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**Czech Telecommunication Office**  
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P.O. Box 02, Prague 025, Postcode 225 02

Prague, 27 June 2005  
Ref.: 27213/2005-610

On the basis of public consultation under Section 130 of the Act No. 127/2005 Coll., on electronic communications and on amendment to certain related acts (the Electronic Communications Act) (the “Act”), and on the basis of the decision of the Council of the Czech Telecommunication Office (the “Office”) under Section 107(8)(b)(2) of the Act and in order to implement Section 34(4) of the Act, the Office as the appropriate state administration body under Section 108(1)(b) of the Act hereby issues this

**Measure of General Nature No. OOP/10/07.2005-3**  
**laying down the technical and organisational conditions for implementing telephone number portability and the principles for number portability billing between undertakings.**

PART ONE  
**GENERAL PROVISIONS**

Article 1  
**Introductory Provisions**

(1) This Measure of General Nature (“Measure”) sets out the extent of the obligations of the undertakings operating a public telephone network in relation to the implementation of number portability.

(2) The undertakings that have obligations based on Section 34(1) of the Act shall co-operate in the process of telephone number porting and shall avoid any action as might affect number porting in terms of speed, security and continuity or might lead to a distortion of the conditions of competition.

Article 2  
**Definition of Concepts**

For the purposes of this Measure, the following terms shall have the following meanings:

- a) **number porting service** means the service that enables every subscriber to the publicly available telephone service to keep his telephone number(s) with no dependence on the undertaking that provides such a publicly available service;
- b) **number portability** means the package of technical and organisational measures that enable every subscriber to the publicly available telephone service to make use of the number porting service under the conditions specified in this Measure;
- c) **fixed operator** means an undertaking operating a public fixed telephone network;
- d) **mobile operator** means an undertaking operating a public mobile telephone network;

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- e) **subscriber** means any subscriber to the publicly available telephone service provided over the public fixed or mobile telephone network;
- f) **donor operator** means the fixed or mobile operator from whom a telephone number is to be ported to another fixed or mobile operator under the number porting service;
- g) **recipient operator** means the fixed or mobile operator to whom a telephone number is to be ported from the donor operator under the number porting service;
- h) **originating operator** means the fixed or mobile operator in whose telephone network the traffic originated;
- i) **terminating operator** means the fixed or mobile operator in whose telephone network the traffic terminated;
- j) **transit operator** means the fixed or mobile operator through whose network the traffic passes without originating or terminating in that network;
- k) **number-range holder** means an undertaking who was granted authorisation to use numbers in accordance with Section 30 of the Act;
- l) **telephone number operator** means a fixed or mobile operator in whose public telephone network a publicly available telephone service is at the given moment provided to the user through the appropriate number;
- m) **operator ID** means the operator's identification number allocated by the Office in the format specified in the Numbering Plan of Network Routing Numbers<sup>1)</sup>;
- n) **traffic** means calls and other traffic over the public fixed or mobile telephone network;
- o) **call** means voice, data and fax calls over the public fixed or mobile telephone network;
- p) **other traffic** means the traffic including signalling messages that constitutes a part of SMS and MMS services;
- q) **ported number** means a portable telephone number whose operator is not the given number-range holder;
- r) **joint solution** means a package of hardware and software tools, which ensure a reference source of information about the numbers to which the number porting service was applied, including the related functions that support number portability;
- s) **operating hour** means an hour of the joint solution's operating time;
- t) **prepaid SIM card** means a card that enables service prepayment;
- u) **authorisation** means the checking of the entitlement of a subscriber or a person authorised by the subscriber to handle the numbers indicated in the order subjected to checking.

### Article 3

#### Characteristics of the Number Porting Service

The service of number porting between operators shall have the following characteristics:

- a) for every subscriber to the publicly available telephone service, it enables to become subscriber to services provided by another operator while maintaining the same telephone number, with the exception of porting the number between fixed and mobile operators;
- b) number portability may be applied to the telephone numbers for which such application is set out in this Measure and to the public telephone networks to which such numbers were allocated<sup>2)</sup>;
- c) the extent of services to be provided by the recipient operator after porting the telephone number to the recipient operator's telephone network depends on the offer of services the recipient operator provides and on such an operator's technical possibilities;

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<sup>1)</sup> Numbering Plan of Network Routing Numbers, published in Volume 9/2003 of Telekomunikační věstník (Telecommunications Bulletin).

<sup>2)</sup> Section 32(1)(b) of the Act

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#### Article 4

##### **Joint Solutions to Ensure Number Portability**

(1) Fixed operators ensure a joint solution, which serves all operators in the Czech Republic as a reference source of information about the numbers to which the service of number porting between fixed operators was applied, such a source being available to all operators through simple means of remote access. This joint solution is the only valid source of information about all telephone numbers ported between fixed operators.

