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## ADMINISTRATIVE BOARD

### DECISION

Chisinau mun.

of 01.12.2011

No. 34

#### REGISTERED

With the Ministry of Justice  
of the Republic of Moldova  
no. \_\_\_ of \_\_\_\_\_ 2012

Minister \_\_\_\_\_ Oleg EFRIM

### Approving Regulations on Number Portability

Based on Art. 9 (1) a), u), Art.10 a), Art. 63, 65 of the Law on Electronic Communications, no.241-XVI of 15.11.2007 (Official Gazette of the Republic of Moldova, 2008, no.51-54, Art.155) and according to section 15 b) of the Regulations of the National Regulatory Agency for Electronic Communications and Information Technology, approved by Government Decree no.905 of 28.07.2008, (Official Gazette of the Republic of Moldova, 2008, no.143-144, art.917);

For the purpose of ensuring the realization of the program for number Portability Implementation in the Republic of Moldova in 2012-2013, approved by order of the Ministry of Information Technologies and Communications no. 52 of 30.06.2011 (Official Gazette, 2011, no.118-121, Art.918) and creating an accessible mechanism to be easily and faultlessly used both by end users and providers of public telephone networks and/or services, when users switch providers without changing the telephone number;

In order to transpose Art. 30 and Annex I, part C of the Directive of the European Parliament and Council 2002/22 CE of March 7, 2002 on universal service and users' rights relating to electronic communications networks and services (Universal Service Directive), published on the Official Journal no. L 108/51 of 24.04.2002, the Administrative Board hereby,

#### DECIDES:

1. To approve the Regulations on Number Portability, according to Annex.
2. Providers of public telephone networks and service shall ensure, in their own networks, number portability under the terms established by the Agency.
3. This decision shall be published in the Official Gazette of the Republic of Moldova.

**Chairman of the Administrative Board**

**Sergiu SITNIC**

**Members of the Administrative Board**

**Ion POCHIN**

**Iurie URSU**

## REGULATION ON NUMBER PORTABILITY

### I. GENERAL PROVISIONS

1. The Regulation on Number Portability, hereinafter the Regulations, is developed by the National Regulatory Agency for Electronic Communications and Information Technology, hereinafter the Agency, for the purpose of ensuring the end user's right to make well-informed choices and switch providers of public fixed and/or mobile telephone services, without having to change their telephone numbers when this is in his interest and without being encumbered by legal, technical or practical barriers, including contractual terms, procedures and obligations and for creating an accessible mechanism easy to use and errorless for porting the subscriber number by both providers of public telephone services and end users.

2. The Regulation sets forth the general terms and principles for the implementation of subscriber number portability, hereinafter numbers.

3. For the purpose of this Regulation, the following terms shall have the meanings as defined below:

1) **Centralized data base administrator** – entity that develops, operates administrates and maintains the centralized data base, coordinates and controls the number porting process in a centralized manner, takes all due actions within assigned powers, to solve the problems that may hamper the porting process;

2) **Centralized data base** – information system comprising adequate software, hardware and communications, consisting of a data base, which collects and stocks the information under an established form, and of a set of functions which perform operations on the data and ensures the communication with the information systems of public telephone service providers in the number porting process;

3) **Operational data base** – data base, copy of the centralized data base, used, in real time, by the call-originating provider for the correct routing of calls or other messages to a ported number;

4) **Technical and commercial conditions regarding number portability** – set of requirements and obligations to be followed for the purpose of number portability implementation and call routing to ported numbers;

5) **Provider-acceptor** - provider of public telephone services to whom a number is ported, held under a license for the use of numbering resources, by another provider of public telephone services and assigned to a subscriber;

6) **Provider-donor** – provider of public telephone services that has the right to use, through a license for the use of numbering resources, the number block that contains the number requested for porting (initial provider-donor); in case of successive porting of the same number, the provider-donor is the provider of public telephone services to whom the given number porting was previously ported;

7) **call-originating provider** – provider of public telephone services to whom the caller is connected; the call-originating provider shall be considered:

- where the carrier selection/pre-selection service is used - the selected/pre-selected carrier;
- where there is international call termination - the provider operating the switch or equivalent element (gateway), used for international traffic, belonging to the first public electronic communications network on the territory of the Republic of Moldova, reached by the international call;

