

Rules for the Allocation of (0)9009 Numbers for Premium Services which can be Accessed through Diallers

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1. Type of number

These rules apply to the allocation of numbers for premium services which can be accessed through diallers subject to registration.

Within the meaning of these rules diallers are programmes or subprogrammes directly or indirectly establishing or establishing and controlling a telecommunications connection to a premium rate service. Diallers within the above meaning also include programmes or subprogrammes directly or indirectly influencing or changing the configuration of the end user's terminal equipment for the setup of a telecommunications connection.

A premium service within the meaning of these rules is a service

- a) provided as a publicly available telecommunications service by an operator of a telecommunications network, and moreover
- b) provided as an additional service which is billed to the caller along with the telecommunications service.

The additional service may be a service provided at the same time as the telecommunications service or a service to be provided at a later date.

Billing is effected on the basis of the caller's number.

In agreement with the network operator activating the premium service number the provider of the additional service determines the tariff at which callers may access the premium service number from national public fixed networks. If appropriate, this agreement is reached indirectly via a service provider. The operator of terminal equipment connected to the network termination is free to charge a different rate.

2. Number range

Dialler numbers occupy the 09009 range of the national public telephone network numbering range defined in Recommendation E.164 of the International Telecommunication Union (ITU); they begin with a four-digit service code 9009, preceded by the prefix 0 for national calls. The service code is followed by a seven-digit subscriber number.

The structure of the numbers for diallers is therefore as follows:

Prefix	National number (11 digits)	
0	Service code 9009	Subscriber number (7 digits)

3. Basis for allocation

Dialler numbers are telephone numbers as defined by section 3 [10] of the Telecommunications Act (TKG) of 25 July 1996 (Federal Law Gazette Part I page 1120). Dialler numbers are allocated under section 66 [1] sentence 2 of the Telecommunications Act of 22 June 2004 (Federal Law Gazette Part I No. 29 as of 25 June 2004, page 1190 et seq.) according to these rules.

Allocation of a dialler number constitutes a right to use the number under section 66 [1] sentence 2 of the Telecommunications Act of 22 June 2004 (Federal Law Gazette Part I No. 29 as of 25 June 2004, page 1190 et seq.).

The Federal Network Agency for Electricity, Gas, Telecommunications, Post and Railway may amend these rules if this proves necessary. If the Federal Network Agency for Electricity, Gas, Telecommunications, Post and Railway amends these rules, the amendments will also apply to numbers already allocated.

4. Application criteria

Diallers using (0)190 or (0)900 premium service numbers (diallers) may only be operated if they have been registered by the Federal Network Agency for Electricity, Gas, Telecommunications, Post and Railway before being brought into use, meet the minimum requirements prescribed by the Federal Network Agency for Electricity, Gas, Telecommunications, Post and Railway and if a declaration in writing is made to the Federal Network Agency for Electricity, Gas, Telecommunications, Post and Railway that unlawful use is excluded. (Section 43b [5] sentence 1 of the TKG).

Eligible to apply is any person wishing to register and use a dialler as provided for by Section 43b [5] sentence 1 of the TKG.

Applicants with a foreign address must indicate a person authorised to take delivery with a domestic address for summons. If the relevant information is not supplied, applications will be disregarded. The applicant will be informed accordingly.

5. Application procedure

5.1 Applying for a number

5.1.1 Preliminary procedure

To apply for numbers, the registration programme for diallers using a (0)190 or (0)900 number made available on the Federal Network Agency for Electricity, Gas, Telecommunications, Post and Railway's web site (<http://www.bnetza.de>) should be used until further notice. Combined application is required for the time being. This means that an application for registration of a dialler using a (0)190 or (0)900 number must be filed at the same time as an application for allocation of a (0)9009 number.

It is not possible to enter a specific activation date for the allocation in the application input mask (in-service date). It is assumed that the allocation is to be brought into service at the earliest possible date.

Applications of applicants with a foreign address, which do not contain the name of a person authorised to take delivery with a domestic address for summons, will be disregarded. The applicant will be informed accordingly.

There are three possibilities for transmitting data to the Federal Network Agency for Electricity, Gas, Telecommunications, Post and Railway:

- A copy of the application should be printed out by means of the printing function of the programme. The copy must be signed. It may be sent to the Federal Network Agency for Electricity, Gas, Telecommunications, Post and Railway by post. The electronic data should be sent attached (on a floppy or compact disc).
- As an alternative, the signed printout may be sent to the Federal Network Agency by fax. In this case the electronic data should be sent annexed to an e-mail to the following e-mail address: medeo1.postfach@bnetza.de.
- Finally, a pdf file may be generated by means of the printing function of the programme. This file must be sent along with the other electronic data annexed to an e-mail. The e-mail should then be provided with a qualified electronic signature and sent to the Federal Network Agency for Electricity, Gas, Telecommunications, Post and Railway. Please consult <http://www.bnetza.de> at "Die Bundesnetzagentur für Elektrizität, Gas, Telekommunikation, Post und Eisenbahnen", "Elektronische Kommunikation" for further details about electronic communication with the Federal Network Agency for Electricity, Gas, Telecommunications, Post and Railway.

