



# Český telekomunikační úřad

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On the basis of the results of public consultation under Section 130 of Act No. 127/2005 on electronic communications and on amendment to certain related acts (the Electronic Communications Act), as amended (the "Act") and on the basis of the decision of the Council of the Czech Telecommunication Office (the "Office") under Section 107(9)(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/10/10.2012-12,  
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 technical and organisational conditions for implementing number portability and the principles for price billing between the undertakings that have the obligation set out in Section 34(1) of the Act in connection with telephone number portability.

(2) The undertakings having the obligation set out in Section 34(1) of the Act shall co-operate in providing telephone number portability and shall avoid any action that might affect the process of porting a telephone number ("telephone 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) **telephone number portability** means the obligation to enable any subscriber to a publicly available electronic communications service, who so requests, to retain his telephone number(s) independent of the undertaking that provides the publicly available electronic communications service, which obligation is carried out through telephone number porting;
- b) **ported telephone number** means a telephone number in respect of which the publicly available electronic communications service provider is being changed;
- c) **donor service provider** means the undertaking – publicly available electronic communications service provider – that is to terminate the provision of the service in respect of the ported telephone number;

- d) **recipient service provider** means the undertaking – publicly available electronic communications service provider – that is to start the provision of the service in respect of the ported telephone number;
- e) **donor operator** means the undertaking providing the publicly available electronic communication network from which the telephone number is to be ported;
- f) **recipient operator** means the undertaking providing the publicly available electronic communication network to which the telephone number is to be ported;
- g) **ported number reference database** means a database system serving as a sole source of relevant information about ported telephone numbers, and available in a manner allowing for remote access;
- h) **order** means the number porting order, i.e., a uniquely identified predefined set of parameters and data, based on the information contained in the subscriber's service provider change request.

## PART TWO

### TECHNICAL CONDITIONS

#### Article 3

##### Ported Number Reference Database

(1) Operators shall maintain an up-to-date database of all telephone numbers that have been ported. This reference database of ported numbers shall be available in a non-discriminatory manner to all operators and the Office.

(2) The information available to operators and the Office via the ported number reference database includes, without being limited to:

- a) an overview of all ported telephone numbers with indication of the identification number of the recipient operator's network, identification number of the donor operator's network, and the date and time of telephone number porting;
- b) data listing allowing operators to synchronise their internal databases;
- c) other additional information, if any, about the ported telephone numbers on which the operators may agree.

#### Article 4

##### Principles of Routing

(1) Each operator shall route calls and/or other traffic (e.g. SMS, MMS) directly, or by transit through an agreed operator's public communication network, to the public communication network in which the telephone number is currently being operated.

(2) Responsibility for routing calls and other traffic to the ported telephone number shall be on the operator in whose network the call and other traffic originated. For calls with the carrier selection or pre-selection code, the responsibility for proper routing shall be borne by the undertaking providing the publicly available telephone service through carrier selection or pre-selection.

(3) For incoming international calls and other traffic to a ported telephone number, the routing shall be provided by the operator operating the incoming international exchange to which such calls and other traffic have been delivered.

(4) In network interconnection agreements, operators shall agree on measures to prevent cyclic routing of calls to the ported telephone number.

PART THREE  
**ORGANISATIONAL CONDITIONS**

Article 5

**Telephone Number Porting**

(1) To start the telephone number porting process, the subscriber shall deliver a service provider change request to the recipient service provider.

(2) The recipient service provider shall inform the subscriber about the telephone number porting conditions, including, but not limited to:

- a) the requirement to perform a legal act aimed at terminating the provision of the publicly available electronic communications service at the number being ported with the donor service provider;
- b) the number porting price and time terms, including the actual date and time of the porting of the telephone number;
- c) the reasons, if applicable, why the telephone number porting is rejected;
- d) the time limits of the interruption of the provision of the publicly available electronic communications services, including the accessibility of emergency telephone numbers.

(3) The recipient service provider shall notify the subscriber about the identification of the order and agree with the subscriber on the date of commencement of the provision of the publicly available electronic communications service at the subscriber's ported telephone number.

(4) The process of telephone number porting, including its activation in the recipient operator's network, shall be completed within the period of four business days, starting on the first business day following the date on which the subscriber's service provider change request is submitted to the recipient service provider, unless the subscriber and the recipient service provider agree on a later porting date.

(5) Telephone number porting shall be contingent on terminating the provision of the publicly available electronic communications service at the telephone number being ported, based on a legal act aimed at terminating in a proper manner the provision of the publicly available electronic communications service at the number being ported. Should this legal act fail to be completed by the end of the business day that follows the date on which the subscriber's service provider change request is submitted to the recipient service provider, the period referred to in Paragraph 4 above shall be deemed not to have started to run.

