



COMMUNICATIONS ACT 2006

NOTICE ON NUMBERING CONVENTIONS

NOTICE No. C05/21

In exercise of the power conferred on it by section 36 (2) of the Communications Act 2006 and of all other enabling powers, the Gibraltar Regulatory Authority hereby issues this Notice under section 12 of the Communications Act 2006.

1. Title

This Notice may be cited as the Communications (Numbering Conventions) Notice 2021.

2. Interpretation

(1) In this Notice-

"access code" means short, generally memorable, codes, usually beginning with "1" and "8", which allow end users to access a wide range of telephony services;

"applicant" means the persons who are eligible to apply for number allocations and reservations, namely:

- (a) persons authorised to provide an electronic communications service;
- (b) persons authorised to provide an electronic communications network;
and
- (c) such other person of a class or description as the Authority considers appropriate;

"the Authorisation Regulations" means the Communications (Authorisation and Licensing) Regulations 2006;

"the Conventions" means the numbering conventions set out in the Schedule to this Notice;

"ITU Telecommunications Standardisation Sector (ITU-T)" means the United Nation's specialised agency in the field of telecommunications. The ITU-T is responsible for studying technical, operating and tariff questions and issuing Recommendations on them with a view to standardising telecommunications on a world-wide basis.

"number portability" has the same meaning as under Regulation 26 of the Communications (Universal Service and Users' Rights) Regulations 2006;

"number range" means a set of contiguous numbers of a specified or unspecified size;

"the Act" means the Communications Act 2006;

"the Plan" means the Gibraltar Numbering Plan published by the Minister.

- (2) Except where the context otherwise requires and subject to sub-paragraph (1), any word or expression used in this Notice which is also used in the Act has the same meaning in this Notice as it has in the Act.

3. Object of this Notice

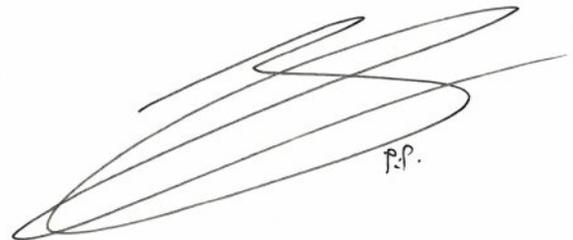
- (1) Section 35(1) of the Act provides that *"there shall be established in Gibraltar an electronic communications numbering, addressing and naming plan to be known as the Gibraltar Numbering Plan"*.
- (2) Section 35(2) of the Act provides that the ownership and right to design the Gibraltar Numbering Plan vests exclusively in the Government.
- (3) Section 35(3) of the Act provides that it shall be a *"function of the Authority, insofar as is practicable in all the circumstances...to administer the Gibraltar Numbering Plan on behalf of the Government and as it may direct."*
- (4) Section 35(9) of the Act provides that the *"Authority shall ensure that, in so far as is possible, the Gibraltar Numbering Plan is applied in a manner that gives fair and equitable treatment to all persons providing publicly available electronic communications services."*
- (5) In order to permit it to carry out its functions in relation to numbering and the administration of the Plan, Section 36(2) of the Act enables the Authority, with the consent of the Minister, to adopt Numbering Conventions,

"establishing procedures for the allocation of numbers, the general rules and principles concerning applications, reservations, withdrawals and other operations of the Gibraltar Numbering Plan and specific rules relating to numbers or codes within the public telephone network or other parts of the Plan."
- (6) Acting on that basis, and after having taken into account all the other matters set out in Sections 35 and 36 of the Act and in Regulations 13A to 16 of the Authorisation Regulations, the Authority hereby adopts, pursuant to Section

36(2) of the Act, the Numbering Conventions set out in the Schedule to this Notice, to take effect from 15th October 2021. For the avoidance of doubt, the current Numbering Conventions as stipulated in Notice C05/19 shall remain in force until this date.

- (7) The Conventions are a set of principles and rules relating to the use and management of numbers from the Plan. The Conventions are not intended to be used as a guide for consumers to any aspect of numbering policy or management.
- (8) When granting rights of use for numbering resources, the Authority uses the procedures set out in the Act and Part 4 of the Authorisation Regulations to enforce any breach of a relevant condition.
- (9) The Conventions may be revised from time to time by the Authority with the consent of the Minister. In conducting such revisions, the Authority shall comply with the public consultation procedure set out in section 13 of the Act, if applicable.
- (10) Comments or queries regarding the Conventions should be sent to **communications@gra.gi**
- (11) This Notice, together with other numbering information, is published on the Authority's website: www.gra.gi

Dated this 15th day of September 2021

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right. The initials 'P.J.' are written in small letters at the bottom right of the signature.

