

Numbering plan for 0900 premium rate numbers

1. Legal basis

Premium rate numbers are numbers in accordance with section 3 para 13 of the Telecommunications Act (TKG) of 22 June 2004 (Federal Law Gazette I page 1190), as amended by Article 4(108) of the Act of 7 August 2013 (Federal Law Gazette I page 3154).

This Administrative Order defines the structure and configuration of the number range for premium rate numbers in accordance with section 66(1) second sentence TKG and the Telecommunications Numbering Ordinance (TNV) of 5 February 2008 (Federal Law Gazette I page 141), as amended by Article 4(110) of the Act of 7 August 2013 (Federal Law Gazette I page 3154).

The application procedure for premium rate numbers is published separately as an Official Gazette Communication (Communication No 159/2014, Bundesnetzagentur Official Gazette No 7 of 16 April 2014).

2. Number format and subdivision of the number range

The German numbering space for public telecommunications is defined in ITU-T Recommendation E.164. In this numbering space the 0900 number range is provided for premium rate services.

Premium rate numbers consist of a four-digit service code and a six-digit subscriber number. The service code consists of the digit string 900 and a single-digit indicator "x". When dialling the number from a German landline or mobile number, the number must be preceded by the prefix "0".

Premium rate numbers are therefore structured as follows:

Prefix 0	Premium rate number (10 digits)	
	Service code 900x (4 digits)	Subscriber number (6 digits)

Service codes 0900x where x = 1, 3, 5 are available for assignment. Service codes 0900x where x = 0, 2, 4, 6, 7, 8 are in reserve.

Service code 09009 is available for diallers. The rules for the assignment of 09009 numbers for premium rate services accessible via dialler programmes are laid down in Administrative Order No 38/2003 of 13 August 2003 (RegTP Official Gazette No 16/2003).

Note 1: The provision of three different codes enables applicants to voluntarily follow the DVTM code of practice by using specific codes to indicate the content of the service offered (09001 for information, 09003 for entertainment and 09005 for other services; cf 1.5.7 and Annex A5 of the code). This in turn enables customers to bar calls to premium rate services

with specific content. The current version of the DVTM code of practice is available online at <http://www.dvtm.net> and can also be downloaded (following registration). The use of specific codes to indicate service content is voluntary and is not part of the Bundesnetzagentur's remit.

Note 2: Until 31 December 2005, numbers from the 0190 number range could be used for the provision of premium rate services. They are no longer available for premium rate services despite the reference in section 3 para 17b TKG.

3. Purpose of use

Premium rate numbers may be used exclusively for the provision of premium rate services within the meaning of section 3 para 17b TKG.

Services which equate commercially to the provision of carrier selection are not premium rate services within the meaning of this Numbering plan.

Note: Premium rate numbers should not be used if it is expected that the use of the numbers will result in mass call traffic liable to cause network overload.

4. Type of and requirements for assignment

Premium rate numbers are assigned upon application in the form of direct assignments for the assignee's own use within the meaning of section 4(2) para 1 TNV.

4.1 Material requirements for assignment

Applicants are eligible for assignment if they plan to request a telecommunications network operator to activate a premium rate number and intend to provide a service corresponding to the intended purpose of use (cf 3 above) at that number. The request for activation can be made to the telecommunications network operator either directly or indirectly through a service provider. Assignments can also be made to telecommunications network operators provided that the operators themselves intend to provide a service corresponding to the intended purpose of use at that number.

4.2 Formal requirements for assignment

4.2.1 Address for service in Germany

The applicant must give an address for service (residential or business address and (if the applicant is a legal entity) legal representative) in Germany. Applicants with headquarters in another country must specify a general authorised representative with an address for service in Germany. Each applicant may specify one address for service and one general authorised representative only. If an applicant specifies more than one address and/or general authorised representative, the first address and/or the first general authorised representative specified in the last complete application received by the Bundesnetzagentur will apply. The applicant will be informed accordingly.

4.2.2 Proof of identity

Applicants must provide proof of identity as follows:

a) natural persons must provide a copy of their identity card, passport or similar official identity document;

b) legal entities and partnerships must provide an extract from the commercial register or, if not available, other proof of identity (eg extract from the official register of societies and associations, business registration);

c) officially registered civil law companies must provide their official registration; if a civil law company is not officially registered, the company's managing partners must each provide proof of identity as required in a) above.

5. Other conditions of use

5.1 Deadline for beginning of use

The assignee must request a telecommunications network operator either directly or indirectly through a service provider to activate the number and must use the number no later than 180 calendar days after the assignment becomes effective.

5.2 Principle of flexible charging

Premium rate numbers do not include a rate indicator, hence the call charges are variable; however, the provisions of sections 66a et seq TKG – in particular those concerning price ceilings and price indication and display – are to be observed.

The provider of the additional service sets the rate at which callers can reach the number from national public fixed networks in agreement with the operator activating the number, if appropriate indirectly through a service provider.

This Numbering plan does not determine who sets the rates for calls from public mobile networks.

5.3 Prohibition of the use of a number by the assignee for a third party

5.3.1 Principles

The assignee is not permitted to use a number for a third party within the scope of a service. Such use is deemed to exist where a third party requests the assignee to provide a service corresponding to the intended purpose of use for the third party at that number. Contractual arrangements amounting to a transfer of the right of use by the assignee to the third party are likewise not permitted (cf section 4(5) TNV).

By contrast, the assignee is permitted to procure content from a content provider (supplier) if the assignee acts as the provider of the service in relation to third parties and the content is attributed to the assignee (ie a service contract is concluded between the assignee of the 0900 number and the caller, and the assignee is liable in relation to third parties for the supplier's acts in accordance with section 278 of the German Civil Code (BGB)) and the assignee promotes the number also in relation to third parties.

