



# **A Framework for Premium Rate Services in the '5' Numbering Range**

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***Report on Consultation and Decision***

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## 1 INTRODUCTION

This document applies to premium rate services, which are those services that are accessible by means of a telephone number in the Maltese Numbering Plan starting with a '5' digit, where the charge is higher than for normal telephone calls or text messages, and where some of the charge is passed to the premium rate service provider at the distant end.

In December 2005, the Malta Communications Authority (MCA) published its first Consultative Document on a framework for special tariff services<sup>1</sup> which covered both freephone services and premium rate services. The objective of this document, which was published in parallel with its consultation on the numbering plan, was to seek the views of operators and interested parties on a set of proposals developed by the MCA.

The consultation document included a wide range of issues related to premium rate services, the main elements being:

- the obligations for interconnection;
- the roles and responsibilities of operators;
- the measures to provide adequate consumer protection;
- the allocation of specific number ranges to such services.

The decision "Development of the Numbering Plan" was published in June 2006 and updated in 2009, however due to the extensive feedback which the MCA received from the various stakeholders during the consultation period, the MCA decided to postpone the publication of a decision on special tariffs in order to undertake further research on these services. It embarked on evaluating the various frameworks adopted in other countries, and how best to address the needs of the local market.

A number of the issues regarding premium rate services proved to be different and much more complex than those for freephone, therefore the MCA decided to treat freephone services and premium rate services separately. To this effect the Authority published a revised proposed decision specifically for freephone services in December 2007, and in August 2008 it published the decision "*A Framework for Freephone Services in the 800 range*".

Since the publication of the original consultation, the industry has experienced a substantial change in the market including a significant increase in the number of service providers. The MCA has therefore decided to revise its proposed decision and publish the new draft again for consultation. The new draft was published for consultation in June 2010.

This document reports on the responses received to the above mentioned consultation and presents the MCA's final Decision that will introduce interconnection for call related premium rate services. As a result of the feedback it received, the different technical arrangements required to convey SMS and voice calls, and the fact that recent premium

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<sup>1</sup> <http://www.mca.org.mt/infocentre/openarticle.asp?id=744&pref=3>

rate issues were in their vast majority related to voice, the MCA has decided to defer the proposed actions on SMS premium rate services to a later date with the exception of the tariff transparency measures referred to in section 14 of this document. In the interim, operators and PRSPs may continue treating Premium Rate SMS using the current framework including the same number ranges. Consequently this document does not refer to the comments made by the operators about premium rate SMS, which will be considered when a decision on SMS premium rate services is prepared.

After experience has been gained with the operation of the proposed framework, the MCA plans to assess its effectiveness, and in particular will consider:

- Whether some of the consumer protection measures introduced can be relaxed or made stricter;
- Whether there is a case to adjust any charge figures in the light of experience;
- Whether the numbering arrangements are appropriate;
- Whether any issues of unreasonable discrimination have arisen and need to be addressed.

In order to support the traditional Christmas charity events, the MCA has placed a short term requirement on all operators to support premium rate donations for Christmas 2010, prior to the framework introduced by this document coming into force.

This document has been updated with minor updates following informal consultations with stakeholders to reflect industry realities.

*This version has been updated in October 2017 to change the maximum retail price of the premium rate element of € 0.30 for an existing tariff band with a new maximum of € 20, and in November 2019 to replace the terminating operator's obligation to update the list with the fixed line contact number corresponding to each of the premium rate services with a direction to provide an originating operator with such information upon request, and also to include information on the precise amount to be retained by the originating operator to cover premium rate services specific costs for each premium rate service tariff band. Furthermore, another update was introduced in September 2020 to introduce a tariff band carrying a maximum retail price of the premium rate element of € 100 in the case of donations (51 prefix).*

*Any references to specific retail and wholesale prices within this document are quoted inclusive of any applicable VAT but exclusive of any other applicable taxes and duties.*

## 2 **RESPONSES**

The response period for the Consultative Paper entitled “A Framework for Premium Rate Services in the '5' Numbering Range” ran from 2 June 2010 to 30 July 2010.

Responses were received from the following:

- The Broadcasting Authority,
- Go,
- Melita,
- Vodafone Malta.

MCA wishes to thank all these parties for their constructive responses.

### 3 THE LEGAL BASIS FOR CONNECTIVITY OBLIGATIONS

The MCA has decided to introduce interconnection obligations in order to ensure connectivity to premium rate numbers. In this section we summarise the legal basis for this requirements and clarify their application.

Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services (Universal Service Directive) states explicitly that access for all users to freephone and premium rate services is an objective:

*Whereas (38) Access by end-users to all numbering resources in the Community is a vital pre-condition for a single market. It should include freephone, premium rate, and other non-geographic numbers, except where the called subscriber has chosen, for commercial reasons, to limit access from certain geographical areas. Tariffs charged to parties calling from outside the Member State concerned need not be the same as for those parties calling from inside that Member State.*

Regulation 15(1) of the Electronic Communications Networks and Services (General) Regulations, 2004 transposing Article 5(1) of the Access Directive states:

*"15. (1) Without prejudice to any measures that may be taken in accordance with regulation 17 of these regulations regarding undertakings with significant market power, the Authority may impose:*  
*(a) to the extent that is necessary to ensure end-to-end connectivity, obligations on undertakings that control access to end-users including, in justified cases, the obligation to interconnect their networks where this is not already the case;"*

Regulation 67(1) gives the MCA the power "...to specify conditions to be attached to a right of use of numbers as are listed in Part C of the Tenth Schedule..."

Part C of the Tenth Schedule lists the following amongst the conditions which may be attached to rights of use for numbers:

- "1. Designation of service for which the number shall be used, including any requirements linked to the provision of that service.*
- 2. Effective and efficient use of numbers in conformity with the Framework Directive.*
- 3. Number portability requirements in conformity with the Universal Service Directive..."*

The MCA considers that access to premium rate numbers is potentially important for all subscribers, however access to these services is necessarily more onerous for the originating operators than it is for normal services because:

- Opt-in and/or opt-out facilities need to be offered as part of the consumer protection measures;
- The originating operator has to bill the caller for relatively large sums for these calls;

- The originating operator is likely to have to handle complaints from subscribers and will have to take various related measures that are not needed for calls to non-premium rate numbers.

The MCA therefore proposed the principle that originating operators should not be required to offer access to premium rate services, however if they do choose to offer such access, then they must not discriminate between calls to premium rate service providers terminated on their own networks and those served on other networks.

## 4 PREMIUM RATE SERVICES

The market for premium rate services is currently relatively small especially when compared to other countries. Although a number of premium rate services are currently accessible from subscribers of different service providers, a number of these services are available only on-net. This in itself contributes towards limiting consumer problems since the same operator is dealing with both the callers and the premium rate service providers, and is therefore in a good position to resolve any consumer problems. All or nearly all of the calls are charged at a flat rate that is independent of the call duration.

With the entry of new operators into the market, the interconnection requirement to promote competition applies as in the case for freephone, however the introduction of competition could on the other hand increase the opportunities for some premium rate service providers to take advantage of consumers, as has happened in other countries. Since interconnection is required, the MCA must therefore put in place adequate mechanisms for consumer protection.

In the consultative paper mentioned earlier, the MCA's proposals applied to both calls and text messages (SMS). A respondent operator commented that no problems have arisen in relation to SMS-based premium rate services and so there is no requirement nor justification for including them. Another questioned whether the provisions of the Directive applied to services other than calls. A third respondent proposed that the regulatory frameworks should be developed separately for voice and SMS/MMS. There were also comments that the technical arrangements for normal SMSs are different from those for voice in that the sending SMSC sends the SMS directly to the called party and this existing arrangement would not be appropriate for premium rate SMS, where new interconnection arrangements would be needed between SMSCs.

The MCA has considered these comments and has decided that this Decision should apply only to calls, and tariff transparency measures on both voice and SMS premium rate services, and that it will explore the need to regulate the interconnection of premium rate SMS further before taking any action.