8) **routing method All Call Query (ACQ)** – method of direct call routing from the call-originating provider to the provider–acceptor, after the query to the operational database, which will provide the routing number associated with the called number;

9) **routing method Onward Routing (OR)** – indirect call routing method from the call-originating provider to the provider–acceptor, consisting in call routing by the call-originating provider to the initial provider-donor, who shall query – the operational data base and, on basis of the number provided by the data base, shall route the call to the destination;

10) **routing number** – specific additional number used within public telephone networks for correct routing of calls to ported numbers;

11) **number portability** – the possibility of a subscriber to keep his number when switching providers of public telephone services;

12) **geographic number portability** – the possibility of a subscriber to keep, within the same geographic area, the geographic number assigned to him, when he switches providers of public telephone services;

13) **non-geographic number portability** – the possibility of a subscriber to keep, at any geographic location, the non-geographic number assigned, when he switches providers of public telephone services;

14) **disconnection process** – the process in which a ported number is returned to the initial provider-donor, as a result of termination of contract between subscriber and provider-acceptor on provision of public electronic communications services via the given number;

15) **porting process** – process between the moment a request has been received from a subscriber for number porting and the moment in which the calls can be successfully finalized from/to the ported number;

16) **redeeming (win back)** – action/actions by which a provider of public fixed telephone services contacts the subscribers requesting number porting or had their numbers ported to another provider, in order to offer them discounts, free services or other incentives and persuade them not to switch providers or to return to previous provider. The general offers, i.e the offers that are not particularly addressed to these subscribers, are not included in the redeeming (win back) definition.

4. The definitions given in the Law on Electronic Communications, no. 241-XVI of 15.11.2007, hereinafter Law 241/2007, the National Numbering Plan, hereinafter the NNP, approved by Order of the Ministry of Information technology and Communications no.15 of 04.03.2010 and the Procedure for Numbering Resources Administration, approved by ANRCETI Administrative Board Decision no.58 of 21.12.2010, shall also be applicable to this Regulation.

5. The following categories of numbers from the NNP shall be portable:

- 1) Geographic numbers from ranges "2", "3" and "5";
- 2) Numbers independent of location from range "3";
- 3) Non-geographic numbers from ranges "6", "7", "8" and "9".

6. The following categories of numbers shall not be ported;

- 1) Numbers from other ranges of the NNP than those listed in section 5;

- 2) Numbers used only within one network;
- 3) Geographic numbers assigned to terminal locations connected to analog and manual exchanges before these have been changed.
7. Numbers used for the provision of fixed telephone services shall not be ported to mobile networks and vice versa.
8. The format and destination of numbers, as provided in the NNP, shall not be changed as a result of porting.
9. The number portability shall be implemented by providers of public telephone services in compliance with this Regulation and technical/commercial conditions for number portability, hereinafter technical/commercial conditions, other regulations issued to this effect.

## **II. RIGHTS, CONDITIONS AND OBLIGATIONS OF PROVIDERS**

**10.** Providers of public telephone services, including operators of mobile virtual networks, authorized under Law 241/2007, holding licenses for the use of numbering resources or providers accepting the porting of telephone numbers to their own network, hereinafter providers, shall be liable to:

- 1) Ensure, in their own network, number portability, so that any number from their individual network be portable to an eligible network of another provider, or any eligible number from the network of another provider be portable to their individual network, under this Regulation, technical/commercial conditions, other regulations issued to this effect;
- 2) Ensure number portability in fixed and mobile networks, regardless of:
  - technology used (PSTN, ISDN, IP, CDMA, GSM, CDMA 2000, UMTS etc.),
  - type of service provided (voice, fax, data transmission etc.),
  - manner of payment (post-paid, pre-paid etc.),
  - the fact whether the subscriber has or has signed a contract with the provider.
- 3) To add to or amend the agreements on direct or indirect interconnection, within the terms established under the technical/commercial conditions, for portable categories of numbers, between the providers involved in number portability (call-originating provider, provider-acceptor, provider-donor, transit provider).

