payment of an advance or on a surety not exceeding the expected fees and expenses. If payment is not made within the time given, the Bundesnetzagentur will discontinue the application procedure ex officio.

The fees payable may be specified in a separate notice.

4. Reusing recovered numbers

Numbers recovered through the revocation, withdrawal, return and expiry of assignments will be available for reassignment from the date published as described in 7b) below. All applications for such numbers received by the reassignment date will be taken as having been received at the same time. Numbers previously used can be reassigned 180 days after the date of recovery, with the exception of the cases described in 5.3.1 in conjunction with 5.3.3 of the Numbering plan. Numbers not previously used can be reassigned 90 days after the date of recovery. The Bundesnetzagentur's electronic list of network operators' activation notices indicates whether or not a number has previously been used.

A recovered number can be applied for and reassigned immediately, i. e. before the reassignment date, if the applicant provides evidence no later than one day before the reassignment date that the number was used solely for the applicant in the 180 days immediately before the number was recovered (within the scope of a service provided by the assignee) (see section 5(4) TNV). Particularly suitable as evidence is a service agreement and supporting documents, if any.

An application for a recovered number can only be considered if the applicant has specified the number as the preferred choice of number (numbers given as alternative choices but not available for reassignment at the time of application will not be considered).

5. Vanity numbers

Vanity numbers are numbers whose subscriber number corresponds to the letters in a certain name or word.

A freephone vanity number comprises the seven digits in the subscriber number. If a name or word consists of more than seven letters, the number is considered as a vanity number if the seven digits correspond to the first seven letters in the name or word.

The recommended layout of letters and digits according to ITU-T Recommendation E.161 is as follows:

1	2 A B C	3 D E F
4 G H I	5 J K L	6 M N O
7 P Q R S	8 T U V	9 W X Y Z
	0	

6. Applying for confirmation and amendment of assignments in the case of succession

The application form (Annex 3) available at <http://www.bundesnetzagentur.de> or from the address given in 2 above should be used to apply for confirmation and amendment of assignments in the case of succession (see section 4(6) TNV). The accompanying guidance notes (Annex 4) – also available at <http://www.bundesnetzagentur.de> – contain information on how to complete the application form.

7. Publications

The Bundesnetzagentur will maintain the following electronic lists:

- a) list of assigned numbers;
- b) list of numbers recovered through the revocation, withdrawal, return and expiry of assignments, together with the date on which each number is available for reassignment.

The lists may be viewed between the times and at the Bundesnetzagentur's address given in 2 above or online at <http://www.bundesnetzagentur.de>. Outdated lists will not be made available.

8. Entry into force

The regulations laid down in this Communication will become effective on 26 May 2015.

Annexes

1. Application form for number assignment
2. 0800 guidance notes
3. Application for assignment confirmation and amendment in the case of succession per number range
4. Guidance notes on assignment confirmation and amendment

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