

**CODE OF CONDUCT  
FOR SERVICES CHARGED  
VIA PREMIUM RATE NUMBERS  
070/090X**

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## Introduction

The Code of conduct is a sector agreement which facilitates the application of identical conditions to exploit Premium Rate services and which sets specific responsibilities on Number Holding Operators, Service Aggregators and Service Providers to obtain a correct offer of services by the responsible Service Providers through Premium Rate Numbers, handling of complaints, elimination of fraud and avoidance of misuse of Premium Rate Numbers.

This Code of Conduct is applicable as from 1/1/2018 unless otherwise specified by a legal obligation.

This Code of conduct emanates from discussions between the Number Holding Operators and Collecting Operators, guided by BIPT and FOD Economie. The purpose of this Code is to :

- Obtain uniform, objective and efficient complaint handling procedures;
- Deliver transparency: provide information to the Complaining Parties and other relevant parties on the service, the owner of the service and the responsible parties for complaint handling;
- Fight against fraud and misuse of Premium Rate numbers;
- Set responsibilities on parties if fraud or misuse is detected;
- Impose a collaboration duty on all parties.

The Royal Decree Numbering of 27 April 2007 (hereafter “RD Numbering”) gives Number Holding Operators the possibility to apply for Premium Rate numbers. These Number Holding Operators can sub-allocate the Premium Rate numbers to Service Aggregators. The latter needs to be registered as an operator of electronic communication service according to the Telecom Law. The Service Provider bears the full responsibility of the correct usage of Premium Numbers.

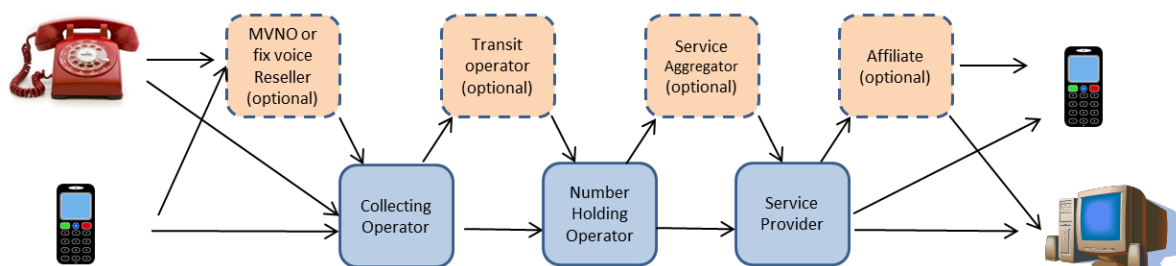
The Number Holding Operators who obtained Premium Rate Numbers and the allocated Premium Rate Numbers are listed on the website of the Belgisch Instituut voor Postdiensten en Telecommunicatie (BIPT):

<http://www.bipt.be/fr/operateurs/telecom/numerotation/bases-de-donnees/base-de-donnees-des-numeros-reserves-et-affectes>

<http://www.bipt.be/nl/operatoren/telecom/nummering/databanken/databank-gereserveerde-en-toegewezen-nummers>

Operators can also receive Premium Rate numbers via number portability without receiving a priori Premium Rate numbers directly from the BIPT. These operators are also Number Holding Operators.

The service chain with involved parties can be presented as follows:



Pursuant to article 116/1 of the law of 13 June 2005 concerning electronic communications, the service provider using a Premium Rate number must comply with the following rules in order to complete the public register referred to in article 116/1 §1 with the information in the annex 1b) of this VAS Code of Conduct :

- The name, address and if applicable the Company number of the Service Provider
- The Moss (in case no European VAT number) or European VAT number notified to the Belgian VAT administration or Belgian VAT number of the party that is responsible for the payment of the VAT of the collected amounts
- The description of the service
- The URL's used for the service
- The total price for the service
- The contact address, email and national telephone number for complaint handling
- In case applicable, the number of the license pursuant to the law of 7 May 1999
- The period during which service is offered
- In case of a modification of the requested information for the register, the former information should be kept available for 6 months

## Article I. DEFINITIONS AND AREA OF APPLICATION

### General definitions

In the framework of the application of this Code, the following definitions are used:

- (a) Affiliate: party which sells services on behalf of a Service Provider, the Service Provider remains final responsible entity.
- (b) BIPT: The Belgian Institute for Postal Services and Telecommunication created by the Act of March 21st, 1991 regarding the reform of some state owned enterprises, revised by the Act of January 17th, 2003.
- (c) Collected amount: money collected from the end-user on behalf of the Service Provider
- (d) Collecting Operator: operator having a direct contractual relation with the calling party/end-user of electronic telecom services and who is collecting the money on behalf of the Service Provider for calls to Premium Rate numbers.
- (e) Complaining Party: end-user, Collecting Operator, Number Holding Operator, Public Authority.
- (f) Electronic communications: see definition law of 13 June 2005 concerning the electronic communications.

