

Numbering plan for mass calling services numbers

1. Legal basis

Mass calling services numbers are numbers as defined in section 3 para 13 of the German Telecommunications Act (TKG) of 22 June 2004 (Federal Law Gazette I page 1190), as last amended by Article 1 of the Act of 3 May 2012 (Federal Law Gazette I page 958).

This Administrative Order sets out, as required by section 66(1) second sentence of the Telecommunications Act and section 1 of the Telecommunications Numbering Ordinance (TNV) (Federal Law Gazette I No 5 of 14 February 2008 page 141ff) how the number range for mass calling services numbers is to be structured and configured.

The application procedure for mass calling services numbers has been published separately as an Official Gazette Communication (see Communication No 334/2012, Bundesnetzagentur Official Gazette No 10 of 30 May 2012).

2. Number format and subdivision of the number range

2.1 Number ranges available

The German numbering space for public telecommunications is defined by Recommendation E.164 of the International Telecommunication Union (ITU). This numbering space provides the (0)137 number range for use.

2.2 (0)137 number range

2.2.1 Number structure

Mass calling services numbers in the (0)137 number range have ten digits. They consist of a four-digit service code and a six-digit subscriber number.

The service code consists of the digits 137 and a single digit indicating the price (price code). When dialling the number from a German landline or mobile number, the number must be preceded by the prefix 0.

Mass calling services numbers are assigned on a primary basis in blocks of 1,000 (see section 4). The subscriber number consists of a three-digit block code and three end digits.

The first digit of the block code is coded to indicate the maximum calling rate for the type of mass calling service concerned (MCS type code).

Mass calling services numbers are therefore structured as follows:

Prefix 0	National number (10 digits)			
	Service code (4 digits)		Subscriber number (6 digits)	
	Digit sequence 137	Price code (1 digit)	Block code (3 digits)	
MCS type code (1 digit)			2 digits	

Before the present numbering plan came into force mass calling services numbers were assigned in blocks of 10,000. The numbers in the blocks in use before the present numbering plan came into force have subscriber numbers consisting of a two-digit block code and four end digits. The same applies to the number blocks not assigned on a primary basis from which Telekom Deutschland GmbH and its legal predecessors made secondary assignments (see section 4.4). Mass calling services numbers in use before the present numbering plan came into force are therefore structured as follows:

Prefix 0	National number (10 digits)			
	Service code (4 digits)		Subscriber number (6 digits)	
	Digit sequence 137	Price code (1 digit)	Block code (2 digits)	
MCS type code (1 digit)			1 digit	

Service codes with price codes 1 to 9 are available.

2.2.2 Maximum calling rates

Mass calling services numbers with the following maximum calling rates are available:

Maximum number of calls per second (calling rate λ_N)	MCS type
40	A
75	B
200	C
550	D
1680	E

Within the subranges formed by the service codes the following MCS type codes – constituting the first digit of the subscriber number – are available:

Subrange	MCS type				
	A	B	C	D	E
	MCS type code				
(0)137-1					0 to 9
(0)137-2					0 to 9
(0)137-3		0 to 9			
(0)137-4		0 to 9			
(0)137-5	0, 1, 2	3, 4, 5	6, 7	8, 9	
(0)137-6	0, 1, 2	3, 4, 5	6, 7	8	9
(0)137-7	0, 1, 2	3, 4, 5	6, 7	8	9
(0)137-8	0, 1, 2	3, 4, 5	6, 7	8, 9	
(0)137-9					0 to 9

2.2.3 Number classes

For historical reasons, a distinction is made between the following classes of number block:

Class 1	Free blocks of 1,000 numbers
Class 2	Assigned blocks of 1,000 numbers
Class 3	Assigned blocks of 10,000 numbers
Class 4	Blocks of 1,000 numbers in use without primary assignment (old assignments, see section 4.4)
Class 5	Blocks of 10,000 numbers in use without primary assignment (old assignments, see

3.Purpose of use

Mass calling services numbers may be used exclusively for the provision of mass calling services as defined in section 3 para 11d of the Telecommunications Act.