**11.** Providers of public fixed telephone networks and/or services, including those using IP technology, shall ensure the porting of numbers, including:

- 1) When the subscriber changes, where the public fixed telephone services are provided, within the same geographic area;
- 2) When the fixed access technology used for this particular user in the provider-donor's network differs from the one to be used for service provision in the provider-acceptor's network. Thus, the number portability shall be ensured between fixed telephone networks provided via PSTN, IP, ISDN, CDMA technologies or other radio access network, broadband voice services, other technologies used by providers;
- 3) For a combination between the methods specified in sections 1) and 2) requested by the subscriber.

**12.** Providers of public mobile telephone networks and/or services, including providers of virtual mobile services, shall ensure the number portability, including:

- 1) When the subscriber changes manner of payment for public mobile telephone services;
- 2) When the technology of mobile access used for this particular user in the provider-donor's network differs from the one to be used for service provision in the provider-acceptor's network. Thus, the number portability shall be ensured between mobile

telephone networks provided via GSM/GPRS/EDGE, CDMA2000, 1x and EV-DO/DV, UMTS/HSPA, LTE and other technologies used by providers.

3) For any combination between the methods specified in sections 1) and 2) requested by the subscriber.

**13.** Providers shall have the right to make publicly available, free of charge, detailed information with reference to number portability services, via:

- 1) Publication, including on the Internet;
- 2) Making available for subscribers, at their request, in written form;
- 3) Making available a customer support call service, available at least 40 hours a week.

**14.** The provider-donor shall not have the right:

- 1) To put conditions for number porting, such as payment of certain tariffs by the subscriber or existence of contractual engagements from the subscriber's part;
- 2) To re-assign the ported number to another subscriber, before receiving the information from the provider-acceptor about the disconnection and availability of the ported number;

3) Admit of re-deeming (win back) practices with respect to the subscribers requesting number porting or who have already had their number ported, from the moment the porting request is received until 2 months after porting process is completed.

**15.** The providers shall not have the right to restrict the subscriber's right to have his number ported. This principle shall not limit the right of both provider and subscriber to enter certain engagements in the contract for public telephone service provision, to the extent that does not restrict the right to number porting.

**16.** Providers shall be liable to ensure number porting, even if the subscriber has committed breaches of the contract signed with the provider-donor. In this case, the subscriber shall not be exempt from civil or administrative liability, as appropriate, under the legislation in force for breach of contract.

**17.** After a number has been ported, the provider-donor shall not have the right to use this number. All the rights and obligations pertaining to the use of this number shall be transferred to the provider-acceptor, except the obligation to pay to the Agency the due payments for the use of ported numbers, which is an obligation of the provider-donor.

**18.** The provider-acceptor shall have the right to:

- 1) Ensure that the destination of the number, as prescribed by the NNP, has not been changed;

**19.** Inform the initial provider-donor and the centralized data base administrator about the disconnection of the ported number, in a term of as much as 5 working days after the termination of the contract signed between the subscriber and the provider-acceptor on service provision via the ported number.

**20.** The provider-acceptor shall not have the right to re-assign the ported number to another subscriber, after the termination of the contract on service provision via the ported number.

**21.** In case of termination of the initial provider-donor's right to use, under a license for the use of numbering resources, the block of numbers containing the ported number, the provider-acceptor and his subscriber shall have the right to further use this number, if technically feasible, including to port it to any other provider, until the provider-acceptor stops to provide the service via that number.

**22.** If the Agency re-assigns, under a license for the use of numbering resources, the number block containing the ported number, the license holder shall be considered as initial provider-donor.

**23.** In the timeframe from the termination of the initial provider-donor's right to use a ported number, under a license for the use of numbering resources, until the number block containing this ported number is re-assigned to another holder of a license for the use of numbering resources, the provider-acceptor shall be liable to pay to the Agency the due payments for the use of ported numbers.

**24.** Where the calls are originated from a ported number, the calling line identification data corresponding to the ported number shall be provided.

**25.** Where all the numbers from a block, assigned to the provider-donor under a license for the use of numbering resources, are ported to the same provider-acceptor, the latter may request, under the regulations in force, the consent of the Agency in respect to the transfer of the given number block.