Applications should be sent to

- a) Bundesnetzagentur für Elektrizität, Gas, Telekommunikation, Post und Eisenbahnen
Außenstelle Meschede
Nördeltstraße 5
59872 Meschede

or

Bundesnetzagentur für Elektrizität, Gas, Telekommunikation, Post und Eisenbahnen
Außenstelle Meschede
Postfach 1151
59851 Meschede

- b) by fax to the following fax number:

+49 1805734870-9008 (German fixed line price 9 ct/min; other prices possible with calls from mobile networks)

or by e-mail to: medeo1.postfach@bnetza.de.

c) documents with a qualified electronic signature by electronic means:

upon compliance with the requirements for electronic communication with the Federal Network Agency for Electricity, Gas, Telecommunications, Post and Railway (qualified electronic signature) for access within the meaning of Section 3a of the Administrative Procedures Act (VwVfG) (cf <http://www.bnetza.de> at "Die Bundesnetzagentur für Elektrizität, Gas, Telekommunikation, Post und Eisenbahnen, "Elektronische Kommunikation"
E-Mail: poststelle@BNetzA.de

Applications can be hand-delivered on working days between 08:00 and 16:15 hours Mondays to Thursdays and between 08:00 and 15:00 hours on Fridays.

Applications will not be considered to have been received before receipt of the complete application documents (written documents and electronic data).

5.1.2 Future procedure

Applications should be made using a form (Annex 1). The form may be retrieved from the Internet at <http://www.bnetza.de>. It may also be ordered from the address given below. Instructions on how to fill in the form may be taken from the "09009 Information Sheet" (Annex 2).

Applicants can state the date on which they would like their allocation to take effect (in-service date). The in-service date may not be more than 90 days after the date of receipt of the application.

Note: If an in-service date is not given, it will be assumed that the allocation is to take effect on the earliest possible date. Applications with an inadmissible in-service date and applications of applicants with a foreign address, which do not contain the name of a person authorised to take delivery with a domestic address for summons, will be disregarded. The applicant will be informed accordingly.

Applications may be filed as follows:

- a) The application data mask made available on the web at <http://www.bnetza.de> must be filled in and sent electronically using the Internet. Immediately after dispatch the applicant will receive his application as a pdf file from the Federal Network Agency for Electricity, Gas, Telecommunications, Post and Railway over the Internet. The file must be printed out by the applicant. The printout must be signed and sent to the following postal address or fax number:

Bundesnetzagentur für Elektrizität, Gas, Telekommunikation, Post und Eisenbahnen
Außenstelle Mülheim
Postfach 10 03 51
45403 Mülheim

or Bundesnetzagentur für Elektrizität, Gas, Telekommunikation, Post und Eisenbahnen
Außenstelle Mülheim
Aktienstraße 1-7
45473 Mülheim

or Fax no.: +49 1805-73 48 70 90 11 (German fixed line price 9 ct/min; other prices possible with calls from mobile networks)

Applications can be hand-delivered on working days between 08:00 and 16:15 hours Mondays to Thursdays and between 08:00 and 15:00 hours on Fridays.

Applications will not be considered to have been received completely before receipt of the signed application printout.

Note: 1. After printout hand-written changes or additional remarks may not in principle be added to the application.
Dispatch of the printout version is required so as to ensure that a signed application is available.

2. You are requested to give preference to this application mode.

b) Application forms (Annex 1) may be filled in and sent to the postal address or fax number given under a) or may be delivered in person as specified in a).

Note: Applications are machine read. You are therefore requested both to fill in the applications by PC and send them by post, if possible.

c) Applicants which regularly apply for a larger quantity of numbers may send their applications as a file upon conclusion of an individual agreement with the Federal Network Agency for Electricity, Gas, Telecommunications, Post and Railway. The file format will be made available by the Federal Network Agency for Electricity, Gas, Telecommunications, Post and Railway.

5.2 Application processing

Numbers are allocated to applicants in sequence. Applications for and allocations of golden numbers are not possible.

Applications are processed in order of their receipt. The time of receipt is the point at which the application has been submitted in full.

The time of receipt of applications sent by post is taken to be 12:00 hours. Applications received by fax are taken as received at the time receipt begins as given on the notice of receipt. The time of receipt of hand-delivered applications is taken to be the actual time of receipt.

The Federal Network Agency for Electricity, Gas, Telecommunications, Post and Railway can decide on a maximum number that may be allocated to one applicant (ceiling).

Note: Under section 16 of the Administrative Expenses Act an official act that is to be performed upon application can be made dependent on payment of an appropriate advance or security up to the level of the costs likely to arise. If the advance is not received within the specified time, the application procedure is automatically discontinued.