One operator was concerned that the submission to the MCA of annual revenues for calculation of the payments towards the costs of the MCA are based on gross revenues and that in this case the premium rate service revenues would be double counted. The MCA accepts that in the case of premium rate services revenues should be omitted and not subject to these administration charges.

## 5 ASSIGNMENT OF NUMBERS FOR PREMIUM RATE SERVICES

As depicted in the National Numbering Plan Allocations table, which is updated in real-time on MCA's website, there are a number of sub-allocations from the 50XX XXXX range which are allocated to different operators. As in the case of other number ranges, a sub-range from this numbering range is generally allocated to a service provider who in turn assigns individual numbers to different PRSPs offering different services. On a number of occasions the service provider and PRSP are the same entity.

Tariff transparency can be achieved by means of a carefully designed numbering plan. In the case of premium rate services, which carry a retail charge considered to be higher than normal, this is achieved by means of assigning numbers using such services solely from the '5' range. When dialling such a number users should be aware that a call to a '5' range number in itself denotes a high cost.

Since the retail charges and content of different premium rate services can vary substantially, the MCA is assigning specific digits for different price brackets within the same '5' range which could also deliver further tariff and call information to the public. This is described in more detail in section 10 "*Numbering arrangements and sub ranges*" later on in this document.

## 6 INTERCONNECTION FOR PREMIUM RATE SERVICES

The provision of premium rate services involves four logically different roles:

**The Originating operator** - the operator that is used by the caller to convey the call to a premium rate number. This is the operator whom the caller pays for the call.

**The Terminating operator** - the operator that conveys the termination of the call to the premium rate service provider.

**The Premium rate service provider (PRSP)** - the called party that receives the payments from the terminating operator.

**The Content provider** - an entity that provides content or electronic products or services that are stored and accessed on the systems of the premium rate service provider. In the majority of cases, the PRSP is also the Content provider.

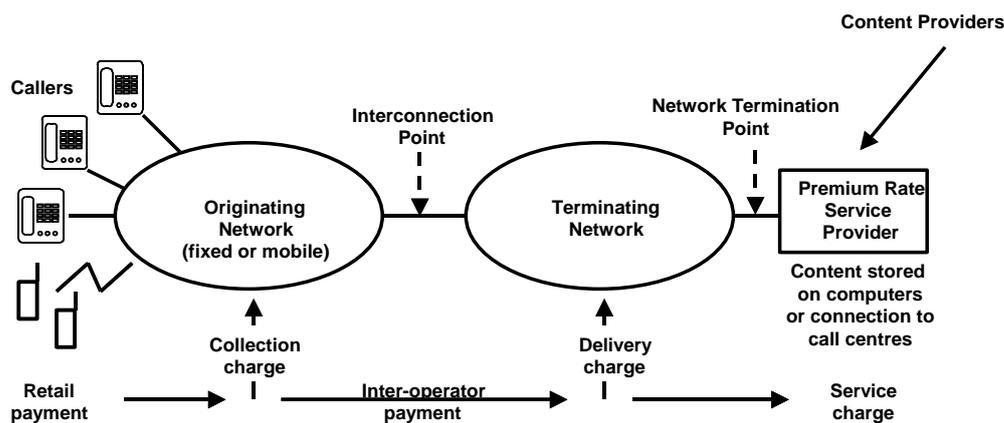


Figure 1: Illustrates the different roles for the provision of premium rate services and interconnection arrangement.

In the absence of interconnection, premium rate service providers would have to establish services with each terminating network separately to achieve a high coverage. Such an arrangement can make it difficult for new entrants to host premium rate services because they would be unlikely to reach an adequate number of potential callers to justify the costs involved at least while their subscriber base is low.

As a potential consequence, a proportion of the market would not be open to them in practice. Furthermore, if PRSPs connect only to those networks with the most subscribers, and there had to be no requirement for interconnection, the unavailability of connectivity could also deter other subscribers from subscribing to less established networks. The situation would also lead to increased complexity in maintaining uniformity in numbering allocation processes.

The MCA is therefore requiring interconnection, subject to important safeguards for the originating operators, including a level of revenue sharing to compensate originating operators for the consumer complaints that they may have to handle.

The Authority considers that a requirement to support interconnection is important in a competitive market with multiple operators. This requirement is needed to ensure competition in the connection to premium rate numbers and allows new entrants to offer connectivity to customers who want to have premium rate numbers. It also reduces the costs and simplifies the arrangements to PRSPs, as they do not require individual connections to a number of different networks.

In accordance with the principle stated earlier, the MCA proposed to place the following requirements on operators:

- Originating operators will be free to choose whether or not to offer access to premium rate services to their subscribers. However if they do offer access, they shall do so to all the services on interconnected networks without discrimination between PRSPs served on their own network and those served on other terminating networks.
- Originating operators who offer access to any premium rate services in the '5' range shall establish interconnection within two months of receiving a written request for interconnection from a terminating operator.
- Terminating operators who provide access to any premium rate services in the '5' range shall establish interconnection within two months of receiving a written request for interconnection from an originating operator.

These proposals mean that in practice:

- New entrants will be able to provide terminating services to PRSPs and be able to act as PRSPs themselves.
- Existing operators, who provide on-net only Premium Rate Services<sup>2</sup> at present, will have to offer users on other networks access to these services.

These proposals of the MCA are in line with the proposals of the Commission for the revision of the current European framework for telecommunications.

Furthermore, in accordance with its earlier decision on number portability, the MCA requires all premium rate numbers in the 5 range to be made portable. This includes existing numbers.

The MCA's proposals were generally well received. The Broadcasting Authority thought it particularly important that viewers and listeners who use the services of the smaller

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<sup>2</sup> With the exception of network specific features in the "54" range as specified in Section 10.

operators can participate in competitions, voting and interactive programmes. One operator thought that the MCA's framework will be positive in terms of interoperability, but another was concerned that some of the measures could be expensive to implement and therefore does not encourage competition.

One operator suggested that the principle that *"a service provider will be free to choose whether or not to offer access to premium rate services to their subscribers, however if they do offer access they shall do so to all the services on interconnected networks without discrimination between PRSPs served on their own network and those served on other terminating networks"* should be made more flexible so that operators could offer access to lower price services without discrimination but not to higher price services. The MCA has decided that each operator can decide separately whether to offer access to services in the price ranges up to 25 Euros and whether to offer access to services in the 50 Euro price range.

Although all operators agreed that premium rate numbers should be portable, there was concern about the timescales and one operator proposed that the MCA should coordinate discussions with the operators about procedures as it did for portability for fixed and mobile numbers. The MCA accepts that the time deadline for portability needs to be extended and is changing it to 1 October 2011 and confirms that it will consult with the operators to prepare the specifications for the procedures. The date of 1 October 2011 is a provisional date. One operator considered that the two months allowed for establishing interconnection is too long and thought that PRSPs would want service within two weeks. This response however was the result of a misinterpretation since the two months specified by the MCA refers to the interconnection arrangements, and not to the service offered over the interconnection to an individual PRSP. The revised text now specifies these limits separately.

### **Decision 1: Premium rate services**

**1.1 Originating operators are free to choose whether or not to offer calls to premium rate services in the '5' range to their subscribers. If they do offer such calls they shall do so to all the services on interconnected networks without discrimination between PRSPs served on their own network and those served on other terminating networks. Operators may decide separately whether to:**

- **offer access to premium rate services in the different price bands up to and including the price band of €25,**
- **or also choose to include access to services in the €50 price band.**

**This requirement is subject to the separate provisions on opt-out available to individual subscribers.**

**1.2 Originating operators who offer calls to any premium rate services in the '5' range shall establish interconnection with a terminating operator for calls to**

**numbers in the '51' and '52' ranges<sup>3</sup> within two months of receiving a written request for interconnection from that same operator.**

- 1.3 Terminating operators who provide access to premium rate services in the '51' and '52' ranges<sup>3</sup> shall establish interconnection with an originating operator for calls to numbers in the '5' range within two months of receiving a written request for interconnection from that originating operator.**
- 1.4 Originating and terminating operators shall cooperate together to ensure that where interconnection for premium rate services has been established between them, the interconnection will automatically include any new PRS numbers being hosted on the terminating operator.**
- 1.5 The MCA requires the operators to cooperate so that all premium rate numbers used for voice related service in the '5' range become portable by 1 October 2011 (this date is provisional and may be changed by the MCA who will notify the operators accordingly). This includes existing numbers in the '50' range.**

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<sup>3</sup> The same requirement is also applicable to those PRS services in the "50" range which shall be available as legacy numbers as specified in Section 10.

