

Pursuant to Article 8, paragraph 1, item 1), and Article 79, paragraph 6 of the Law on Electronic Communications (*“Official Gazette of RS”*, nos. 44/10, 60/13-CC Dec. and 62/14) and in regard to the Numbering Plan (*“Official Gazette of RS”*, nos. 32/11, 35/12, and 64/13),

the Managing Board of the Regulatory Agency for Electronic Communications and Postal Services, in its session held on 12 September 2014, adopted the

RULEBOOK ON NUMBER PORTABILITY FOR SERVICES PROVIDED VIA PUBLIC MOBILE COMMUNICATIONS NETWORKS

I GENERAL PROVISIONS

Article 1

This Rulebook stipulates the terms and conditions which need to be fulfilled on behalf of operators, subscribers (users) and the Regulatory Agency for Electronic Communications and Postal Services (hereinafter: the Agency) in regard to the national number portability service for public mobile communications networks from the Numbering Plan, as well as the number porting manner and the number porting fee.

Operators shall be required to achieve mutual cooperation and cooperation with the Agency in the number porting procedure, and to refrain from any action intended to obstruct or prevent number porting.

Article 2

Terms and abbreviations used in this Rulebook shall have the following meaning:

1) **Number portability** in terms of this Rulebook means a possibility for a subscriber (user) to retain, at their own request, their assigned number from the Numbering Plan for the public mobile communications services;

2) **Number porting** in terms of this Rulebook means a group of technical and administrative procedures, undertaken when carrying out the number portability service, in the manner stipulated hereby;

3) **Operator** is an entity that performs or that is authorized to perform electronic communications activity via, their own or a leased, public mobile communications network;

4) **Recipient operator** means the operator whose services the subscriber (user) will be using after the number is ported;.

5) **Donor operator** means the operator relinquishing the number in the number porting procedure, whose services had been used by the subscriber (user) until the number was ported;

6) **Number range holder** means the operator holder of the number from the Numbering Plan for public mobile communications services, allocated thereto based on the licence for the use of numbering resources and/or a written agreement previously approved by the Agency;

7) **Subscriber (user)** in terms of this Rulebook means a physical or legal entity using communication services, based on a subscription contract closed with the operator or based on another appropriate arrangement, who has been assigned a number for receiving such services;

8) **Central database of ported numbers** (hereinafter: the central database) means a reference database which consists of data necessary for routing calls towards the ported number and which facilitates a timely update of the local database of ported numbers and keeps record of all ported numbers in the number porting procedure.

9) **Local database of ported numbers** (hereinafter: the local database) is hosted by the operator and represents the operative database, which includes the data necessary to route calls towards ported numbers and which is regularly updated using information available from the central database;

10) **Routing number** means a pre-number for routing calls towards the ported numbers, and it is located in the central database and in local databases;

11) **Time frame** means a time interval from 2;00 a.m. to 6.00 a.m. on a working day, during which the ported number is switched off with the donor operator and switched on with the recipient operator;

12) **All call query** means a method of routing a call towards the ported number, where the operator whose network is originating the call makes a query in its own local database on whether the number has been ported, prior to establishing the connection. In case the called number has been ported, the connection is established directly towards the recipient operator, by means of a routing number.

13) **Query on release** means a method in routing a call towards the ported number where the number range holder, by means of a signal message, informs the operator originating the call that the number is ported. Upon receiving this message, the operator originating the call routes the call directly towards the recipient operator, by means of a routing number obtained by query in its own local database.

14) **Onward routing** means a method in routing a call towards the ported number where the operator originating the call routes the call towards the number range holder, whereupon the number range holder, in case the number has been ported, routes the call towards the recipient operator.

Article 3

Operators are obliged to enable the subscribers (users) to retain their existing number when switching the operator, except in cases referred to in Article 9 herein.

With the aim of realizing the number portability, operators are obliged to bring their general conditions, regulating the service provision, in line herewith.

