

On grounds of Article 38 (1), (3) and (5), of Article 46 (1) indent 7 of the Government Emergency Ordinance no.79/2002 on the regulatory framework for communications, approved with amendments and completions by Law no.591/2002, subsequently amended and completed, and of Article 28 of Law no.304/2003 on Universal Service and the users' rights regarding the electronic communications networks and services,

THE PRESIDENT OF THE NATIONAL REGULATORY AUTHORITY FOR COMMUNICATIONS

issues the present:

DECISION on the implementation of number portability

Chapter I – General Provisions

Art.1. – (1) This decision establishes the framework for the implementation of number portability in Romania.

(2) This decision regulates the following:

- a) the procedures for managing the porting process;
- b) the rights and obligations of the providers of public electronic communications networks and of publicly available electronic communications services regarding number portability;
- c) technical solutions for implementing number portability;
- d) economic conditions for implementing number portability;
- e) the setup of a working group to establish the detailed technical and commercial terms for the implementation of number portability and to monitor its implementation.

Art.2. – (1) Within the text of this decision, the following terms are hereunder defined:

- a) *number portability* – a subscriber's possibility to keep his/her telephone number, upon request, when shifting to another provider of publicly available telephone services;
- b) *geographic number portability* – a subscriber's possibility to keep, at a certain location, an assigned geographic number, when shifting to another provider of publicly available fixed telephone services;
- c) *non-geographic number portability* – a subscriber's possibility to keep an assigned non-geographic number, at any geographic location, when shifting to another provider of publicly available telephone services;
- d) *initial donor provider* - a provider of publicly available telephone services who has the right to use, under the licence for the use of numbering resources, the numbering block containing the number requested for porting;

e) *donor provider* – the initial donor provider or - in case one number is consecutively ported several times - the provider of publicly available telephone services to which the respective number for which porting is requested had previously been ported;

f) *acceptor provider* – the provider of publicly available telephone services to whom a certain number has been ported, this number being part of a numbering block which had been granted to another provider of publicly available telephone services, under a licence for the use of numbering resources;

g) *the provider originating the call* – the provider of electronic communications services to which the calling party is connected; in case of using carrier selection or pre-selection procedures, the provider originating the call is considered to be the selected/pre-selected carrier, or – for international call termination – the provider operating the switch or the gateway used for international traffic, belonging to the first public electronic communications network in Romania where the international call is taken over;

h) *porting process* – the process spanning between the moment of receiving a request for number portability and the moment when calls may be terminated appropriately at the ported number;

i) *routing number* – an additional specific number, which is not part of the National Numbering Plan, used within the public electronic communications networks for the purpose of adequately routing calls to a ported number;

j) *central data base* – the full set of information including the ported numbers and the routing numbers (*central reference data base*), as well as the register of transactions (administrative procedures) between the providers, and other additional information required for the purpose of accomplishing number portability (*central administrative data base*);

k) *operational data base* – the data base which is a copy of the central reference data base, used in real time by the provider originating the call for the accurate routing of the respective call or of other messages to a ported number;

l) *the All Call Query (ACQ) routing method* - method of directly routing the calls from the provider originating the calls to the acceptor provider; following an interrogation of the operational data base, the latter will provide the routing number associated to the called number and the provider originating the call will ensure the routing of the number to the destination, according to the information provided;

m) *the Onward Routing (OR) method* - method of indirectly routing the calls from the provider originating the calls to the acceptor provider; the provider originating the call routes the respective call to the initial donor provider, who interrogates the operational data base and – based on the routing number provided by this data base – ensures the routing of the number to the destination;

n) *technical and commercial terms for implementing number portability* – technical, procedural and commercial terms required for implementing number portability, adopted by decision of the President of the National Regulatory Authority for Communications, hereinafter referred to as *ANRC*, imposed as an obligation on the providers of public electronic communications networks and on the providers of publicly available electronic communications services.

(2) Within the text of this decision, the relevant definitions provided in Article 2 of the Government Ordinance no.34/2002 on access to the public electronic communications networks and the associated infrastructure, as well as their interconnection, approved, with amendments and completions, by Law no.527/2002, and in Article 2(1) of Law no.304/2003 for Universal

Service and the users' rights regarding the electronic communications networks and services, shall apply, as well.