(2) Mobile operators ensure a joint solution, which serves all operators in the Czech Republic as a reference source of information about the numbers to which the service of number porting between mobile operators was applied, such a source being available to all operators through simple means of remote access. This joint solution is the only valid source of information about all telephone numbers ported between mobile operators.

(3) The joint solution ensures, in particular, a smooth, fast and simple number porting process between the operators and it also provides the protection of subscribers' personal data and the confidentiality of the operators' trade secret. The joint solution must be capable of providing the recorded data to the Office if necessary.

(4) The joint solution operator is entitled to set a daily limit on how many number porting orders are to be processed. The limit must be determined so as to avoid distorting competition.

(5) The information and functions made available to operators through the joint solution include, without being limited to:

- a) whether a specific telephone number has been ported;
- b) who is the operator of the specific telephone number under a) above;
- c) the history of the porting of the telephone number;
- d) data synchronisation, allowing the operators to synchronise their internal databases by using valid information imposed in the joint solution.

(6) In addition, the information and functions made available to the donor mobile operator and recipient mobile operator through the joint solution include the following:

- a) order registration;
- b) checking of the order by the donor mobile operator;
- c) release of the number for porting by the donor mobile operator;
- d) determination of the porting date by the recipient mobile operator.

(7) The joint solution does not need to enable enquiries for traffic routing in real time and provision of information to subscribers about the number porting process.

(8) Joint solution operators referred to in Points 1 and 2 above provide each other with access to information as referred to in Point 5 above.

(9) The joint solution operator may define additional conditions for operating the joint solution and conditions to regulate the relations between the operators in respect of the use of the joint solution.

#### Article 5

##### **Principles of Routing and Signalling**

(1) Every operator routes the traffic directly to the telephone number operator, provided that sufficient capacity is at the moment available at the point of interconnection with the telephone number operator's network. For calls with the carrier selection code this responsibility passes to the publicly available telephone service operator through carrier selection or preselection.

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(2) Responsibility for traffic routing as referred to in Point 1 above is always on the originating operator.

(3) For incoming international calls, the routing referred to in Point 1 above is provided by the operator operating the incoming international exchange to which such traffic has been delivered. For the remaining incoming international traffic, the responsibility for correct routing is on the mobile operator that holds the number range comprising the telephone number to which such traffic has been delivered.

(4) If the originating operator does not have, at the given moment, direct interconnection to the terminating operator's network and if it routes the traffic through a transit operator agreed on a contractual basis, then the responsibility to ensure traffic routing referred to in Point 1 above is also on the transit operator. This does not apply to calls with the carrier selection code.

(5) Traffic to the ported telephone numbers that requires routing between public telephone networks is routed by the operators to the same public telephone network interconnection interfaces as the traffic to non-ported telephone numbers that requires routing between those telephone networks.

(6) In the public telephone network interconnection interface, traffic to the ported numbers is routed via the existing interconnecting bundles for the given type of traffic. Separate bundles are not used for traffic to ported numbers, unless otherwise agreed between the operators.

(7) When calls are routed to public telephone networks, operators are not obliged to send their operator IDs to each other. However, they may agree with each other to do so.

(8) When routing other traffic between the public mobile telephone networks, mobile operators send to each other the telephone number operator IDs in the agreed format irrespective of whether the traffic is routed to a ported or non-ported telephone number. This information is transmitted via their public telephone network interconnection interfaces.

(9) The terminating operator is responsible for the termination of traffic to the ported number in the terminating network.

#### Article 6

#### **Protection against Cyclic Routing of Traffic between Operators**

(1) Operators should take suitable measures to prevent cyclic routing of traffic between operators, resulting from inconsistency of routing databases.

(2) Suitable measures include, without being limited to:

- a) for calls: the "hop counter" mechanism, which automatically disconnects the traffic, once network elements involved in building the call route – whose number was predetermined by the operators in advance – are exhausted,
- b) for other traffic: stopping further traffic routing, once a discrepancy is identified in the incoming operator ID and the retrieved operator ID. This must not limit the possibilities of later delivery of other traffic.

