

Press release

## NUMBERING PLAN

### **Automated calling systems: the Conseil d'Etat approves the supervisory measures for the national numbering plan introduced by Arcep**

Paris, 13 June 2024

To limit the nuisance that end users experience when receiving unsolicited (spam) calls and messages, the Act of 2021<sup>1</sup> gives Arcep the power to stipulate the number categories that can be displayed as the caller ID to the recipients of calls or messages generated by automated systems. Arcep proceeded to introduce these supervisory measures through changes to the numbering plan (Decision No. 2022-1583 of 1 September 2022) which came into effect on 1 January 2023, thereby providing end users with increased protection against the large volume of calls and messages that these systems are capable of generating.

It was in response to this measure that Syntec Conseil appealed to Arcep to make changes to the numbering plan, so that these automated systems are not prohibited from using regionalised numbers when they are employed to conduct statistical studies, opinion polls or surveys. After Arcep rejected this request, Syntec Conseil submitted an application to France's highest administrative court, the Conseil d'Etat.

**On 6 June 2024, the Conseil d'Etat rejected the Syntec Conseil application to overturn the implied decision, whereby Arcep rejected its request to amend the national numbering plan<sup>2</sup>.**

In its decision, the Conseil d'Etat notes that the legislature did not intend to confine Arcep's power to stipulate the number categories that cannot be used for calls made or messages sent by automated systems to only cold calling. It specifies that Arcep was thus authorised to foresee that this prohibition would apply to automated calling systems used for statistical studies, opinion polls and surveys.

The Conseil d'Etat also rejected the argument raised by Syntec Conseil, namely that, by failing to provide an exemption for companies that conduct surveys, statistical studies and opinion polls, the Arcep Decision violates the principle of equality and freedom of trade and industry. The Conseil d'Etat concluded that – in terms of the pursued public interest objective of consumer protection – it was not proven that businesses that conduct surveys, statistical studies and opinion polls would be in a different situation than other types of business that use automated systems. Lastly, the Conseil d'Etat concluded that the measures contained in the numbering plan regarding automated systems do not infringe upon the freedom of trade and industry, with respect to the objective of general interest pursued, and the exemptions to which the principle of prohibition is attached.

#### **Associated documents**

- [The Conseil d'Etat Decision](#)
- [Press release – Arcep Decision No. 2022-1583](#)
- [Decision No. 2022-1583 amending the decision establishing the national numbering plan and its management rules](#)

#### **Arcep at a glance**

The Regulatory Authority for Electronic Communications, Postal Affairs and Print Media Distribution (Arcep), a neutral and expert arbitrator with the status of independent administrative authority (IAA), is the architect and guardian of internet, fixed and mobile communications and postal networks in France.

<sup>1</sup> Act of 15 November 2021 on reducing the digital environmental footprint in France.

<sup>2</sup> Decision No.2018-0881 of 24 July 2018 (amended) establishing the national numbering plan and its management rules.