Mass calling services are defined in the Telecommunications Act as services characterised by high volumes of short calls, during one or more brief intervals, to a destination with limited handling capacity.

Mass calling services are thus services that firstly are characterised by the short duration of the calls (only long enough to cast a vote or register for a competition for instance) and secondly are offered on a non-permanent basis. The primary purpose is to be able to handle a high volume of calls generated within a defined short period of time and at the same time prevent the network from becoming congested. The mass calling service must lead to peak call volumes within a limited period of time. A peak volume is taken to be when the number of calls per second (calling rate) is close to the maximum calling rate for the MCS type concerned (see section 2.2.2).

The use of mass calling services numbers must meet the following conditions in particular:

- a) Once the call has been connected no tune or message may be played that gives the caller the impression that the number called is engaged or that the call is free of charge.

- b) Once the call has been connected the main focus may not be on advertising another number.
- c) The service offered may not be equivalent in commercial terms to carrier selection.

4. Type of assignment and requirements for assignment

4.1 Form of assignment

Mass calling services numbers are assigned by way of primary and secondary assignments according to section 4(2) paras 2 and 3 of the Telecommunications Numbering Ordinance.

4.2 Primary assignments

4.2.1 Procedure

The application procedure has been published separately (see Communication No 334/2012, Bundesnetzagentur Official Gazette No 10 of 30 May 2012).

4.2.2 Requirements

4.2.2.1 General requirements

A primary assignment is made only if the following requirements are met:

- a) The applicant operates a telecommunications network as defined in section 3 para 27 of the Telecommunications Act.
- b) The applicant has been assigned a carrier portability code.
- c) The applicant already offers a service as described in section 3 above or will be able to do so within 90 days of receiving the assignment. The applicant must have the technical facilities required to handle the mass calling or must be interconnected with a network operator having the required facilities and with whom the applicant has concluded an agreement for the use of the operator's facilities.
- d) The applicant must specify an address for summons (residential or business address and (if the applicant is a legal entity) legal representative) in Germany. Applicants with headquarters in another country must specify an authorised recipient with an address for summons in Germany.
- e) The applicant has submitted a business registration, an up-to-date extract from the commercial register or, if the applicant's headquarters are not in Germany, proof as specified in section 13e(3) of the German Commercial Code (HGB).

Proof of compliance with the application requirements must be submitted as specified in the application procedure.

4.2.2.2 Requirements for follow-up applications

If an applicant applies for assignment of a block of mass calling services numbers with the same combination of price and type codes as a block or blocks already assigned to the applicant ("follow-up application"), assignment will be made only if the following requirements are met:

- a) At the time of application more than 50% of the numbers from the blocks assigned must have been assigned on a secondary basis and be in use for mass calling services. Proof must be submitted in the form of a list of the numbers assigned on a secondary

basis together with the assignee and the date on which the number was last used for the purpose as described in section 3 above. The list of secondary assigned numbers must also include the mass calling services numbers ported to other providers.

- b) The applicant does not have sufficient free mass calling services numbers in one block to meet a subscriber's demand for numbers.

4.2.3 Acquired rights

A primary assignee acquires the following rights with the assignment:

- a) The right to activate the assigned block of mass calling services numbers in the assignee's own network using the assignee's own carrier portability code.
- b) The right to make secondary assignments.
- c) The right to activate secondary assigned mass calling services numbers in the assignee's own network using the assignee's own carrier portability code. In the case of number porting under section 46 of the Telecommunications Act, the right is transferred to the network operator to whom the subscriber is switching for the duration of the contract with the subscriber.

4.3 Secondary assignments

4.3.1 Procedure

Numbers are assigned on a secondary basis under a contract concluded between a primary assignee, or a third party authorised by the primary assignee, and a subscriber.

