

Pursuant to Article 8, paragraph 1, item 1) and Articles 23 and 79 paragraph 6 of the Law on Electronic Communications (*Official Gazette of the Republic of Serbia*, no. 44/10) and Article 12, paragraph 1, item 1) and Article 16, paragraph 1 item 4 of the Statute of the Republic Agency for Electronic Communications (*Official Gazette of the Republic of Serbia*, no. 59/10),

the Managing Board of the Republic Agency for Electronic Communications, in its session on 24 June 2011, adopted the

RULES

on number portability on public telephone networks at a fixed location

I. INTRODUCTORY PROVISIONS

Article 1

These Rules shall specify the conditions to be fulfilled by operators of the public telephone network at a fixed location (hereinafter: the operators), subscribers and the Republic Agency for Electronic Communications (hereinafter: the Agency) in terms of the portability of the national number for publicly available telephone services at a fixed location and the portability of the national number for other non-geographic services stipulated in the Numbering Plan.

The provisions of hereof shall not refer to operators of public mobile communications networks and national numbers for public mobile communications network services stipulated in the Numbering Plan.

Article 2

Terms used in herein shall have the following meaning:

- **number portability** means a service which, upon request, enables a subscribers to retain the assigned number from the Numbering Plan, regardless of the switch from one service operator to another;
- **number porting** represents a group of technical and administrative procedures undertaken for the purpose of carrying out the service of number portability in accordance with the methods prescribed hereby;

- **subscriber** is a natural or legal entity who employs publicly available telephone services which are provided based on a subscription contract or other specified arrangement and who is, for the performance of these services, assigned a national number for public fixed communications network services or a national number of other non-geographic services stipulated in the Numbering Plan;
- **receiving operator** is an operator whose network is hosting the ported number and whose services the subscriber will be using after the number is ported;
- **donor operator** is an operator whose number is the subject of number portability service and whose services were employed by the subscriber prior to number porting;
- **number range holder** is an operator, holder of the number from the Numbering Plan allocated on the basis of primary number allocation and/or licence for the use of numbering;
- **central database of ported numbers** (hereinafter: the central database) means a reference database which consists of the data necessary for routing calls towards the ported numbers and which facilitates a timely update of the local database of ported numbers and keeps record of all ported numbers in the process of number portability;
- **local database of ported numbers** (hereinafter: the local database) is hosted by the operator and represents the operative database which includes data necessary to route calls towards ported numbers and is regularly updated using the information available from the central database;
- **routing number** means a pre-number for routing calls towards the ported numbers, it is located in the central database as well as in local databases;
- **time frame** means a time interval from 12.00 to 15.00 hours on a working day, during which the ported number is switched off from the network of the donor operator and switched on in the network of the receiving operator;
- „*All Call Query*“ is a method of routing a call towards the ported number where the operator on whose network the call is originating makes a query in its own operative database prior to establishing the connection. In case the called number is ported, the connection is established directly towards the network of the receiving operator by means of a pre-number for call routing;
- „*Query on Release*“ is a method of routing a call towards the ported number where the number range holder, by means of a signal message, informs the operator on whose network a call is originated that the number is ported. Upon receiving this message, the operator on whose network a call is originated routes the call directly towards the network of the receiving operator by means of a pre-number for call routing obtained by query in its own local database.

Article 3

Except in cases referred to in Article 10 herein, operators shall enable the subscribers switching from one service operator to another to retain their assigned national numbers for the public fixed communications network service with a geographic access code stipulated in the Numbering Plan at a certain location and/or to retain national numbers for other non-geographic services referred to in the Numbering Plan at any location if the access code is not geographic.

With the aim of carrying out the service of number portability, operators are obliged to bring their general conditions which regulate the provision of services into compliance with the provisions of these Rules.

In carrying out the service of number portability, the donor and the receiving operators shall establish mutual cooperation and as well as the cooperation with the Agency and shall refrain from hindering or disabling the process of number portability.

Subscriber who has used the service of number porting shall not be entitled to port the same number again within less than six months from the day the number was ported between service operators.

Subscriber shall not be entitled to seek from the receiving operator the transfer of additional services previously granted by the donor operator.