- (g) Number Holding Operator:
  - (i) operator to which the numbers were allocated by the BIPT. This operator is listed on the website of the BIPT and is presented in a search for a number via the CRDC website [www.crdc.be](http://www.crdc.be).
  - (ii) operator to whose network the number was ported. This operator is by definition not always on the website of the BIPT, but is presented in a search for a number via the CRDC website.
- (h) Operator: a legal entity who must submit a notification according to article 9 of the law of 13 June 2005 concerning the electronic communications.
- (i) Premium rate service: see definition RD Numbering 27 4 2007.
- (j) Premium Rate Number: a number in the 090x or 070 voice number ranges.
- (k) Public authority: depending on the legal competence, the relevant public authority can be the BIPT, the Ethical Commission, FOD Economy, the Gaming Commission, Mediation Office for Telecommunication , ...
- (l) Refund: returning the collected money from the Service Provider possibly via the intermediate parties in the service chain to the end-user or to the Collecting Operator who receives it on behalf of the end-user via reversion of the collected amount transfer.
- (m) Service Aggregator: entity who contracted directly with the Number Holding Operator and who received Premium Rate numbers from the Number Holding Operator and allocates the numbers to the Service Provider.
- (n) Service Provider: The entity, owner of the service using the Premium Rate Numbers who sells to the end-user for its own account one or more services via an electronic communications network. The entity has the final responsibility for the delivery of the content and/or service.
 

If the Service Provider resells numbers to Affiliates, which is executed under the Service Providers' sole responsibility and risks, the Service Provider remains responsible for assuring the full compliance of the service by the Affiliates. They will handle all requests for information, complaints and refunds in name of the Affiliates.
- (o) Working day: Monday till Friday, except official holidays.

Depending on the specific use case, some entities can cumulate different roles & responsibilities at the same time.

### **Preliminary considerations:**

- (a) The rules in this Code are applicable to all services for which the payment occurs via a 070 or a 090x voice number.

- (b) These rules must be respected by all Number Holding Operators, by the Service Aggregators and Service Providers that make use of a 070 or 090x voice number to offer paying content regardless of the country in which they are based.
- (c) The Code of conduct applies on top of and must be considered as part of the existing Premium Rate numbers contractual agreement between the Number Holding Operator and the Service Aggregator or Service Provider.
- (d) In case of inconsistency or contradiction, the present Code of conduct has priority over the contractual agreement between the Number Holding Operator and the Service Aggregators or Service Providers.
- (e) The present Code of conduct shall however be superseded by the applicable Belgian legislation on telecom services and regulation, regardless of the country where the entity is established, on provisions of services offered via 070/090x numbers.
- (f) The Number Holding Operators will share each updated version with all parties involved in the service chain.
- (g) The stakeholders agree to discuss further enhancements of the Code of conduct to further decrease the number of complaints and eliminate fraud.

#### **Procedures defined in this agreement:**

- Service Aggregator and Service Provider identification
- Complaint handling
- Suspension of transfer of the collected amounts to the Service Aggregator or Service Provider
- Refund of the collected amount to the Complaining Party

## **Article II. GENERAL RULES**

### **Applicable legislation**

The Number Holding Operators, Service Aggregator and Service Providers that use Premium Rate numbers allocated to them to provide payable services via an electronic communications network, commit to respect all applicable Belgian legislation where applicable depending on their role in the value chain, in particular but not limited to the following provisions:

- Code of Economic law, book 6 and book XII.
- Royal Decree laying down the Ethical Code for telecommunication of 9 February 2011;
- Circulars regarding VAT;
- Law of 11 January 1993 preventing the use of financial systems for money laundering and financing of terrorism;

- The provisions of the law of 13 June 2005 regarding the electronic communications;
- The legislation regarding games and lotteries that describe the obligations regarding fully informing the participants of the conditions for participation, the scoring systems, the prizes, distribution of prizes and other information about the course of the games;
- The legislation regarding fraud and money laundering;
- The provisions of criminal law regarding “swindling and abuse of trust”;
- The provisions of criminal law regarding “corruption of youth and public morals”;
- The provisions of criminal law regarding crimes and offences against the public order by private individuals;
- The RD of 27/04/2007 regarding the management of the national numbering space and the allocation and withdrawal of user rights on the numbers;
- The provisions on intellectual property law;
- The measures foreseen by legislation for the protection of privacy;

These provisions are to be considered as included in this Code of Conduct and are an integral part thereof. They must be respected, as must all the other rules listed below. Every infringement will result in the application of the Code of Conduct.

### **Advertisement obligations on the Premium Rate Numbers and related services for the Service Provider**

- (a) Mandatory indication of the price applicable to the call

Any advertisement or public reference of a service described, regardless of the way in which it is made, must mention the price applicable to a call to this service.

The end-user rate shall be expressed in euro per minute or as a fixed amount in euro per call. The euro currency unit may be abbreviated only using the letters “EUR”, the symbol “€” or any other abbreviated way of writing this currency unit that is recognised by the European Union.

If the end-user rate is billed per minute or per call, the statement shall not use abbreviations other than “min” for indicating the unit of time minute.

The price must be clearly legible readable and/or audibly mentioned especially in advertisements for these services.

The Premium Rate Number and the price must always be mentioned together. The font size of the price must be equal or bigger than one third of the font size used for the Premium Rate number, with a minimum size of 10 pt. If 10 pt is technically not feasible, then the rate has to be mentioned in at least the same font as the Premium Rate number.