In order to port their number, users who do not have a subscription contract (prepaid users) have to be registered. User registration implies the identification of users in accordance with the operator procedures. Registration of unregistered prepaid users may be carried out with the recipient operator by presenting the SIM card and PUK code along with a valid ID document (ID card or passport).

Subscriber (user) who has ported a number may not request to port the same number again within less than three months from the day the number has been ported between operators.

Subscriber shall not be entitled to seek the transfer of any additional services provided by the donor operator.

Prepaid user shall not be entitled to seek any reimbursement from the donor operator for the remaining amount on their account and unused traffic.

Number range holder shall be entitled to change the subscriber numeration, 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 is initiated by submitting a number porting request to the recipient operator. This request shall also be considered a request for the annulment of the existing subscription contract between the subscriber (user) and the donor operator. The contract is annulled the minute the number is disconnected by the donor operator.

Article 5

The request for number porting shall be submitted by a natural entity (on behalf of minors, this request is submitted by a parent or a guardian), and for legal entities, the request shall be submitted based on a written authorization.

The form of the request for number porting shall be provided by the recipient operator and it shall include the following information:

- Information on subscriber (user):
for natural entity: name, surname, personal ID number and address,
for legal entity: name of the company, seat of the company-address, ID number and tax identification number (TIN),
- number or group of numbers for which the porting is requested,

- type of subscription contract with the donor operator (prepaid, postpaid)
- name of the donor operator,
- name of the recipient operator,
- date and time of submission of the request,
- date of the requested porting within the prescribed time frame for the realization of the service,
- statement of the subscriber (user) stating that this request is also considered to be a 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 the subscriber (user) in compliance with the general provisions regulating their mutual relationship,
- statement of the subscriber (user) obliging them to acquit all debts to the donor operator made until the moment of number porting, as well as all debts made during the number porting procedure and all subsequent due debts made before the number porting request has been made,
- statement of the subscriber stating that unless all outstanding debts to donor operator, made until the moment of subscription contract annulment, are acquitted, they accept that recipient operator suspend their calls in the next thirty (30) days and then, upon request of the donor operator, disconnect the number,
- agreement of the subscriber (user) to have their personal data collected, processed and exchanged between the operators and the central database with the exclusive purpose of realization of the number porting.

Form of the request for number porting shall be signed by the subscriber (user) and the officer in charge with the recipient operator in not less than three copies. One copy shall be given to the subscriber (user), the second to the donor operator and the third shall be archived by the recipient operator. The forms of the request for number porting shall be submitted to the donor operator on a monthly basis, at the end of the month for the previous month, and may be exchanged more frequently if so agreed between the operators.

Person submitting the request for number porting shall be obliged to identify themselves by providing a valid ID card or passport.

Person submitting the request for number porting who is bound by a subscription contract shall be obliged to provide the recipient operator with a copy of the last receipt paid for, if so requested by the recipient operator.

During the number porting procedure, the donor and the recipient operators shall exchange information in electronic form, as a rule.

Upon establishing that the subscriber has outstanding debts, the donor operator, shall provide the subscriber (user) with the request for payment within the deadline of not less than eight days and shall, at the same time, inform the recipient operator thereof. In case the user does not acquit a debt within the deadline, and/or fails to provide the recipient operator with the proof of settled debts, the subscriber's (user's) number shall be suspended from use for thirty days. In case the subscriber (user) acquits the debt before the suspension deadline, the number shall be activated. In case the subscriber (user) does not acquit the debt within the thirty-day the suspension, the number shall be permanently switched off. Upon switching-off the number and terminating the service provision, the recipient operator shall return the number to the number range holder, without further delay. The procedure of returning the number shall be performed via central database.

III NUMBER PORTING PROCEDURE

Article 6

The request for number porting submitted by 2:00 p.m. on a working day shall be considered as a request made that day. In case the request is submitted later than 2:00 p.m., it shall be considered as a request made the following day. The recipient operator shall submit the request for number porting in electronic form, without further delay, to the central database, along with the following data:

- information on subscriber (user) as referred to in Article 5, paragraph 2, item 1.;
- number or group of numbers to be ported;
- type of subscription contract;
- name of the donor and the recipient operator.