Art.3. – (1) All the providers of publicly available telephone services authorised under Article 4 of the Government Ordinance no.79/2002 on the general regulatory framework for communications, approved, with amendments and completions, by Law no.591/2002, with the subsequent amendments and completions, who are holders of a licence for the use of numbering resources, have the obligation to offer their subscribers, upon request, the service of porting geographic or non-geographic numbers, as the case may be, within 9 months from the adoption of the technical and commercial terms for the implementation of number portability.

(2) The porting of a number shall be without prejudice to its destination in the National Numbering Plan.

Art.4. – (1) The following categories of numbering resources in the National Numbering Plan are portable:

a) national geographic numbers in the 0Z = 02 and 0Z= 03 domains;
b) national non-geographic numbers in the 0Z = 07 domain, irrespective of the payment method for the publicly available mobile telephone services provided through these numbers (payment in advance or after the provision of the respective services);

c) national non-geographic numbers for various services, in the following sub-domains of the 0Z = 08 domain:

1. 0ZAB=0800 (green numbers);
2. 0ZAB=0801 (universal access numbers);
3. 0ZAB=0802 (universal personal numbers);

d) national non-geographic numbers for premium rate services, in the 0Z = 09 domain.

(2) The following numbers cannot be ported:

a) numbers belonging to other domains of the National Numbering Plan than those provided under paragraph (1);

b) numbers used exclusively within one network;

c) geographic numbers assigned to the terminal points connected to the digital exchanges whose technical characteristics do not allow the purchase of software versions adjusted to the implementation of number portability, to analogue and to manual exchanges, until the date of the replacement of these exchanges, but not later than January 1, 2008.

(3) The blocks of portable numbers shall be published on the *ANRC* website and on that of the central data base operator.

Chapter II – The Porting Process

Art.5. – (1) The management of the number porting process, including the exchange of information between the providers regarding the ported numbers, shall be performed by means of a central data base, in conformity with the organisation and functioning rules of the respective data base.

(2) The use of the central administrative data base is compulsory, in order to ensure the information exchange regarding the porting process, changes of data regarding the

ported numbers, stopping the provision of a service supplied through a ported number and recovery of the ported number by the initial donor provider.

Art.6. – (1) A number shall be ported only following a subscriber's submission of a request therefor.

(2) The following categories of numbers may be the object of a porting request:

a) individual numbers assigned to subscribers (for voice, fax or data transmission services);

b) multiple numbers or sets of numbers assigned to subscribers.

(3) The technical and commercial terms for the implementation of number portability may provide special rules regarding the intake and processing of the requests for porting the numbers under paragraph (2) b).

Art.7. – (1) The request for number portability shall be submitted to the acceptor provider, by filling in a standard form.

(2) The standard-form shall enclose, among others, information on:

a) occurring additional tariffs associated with number portability;

b) estimated term for completing the porting;

c) the extent to which the callers may be able to identify the destination network of the call and the retail applicable tariffs;

d) possible interruptions in supplying the service during the process of porting the number.

(3) The acceptor provider is responsible for completing the porting process towards the requester.

(4) The acceptor provider may not decline the porting unless it refuses connecting the requester and the provision of the publicly available telephone service to him/her, under the legal.

(5) The acceptor provider shall transmit an accepted porting request, in electronic format, to the operator of the central administrative data base, who shall send it to the donor provider.

Art.8. – (1) Upon reception of a porting request according to the provisions of Art.7(5), the donor provider shall answer the operator of the central administrative data base, who shall send the answer to the acceptor provider. Refusal shall be justified in accordance with the provisions of paragraph (2).

(2) The donor provider may refuse the porting in one of the following cases:

a) the request is incomplete or is inaccurately filled in;

b) the identification data of the subscriber are incorrect or do not correspond to the number mentioned in the portability request;

c) the donor provider does not provide services by means of the respective number;

d) the number is not part of the blocks of portable numbers;

e) several portability requests have been submitted for one and the same number;

f) in case of numbers used for the provision of mobile telephone services, the SIM card or the CDMA terminal are declared lost or stolen;

g) in case of numbers used for the provision of mobile telephone services with advance payment, when from the respective number no call has been originated and no call has been received at it;

h) from reasons concerning national defence, national security or public order.

(3) The following reasons may not ground the refusal of a portability request:

a) debts accrued by the respective subscriber as to the donor provider;

b) a minimum duration provided in the agreement;

c) suspension of service provision through that number.

