

Final Decision on the

"Rules governing the use of 18xy numbers under the

***Plano Nacional de Numeração* (National Numbering Plan)**

for

Information services - other directories"

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I. BACKGROUND

By decision of 11 October 2012, ICP-ANACOM approved the draft "Rules governing the use of 18xy numbers under the PNN - Plano Nacional de Numeração (National Numbering Plan) for information services - other directories", on the terms as follow:

'Without prejudice to the obligations and conditions that result directly from Law no. 5/2004 of 10 February, as amended by Law no. 51/2011 of 13 September - Lei das Comunicações Eletrónicas (Electronic Communications Law) and without prejudice to the rules governing the protection of personal data and privacy, the use of 18xy numbers under the Plano Nacional de Numeração (National Numbering Plan) for "Information Services - other directories" is subject, in accordance with article 37 of the same Law, to the following conditions:

- 1. For the purposes of point a) of paragraph 1 of article 37 of the Lei das Comunicações Eletrónicas (Electronic Communications Law), telephone directory enquiry services may be provided as characterized by the provision of information relating to subscriber names, addresses and telephone or fax numbers, or respective electronic contacts.*
- 2. In addition to telephone directory enquiry services with global coverage of national subscribers, involving all the national subscribers of telephone services, the same number as used for provision of such services, may additionally be used for the provision of services as are identified, characterized and defined according to the following table:*

Identification	Definition / Characterization	Limitations¹
Timetable Information	Information on public transport timetables, including flights (departures and arrivals) Information on visiting hours or operation of facilities or services (e.g., museums, churches or religious services, restaurants and bars, theatres or cinemas, football matches)	
Information on programmes	Information on culture, leisure, professional and sport events (e.g. museums, theatres, cinemas, concerts, conferences) and TV programming	Complete and objective information, in view of the question, which avoids favouring commercial interests

¹ Without prejudice to the application of Decree-Law no. 134/2009 of 2 June, establishing the legal regime governing the provision of services of promotion, information and assistance to consumers and users through telephone call centres.

<i>Advice as regards the choice of goods, services or itineraries</i>	<i>Tourist guidance with information on hotels, food, sports, health, wellness and leisure, according to objective characteristics such as type (number of stars, food, music) or location</i> <i>Travel guidance, indicating routes or shortest routes</i>	<i>Without advertising or disguised advertising elements or limitations on the free choice of the customer. The information is to be given in a commercially neutral manner and must therefore be complete in accordance with the customer's request</i>
<i>Proximity Information</i>	<i>Information on hospitals, pharmacies, police stations, banks, breakdown assistance, restaurants, convenience stores and petrol stations nearest to a given location</i>	<i>Without advertising or disguised advertising elements, given in a commercially neutral manner and must, therefore be complete in accordance with the customer's request</i>
<i>Various content of general public interest</i>	<i>Information on: duty pharmacies, hospital or emergency medical services, postcodes, police stations, timetable differences, weather, road traffic, lottery results and official matches, sports scores, stock and currency quotes</i>	
<i>Booking and reservation service</i>	<i>Booking/reservation of tickets (for travel or shows), hotel, restaurant, taxis and other public transport</i>	<i>Without commercial benefits/privileges to third parties, i.e., the service is to be provided based on the customer's request and according to their specific indications and shall, therefore be complete, in view of the customer's request</i>

3. The use of 18xy numbers for "Information Services - other directories" is subject to the following retail tariff:

Maximum initial price of the call - credit not less than 30 seconds	Maximum price per minute, up to the 4th minute and subsequent to the initial time credit	Maximum price per minute from the 4th minute (price used for 707/708)
0.60 euros + VAT (fixed network) 0.70 euros + VAT (mobile network)	0.35 euros + VAT - per-second billing (from fixed network) 0.45 euros + VAT - per-second billing (from mobile network)	0.10 euros + VAT - per-second billing (from fixed network) 0.25 euros + VAT - per-second billing (from mobile network)

4. The format for 18xy numbers remains restricted to 4 digits, in which xy is chosen by the provider from among available numbers.
5. Without prejudice to other requirements as laid down in the Lei das Comunicações Eletrónicas (Electronic Communications Law) or the "Princípios e critérios para a gestão e atribuição de recursos de numeração" (Principles and criteria for the

management and allocation of numbering resources), requests for the allocation of rights of use of 18xy numbers are to be submitted with a complete and detailed presentation of the services to be provided, with particular indication as to whether or not the call completion service is to be offered, as well as details of the conditions to be applied, including the prices for the service and personalized service schedule.

