

Mr David Levitt  
Senior Policy Executive  
PhonepayPlus  
Clove Building  
4 Maguire Street  
London  
SE1 2NQ

By email: [dlevitt@phonepayplus.org.uk](mailto:dlevitt@phonepayplus.org.uk)

14<sup>th</sup> May 2015

Dear David,

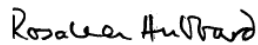
**Guidance and Special conditions associated with the 13th edition of the Code of Practice: Consultation Response**

1. We act for Clix Connex Ltd, Click Number Ltd and Customer Phonebook Limited, ("Clix and its associated companies"). We are pleased to provide a short response to the consultation on the special conditions associated with the 13<sup>th</sup> edition of the Code of Practice. Clix and its associated companies provide information, call connection and signposting services ("ICSS"). We have, therefore limited our response to commenting on Annex C5 – ICSS. Most specifically the reply is limited to Questions Q15 and Q16.
2. The consultation documents makes clear there **are no significant** changes proposed to the requirements relating to the use of Search Engine Marketing, the promotional requirements relating to service type and price, links to official websites and the on-connection information requirements.
3. This may be understandable given the challenges in producing the final set of requirements under the Prior Permission regime. But, at a substantive and strategic level we are disappointed that PhonepayPlus has failed to take this opportunity to recognise and address the commonalities between "Type 1" call connection services and the call connection services provided at far higher prices by DQ companies on the 118 number range.
4. We note, in particular, that PhonepayPlus has not taken this opportunity to address the fundamental concern that the ICSS provided by Clix and its associated companies are Electronic Communications Services ("ECS") as defined by Article 2(c) Directive 2002/21/EC of the European Parliament and Council of 7<sup>th</sup> March 2002 on a common regulatory frameworks for electronic communications networks and service.
5. Clix and its associated companies are concerned that your approach to equivalent

services which is inconsistent and discriminatory is reinforced by the language used on the consultation, particularly in and after Section 1.14 where there is the first of numerous references to “Higher Risk” PRS.

6. In light of the proposals and whilst the ECS issue remains unresolved Clix and its associated companies see no reason to change their current practices.
7. We would encourage PhonepayPlus to review its approach to the treatment of equivalent ECS. The forthcoming Part 4 Review and planned consultation on the 14<sup>th</sup> Code of Practice provide an ideal opportunity for the anomaly to be corrected.
8. Representatives of the companies would be very happy to meet with you to discuss any aspect of this response.

Yours sincerely,



**Rosaleen Hubbard**  
**Partner**