(6) Should the subscriber's service provider change request fail to be delivered to the recipient service provider by the fourth business day prior to the date of termination of the provision of the publicly available electronic communications service at the telephone number being ported, it will be impossible to guarantee uninterrupted provision of the publicly available electronic communications service at the telephone number concerned.

(7) The recipient service provider, donor service provider, recipient operator and donor operator shall cooperate in the number porting process so as to ensure demonstrable compliance with the organisational conditions for telephone number porting as set out herein.

(8) The recipient service provider shall be responsible, vis-à-vis the subscriber, for the telephone number porting, including the provision of information in a proper and complete manner.

(9) The undertakings referred to in Paragraph 7 above shall reject a service provider change request or an order in the event that:

- a) the conditions set out in Paragraph 5 above are not met, unless agreed otherwise;
- b) the telephone number is already contained in another order;
- c) there are technical obstacles preventing the porting of the telephone number;
- d) the portability obligation based on a special Decree <sup>1)</sup> does not apply to the telephone number.

(10) The recipient operator shall deliver the telephone number porting date information to the ported number reference database one business day prior to the number porting date and shall cooperate with the donor operator to ensure that the telephone number is ported. Once this information is delivered to the ported number reference database, it is no longer possible to request that the telephone number porting process be stopped. The subscriber's telephone number shall be activated in the recipient operator's network within one business day after the delivery of the information to the ported number reference database. The provision of the publicly available electronic communications service on the porting date shall not be interrupted for a period longer than six hours.

#### Article 6

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

When publicly available electronic communications service provision is terminated at a telephone number that has been ported, the service provider in cooperation with the operator shall return this telephone number via the ported number reference database to the operator holding the authorisation to use the number or to the operator of the public communications network with whom the holder of the authorisation to use the number has at the moment an agreement on placing the telephone number concerned in the electronic communications network, and shall do so within thirty days of the date of termination of using the number.

#### Article 7

##### **Information Available to the Subscriber, Concerning the Ported Telephone Number in Public Mobile Communication Networks**

The provider of the publicly available electronic communications service provided through public mobile communications networks shall enable its subscribers to obtain sufficient free information about the ported telephone number in the public communications network to be able to learn the price of the calls. This shall be done at least in the following ways:

- a) in a manner allowing for remote access, such information being available on a continuous basis;
- b) by means of a short text message (SMS) sent to the subscriber as reply to his enquiry made through a short text message (SMS);
- c) by means of an automatically activated voice message made before completing the connection to the called line. Voice message shall be provided in the public mobile communications networks in the case of calls to a telephone number ported from the originating network to another network. Voice message shall be made in the Czech language and possibly also in another language and its total length shall not be more than six seconds. At the end of the voice message, the subscriber must be given at least one second for stopping the call, if he so wishes, before the call billing starts. Voice messaging shall be easy to switch off if the subscriber so wishes. This mode of the provision of information to the subscriber does not need to be used if calling to the ported number does not involve an increase in the price.

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<sup>1)</sup> Section 27a (5) of Decree No. 117/2007 on electronic communications networks and services numbering plans, as amended.

PART FOUR  
**PRINCIPLES FOR BILLING THE PRICE**

Article 8

**Price for Number Porting**

(1) The price for telephone number porting shall be paid for the procedures performed in accordance with Article 5 above and may be agreed separately for the porting of a single telephone number or collectively for the porting of more than one telephone number. The price for telephone number porting shall be paid by the recipient operator to the donor operator, once a telephone number is successfully ported.

(2) Where the recipient service provider is not at the same time the recipient operator, the telephone number porting price shall be paid by the recipient service provider through the recipient operator.

Article 9

**Price for the Retrieval of Data for Correct Call Routing to the Ported Telephone Number**

(1) An operator that has retrieved relevant data on a ported telephone number for proper routing of a call – in the case that another operator wrongly routed a call and other traffic to such an operator's public communications network, although the call and other traffic had to be routed to or terminated in another public communications network, or failed, when delivering the call and other traffic, to indicate correctly the identification number of the operator's network where the telephone number is currently being operated – shall be entitled to the payment of the price for any such retrieval of relevant data concerning the ported telephone number.

(2) The operator that has retrieved relevant data on a ported telephone number as referred to in Paragraph 1 above shall be entitled to being paid the price for the transit of such a call and other traffic in its public communications network and to being reimbursed for the price for the termination of such a call and other traffic which such an operator has paid to the operator, in whose public communications network the telephone number is currently being operated.

(3) The price referred to in Paragraphs 1 and 2 above shall be paid by the operator responsible for the wrong routing of a call and other traffic.