6. *Undertakings as are allocated rights of use of 18xy numbers are bound to:*
 - a) *Respect the characteristics and limitations governing the service as established in 1, 2 and 3, as well as the number format indicated in 4;*
 - b) *Advertise and publicise the services offered, in an appropriate manner, together with the respective prices and other conditions, including applicable tariff information, online and previously, in the event that the additional service of call completion to the required number is offered or where information is sent by alternative means;*
 - c) *Ensure effective and efficient use of numbers;*
 - d) *Give notice of any transfer of the right of use of the number and the respective conditions;*
 - e) *Ensure settlement of fees, in accordance with point f) of paragraph 1 of article 37 of Lei das Comunicações Eletrónicas (Electronic Communications Law).*
7. *Alteration of the elements referred to in paragraph 5 shall be notified to ICP-ANACOM with advance notice of 15 working days, accompanied by an updated list of services to be provided and respective conditions."*

The same determination also required adaptation of any commercial offers as currently exist using 18xy numbers, bringing such offers into line with the conditions as are defined in the final decision governing these numbers within 10 working days of the date of the decision.

It was decided to submit this draft decision to the consultation procedure laid down in article 11 of ICP-ANACOM's Statutes, as in annex to Decree-Law no. 309/2001 of 7 December, and to the general consultation procedure laid down in article 8 of Law no. 5/2004 of 10 February, as amended by Law no. 51/2011 of 13 September - *Lei das Comunicações* (Electronic Communications Law), whereby interested parties were given 30 working days to comment

The deadline for receipt of responses was 27 November 2012, and timely comments were received from the following undertakings:

- ACOP - Associação dos Consumidores de Portugal (Consumer Association of Portugal),
- DECO - Associação Portuguesa para a Defesa do Consumidor (Portuguese Association for Consumer Protection),
- Portugal Telecom SGPS, PT Comunicações, S.A. and TMN - Telecomunicações Móveis Nacionais, S.A. (PT),
- Vodafone Portugal - Comunicações Pessoais, S.A. (VODAFONE), and
- UGC - União Geral de Consumidores (General Union of Consumers).

The report which was drafted with basis in this consultation forms an integral part of the present decision, which report includes a summary of the views expressed, as well as the position taken by ICP-ANACOM in respect of the issues raised in the consultation.

II. ASSESSMENT

1. Background

In December 2006, ICP-ANACOM approved a draft decision² on the allocation of rights of use of 18xy numbers for provision of directory enquiry services, submitting said draft decision to the respective general consultation procedure, whereas, as yet, no final decision has been adopted on the matter.

In the draft decision, ICP-ANACOM expressed clear positions on the two aspects that constitute the essence of the decision that is envisaged. One of these aspects corresponds to the recognition that Law no. 5/2004 of 10 February permits the allocation of rights of use of numbers both to companies which offer electronic communications networks or services and to companies which use these networks or services; as such it was not deemed appropriate that allocation of rights of use of 18xy numbers should take place on a basis limited to telephone service providers, as recommended in the "Princípios e critérios para a gestão e atribuição de recursos de numeração" (Principles and criteria for the management and allocation of numbering resources - Numbering Principles), approved by the then ICP in 1999³. In effect, the regulatory framework created by Law no. 5/2004 of 10 February made it inappropriate to maintain this restriction as to the eligibility of recipients of such numbers.