#### PART TWO

#### **TELEPHONE NUMBER PORTABILITY BETWEEN PUBLIC FIXED TELEPHONE NETWORKS**

#### Article 7

#### **Numbers Portable between Fixed Operators**

Numbers portable between fixed operators are defined as follows:

- a) the telephone numbers to which number portability between fixed operators can be applied in accordance with Section 34 of the Act are determined by the Ministry of Informatics' Decree

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laying down the numbering plans; they are used in operating conditions and are allocated in accordance with the Act to the operators that are number-range holders;

- b) as to the numbers referred to in Point a) above, those that are not portable are the telephone numbers that are used by any fixed operator exclusively for internal, testing or system purposes, and the numbers used for access to the operator's own services;
- c) portable numbers are not those simultaneously used in the networks of more than one operator;
- d) as to the numbers referred to in Point a) above, those that shall not be ported are the individual numbers from among multiple subscriber numbers (MSNs) and the individual DDI numbers and subblocks;
- e) the numbers that are not portable also include the non-selectable ISDN numbers (e.g. individual directory numbers (IDNs) in a group of series lines or PCM lines to the PBX);
- f) geographical numbers may only be ported within individual telephone districts, which are numbered by the Public Telephone Network Numbering Plan<sup>3)</sup>.

#### Article 8

#### **Processes of Number Porting between Fixed Operators**

(1) The process of number porting is commenced by the contact of the subscriber with the recipient operator. The recipient operator must inform the subscriber about the conditions of the provision of the number porting service, based on that operator's service provision conditions.

(2) The recipient operator places a number porting order to the donor operator.

(3) The recipient operator is responsible for fulfilment of the submitted orders in compliance with the subscriber's request. The donor operator is responsible for executing each of the orders received from the recipient operator.

(4) The recipient operator is responsible for the justification of the number porting orders.

(5) The number porting process is as follows:

- a) the process is started by the recipient operator who sends a service order to the donor operator;
- b) two processes must take place during the period of ten business days after the sending of the order:
  - 1. the donor operator: checking the order;
  - 2. the recipient operator: carrying out technical investigation;
- c) the donor operator may reject the order, unless the donor operator receives a request to terminate the contract from the subscriber within ten business days after the sending of the order;
- d) the order is executed on the day of the porting in accordance with the agreement on the porting date and time;
- e) the recipient operator provides number porting information for the joint solution.

(6) The date of porting is set at the fifteenth day after the date of sending the order to the donor operator. If that date falls on a Friday, the recipient operator may set Saturday or Sunday as the date of porting. If the date of porting falls on a national holiday, the following day is the date of porting.

(7) The recipient operator sets the requested time of porting at the time between 6:00 and 22:00 hours.

(8) After a request for ordering the service is sent, the donor operator has two business days to evaluate and reject any wrong orders.

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<sup>3)</sup> Public Telephone Network Numbering Plan published in Volume 9/2000 of Telekomunikační věstník (Telecommunications Bulletin), as amended by Amendment No. 1, published in Volume 7/2002 of Telekomunikační věstník and Amendment No. 2, published in Volume 10/2003 of Telekomunikační věstník

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(9) For rejecting an order because of a fault identified on the basis of a technical investigation, another 8 business days are added to the period referred to in Point 8 above.

(10) The recipient operator is entitled to cancel a number porting order by the eleventh day after the order is sent.

(11) On the twelfth day after the order is sent, the information about the future number porting becomes available through the joint solution.

(12) Before the determined time of porting on the porting date, the donor operator must terminate the provision of the service and the recipient operator should start providing the service at the determined porting time.

(13) No interruption of service provision related to number porting may be longer than three hours.

PART THREE  
**TELEPHONE NUMBER PORTABILITY  
BETWEEN PUBLIC MOBILE TELEPHONE NETWORKS**

Article 9

**Numbers Portable between Mobile Operators**

Numbers portable between mobile operators are defined as follows:

- a) the telephone numbers to which number portability between mobile operators can be applied in accordance with Section 34 of the Act are determined by the Ministry of Informatics' Decree laying down the numbering plans; they are used in operating conditions and are allocated in accordance with the Act to the operators that are number-range holders;
- b) as to the numbers referred to in Point a) above, those that are not portable are the telephone numbers that are used by any mobile operator exclusively for internal, testing or system purposes, and the numbers used for access to the operator's own services;
- c) portable numbers are not those simultaneously used in the networks of more than one operator;
- d) the identification number of any subscriber to the publicly available telephone service provided over the public mobile telephone network (IMSI) is not portable;
- e) the numbers that have been activated, in a number-range holder's network, for direct connection to the operator's network may only be ported in entire ranges, and the same approach is used in porting them back to the number-range holder's network, unless otherwise determined by the recipient operator.