Article 10

The prices referred to in Paragraphs 8 and 9 above and the method of payment thereof shall be agreed by the operators in their network interconnection agreements.

Article 11

**Re-invoicing the Fee for the Use of the Ported Telephone Number**

(1) The holder of the authorisation to use the number shall be entitled to a fee for each ported telephone number that has been used in the given calendar year by other publicly available electronic communications service providers. Unless otherwise agreed between the parties, the holder of the authorisation to use the number shall be entitled to a fee for the rights to use the telephone number in a proportionate amount from each publicly available electronic communications service provider for each ported telephone number.

(2) The procedure described in Paragraph 1 above shall not be regarded as service provision.

## PART FIVE

### JOINT, TRANSITIONAL AND CLOSING PROVISIONS

#### Article 12

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

(1) Undertakings having the obligation to ensure telephone number portability in accordance with Section 34(1) of the Act shall enter into agreements with each other, and such agreements shall contain the conditions necessary for ensuring telephone number portability in accordance with the Act and with this Measure.

(2) The contractual conditions underlying the services provided by undertakings having the obligation to ensure telephone number portability in accordance with Section 34(1) of the Act shall include, without being limited to, all the telephone number portability conditions set out in Section 63 of the Act and the method of free provision of information to the subscriber about the level of the entitlement to settlement in the event of premature termination of a contract because of telephone number porting, provided that this is contractually agreed and the subscriber requests such information.

#### Article 13

##### **Transitional Provisions**

Any telephone number porting process commenced and not completed before the effective date of this Measure of General Nature shall be completed in accordance with the previous Measure of General Nature.

#### Article 14

##### **Repealing Provision**

Measure of General Nature No. OOP/10/07.2005-3 of 27 June 2005, made public in Issue 7/2005 of Telekomunikační věstník [Telecommunications Bulletin], is hereby repealed.

#### Article 15

##### **Effect**

This Measure of General Nature shall enter into effect on 1 September 2013.

##### **Explanatory Memorandum:**

To implement Section 34(4) of the Act, the Office issues a Measure amending Measure of General Nature No. OOP/10/07.2005-3, which has so far been in force and effect, laying down the technical and organisational conditions for implementing telephone number portability and the principles for telephone number portability billing between undertakings, as amended.

On 1 January 2012, an amendment to Act No. 468/2011 came into effect, transposing the revised version of the European regulatory framework for electronic communications networks and services into the Czech legal system. The transposed regulatory framework includes Directive 2009/136/EC of the European Parliament and of the Council of 25 November 2009 amending Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services, Directive 2002/58/EC concerning the processing of personal data and the protection of privacy in the electronic communications sector and Regulation (EC) No. 2006/2004 on cooperation between national authorities responsible for the enforcement of consumer protection rights; and Directive

2009/140/EC of the European Parliament and of the Council of 25 November 2009 amending Directives 2002/21/EC on a common regulatory framework for electronic communications networks and services, 2002/19/EC on access to, and interconnection of, electronic communications networks and associated facilities, and 2002/20/EC on the authorisation of electronic communications networks and services. The amended Act also implements the new terminology used in the Directives, which also has to be reflected in the associated legal provisions, including this Measure of General Nature, for the issuance of which the Office is authorised by Section 34(4) of the Act.

This Measure has been prepared with respect to the purpose of regulation in the electronic communications sector as defined in Section 4 of the Act, including, but not limited to, the provision of conditions for proper functioning of competition and for the protection of users and other market actors.

With respect to Section 34 of the Act and in compliance with the requirements of Article 30 of Directive 2002/22/EC of the European Parliament and of the Council, as amended by Directive 2009/136/EC, and with the development of communications networks and publicly available electronic communications services, this Measure respects the principle of minimum regulatory interventions in business activities in the liberalised electronic communications market.

The formulation of the organisational conditions for telephone number porting was based on the practical experience gathered so far. The findings obtained indicate that number porting has become routine for businesses and therefore the Measure has been simplified. The Measure does not distinguish between the porting processes in public fixed communication networks and public mobile communication networks. The text of the Measure is substantially simplified, compared to the existing version, the reason being that certain number porting activities are the same, regardless of whether carried out in the public fixed communications networks or public mobile communications networks. The newly set deadlines and more precisely determined conditions for telephone number porting do not represent an intervention in the standard telephone number porting processes currently used by undertakings in their business practice. However, beyond current practice, the text of the Measure ensures the possibility for the subscriber to request number porting during the entire period of the contractual relationship or until the termination of service provision, i.e., for example, during the notice period, if applicable. It is also assumed, with respect to actual number porting experience, that undertakings are able to set the internal processes in their system so as to provide conditions for proper functioning of telephone number portability in their networks, doing so in favour of subscribers. The setting of the details of all processes necessary for implementation is a form of self-regulation, which is desirable in this case under the generally defined principles based on the Measure. The Office will take the agreements, as set up, into account within the scope of its powers in the same way as previously.