(b) Clear indication of the Premium rate number

Any advertisement or every indication regarding a service as described must unambiguously mention the prefix and the number that provide access to the aforementioned services.

It is forbidden to split the prefix in any way whether in writing or via the spoken word.

In advertisements or indications that are not only audible, it is mandatory to separate the prefix from the rest of the number by a space or any other punctuation mark.

(c) Announcement of the price of the call

For 090x: The price applicable to a call to a Premium rate number, must be clearly mentioned by the Service Provider at the very beginning of the call, if it exceeds a 1€ per minute or when it exceeds a 1€ amount per call.

For 070 and 0909 numbers the announcement of the price of the call is always mandatory.

The price must be expressed in € per minute or displayed as a fixed amount in € per call.

The price must be clearly legible, readable and/or audible.

After the price has been mentioned, the user may choose to end the call. In that case the call may not be charged. The announcement of the price is the responsibility of the Service Provider.

The language of the notification must be similar to the language of the service or can be offered in several official languages of Belgium.

(d) Content of the service offered

The service offered must correspond to the content announced in the advertising and to the applicable legislation. The service must be actual, effective and non-factitious.

The service must use the correct number range as defined in the legislation.

It is forbidden to offer services without a purpose or to offer services whose goal is to stretch out the length of the call as much as possible without this being necessary for the provision of the service. Non-active services must in all cases be terminated and will no longer be accessible.

It is forbidden either at the beginning or in the course of a call to divert callers to a waiting queue, unless the maximum waiting time is less than or equal to one (1) minute.

Calls setup via the internet, can only be started with the clear consent of the end-user.

(e) Duration limitation

Each call to a 090x number, whose tariff is related to the duration, must be automatically ended after ten (10) minutes.

The call is to be technically, automatically and immediately ended by the Service Provider as soon as the user hangs up, ends the connection.



## Article III. SPECIFIC RULES FOR CERTAIN TYPES OF SERVICES

Without prejudice of the rules and obligations determined in the RD Numbering and RD Ethical Code, the following rules should be respected by the Service Provider.

Services that are classified in several of the categories mentioned below must meet the cumulative requirements that are applicable to each of these categories of service.

### **Services intended for minors**

All services that are specifically, partially or completely intended for persons younger than eighteen years of age or which are specifically attractive for these persons, must be considered as services intended for minors.

Services cannot be addressed to minors younger than 12 years.

The services intended for minors and any advertisement made for them may not contain anything that could cause damages to said minors or that could abuse their credulity, lack of experience or lack of judgment.

These services may not in any way encourage minors to call the same service again or to call another service.

The services intended for minors must be offered via numbers whose use may not be charged at a fixed rate per minute higher than 50 eurocent per minute or a fixed rate per call higher than 1 euro.

### **Services consisting of the organization of games, competitions and/or payment of logos, ringtones and/or other entertainment services.**

Payable services giving access to games, entertainment (horoscope,...) or contests (with the exception of those of an erotic and sexual nature) or that enable payment for logos, ringtones and other recreational products and services (with the exception of those of an erotic or sexual nature) provided during or as a direct result of a call, will only be accessible via numbers starting with the prefix 0905 as described in the annex of the Ethical Code.

If the content concerns games involving an inlay of money (betting, games of chances, etc) Belgian "gambling tax" will be due (see Belgian Gambling Tax Circular Nr. IR/IV- 4/91.638 dd. 10 November 2009), irrespective of whether the Service Provider is established in Belgium or outside Belgium.

Furthermore, the Service Provider must hold certain licenses to organize these games.

The following information must be made available to the end-user's or any other involved party's simple request:

- The rules of games, competitions and quizzes
- The list of winners and the prizes that were won.

## **Services for fundraising & other services that merely envisage the transfer of money via Premium rate numbers**

Fundraising or other services that merely envisage the transfer of money via Premium rate numbers are not allowed unless the Collecting Operator agrees with the launch of the service

## **Services intended for adults, erotic or sexually oriented services**

Without limitation, the following rules are applicable to all services specifically intended for adults, including live conversations, dating or conversations whose goal is to organise or facilitate a meeting between two or more people, if these services are erotic or sexually oriented.

Services intended specifically for adults as defined in this article may only be offered via numbers that begin with the prefixes 0906/0907.

At the start of every call the user must be clearly warned of the precise nature of the service that he is about to use.

The warning announcement must be clearly legible readable and/or audible.

## **Article IV. RESPONSIBILITIES OF NUMBER HOLDING OPERATORS, SERVICE AGGREGATORS AND SERVICE PROVIDERS**

### **Mandatory reference in the contracts and responsibilities**

Mandatory reference in the contracts

The Number Holding Operator shall, in every contract that binds him to a Service Aggregator/Service Provider as from the date of entry into force of the present Code, impose the obligations set out in the present Code of Conduct.

The Number Holding Operator/Service Aggregator shall oblige the Service Provider to impose in all contracts that bind a Service Provider to its Affiliates involved in offering a service via a 090X or a 070 number to respect the present Code of Conduct.

All parties, The Number Holding Operator, the Service Aggregator and the Service Provider are responsible for the fulfilling of their respective obligations set out in the present Code of Conduct.

