

DRAFT DECISION
on the implementation of number portability

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On the grounds of the Prime Minister's Decision no.249/2005 on appointing the President of the National Regulatory Authority for Communications,

On grounds of Article 38 paragraphs (1), (3) and (5), of Article 46 paragraph (1) subparagraph 7 of the Government Emergency Ordinance no.79/2002 on the general 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 concerning 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. – This decision establishes the conditions and the methods of implementation for number portability in Romania.

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

a) *routing number* – an additional specific number used within public networks of electronic communications for the purpose of adequately routing calls to a ported number;

b) *number portability* – a subscriber's possibility to keep his/her telephone number, upon request, when shifting to another provider of publicly available electronic telephone services, provided the respective number destination, as stipulated in the National Numbering Plan, remains the same;

c) *geographic number portability* – a subscriber's possibility to keep, within a limited geographic area, an assigned geographic number, when shifting to another provider of publicly available telephone services;

d) *geographic area* – one of the 41 areas of Romania – as regards the distribution of geographic numbering resources – corresponding to a geographic area (distance) indicative; a

geographic area indicative identifies a county, excepting the indicative 21 (in the 0Z = 02 domain) and 31 (in the 0Z = 03 domain) which identify Bucharest and, respectively, the county of Ilfov;

e) *non-geographic number portability* – a subscriber's possibility to keep an assigned non-geographic number, in any geographic location, when shifting to another provider of publicly available telephone services or of publicly available mobile telephone services, as the case may be;

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

g) *recipient provider* – the provider of publicly available telephone services to whom a certain number has been ported, under the licence for the use of numbering resources, by another provider of publicly available telephone services;

h) *call originating provider* – the service provider to which a caller 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, while – for international call termination – the call originating provider is considered to be the provider operating the switch of the gateway used for international traffic, belonging to the first public electronic communications network in Romania where the international call is taken over;

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

(2) Within the meaning of this decision, there are also applicable the definitions provided in Article 2 of the Government Ordinance no.34/2002 regarding 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 paragraph (1) of Law no.304/2003 for Universal Service and the users' rights regarding electronic communications networks and services.

Art.3. – (1) All the providers of publicly available telephone services, including the providers of publicly available mobile 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, 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, as of January 1, 2007.

(2) The change of destination for a number in the National Numbering Plan, upon porting, is forbidden.

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 analogue or manual exchanges.

(3) The blocks of portable numbers shall be published on the website of the National Regulatory Authority for Communications, hereinafter referred to as *ANRC*.

Chapter II – Call Routing

Art.5. – (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 may purchase routing services from a third party.

Art.6. – (1) For the purpose of implementing number portability, a consolidated reference data base shall be used, which contains information regarding both the ported and the routing numbers.

(2) The consolidated reference data base ensures the information required by all the providers who originate calls in view of routing calls.

(3) The use of the consolidated reference data base in view of routing calls to the ported numbers is compulsory.

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

(5) Call routing shall be performed by means of the providers' operation data bases created based on the information in the consolidated reference data base.

Art.7. – (1) The routing method used for the implementation of number portability by the providers shall be All Call Query (ACQ), which ensures direct routing of calls from the provider originating the calls to the recipient provider. Following the interrogation of their own operation data base, which provides the routing number associated with the called number, the provider who originates the call shall ensure the routing of calls to the destination, according to the provided information.

(2) In case of technical limitations, given the prior consent of *ANRC*, a provider originating calls will be able to use, bearing all the additional costs, the Onward Routing (OR) method, which consists of routing a call by the provider originating the call to the initial donor provider, who interrogates its own operation data base and, based on the routing number found, routes the call to the destination.

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

Art.8. – (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 by *ANRC* to the recipient providers, following the submission of a request.

Chapter III – Porting Process

Art.9. – 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 consolidated data base, in conformity with the organisation and functioning rules of the respective data base.

Art.10. – (1) A number shall be ported by the holder of an agreement for the provision of publicly available telephone services only following the 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 assigned to subscribers, irrespective of the fact whether they are continuous or not;

c) sets of numbers used within private electronic communications networks.

(3) In the case of continuous number sets assigned to a subscriber, porting is allowed either fully, for the whole set, or partially, for sets containing a multiple of 10 numbers. The sets of ported numbers shall remain indivisible in case of successive porting.

(4) Where several numbers are assigned to a subscriber's SIM card or CDMA terminal, these numbers shall be ported simultaneously.

Art.11. – (1) The request for number portability shall be submitted to the recipient 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 fact that the callers will not be able to identify the destination network of the call and, consequently, the applicable tariffs;

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

number.

(4) The recipient provider is responsible for completing the porting process towards the requester.

(5) The recipient 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 terms provided by the primary or secondary legislation in the field of electronic communications.

(6) An accepted porting request shall be transmitted by the recipient provider, in electronic format, to the operator of the consolidated administrative data base, who shall send it to the donor provider.

Art.12. – (1) The donor provider shall answer, within 5 days from the reception of a porting request, to the operator of the consolidated administrative data base, who shall send the answer to the recipient provider. Refusal shall be minutely justified.