## 7 RETAIL AND INTERCONNECTION RATES FOR PREMIUM RATE SERVICES

In its latest consultation, the MCA proposed a framework based on the following points:

- The retail charges paid by the customer for calls to premium rate services will consist of two separate elements:
  - *the conveyance element*: which consists of the retail tariff that the subscriber would pay for a call to an off-net fixed number;
  - *the premium rate element*: which includes the amount passed to the terminating operator, the PRSP, and the additional amount charged by the originating operator for the extra work involved in handling premium rate calls – principally for complaint handling.

The above two different elements should be shown separately on bills wherever possible.

- The retail and interconnection payment framework for the conveyance element will be the same as that for normal off-net calls to fixed numbers.
- Whilst the charges for conveyance are normally duration dependent, the charges for the premium rate element will always be a fixed charge irrespective of the call duration to ensure that users are protected from running up very high bills. PRSPs will be able to decide their own time limits for individual calls in accordance with the commercial constraints of the fixed charge. This principle will be consistent with current premium rate services, which are all charged at fixed rates irrespective of call duration.
- The premium rate numbering plan will be linked to the retail rates applicable to the premium rate element of the calls as set out in Figure 2 below.
- The premium rate numbering plan will also be used to set a maximum inter-operator<sup>4</sup> payment for the premium rate element to be paid to the terminating operator for each tariff band. The division of the inter-operator payment between the terminating operator and the PRSP is for these two parties to negotiate.
- The difference between the retail threshold price and the maximum inter-operator payment paid to the terminating operator will be sufficient to compensate the originating operator for those costs that are specific to premium rate services, e.g. complaint handling.

The following diagram explains the new proposal for the framework in the case of premium rate voice calls.

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<sup>4</sup> We use the term "inter-operator" for the premium rate element and "interconnection" for the conveyance element.

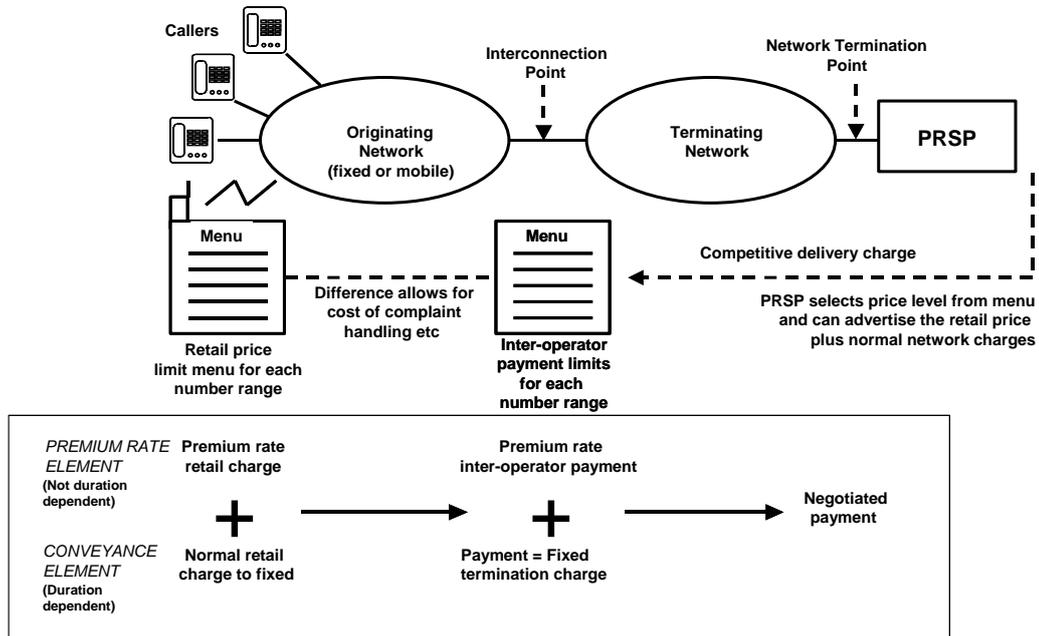


Figure 2: Framework in the case of premium rate voice calls

In practice, the PRSP would select its nominal retail price limit from the menu. The PRSP could then advertise that its premium rate service costs this nominal price plus “normal call charges”.

The PRSP would arrange service with the terminating operator that offers the best arrangements. In many cases the PRSP could also be a terminating operator.

The originating operator would charge callers:

1. The Premium Rate Element (retail price for the premium rate service, independent of duration, subject to the limit that corresponds to the called number), plus
2. The Conveyance Element (normal call charge to a fixed number, duration dependent)

Whenever technically possible, originating operators will show the premium rate element and the conveyance element separately on bills.

The originating operator will retain as a collection charge in the case of premium rate calls:

1. The retail price minus the inter-operator payment for the premium rate element, *plus*
2. Their normal retail conveyance charge minus an amount equal to the fixed termination rate.

Whilst the premium rate element is not duration dependent, the conveyance element is duration dependent.

The MCA proposed the following table of number ranges (treated later on in the document), and the corresponding retail price limits (Premium Rate Element) and maximum inter-operator payment paid by the originating operator to the terminating operators:

| Number Range | Max Retail Price | Max Inter-Op payment |
|--------------|------------------|----------------------|
| 5YZZ XXX1    | € 0.30           | € 0.25               |
| 5YZZ XXX2    | € 0.50           | € 0.45               |
| 5YZZ XXX3    | € 0.75           | € 0.65               |
| 5YZZ XXX4    | € 1.00           | € 0.90               |
| 5YZZ XXX5    | € 2.00           | € 1.80               |
| 5YZZ XXX6    | € 5.00           | € 4.70               |
| 5YZZ XXX7    | € 10.00          | € 9.50               |
| 5YZZ XXX8    | € 20.00          | € 19.00              |
| 5YZZ XXX9    | € 50.00          | € 47.00              |

*Figure 3: Premium Rate Service Tariff Plan for the Premium Rate Element (excludes the Conveyance Element) as consulted*

*NB: See later in this document for changes to the numbering ranges.*

Two operators commented that it was not possible to show the premium rate and conveyance elements separately on the bills. One operator noted that this requirement could not apply to pre-pay where there are no bills.

There was support for the proposal of a duration-independent fixed amount for the premium rate element, and one operator commented that the overall scheme should be helpful to callers.

Operators made comments on the detailed numbering arrangements but these comments are considered later.

One operator proposed that the maximum inter-operator payments should be increased so the amount that the originating operator could retain was reduced.

Another operator suggested that the charges should be split on a percentage basis and was particularly concerned about having charges as high as 50 Euros.

The MCA accepts that there may be practical problems of specifying the premium rate and conveyance elements separately on bills and is withdrawing this requirement but the principle of distinguishing the duration-independent fixed premium element from the duration dependent conveyance elements remains.

The flexibility introduced in Decision 1.1 will allow operators to choose separately whether or not to offer services in the maximum price range.

The MCA does not accept the proposal to use percentages, as the amount retained by the originating operator for calls to higher price numbers would then be too high.

The MCA has reviewed the price ranges and decided to introduce separate ranges at 15 and 25 Euros to replace the single range at 20 Euros because charitable donations have shown their interest in the 15 and 25 Euro levels.