Number Holding Operator responsibilities

As soon as the Number Holding Operator is made aware of a clear case of infringement of the rules of this Code of Conduct, he commits to take all necessary measures to ensure that the services provided by the Service Providers that make use of the numbers allocated to them are in accordance with the rules of this Code of Conduct within 48 hours. These measures taken by the Number Holding Operator can include the blocking of the number and the suspension of the transfer of the collected amounts.

## **Services that conflict with criminal law, public order or good morals**

The Service Providers are not allowed to offer a service in conflict with criminal law, public order or good morals.

In cases of an infringement notified by the relevant Public Authority, the Number Holding Operator has the right to immediately suspend the Premium Rate numbers of its network involved with the aforementioned service, without prior warning.

In the absence of a reaction from the Service Provider after a request for justification or a clear evaluation of the infringement, a complaint will be submitted to the relevant Public authority.

If confirmed, the contract signed with the Service Provider can be rightfully terminated without prior notification of breach. The refund procedure described in this document will be initiated.

## **Article V. IDENTIFICATION OF THE SERVICE PROVIDER/SERVICE AGGREGATOR**

### **Identification obligation**

It is the duty of the Number Holding Operator to evaluate through screening each party to which Premium Rate Numbers will be (sub)allocated by using reasonable and common measures for the identification of contractual parties.

Per Premium Rate Number, the Service Provider delivering the content behind the number must identify itself and describe the service via a common public website according to the mechanism proposed in this code of conduct and in line with the information in annex 1.

If this is not respected, the Number Holding Operator will oblige the Service Provider to respect this obligation. If not done, the Number Holding Operator can take appropriate actions and suspend the number.

In case the identification information of the Service Provider is not available and the end-user or Complaining Party is not able to introduce its request or complaint to the Service Provider and if in those cases the Number Holding Operator is informed that information is missing, the Number Holding Operator is responsible to take the appropriate actions, even if this requires the initiation of the refund procedure as described in this document and/or the temporary suspension of the transfer of the collected amount to the Service Aggregator or Service Provider.

The identification information may not under any circumstances be used by any party to derive commercial benefits of its sales or marketing activities.

### **Identification process**

The Service Providers will create a public website for each Premium Rate Number publishing the information requested in annex 1. The same format and content of annex 1 will be published for each number on a different webpage in equal font characters. This will result in a dedicated URL per

number which is publicly accessible. The Service Provider is responsible to keep this information up to date.

Any update of the URL for each 070/090x number will be communicated to the Number Holding Operator via the Service Aggregator conform the format defined by the Number Holding Operator including only the number and the URL.

A public search tool will be created by the organisation managing the CRDC for the identification of these Service Providers offering services behind the Premium Rate Number. This public search tool will be accessible via a common website as detailed in annex 3 phase 2.

As long as the additional cost is reasonable, the Number Holding Operators will share the cost for the public search tool in proportion to their active numbers and can include this cost charged to their Service Providers accordingly. The Number Holding Operators will share the cost for updating the public search tool data in proportion to the number of electronic files sent to the CRDC manager including updates requested by each Number Holding Operators.

The public search tool should deliver the following information when introducing a specific 070/090 number:

1. The Number Holding Operator's commercial name
2. Additional information being the URL provided by the Service Aggregator/Service Provider leading to the website where the information can be found in line with annex 1.

The intermediate operational steps in annex 3 must be followed in order to evolve to the process of identification as described in this chapter.

### **General identification obligations**

1. The URL and the content of the corresponding website per Premium Rate number delivered and managed by the Service Provider must be up to date at any time.
2. For each new number, the Service Aggregator must check the validity of the URL and the website information provided by its own Service Providers:
  - i) *Check identity of the Service Provider via VAT number control;*
  - ii) *Check the national phone number of the customer service;*
  - iii) *Check if all information of annex 1 is provided, if information is correct and is not fictive and if the service corresponds to what is mentioned on the identification information website (cfr Annex 1) for that number;*
  - iv) *Minimum check if the service is compliant with the RD Numbering, RD Ethical Code and Regulation related to Chance Games;*
  - v) *The Service Provider must use a single/unique Premium Rate number in order to allow a correct identification of the service via an URL. The identification of the Service Provider must correspond to the final Service Provider, the owner of the service that is offered. Working through an intermediate party is not allowed.*

3. If afterwards incorrect information is found or if the information is not delivered according to the imposed timing (including procedure in annex 3), the refund procedure will be initiated for the valid complaints related to the situation before the correction of the information in the database.

*In addition:*

- i) *If the identification is not up to date or is incorrect, the Service Aggregator should make sure the info is corrected within 1 working day after notification. Details can be described in the contract between the Number Holding Operator and the Service Provider/Service Aggregator.*
- ii) *If incorrect identification information is delivered, the Number Holding Operator will suspend the collected amount for this Premium Rate Number for at least 1 month and until the information is updated. Details can be described in the contract between the Number Holding Operator and the Service Provider/Service Aggregator.*

## Article VI. COMPLAINT HANDLING PROCEDURE

### Basic Rules

- In principle the end-user or any Complaining Party should directly address a complaint to the Service Provider.
- The Service Provider shall respond adequately and directly to the Complaining Party, following any complaint, query or comment that the Complaining Party may communicate to him with regard to the content, operation, invoiced costs or communication of a Service offered by the concerned Service Provider. The complaint shall always be treated and answered within a period of 5 working days.
- The Service Provider will transfer the results of the complaint analyses to the end-user or to the Complaining Party.
- Collecting Operators receiving complaints from end-users which were not answered within 5 working days by the Service Provider will be transferred to the Number Holding Operators.
- The Service Provider must handle the complaints in the language of the Complaining Party (Dutch, French or English).