5.3.2 Transitional period

If the assignee uses a number for a third party within the scope of a service at the time this Administrative Order enters into force, such use will be tolerated for a transitional period until 17 November 2014.

Note: After the transitional period, use of a number for third parties may lead to revocation of the assignment.

5.3.3 Conversion measures

If the assignee has used a number for a third party within the scope of a service up to the entry into force of this Administrative Order and the third party wishes to become the assignee of the number, the third party can become the assignee as follows:

- a) The original assignee notifies the Bundesnetzagentur by 16 July 2014 of the return of the number to the Bundesnetzagentur on a specific date, but not later than 17 November 2014; no special form is required for such notification. The assignee also states the third party for whom the number has been used and that no compensation is being received for return of the number (cf section 4(5) second sentence TNV).
- b) The third party applies to the Bundesnetzagentur by 16 July 2014 for assignment of this number on the date notified by the original assignee as the date of return (see a) above) or on a later date, but not later than 17 November 2014.
The third party must state and support with proof in the paper application that
(i) the number was used exclusively for the third party during the 180 days immediately preceding the date of application (cf section 5(4) second sentence TNV), and
(ii) the third party is not offering compensation either directly or indirectly to the original assignee for return of the number to the Bundesnetzagentur (cf section 4(5) second sentence TNV).
Deemed as sufficient proof for (i) is the submission of a service contract and any supporting documents (if applicable).
- c) The Bundesnetzagentur assigns the number to the third party with effect from the date specified by the third party in the application (see b) above), but not later than 17 November 2014, provided that the requirements for assignment are met and there are no particular grounds for refusal as stated in section 6 TNV. If the requested assignment date is less than three weeks after the date of receipt of the application, the number may be assigned after the requested date (cf section 5(5) TNV).

The original assignee must have the number deactivated on the date of return (see a) above); the number must be activated in a telecommunications network for the new assignee on the date on which the Bundesnetzagentur assigns the number to the third party, but not later than 17 November 2014 (cf section 4(8) second sentence TNV).

The original assignee may continue to provide other services (eg switching, provision of technical platforms) hitherto provided to the third party.

Note: In order to enable uninterrupted use of the number, the original assignee and the third party should coordinate the date of return and requested date of assignment and should set the date so far in advance as to enable the number to be assigned by the Bundesnetzagentur, an activation request to be made and the number to be activated by the network operator for the third party by that date.

5.4 Changes in the format of numbers

5.4.1 Use of longer numbers

5.4.1.1 Use of a longer number by an assignee for the assignee's own purposes

The use of a longer number by an assignee for the assignee's own purposes is permitted. Use for the assignee's own purposes is taken to mean internal use only of a longer number. It is only permissible to receive external calls and faxes at the longer number if the assignee or a natural person or organisational unit providing service on behalf of the assignee can be reached at that number. The persons or units reached at the number must belong to the assignee (eg as employees) or must provide the service on the assignee's behalf in such a way (eg as subcontractors) that they themselves cannot be considered as the service provider. The use of longer numbers beyond these purposes is not permitted. A contractual agreement on the use of longer numbers between the assignee and third parties is not permitted except in the case in 5.4.1.2 below (eg the use of a longer 0900 number by an office service with the result that a third party can be reached at that number is not permitted).

5.4.1.2 Use of a longer number within the scope of a service within the transitional period

A third party for whom a number continues to be used within the scope of a service during the transitional period specified in 5.3.2 above may use a longer number during this transitional period for internal purposes only. It is irrelevant in this connection whether the third party extends the number or the assignee extends the number for the third party. The use of longer numbers beyond these purposes is not permitted.

5.4.1.3 Accessibility of longer numbers

Attention is drawn to the following:

- The accessibility of longer numbers depends on the technical conditions provided by the network operators involved in a call.
- ITU-T Recommendation E.164 provides for numbers of up to 13 digits (excluding the prefix "0") in Germany.

5.4.2 Use of shorter numbers

It is not permissible to use shortened premium rate numbers.

5.5 Return of numbers

If – contrary to 5.1 above – a premium rate number is not used within 180 days after assignment or if its use is not planned for 180 days beginning with the time of assignment or for twelve months beginning with the last time the number was used, the number must be returned immediately by making a written declaration to the Bundesnetzagentur in accordance with section 9(1) in conjunction with subsection (4) first sentence TNV.

5.6 Notification of changes of name or address

Assignees must inform the Bundesnetzagentur in writing, without delay and on their own initiative, of any change in their name, their address for service or their legal representative. Applicants whose headquarters are not in Germany must also inform the Bundesnetzagentur of any change in their general authorised representative or the representative's address for service in Germany.

If any changes are made to an entry in the commercial register or equivalent of another country, up-to-date extracts must be submitted to the Bundesnetzagentur immediately.

The information should be sent to:

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

or Fax: +49 (0)180 3 110900 (landlines 9 ct/min; mobiles max 42 ct/min).

6. Entry into force

This Administrative Order will become effective on 16 May 2014.

Rights of appeal

An appeal against this Administrative Order may be lodged within one month of its issue. The appeal must be filed in writing with the Bundesnetzagentur, Tulpenfeld 4, 53113 Bonn or any other Bundesnetzagentur office, or placed on record.

The requirement of written form is met if electronic media are used. In this case, the electronic document must be signed with a qualified electronic signature as defined in the Electronic Signatures Act (SigG). Attention is drawn to the information on the Bundesnetzagentur's website at www.bundesnetzagentur.de – Die Bundesnetzagentur > Über die Agentur > Elektronische Kommunikation.

An appeal does not have suspensory effect. Filing an appeal does not change the effect or enforceability of the Administrative Order in any way.