

Background on PhonepayPlus' 13th Code of Practice

On 16 January 2015, the High Court gave its judgment in the judicial review case of *Ordanduu GmbH & Optimus Mobile GmbH v PhonepayPlus Limited*.

Following this judgment, Ofcom has conducted a review to ensure that PhonepayPlus takes all necessary actions to address the problems identified in that judgment and to ensure that they do not re-occur.

As a result of this review, Ofcom and PhonepayPlus have agreed that certain limited safeguards should be inserted, with immediate effect, into Rule 4.5 (*Emergency Procedure*) of PhonepayPlus' 12th Code. Ofcom has today approved PhonepayPlus' 13th Code, on the basis that it also includes these safeguard amendments. The 13th Code is currently scheduled to take effect on 1 July 2015 subject to comments from the European Commission.

Further, PhonepayPlus has confirmed to Ofcom that it will conduct a comprehensive review of Part 4 of its Code of Practice (*Investigations, Procedures and Sanctions*) together with its "*Investigations and Sanctions Procedures*". This will commence immediately and will involve public consultation. Stakeholders will therefore be encouraged to comment on the Emergency Procedure provisions as part of this review.

Ofcom and PhonepayPlus have also agreed certain updates to the memorandum of understanding between them to clarify responsibilities.

For further details on the text of the immediate safeguard amendments, please see PhonepayPlus' [statement on the 13th Code](#).