The end-user information may not under any circumstances be used by the Number Holding Operator to derive commercial benefits for its retail or marketing activities.

### Complaint Handling Procedure

(a) Complaint introduced by the end-user:

- The end-users should be able to submit a complaint via the Service Provider through the indicated customer service number (Belgian geographical non-Premium rate number) or e-mail address. The contact information needs to be made available via a public website (see identification process). The complaint should contain at least the timestamp of the call, the calling number, the called number and the reason of the complaint.
- The complaint should be handled and answered within 5 working days by the Service Provider.
- If there is no answer within 5 working days by the Service Provider or if the Service Provider accepts the complaint, the complaint is considered as being justified by the Service Provider and the refund procedure will be initiated.
- On request the Service Provider shall prove that the refund to the end-user was executed.
- If a complaint is introduced via a web-form, then the Service Provider sends a copy of the complaint per e-mail to the e-mail address as indicated by the requestor in the web-form. It should be possible to add attachments via the web-form.
- If the end-user did not receive a satisfactory answer from the Service Provider, he can inform the Collecting Operator.

(b) Complaint introduced by the Collecting Operator

- The Collecting Operator can contact the Service Provider or the Number Holding Operator to introduce complaints in its name or in the name of its end-users.
- If the Collecting Operator handles the complaint on behalf of the end-user, the privacy rules should be respected unless explicit agreement of the end-user.
- After a first relevant control of the complaint by the Collecting Operator the Collecting Operator submits the complaint related to the delivered service and/or content:
  - to the Service Provider
  - or to the Number Holding Operator who will contact the Service Aggregator or Service Provider.
- In principle the Complaining Party should contact the Service Provider as a first escalation level. This is the basic rule in the collecting model used for these VAS services. The Service Provider is responsible to deliver a correct customer service for handling complaints. Only in a second escalation level complaints could be sent via the Number Holding Operators limited to cases where insufficient answers were provided by the Service Provider or cases where there are indications that the service is not compliant with the applicable rules.
- A complaint should contain at least the timestamp of the call, the calling number, the called number and the reason of the complaint.
- If a complaint is submitted by the Number Holding Operator via the Service Aggregator, this party must handle all complaints introduced for the Premium rate numbers in collaboration with its Service Provider.

- Within 5 working days a complete answer (allowing the Complaining Party to evaluate the conformity of the service) from the Service Provider should be sent to the Collecting Operator. A complete answer means that all requested information has been delivered to the Complaining Party. Answer can also be provided via the Number Holding Operator.
- If one of the involved parties does not agree with the answer from the Service Provider, the situation and the provided information will be discussed and evaluated based on the applicable regulation. Reference can be made to an existing list of cases in annex 2.
- If the dispute remains, then the relevant Public authority can be involved via a complaint.
- The Service Provider must handle the complaints in the language of the Complaining Party.

Coordinates of the contact points (name, e-mail and telephone number) of the Number Holding Operators and the Collecting Operators are to be communicated.

## Article VII. ADDITIONAL COMPLIANCE PROCEDURE

### **Exchange of information between Number Holding Operators/Collecting Operators**

The Number Holding Operators and Collecting Operators will exchange information linked to services which were/are not compliant with the law or which lead to fraud, as illustrated in annex 2.

The following information will be exchanged on a confidential basis each time a service was discovered which was not conform to the law:

- the service description
- the Premium Rate number
- the identified Service Provider
- the reason of non-compliance with the law or fraudulent usage

The Complaining Parties will inform the concerned Number Holding Operator as soon as possible about possible misuse of numbers, unusual call patterns which can be an indication of non-compliant services.

The parties will meet on a regular basis to discuss the recent evolutions, new fraud cases, potential remaining issues and to clarify, refine or update the present Code of Conduct where required based on further experience in the application of the present Code of Conduct.

This exchange of information will not concern concrete client or price information and will allow the Number Holding Operators and the Service Aggregators:

- to follow the evolution of the market with regards to potential attempts to deliver services which are not compliant with the law or which lead to fraud and educate each other regarding to those practices;
- to further investigate and to take appropriate measures (suspension of the collected amount or blocking of Premium Rate Numbers) with regards to such attempts;
- to reduce the risk for similar new services to be deployed;

- to consider updating the Code of conduct based on the evolution of the market.

Fraudulent Service Providers should be blocked to deliver services. They should be reported to FOD Economy for investigation of the fraudulent practices. Information can be sent to [www.meldpunt.belgie.be](http://www.meldpunt.belgie.be).

## **Complaint analysis by the Number Holding Operator**

In case the Service Provider offers non-compliant services, the Number Holding Operator is allowed to take additional measures described in this chapter.

Based on the complaints, the Number Holding Operator can request the Service Aggregator/Service Provider to provide additional information about the service including an analysis regarding the compliance with the regulation.