Upon receiving the abovementioned data, the central database replies to the recipient operator, confirming that the number porting procedure has been initiated.

Upon receiving the confirmation on the initiated number porting procedure, the recipient operator forwards the subscriber's (user's) request for number porting to the donor operator.

Article 7

Upon receiving the request, the donor operator shall make a query whether all necessary conditions for number porting are met and shall notify the recipient operator and the central database thereof.

The procedure of verifying the fulfilment of all necessary conditions and the formal notification referred to in the previous paragraph hereof may not exceed two working days starting from the day the donor operator has received the request for number porting.

The subscriber (operator) that submitted the request for number porting shall be entitled to submit a request to cancel the number porting until the moment the donor operator sends the notification authorizing the porting to the recipient operator. The recipient operator shall be required to record the date and time when the request to cancel the number porting is submitted and to notify the donor operator and the central database thereof.

Article 8

In case all necessary conditions for the number porting procedure are met, the donor operator shall notify the recipient operator and the central database on acceptance of the request for number porting on the day and within the set time frame stated in the request.

The execution of number porting procedure shall not be longer than two working days starting from the moment the donor operator has accepted the request for number porting.

Donor operator, having previously switched off the number for which porting had been requested shall immediately notify the central database thereof, and the central database shall consequently notify the recipient operator.

Upon switching on the number for which the porting had been requested, the recipient operator shall notify the central database thereof.

Upon receiving the confirmation on the activation of the number with the recipient operator, the central database shall be automatically updated and data shall be available to all local databases.

Article 9

Donor operator may reject the request for number porting if:

- the request for number porting is submitted by an unauthorized person;
- the request for number porting is inaccurate or incomplete;
- the prepaid subscriber (user) is not registered;
- it is confirmed that outstanding debts were not acquitted on behalf of the subscriber including all obligations towards the donor operator pertaining to untimely cancelation of contract arising from the subscription contract;

- the number which is the subject of the request for number porting is already in the process of being ported, or the number was last ported less than three months before;
- the subscriber (user) has been using the services of the donor operator for less than three months;
- the number is stolen, non-existent, temporarily or permanently switched off by the donor operator;
- the number for which the porting is requested is one of the numbers from a number sequence or part of a user number group with the donor operator.

In case the requested number cannot be ported, the donor operator shall inform the central database and, in written or electronic form, the recipient operator, on the reasons for declining the request, within two working days from the day the request is received.

Upon receiving the information referred to in the previous paragraph hereof, the recipient operator shall, without delay, inform the subscriber (user) that the request has been declined, in written or electronic form or via SMS, in accordance with the notification method selected in writing by the subscriber (user) when submitting the request for number porting.

In case the subscriber (user) decides to be informed via SMS, detailed reasons for which the request has been declined may be received by calling the customer service of the recipient operator.

Article 10

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

Each operator shall be obliged to inform immediately all operators and the central database of any failures encountered in the number portability system, including the synchronization errors, and to take steps immediately so as to remove the cause of failure.

IV DATABASES OF PORTED NUMBERS

Article 11

Database of ported numbers is the reference central database of the Agency.

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

The Agency shall determine the content and the form of data, as well as the procedure of storing and updating of the data in the central database, having regard to the personal data protection.

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

Article 12

The central database shall contain the list of all ported numbers. A routing number shall be associated with each ported number.

The routing number shall be used for routing calls to ported numbers. It shall consist of a prefix, with a hexadecimal value D, indicating that it is a ported number, followed by the operator identifier and node identifier. Operator identifier, consisting of two decimal digits, is a number assigned to operators by the Agency. Node identifier, consisting of two decimal digits, is a number that may be determined by each operator,

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

V ROUTING CALLS TOWARDS PORTED NUMBERS

Article 13

When establishing a call initiated by a fixed telephony subscriber towards a mobile telephony ported number, the fixed network shall route the call towards the number range holder, by using the ‘Onward Routing’ method, in accordance with the relevant international recommendations. This method shall be in use until number portability is implemented in fixed telephony.