The text of the Measure reflects the current situation and describes only the essential technical and organisational conditions. Undertakings will thus be able to sufficiently optimise their activities to ensure that subscribers can retain their right, in accordance with Section 34 of the Act, to keep their telephone number when switching to another service provider. This right has to be implemented in the shortest possible time. The text of the Measure complies with the European Commission's intention to achieve a maximum satisfaction of subscribers to publicly available electronic communications services.

The Measure applies to all undertakings in accordance with Section 34(1) of the Act.

Article 1 of the Measure, based on the authorisation set out in Section 34(4) of the Act, defines the requirements for co-operation among all the undertakings involved in ensuring telephone number portability, aiming at bringing about maximum benefit to the subscribers, including the requirement to respect the conditions of fair competition.

Article 2 defines the basic concepts used for the purposes of this Measure. Indication of the basic concepts is essential for ensuring the transparency and clarity of the Measure.

The functioning of the ported number reference database as a reference source of information on ported telephone numbers is determined in Article 3. The porting of telephone numbers using the ported number reference database is a result of agreements between the operators providing the public communication networks. The technicalities of building the database are left on how the participants of the process agree. Article 3 also defines the range of information that must be available to operators to be able to ensure a smooth process of number porting with respect to their technical capabilities. The additional information, based on Article 3(2)(c) of the Measure, to be used as the operators may mutually agree, is intended for the same purposes. This is without prejudice to the current method of using the additional information, contained in the reference database and describing the links, if any, existing between the telephone numbers to be ported and enabling these numbers to be ported jointly. There is no limit on the operators' freedom to choose the method of building the database and to choose the software. Article 3 does not contain any closer specification of the complete list of such additional information, because the list may change. Changes may be due, in particular, to technological development in the electronic communications market. The list may also include the data necessary for informing the subscribers as indicated in Article 7 of the Measure, especially where it may help ensure that the subscriber is better informed.

The ported number reference database serves all operators and the information contained therein must be available to all of them in a non-discriminatory manner in order to ensure telephone number portability under Section 34 of the Act and must likewise be available to the Office for its supervisory work.

Article 4 determines the principles of the routing of calls and other traffic to ported telephone numbers: it lays down the requirement for direct routing to the network of the operator to whose network the number has been ported. Where a call or other traffic is routed via another agreed (transit) operator's network, the price billing principles specified in Part Four of this Measure are applied. Article 4 also defines the responsibility for correct routing in different traffic situations. Determination of these principles is essential for ensuring transparent relationships between operators in order to avoid problems associated, in particular, with forced transits during the routing process.

Article 5 significantly reduces the time limit for telephone number porting in order to make it easier to switch to another provider of publicly available electronic communications services and, thereby, to support competition in the electronic communications market. This Measure sets the telephone number porting deadline at four business days. The period commences on the first business day following the date when the subscriber's service provider change request is delivered to the recipient service provider. The necessary steps to be taken by the undertakings during the process must be completed within three business days and the telephone number is then ported and activated on the fourth business day. Taking into account the current level of technological progress and the possibility of using the available means of communication between the undertakings and the subscribers, this telephone number porting deadline is feasible. The four-day deadline implies, at the same time, the latest possible date for presenting a service provider change request prior to the termination of the provision of publicly available electronic communications service by the donor service provider. The telephone number porting process should take place in the period of four business days without interrupting the provision of the publicly available electronic communications service.

The idea behind the formulation of Article 5 is that the subscriber should be able to enjoy his full rights based on Section 34 of the Act, including the right to keep his telephone number, for which he submits a service provider change request to the recipient service provider. The porting of the telephone number is contingent on the termination of the provision of the publicly available electronic communications service at the number being ported, the termination taking the form of a legal act aimed at properly terminating the provision of the publicly available electronic communications service at the number being ported.

The proposed Measure is not to the prejudice of the possibility to give notice for reasons of telephone number porting (as a specific reason for notice) and, in addition, it ensures that operators do not hinder number porting when a notice has been given while the contractual

relationship is still in effect (the notice period). Article 5 does not prevent service providers from making any adjustments, based on the already accepted rules, in the service provider change processes, as set out in their contractual terms and conditions, provided that the adjustment does not hinder subscribers from full enjoyment of their rights. For undertakings, the contractual terms and conditions are a very effective tool to ensure that subscribers are sufficiently informed about the need to cooperate in the process of providing portability.