4.3.2 Requirements

A secondary assignment may be made only if the following requirements are met:

- a) The secondary assignee has demonstrated clearly that the intended use is expected to involve mass calling as defined in the legal provisions and the present numbering plan. The assignee must therefore demonstrate the following:
 - Use will be during one or more brief intervals.
 - Use is designed for calls of short duration.
 - The destination has limited handling capacity.
 - A high volume of calls is expected (proof in the form of a forecast).
- b) The secondary assignee has demonstrated clearly that the intended use is expected to involve mass calling corresponding to the MCS type for which assignment is requested.
- c) The secondary assignee has demonstrated that at least one retrieval facility corresponding to the maximum calling rate for the MCS type for which assignment is requested is available for the assignee's use.
- d) The secondary assignee has submitted a business registration, an up-to-date extract from the commercial register or, if the assignee's headquarters are not in Germany, proof as specified in section 13e(3) of the Commercial Code.

The quantity of numbers assigned on a secondary basis may not exceed the quantity demonstrated to be required.

Secondary assignments may be made only from class 2 and 3 number blocks.

4.3.3 Acquired rights

A secondary assignee acquires the following rights with the assignment:

- a) The right to use the number for a mass calling service within the scope of a contract under which the assignee has been assigned the number or under which the number has been ported to the assignee as provided for by section 46 of the Telecommunications Act. The number is used by the secondary assignee. Assignments may not be transferred by legal transaction (see section 4(5) of the Telecommunications Numbering Ordinance).
- b) The right to port numbers in accordance with section 46 of the Telecommunications Act.

4.4 Old assignments

Before the present numbering plan came into force Telekom Deutschland GmbH and its legal predecessors assigned mass calling services numbers on a secondary basis from number blocks not assigned on a primary basis (see sections 2.2.3 and 2.3: class 4 and 5 number blocks).

Existing secondary assignments from class 4 or 5 number blocks will remain valid until expiry of the contract underlying the assignment.

With the entry into force of the present numbering plan no secondary assignments may be made from class 4 or 5 number blocks. Contracts for numbers from class 4 or 5 blocks may no longer be concluded, nor may expiring contracts be renewed.

Numbers from class 4 or 5 blocks not assigned on a secondary basis are subject to the Bundesnetzagentur's power of disposition. Should a contract for a number from a class 4 or 5 block expire, the numbers are subject to the Bundesnetzagentur's power of disposition after expiry of the contract.

5. Other conditions of use

5.1 Deadline for the beginning of use

Mass calling services numbers must be put into use not later than 90 days after receipt of the assignment.

The primary assignee is responsible for the mass calling services number being put into use for the intended purpose within the deadline. The assignee is responsible for use within the specified time. Technical, contractual or economic hindrances or fault on the assignee's part are irrelevant.

The primary assignee must notify the Bundesnetzagentur, in writing, of the date on which use begins. Notification must be made not later than 14 days after the code is first used.

5.2 Changes to the number format

Neither the primary nor the secondary assignee may change the number format. Neither a longer nor a shorter format may be used.

5.3 Return of unused number blocks

If – contrary to section 5.1 above – a block is not used within 90 days of receipt of the assignment or if it is not planned to use the block for a period of 90 days beginning with the date of assignment or the last time the block was used, the mass calling services number block must be returned without delay by making a written declaration to the

Bundesnetzagentur in accordance with section 9(1) in conjunction with subsection (4) first sentence of the Telecommunications Numbering Ordinance.

The declaration must state when the individual numbers were last used.

5.4 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 summons or, where applicable, their legal representative. Applicants with headquarters in another country must also inform the Bundesnetzagentur of any change in their authorised recipient or the authorised recipient's address for summons 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.

5.5 Information obligations

a) Annual reports

Primary assignees and network operators in whose networks numbers from the (0)137 range are activated must submit an annual report to the Bundesnetzagentur for the year ending 31 December. The report must be received by the Bundesnetzagentur by 31 January of the following year.

Network operators in whose networks numbers from the (0)137 range are activated must state in their reports for the Bundesnetzagentur which mass calling services numbers they have activated (including numbers ported from but excluding numbers ported to other operators).

In the case of large volumes of data the Bundesnetzagentur may require that the data be transmitted electronically and may specify the data format to be used.

Note: Numbers from class 4 or 5 blocks that are not listed in any of the annual reports are subject to the Bundesnetzagentur's power of disposition (see section 4.4). Class 4 and 5 number blocks that are fully subject to the Bundesnetzagentur's power of disposition are reclassified as class 1 blocks and can then be reassigned. Class 5 number blocks that are partially free may be reclassified as class 1 or 4 blocks.