The Service Aggregator/Service Provider need to answer the Number Holding Operator within 48 hours after the request. If no information is provided by the Service Aggregator within that 48 hours, the transfer of the collected amount is suspended and the service can be considered to be non-compliant with the regulation. Refund procedure towards the end-user and towards the Collecting Operator will be initiated. The relevant Premium Rate Number should be blocked.

The Number Holding Operator can take the following preventive measures:

- in case there is no certainty about the compliance of a service or a dispute about a complaint/compliance of a service, the Number Holding Operator can temporarily block the transfer of collected amounts related to the service to the Service Aggregator/Service Provider awaiting further investigation and/or decision of the regulator. The Number Holding Operator will request the Service Aggregator/Service Provider to prove and argument the compliance of the service.
- in case the service is undoubtedly not compliant with the law,
  - as soon as the Number Holding Operator is made aware of a clear case of infringement and within 48 hours, he commits to take all necessary measures to ensure that the services provided by the Service Providers that make use of the numbers allocated to them are in accordance with the rules of this Code of Conduct. These measures can include the blocking of the number and the suspension of the transfer of the collected amounts.
  - if no such measures can be taken the Number Holding Operator will block the number and will start the refund procedure. The transfer of the collected amounts to the Service Aggregator/Service Provider will be stopped.

The Number Holding Operator may refer to following points to determine the compliance of service:

1. The applicable law.
2. The rules defined in this Code of conduct.



3. The annex 2 attached to this Code of conduct describing non-exhaustive cases that are considered by the sector as not compliant with the law. This annex 2 should be updated based on experience. This annex gives guidance on how to handle specific cases.
4. Public Authorities can notify non-conformities or inform the Number Holding Operator about potential non-conformities related to a specific service. These notifications might include requirements to modify the service in a very short period of time. These notifications might require the immediate closure of the service or the suspension of the transfer of the collected amount. Based on these notifications of non-conformity, the Number Holding Operator is allowed to do so after consultation of the Service Aggregator or Service Provider within the deadline set by the Public Authority.

If the non-compliance remains, the relevant Public authority can be involved via a complaint.

### **Delay transfer of the collected amount**

After a case of non-compliance of numbers by a specific Service Provider, the Number Holding Operator can delay the transfer of the collected amounts to the specific Service Aggregator with a period of 2 month and this for at least during 6 months.

## **Article VIII. TRANSFER OR REFUND OF COLLECTED AMOUNTS**

### **Refund of collected amounts:**

Refund procedure initiated by the Collecting Operator:

If it turns out from the results of the complaint handling that:

- the service does not comply with the applicable regulations, and/or,
- the provided information is different from the information retrieved, and/or,
- the request for information is not processed within 5 working days by the Service Aggregator and/or Service Provider and/or,
- the complaint is considered as being justified by the Service Provider.

The Collecting Operator can request the Number Holding Operator to accept the refund of disputed amounts. In that case the Collecting Operator sends a request containing the reason of the reimbursement and the evidence that the service was not conform.

The Number Holding Operator will first check the validity of the request and submit the request from the Collecting Operator to the Service Aggregator/Service Provider and request their position. The Service Provider/Service Aggregator will answer within 48 hours.

In case of agreement by the Number Holding Operator and/or the Service Provider, the Number Holding Operator will inform the Collecting Operator and start the refund procedure.

The end-user will be compensated by the Collecting Operator for the disputed amount on behalf of the Service Aggregator and/or Service Provider.

In case of disputes or disagreement with the proposed refund, further discussion will take place between the involved parties and the refund will be put on hold.

General refund procedure:

- (a) There are two options:
  - Refund directly between the Service Provider and the end-user: The Service Provider will refund the end-user directly without intervention of any operator. A proof of refund should be sent to the Collecting Operator within 5 working days.
  - Refund via the Number Holding Operator: The refund flow will follow the money collection flow in the reverse direction; meaning from the Service Aggregator/Service Provider back to the Number Holding Operator, to the Collecting Operator and to the end-user.
- (b) The refund procedure is initiated where explicitly mentioned in this document or after a decision of the competent public authority. Disputes to that respect will be referred to the relevant authority.
- (c) In case of non-compliance with the code of conduct, the refund will be deducted by the Number Holding Operator from the money transfer of the collected amounts between the Number Holding Operator and the Service Aggregator or the Service Provider. This will be done by using “negative statements”.
- (d) At the same time, the Number Holding Operator transfers the disputed collected amount back to the Transit Operator. This will be done by using “negative/credit statements”.
- (e) If the transfer to the Transit Operator is executed, the Transit Operator transfers the disputed collected amounts back to the Collecting Operator for final transfer to the end-user.
- (f) A “negative/credit” statement will be issued with a reference including the Number Holding Operator and the Collecting Operator. Further details in this process with statement are to be determined between operators.
- (g) Depending on the type and scope of the non-compliance, the “intention” of the Service Provider, the refund will not only concern complaints but will include all misled end-users:
  - Clear non-compliance: Use cases will be described in annex 2 to determine if refund can be applicable for all misled end-users who called the service.
  - In other cases, the public authority will be requested to take a decision based on the legally applicable criteria.