*Following a high demand from national donation entities to introduce a tariff band specifically for a maximum retail price of €20, the tariff band prefixed '5Y00' initially pertaining to a maximum retail price of €0.30 has been updated to a maximum retail price of €20 in October 2017. This materialised following an informal consultation with stakeholders taking into consideration that this tariff band with a maximum retail price of €0.30 was never utilised.\*\**

*In September 2020, there was a request from a national donation entity to introduce a tariff band specifically for a maximum retail price of €100. In this respect, the tariff band prefixed '5Y30' initially pertaining to a maximum retail price of €1.00 has been updated to a maximum retail price of €100 in the case of donations ('5130' prefix). This materialised following an informal consultation with stakeholders taking into consideration that this tariff band with a maximum retail price of €1.00 was not being utilised for donations. The maximum retail price for the premium rate element of the tariff band with prefix '5230' and '5430' were retained at €1.00\*\*\*.*

The MCA has further reviewed the numbering format and the new format is shown in the decision. This is explained in a later section of this document.

## **Decision 2: Retail charging for calls to Premium Rate Numbers in the 5 range**

- 2.1 Retail charges for calls to premium rate numbers in the 5 range shall consist of a premium rate element and a conveyance element.**
- 2.2 The premium rate element of the retail charge for calls shall not be duration dependent, whilst the conveyance element shall be duration dependent and shall equal the retail charge normally applicable in the case of a normal call to a fixed number.**
- 2.3 The premium rate element of the retail charge for calls shall not exceed the limit set for the retail price band corresponding to the numbering range of the number called as specified in the table in *Decision 3* below.**
- 2.4 Any requests for the MCA to consider introducing a new maximum retail price band for the premium rate element should be made by or through one (or more) operator(s) to the Authority at least 3 months prior to the start of service date for the corresponding premium rate service in order to provide adequate**

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\*\* This text was inserted in October 2017

\*\*\* This text was inserted in September 2020

**timeframe for stakeholders to assess and eventually implement the necessary changes\*\*\*.**

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\*\*\* *This text was inserted in September 2020*

### **Decision 3: Inter-operator payment for Premium Rate Services:**

The numbering plan will specify for different number ranges the maximum premium rate element of the inter-operator payment and the amount from the retail price for the premium rate element to be retained by the originating operator for each individual retail price band.

| <b>Number Range*<sup>5</sup></b> | <b>Maximum Retail Price for the Premium Rate Element<sup>6</sup></b> | <b>Amount to be retained by the Originating Operator<sup>6,7</sup></b> | <b>Max Inter-Op payment for the Premium Rate Element<sup>6</sup></b> |
|----------------------------------|--|--|--|
| 5Y00 ZZXX                        | € 20.00  | € 1.00   | € 19.00  |
| 5Y10 ZZXX                        | € 0.50   | € 0.07   | € 0.43   |
| 5Y20 ZZXX                        | € 0.75   | € 0.09   | € 0.66   |
| 5130 ZZXX                        | € 100.00   | € 2.00   | € 98.00  |
| 5230 ZZXX                        | € 1.00   | € 0.10   | € 0.90   |
| 5430 ZZXX                        | € 1.00   | N/A  | N/A  |
| 5Y40 ZZXX                        | € 2.00   | € 0.16   | € 1.84   |
| 5Y50 ZZXX                        | € 5.00   | € 0.35   | € 4.65   |
| 5Y60 ZZXX                        | € 10.00  | € 0.60   | € 9.40   |
| 5Y70 ZZXX                        | € 15.00  | € 0.75   | € 14.25  |
| 5Y80 ZZXX                        | € 25.00  | € 1.00   | € 24.00  |
| 5Y90 ZZXX                        | € 50.00  | € 1.50   | € 48.50  |

*\*The criteria for the numbering range is treated in Section 10*

<sup>5</sup> The use of the format 5YT0 ZZXX instead of 5YT0 Z0XX was adopted following number exhaustion by one of the service providers as explained in Section 10.

<sup>6</sup> All retail and wholesale prices are inclusive of any applicable VAT but exclusive of any other applicable taxes and duties.

<sup>7</sup> This column was introduced in November 2019 to clarify the precise amount from the retail price for the premium rate element to be retained by the originating operator.

## 8 COMPLAINT HANDLING

In its consultation the MCA had proposed to make originating operators primarily responsible for handling complaints because they are the operator that the subscriber pays for a premium rate call. To avoid the problem of the originating operator not being in a position to give refunds or to block calls to numbers that are the source of many consumer complaints, the MCA had proposed to allow originating operators to:

- Delay interconnection payments for a period that is one month longer than their retail billing cycle;
- Deduct from interconnection payments any sums that they have refunded to subscribers through their complaints procedure;
- Block calls to numbers that are subject of many consumer complaints and notify the MCA and the terminating operator immediately.

The MCA had also proposed that the established operators should cooperate together to adopt a common complaints policy consisting of guidance to their complaints department staff.

In the latest consultation, the MCA proposed that the originating operator should refer any content related complaints emanating from their subscribers to the PRSP in question by communicating the PRSP's complaint number.

Two operators explicitly supported the MCA's proposals for the powers given to the originating operator. One operator was concerned that the power given to the originating operator would remove the incentive for it to investigate complaints properly, it would just give refunds and recover its payments to the terminating operator. Another wanted the originating operator to be able to verify complaints with the PRSP.

One operator was concerned about the proposal that content related complaints should be referred to the PRSP and wanted the originating operator to be responsible for all aspects of a complaint. This operator also wanted greater use of the normal complaint procedure.

In the case of blocking calls to numbers that generate high volumes of complaints, one operator suggested that the originating operator should send a detailed reasoned request to the PRSP and to the MCA, and only if the PRSP does not introduce the needed improvements within a reasonable timescale could the originating operator block calls. The operator thought that this would reduce the likelihood of litigation over lost revenue. Whilst this may be the case, the MCA is concerned to ensure that access to services that are causing serious problems may be blocked quickly.

One operator thought that the MCA should maintain a directory of complaint contact numbers for each PRSP.

Another operator thought that more should be left to self-regulation.

The MCA is intent to achieve three objectives:

- The subscriber is sufficiently protected from incorrect billing, unauthorised calls and ineffective services;
- The PRSP is not put in a position where users provided valid services can avoid paying by abusing the complaints system, but equally is not given an unreasonable advantage in collecting payment;
- The originating operator is not put in direct contact with the PRSP in a way that would enable it to compete unfairly with the terminating operator to win the business of the PRSP.

The MCA has reconsidered the proposals in the light of these objectives and has decided as follows.

#### **Complaints of a 'technical' Nature**

The originating operator should be responsible for handling all complaints except those relating to the contents of a call. Thus the originating operator will handle complaints about issues which are within its power to check and address. These would include *inter alia* complaints from users claiming that the call was never placed successfully, dropped calls, wrong billing allegations, and failures in call barring and unauthorised calls.

The originating operator however shall not be responsible to deal with complaints which are content related. These include complaints relating to poor information being given during a call or a product or service purchased, the service being faulty or inadequate, or the service offered differing from that as advertised. In this case, the originating operator shall provide the complaining user with the PRSP's complaints fixed telephone number for the premium rate service in question, as specified in more detail in the next sub-section entitled "*Complaints which are of a content related nature*".

The originating operator will give refunds or waive charges when the non-content related complaint is reasonable, but will be required to notify the terminating operator each month about the cases where it has taken such action. This is to ensure that there is openness, and that originating operators do not give refunds or waive charges unless justified. The entire retail cost of the call (both premium rate and conveyance elements) may be refunded or waived.

An originating operator may not suspend the service of a subscriber who refuses to pay the premium rate element of a call while a complaint of a 'technical' nature is being considered.

### **Complaints which are of a 'content' related nature**

As stated earlier, the originating operator will not be responsible for resolving complaints relating to the contents of a call whose existence, charging or authorisation is not disputed. This includes complaints where the quality of the content service did not meet the expectations raised by advertising. In this case, the originating operator shall:

- give the complainant the fixed telephone number pertaining to the premium rate service in question so that he/she can discuss the complaint directly with the PRSP;
- log the complaint;
- forward the complaint details to the terminating operator within two working days, for information purposes.

Where complaints are accepted by the PRSP as reasonable, the PRSP shall be responsible to ensure that the bill shall be adjusted, or if a payment had been affected, a refund is issued. Any adjustments required to the bill should be communicated by the PRSP to the terminating operator, who will be responsible to inform the originating operator.