### **III. NUMBER PORTING**

**26.** The porting of a number/numbers shall be performed only in response to a request filed in by the subscriber to public telephone services to the provider-acceptor, by filling-in, obligatorily, a standard form, part of the technical/commercial conditions.

**27.** The procedure for transfer, processing, validation and withdrawal of the number porting request shall be unique, prescribed in the technical/commercial conditions and made publicly available by every provider.

**28.** The provider-acceptor shall be liable for ensuring the porting process with respect to the requestor.

**29.** The object of a porting request can be:

- 1) Individual subscriber numbers transmitted to the users (for voice, fax or data transmission services);
- 2) Multiple numbers assigned to the subscribers, regardless whether they are continuous or not.

**30.** If there are more numbers assigned to the SIM (Subscriber Identification Module) card, USIM (Universal Subscriber Identity Module) or R-UIM (Removable User Identity Module) associated with one subscriber, they shall be ported simultaneously.

**31.** The application requesting number porting shall contain information with reference to the subscribers requesting it and the number/numbers to be ported, as well as about information on porting process and implications of the porting process for the service provision, which mainly refer to:

- 1) The term in which the porting process will be performed;
- 2) The extent to which the callers will be able to identify the call destination network and the retail tariffs applied;
- 3) Eventual service interruptions, which may occur in the process of number porting and their duration;
- 4) As appropriate, the tariffs associated with changing SIM, USIM or R-UIM cards after the porting;

**32.** For the validation of the application for porting geographic number/numbers, the provider-acceptor shall make sure that:

- 1) The person requesting number porting is the holder of the contract on service provision or his authorized representative;
- 2) The number/numbers requested to be ported is/are object of the contract signed between the subscriber and the provider-donor;
- 3) The number/numbers requested to be ported is/are part of the portable number blocks.

**33.** For the validation of the application for porting non-geographic number/numbers, provider-acceptor shall make sure that:

- 1) The person requesting number porting is the holder of the contract on service provision or his authorized representative;
- 2) The number/numbers requested to be ported is/are object of the contract signed between the subscriber and the provider-donor;
- 3) The number/numbers requested to be ported is/are part of the portable number blocks.

**34.** To ensure the compliance with sections 31 and 32 of this Regulation, the provider-acceptor shall, at least, verify:

- 1) The applicant's identity card or the documents attesting his registration as legal or natural person performing entrepreneurial or professional activity; as appropriate;
- 2) The identity card of the authorized representative of the applicant and his powers; as appropriate;
- 3) The SIM card for the number/numbers to be ported; and
- 4) The number/numbers that are part of the application for porting on basis of calling line identification (CLI);
- 5) As appropriate, the PUK code of the SIM or USIM card.

**35.** The application for number porting also represents the document by which the applicant empowers (mandates) the provider-acceptor to undertake all the steps needed to terminate the contract for service provision via that number, signed between the applicant and the provider-donor.

**36.** The provider-acceptor shall have the right to request and receive information from the provider-donor, necessary for confirming the veracity of the data and information provided according to section 31 or 32 of this Regulation.

**37.** The provider-donor shall have the right to provide the information and data requested by the provider-acceptor in compliance with the requirements and terms prescribed in the technical/commercial conditions and in compliance with the legislation on personal data and privacy protection.

**38.** The provider-acceptor shall not have the right to refuse porting, except when he generally refuses to connect new applicants and to provider public telephone services to those applicants, or when it is not technically feasible, or the subscriber is indebted to him.

The following shall not be reasons to refuse porting:

- 1) Indebtedness of the subscriber to the provider-donor or third parties;
- 2) Existence of a minimum duration of contract with the provider-donor or existence of specific clauses;
- 3) Provisional suspension, by the provider-donor, of service provision via the number requested for porting.

**39.** The provider-donor shall have the right to refuse porting in the following cases:

- 1) The application is not incompletely or incorrectly filled in;
- 2) The applicant's identification data are incorrect or do not match the data of the subscriber with the number requested for porting;
- 3) The number does not belong to portable number blocks;
- 4) Several applications for porting have been received for the same number;
- 5) The number is not in the provider-donor's network as a result of its transfer or porting or the number is not assigned by the provider-donor to a subscriber;
- 6) The SIM, USIM or R-UIM card, for the numbers requested for porting, are declared lost or stolen;

7) if there was no call originated from the number used for the provision of mobile telephone services by means of prepaid cards.