The legal act aimed at terminating the provision of the publicly available electronic communications service is, as a rule, the notice of termination of the contractual relationship. An agreement on termination of the contractual relationship may also be used. A service provider change request can only be used when there is an effective contractual relationship in place between the donor service provider and the subscriber, i.e., while service is provided at the telephone number concerned (e.g., during the notice period), this being contingent on compliance with the deadlines set out in Article 5.

As distinct from the rules currently in force, the Measure does not define in detail the process of checking the subscriber's authorisation to handle the telephone number, or to request the porting thereof, especially with respect to the possible variability of how the porting processes are set up by each provider. Due to the existing differences in the methods of providing telephone number portability by the individual service providers, it is impossible through a regulation to order that all providers should use one common process. For small or newcomer operators this would be difficult to achieve, i.e., such an approach would be discriminatory. The Measure does not prevent the undertakings from implementing an agreed method of checking the subscriber's authorisation to handle the telephone number. If an identifier is used for such checking, the provisions of general authorisation No. VO-S/1/07.2005-9, as amended by general authorisation No. VO-S/1/01.2012-2, must be respected. Subscribers must be notified of the purpose of such an identifier.

Article 5 also lays down the general organisational conditions for telephone number porting. No distinction is made in this context regardless of whether the telephone number is being ported between public fixed communication networks or between public mobile communication networks. Article 5 only lays down the essential deadlines for the undertakings concerned, allowing them to predefine the partial steps in an optimum manner without unnecessary regulatory interventions so as to ensure that the telephone number porting deadline is not missed.

Article 5 lays down in its Paragraph 4 the deadline of four business days for telephone number porting between providers, unless otherwise agreed with the subscriber. The period commences on the business day that follows the receipt of the subscriber's request. The subscriber thus has an entire day for submitting the number porting request. Telephone number porting is contingent on the termination of the provision of publicly available electronic communications service by the donor service provider. Another general condition to be met by the subscriber is that he must make the legal step necessary for proper termination of service provision. For cases of failure to take this step in advance of, or simultaneously with the request, the Measure allows a one-day grace period to do so. Should the subscriber fail to take such a step towards termination of service provision within this grace period, the telephone number porting deadline will not be applied and the total period must start to run again from the beginning, once the relevant step is taken.

The Article also indicates the specific reasons for rejecting a number porting order or a service provider change request. It is in the interest of all the involved undertakings to store the relevant data on the telephone number porting process for the statutory period and to cooperate in order to be able to address any claims based on Section 64 of the Act, particularly where the number porting was done wrongly or was not done at all. As a new feature in the Measure, the recipient service provider is responsible to the subscriber for the number porting and for properly informing the subscriber, thus ensuring a better consumer protection.

The delivery of the information on the telephone number porting date to the ported number reference database one day before the porting date is included in the over-all telephone number porting deadline. The subscriber's telephone number must be activated in the recipient operator's network within one business day following the delivery of this

information to the ported number reference database, thus meeting the telephone number porting conditions under Article 30(4) of Directive 2002/22/EC of the European Parliament and of the Council, as amended by Directive 2009/136/EC.

Article 5 also stipulates that the time for which provision of the publicly available electronic communications service is interrupted on the telephone number porting day must not exceed six hours. This limit is based on Section 34(5) of the Act, transposing Article 30 of Directive 2002/22/EC of the European Parliament and of the Council, as amended by Directive 2009/136/EC, but the time limit set out in Article 5 of the Measure is much shorter than the maximum time range set out in the Act. (According to Section 34 (5) of the Act, the time for which the publicly available electronic communications service is not provided at the number being ported during the telephone number porting process must not exceed one business day). By this provision, the Office prescribed a uniform maximum time for which the provision of the publicly available electronic communications service may be interrupted: six hours across all types of networks. In accordance with this Measure, interruption of the voice service is counted towards the time of interruption of publicly available telephone service.

Article 6 sets out the principle of returning an unused ported telephone number to the operator authorised to use the number or to the public communication network operator with which the holder of the authorisation to use the number has a valid agreement at the given moment. The purpose is, in particular, to ensure that telephone numbers are used in an expedient manner and to enhance the responsibility of the holder of the authorisation to use the number for the telephone number allocated to him.

The possible ways in which subscribers can gain sufficient information about the price of calls in public mobile communication networks are described in Article 7. It is stipulated at the same time that this information must be provided to the subscriber free of charge. For calls in public fixed communication networks there is no such provision in the Measure, because the prices of calls between public fixed telephone networks do not vary as widely as in public mobile communication networks. The reason behind this approach is, in particular, the effort to ensure maximum consumer information and protection: the subscriber should be able to check his expenses related to calls, as required by the EU regulatory framework.

