



Electronic Communications Committee (ECC)  
within the European Conference of Postal and Telecommunications Administrations (CEPT)

**ECC RECOMMENDATION (05)09**

**CUSTOMER PROTECTION IN CASE OF  
MISUSE OR UNAUTHORIZED USE  
OF INTERNATIONAL E.164 NUMBERING RESOURCES**

Recommendation approved by the Working Group Numbering, Naming and Addressing (WG NNA)

**INTRODUCTION**

International numbering resources are increasingly misused or used in an unauthorized way. The CEPT plenary instructed the WG NNA to study the abuses of international E.164 numbering resources and propose adequate measures. A first step was already taken by the WG NNA via a contribution to amend Resolution 20 of the convention in the last World Telecommunications Standardization Assembly (WTSA) to give the ITU-T Director more power to intervene in case of misuses of international E.164 numbering resources. This initiative evolved into a Draft ITU-T Recommendation E.156 (which was not yet approved at the date of approval of the present Recommendation) on the procedures to determine ITU action on reported misuse of E.164 number resources. This ECC Recommendation proposes complementary measures to the ITU-T implemented interim procedures for reporting potential misuse of numbering resources keeping in mind the final responsibility of individual countries.

A typical example of misuse is a dial up internet access caused by dialler programs which permanently change dial up settings often without the user's knowledge or consent. The result is that the user is connected to the internet at high international call rates instead of the normal call rate for internet access. All too frequently, the subscriber will only realise that they have fallen victim when they receive their telephone bill with high call charges to international numbers.

“The European Conference of Postal and Telecommunications Administrations,

*considering*

- a) that some international numbering resources are used by anonymous parties in a way they are not meant to be used;
- b) that some countries have already taken initiatives in order to deal with the potential misuse or unauthorized use of international E.164 numbering resources;
- c) the increasing level of customer complaints Europe wide;
- d) that customer protection is one of key objectives within the National Regulatory Authorities (NRAs);
- e) that some dialler programs may act as alternative payment methods to credit cards for internet based transactions but offer insufficient customer protection and information;
- f) that misuse should be understood as the use of international E.164 numbering resources
  - i) non effectively assigned, often within CC without the knowledge of the assignee (or number resource holder); or
  - ii) to initiate calls that do not terminate in the country or network of the number resource holder, except in cases where the end-user invokes the call forwarding functionality; or
  - iii) for purposes other than those for which they were assigned;
- g) that one important example of unauthorized use of international E.164 numbering resources is the permanent change of computer settings to dial up numbers (either used correctly according to assignment rules or misused) in order to increase normal call rates without the explicit consent of the end-user; that the use of international E.164 numbering resources without proper information to the user about the price or type of call involved combined with a

complaint from the user against such use is assimilated to an unauthorized use of international E.164 numbering resources, since one cannot see why an informed user will change his computer settings to dial up international E.164 numbers when dialing up national E.164 numbers gives him the same functionalities;

- h) that the ITU Constitution Article 35 states: ‘Suspension of Services: Each Member State reserves the right to suspend the international telecommunication service, either generally or only for certain relations and/or for certain kinds of correspondence, outgoing, incoming or in transit, provided that it immediately notifies such action to each of the other Member States through the Secretary-General.’;
- i) that GATS (General Agreement on Trade in Services), article XIV states: ‘Subject to the requirement that such measures are not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination between countries where like conditions prevail, or a disguised restriction on trade in services, nothing in this Agreement shall be construed to prevent the adoption or enforcement by any Member of measures:

[...]

(c) necessary to secure compliance with laws or regulations which are not inconsistent with the provisions of this Agreement including those relating to:

(i) the prevention of deceptive and fraudulent practices or to deal with the effects of a default on services contracts’;

that thus fraud or deceit prevention/correction measures can take precedence over the interoperability and end-to-end connectivity requirements foreseen in national legislations or international engagements to ensure open access to and the non distorted use of public telecommunications transport networks and services, foreseen in the framework of the GATS annex on telecommunications.

#### *recommends*

1. that NRAs, in co-operation with relevant parties, investigate measures to identify international E.164 numbering resources that are being misused or that are used in an unauthorized manner;
2. that NRAs exchange information on international E.164 numbering resources that on a national level are suspected to be misused or used in an unauthorized manner or that have been recognized to be misused or to be used in an unauthorized manner, according to the principles and guidelines set out in annex 1;
3. that NRAs, in co-operation with market parties, establish means to protect customers from unintentionally establishing a connection to numbers that are being misused or that are used in an unauthorized manner;
4. that NRAs, when taking national measures, may refer to the list of possible measures provided in the annex 2 to this Recommendation; and
5. if the measures mentioned above are not effective enough the CEPT countries reserve the right to suspend the international traffic to the misused international E.164 numbering resources after an official communication by the ECC<sup>1</sup>.”