Paul J. Canessa
Chief Executive Officer
Gibraltar Regulatory Authority

SCHEDULE TO THE NOTICE ON NUMBERING CONVENTIONS

1. RIGHTS, RESPONSIBILITIES AND THE REVIEW PROCEDURE

The Authority's guiding principles

1.1 The Authority is responsible for administering the Plan and for establishing the Conventions in accordance with sections 35, 36 and 36A of the Act. Numbers and codes are a national resource and the following guiding principles will be taken into account by the Authority when allocating, reserving or managing numbers:

- (a) The Authority will administer the Plan to ensure, insofar as is practicable in all the circumstances, that there are sufficient numbers available to meet all reasonable demands that end users, applicants and service providers might have;
- (b) The Authority will ensure that costs or inconvenience to consumers, applicants and service providers are objectively justified, and kept to the minimum consistent with meeting demands for numbers and sound management of the Plan;
- (c) The Authority will allocate or reserve numbers in a fair and equitable manner, normally on a 'first come first served' basis. The Authority will only allocate or reserve numbering capacity to applicants who meet the eligibility criteria set out in Convention 2.

Applicants' responsibilities

1.2 Applicants who have received allocations of numbers or codes shall act in accordance with the following principles:

- (a) they shall adopt a Numbering Plan, for such numbers or codes as are allocated to them, in accordance with the Conventions;
- (b) they shall be efficient in their use of numbers;
- (c) they shall not brand numbers, nor associate a number range with a given applicant.

Reviews of the Conventions

1.3 The Authority may, with the consent of the Minister, from time to time, review the Conventions. It may do so on its own initiative or upon a request in writing by any applicant, service provider, user or other interested party.

1.4 The Authority may from time to time amend or withdraw in full or in part a Convention already published, or publish additional Conventions. When so doing, the Authority shall act in accordance with the public consultation procedure set out in section 13 of the Act, where applicable.

- 1.5 The usual consultation period will be one month. However, in exceptional circumstances, a shorter consultation period may be appropriate.
- 1.6 Applicants will not be required to comply with any such amendment or withdrawal, unless they have been given a reasonable period of notice, such notice not being less than one month.

Structure of the Conventions

- 1.7 These Conventions set out the general rules or principles concerning the procedures for applications, reservations, withdrawals and other operations of the Plan from both the Authority's and recipients' points of view.

2. APPLYING FOR NUMBERS OR CODES

Criteria for the eligibility of applicants for number allocations and reservations

- 2.1 In accordance with Regulation 14(1) of the Authorisation Regulations, the persons who are eligible to apply for number allocations and reservations are the following:
- (a) persons authorised to provide an electronic communications service;
 - (b) persons authorised to provide an electronic communications network; and
 - (c) such other person of a class or description as the Authority, with the consent of the Minister, considers appropriate.
- 2.2 Other persons who may require an allocation of numbering capacity, but who are not eligible under Convention 2.1 above, should seek an allocation from an eligible applicant (as defined in Convention 2.1 above). Allocations should be fairly and reasonably available from such applicants.

Information to be supplied by an applicant for a numbering allocation and/or reservation

- 2.3 When applying for an allocation or reservation of numbering capacity, the applicant shall provide the following information to the Authority on the application form set out in Annex A to these Conventions:
- (a) Name and contact details of the applicant.
 - (b) Where a person submits an application form on behalf of the applicant, a signed and dated letter of authorisation shall accompany it from that applicant.
 - (c) Details of any existing ranges held that are relevant to that application.

- (d) Details of the applicant's interconnection and number portability arrangements.
- (e) A preferred numbering code and/or block and, where appropriate, second and third preferences should be indicated.
- (f) Where relevant, details of the type of electronic communications service intended on the range and the proposed tariff rate of the service.
- (g) Details of the applicant's utilisation of existing number allocations. For example:
 - (i) numbers in service allocated to end users;
 - (ii) capacity not in use but contracted for (geographic numbering only);
 - (iii) numbers set aside for geographic growth or customer orders; and
 - (iv) a forecast of expected utilisation over a specified period.
- (h) Any other information that the applicant considers necessary or appropriate to justify the application.

2.4 In addition, applicants shall provide the Authority any other information, judged by the Authority to be relevant to the application, and the supply of, which does not place an undue burden on the applicant. This may include a brief description of the applicant's technical and operational system configuration.

Timing of applications

2.5 Applications for numbering allocations should not, in general, be made more than three months prior to the planned in-service date.