The other aspect was related to the limits placed on the eligible types of information as may be made available using these numbers. Under the draft decision, the information was limited to data contained in the telephone directories of subscribers of fixed and mobile telephone services (including name, address, telephone and fax numbers), and to other information that could, in some way, be linked to telephone directories, such as e-mail addresses or Internet domains. As such no provision was made for the possibility of information of a nature not directly connected to telephone directories

² <http://www.anacom.pt/render.jsp?contentId=786019&languageId=1>

³ These Numbering Principles form part of the *Principais Elementos do Plano Nacional de Numeração* (Principal Elements of the National Numbering Plan) which were approved subsequent to Order no. 5872/99 of 25.02.1999 of the Minister for Equipment, Planning and Territorial Administration, published in *Diário da República* (Official Journal), 2nd series, no. 69 of 23.02.1999 and under the provisions, as then laid down, of articles 30 and 21, paragraph 2 of Decree-Law no. 415/98 of 31 December. Their approval was announced by notice published on 26.6.1999 in the 3rd series of *Diário da República* (Official Journal) and they are available on the website of ICP-ANACOM at <http://www.anacom.pt/render.jsp?categoryId=7698&languageId=1>.

being provided using 18xy numbers, and it was added that this information should instead be made available using other codes under the PNN - Plano Nacional de Numeração (National Numbering Plan), with the audiotext codes and the "707", "708" and "809" codes indicated as being appropriate for this purpose.

ICP-ANACOM decided not to proceed with this decision, specifically due to a lack of interest among relevant providers in offering the service.

However, in May 2012, ICP-ANACOM instigated breach proceedings on the grounds of irregularities found in the use of an 18xy number where this number was being used to offer services not related to telephone directories.

While examining the evidence in this process, and also looking at what information is provided in other countries through similar numbers, ICP-ANACOM saw fit to revisit this issue and reassess the conditions governing use of 18xy numbers, especially considering their social utility.

As such, ICP-ANACOM developed the present "Rules governing the use of 18xy numbers under the *Plano Nacional de Numeração* (National Numbering Plan) for information services - other directories", amending in this specific respect the Numbering Principles as in force.

2. Analysis

2.1 "Information services - other directories" - Concept

Under the Numbering Principles, as in force, provision is made that "the codes or numbers to be allocated at level '1' pursuant to the PNN shall correspond either to services of manifest social or public interest or to services with a high frequency of calls which, given their characteristics, especially in term of tariffs, are not covered by and have no resemblance to audiotext services"

Additionally, as regards the numbers now in question, provision is made that "the allocation of numbers for the 'Information services - other directories' service, which service is characterized by the provision of information related to telephone directories, is to be made based on the request of the applicant, in the '18xy' series where, in

principle, x and y are the same values as in "10xy"⁴. The provider shall take the form of a telephone service provider (fixed or mobile)"⁵.

A service called "Information services - other directories" entails, by right and obligation, provision of information about telephone numbers, names and addresses of subscribers to telephone services, while naturally safeguarding aspects as relate to the processing of personal data and the protection of the privacy of these subscribers. The extension of the information to weather forecasting, information on duty pharmacies or to the results of the football pools, are objectively at the margin of a "Directory Enquiries" service; an extension on these terms is, therefore, only acceptable if demonstrated to have real usefulness for consumers and to be without negative market side effects. In any case, it is only conceptually sound to encompass services in a "directory enquiries" service where they have at least a minimal relationship to this service.

In any case, provision of services with a broad spectrum as part of the "Directory Enquiries" service precedes the PNN and such services were delivered before 1999, using level "1" short numbers; there has therefore been a habit of consumption of these services.

However, with the establishment, under Decree-Law no. 177/99 of 21 May, of the regime governing access to and pursuit of the activity of provider of Audiotext services⁶, and definition of the respective PNN codes in line with the characteristics of these services, as well as the total liberalization of the communications sector in Portugal in 2000, which entailed restructuring the PNN in October 1999 and the establishment of non-discriminatory rules for all operators on the allocation and use of numbers, 18xy numbers were created and were made subject to the strict provision of information related to telephone directories.

In a networked world, in which all information is now "just one click away", there seems to be little room for the services provided using 18xy numbers under the definition applying to these numbers to date, but there may be situations and/or people who need to be able to access this information in audio form.

⁴ Indirect Provider Access Code

⁵ Point 11, page 12 of the Numbering Principles

⁶ This Decree-Law was subject to successive amendments, until its amendment by Decree-Law no. 8/2013 of 18 January, which republished it.

As such, providing indication of contact points may not suffice and it may be appropriate that the service include an option to complete the connection to these contact points - for example a person who is travelling or a blind person would be a potential customer of this service -, or otherwise, instead of completing the communication, it may be appropriate to provide indication of an action to take.