Art.9. – (1) In case a subscriber withdraws the portability request, the acceptor provider has the obligation to inform the operator of the central administrative data base, who shall inform the donor provider thereon.

(2) A portability request may not be withdrawn after the donor provider has transmitted acceptance to the operator of the central administrative data base. In this case, the porting shall be completed and the subscriber may request the initiation of a new porting process.

(3) The donor provider has the obligation to preserve the information required for resuming the service provision through the ported number at least 24 hours after the completion of the porting process.

Art.10. – (1) The porting process shall be completed within 10 working days from the date of sending a request accepted both by the acceptor provider and by the donor provider, excepting the following cases:

a) the subscriber requests the porting process to be performed within a longer period;

b) the subscriber's connection and the beginning of the provision of publicly available telephone services by the acceptor provider require a longer period.

(2) The deadlines for each stage of the porting process and the ways of sending information regarding the porting process shall be established by the technical and commercial terms for the implementation of number portability.

(3) The acceptor provider has the obligation to inform the subscriber, upon receipt of the confirmation from the donor provider, on the moment of completing the porting process, as well as the obligation to inform both the subscriber and the operator of the central data base on the completion of the porting process.

(4) The operator of the central data base shall inform all the providers originating calls on the completion of the porting process and shall update the central administrative data base and of the central reference data base.

Art.11. – (1) The agreement concluded between the donor provider and the subscriber regarding the provision of services by means of the ported number shall be terminated upon the completion of the porting process. From then on, the respective services shall be provided by means of the number ported by the acceptor provider, according to the provisions of the agreement previously concluded between the acceptor provider and the subscriber.

(2) The provisions of paragraph (1) do not concern the obligations of the subscriber and of the donor provider resulted from the agreement concluded between them, incurred and not fulfilled prior to its termination.

Chapter III – Rights and Obligations of the Donor Provider and of the Acceptor Provider

Art.12. – (1) The donor provider may not condition number portability on a subscriber's payment of additional tariffs related to the porting process.

(2) The donor provider may not assign the ported number to another subscriber unless it has been informed on the vacation of the respective number, according to the provisions of Art.13(3).

Art.13. – (1) The acceptor provider has the obligation to preserve the destination of the number according to the National Numbering Plan, after porting.

(2) In case of call origination from a ported number, the identification data of the calling line to be presented correspond to the ported number.

(3) The acceptor provider has the obligation to inform the initial donor provider or – in the case provided in Art.14 (1) – ANRC, regarding the vacation of the ported number by means of the operator of the central administrative data base, within 5 days from the date of terminating the agreement between the subscriber and the acceptor provider regarding the provision of services through the ported number.

(4) The acceptor provider shall not reassign the ported number upon cessation of the agreement for the provision of services through the respective number.

Art.14. – (1) In case of ceasing the right of the initial donor provider to use, based on the licence for the use of numbering resources, a certain ported number, the acceptor provider and its subscriber shall have the right to continue using this number, if technically possible, until the cessation of service provision by the acceptor provider by means of the respective number.

(2) Where ANRC reallocates, through a licence for the use of numbering resources, the block of numbers containing the ported number, the holder of the licence for the use of numbering resources shall be considered an initial donor provider.

Chapter IV – Routing a Call to a Ported Number

Art.15. – (1) The providers who originate calls have the obligation to ensure the routing of the respective calls to the ported numbers.

(2) Where the provider originating the calls does not have the means required for the routing procedure, it shall purchase the respective routing services from a third party.

Art.16.– (1) For the purpose of routing calls to the ported numbers, the central reference data base shall be used.

(2) The access of the providers who originate calls to the central reference data base shall be provided on non-discriminatory grounds.

(3) Call routing to the ported numbers shall be performed by means of the providers' operational data bases created and updated based on the information in the central reference data base.

Art.17. – (1) The routing method used for the implementation of number portability between networks shall be All Call Query (ACQ).

(2) In the cases established by the technical and commercial terms for the implementation of number portability, a provider originating calls will be able to use, bearing all the additional costs, the OR routing method.

(3) The routing method used within networks for the implementation of number portability shall be established by each provider.

Art.18. – (1) The routing information will be transmitted through concatenated addresses, the routing number and the called number being transmitted together in the signalling field "Called Party Number".