3. RESERVING NUMBERS OR CODES

Making reservations

3.1 In addition to allocating numbering capacity, the Authority may, at its discretion, agree to reserve it. Reservations are appropriate where:

- (a) an applicant does not want to be identified;
- (b) the reason for the application should not be divulged prior to an application for the allocation; or
- (c) a customer order has not been finalised.

3.2 A reservation may be made:

- (a) in anticipation of an application being made for numbering capacity in accordance with a three-year rolling forecast provided by applicants; or

- (b) against a specific request submitted by an applicant (for example, for the expansion or growth of existing services or for the introduction of new services).

3.3 An application for a reservation shall be made to the Authority in accordance with Convention 2. Applications for reservations will be treated in confidence, unless the applicant requests otherwise.

Limitations

3.4 Wherever possible, the Authority will endeavour to convert a reservation into an allocation upon request. However, a reservation does not automatically entitle an applicant to activate the capacity. Nor, where numbering capacity is reserved, is there any guarantee that a corresponding allocation will subsequently be made. Reservations will be time-limited and the limit for reservations will normally be three months. Reservations may be renewable on request to the Authority.

Cancellation

3.5 Once a reservation has been made, that numbering capacity will be unavailable for allocation, except for the purpose and to the applicant in respect of whom the reservation was made. However, a reservation will automatically be cancelled if:

- (a) the time limit has expired;
- (b) the applicant withdraws the reservation; or
- (c) the Authority and the applicant agree a substitute reservation or allocation.

Competing requests

3.6 Where available number ranges are limited, and several applicants have requested the same number block, the Authority may reserve the block for more than one applicant, but will allocate it to the first applicant who provides the Authority with firm evidence of a customer order.

4. CONSIDERING APPLICATIONS.

General

4.1 When making number allocations or reservations within the Plan, the Authority will take into account:

- (a) the guiding principles set out in Convention 1.1;
- (b) the provisions of the Act, the Authorisation Regulations and of the conditions that may be set pursuant to those Regulations;

- (c) the views of the applicant and other interested parties (through consultation, where applicable); and
- (d) any other matters that the Authority deems relevant (e.g., any requirement to open a new range or make changes to the Plan in order to allocate the required numbers or codes).

New number ranges or changes to the Plan

- 4.2 Before opening any new ranges, or significant parts of ranges, the Authority will publish a notification. The Authority will give at least one month notice of the opening of any new ranges or significant parts of ranges. The Authority will also specify a date for the initial receipt of applications for those ranges and, prior to that date, no applications will be accepted.
- 4.3 The Authority will notify the ITU Telecommunications Standardisation Sector ('ITU-T') of changes to the Plan and ensure that the correct notification is given in the ITU-T Operational Bulletin. Where the Authority considers it appropriate, it will also notify other overseas administrations, such as those that do not subscribe to the ITU-T Operational Bulletin.

Number portability

- 4.4 The Authority may take into account how the applicant intends to provide portability for relevant numbers when considering applications.

Timescale for handling applications for numbering capacity

- 4.5 The Authority will use all reasonable endeavours to make an allocation or reservation in accordance with the Conventions, in response to applications for numbering capacity, within a period of two weeks following receipt of an application that contains all of the information required by Convention 2.
- 4.6 The period referred to in Convention 4.5 may be exceeded by a maximum of one further week where:
 - (a) additional information is required from the applicant;
 - (b) there are significant issues relating to the application that cannot be reasonably handled within that period; or
 - (c) the Authority considers that a period of a further week is justified.
- 4.7 The timescales referred to in Conventions 4.5 and 4.6 shall not apply where the Minister decides, after consultation with the Authority and after conducting a public consultation pursuant to section 13 of the Act, that numbers of exceptional value are to be allocated through competitive or comparative selection procedures in accordance with section 37 of the Act.

Refusal of applications for numbering capacity

- 4.8 The Authority may refuse an application for an allocation or reservation of numbering capacity. Alternatively, the Authority may not grant the application in full, or may attach specific conditions to the allocation which are consistent with the Conventions and the Authorisation Regulations and which relate to the use and management of the numbering capacity allocated.
- 4.9 In the event of a refusal, whether in part or in full, or where specific conditions are attached, the Authority will inform the applicant, in writing, of its reasons.
- 4.10 The Authority may, following consultation with the applicant, make an alternative allocation that has the potential to satisfy the applicant's requirements without conflicting with the criteria that caused the original application to be refused.
- 4.11 Where the Authority refuses an application, either in part or in full, or attaches specific conditions to the allocation, the applicant may write to the Authority disputing the reasons given by the Authority for its decision or giving further information for consideration regarding the application. The Authority will then consider the request and respond to the applicant within one month of receipt of the request.