Part Four describes the general principles of billing the price, based on the assumption of technological neutrality. These principles apply uniformly to telephone number portability in public fixed communications networks and public mobile communications networks. The obligation stipulated in Article 30(2) of Directive 2002/22/EC of the European Parliament and of the Council, as amended by Directive 2009/136/EC (requiring that cost-oriented prices be charged between operators or service providers in relation to the provision of telephone number portability and that subscribers should not be discouraged by direct imposition of a fee from changing their service providers) is transposed into Section 55 of the Act. With respect to this, the Measure does not lay down the principle of the cost orientation of prices, because this principle is implied by law.

Article 8 describes the method of payment of the price for telephone number porting between the donor operator and recipient operator. To meet the obligation of the cost orientation of prices, the donor operator should include in the telephone number porting price the costs of the steps and actions taken in accordance with Article 5. Where the recipient service provider is not simultaneously the recipient operator, the price for telephone number porting must be paid by the recipient service provider. A subscriber who decided to use telephone number porting did so in response to the recipient service provider's offer, and not in response to the recipient operator's offer. For this reason, the telephone number porting costs for which the donor operator must be compensated must be paid by the recipient service provider rather than the recipient operator.

Article 9 describes who is entitled to reimbursement for the price for retrieving relevant data in the ported number reference database to ensure correct routing of calls and other traffic to the ported telephone number, such reimbursement being paid only for wrongly routed calls and other traffic regardless of the fact that the number has been ported.

Article 10 indicates that operators and service providers are free to agree on prices and on specific conditions (e.g., the payment due dates, payment methods) in their interconnection agreements.

Article 11 stipulates that the holder of the authorisation to use the number is entitled to collect a fee for the right to use the number from each publicly available electronic communications service provider that uses the number. This Article only confirms the Nature of the principle of re-invoicing the fee in the amount in which it was paid by the holder of the authorisation to use the number. In addition, however, this Article also covers situations where a ported telephone number is operated in the initial operator's network but by a different service provider. It is also in this case that the Measure lays down the authorisation holder's entitlement.

Article 12 stipulates that all undertakings having the obligation to provide telephone number portability should indicate in their mutual agreements the conditions necessary for providing telephone number portability, and should publish the information required by Section 63(1)(o) of the Act in their contractual conditions in respect of the services they provide. This applies to the network interconnection agreements as well as agreements concluded between service providers and operators. The provisions of this Article are intended to contribute to the protection of subscribers' interests and to securing their right to telephone number porting. The implementation of this Measure can take no form other than reflecting its content in the wholesale and retail agreements between the entities involved in a manner that ensures the demonstrability, enforceability and transparency of compliance with the conditions specified in the Measure.

Article 13 describes how to perform the telephone number porting processes commenced before the effective date of this Measure of General Nature.

In accordance with Section 124 of the Act, this Measure will come into effect on 1 September 2013, which implies that there is a nine-month period available for implementation. When determining the effective date of this Measure, the Office took into account the fact that undertakings had already gathered sufficient experience with the telephone number porting process from previous implementations in public fixed and mobile communications networks. The Office also took into account the time schedules of the implementation of the changes, as submitted by the individual service providers, that are necessary for adjusting the providers' individual CRM systems and, in particular, for adjusting the ported number reference database. With respect to the fact that the proposed Measure requires modifications and concurrence of existing systems, the proposed deadline for adjustments in the operators' and service providers' systems is considered sufficient.

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On the basis of Section 130 of the Act and in accordance with the Czech Telecommunication Office's Rules for maintaining consultations at the discussion site, the Office published on 12 September 2012 at the discussion site its draft Measure of General Nature No. OOP/10/XX.2012-Y, laying down the technical and organisational conditions for implementing telephone number portability and the principles for telephone number portability billing between undertakings, and an invitation for comments on the draft Measure. Comments on the draft Measure of General Nature could be submitted within one month of the date of issue of the invitation or comments, i.e. by 12 October 2012. The period was determined in accordance with the authorisation based on Section 130(6) of the Act.

During the consultation period the Office received comments from six stakeholders. One of them, T-Mobile Czech Republic a. s. (hereinafter referred to as "T-Mobile"), identified itself with the comments of the Association of Mobile Network Operators (hereinafter referred to as "APMS"). In their comments, T-Mobile, Telefónica Czech Republic, a. s. (hereinafter referred to as "Telefónica") and Vodafone Czech Republic a.s. (hereinafter referred to as "Vodafone") proposed detailed descriptions of the processes of the changes to be made in the internal systems, including the implementation dates. On the whole, the Office received thirty separate comments on the draft Measure.

During the public consultation, the Office received comments responding to the individual provisions of the proposed draft Measure. The comments proposing more precise formulations were accepted and the Office reflected them in the final text of the Measure.

Commenting on Article 2(b) of the draft Measure, the APMS required that the provider authorised to use the number should also be indicated.