When establishing a call initiated by a mobile telephony subscriber towards a mobile telephony ported number,, ‘All Call Query’ routing method shall be used in accordance with ETSI Recommendation 123 066 (3GPP TS. 23.066).

When diverting international incoming calls towards a mobile telephony ported number, ‘Query On Release’ routing method shall be used in accordance with the relevant international recommendations, or ‘All Call Query’ method in line with ETSI Recommendation 123 066 (3GPP TS 23.066).

Article 14

The call originating operator, and/or the operator which accepted a national or international incoming call towards a ported number, shall be responsible for accurate routing of the call directly towards the operator hosting the ported number, in accordance with routing methods referred to in Article 13 hereof.

Operators shall be obliged to route calls towards ported numbers in the same manner as calls towards non-ported numbers of the recipient operator.

Call routing methods referred to in paragraph 1 and 2 herein shall apply to the request to deliver text (SMS) and/or multimedia (MMS) messages.

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

VI FEES FOR PORTED NUMBERS AND RIGHTS OF OPERATORS

Article 15

The recipient operator may require that the subscriber (user) pay the fee in the amount of no more than 200.00 dinars for the service of number porting. The donor operator cannot request reimbursement of fees for the service of number porting from the subscriber (user).

Upon completed number porting, the recipient operator shall be obliged to pay a fee in the amount of 1 000.00 dinars, excluding VAT, to the donor operator.

Article 16

Operators may not charge calls towards ported numbers more than calls towards non-ported numbers for the provision of the same electronic communications services.

Prices for calls towards ported numbers, set by the operators under interconnection agreement, may not be higher than those for calls towards non-ported numbers for the provision of the same electronic communications services.

In case of a call initiated by a fixed telephony subscriber towards a ported mobile telephony number, the operator that has accepted the call shall be obliged to divert correctly the call directly to the operator hosting the number, free of charge. This obligation shall be related to the period during which the 'Onward Routing' method is used for the fixed telephony calls made to a ported mobile telephony number.

Article 17

Number range holder shall remain in charge of the assigned number even if the number is ported to the recipient operator, and shall be obliged to pay the amount of fee set forth by the general by-law of the Agency.

For every ported number, the recipient operator shall be obliged to pay the annual fee, set forth by the general by-law of the Agency, to the number range holder, in proportion to the number of days the ported number is used with the recipient operator.

In case of suspension in the use of a ported number, the recipient operator shall be obliged to notify the central database and the number range holder within seven working days following the day the ported number has been deactivated.

Article 18

Operators that have business cooperation with value added service operators shall be obliged to provide the latter with data on ported numbers, upon request.

In case the number range holder does not forward the messages directed to a ported number, they shall be required to inform appropriately the value added service operator as to which operator is holding the ported number to which the message is directed.

VII SUBSCRIBER NOTIFICATION

Article 19

Operators shall be obliged to make publicly available, via media, their own website and similar, the addresses and working hours of their costumer centres (offices) where number porting requests can be made.

Upon request of the subscribers (users), the operators shall be obliged to provide information on ported numbers and call costs towards those numbers through websites and call centres, along with any other form of public notification.

Number range holder shall be obliged to provide an automatic voice message to their subscribers (users), with the following content: "The number you have dialed has been ported to operator X. Please wait while the connection is being established". This message shall be free of charge. The message will initially be disabled and will be made available or disabled once again upon request. However, the request may not be made by the subscriber (user) who has ported the number in question.

VII TRANSITORY AND FINAL PROVISION

Article 20

With the entry into force of this Rulebook, the Rulebook on number portability on public mobile telecommunications networks ("Official Gazette of the Republic of Serbia", no. 5/11) shall cease to be valid.

Article 21

This Rulebook shall enter into force on the eighth day after the day it is published in the “Official Gazette of the Republic of Serbia”.

Ref. no: 1-01-3400-10/13
Belgrade, 12 September 2014

Chairman of the Managing Board

Prof. Dr Jovan Radunovic