Article 10

**Transparency of Prices in Calls to Ported Mobile Telephone Numbers**

To ensure the transparency of prices in calls to ported mobile telephone numbers, the originating mobile operators must enable their subscriber to gain sufficient information to be able to learn the price of the calls, and must do so at least in the following ways:

- a) through the mobile operator's web pages: this service must be provided continuously and free of charge;
- b) by means of a free short text message (SMS) sent to the subscriber as reply to his enquiry made through a short text message;
- c) free voice message made before connecting an originating call. Voice message is only provided in the case of voice call from a mobile telephone to a subscriber number ported from the originating operator's network and vice versa. The voice message must be made in the Czech language and

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possibly also in another language and its total length must not be more than six seconds. After the voice message, the subscriber must be given at least one second for stopping the call, if he wishes so, before the call billing starts. Voice messaging should be easy to switch off on the subscriber's request. This mode of the provision of information to the subscriber does not have to be used if calling to the ported number does not involve an increase of the price.

Article 11

**Processes of Number Porting between Mobile Operators**

(1) The process of number porting is commenced by the contact of the subscriber with the recipient operator. The recipient operator must inform the subscriber about the conditions of the provision of the number porting service, based on that operator's service provision conditions.

(2) The recipient operator places a number porting order to the joint solution and gives its identification to the subscriber.

(3) Before the number porting order is placed, the recipient mobile operator should check whether the telephone number is a portable mobile number under this Measure and whether the application contains correct data on the donor operator.

(4) If the donor operator does not receive a notice from the subscriber within ten business days after placing the order with the joint solution, the order is excluded from the joint solution. The recipient operator must be informed about such exclusion.

(5) The donor mobile operator may only reject an order for the following reasons, which the donor mobile operator must examine for each of the numbers indicated in the order, and must do so in the following sequence:

- a) the subscriber's authorisation failed. After the first authorisation failure, the donor mobile operator must inform the subscriber and the recipient mobile operator through the joint solution why the authorisation failed and allow the subscriber at least two more tries to perform the authorisation within the next seven business days;
- b) the identification of the order does not match the directory number (MSISDN);
- c) the number is not portable under this Measure;
- d) the number is contained in another verified order, registered with the joint solution;
- e) the number is not active in the donor operator's network;
- f) the number is registered by the donor operator as a stolen number;
- g) the subscriber uses the number on the basis of an agreement which was effectively terminated by the subscriber.

(6) If there is a written agreement, the donor mobile operator authorises the subscriber by comparing the identification data in the order and the identification data in the agreement. In other cases the authorisation is performed by means of interactive voice response (IVR), by short text messages (SMS) or through the web page.

(7) The order is considered as verified, unless rejected for any of the reasons indicated in Point 5 above. The donor operator must notify the result of order verification to the recipient operator through the joint solution and to the subscriber without undue delay, which means within two operating hours in the case of prepaid cards and within five business days after successful authorisation of the subscriber in the case of a written agreement. Upon notification of the positive result of the checking of the order, the donor mobile operator must release the number for porting within five operating hours. The donor operator must provide the joint solution with information about the release.

- (8) A rejected order is excluded from the joint solution;

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(9) The recipient operator and the subscriber should co-operate to plan the porting date for the released number so that the porting takes place within fourteen business days after the release of the number at the latest.

(10) The recipient operator should provide information about the planned number porting date to the joint solution no later than one day before the porting. Once this information is provided, it is impossible to request the number porting process to be stopped.

(11) The donor operator terminates the provision of services to the subscriber at the ported number before the moment of number porting and the recipient operator starts providing such services after the moment of number porting. The time during which no service is provided may only fall on the period of 0:00 to 06:00 hours on the number porting day. Emergency calls to the number 112 must remain possible.

(12) Once the number is ported, the order is excluded from the joint solution.

#### PART FOUR

### **PRINCIPLES FOR BILLING BETWEEN UNDERTAKINGS IN RELATION TO TELEPHONE NUMBER PORTABILITY**

#### Article 12

#### **Prices of the Services Related to Telephone Number Portability**

The prices of services related to number portability, including:

- a) porting of numbers between the donor operator and recipient operator;
- b) retrieval of the ported number;
- c) services provided by the joint solution operator

and the method of payment for those services should be agreed between the operators in their interconnection agreements in accordance with Article 17(2).

#### Article 13

#### **Price for Number Porting between the Donor Operator and Recipient Operator**

(1) The price for telephone number porting, i.e. for the processing of the applicant's order for number porting under Article 8 or Article 11, should be paid by the recipient operator to the donor operator.

(2) The price referred to in Point (1) above may be agreed separately for the porting of one number or jointly for the porting of more than one number.

#### Article 14

#### **Price for the Retrieval of a Ported Number**

(1) The operator that retrieved a number – in the case that the appropriate operator routed the traffic to a telephone network other than that where the traffic was to be terminated, or failed to indicate correctly the telephone number operator's operator ID when delivering the traffic – is entitled to billing for every such case of ported number retrieval.