The Office partly accepted this comment and amended the definition of the ported telephone number to ensure that it only applies to the currently ported numbers.

APMS also commented on Article 2(h) of the draft Measure, requiring that the word “data” be added.

The Office accepted the comment and added the word.

Another comment, submitted by the APMS, related to Article 3(2) of the draft Measure and required to add another clause concerning the information for securing the obligations resulting from Article 7.

The Office considered the comment but did not accept it, because the Measure is a general document and the proposed amendment would go far into detail. For example, the draft does not refer to the issues related to the possibility of porting parts of certain interrelated series of numbers under certain conditions. On the basis of the findings from a workshop, the Office generalised the initially proposed text so as to ensure that undertakings can agree on any extension of the enumeration of information.

Another APMS comment, concerning Article 5 of the draft Measure, proposed to add a new Paragraph 2, laying down an obligation for the subscriber to hand over the authorisation code.

The Office considered the comment but did not accept it. A Measure of General Nature cannot impose any obligations on subscribers. The purpose of the Measure is to set up a simple process of implementing telephone number portability wherein all the necessary steps can be performed by the recipient service provider in cooperation with the donor provider. The Measure does not hinder undertakings from introducing an authorisation code among themselves within the processes in place. However, General Authorisation No. VO-S/1/07.2007-9, as amended, must also be complied with when such processes are being set. Requirements for using these identifiers in certain processes, including telephone number porting, are then included in the description of the process vis-à-vis subscribers within the scope of the contractual terms and conditions.

APMS’ comment on Article 5(2) of the draft Measure proposed to add the telephone number porting date as a new clause under the Paragraph.

The Office did not accept this comment, because such an amendment is already contained in Article 5(2)(b) of the draft Measure .

Another APMS comment on Article 5(3) of the draft Measure required that the authorisation code be handed over between the operators.

The Office considered the comment but did not accept it, because the proposed amendment describes a specific procedure of implementing the process between operators. Any specific procedure must be agreed between operators and electronic communications service providers in order to ensure that the procedures are determined in an optimum manner, with respect to relevant experience and current procedures. It should also be mentioned that the amendment would point out only one of the partial steps, which are all essential for the entire process of telephone number porting. In addition, as a rule, automated systems allowing to work with authorisation codes are not available to all service providers.

Another APMS comment, relating to Article 5(4) of the draft Measure, proposed to substitute the words “on a later porting date” for the word “otherwise”.

The Office accepted this comment and amended the text to reflect the comment.

APMS’ comment on Article 5(5) of the draft Measure proposed to substitute the words “on the date” for the words “by the end of the business day that follows the date”.

The Office considered the comment but did not accept it, because its acceptance would reduce the time available to the subscriber for taking the legal steps towards terminating the provision of the publicly available electronic communications service at the telephone number being ported.

A comment on Article 5(5) was also submitted by ICT Unie, requiring to add the words “number being ported, which shall include as its part the identification of the order in accordance with Paragraph 3 above”, the purpose being to ensure that the number porting order is interconnected with the termination of the provision of the service.

The Office considered the comment but did not accept it because the subscriber may not have decided yet to apply for number porting at the time of giving notice to terminate the provision of publicly available electronic communications service. The proposed amendment would hinder the subscriber from requesting telephone number porting during the notice period while the contractual relationship is still in effect.

In its comment on Article 5(6) of the draft Measure, the APMS proposed to shorten the deadline for the subscriber to submit his request from five business days to four and also to exclude the maximum time of interruption of service provision as required by the Act.

The Office considered and partly accepted the comment. The proposed change of the deadline was accepted but the part of the comment requiring to exclude the maximum time of interruption of service provision was not accepted because the Measure cannot directly exclude the application of a valid provision of law.

In another comment concerning Article 5, APMS proposed to add a new paragraph, requiring that orders be confirmed between providers.

The Office considered the comment but did not accept it, because the proposed amendment describes a specific implementation procedure in a general Measure. The entities involved in the process are not hindered by the draft Measure from agreeing on setting up their other steps and deadlines (not specified in the draft Measure) necessary to provide portability within the periods laid down in the draft Measure. The reverse is in fact the case: the draft Measure expects such steps and deadlines to be so set up and assures those concerned that they are free to choose how to set the processes. In addition, it is clear from the times and deadlines in place that the recipient service provider and donor service provider must agree on the time limits for the steps that are essential, e.g., for checking.

In its comment on Article 5(9) of the draft Measure, the APMS proposed to modify and extend the conditions under which an order or request can be rejected.