Finally, the provision of immediate and easy access to relevant information in emergency situations, and all that telephone communication allows, constitutes an appreciable added value for customers accustomed to these services.

The question that arises to what extent it is legitimate or acceptable to extend the scope of a service referred to as "Information services - other directories" without blurring the boundary between Audiotext and non-Audiotext content⁷.

In a regulatory environment where, as a rule, Audiotext services are barred by access operator, as determined by the LCE⁸, it is important to restrict the services provided using 18xy numbers in a clear and unequivocal manner, to protect consumers and ensure market transparency. For this purpose, it is necessary to return to the requirements of the *Plano Nacional de Numeração* (National Numbering Plan) itself: i.e. services having an obvious social or public interest or services with a high frequency of calls, not to be confused with audiotext.

An further means of ensuring a distinction between Audiotext services and other services of a different nature is achieved through the application of maximum prices to other services. In practice, audiotext services are not subject to regulated prices for the consumer, unlike services provided using the 707/708 codes in the PNN which serve call centres and have a fixed maximum price per minute and the 760/761/762 codes where pricing is capped per call. The position is taken, therefore, that a maximum tariff should be applied to 18xy numbers.

Therefore, taking into account the existence of a "legacy" in information support services and services providing "guidance" over the telephone with value to consumers

⁷ There are five codes for Audiotext services, of which four are intended for precise services which are distinct from services to be provided using 18xy (Tele-voting, Sales, Competitions and Hobbies and Erotic services). The 601 code for General Audiotext Services, thanks to the generality of its designation, may encompass services comparable to directories

⁸ Under article 45 of the LCE (Tele-voting where access is granted automatically to the user is excluded from audio text services, in line with paragraph 2 of this article)

- services which have not yet been completely replaced by the Internet, ICP-ANACOM considers that more leeway should be provided.

Taking into account that, over the last three years, there has been a marked trend in operators returning 18xy numbers which had been allocated to them - there are currently only six 18xy numbers allocated - evidence points to the conclusion that the companies which offer electronic communications networks and services are not necessarily those most suited to provide these services. In any case, it should be noted that, given the provisions of paragraph 2 of article 36 of the LCE, the rights of use of numbers may be allocated both to these companies as well as to those which use such networks and services.

That said, focusing not only on the consumer, but also on the sustainability of any offers that may arise, it is important to establish precise rules to govern information services using 18xy numbers. Firstly it is essential that these services are properly and comprehensively listed, identified, defined, characterized and limited. Secondly, it is essential that the pricing of calls to these numbers is fair and reasonable.

2.2 Services, content and pricing

ICP-ANACOM is aware that, in Europe, as part of telephone directory enquiry services, typically offered using the 118 number, many countries allow⁹ a range of information services that go beyond the strict relation of name/address/phone number, while others are more restrictive as to the type of content or services that may be provided using these numbers.

ICP-ANACOM considers that among the services provided through 18xy numbers, it should be possible to include all "contact search" services, allowing in audio form, and with the obvious limitations of this medium, the "navigation" functionality that is customary on the Internet, in the context of a "white pages" or "yellow pages" service using the national or international database¹⁰. In this sense, it is considered that the

⁹ Number indicated by CEPT for telephone directory services - CEPT / ECTRA Recommendation of 4 December 1997 on Numbering Access to Voice Directory Enquiry Services (ECTRA/REC(97)01). See www.cept.org

¹⁰ <http://www.pai.pt/>

services which are based on indication of a (postal, telephone or electronic) address are, in essence, "Telephone directory" services.

ICP-ANACOM also recognizes that services supporting the choice of itineraries, as well as services which support and give guidance to traveller, as are characterized by the indication of various places or programmes for customers to choose from, constitute added value which takes advantage of the information already used in provision of a "Telephone Directory" service. This situation covers all services where indication is given on programmes and shows, as well as those which provide information and guidance on hotels, restaurants and shows. Likewise, a service which provides information on services available in a specific geographical vicinity complements this guidance function and is relevant, for example, for customers wanting to find the nearest located hospital or pharmacy.