Number range holder shall be entitled to change subscriber numbering in accordance with the Numbering Plan and upon approval of the Agency.

II. SUBMITTING THE REQUEST FOR NUMBER PORTING

Article 4

The number porting procedure begins with the submission of a request to a receiving operator. This request shall also be considered a request for the annulment of the existing subscription contract between the subscriber and the donor operator, pertaining to the use of all services utilized via the telephone number which is the subject of the number porting procedure. The contract shall be annulled the moment the number is disconnected from the network of the donor operator.

In cases where the request for number porting is associated with a request for the full unbundled access to the local loop, operators shall process both requests simultaneously within a period which shall not exceed 30 days.

Article 5

The request for number porting shall be submitted by a natural entity whereas for legal entities this request shall be submitted in the form of a written authorization by a person authorised to make such a request.

The request form for number porting shall be held of the receiving operator and it shall provide the following information:

- subscriber information (for natural entities: name, surname, personal ID number and address; for legal entities: company name, seat address, corporate ID number and fiscal ID number);
- address of the location of the telephone connection (network terminal point) for the number in question;
- number or a group of numbers to be ported;
- type of subscription contract in the network of the donor operator;
- name of the donor operator;
- name of the receiving operator;
- date and time of the request submission;
- date of the requested for number porting within the timeframe specified for the completion of the number portability service;
- statement of the subscriber stating that this request shall also be considered the request for the annulment of the existing subscription contract with the donor operator, i.e. a request for the termination of service provision between the donor operator and subscriber in compliance with the general provisions regulating their mutual relationship;
- statement of a subscriber whereby s/he is to acquit all debts to donor operator accrued until the moment of number porting, as well as all debts accrued during the process of number porting and all subsequent due debts;
- statement of the subscriber stating acceptance of terms pertinent to the fact that unless all outstanding debts to donor operator accrued until the moment of subscription contract annulment are acquitted, the receiving operator shall suspend their calls in the next thirty (30) days and then, upon request from the donor operator, disconnect the number;
- acceptance of the subscriber to have his/her personal data gathered, processed and exchanged between the operators and the central database with the purpose of completing the number porting.

In cases where the number requested to be ported is a part of a continuous string of successive numbers and the subscriber is requesting additional numbers which follow the numbers the s/he already holds, the subscriber may request to port the additional successive numbers, provided that these numbers are available in the network of the donor operator.

The request form for number porting shall be signed by the subscriber and the person in charge of the number porting procedure within the premises of the receiving operator in not less than three copies. The request may also be signed with the qualified electronic signature.

In case of a hand-signed, written request, one copy shall be given to the subscriber, and the remaining two to the donor operator and the receiving operator.

Persons submitting the request for number porting are obliged to identify themselves by providing the valid ID card or passport.

During the process of number porting, donor and receiving operators shall exchange information in electronic form.

III. NUMBER PORTING PROCEDURE

Article 6

Receiving operator shall submit, without delay, the request for number porting in electronic form to the central database along with the following data:

- subscriber information referred to in Article 5, paragraph 2, item 1;
- number or a group of numbers requested to be ported;
- type of subscription contract;
- address of the location of the telephone connection;
- names of the donor and receiving operators.

Upon receiving the abovementioned data, the central database shall send the confirmation to the receiving operator, stating that the porting procedure has been initiated.

Upon receiving the confirmation that the porting procedure has been initiated, the receiving operator shall send the request for number porting to the donor operator.

Article 7

Upon receiving of the request, the donor operator shall make a query on whether all necessary conditions for number porting procedure have been met and shall notify the receiving operator and the central database.

The procedure of verifying the fulfilment of all necessary conditions and the formal notification referred to in the previous paragraph herein shall not exceed the deadline of three working days starting from the day the donor operator receives the request for number porting,

whereby the deadline shall start the day following the day of the receipt of the request. In cases where the request for number porting is associated with the request for full unbundled access to the local loop, the process of verification of the fulfilment of all conditions for the process of number porting may exceed three working days and in that case it shall be determined by the duration of the procedure for the verification of fulfilment of all conditions for full unbundled access to the local loop and shall not exceed the deadline stipulated in Article 4, paragraph 2 herein.