## Article IX. BENEFIT PARTIES EXTERNAL TO THIS CODE OF CONDUCT

- (a) Although this Code of Conduct is set up between the Number Holding Operators and the Service Aggregators/Service Providers, other external parties will benefit of this Code of Conduct and can rely on it.
- (b) These parties can refer to it and will benefit indirectly from the results of this Code of Conduct.
- (c) Collecting Operators who also take the role of Number Holding Operator are invited to sign the Code of Conduct in order to benefit as well from this Code of Conduct.
- (d) Number Holding Operators and all other relevant parties will be involved in the updates of this code of conduct.
- (e) Any party can request to discuss a possible change of the code of conduct.

The present code does not affect the matter of the possibility of the Collecting Operator to take a decision in compliance with the applicable regulation to block a specific number in exceptional cases for which the underlying code of conduct would not have provided a solution.

The Signing Parties upon signing the present Code of Conduct, will in good faith further discuss:

- the modalities under which Collecting Operators can block the access to a specific number of a Number Holding Operator including the justification of the decision, the information to the relevant parties and the timing.
- the conditions and the modalities under which a refund from the Service Provider to the Collecting Operator could be organised , if justified, for the cases not covered by the present Code of Conduct.
- to detail the operational procedure.

## Article X. SIGNATURE OF THE NUMBERHOLDING OPERATORS ON 30 AUGUST 2017

### **Colt**

Peter Veenman  
*CEO*

### **Orange Belgium sa/nv**

Paul-Marie Dessart  
*Secretary General*

### **Proximus**

Dirk Lybaert  
*Executive Vice Preseident Corporate Affairs*

### **Telenet**

Chantal Van de Looerbosch  
*Senior Manager Premium Services*

### **VOO**

France Vandermeulen  
*Director Regulatory Affairs*

## **ANNEX 1a) / 1b) : Transparency of Service Providers**

Information on the website of the Service Provider, for which the template is included in 1b)

Number		<b>fill in premium number e.g. *0900 12345</b>	and-a-to
Number prefix		<b>Make your selection from list</b>	M
Identification Service Provider			
	Name		M
	Address		M
Type of service		<b>Make your selection from list</b>	M
			M
Identification service – service description – explanation about the service offered – what will the customer obtain for it's money?			
Period during which service is offered			
	Start Date	<b>fill in date</b>	M
	End Date	<b>fill in date</b>	M
All URL's of the service where the customer is invited to call the number. Add lines if needed.		<b>fill in URL</b>	
		<b>fill in URL</b>	M
		<b>fill in URL</b>	
URL landing page of the service if applicable		<b>fill in URL</b>	O
Copy or screenshot of publications where the customer was invited to call the number ex TV, Newspaper,...		<b>add links to attach</b>	M
Pricing			
	Type of pricing	<b>per call</b>	M
	Value	<b>0  </b>	M
	Type of pricing	<b>per minute</b>	M
	Value	<b>0  </b>	M
General terms and conditions of the service		<b>fill in URL</b>	M
Customer service – complaints contact point:			
	Belgian non-premium number	<b>fill in telephone number</b>	M
	Opening hours	<b>specify opening hours</b>	M
	e-form for complaints	<b>fill in URL</b>	O
	e-mail address	<b>fill in e-mail address</b>	M
History last 6 months. URL for each service delivered in the previous 6 months containing the same information as in annex 1.		<b>fill in previous URL</b>	M
		<b>fill in second last URL</b>	M
		<b>fill in URL</b>	M
		<b>fill in URL</b>	M
Company number Service Provider if applicable			O
Moss (in case no European VAT number) or European VAT number notified to the Belgian VAT administration or Belgian VAT number		<b>fill in number</b>	M
Licence received from the Gaming Commission: mandatory information if applicable		<b>fill in licence number</b>	M
Identification Service Aggregator if applicable			
	Name	<b>fill in name</b>	M
	Address	<b>fill in address</b>	M

Format of publication via URL:

- After completion of the annex 1, it will be converted to a .PDF file.
- This PDF file will be published via the URL.
- It should be possible to click directly on the links included in the .PDF file.
- When clicking on the URL, the table of annex 1 should be presented on the full screen.

Additional rules:

- If a number is ported, the Service Provider is responsible to transfer the URL containing this information to the new Service Aggregator/Number Holding Operator including the history part.
- If a new Service Provider uses a deactivated number from another Service Provider, the Service Aggregator makes sure that the history is kept for the old services offered on that number.

## **ANNEX 2: Non-exhaustive list of cases that are considered as non-compliant services**

For the avoidance of doubt, in all cases described here under, the refund procedure will be initiated. The Number Holding Operator will block the Premium Rate Numbers used for these fraudulent activities where described below, when appropriate or where the service was not corrected on request.