(2) The price referred to in Point 1 above is paid by the operator that wrongly routed the traffic.

#### Article 15

#### **Price for the Services Provided by the Joint Solution Operator**

(1) The joint solution operator is entitled to charge cost-oriented price for the provided joint solution services in accordance with Article 4(5) and (9), without including in the price the depreciation of the assets acquired to provide the joint solution.

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(2) The price referred to in Point 1 above is paid by the operators and/or other entities that use those services.

(3) The costs of acquisition of the joint solution assets as referred to in Article 4(1) are paid by fixed operators jointly and severally.

(4) The costs of acquisition of the joint solution assets as referred to in Article 4(2) are paid by mobile operators jointly and severally.

(5) If there is only one joint solution for both fixed and mobile networks, the operators pay the costs of acquisition of the joint solution assets jointly and severally.

## PART FIVE

### **RE-INVOICING OF THE FEE FOR THE USE OF THE PORTED NUMBER**

#### Article 16

##### **Re-billing of the Fee for the Use of the Ported Number**

(1) The number-range holder is entitled to a fee for the rights based on the authorisation to use telephone numbers<sup>4)</sup>, which the number-range holder may charge for each telephone number that was operated in the given calendar year in a public telephone network other than the number-range holder's network, and is entitled to receive such fees from all operators that operated that telephone number in the given year.

(2) The procedure referred to in Point 1 is not considered as service provision.

## PART SIX

### **JOINT, TRANSITION AND CLOSING PROVISIONS**

#### Article 17

##### **Contractual Arrangements Concerning Mobile Number Porting**

(1) The undertakings that have the obligation to ensure telephone number portability in accordance with Section 34(1) of the Act must amend the general conditions under which they provide their services: the general conditions must be extended to include provisions regulating the number portability service in accordance with the Act and this Measure within four months after this Measure enters into force. In particular, the undertakings should define in the General conditions:

- a) the method of determination of a reasonable claim for settlement, without discouraging the subscribers from using the number porting service, in the event of premature termination of a fixed-term contract because of number porting;
- b) mode of free provision of information to the subscriber about the level of the claim referred to in clause a) above, if the subscriber so requests.

2) The undertakings that have the obligation to ensure telephone number portability in accordance with Section 34(1) of the Act must amend their mutual agreements on the interconnection of the public telephone networks they operate: the interconnection agreements must contain the essential conditions of number portability in compliance with the Act and with this Measure and must be so amended no later than in four months after this Measure enters into force.

#### Article 18

##### **Responsibility for the Use of the Ported Number**

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<sup>4)</sup> The Government Order No. 154/2005 Coll., on the determination of the amount of the fee for the use of radio frequencies and numbers, and the method of calculation thereof

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The telephone number operator is responsible, *vis-à-vis* the holder of the authorisation for using the given range of numbers, for any damage as may be caused by a breach of the obligations specified in the decision on authorisation to use the numbers or on any amendment to the authorisation. Such an operator is responsible for respecting the conditions of the use of the ported number, provided that they result from the Act or from any regulations to implement the Act.

#### Article 19

##### **The Use of the Ported Number**

The operator of the telephone number the use of which was terminated by the subscriber in the telephone number operator's network must return the number to the number-range holder's network within thirty days after the end of its use.

#### Article 20

##### **Transition Provisions**

Until the effective date of the Decree of the Ministry of Informatics, setting out the numbering plans, the numbers to which number portability is applied under Section 34 of the Act are determined on the basis of the Public Telephone Network Numbering Plan<sup>3)</sup>, and so are the other routing numbers 602, 603, 604, 605, 606, 607, 608, 72, 73, 77, intended for public mobile telephone network services.

#### Article 6

##### **Effect**

This Measure of General Nature shall come into force on 15 July 2005.

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### **Explanatory Memorandum**

To implement Section 34(4) of the Act, the Office issues Measure of General Nature No. OOP/10/07.2005-3 (the "Measure"), laying down the technical and organisational conditions for implementing telephone number portability and the principles for number portability billing between undertakings.

This Measure is based on the principles set out in the Act and in European legislation, including, but not limited to, Directive 2002/22/EC of the European Parliament and of the Council on universal service and users' rights relating to electronic communications networks and services (Universal Service Directive). This Measure was prepared with respect to the purpose of regulation in the electronic communications area as defined in Section 4 of the Act, including, but not limited to, creating conditions for proper functioning of economic competition and for the protection of users and other market participants.