#### *Note:*

*Please check the ERO web site (<http://www.ero.dk>) for the up to date position on the implementation of this and other ECC decisions and recommendations.*

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<sup>1</sup> Recommendation #5 does not limit the individual right of a member state to apply Article 35 of the ITU Constitution.

## ANNEX 1

### PRINCIPLES OF THE EARLY ALERT SYSTEM AGAINST MISUSE OR UNAUTHORIZED USE OF INTERNATIONAL E.164 NUMBERING RESOURCES AND GUIDELINES TO PARTICIPATING ADMINISTRATIONS ON THE USE OF THE EARLY ALERT SYSTEM

#### A. Introduction

1. This annex sets out what the Early Alert System against misuse or unauthorized use of international E.164 numbering resources entails and provides some guidelines for Administrations participating in the system on how to use the system.

#### B. Definitions

EAS	A system of information exchange about suspected or established misused international E.164 numbering resources or international E.164 numbering resources that are used in an unauthorized manner between participating Administrations, initiated by WG NNA in order to contribute to customer protection against E.164 numbering resource misuse or use of such numbering resources in an unauthorized manner.
EAS mailing list	A list containing e-mail addresses of NRAs participating to the EAS system hosted by ERO
EAS status report	Report by ERO about the actions and statistics of the EAS to the WG NNA
EAS web-site	A part of ERO web-site serving for the EAS system

#### C. Contact points of the Early Alert System

2. An Administration may participate the EAS by appointing a contact person to the EAS mailing list. In this case a notification to ERO has to be done. The list of participating Administrations will be available at the ERO web-site.

#### D. The principle of the Early Alert System

3. ERO organizes (a) an EAS mailing list and (b) an EAS web-site (within the ERO web-site) to act as information delivery tools.
4. The EAS mailing list is hosted and managed by ERO and the e-mail address is: [eas@list.ero.dk](mailto:eas@list.ero.dk). ERO server distributes the messages sent to this address to all participating e-mail addresses. Each participating NRA will appoint a contact person to be added to the EAS mailing list. It would be advisable to form an e-mail address of format: <eas@nra.ctld>, to avoid personalization of the list and to ensure – for example – the holiday time functionality. Administrations/NRAs may subscribe and unsubscribe to this list as well as modify their subscription details by announcing a relevant national e-mail address to the ERO: [e164misuses@ero.dk](mailto:e164misuses@ero.dk)
5. The EAS web-site is hosted and managed by ERO and its URL is: [www.ero.dk/eas](http://www.ero.dk/eas). The web-site contains a log of every separate notification of numbering resources that on a national level is suspected or have been recognized to be misused or that are suspected or have been recognized to be used in an unauthorized manner and the replies to such notification by participating Administrations. The EAS website also contains other relevant EAS related information. The EAS web-site is password protected and accessible only to the participating Administrations.
6. The notifications of E.164 numbering resources that on a national level are suspected or have been recognized to be misused or that are suspected or have been recognized to be used in an unauthorized manner preferably contain the information set out in part E of this Annex. The replies preferably contain the information set out in part F of this Annex.
7. It is a national matter whether participating Administrations take any action in respect to the EAS website information or not. Also the nature of possible actions is a national matter.

#### **E. Guidelines on how to announce E.164 numberings resources to the EAS website**

8. A participating Administration announces E.164 numbering resources that on a national level are, at least, suspected to be misused or are suspected to be used in an unauthorized manner to the other participating Administrations by sending an e-mail to the EAS mailing list.
9. Administrations shall provide as much information as possible about the suspected misuse or the use in an unauthorized manner with the announcement, such as:
  - the numbering resource(s) suspected of or subject to misuse or unauthorized use;
  - the assignee of the E.164 numbering resource;
  - the investigations conducted by the public authorities or operators of the country of announcing Administration (e.g. own investigation, investigations by consumer protection agencies, police departments (if they agree), contacts with the assignee of E.164 numbering resource or with national operators, etc...);
  - the reasons to consider the announced numberings resource(s) to be subject to misuse or unauthorized use or to be suspected of such misuse or unauthorized use;
  - etc...
10. The announcing Administration invites the participating Administrations to give feedback on the reported case before a particular date, specified in the announcement. In setting the date for replies, the announcing Administration takes into account the time frame he needs to close his case on the national level, on the one hand, and the time frame other participating Administrations need to investigate, if necessary in collaboration with other official bodies or market parties, whether a suspected or established misuse or a suspected or established unauthorized use of international E.164 numbering resources also takes place in the country under his jurisdiction, on the other hand.