Primary assignees must also state the number of mass calling services numbers assigned on a secondary basis from each of the blocks assigned to them on a primary basis (including numbers ported to other operators).

b) Ad hoc reports

The Bundesnetzagentur can request a primary assignee or a network operator in whose network mass calling services numbers are activated to submit a report when required by the circumstances (see sections 67 and 127 of the Telecommunications Act). Depending on the circumstances the following information in particular can be requested:

1. A list of numbers assigned on a secondary basis (including numbers ported to other network operators).
2. A list of numbers activated in the network (including numbers ported from but excluding numbers ported to other operators).
3. The secondary assignee's address for summons.
4. Statistics on the call volumes for individual numbers that can be used to prove that the number is being used for the intended purpose.

5. A copy of the documents in which the secondary assignee has demonstrated clearly that the requirements for secondary assignment are met.

5.6 Note on pricing

The charges for price codes 1 to 9 for calls from fixed networks have been set in accordance with section 67(2) of the Telecommunications Act in a separate administrative order, following consultation with the market, as a basis for compliance with the price indication and pricing message requirements.

Charges for calls from mobile networks are set in accordance with current market practice by the caller's provider.

6. Notes on measures in the event of use contrary to the intended purpose

6.1 Systematic disregard of the purpose of use

Should the Bundesnetzagentur find that a primary assignee is systematically failing to ensure that numbers are being used for the intended purpose, the Bundesnetzagentur will revoke the primary assignment for the block containing the numbers concerned.

In the case of primary assignees assigned up to 10,000 numbers, the Bundesnetzagentur will establish that there has been systematic disregard of the purpose of use if, in respect of the numbers assigned on a primary basis, more than ten cases of non-compliance with the conditions of use have come to the Bundesnetzagentur's attention within the last six months. A case of non-compliance exists as soon as a measure as provided for by section 67(1) of the Telecommunications Act has been taken.

In the case of primary assignees assigned more than 10,000 numbers, the Bundesnetzagentur will establish that there has been systematic disregard of the purpose of use if the number of cases of non-compliance with the conditions of use that have come to the Bundesnetzagentur's attention within the last six months exceeds the quantity of primary assigned numbers divided by 1,000.

Should the Bundesnetzagentur, following revocation, again find that a primary assignee is systematically failing to ensure that numbers are being used for the intended purpose, the Bundesnetzagentur will revoke the primary assignments for all of the blocks assigned.

Should primary assignments be revoked, all secondary assignments from the number blocks concerned become invalid and the numbers must be deactivated. If the primary assignee or the current provider successfully proves to the Bundesnetzagentur that individual numbers in the number blocks concerned meet the mass calling requirements and thus are used for the intended purpose, these numbers will be exempted from the measure.

The assignee whose primary assignment has been revoked must provide details of the status of each individual number in the number block (date when the number was last used; network operator to whom the number was ported, if applicable). If all the number blocks assigned have been revoked, the assignee must provide details of the status of each individual number in each block (date when the number was last used; network operator to whom the number was ported, if applicable) as well as details of the status of any numbers ported to the assignee (date when each number was last used).

In the case of class 4 and 5 number blocks and numbers ported to the assignee disregarding the purpose of use, action will be taken accordingly through deactivation orders.

6.2 Non-action in the case of plausible forecasts

In cases where mass calling has not occurred despite a plausible forecast, it may be

decided not to take action provided that the call volumes are not significantly and permanently below the maximum calling rates (see section 2.2.2).

7.Entry into force

This Administrative Order becomes effective on **5 May 2016**.

This Administrative Order replaces Administrative Order No 25/2012, Official Gazette No 10/2012 of 30 May 2012.

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 German Electronic Signatures Act (SigG). Attention is drawn to the information on the Bundesnetzagentur's website at www.bundesnetzagentur.de – Die Bundesnetzagentur > Qualifizierte elektronische Signatur.

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

Note:

Costs (fees and expenses) are payable for appeal proceedings that are wholly or partially unsuccessful.