Telephone number portability in public fixed telephone networks was implemented while the Act No. 151/2000 Coll., on telecommunications and on amendment to other Acts, as later amended,

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was still in effect; it was accordingly desirable in this area to maintain the continuity of the processes between the fixed operators. The Office proceeded in the same way, *mutatis mutandis*, in defining the processes for number portability in public mobile telephone networks.

The conditions for the implementation of number portability are defined in the Measure so as to guarantee for the users, as widely as possible, that they can change from one undertaking providing the telephone service to another without changing the telephone number, with no red tape delays. The equality of the competitors – undertakings that provide the telephone service – was respected in defining those conditions.

Article 1 of the Measure, based on the obligation set out in Section 34(4) of the Act, defines the requirements for co-operation among all the undertakings involved in ensuring number portability, seeking to bring about maximum benefit to the subscribers, including the requirement to respect the conditions of economic competition. In compliance with the wording of Section 34(1) of the Act, the provisions in Article 1 imply that this Measure does not apply to number portability from or to an undertaking that provides the publicly available telephone service over another undertaking's public telephone network.

Article 3 defines the characteristics of the service of the porting of numbers between operators. The implications of number porting for the agreement between the subscriber and the donor operator are specified in clause d). The principle of equality for each individual subscriber is maintained, irrespective of the type of agreement the subscriber signed with the undertaking providing the telephone service, including the users of prepaid cards. This means, among other things, that the number portability service must be available to all users with no difference. It should be pointed out in this context that although the agreement as such loses effect at the moment when the number is ported, the obligations that arose under the contract during its validity period will remain in effect.<sup>5</sup>

Article 4 specifies the rules for the functioning of the joint solution as the reference database of information about the numbers ported. Such a reference database is necessary in order that number portability can work reliably and the Office can carry out its inspecting activities. The provisions in points 1 and 2 do not exclude the possibility for the fixed and mobile operators to run a single joint solution for both fixed and mobile networks. To cater for such a case, Article 15(5) also regulates the principles of reimbursement for the costs of acquisition of such a type of joint solution.

Information on the ported numbers, contained in the above-mentioned databases, must be available to all operators, because such information is essential for traffic routing. In addition, this measure determines other types of information and functions that must be available to operators through the joint solution. The solution that ensures the portability of mobile numbers also ensures the functions of the ordering system. For this reason, registration of the number porting orders is also provided for in order to enable clear identification of every order. The requirement that data synchronisation must be provided in order to synchronise the operators' internal databases was included in the Measure as it may be necessary, among other things, to meet the potential need for making partial updates in the operators' internal databases.

To specify in detail the principles of routing the calls to ported numbers, Article 5 contains the requirement for direct routing of the traffic. Responsibility for ensuring correct routing in different operating situations is also defined in Article 5.

Further, on the basis of the provisions of Article 5, the operators enjoy contractual freedom as to their agreements on how make the operator IDs available to each other during the routing of calls to public telephone networks. For the routing of what is referred to as other traffic between public mobile networks, the Measure sets out the principle of sending the operator ID to each other in an agreed format.

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<sup>5</sup> Notice. With regard to court annulment of the Article 3 letter d) of this measure by the Supreme Administration Court Judgment Ref. Number 1 Ao 1/2005 from the 27 September 2005 the explanation of this paragraph is not applicable with the exception of the first sentence.

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The conditions that are essential for maintaining the integrity of the network are defined in Article 6. This includes the principle of rejection of a request for stopping further routing in the case of a different operator ID retrieved, as well as acceptance of the request for stopping further routing while the other traffic can be delivered later.

The ranges of telephone numbers that are portable between fixed operators are defined in Article 7 with reference to the valid public telephone networks numbering plan. For numbers that are excluded from portability such exclusion is based on the nature of the use of such numbers. This applies, in particular, to cases beyond the definition of the services or to situations where the porting is technically impossible.

The procedure used by fixed operators to ensure implementation of the subscriber's request for the porting of a fixed telephone number is described in Article 8. The principles of the already applied processes of ensuring telephone number portability between fixed operators are respected in the Measure.

Article 9 defines the ranges of telephone numbers that are portable between mobile operators with reference to the valid public telephone networks numbering plan. For numbers that are excluded from portability such exclusion is based on the nature of the use of such numbers. This applies, in particular, to cases beyond the definition of the services or to situations where the porting is technically impossible. The group of numbers that are not portable and are intended for system purposes within the public mobile telephone services also includes the identifying numbers for the provision of selected data services – the so-called “user ID”.

Further, as set out in the Measure, the numbers that have been activated in a number-range holder's network for direct connection to the operator's network may only be ported in entire ranges, and the same approach must be used when porting them back to the number-range holder's network: these are the cases of number blocks used for connecting private branch exchanges. However, provisions of Article 9 do not imply any restriction on telephone number portability within mobile networks – not even in the cases where supplemental services are provided through such numbers.