When the complaint is not resolved between the PRSP and the complainant user, the complainant user may exercise his/her rights according to remedies granted by any other law when consumers are not satisfied with a service or product they purchase. In the case of unresolved content related complaints the subscriber is still responsible to settle any outstanding bills with the originating operator if required. If a complaint is resolved towards the complainant user's favour, who has settled the premium rate service call in question, he/she shall have the right to be refunded or compensated by the PRSP through other remuneration means.

In the case when a particular premium rate number is the subject of frequent content related complaints from different users, the originating operator may inform the MCA and terminating operator, and include the details of each individual complaint. The MCA shall then take all the necessary steps it deems appropriate, and ultimately may direct the terminating operator to block access to the Premium Rate Number in question until the PRSP rectifies its position.

The delay of 30-45 calendar days in forwarding premium rate inter-operator payments to the terminating operator to prevent cash flow risks will be retained.

The terminating operators shall compile, by the 1 February 2011, a list containing each of the premium rate numbers hosted on their network. Each of these premium rate numbers shall include:

1. a description of each service being offered (as advertised);
2. a complaints' fixed line contact number.

The terminating operator shall provide the originating operator with the fixed line contact number corresponding to the premium rate service upon request<sup>8</sup>.

#### **Decision 4: Complaint handling and collection**

- 4.1 Originating operators shall be responsible for complaint handling, and for providing refunds or waiving PRS entries from bills where appropriate and justified. This applies to all complaints except those relating to the content of a call.**
- 4.2 Originating operators may deduct from inter-operator 'premium rate element' payments any sums that they have refunded to subscribers, or waived from their bills, if they consider that a complaint of a technical nature, which is within their power to check and address, is justified.**
- 4.3 An originating operator may not suspend the service of a subscriber who refuses to pay the premium rate element of a call while a complaint of a 'technical' nature is being considered.**
- 4.4 In order to enable an originating operator to deduct from inter-operator "premium rate element" payments (as specified in decision 4.2 above), a delay of at least 30 calendar days from when the subscribers are requested to settle their bill is required to enable them to detect and complain about any unauthorised calls. Such a delay shall not exceed 45 calendar days unless an alternative timeframe has been agreed by the originating and terminating operators.**

**The originating operator shall apply the same delay without discrimination for payment for calls to premium rate numbers that it serves itself and those numbers that are served on interconnected networks.**

**Notwithstanding the delay in payments, the originating operator shall not delay in passing any accounting information to the terminating operator.**

- 4.5 In the case of complaints which are of a content nature, and whose provision is not disputed, the originating operator shall:**
- log the complaint;**
  - give the complainant the fixed telephone number pertaining to the premium rate service in question so that he/she can discuss the complaint directly with the PRSP to log such complaints;**
  - forward the complaint details of the call to the terminating operator within two working days.**
- 4.6 In the case of high number of consumer complaints of a content related nature pertaining to a particular PRS number, an originating operator may notify the**

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<sup>8</sup> This text was updated in November 2019.

**MCA and the terminating operator including the details of each individual complaint. The MCA shall then take all the necessary steps it deems justified which could include requesting the terminating operator to block access until the PRSP rectifies its position.**

- 4.7 If a content related complaint is resolved towards the complainant user's favour, he/she shall have the right to be refunded, or compensated by the PRSP through other remuneration means.**
- 4.8 If a content related complaint is not considered justified by the PRSP, the complainant user may exercise his/her rights according to remedies granted by any other law.**
- 4.9 The terminating operators shall compile, by the 1 February 2011, a list containing each of the premium rate numbers hosted on their network with the description of each service being offered (as advertised), and a complaints' fixed line contact number. This list shall be updated in real-time.**

## 9 PERMITTED SERVICES

After considerable discussion in the earlier consultations, the MCA proposed to initially not allow the allocation of premium rate numbers to:

- any service requiring dial-up modem access;
- adult, gambling and psychic services.

Furthermore, the MCA proposed not to permit premium rate numbers to be sent as CLI because they can be used inadvertently by a caller when returning a call. It also proposed to make the terminating operator responsible for ensuring that the PRSP is offering the same service as advertised for the number in question and that no prohibited content is provided.

It was also proposed that when the terminating operator is in doubt whether the content of a particular service falls under one of these prohibitions, it shall formally enquire with the MCA in writing providing all the relevant details. The Authority would in turn forward the request to the pertinent authorities and revert back its ruling providing all necessary details. If an originating operator deems that a premium rate service number being offered contains one of the prohibited services mentioned earlier, it may block calls to this number and shall notify the MCA and the terminating operator immediately with a detailed explanation. If deemed unjustified the MCA may oblige the originating operators to re-open access to these numbers. The responsibility to check that the content provided through a premium rate service is not in breach of this requirement lies with the terminating operator.

It should be noted that the proposed prohibitions meant only that these services are not eligible to use the premium rate service numbers, and may operate using other charging mechanisms, subject to any other relevant legislation.

All operators agreed with the restrictions on CLIs and dial up modems but one of the respondents noted that an operator could not control what a subscriber uses, and so the text on modems has been updated to focus on the actions of the operator.

Two operators queried the restrictions on "psychic services" and pointed out that it would be difficult to define such services in a way that distinguished them from scientific forecasting services. The MCA has decided to remove the restriction on these services.

One of the respondents said it believed that the MCA does not have power to control the content of services. The MCA wishes to point out that it is not controlling content but rather specifying the categories of services that may be allocated numbers in the "5" range.

An operator proposed that, if a service is being offered that is not permitted under the Numbering Plan, then the originating operator should send a detailed reasoned request to the PRSP and to the MCA, and only if the PRSP does not introduce the needed improvements within a reasonable timescale could the originating operator block calls. The operator thought that this would reduce the likelihood of litigation over lost revenue. The MCA accepts that this would be a reasonable course of action if there is not a

significant number of complaints about the service. The text has been updated accordingly.

All three operators considered the proposals that the terminating operator should be responsible for content related aspects of the service of the PRSP, went too far and were unduly onerous. They thought that responsibility for content should lie solely with the PRSP itself. The MCA has updated the text to limit this responsibility to ensure that the service is permitted under the Numbering Plan.

### **Decision 5: Permitted Services**

- 5.1 Where technically possible, operators shall prevent the use of a premium rate number as a CLI in a call because it could be used inadvertently when returning the call.**
- 5.2 Operators are not permitted to offer a service that uses a premium rate number where the service is configured for use with a dial-up modem.**
- 5.3 Adult and gambling services (“high risk services”) will not be allocated premium rate services numbers in the "5" range for the time being (until experience has been obtained on how the framework handles normal services). These services may operate using other charging mechanisms subject to any other relevant legislation.**
- 5.4 When the terminating operator is in doubt if the content of a particular service falls within the permitted services under the Numbering Plan, it shall formally enquire with the MCA in writing providing all the relevant details.**
- 5.5 The terminating operator is responsible to ensure that the PRSP is informed that it may only offer a service permitted under the Numbering Plan, and is doing so in accordance with the conditions of the Numbering Plan.**
- 5.6 If an originating operator considers that a premium rate service number is being used for a category of services that is not permitted under the Numbering Plan, or is not conforming to the relevant conditions, it shall write formally to the terminating operator giving its reasons and send a copy of the letter to the MCA. If the terminating operator does not resolve this issue with the PRSP concerned within a reasonable timeframe, then the originating operator shall inform the MCA to take the necessary steps. If the originating operator receives a high number of complaints about the service then it may notify the MCA under the provisions of decision 4.6.**

## 10 NUMBERING ARRANGEMENTS AND SUB RANGES

The MCA had proposed three different number ranges for premium rate service categories:

- 51 - A range for donations that supports opt-out.
- 52 - A range for normal premium rate services that supports opt-out
- 53 - A range for high risk services that requires opt-in (if/when such services are allowed in the future – these services would not be permitted initially).