Article 8

In case all necessary conditions for the number porting procedure are met, the donor operator shall notify the receiving operator as well as the central database and state the acceptance of the request for number porting on the day and within the timeframe stipulated in the request for number porting.

The period from the date the donor accepts to port the number to the date of the completion of number porting procedure shall not exceed three working days. In cases where the request for number porting is associated with the request for the full unbundled access to the local loop, the process of verification of the fulfilment of all conditions for the process of number porting may exceed three working days and in that case shall be determined by the duration of the completion of the request for full unbundled access to the local loop, but it shall not exceed the deadline stipulated in Article 4, paragraph 2 herein.

Donor operator and receiving operator shall ensure and enable the porting of the number while simultaneously providing services during the number porting procedure in cases where it is requested by the relevant state authorities, hospitals and other institutions. The donor and the receiving operators shall, in cases where it is requested by the nature of the activities performed by the subscriber, determine in advance the date of the number porting procedure ensuring that the procedure is carried out within the period of off-peak business activities of the subscriber.

Donor operator, having previously switched off the number for which the porting is requested from its network, shall notify the central database which shall consequently notify the receiving operator.

Upon switching on the number for which the porting is requested into its network, the receiving operator shall notify the central database.

Upon the receipt of the confirmation that the number has been activated on the network of the receiving operator, the central database shall be automatically updated and the data shall be available to all local databases.

Article 9

Donor operator, upon establishing that the subscriber has outstanding debts, shall provide the subscriber with the request for payment with a due payment date no earlier than eight days and shall inform the receiving operator thereof.

In case the user does not acquit the debt within the deadline, the number requested to be ported shall be suspended from use for thirty days.

In case the user acquits the debt within the suspension period, the number shall be activated.

In case the user has not acquitted the debt within thirty days of the suspension period, the number shall be permanently switched off. Once the number is switched off from the network of the receiving operator, it shall be, without further delay, transferred back to the number range holder. The procedure for transferring the number back to the number range holder shall be performed via central database.

Article 10

Donor operator may refuse the request for number porting if:

- the request for number porting has been submitted by an unauthorized person;
- the request for number porting is inaccurate or incomplete;
- outstanding debts have not been acquitted by the subscriber;
- the number which is the subject of the request for number porting is already in the process of being ported;
- the subscriber has been hosted by the network of the donor operator less than six months;
- the number is non-existent, temporarily or permanently switched off from the donor operator network;
- the request for number porting is simultaneously the request for the change of the geographic access code;
- the requested number for porting is one of the numbers from a number block (individual numbers in the ISDN series or one of the numbers in the PBX series) or part of the user number groups in the donor operator network;
- the system does not support the number portability service.

In case the requested number cannot be ported, donor operator is obliged to inform the central database, the receiving operator and the subscriber, on the reasons for declining the request within three working days as of the day the request is received.

Article 11

In case of an unexpected delay in the number porting procedure, the operator held responsible for the delay shall remove the cause of the delay immediately and notify the other operator as well as the central database thereof.

Each operator shall respond immediately upon learning about any failures in the number portability system, including the failures in synchronization among databases, and shall inform all operators and the central database and shall immediately engage in the removal of failures.

IV. DATABASES OF PORTED NUMBERS

Article 12

Database of ported numbers shall be the reference central database within the responsibility of the Agency.

Installation, development, maintenance and financing of the central database shall fall within the responsibility of the Agency.

The Agency shall determine the content and the form of data, as well as the procedure for data storing and updating in the central database.

The Agency shall determine the method of data exchange (access, interfaces and protocols) between the central database and local databases, and the operators shall provide accurate and timely update for their local databases in line with the contents of the central database.

Article 13

The central database shall provide information on all ported numbers. Pre-number for call routing shall be added to each ported number.

Pre-number for call routing shall be used for routing calls made to ported numbers. It shall consist of a prefix with hexadecimal value D indicating that the number has been ported, followed by the network identifier and node identifier. The network identifier shall consist of two decimal digits and shall be a number assigned to operators by the Agency. The node identifier shall be a number which consists of two decimal digits determined by the operators and it shall closely define the location of the ported number within the network of the receiving operator.

In case of the local number porting (porting from one switching system to another within the same geographic access code), each operator shall notify the central database thereof without delay. The data from the central database shall automatically be forwarded to other operators.