Article 10 defines the ways in which a subscriber can gain information about whether a given call is a call to a ported number and, thereby, information about how the subscriber can gain the possibility to assess that information in terms of the price of such a call. It is set out at the same time that the information must be provided to the subscriber free of charge. No such provision is contained in the Measure in respect of portability in fixed networks, as the levels of the prices of calls between fixed networks do not vary as widely as calls within mobile networks.

In Article 11 of the Measure, the process of number porting between mobile operators is described as commencing by the contact of the subscriber with the recipient mobile operator. Hence, both the person interested in number porting and the recipient operator can enjoy the possibility of controlling the process. Before the placing of a number porting order, the recipient operator should also inspect all the data available at the moment, in order to reduce errors in the orders.

The reasons why the donor operator may reject an order are enumerated in Article 11, and should be examined in the prescribed sequence. The objective is to enable the donor operator only to reject a number porting order for the defined reasons. For the subscriber's authorisation by the donor mobile operator, the procedure is clearly determined in Article 11(6) with a view to preventing any unreasonable obstruction to number porting. The required methods of communication for authorisation in the case of prepaid card users are also defined.

The Measure determines a deadline for the donor mobile operator to notify the result of verification of the order to the recipient operator and the subscriber, depending on the type of agreement with the subscriber. The deadline co-determines the maximum time for number porting and is defined so as not to slow down the process in simple cases and to enable the verification to be performed within the deadline in more complex cases.

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A rejected order is excluded from the joint solution. This principle is necessary for maintaining an optimum amount of data in the joint solution.

The principles of billing between the undertakings for services related to number portability are set out in Articles 12 to 15. Operators are free to negotiate the prices and to agree on the particular conditions (e.g. the dates, payments, modes of payment) in the interconnection agreements.

The billing principles are of general nature, based on the principles of technological neutrality, and are unified for the number portability services in the public fixed telephone network and public mobile telephone network. Once this Measure becomes effective, these principles will apply to both fixed and mobile operators. Pricing decision No. 01/PROP/2003, laying down the method of calculation of the price for interconnection of public telecommunication networks for the number portability service and the maximum price for interconnection public telecommunication networks for the number portability service, applies to fixed telephone operators in accordance with Section 142(2) until 30 April 2006 at the latest. The need for regulation by this pricing decision will be evaluated in analyses of relevant markets. The prices regulated by the pricing decision are set out as maximum prices, so that the individual fixed operators may negotiate lower prices or prices at the same level as indicated in the pricing decision.

The costs of the services that are related to the processing of the applicant's order for number porting, which are specified in Article 8 for number porting between fixed operators and in Article 11 for mobile operators, are reflected by the operator in the price for the porting of the telephone numbers between the donor operator and recipient operator.

The price for retrieving a ported number is only paid in the case of wrongly routed calls or calls routed without taking into account that the number was ported.

The price for services provided by the operator of the joint solution does not include depreciation of the assets acquired to ensure the joint solution. The investment costs to acquire such assets are paid in equal portions by the fixed operators for a joint solution that ensures number portability between fixed operators in accordance with article 4(1) and by mobile operators for a joint solution that ensures number portability between mobile operators in accordance with article 4(2) of the Measure. The provision of the number portability service is imposed on public telephone network operators by law and serves all subscribers, who thus gain the possibility to change from one public telephone service provider to another in a simple manner. The positive action of competition between operators, brought about in this way, benefits all subscribers.

It is laid down in Article 16 that the holder of the range of numbers allocated by the Office is entitled to a fee for the rights based on the authorisation to use telephone numbers that were ported to other operators. This Article confirms the principle that this only involves the re-billing of an administrative fee in the amount initially paid by the number-range holder.

It is laid down in Article 17 that the undertakings that have the obligation to ensure telephone number portability should amend their general conditions of service provision and their interconnection agreements within the prescribed period so that those conditions and agreements comply with the Act and with this Measure.

The requirement to amend the general conditions is followed, in Article 17(1), by the requirement to define the mode of determination of a reasonable claim for settlement in the case of premature termination of a fixed-term agreement and the mode of free provision of information to the subscriber who requests information about the level of the reasonable claim. For mobile operators, the amendment to the general conditions must also include a provision to stop the locking of the mobile telephone set if it is related to premature termination of the agreement with the donor operator.

Provisions concerning responsibility for damage caused by a breach of an obligation are among the essential parts of contractual relations with preventive effects. The rule set out in Article 18 is based on the general responsibility principles, used in business relations.