As per the current National Numbering Plan Allocations table, the sub-ranges '500'; '501'; '506'; '507'; and '509' are currently allocated to various operators for premium rate services. Due to 'legacy' implications of the current premium rate services using the '50' range the MCA proposed to omit the '50' number range. It proposed that all current premium rate services within this range should be phased out by a date to be agreed in the future and replaced with the ranges described above.

The MCA had proposed that the premium rate numbers currently accessible in the '50' range may continue to be used with their current price indications and interconnection, or accessibility arrangements, if there are any, until the 30 September 2010. Following this date, the use of these numbers can be retained until the established phase out date, only subject that the following criteria are met:

- The number may only be used for the same premium rate service for which it was used before this Decision;
- Interconnection and opting out obligations as established earlier in this document shall be applicable;
- If the current retail charges of the premium rate service differs from those included in the *Premium Rate Services Tariff Table*, the retail charges needs to be changed to equal one of the tariff bands established. The inter-operator charges relevant to that retail level will then apply. It is not necessary for the last digit of the number to be changed to indicate the tariff information;
- Callers shall be charged for the conveyance element and the premium rate element separately as established earlier in this document. The wholesale charge requirements in this Decision also apply.

The MCA proposed that the last digit should indicate the tariff band but not the monetary level, i.e. 5 would indicate mid range but not 5.0 or 0.5 Euros, resulting in the possibility of 9 price bands which the MCA considered sufficient.

The MCA therefore invited operators to provide feedback on the following numbering arrangement.

Number Format: 5YZZ ZXXT

Where:

- 'Y' indicates the service category: 1 = donation, 2 = low risk, 3 = high risk

- 'Z' indicates the operator to which the range is allocated
- 'X' identifies the service
- 'T' is used for tariff information.

The MCA had proposed a tariff table including the following information:

€0.30 – 5YZZZX1; €0.50 – 5YZZZX2; €0.75 – 5YZZZX3;  
€1.00 – 5YZZZX4; €2.00 – 5YZZZX5; €5.00 – 5YZZZX6;  
€10.00 – 5YZZZX7; €20.00 – 5YZZZX8; €50.00 – 5YZZZX9;

Two of the respondents considered that two "X" digits was insufficient as each operator could serve more than 100 PRSPs.

Some of the respondents also pointed out that they could not implement an opt-in facility and some are limited to two categories of opt-out. One operator invited the MCA to engage in more detailed discussions on these issues. It pointed out that, in the case of mobile services, barring of calls when a subscriber is roaming could not be guaranteed.

Operators were also concerned about the requirement to show separately the charges for the premium rate element and for conveyance, and that the date of 30 September 2010 was too soon and did not allow enough time for the necessary work to be undertaken.

One operator wanted services that are offered exclusively to its own subscribers to be excluded from these requirements and wanted a number range for network specific premium rate services.

Having considered these comments, the MCA has taken the following positions:

- 51 and 52 will be the two main ranges, and will have opt-out requirements as proposed since they can be supported at present.
- The plan to use 53 for higher risk services, if introduced in the future, will remain - however this range is not being opened at present. Before considering the introduction of such services, it has been decided that it would be prudent to learn from the experience gained on the new framework for the 51 and 52 ranges. Even if/when this range is opened, operators offering premium rate service in the 51 and 52 ranges may not be required to provide access if they do not wish to do so.
- A new 54 range will be introduced for the purchase of telephony service specific features which can only be offered by the originating operator. There will be no requirement for interconnection and shall also carry an opt-out option.
- Requirements relating to calls from international roaming mobiles will be subject to technical feasibility.
- The requirement to show charges separately for the premium rate element and for conveyance has been made subject to technical feasibility.

- In terms of the requirement to provide opting out, the existing 50 range shall be treated together with the new 51, 52 and 54 ranges, i.e. a subscriber that opts out of 51 and 52 will be also opting out of 50 and 54, and vice versa.
- The number format will be **5YTO Z0XX**. This format is a subset of what was proposed and has been chosen so that there is flexibility in the longer term either to use the format 5YT0 ZZXX or 5YT0 ZXXX depending on how the market develops. This new format was decided upon following a discussion which the MCA had with the operators on the matter.
- *As a result of number exhaustion by one of the service providers the format 5YT0 ZZXX is being adopted.\*\**
- The date of 30 September 2010 has been changed to 30 June 2011.

#### **Decision 6: Numbering for premium rate services**

##### **6.1 There will be three new number ranges for premium rate services' categories:**

- **51 - A range for donations that supports opt-out.**
- **52 - A range for normal services that supports opt-out.**
- **54 - A range for services offering telephony service specific features which can only be offered by the originating operator. There will be no requirement for interconnection and supports opt-out.**

##### **6.2 As from 1 February 2011, new numbers from the 50 range will not be allocated any longer to PRSPs for call related services, but may be allocated for SMS based services.**

##### **6.3 Numbers in the 50 range in use as at 31 January 2011 for call related services may continue to be used, subject to the current conditions, until the 30 June 2011.**

##### **6.4 As from 1 July 2011, the use of numbers in the 50 range for call related services can be retained for legacy reasons until an established phase out date is set in the future, subject that the following conditions are met:**

- **Existing numbers may only be used to continue an existing service and shall not be re-used for a different service;**
- **For call related services, opting out obligations shall apply, and the 50 range shall be treated together with the 51, 52 and 54 ranges in terms of opting-out;**
- **For call related services, the new retail charges price bands and inter-operator charges (Decisions 2 and 3) shall apply and the applicable retail charges will need to be changed accordingly. However, in this case it is not necessary for the third digit to depict the tariff information.**

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\*\* This text was inserted in October 2017

## 11 CALL BARRING AND NEGATIVE CREDIT

The MCA proposed to require originating operators to offer call barring free of charge, irrespective of whether the caller invokes carrier selection. It also confirmed the requirement to show call barring status on bills. In case this is not practicable a generic note should be prominently displayed on every bill advising subscribers of their rights and how to implement call barring.

The MCA had become aware that in some other countries operators allow negative credit on pre-pay accounts without outgoing calls being blocked. Since the subscriber may be unaware of this limit, whenever additional credit is purchased, the new credit is consumed immediately and so may not be enough to restore a positive balance and allow new calls to be made. The MCA considered that this practice is extremely misleading to subscribers who may be relying on the pre-pay system to manage their own credit exposure. The MCA therefore had proposed to prohibit this practice.

In order to help to ensure that callers are aware of the cost of calls, the MCA proposed that PRSPs should ensure that the tariff information is presented in full and clearly and that the conveyance charge shall be payable separately from the premium rate element.

The operators commented on the practical problems of showing call barring status on bills and said that it may not be possible or economically feasible. They also reiterated the problems of showing premium rate and conveyance charges separately and this requirement has been withdrawn.

One operator thought that it was unnecessary for the MCA to prohibit negative credit.

The MCA considers that it is necessary to retain these provisions but has updated Decision 7.3 to place the obligation on the PRSP through the terminating operator.

### **Decision 7: Call barring**

**7.1 The MCA requires originating operators to offer call barring to voice premium rate services, free of charge, irrespective of whether the caller invokes carrier pre-selection (all calls). The numbering range 50 shall be linked with the ranges 51, 52 and 54 for call barring purposes.**

**7.2 Without prejudice to the requirements that may be established by other competent authorities, and in addition to the text found in decision 9 of this document, terminating operators shall ensure through their contracts with the PRSP that advertising of premium rate services always presents the tariff information in full (i.e. inclusive of any applicable VAT but exclusive of any other applicable taxes and duties such as excise duty) and clearly, such as “... each call costs €T including VAT plus the applicable normal call charges to a**

***fixed line. ...”/ “...kull telefonata tiswa €T inkluz il-VAT kif ukoll il-prezz applikabbli ghal telefonata normali lejn linja fissa. ...” \*\****

**7.3 Service providers shall not allow negative credit arrangements, i.e. all new credit added to a pre-pay account shall be available in full for future use.**

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**\*\* tariff information stating that normal conveyance charges apply is optional (updated October 2017)**

## 12 REQUIREMENTS ON TERMINATING OPERATORS AND PREMIUM RATE SERVICE PROVIDERS

The MCA had proposed that all terminating operators should:

- check the identity of a responsible director or officer of the premium rate service provider and retain a copy of their ID card, or their passport in the case of a foreign national,
- obtain a description of the service to be offered in writing or electronic form and circulate it to other operators,
- obtain information on the premium rate service provider's freephone number for complaints and circulate it to originating operators so that they may maintain an up-to-date directory of premium rate service providers' complaint numbers.