ICP-ANACOM considers that, with the support of call centres, not just recreating but enhancing a navigation" function that is audio based ", and, taking into account that the environment in question is one of real-time communications, indication of "contact" data may be followed by the realisation of an immediate connection to the respective telephone number (the so-called "call completion" service) - on the condition that information is given online on the price to be applied to the call - or otherwise the information requested by the customer might be provided by an alternative means (SMS, fax, email). This service, which may be provided in the same format as currently used to provide "Information services - other directories", albeit restricted to the base of subscribers of these lists, constitutes an electronic communications service.

In addition to providing content or guidance, during the interactivity of communication with the customer, and where an objective interest is expressed by the customer, particularly as an alternative to an additional communication being established, call centres could be permitted to act upon an instruction given by the customer. This may involve, for example, the service of booking tickets for transport or shows or forwarding the call to the number required by the user, possibly to a further call centre. Such options represent the culmination of the service provided to the customer by 18xy numbers. Since the greatest value for the customer is provided by a service which is based on interactive communication and objectivity of information provided, ICP-ANACOM considers that any services which are based on incomplete or truncated information or which resemble recommendations on the basis of subjective evaluations

and commercial interests are not to be provided as part of the service of "Information services - other directories". So-called "concierge services", where advice is given on products, companies or brands, should not be provided using 18xy numbers. And therefore, the databases that supply the additional information whose provision, as is now intended, will be allowed using these numbers must be complete and current, including all telephone service subscribers listed at a national level who have not opted for the exclusion of their personal data in these directories, in accordance with applicable law¹¹.

ICP-ANACOM also takes the view that there is an interest in allowing 18xy numbers, as before 1999 and also at level "1", to offer some content comprising rapid, direct and useful information, such as is common in the pages of most newspapers and can sometimes help in emergency situations. Such information includes details of duty pharmacies, foreign currency quotes and weather forecasts.

In view of the above, in the table below, ICP-ANACOM lists the additional information services that it considers useful and suitable for provision using 18xy numbers, whereas other services may be added by subsequent decision of ICP-ANACOM, provided that they are deemed to have corresponding basis and are in line with the regulatory framework now being established, or some indicated services may be removed, where it deemed that their inclusion is no longer beneficial or if the underlying concept is abused .

Identification	Definition / Characterization	Limitations ¹²
Timetable Information	Information on public transport timetables, including flights (departures and arrivals) Information on visiting hours or operation of facilities or services (e.g., museums, churches or religious services, restaurants and bars, theatres or cinemas, football matches)	
Programme information	Information on culture, leisure, professional and sport events (e.g. museums, theatres, cinemas, concerts, conferences) and TV programming	Complete and objective information, in view of the question, which avoids favouring commercial interests

¹¹ Without prejudice to it being accepted that undertakings providing electronic communications services may continue to provide directory enquiry services using this range of numbers, in a manner restricted to their own users, provided they do not simultaneously offer additional services which it is the present intention to allow.

¹² Without prejudice to the application of Decree-Law no. 134/2009 of 2 June, establishing the legal regime governing the provision of services of promotion, information and assistance to consumers and users through telephone call centres).

Advice as regards the choice of goods, services or itineraries	Tourist guidance with information on hotels, food, sports, health, wellness and leisure, according to objective characteristics such as type (number of stars, food, music) or location Travel guidance, indicating routes or shortest routes and according to the mode of transportation (e.g., pedestrian, car or public transport)	Without advertising or disguised advertising elements or limitations on the free choice of the customer. The information is to be given in a commercially neutral manner and must, therefore be complete in accordance with the customer's request
Local Information	Indication of hospitals, duty pharmacies, pharmacies with home delivery, police stations, banks, breakdown assistance, restaurants, convenience stores, petrol stations, nearest to a given location, with indication given by street name, geographical coordinates or other point of reference relevant to the customer.	Without advertising or disguised advertising elements, given in a commercially neutral manner and must, therefore be complete in accordance with the customer's request
Various content of general public interest	Information on: duty pharmacies, hospital or emergency medical services, postcodes, police stations, timetable differences, weather, road traffic, lottery results and official matches, sports scores, stock and currency quotes	
Booking and reservation service	Booking/reservation of tickets (for travel or shows), hotel, restaurant, taxi and other public transport, medical examinations and consultations in hospitals and health centres; <i>online check in</i> for flights	No commercial benefits/privileges to third parties, i.e., the service is provided based on the customer's request and according to their specific indications and shall, therefore be complete, in view of the customer's request

