

## **Administrative Order No 26/2014**

### **Partial revocation of existing 0900 number assignments**

Section 12 first sentence of 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), states that the arrangements in 1.7 of the annex pertaining to section 12 TNV are deemed to apply as a numbering plan for premium rate services until a numbering plan as per section 1(1) TNV is issued, to the extent that they define the structure and configuration of the number range.

The Numbering plan for 0900 premium rate numbers (Administrative Order No 25/2014, Bundesnetzagentur Official Gazette No 7 of 16 April 2014), issued in accordance with section 1(1) TNV, becomes effective on 16 May 2014.

As set out in section 3(2) TNV, the Bundesnetzagentur, taking account of the regulatory aims according to section 2(2) 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), and the interests within the meaning of section 66(4) third sentence TKG, decides in the case of amendments to the numbering plan whether and when existing assignments should be revoked in full or in part, with a reasonable transitional period.

All existing 0900 number assignments will be revoked with effect from 16 May 2014 insofar as the conditions of use set out in Administrative Order No 25/2014 will apply as from that date in place of the previous ones. An exception is made for the prohibition of the use of a number by the assignee for a third party within the scope of a service as laid down in 5.3.1 of Administrative Order No 25/2014; if the assignee uses a number for a third party within the scope of a service at the time the Numbering plan becomes effective, such use will be tolerated for a transitional period until 17 November 2014.

The aim of the revocation is to secure uniform use of 0900 numbers. Partial revocation is suited to this aim. It is also necessary since there are no other means that are more lenient but equally suitable. Partial revocation is also reasonable. It guarantees fair competitive conditions (cf section 2(2) para 2 TKG) for holders of existing assignments and holders of assignments made under the new Numbering plan. A differentiation between these two groups is not objectively justified. Nor were sufficiently substantiated arguments put forward in the public consultation held on the matter as to why applying the new regulations to existing assignments would impose an unreasonable burden on the holders of the existing assignments. Furthermore, on account of the amendment to the regulation concerning the use of a number by the assignee for a customer within the scope of a service, a six-month transitional period has been provided to accommodate the changes needed to the market participants' contractual arrangements.

#### **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](http://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.