One operator agreed broadly with the proposals, but was concerned that the terminating operator was being required too much to police the PRSPs. There was also concern about the costs of the proposals and the burden on *bona fide* PRSPs.

Another operator thought that the identity check was needed only at the start of a contract between the terminating operator and the PRSP.

One respondent said that it was not clear whether this requirement applied to existing services in the 50 range or to the new ranges only. If it applies to the 50 range then sufficient time needs to be allowed for the terminating operators to make the required checks.

The MCA is of the view that it should retain these requirements in principle, but will apply the requirements primarily through conditions attached to the use of the numbers specified in the Numbering Plan, and which should be referenced in contracts between the terminating operator and the PRSP. The terminating operator is not required to "police" the activities of the PRSP pro-actively, but is required to take action if it receives a complaint passed on by an originating operator, or a complaint direct from a subscriber. If the PRSP does not conform to the conditions of the numbering plan within a reasonable timeframe, then the terminating operator is required to suspend service and may not restart service until the problem has been resolved.

In terms of detail, the MCA has updated the wording to clarify the situation for the 50 range, and has also relaxed the requirement on checking identities. It has also removed the need for a freephone number for complaints.

### **Decision 8: Requirements on terminating operators**

**8.1 Terminating operators shall include in their contracts with PRSPs a provision that the PRSP should conform to the conditions in the Numbering Plan that relate to the number range being used, and cooperate fully with the terminating operator in this regard.**

- 8.2** If the terminating operator becomes aware that the PRSP is not conforming to the conditions in the Numbering Plan, then the terminating operator shall refer the matter to the PRSP and shall request that full conformance is restored within a reasonable timeframe from the receipt of the complaint. If full conformance is not restored in this timeframe then the terminating operator shall suspend service to the number used by the PRSP and report their action to the MCA.
- 8.3** Terminating operators shall check the identity of a responsible director or officer of each premium rate service provider that they serve and retain a copy of their ID card, or their passport in the case of a foreign national. This information should be re-confirmed periodically. In the case of existing services that use numbers in the 50 range, the identity shall be checked by the 1 February 2011.
- 8.4** Terminating operators shall obtain a description of the service to be offered in writing or electronic form and update its list containing each of the premium rate numbers as specified in decision 4.9.
- 8.5** Terminating operators shall ensure via their contracts that PRSPs provide a complaints' fixed line contact number, and that they may maintain the up-to-date directory of PRSP complaint numbers as specified in decision 4.9.

## 13 UPDATE TO THE DEVELOPMENT OF THE NUMBERING PLAN DECISION

The MCA will update the *Development of the Numbering Plan* decision originally published in June 2006 with the different division of number ranges and sub-ranges within the '5' range as depicted in this document.

The following is the new text for the entire section entitled 'The 5 range' of the document:

“ ...

### 15 THE 5 RANGE

The following requirements are intended to capture the decision published by the MCA in November 2010 entitled “*A Framework for Premium Rate Services in the '5' Numbering Range*” and subsequent amendments.

#### 15.1 Service Description for the 50XX XXXX range

- Existing and new services accessible by SMS where the sender is charged a rate that is higher than that of a normal SMS.
- Services accessible by telephone calls where the caller is charged a rate that is higher than that of a normal call, but only where the services were introduced before 31 January 2011.

Notes:

- a. *The MCA plans to migrate the numbers used in the 50 range to other ranges in the 5X range in the future.*
- b. *As from the 1 February 2011, the MCA shall not allocate any further blocks to operators from the 50 range for voice premium rate services.*

**With effect from 30 June 2011 numbers used for call related services in the 50 range may be used only in accordance with the following conditions:**

- a) Terminating operators who provide access to these numbers shall interconnect with an originating operator for calls to numbers in the '50' range within two months of receiving a written request for interconnection from that originating operator.
- b) The numbers may not be used for services designed for access by dial-up modems.
- c) The interconnection and inter-operator payment for call termination shall consist of:
  - a duration-independent premium rate element that shall not exceed the maximum shown in the figure 4 that corresponds to the retail price;
  - a duration-dependent conveyance element that shall not exceed the termination charge used for fixed services in Malta.

| <b>Maximum Retail Price for the premium rate element</b> | <b>Amount to be retained by the Originating Operator</b> | <b>Max inter operator payment for the premium rate element</b> |
|--|--|--|
| <b>€ 0.30</b>  | <b>€ 0.05</b>  | <b>€ 0.25</b>  |
| <b>€ 0.50</b>  | <b>€ 0.07</b>  | <b>€ 0.43</b>  |
| <b>€ 0.75</b>  | <b>€ 0.09</b>  | <b>€ 0.66</b>  |
| <b>€ 1.00</b>  | <b>€ 0.10</b>  | <b>€ 0.90</b>  |
| <b>€ 2.00</b>  | <b>€ 0.16</b>  | <b>€ 1.84</b>  |
| <b>€ 5.00</b>  | <b>€ 0.35</b>  | <b>€ 4.65</b>  |
| <b>€ 10.00</b>   | <b>€ 0.60</b>  | <b>€ 9.40</b>  |
| <b>€ 15.00</b>   | <b>€ 0.75</b>  | <b>€ 14.25</b>   |
| <b>€ 25.00</b>   | <b>€ 1.00</b>  | <b>€ 24.00</b>   |
| <b>€ 50.00</b>   | <b>€ 1.50</b>  | <b>€ 48.50</b>   |

*Figure 4: Premium Rate Services Retail & Wholesale price bands table for the 50 range, inclusive of any applicable VAT but exclusive of any other applicable taxes and duties (legacy services)*

- d) If requested by the MCA, a terminating operator shall block access to a premium rate number specified by the MCA while complaints are investigated.
- e) The number may not be used in the CLI field of call signalling.
- f) Without prejudice to the requirements that may be established by other competent authorities, when the number is quoted in any advertisement or other form of publicity, the premium rate element of the retail tariff shall always be stated in a way that can be seen clearly by a reader or viewer, or heard clearly by a listener.
- g) The terminating operator shall record the identity of a responsible director or officer of the premium rate service provider that uses the number and retain a copy of their ID card, or their passport in the case of a foreign national. The terminating operator shall reconfirm or update this information every three years.
- h) A number that may be called at normal fixed telephony rates from both fixed and mobile shall be provided for complaints about products and services provided through the premium rate number. The terminating operator shall update its list containing all of the Premium Rate Service complaints' fixed line contact number.
- i) A service offered under an existing number may not be replaced by a different service.
- j) Any failure to conform to these conditions shall be rectified within a reasonable timeframe, otherwise service to the number shall be suspended until the problem is resolved.

### **15.2 Service Description for the 51XX XXXX; 52XX XXXX ranges**

Services accessible by telephone calls where the caller is charged a rate which is higher than that of a normal call. These ranges can be accessible as from 1 February 2011, and may not be used for SMS based services until a future decision on such services is published.

There are three new different number ranges within the '5' range for premium rate services' categories, namely:

- 51 - A range for donations that supports opt-out
- 52 - A range for normal services that supports opt-out
- 54 - A range for services offering network specific features of telephony service by nature, and can only be offered by the originating operator. There will be no requirement for interconnection but supports opt-out (*see section 15.3*)

Note: 53XX XXXX may be introduced in the future for higher risk services that may require opt-in.

The numbers shall have the format:

Number Format: **5YT0 ZZXX**

Where:

- 'Y' indicates the service category: 1 = donation, 2 = normal; (*3 = higher risk for future allocation*);
- 'ZZ' indicates the operator to which the range is allocated;
- 'X' identifies the service;
- 'T' is used for tariff information.