The description of the non-exhaustive cases below should give guidance to the involved parties to determine if a complaint corresponds to a case of fraud or misuse of numbers. This description and guidance should facilitate the Number Holding Operator to take exceptional measures such as to suspend the retributions, to close the access to the Premium Rate Number or oblige the Service Provider to indemnify all affected customers:

1. Reception of a message (e.g. SMS or any other instant message). This message could incite the customer to call a Premium Rate number.
  - a. Action: The Premium Rate number should be closed to avoid complaints.
  - b. Refund: to all users
  - c. Blocking: yes
2. If a service is offered on a number which is not in compliance with the annex of the RD Ethical Code. E.g. Voyance / helderziendheid services can only be offered on 0905 numbers.
  - a. Refund: to all users
  - b. Blocking: yes
3. Reception of a call with a Premium Rate number as CLI. The Premium Rate number should be blocked. The Number Holding Operator can take into account the risk that correct services are put under pressure by the illegal spam messages.
  - a. Refund: to all users
  - b. Blocking: yes
4. The service offered is not in line with the information in annex 1 provided on the identification website and the service promised in the publicity. Example: the advertisement says Weather forecasts and you get Astrology services.
  - a. Refund:
    - i. Cases of adult or chance games: refund to all users
    - ii. Other: refund based on complaints
5. Wrong Tariff/no tariff: Example: the advertisement says 1€/min and you get a 2€/min invoice.
  - a. Refund: to all users
6. Stalking to real service; Example: Service Provider calls end-users in order to force them to call a Premium Astrology number otherwise they might have 'bad luck' for the coming year.
  - a. Refund: case by case
  - b. Blocking: yes
7. Stalking with wrong price indication. Example: Service Provider calls end-users in order to invite them to call a Premium Astrology number pretending it will be free of charge.
  - a. Refund: to all users
  - b. Blocking: yes

8. Stalking to non-service. Example: Service Provider calls end-users and invite them to call a Premium Rate number in order to get their gift delivered. A fake IVR is then reached by the end-user where he ends in a loop. No gift is ever delivered but call is invoiced.
  - a. Refund: to all users
  - b. Blocking: yes
  
9. Collecting fraud. Example: Service Provider asks for a new 090x number at Premium rate number Holding Operator (A), then ask a new fixed/mobile subscription at another Operator (B) and makes a lot of calls from this new subscription to the 090x number. According to accounting processes, the Operator A will pay the collected amount to the Service Provider/Service Aggregator before actually having received it from the different Collecting Operators. The Service Provider/Service Aggregator never pays his Fixed/mobile invoice to the B Operator till the fraud is detected...
  - a. Refund: case by case
  
10. ID Theft: all kinds of ID theft is fraudulent.  
 The following pattern is an example of a used pattern:
  - An end-user's (social media) profile is hacked and completely copied (with pictures, and friends,...) in order to become a "trusted" person for the hacked profile environment.
  - The fraudster start chatting with one of the friends (= the victim); the victim considers the fraudster as his friend/family,...
  - After a short while, the fraudster asks for the victim's mobile number; or the fraudster has found the mobile phone number since it is often published as part of the social media profile.
  - The fraudster creates an account with a game provider, or any other party where he can store credits or money on.
  - The fraudster asks the victim to do him a favour for a certain reason;
  - The fraudster asks the victim to call a Premium Rate Number in order to get or to complete the service with a token.
  - The fraudster's account at the Game provider is loaded with the credits
  - The fraudster confirms that, although there might be a tariff notification (> 1€/min) the call is for free
  - The victim detects he was a victim when receiving his invoice.
    - Refund: case by case
  
11. Translation services: The Service Provider translates the Premium Rate number into a regular free call centre number without agreement of the call centre owner.
  - i. Refund: case by case
  
12. Required Information is missing as required by the provisions of the Law of 31 May 2014 – Book VI of the Code of Economic Law (market practices and consumer protection)
  - a. Refund: case by case (except if corresponds to cases above)

### **ANNEX 3 : Intermediate steps towards the identification of the Service Provider**

The following intermediate steps must be followed in order to evolve to an identification of the Service Provider as described in this document in chapter "Identification of the Service Provider".

The purpose of this annex is to address requests for identification awaiting the target solution described in this document. The procedure should in the first phases answer requests from the public authorities and the Collecting Operators.

#### (a) Phase 1:

- The person requesting the identification of the Service Provider checks the identity of the Number Holding Operator via a dedicated tool for a specific number related to the complaint: [www.crdc.be](http://www.crdc.be) or [www.1299.be](http://www.1299.be).
- The Number Holding Operator provides a point of contact/e-mail address and will respond within 48 hours on each request for information during working days.
- The Service Aggregator or Service Provider will deliver this information to the Number Holding Operator within 24 hours during working days after request.
- The Service Aggregator or Service Provider deliver the information to the Number Holding Operator per e-mail and conform the format and required content in annex 1. The information is provided in a word document attached to the mail.

#### (b) Phase 2: after transition period

- Same as in phase 1 but the information is provided as an URL in the e-mail to the Number Holding Operator. The URL is publicly accessible and leads to a website including the table and the information requested in annex 1.
- The timing of this second phase will be as following:
  - a. The URLs and the corresponding websites for 0907/0904 numbers will be available 2 months after the agreement becomes applicable.
  - b. The URLs and the corresponding websites for 0903/0906 numbers will be available 3 months after the agreement becomes applicable.
  - c. The URLs and the corresponding websites for 070 and all 090x numbers will be available 4 months after the start of the agreement.

During this phase 2 a common website will be available via the NPA of the CRDC. Within one month after the deadlines indicated above provided the common website is available, the Number Holding Operator will communicate the URL's to the NPA administrator for the implementation in the CRDC public website.