5. CONDITIONS PLACED ON ALLOCATIONS

Changes to allocations

- 5.1 Those who have been allocated numbering capacity are required to apply to the Authority to make any changes:
- (a) to the ownership of the block or code;
 - (b) to the purpose or use of the numbering allocation; or
 - (c) which relate to conditions of use placed on the allocation.

6. RE-ALLOCATING AND WITHDRAWING NUMBERS OR CODES

Re-allocation

- 6.1 If a substantial proportion of numbers from an allocation has been transferred (e.g., allocated or ported) to another applicant, the Authority may, with the agreement of the applicants concerned, re-allocate the number block to the applicant who has most users in the block. The Authority will re-allocate number blocks or codes only when it has received the written consent of both the existing holder and the intended new holder of the allocation.

Withdrawal

- 6.2 The Authority will withdraw capacity that it has allocated, or part of such capacity, on the grounds, and in accordance with the procedures, set out in regulation 15 of the Authorisation Regulations.

- 6.3 Withdrawal of an in-service numbering range, which has been allocated by the Authority, can be made only after the Authority has consulted with interested parties for a period of not less than one month. When possible, it will be subject to a period of notice of not less than three months following that consultation.
- 6.4 If an allocation or part of an allocation is not brought into service within six months, it may be withdrawn in accordance with the provisions set out in regulation 15(6) of the Authorisation Regulations.

Charging fees for numbering allocations

- 6.5 In accordance with section 36 of the Act, responsibility for charging fees for the allocation of numbers lies with the Minister. The Authority considers there is merit in charging fees to applicants for their allocations of numbers, number blocks or codes. No fee is charged at present but this situation may change in the future.
- 6.6 Applicants shall not charge subscribers for allocations of numbers or codes, except in accordance with any direction from the Authority authorising such charges.
- 6.7 Should the above situation change, any fees imposed will be imposed in accordance with the provisions set out in regulations 32 and 33 of the Authorisation Regulations.

7. REQUIREMENT TO NOTIFY OTHERS

- 7.1 When activating a number allocation, it is the responsibility of the holder of the allocation to negotiate with, and to notify, relevant Gibraltar applicants and, where appropriate, overseas authorities. This will be done within a timescale agreed to between those concerned.
- 7.2 Those who have been allocated numbering capacity are required to advise the Authority, on an ongoing basis, of the contact in their organisations to whom notifications of the dates for activation of the allocated codes and number blocks should be sent.
- 7.3 The Authority will maintain a list of such contacts and will make it available on request to all organisations listed on it, and others who, in Authority's opinion, have need of that information.

8. SPECIFIED NUMBERING PLAN RECORDS

Records

- 8.1 The Authority will maintain records of the status of all number ranges, codes and blocks of numbers comprising the Plan. The full Plan published by the Minister will be made available on the Authority's website.

Publication of changes

- 8.2 The Authority will publish confirmations of allocations, reservations or withdrawals, setting out the number range(s) being allocated, reserved or withdrawn, the person to whom the allocation has been made or from whom it has been withdrawn and the action date.

Status indicators

- 8.4 The Minister has structured the Plan so that all numbers or codes will fall into one of two categories: namely, either designated or not designated. Designated numbers or codes are those set aside within the Plan for particular usage: e.g. geographic, 'Find-me-anywhere', premium rate, etc. Designation is no indication as to the availability or otherwise of a number or code. Those parts of the Plan that are not designated, have not been set aside for a use specified in A1 of the Plan, and are therefore not available for allocation or reservation.
- 8.5 Codes or numbers that have been designated will, unless this is with reference to a Type A or a Type C Access Code (see A6 of the Plan), have one of the following, more specific, status indicators (listed in alphabetical order) within the Plan:

'Allocated' - indicates codes or numbers that have been allocated to an applicant whose name will be listed alongside. While the majority of codes and number blocks shown as 'Allocated' may also be in public service, these records will not contain information about in-service dates. In addition, allocations will not appear with full details on the Plan while an applicant maintains a requirement to protect commercially sensitive information prior to the opening of service.

'Protected' - indicates that a number block is protected until further notice or, where a date is shown, until that date. Numbers are protected, e.g., for future planning purposes or to avoid temporary or permanent dialling problems.

'Reserved' - indicates a provisional allocation, subject to confirmation by the applicant and/or the Authority. The applicant's name will not normally appear alongside the reservation to ensure commercial confidentiality.