#### **F. Guidelines on how to reply to an announcement**

11. If a participating Administration finds (on the basis of e.g. national complaints or own investigations) that an announced international E.164 numbering resource is also subject to misuse or unauthorized use in the country under his jurisdiction, he will send a reply providing as much information as possible about the misuse or unauthorized use in his country, such as:
  - the number of complaints and the source (e.g. Ombudsman for Telecommunications) ;
  - the date of the first known national notification of the misuse or the unauthorized use ;
  - the status of ongoing investigations;
  - measures already taken;
  - etc...
12. If a participating Administration finds that an announced international E.164 numbering resource is not subject to misuse or unauthorized use in the country under his jurisdiction, he will state in his reply that, to his knowledge, the announced numbering resource is not subject to misuse or unauthorized use in the country under his jurisdiction.

#### **G. Follow up actions**

13. After the expiry of the time frame mentioned in the announcement, ERO will store the announcement and the replies in a folder of the EAS website, where it can be consulted afterwards by the participating Administrations.
14. ERO will give an EAS status report to the WG NNA during the WG meetings (appendix 1).

Appendix 1

**EAS status report to the WG NNA**



**Document**  
NNA(200X)XXX

Subject:	<b>EAS status report to the WG NNA</b> (report # X)
Source:	ERO
Meeting:	Xth WG NNA Meeting
Date:	dd mm yyyy

**1. Reporting period**

This report covers the period dd mm yyyy – dd mm yyyy .  
The previous reporting period was dd mm yyyy – dd mm yyyy.

**2. EAS announcements**

Item	Number of items during this reporting period	Number of items during previous reporting period (change)	General comments
Announcements	0	0 (±0)	
Countries	0	0 (±0)	
E.164 Country Codes	0	0 (±0)	
CC+NDC combinations	0	0 (±0)	

**3. Replies to EAS announcements**

Item	Number of items during this reporting period	Number of items during previous reporting period (change)	General comments
Replies revealing misuse or unauthorized use	0	0 (±0)	
Replies revealing no misuse or unauthorized use	0	0 (±0)	
Inconclusive cases	0	0 (±0)	

**4. Other items to be reported**

E.g. measures taken nationally.

## ANNEX 2

### LIST OF POSSIBLE MEASURES FOR CUSTOMER PROTECTION IN CASE OF MISUSE OR UNAUTHORIZED USE OF INTERNATIONAL E.164 RESOURCES

#### 1. Introduction

This list identifies and describes possible measures against misuse of international E.164 resources. Depending on the country and its legislation, the activation of call barring is to be addressed to the carrier (pre)selected operator or to the local loop operator.

#### 2. Scope

This annex describes some measures that can be taken to fight against and/or reduce the consequences of establishing calls to international destinations that do not comply with the requirements made by the ITU-T or according to the CC used, or that do not comply with the national rules of the country which has assigned the resource, these destinations being as a matter of fact mainly used to provide unregulated form of Premium Rate accesses.

#### 3. Identification of misused international destinations to be dealt with

The following is a list of possible means to identify the destinations raising problems and to communicate about them.

1. ITU-T published list of destinations: not available in the short term
2. Information from the EAS system
3. Nationally identified international destinations: easy to collect

#### 4. Measures that can be taken

- ITU Member States, Sector Members or Associate Members may send information to ITU-T TSB Director concerning alleged misuse of numbering resources according to the Draft ITU-T Recommendation E.156.
- Operators may suspend direct dial access of all calls to the number or to the range containing the number.
- Operators offer call barring on request to subscribers for calls to the number or to the range containing the number (opt-out).
- Operators may bar all calls to the number or to the range containing the number unless the subscriber explicitly requests access (opt-in).
- Operators may bar all calls to the number or to the range containing the number unless the caller uses a PIN code for access, where the PIN code is allocated on request only to subscribers who have been warned about possible abuse.
- Regulators may allow subscribers to refuse to pay the part of the invoice corresponding to these destinations on the basis of a code of conduct between different parties.
- Operators may suspend call termination payments to the operator concerned for calls to the number or to the range containing the number.
- Operators may apply in-call tariff warnings.
- Regulators may require registration of web-diallers.
- Regulators and operators may encourage the usage of anti-dialler software, or recommend that users connect their PCs to the network only when they wish to make calls.
- Regulators and/or operators may establish a dispute resolution system for consumer complaints.
- Operators may route calls to the number or to the range containing the number via a manual operator who can ask the caller questions to check against misuse.
- Regulators may require operators to undertake any of the above measures.