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The principle of returning an unused directory number to the number-range holder's network, as specified in Article 19, is based on the rules of the use of allocated numbers (those rules are set out in the Act and in the numbering plan) and is related, in particular, with the responsibility for the allocated number, which responsibility pertains to the holder of the authorisation to use the number.

The portability of national routing numbers for mobile network services is not defined at present by a valid numbering plan of the public telephone networks; this situation is addressed in Article 20 as part of the transition measures, where the defined numbers are subject to the number portability regime. This takes the form of a transition rule to be effective until the Ministry of Informatics issues a Decree based on Section 29(4) of the Act, determining the numbering plans.

In accordance with Section 124(2) of the Act, this Measure's entry into force is set at 15 July 2005 in order to avoid a situation in which the date required by the Act (six months after the effective date of the Measure) falls on the turn of the year, where the networks are exposed to excessive traffic. The date of 15 July 2005 affords sufficient scope for smooth commencement of the provision of the service on 15 January 2006.

On the basis of Section 130 of the Act and in accordance with the Czech Telecommunication Office's Rules for maintaining consultations with the affected parties at the discussion site, the Office published on 17 May 2005 at the discussion site its draft Measure No. OOP/10/XX.2005, laying down the technical and organisational conditions for implementing telephone number portability and the principles for number portability billing between undertakings, and an invitation for comments on the draft Measure. In accordance with the authorisation based on Section 130(6) of the Act and with respect to the imminent danger of delay (on the basis of Section 136(14) of the Act the Office must issue this Measure within two months after the effective date of the Act), the Office shortened the commenting period by setting a deadline for the comments at 3 June 2005.

During the public consultation period the Office received comments focused both on the general principles of this Measure and on its individual provisions. The comments focused on greater precision of the text were reflected in the final version of the Measure. Comments that required more detailed regulation of the number porting processes were accepted by the Office in those cases where the regulation for number portability within fixed telephone networks and mobile telephone networks remained at an adequate level of detail. Comments that required a substantial change of the conception of number porting processes were not accepted in those cases where they were in contradiction with the authorisation determined by the Act or were in contradiction with the principle of simple and prompt service provision.

Rules on how to proceed in the case of subscribers with a fixed-term agreement with the donor operator were included in the Measure. By this, the Office met the technical comments recommending that these provisions should be combined, as they regulate in the same way the portability of numbers in both fixed and mobile networks. The Office also added more precision to the definition of the numbers capable of porting on the basis of the comments.

The Measure does not reflect the comments that required number porting on the "one stop shopping" principle. The text of the Measure is in no contradiction with this requirement, as the applicant may authorise the recipient operator to represent him in compliance with the legal regulations in force. Also rejected was the proposal to define telephone number portability in fixed networks in the case of a change in the geographical location: the principle of number portability as described in Section 34 of the Act is portability in situations where the service provider changes, not where the service user's geographical location changes.

The comment settlement table, made public at the discussion site, contains the texts of all comments and the way they were settled.

Abbreviations generally known to the professional public are used in the Czech text of the Measure. These are:

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Abbreviation	English term	Czech term	Description, detailed explanation
ČR	Czech Republic	Česká republika	
DDI	Direct dial-in	Provolba	Type of ISDN supplemental service. The DDI service enables the calling subscriber to call directly (without an operator) the subscriber connected to a direct dial-in private branch exchange (PBX). This service is also applicable to analogue (non-ISDN) PBXs.
DN	Directory number	Účastnické číslo	
GSM	Global system for mobile communications	Globální systém pro mobilní komunikaci	
IDN	Individual directory number	Individuální telefonní číslo	
IMSI	International mobile subscriber identity	Mezinárodní identifikační číslo účastníka	
ISDN	Integrated service digital network	Integrované služby digitální sítě	
ISUP	ISDN User part	ISDN	
IVR	Interactive voice response	Hlasový konverzant	
LE	Local exchange	Místní ústředna	Telephone exchange (element of the public telephone network) to which subscribers are connected
MSISDN	Mobile station international ISDN	Účastnické číslo	
MMS	Multimedia messaging service	Multimediální přenos zpráv	
MSN	Multiple subscriber number	Vícenásobné účastnické číslo	Service allowing to use a multiple subscriber number on the basis of the ETSI ETS 300 050 Standard
PBX	Private branch exchange	Pobočková ústředna	The operator ID represents the information to be used for controlling the selection of routing for calls to non-ported numbers.
PCM	Pulse code modulation	Pulzně kódová modulace	
SIM	Subscriber identity module	Modul identity účastníka	
SMS	Short message service	Služba krátkých zpráv	

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