

Contactpersoon	Our reference	Your reference	Direct dial number
	OPTA/ACNB/2009/201512		
Date	Subject		Enclosure(s)
	Number users' affiliation obligation		

Dear Sir/Madam,

The Independent Post and Telecommunications Authority of the Netherlands (referred to throughout as OPTA) regulates compliance with the legislation and regulations governing electronic communications services. As stated in our letter of 14 July 2008 (Reference: OPTA/ACNB/2008/201431 – see our website), which brought you up-to-date with the latest amendments of the Telecommunications Act [Telecommunicatiewet], the Universal Service and End User Regulations [Regeling universele dienstverlening en eindgebruikersbelangen] and the Universal Service and End User Decree [Besluit universele dienstverlening en eindgebruikersbelangen], OPTA is taking this opportunity to inform you in your capacity as a number holder of the new legal obligation of certain number users to affiliate to the Geschillencommissie Informatiedienstaanbieders [Dispute Resolution Committee for Information Service Providers]. OPTA is informing number users through you in your capacity as a number holder, because you have a legal duty to ensure that you know your number users and that the latter comply with the law.

What does the number user's affiliation obligation entail?

The new legislation came into effect on 1 July 2009 and entails the following. In accordance with the provisions of Section 12.1(2) of the Telecommunications Act users of the following numbers are required to affiliate to the Geschillencommissie Informatiedienstaanbieders by the above-mentioned date:

1. 0900 numbers in so far as a tariff is levied in addition to that charged for transmitting electronic signals. OPTA has set the tariff for the transmission of electronic signals at €0.025 per minute of every call. This means that the affiliation obligation applies to the users of this category of numbers, where consumers pay a fee in excess of €0.025 per minute of every call. OPTA has based the tariff for the transmission of electronic signals on the normal rates for long distance calls from a fixed network. Those users of 0900 numbers whose tariffs amount to €0.025 or less per minute of each call may affiliate to the Geschillencommissie Informatiedienstaanbieders of their own volition;
2. 0906 numbers;



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3. 0909 numbers;
4. 18 numbers.

A number user may affiliate to the Geschillencommissie Informatiedienstaanbieders by registering electronically through the Stichting Geschillencommissie (referred to throughout as SGC) website at www.geschillencommissie.nl (select informatiedienstaanbieders > inloggen > ondernemer die zich wil registreren). A number user is required to pay a sum stipulated each calendar for his affiliation to the Geschillencommissie Informatiedienstaanbieders. The amount stipulated for 2009 is €75.00 exclusive of VAT. Upon completion of his electronic registration a number user is informed of the manner in which he can arrange payment of this amount.

Having a low threshold allows consumers to approach the Geschillencommissie Informatiedienstaanbieders to enforce their rights, if they have a complaint about the services provided by a number user and they are unable to resolve the matter with the latter.

If a consumer has a complaint about the amount charged on his telephone account in connection with confusing or inappropriate tariffs, or about the provision of information services, he may avail himself of the right to suspend payment of the account issued by his telephone service provider. This means that a consumer need not pay that part of his account. He may then submit a complaint to the relevant number user and, if necessary, file a complaint with the Geschillencommissie Informatiedienstaanbieders. The latter will then hand down a binding ruling. The suspension of payment will continue to apply until the complaint and dispute have been resolved.

The purpose of the new legislation is to provide consumers with better protection against the potential misuse of paid information numbers by number users.

OPTA's regulation of the affiliation obligation

OPTA regulates number users' affiliation obligation. At any rate this means that OPTA will act for the purposes of enforcement where necessary based on complaints. OPTA usually receives such complaints through ConsuWijzer, its consumer portal. Nevertheless, it is not impossible that a telephone service provider who has to contend with the invocation of a right to suspend payment will also file a complaint with OPTA asking it to take action for the purposes of enforcement against a number user.

In the months ahead OPTA will monitor the extent to which this new legal obligation is complied with. In the event that compliance with this obligation is inadequate, OPTA may become more active in its regulation of such compliance.

What does the above mean to you in your capacity as a number holder?

In accordance with the provisions of Section 4.9(3) of the Telecommunications Act you are permitted to allow only one number user to use any of the numbers assigned to you. Under the terms of Section 4.9(2) of the Telecommunications Act you in your capacity as a number holder are required to ensure



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that any number assigned to you is used in accordance with what is provided in or pursuant to this legislation. This means that, when you allow a number user to use a number in your capacity as a number holder, you are required to ensure that the relevant number user complies with the law. In the event that you fail to comply with this legal obligation, OPTA may take action in this respect for the purposes of enforcement.

Finally, OPTA wishes to draw your attention to the fact that consumers frequently do not know who the relevant number user is. ConsuWijzer will refer a consumer to the SGC register to obtain the address and details of the relevant number user in order to enable him to file a complaint about the 090x number concerned. If a consumer is unable to find the details of the number user there, ConsuWijzer will then point out that it is possible to consult OPTA's public number register to ascertain the identity of the number user in question. Although it lists number holders, on the one hand, it is possible that you acting in your capacity as a number holder may also be the user of the number in relation to which a complaint is to be filed. On the other hand, it is possible that you are not the user of the relevant 090x number in your capacity as a number holder, because acting in that same capacity you are entitled to allow one other party to use an 090x number assigned to you. In the latter case you have a duty to keep a record of the details of your number user(s) under the terms of Section 4.9(3)(b) of the Telecommunications Act. In such a case OPTA will adopt the position that if a consumer's requests this, you in your capacity as the number holder will have a duty to disclose the details of the user of the 090x number assigned to you about which a complaint is to be filed, so as to ensure compliance with the number users' affiliation obligation.

Do you have any questions?

You may consult our website (www.opta.nl) if you require information. There you will also find a letter concerning the number users' affiliation obligation, which has been sent to telephone service providers. In addition, OPTA informs consumers about this affiliation obligation through ConsuWijzer. There you will be able to learn how a consumer is able to enforce his rights, if he has a complaint about the services provided by a number user. If you have any questions, you may also e-mail aansluitplichtnummergebruikers@opta.nl. From 7 July 2009 to 6 August 2009 you may also contact the number abuse team (on 070 315 9187) during our telephone consultation hours from 3 pm to 4 pm on Tuesdays and from 10 am to 11 am on Thursdays, if you have any questions.

Yours faithfully

THE COMMISSION OF THE INDEPENDENT POST AND TELECOMMUNICATIONS AUTHORITY
on behalf of the Commission
Acting Head of the Consumers, Numbers and Administration Department

Ms I.M.A. van der Hart