The central database shall keep record of all activities performed in the number porting procedure stipulated herein.

V. ROUTING CALLS TO PORTED NUMBERS

Article 14

In establishing a call connection initiated by a subscriber of a fixed telephone network to a ported number on fixed telephone network, in accordance with the technical capacities of the operators, the technical solutions agreed between the operators and in line with the appropriate international recommendations, “Query on Release” or “All Call Query” routing methods shall be used.

In establishing a call connection initiated by a mobile telephony subscriber to a ported number on fixed telephone network, “All Call Query” method shall be used.

In routing an international incoming call to a ported number on fixed telephone network, “Query on Release” or “All Call Query” routing methods shall be used in accordance with the appropriate international recommendations.

„All Call Query“ routing method shall be applied in accordance with the ETSI 123 066 (3GPP TS 23.066) recommendation.

In cases where “Query on Release” method is used, fixed telecommunications operator which receives a signalling request for call connection to a ported number shall refuse the request for call connection in accordance with the ITU-T Recommendation Q.769.1 by means of a signalling message with release cause value #14 specified in the ITU-T Recommendation Q.850.

Article 15

The operator that originates the call, i.e. the operator which accepted the national or international incoming call towards a ported number, shall be responsible for accurate routing of that call directly to the operator hosting the ported number in accordance with routing methods referred to in Article 14 hereof.

The operators shall route calls to ported numbers in the same manner used for calls to non-porting numbers of the receiving operator.

The Agency shall not be held responsible for incorrectly routed calls to ported numbers.

VI. SERVICE FEES AND RIGHTS OF OPERATORS

Article 16

The subscriber shall pay the fee in the amount of not less than 165.00 RSD (VAT excluded) to the receiving operator for the number portability service. The donor operator shall not request the reimbursement of fees from subscribers for the number portability service.

Upon the completion of the number portability procedure, the receiving operator shall pay a fee in the amount of 1,000 RSD (VAT excluded) to the donor operator except in cases where the request for number porting is associated with the request for full unbundled access to the local loop in which case the fee shall amount to 500.00 RSD.

Article 17

The operators shall not charge calls made to ported numbers more than the calls made to non-ported numbers, used for the provision of the same telephone services in the same telephone network.

Under Interconnection Agreement, the operators shall not set higher prices for calls made to ported numbers as opposed to calls made to non-ported numbers which are used for the provision of same telephone services.

Article 18

The number range holder shall remain in charge of the assigned number even if that number is ported to the receiving operator, and shall pay a fee, which shall be stipulated by a general by-law adopted by the Agency.

For every ported number on its network, the receiving operator shall pay an annual fee, which shall be stipulated by a general by-law of the Agency, to the number range holder, in proportion to the number of days during the year the ported number has been in use on the receiving operator's telephone network.

In case of suspension of the use of the ported number, the receiving operator shall notify thereof the central database and the number range holder within seven working days as of the date the ported number was deactivated, whereby the number shall be returned to the number range holder.

VII. SUBSCRIBER NOTIFICATION

Article 19

The operators shall make publicly available, in the media or on their websites, the addresses and working hours of their centres (branch offices) in charge of the receipt of number portability requests, as well as the manner of submitting the requests in electronic form once this application becomes activated.

Upon the request of subscribers, the operators shall make the information on ported numbers and call charges for calls made to ported numbers publicly available, by means of their Internet websites and call centres, as well as by means of other forms of providing public information.

The operators shall provide automatic voice message or SMS message with the following content: 'The number has been ported to operator X'. This message shall be free of charge.

The message referred to in paragraph 3 herein shall be activated or deactivated upon the request of the subscribers.

VIII. TRANSITIONAL AND FINAL PROVISIONS

Article 20

The operators shall provide the conditions for the provision of number portability service on public fixed telephone networks at a fixed location prior to the day these Rules come into effect.

Article 21

These Rules shall enter into force on the eighth day following the day they are published in the "Official Gazette of the Republic of Serbia", and shall be applied as of 1 December, 2012.

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Belgrade, 24 June 2011

Chairman of the Managing Board

Prof. Dr Jovan Radunovic