Table 1

In addition to the exclusion of services that consist of the indication or recommendation, as based on non-objective criteria, or advice about products, companies or specific brands ("concierge services"), the following services are excluded forthwith: services which are of an erotic or pornographic character, draws, contests, hobbies, polls, horoscopes and other services as specified in Decree-Law no. 177/99 of 21 May, including tele-voting, or message-based valued added services whose content is considered as incompatible with the concept of information services.

As mentioned above, determining the services and content to be made available using 18xy numbers of the "Information services - other directories" service is not sufficient. It is also important to determine the maximum prices payable by the consumer, which should take into account three characteristics of the 18xy number services:

- i. Possibility of heightened interactivity and lack of objectivity in communication, as well as call completion with connection to the required number, with the

inherent risk of protracted calls, making it important to establish a mechanism for reducing the high price of long calls, bringing their price into line over time with the price already defined for 707/708 codes;

- ii. Great variability in the length of calls, which calls for a tariff system with a value that is proportional to the duration and based on the assumption that a long call using the resources of the information services does not typically exceed five minutes;
- iii. Access by customers to this type of service without distinguishing between fixed or mobile access, warranting no more than a slight difference in the price of the service due to the difference in origination wholesale prices.

Given the above, the maximum tariff applicable to calls to 18xy numbers is given in the table below:

Maximum initial price of the call - credit not less than 30 seconds	Maximum price per minute, up to the 5th minutes and after initial time credit	Maximum price per minute, from 5th minute
0.60 euros + VAT (fixed network)	0.35 euros + VAT - per-second billing (from fixed network)	0.10 euros + VAT - per-second billing (from fixed network)
0.70 euros + VAT (mobile network)	0.45 euros + VAT - per-second billing (from mobile network)	0.25 euros + VAT - per-second billing (from mobile network)

Table 2

2.3. Aspects of competition

ICP-ANACOM considers that no negative impact on Audiotext services results from instilling flexibility in directory services to be provided using 18xy numbers. On the contrary, it is considered that there is a clear distinction and distancing between the two services, stemming both from the bases of the services provided in 18xy numbers and above all with the determination of maximum prices for consumers of these services.

Notwithstanding, provision of directory services using 18xy numbers is freely open to any undertaking to provide, whereby they are not subject to the provision of a telephone service, which is the first way to ensure competition.

There is also another aspect to be evaluated as regards competition. The option of the customer's call being forwarded to the number required, after dialling an 18xy number, while in itself a useful feature, constitutes a mechanism for excluding the indirect

access telephone service provider in situations where the line's subscriber has opted for this type of telephone service. This means that although the 18xy traffic is routed by the indirect access provider - having of course the same duration as the 18xy communication - this provider is not the owner of the traffic, whereby the model applied is the wholesale tariff model of the 18xy service and not the call completion model, so that the 18xy number in effect "overrides" pre-selection, voiding, for the purposes of this communication, the previous choice of telephone service operator. In any case, it is to be noted that the price of a call which is completed by means of an 18xy number costs the customer more than a call made by pre-selection; as such the service offered by the use of this routing technique does not compete with the telephone service.

From a practical point of view, this situation only impacts direct access customers of PTC where provision of the telephone service at a fixed location is provided by another provider for pre-selection and where the directory service is provided by dialling the 18xy number allocated to PTC.

But taking into account that the routing of the call to the number through the "Information services - other directory" service is necessarily determined by the will of the customer, it is considered that this is a situation stemming from the interest of this customer and is thereby comparable to the option of using the call-by-call selection service (by dialling a 10xy prefix to identify the required company) overriding pre-selection for that call.

2.4. Requirements for the provision of services

As mentioned above, ICP-ANACOM considers the provision of information through directory services as beneficial to the consumer insofar as, via the telephone, it adds to what Internet navigation already offers on some websites dedicated to directories (e.g. www.pai.pt, www.portugalio.com).