**Numbers assigned from these ranges may be used only in accordance with the following conditions:**

- a) Terminating operators who provide access to these numbers shall establish interconnection with an originating operator for calls to numbers in the '51' and '52' ranges within two months of receiving a written request for interconnection from that originating operator.
- b) The numbers may not be used for services designed for access by dial-up modems.
- c) The inter-operator and interconnection payment for call termination shall consist of:
  - a duration-independent premium rate element that shall not exceed the maximum shown in the figure 5;
  - a duration-dependent conveyance element that shall not exceed the termination charge used for fixed services in Malta.
- d) If requested by the MCA, a terminating operator shall block access to a premium rate number specified by the MCA while complaints are investigated.
- e) The number may not be used in the CLI field of call signalling.
- f) Without prejudice to the requirements that may be established by other competent authorities, when the number is quoted in any advertisement or other form of publicity, the premium rate element of the retail tariff shall always be stated in a way that can be seen clearly by a reader or viewer, or heard clearly by a listener.
- g) The terminating operator shall record the identity of a responsible director or officer of the premium rate service provider that uses the number and retain a copy of their ID card, or their passport in the case of a foreign national. The terminating operator shall reconfirm or update this information every three years.

- h) A number that may be called at normal fixed telephony rates from both fixed and mobile shall be provided by the PRSP for complaints about products and services provided through the premium rate number.
- i) Any failure to conform to these conditions shall be rectified within a month otherwise service to the number shall be suspended until the problem is resolved.

| Number Range | Maximum Retail Price for the Premium Rate Element | Amount to be retained by the Originating Operator | Max Inter-Op payment for the Premium Rate Element |
|--------------|---|---|---|
| 5Y00 ZZXX    | € 20.00   | € 1.00  | € 19.00   |
| 5Y10 ZZXX    | € 0.50  | € 0.07  | € 0.43  |
| 5Y20 ZZXX    | € 0.75  | € 0.09  | € 0.66  |
| 5130 ZZXX    | € 100.00  | € 2.00  | € 98.00   |
| 5230 ZZXX    | € 1.00  | € 0.10  | € 0.90  |
| 5Y40 ZZXX    | € 2.00  | € 0.16  | € 1.84  |
| 5Y50 ZZXX    | € 5.00  | € 0.35  | € 4.65  |
| 5Y60 ZZXX    | € 10.00   | € 0.60  | € 9.40  |
| 5Y70 ZZXX    | € 15.00   | € 0.75  | € 14.25   |
| 5Y80 ZZXX    | € 25.00   | € 1.00  | € 24.00   |
| 5Y90 ZZXX    | € 50.00   | € 1.50  | € 48.50   |

*Figure 5: Premium Rate Services Retail & Wholesale price bands table for the 51 and 52 range, inclusive of any applicable VAT but exclusive of any other applicable taxes and duties*

### 15.3 Service Description for the 54XX XXXX range

Services accessible by telephone calls where the caller is charged a rate which is higher than that of a normal call and where the nature of the service is such that it can only be provided by the originating operator. This range can be accessible as from 1 February 2011, and may not be used for SMS based services until a future decision on such services is published.

The numbers shall have the format:

Number Format: **5YT0 ZZXX**

Where:

- 'Y' indicates the service category: 4 = Network Specific;
- 'ZZ' indicates the operator to which the range is allocated;
- 'X' identifies the service;
- 'T' is used for tariff information.

**Numbers assigned from these ranges may be used only in accordance with the following conditions:**

- a) The numbers may not be used for services designed for access by dial-up modems.
- b) The maximum retail price shall conform to Figure 6.

| Number Range | Maximum Retail Price for the Premium Rate Element |
|--------------|---|
| 5400 ZZXX    | € 20.00   |
| 5410 ZZXX    | € 0.50  |
| 5420 ZZXX    | € 0.75  |
| 5430 ZZXX    | € 1.00  |
| 5440 ZZXX    | € 2.00  |
| 5450 ZZXX    | € 5.00  |
| 5460 ZZXX    | € 10.00   |
| 5470 ZZXX    | € 15.00   |
| 5480 ZZXX    | € 25.00   |
| 5490 ZZXX    | € 50.00   |

Figure 6: Premium Rate Services Retail bands table for the 54 range, inclusive of any applicable VAT but exclusive of any other applicable taxes and duties

- c) The number may not be used in the CLI field of call signalling.
- d) Without prejudice to the requirements that may be established by other competent authorities, when the number is quoted in any advertisement or other form of publicity, the premium rate element of the retail tariff shall always be stated in a way that can be seen clearly by a reader or viewer, or heard clearly by a listener.

#### 15.4 Allocation method

Number Format: **5YT0 ZZXX**

The MCA will allocate numbers identifying the first 6 digits in which the 5<sup>th</sup> and 6<sup>th</sup> digits denoted as 'ZZ' in the *Number Format* shall be allocated to the applicant operator.

The entity allocated such a numbering range shall have the flexibility in assigning the last two digits as it deems fit. It shall utilise the 'Y' digit depending on the service being offered (51T0 ZZXX for donations that supports opt-out; 52T0 ZZXX for normal services that supports opt-out; and 54T0 ZZXX for services offering network specific features of telephony) and the 'T' digit depending on the chosen price band.

The MCA will aim to allow appropriate space for expansion so that an operator's allocations can be contiguous and not interleaved, but the MCA cannot guarantee that this will always be possible and the amount of expansion space that can be allowed will depend on the amount of unallocated numbering capacity remaining.

The MCA reserves the right to withdraw any allocated but unused blocks.

### **15.5 Criteria for the range**

The following criteria apply:

- Number portability is required for all numbers used for voice related services in the ranges 50, 51 and 52 from 1 October 2011 (provisional date).
  - Operators shall not sub-allocate numbers to other operators without first notifying the MCA who may decline to allow such a sub-allocation.
- ...”

## 14 PREMIUM RATE SERVICES TARIFF INFORMATION

Terminating operators are required to contractually commit PRSPs that when advertising voice or SMS premium rate numbers (5XXX XXXX), irrespective of the medium used, PRSPs are required to present/communicate clearly tariff information as specified in Decision 7.2.

Since the Authority appreciates that there are a number of current contractual agreements in place between operators and PRSPs, terminating operators may opt to formally communicate in writing this updated measure, and that it is applicable to all PRSPs including those contracted prior to the publishing of this updated decision.

As stated in the introduction of this document, as a result of the feedback it received during consultation referring to the different technical arrangements required to convey SMSs to voice calls, the MCA has decided to adjourn the proposed actions on SMS premium rate services to a later date with the exception of this tariff transparency measure. To this effect operators are to ensure that PRSPs providing SMS premium rate services are also required to present such tariff information.

### **Decision 9: Tariff transparency for voice and SMS premium rate services:**

**Terminating operators are required to contractually commit PRSPs that when advertising voice or SMS premium rate numbers (5XXX XXXX), irrespective of the medium used, PRSPs are required to present clearly tariff information. Failure to do so may result in the MCA withdrawing such a premium rate number without prejudice to any other regulatory measures as may be taken at law.**

## 15 EFFECTIVE DATE

These Decisions will take effect from 1 February 2011 unless otherwise specified in the same document.

*The introduction of a maximum retail price for the premium rate element of €20.00 with a corresponding maximum inter-operator payment for the premium rate element of €19.00 will take effect from 10 November 2017. \*\**

*The introduction of a maximum retail price for the premium rate element of €100.00 with a corresponding maximum inter-operator payment for the premium rate element of €98.00 in the case of donations ('5130' prefix) will take effect from 18 September 2020. \*\*\**

As an interim measure the MCA directed all local publicly available telephone service providers to co-operate amongst themselves, and assume their maximum efforts, to ascertain interconnection on **all donation related premium rate services** during the festive season.

Philip Micallef  
Chairman  
30 November 2010  
*Updated 29 September 2020*

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\*\* This text was inserted in October 2017

\*\*\* This text was inserted in September 2020