The Office considered the comment and accepted the proposed insertion of the words “a service provider change request or” in the introductory sentence. It did not accept the proposed new clause “b) an invalid authorisation code is given in the order” because the comments concerning authorisation codes had not been accepted. Further, the Office did not accept the addition of a clause “e) the donor provider registers the number as stolen”, because this can be included among the technical obstacles preventing the porting of the telephone number. A stolen number should be out of use from the moment of being reported by the subscriber as stolen up to the issuance of a new SIM card. Service blocking at the given number is deemed to be a technical obstacle that hinders portability.

In its comment on Article 5(10) of the draft Measure, the APMS proposed to indicate the specific hour at which the information should be delivered to the ported number reference database and to delete the three hours determined for the interruption of the provision of the service on the porting date, due to its being beyond the scope of law.

The Office considered the comment but did not accept it, because it is not the purpose of the draft Measure to prescribe a specific hour for doing work within the business day. It is for the undertakings to agree on how to ensure that these activities are done. The Office unified the time (at six hours) of interruption of the publicly available electronic communications service on the basis of current practice for both types of networks.

In another comment on Article 5 of the draft Measure, the APMS required to delete the words “unless otherwise agreed”.

The Office accepted this comment.

APMS' comment on Article 6 of the draft Measure contained the request to add the word "provider", because the obligation also applies to service providers.

The Office accepted this comment and added the words "service provider in cooperation with the operator" to the text.

In its comment on Article 7(c), the APMS proposed to delete the words "in the case of calls to a telephone number ported from the originating network to another network".

The Office considered the comment but did not accept it due to the non-acceptance of the literal wording of the proposal to amend the definition of ported telephone number.

GTS Czech s.r.o., ICT unie and APMS proposed to leave out a part of the text of Article 9(2) of the draft Measure.

The Office accepted this comment.

According to APMS' comment on Article 10 of the draft Measure, the words "The costs of providing the ported number reference database under Article 3 above shall be borne by all cooperating entities jointly and severally" should be added to the text.

The Office did not accept this comment, because the authorisation to issue Measures allows the Office to determine, among other things, the principles under which the prices related to number portability should be billed between undertakings and not between an undertaking and a third party.

The APMS' comment on Article 11 of the draft Measure proposed to leave out a part of the text.

The Office accepted this comment and left out the part of the text.

In its comment on Article 12(1) of the draft Measure, the APMS proposed to lay down the obligation to publish a reference offer to ensure the portability of the telephone number.

The Office did not accept this comment because such an obligation would be beyond the scope of law. However, undertakings are free to publish reference offers to ensure telephone number portability.

ICT unie, APMS, Vodafone and Telefónica raised comments on Article 15 of the draft Measure. They claimed that the implementation period was too short and requested its extension to twelve months.

The Office considered the comment and accepted the request in part by extending the implementation period to nine months. The date of entry into effect was set at 1 September 2013. The Office took into account the submitted time schedules of the possible implementation proposals to be made by the suppliers of IT solutions for telephone number portability with each of the commenting respondents. In particular, the current number portability situation in the mobile networks was taken into consideration.

GTS Czech s.r.o. and ICT unie also commented on Article 15 of the draft Measure. The comments referred to an earlier effective date of Article 9 of the draft Measure.

The Office considered the comment but did not accept it, because the provisions of the Measure are interconnected and therefore the Measure must be taken into account as a whole. It is not reasonable to admit that any specific provision may enter into effect later or sooner than the rest of the Measure.

The APMS also raised comments on the explanatory memorandum of the draft Measure and required to extend the part of the explanatory memorandum concerning, in particular, the effective dates and process periods, in order to cover the changes made to the part of the draft Measure containing the Measure ruling.

The Office considered the comment but did not accept it because the effective date of this Measure was determined with respect to the fact that undertakings gained experience with the process of telephone number porting during previous implementations in both fixed and mobile communication networks and that the processes have been set up in a standard

manner, using the ported number reference database. Other operators are also informed about the completed number portings in a standard manner.

In its last comment, the APMS proposed to amend the explanatory memorandum where it refers to Article 3 of the draft and that a telephone number can be ported via one database or a number of parallel databases.

The Office accepted this comment and complemented the explanation of Article 3 of the draft Measure.

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

Comments on the draft Measure were also raised by the Ministry of Industry and Trade of the Czech Republic. The comments were related to the following areas: availability of the reference database to the Fire Rescue Corps of the Czech Republic, commencement of the porting period, delivery of the subscriber's request, authorisation of the order, minimum time for call interruption after the end of message, duplication of the provisions of the Act and the provisions of the draft Measure, and compliance between the Measure ruling and the explanatory memorandum as to the date of entry into effect.

In negotiations with representatives of the Ministry of Industry and Trade, the Office explained these comments, accepted some of them and incorporated them in the text of the draft Measure.

For the Council of the  
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