However, these information services, being "additional" to directory services, also entail the provision of basic services. Nor would it be possible to ensure complete and non-commercial information to the customer if the supporting databases were not global, "populated" with the details of a service of complete and global directories (names of

subscribers of all publicly available telephone services, addresses and telephone numbers).

Accordingly, ICP-ANACOM considers that provision of the information service, as set out in Table 1, and using 18xy numbers, must be based on the requisite of being based on a telephone directory enquiry service of a global and comprehensive nature involving all subscribers of telephone services at a national level. This is also the situation that exists in many countries of the European Union.

In this context, it is noted that under the provisions of the LCE, companies that assign telephone numbers to subscribers are required to fulfil all reasonable requests to supply information relevant to the respective subscribers where requested for the purposes of the offer of publicly available telephone directories and directory enquiry services, in an agreed format and under fair, objective, cost oriented and non-discriminatory conditions, without prejudice to the rules applicable to the protection of personal data and privacy, in particular in the field of electronic communications (article 50, paragraphs 4 and 5), whereas a breach of this obligation is considered a very serious offence (under article 113, paragraph 3, point s) and paragraph 8).

Additionally, it should be noted that under the terms of recent cross-border dispute resolution decisions in relation to telephone directories¹³, ICP-ANACOM, based on Community law, held that, as regards the minimum set of subscriber identification data (name, address and telephone number, including the respective type of use - phone / fax), compliance with the principle of cost orientation means that the operator may only seek remuneration in respect of costs incurred as a result of the actual transmission and provision of data.

¹³ Disputes between EDA and the operators Optimus, Cabovisão, ZON and AR Telecom - decisions of April 2012 available, respectively, at:

<http://www.anacom.pt/render.jsp?contentId=1123917>
<http://www.anacom.pt/render.jsp?contentId=1123908>;
<http://www.anacom.pt/render.jsp?contentId=1123918>;
<http://www.anacom.pt/render.jsp?contentId=1123841>.

III. DECISION

In light of the above, the Management Board of ICP-ANACOM, pursuant to the powers set out in point b) and h) of paragraph 1 of article 6 of its Statutes, as approved by Decree-Law no. 309/2001 of 7 December, pursuant to points a), b) and d) of paragraph 2 of article 17, paragraph 1 of article 37 and paragraph 1 of article 125, all of Law no. 5/2004 of 10 February, as amended by Law no. 51/2011 of 13 September, and pursuant to point a) of article 9 of its Statutes, and also in pursuit of the objectives of regulation, in particular those laid down in point d) of paragraph 2 and in point g) of paragraph 4 of article 5 of the same Law, determines:

1. To approve the "Rules governing use of 18xy numbers under the *Plano Nacional de Numeração* (National Numbering Plan) for information services - other directories" in accordance with the terms of the Annex;
2. To review the tariffs applying to calls to 18xy numbers for "Information Services - other directories" as established by the present decision as market conditions warrant or make opportune.

Annex

Rules governing use of 18xy numbers under the *Plano Nacional de Numeração* (National Numbering Plan)

for Information Services - other directories

Without prejudice to the obligations and conditions that result directly from Law no. 5/2004 of 10 February, as amended by Law no. 51/2011 of 13 September - *Lei das Comunicações Eletrónicas* (Electronic Communications Law) and without prejudice to the rules governing the protection of personal data and privacy, the use of 18xy numbers under the *Plano Nacional de Numeração* (National Numbering Plan) for "Information Services - other directories" is subject, in accordance with article 37 of the same Law, to the following conditions:

1. For the purposes of point a) of paragraph 1 of article 37 of the *Lei das Comunicações Eletrónicas* (Electronic Communications Law), telephone directory enquiry services may be provided as characterized by the provision of information relating to subscriber names, addresses and telephone or fax numbers, or respective electronic contacts.
2. In addition to telephone directory enquiry services with global coverage of national subscribers, involving all the national subscribers of telephone services, the same number as used for provision of such services, may additionally be used for the provision of services as are identified, characterized and defined according to the following table:

Identification	Definition / Characterization	Limitations ¹⁴
Timetable Information	Information on public transport timetables, including flights (departures and arrivals) Information on visiting hours or operation of facilities or services (e.g., museums, churches or religious services, restaurants and bars, theatres or cinemas, football matches)	
Information on programmes	Information on culture, leisure, professional and sport events (e.g. museums, theatres, cinemas, concerts, conferences) and TV programming	Complete and objective information, in view of the question, which avoids favouring commercial