5.3 Processing time

As a rule, decisions on allocation are taken within seven calendar days of receipt of the application.

5.4 Allocation in-service date

If applicants have given their preferred in-service date, this will be accommodated, wherever possible. If no date is specified, the allocation will be brought into service at the earliest possible date.

6. Conditions

6.1 Use of numbers

- a) The holder of the allocation must entrust an operator of a telecommunications network with activation of the number and make use of the number within a period of 180 calendar days from the in-service date. A number is considered in service if a connection in the public telephone network can be reached by dialling it.
- b) The holder may only use the allocated number for a premium service as defined in Section 1 above, which can be accessed through a dialler. The dialler must be registered under Section 43b [5] of the TKG, comply with the regulations laid down in Administrative Order No 39/2003 (Official Gazette No 16/2003 of 13 August 2003) in its latest applicable version and be in conformity with the relevant laws.
- c) The holder may not transfer by legal transaction to third parties the right to use the number allocated to him; the provision of the number for use by the holder on behalf of third parties is not allowed.
- d) In the event that
 - there is a takeover or succession, or
 - the number is to be transferred to an affiliated undertaking as defined in Section 15 of the Stock Corporation Law (AktG)
 - a number is to be transferred from a natural person to a legal person in which the natural person has a participating interest, or
 - the holder dies and his/her heir wishes to continue to use the number,

a written application for amendment of the allocation notice, accompanied by the relevant supporting documents (e.g. extract from the commercial register, shareholders' contract) must be submitted to the Federal Network Agency for Electricity, Gas, Telecommunications, Post and Railway immediately.

In the above cases, continued use of the number is initially possible pending a decision on changed allocation.

- e) Trading in numbers is not permitted. This also includes agreements according to which the return of a number is subject to a payment to be made to the former holder. Also prohibited are advertising and marketing measures giving the impression that the sale or provision of a number against payment of a compensation is possible.

6.2 Obligation to return number blocks

The holder of the allocation must return the number immediately if it is no longer required. A declaration in writing must be made to the Federal Network Agency for Electricity, Gas, Telecommunications, Post and Railway about the return.

Interrupted use of a number is permitted as long as the interruption is not longer than 365 days and the number is used altogether for a minimum of seven calendar days every calendar year.

If the holder is a natural person and dies and his/her heir does not wish to continue to use the number, the heir or administrator of the deceased's estate must return the number. If the holder is a non-natural person and is dissolved without succession, the dissolving party must return the number.

6.3 Provision of information

- a) The holder must inform the Federal Network Agency for Electricity, Gas, Telecommunications, Post and Railway immediately and automatically of any change of name or address.
- b) The holder must provide the Federal Network Agency for Electricity, Gas, Telecommunications, Post and Railway upon request with information on the use of the number.

7. Revocation of a lawful allocation

The Federal Network Agency for Electricity, Gas, Telecommunications, Post and Railway may revoke the allocation of a number in the following cases:

- a) The holder of the allocation violates these allocation rules or conditions set forth in the allocation notice.
- b) The holder remains in debt for the fee due under Section 11 below.
- c) The use of the number violates laws in force.
- d) A modification under section 43 [4] of the TKG is made.
- e) The prerequisites set forth in Section 49 of the Administrative Procedures Act (VwVfG) are met.

The Federal Network Agency for Electricity, Gas, Telecommunications, Post and Railway will consult before any intended revocation.

8. Withdrawal of an unlawful allocation

Note: Under Section 48 of the VwVfG an allocation made on the basis of false or incomplete information may be withdrawn.

9. Number reuse

The Federal Network Agency for Electricity, Gas, Telecommunications, Post and Railway will not reallocate numbers recovered by revocation or withdrawal of an allocation before a specific date. For numbers that have been in service, the specified date is 180 days after the date of becoming available again. For numbers that have not been in service, the specified

date is 90 days after the date of becoming available. Whether or not a number has been in service is determined by reference to the electronic directory described in section 10.

10. Directories

The Federal Network Agency for Electricity, Gas, Telecommunications, Post and Railway provides an electronic directory of the allocated numbers indicating the holders of the allocations and their addresses for summons. The directory is available for inspection at the Agency address and during the business hours given in section 5.1 and on the Internet at <http://www.bnetza.de>. There is no provision of directories from the past.

Network operators can take part in data exchanges. This enables them to call up special directories and input number activation, porting and deactivation information. Upon request, the Agency will provide network operators with more information on the exchange procedures.

11. Fees

The fees payable under section 66 [1] sentence 2 of the Telecommunications Act of 22 June 2004 (Federal Law Gazette Part I No. 29 as of 25 June 2004, page 1190 et seq.) are determined in accordance with the Telecommunications Number Fee Ordinance, as amended.

The fees payable may be specified in a separate notice.