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

- a) the request is incomplete;
- b) the identification data of the subscriber are not accurate or do not correspond with the number mentioned in the portability request;
- c) the number is not part of the blocks of portable numbers, established according to the provisions of Article 4 herein;
- d) several portability requests have been submitted for the same number;
- e) the number is not allocated to the donor provider or has not been assigned to a certain subscriber;
- f) in case of numbers used for the provision of mobile telephone services, when the SIM card or the CDMA terminal are declared lost;
- g) in case of numbers used for the provision of mobile telephone services through prepaid cards, when from the respective number no call has been originated;
- h) the number to be ported does not correspond to an active service;
- i) due to reasons concerning the protection of national security or of public order.

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

- a) debts accumulated by the respective subscriber to the donor provider;
- b) a minimum duration provided in the agreement;
- c) suspension of the provision of the respective service for the respective number.

Art.13. – (1) In case a subscriber withdraws the portability request, the recipient provider has the obligation to inform, within 24 hours, the operator of the consolidated administrative data base, who shall inform the donor provider thereon.

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

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

Art.14. – (1) The porting process shall be completed within 10 days from the date of sending a request accepted both by the recipient 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 recipient provider require a longer period.

(2) The recipient provider has the obligation to inform the provider, after receiving 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 consolidated administrative data base on the completion of the porting process.

(3) The operator of the consolidated administrative data base shall inform all the providers originating calls on the completion of the porting process and shall take the necessary steps for updating the consolidated administrative data base and of the consolidated reference data base.

Chapter IV – Rights and Obligations of the Donor Provider and of the Recipient Provider

Art.15. – (1) The donor provider may not condition number portability on payment of certain tariffs by a subscriber.

(2) The initial donor provider shall have the rights and obligations provided in the licence for the use of numbering resources regarding the ported numbers, observing the limitations provided by this decision.

(3) The donor provider may not assign the ported number to another subscriber.

Art.16. – (1) The recipient provider may not offer the subscribers who wish to port their numbers more advantageous contractual terms than those offered to the subscribers who request the assignment of a number allocated to the recipient provider by the licence for the use of numbering resources.

(2) The recipient provider has the obligation to ensure the same quality level for the services provided through the ported numbers and for the services provided through its own numbers.

(3) The recipient provider has the obligation to ensure that, after porting, the destination of the number according to the National Numbering Plan is not changed.

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

(5) The recipient provider has the obligation to inform the initial donor provider regarding the vacation of the ported number, within 5 days from the date of ceasing the provision of service to the subscriber through the respective number.

Art.17. – In case of porting, to the same recipient provider, of more than 60% of the numbers belonging to a block allocated to the initial donor provider through the licence for the

use of numbering resources, the initial donor provider may request *ANRC* to transfer the respective block to the recipient provider. In that case, the active numbers assigned to the subscribers of the initial donor provider shall be considered ported numbers.

Art.18. – (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 recipient provider and its subscriber shall have the right to continue using this number, until the cessation of service provision by the recipient provider by means of the respective number. The recipient provider shall not have the right to reassign the ported number.

(2) The recipient provider has the obligation to inform *ANRC* on the vacation of the ported number, within 5 days from ceasing the service provision to the respective subscriber by means of the respective number.

(3) Where *ANRC* reallocates, through the 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 a donor provider.

Chapter V – Costs and Tariffs

Art.19. – The consolidated data base shall be financed from the *ANRC* income and expenditure budget.

Art.20. – (1) Any provider originating calls shall bear its own costs associated with the implementation of number portability, including the costs of the interfaces to the consolidated data bases.

(2) The donor provider shall have the possibility to recuperate the costs incurred during the implementation of number portability, including the administrative ones, not exceeding:

- 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 recipient provider shall bear the internal costs triggered by porting a number.

Art.21. – (1) The tariffs charged on the subscribers for the number portability service shall be established by the recipient providers and shall be affordable.

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

Chapter VI – Information of the End-Users

Art.22. – The providers of publicly available telephone services have the obligation to make available for the subscribers, upon their 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 dedicated telephone number available at least 40 hours a week.

Art.23. – The operator of the consolidated administrative data base shall make publicly available, by means of a website, information regarding the ported numbers.

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

Art.24. – (1) Within 30 days from the date of publishing of this decision, a working group shall be established to set out the technical and commercial terms for the implementation of number portability, in accordance with the provisions of this decision, herein referred to as the *working group*.

(2) The *working group* shall consist of representatives of the providers of publicly available telephone services and of *ANRC*, 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 provide at least the following issues:

- a) the technical specifications for the implementation of number portability;
- b) the standard-form for the number portability request;
- c) the detailed description of the procedure for the administration of the porting process;
- d) cost discounting methods between providers;
- e) quality parameters of the number portability service;
- f) methods for the information of the end-users in case of originating calls to the ported numbers;
- g) the procedure of amending and completing the technical and commercial terms in case new conditions arise.

Art.25. – (1) Within 5 months from the date of its establishment, the *working group* 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 under paragraph (1), these shall be established by *ANRC*.

Art.26. – (1) Within 2 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 the access or interconnection agreements concluded before that date, having regard to the technical and commercial terms adopted and to the provisions of this decision.

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

specific provisions regarding the implementation of number portability, having regard to the technical and commercial terms adopted and to the provisions of this decision.

Chapter VIII – Final provisions

Art.27. – (1) The operator of the consolidated reference data base and of the consolidated administrative data base, within this decision, shall be *ANRC*.

(2) *ANRC* shall publish an annual report on the implementation of number portability, including on the activity of the consolidated data bases.

Art.28. – This decision shall be published in the Romanian Official Journal, Part I.

**PRESIDENT,
DAN CRISTIAN GEORGESCU**

Bucharest, January 2006
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