¹⁴ Without prejudice to the application of Decree-Law no. 134/2009 of 2 June, establishing the legal regime governing the provision of services of promotion, information and assistance to consumers and users through telephone call centres).

		interests
Advice as regards the choice of goods, services or itineraries	Tourist guidance with information on hotels, food, sports, health, wellness and leisure, according to objective characteristics such as type (number of stars, food, music) or location Travel guidance, indicating routes or shortest routes and according to the mode of transportation (e.g., pedestrian, car or public transport)	Without advertising or disguised advertising elements or limitations on the free choice of the customer. The information is to be given in a commercially neutral manner and must therefore be complete in accordance with the customer's request
Information Proximity	Indication of hospitals, duty pharmacies, pharmacies with home delivery, police stations, banks, breakdown assistance, restaurants, convenience stores and petrol stations nearest to a given location, with indication given by street name, geographical coordinates or other point of reference relevant to the customer.	Without advertising or disguised advertising elements, given in a commercially neutral manner and must, therefore be complete in accordance with the customer's request
Various content of general public interest	Information on: duty pharmacies, hospital or emergency medical services, postcodes, police stations, timetable differences, weather, road traffic, lottery results and official matches, sports scores, stock and currency quotes	
Booking and reservation service	Booking/reservation of tickets (for travel or shows), hotel, restaurant, taxis and other public transport, medical examinations and consultations in hospitals and health centres; Check-In for flights	Without commercial benefits/privileges to third parties, i.e., the service is to be provided based on the customer's request and according to their specific indications and shall, therefore be complete, in view of the customer's request

3. The use of 18xy numbers for "Information Services - other directories" is subject to the following retail tariff:

Maximum initial price of the call - credit not less than 30 seconds	Maximum price per minute, up to the 5th minutes and after initial time credit	Maximum price per minute from 5th minute
0.60 euros + VAT (fixed network) 0.70 euros + VAT (mobile network)	0.35 euros + VAT - per-second billing (from fixed network) 0.45 euros + VAT - per-second billing (from mobile network)	0.10 euros + VAT - per-second billing (from fixed network) 0.25 euros + VAT - per-second billing (from mobile network)

4. The format for 18xy numbers remains restricted to 4 digits, in which xy is chosen by the provider from among available numbers.
5. Without prejudice to other requirements as laid down in the *Lei das Comunicações Eletrónicas* (Electronic Communications Law) or the *"Princípios e critérios para a*

gestão e atribuição de recursos de numeração” (Principles and criteria for the management and allocation of numbering resources), requests for the allocation of rights of use of 18xy numbers are to be submitted with a complete and detailed presentation of the services to be provided, with particular indication as to whether or not the call completion service is to be offered, as well as details of the conditions to be applied, including the prices for the service and personalized service schedule.

6. Undertakings as are allocated rights of use of 18xy numbers are bound to:
 - a) Respect the characteristics and limitations governing the service as established in 1, 2 and 3, as well as the number format indicated in 4;
 - b) Advertise and publicise the services offered, in an appropriate manner, in addition to the respective prices and other conditions, including applicable tariff information, online and previously, in a manner that is as short as possible, informing that the calls which are completed using the 18xy service shall be subject to the prices established in the tariff applicable to this service; these prices exceed those charged when the calls are made independently by users, whereby completion of calls is subject to the consent of the user. If the user requests specific information about the price of the call, this information is to be provided in an objective and detailed manner;
 - c) Ensure effective and efficient use of numbers;
 - d) Give notice of any transfer of the right of use of the number and the respective conditions;
 - e) Ensure settlement of fees, in accordance with point f) of paragraph 1 of article 37 of *Lei das Comunicações Eletrónicas* (Electronic Communications Law).
7. Alteration of the elements referred to in paragraph 5 shall be notified to ICP-ANACOM with advance notice of 15 working days, accompanied by an updated list of services to be provided and respective conditions.
8. Available offers using 18xy numbers are to be adapted to the present conditions, within 30 days from the date of their publication.