(2) The routing numbers shall be allocated to the acceptor providers based on a procedure established by ANRC.

Chapter V – Costs and Tariffs

Art.19. – (1) A provider originating calls shall bear its own costs associated with the implementation of number portability, including the costs of the interfaces for the central data bases.

(2) The donor provider shall have the possibility to recuperate the costs incurred during the process of porting the respective number, including the administrative ones, from the acceptor provider. The tariffs a donor provider may charge on the acceptor provider shall not exceed:

a) 13 Euro for each ported number, in case of porting geographic numbers and non-geographic numbers, other than those for mobile telephone services;

b) 11 Euro for each ported number, in case of porting non-geographic numbers for mobile telephone services.

(3) The tariffs provided under paragraph (2) do not include VAT.

(4) In case of using the OR routing method, the provider originating the call shall owe the acceptor provider the interconnection tariff for the purpose of call termination, the interconnection tariff for commuted transit, the tariff reflecting the use of the portability functions to the initial donor provider, as well as other additional tariffs determined by the use of this routing method.

(5) The acceptor provider shall bear the internal costs triggered by porting a number.

Art.20. – (1) In case the acceptor providers charge the end-users tariffs for the provision of the number portability service, these tariffs shall be affordable.

(2) The tariffs for calls to the ported numbers shall be established by the providers originating calls.

Chapter VI – Information of the End-Users

Art.21. – (1) The providers of publicly available telephone services shall make available for the end-users - upon request - cost-free, detailed, clear and updated information on the

number portability service, including on the tariffs charged for the provision of this service and for the calls to the ported numbers, both in writing and by means of a customer's telephone number available at least 40 hours a week.

(2) The means of informing the end-users, at every call, in case of originating calls to the ported numbers shall be established by the technical and commercial terms for the implementation of number portability.

Art.22. – The operator of the central administrative data base shall make publicly available, by means of its website, information regarding the ported numbers, according to the regulations for the organisation and functioning of the central administrative data base.

Chapter VII – Technical and Commercial Terms for the Implementation of Number Portability

Art.23. – (1) Within 15 days from the publishing date of this decision, a working group shall be established to establish the technical and commercial terms for the implementation of number portability and to monitor the implementation of number portability.

(2) The working group provided in paragraph (1) shall consist of representatives of the providers of publicly available telephone services holding licences for the use of numbering resources who assigned their subscribers numbers belonging to the category provided under Art.4(1), as well as of *ANRC* representatives, and shall be coordinated by a specialist designated by the *ANRC* president.

(3) The technical and commercial terms for the implementation of number portability shall be elaborated in accordance with the provisions of this decision and shall provide at least the following issues:

- a) the technical specifications for the implementation of number portability, including on routing messages to the ported numbers;
- b) the standard-form for the number portability request;
- c) the detailed description of the procedure of administrating the porting process;
- d) the cost discounting methods between providers;
- e) the quality parameters of the number portability service;
- f) the methods of informing the end-users on a per call basis, in case of originating calls to the ported numbers;
- g) the procedure of amending and completing the technical and commercial terms;
- h) the regulations for the organisation and functioning of the central administrative data base.

Art.24. – (1) Within 4 months from the date of its establishment, the working group provided in Art.23(1) shall propose for adoption to the *ANRC* President the technical and commercial terms for the implementation of number portability.

(2) In case the working group fails to propose the technical and commercial terms for the implementation of number portability within the term provided in paragraph (1), these shall be established by *ANRC*.

Art.25. – (1) Within 5 months from the date of adopting the technical and commercial terms for the implementation of number portability, all the providers of public electronic communications networks or publicly available electronic communications services shall amend and complete accordingly the access or interconnection agreements concluded before that date.

(2) The access or interconnection agreements concluded after the adoption of the technical and commercial terms for the implementation of number portability shall enclose specific provisions regarding the implementation of number portability.

Chapter VIII – Final provisions

Art.26. – The means of financing the activities determined by the elaboration and administration of the central data base, as well as the operator of the central data base, shall be set out by ANRC.

Art.27. – This decision shall be published in the Romanian Official Journal, Part I, and shall enter into force within 3 days from the publication date.

**PRESIDENT,
DAN CRISTIAN GEORGESCU**

Bucharest, April 10, 2006.
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