**40.** The provider-acceptor shall have the right to levy penalties, in the amount prescribed on the technical/commercial conditions, if the provider-donor fails to perform the porting in due terms.

**41.** The porting process shall not exceed 5 working days, except the case when the subscriber requests the porting to be performed in a longer timeframe, however the timeframe shall not exceed 30 calendar days, or when the connection of the subscriber and the beginning of public telephone service provision by the provider-acceptor starts within a longer timeframe.

**42.** The valid application (accepted by the provider-acceptor), requesting number porting, cannot be withdrawn by the applicant later than one working day before the date established for the number porting.

**43.** Where the timeframe prescribed in section 42 of this Regulation is exceeded, the number porting to the provider-acceptor shall be finalized; the number porting back from the provider-acceptor to the network of the provider-donor shall be performed, upon request, under this Regulations.

**44.** During the number porting process, the duration of between the moment of number disconnection in the provider-donor's network and the moment of the number connection in the provider-acceptor's network shall not exceed 24 hours.

**45.** The terms for performing every stage of porting and the ways of conveying the information on number porting shall be established in the technical/commercial conditions.

**46.** The provider-acceptor shall inform:

1) The subscriber, immediately after receiving the confirmation from the provider-donor regarding the moment for number porting. The porting moment shall be expressed in the form: „year, month, day, hour”;

2) Both the subscriber and the centralized data base administrator, immediately after the porting was performed, about the successful completion of the number porting process.

**47.** The centralized data base administrator shall immediately update the data base with the information on the ported number and shall inform all the providers, connected to the centralized data base, about the completion of the porting process.

**48.** Any provider connected to the centralized data base shall update the operational database, every time when he receives information according to section 47, and shall be responsible for the correct routing of calls according to that information.

**49.** The provider-donor shall store the information necessary for resuming the service provision via the ported number for at least one working day after the end of the porting process.

**50.** The contract signed between the provider-donor and the subscriber on service provision via a number that has been ported shall terminate on the moment the porting process is finalized. From this moment on the services via the ported number shall be provided by the provider-acceptor, in compliance with the provisions of the contract priorly concluded between the provider-acceptor and the subscriber. This requirement shall not prejudice the obligations of the subscriber and the provider-donor, under the contract they signed, which have not been fulfilled priorly to or occurred as a result of contract termination.

#### **IV. CALL ROUTING**

**51.** The call-originating providers shall adjust their own telephone networks so as to ensure correct call routing to ported numbers.

**52.** The method for call routing used for the implementation of number portability between networks shall be All Call Query (ACQ), the information contained in the centralized data base shall be used for routing calls to ported numbers.

**53.** Before the implementation of number portability in public fixed telephone networks, the routing method Onward Routing (OR) shall be applied for routing the calls from public fixed telephone networks to public mobile networks, pursuant to the technical/commercial conditions.

**54.** The additional costs associated with the use of the Onward Routing method shall be covered by the call-originating provider, including the interconnection tariff for call termination payable to the provider-acceptor, the interconnection tariff for switched transit and the tariff reflecting the use of the portability functions payable to the initial provider-donor, as well as other additional tariffs required by this routing method.

**55.** For the use of the Onward Routing method, the call-originating providers shall duly amend the interconnection agreements with the providers of public telephone networks, within the timeframe prescribed in the technical/commercial conditions.

**56.** The calls to ported numbers shall be routed by means of the operational data bases of the providers, developed and updated on basis of the information contained in the centralized data base.

**57.** The call-originating providers shall ensure the routing of calls to ported numbers.

**58.** Where the call-originating provider does not have the necessary means for routing, he shall acquire call routing services from another provider.

**59.** The routing method used inside the networks for the implementation of number portability shall be established by every provider.

**60.** The information on routing ported calls shall be transmitted by means of the concatenated addresses (arranged in strings), the routing number and the number of the called subscriber being transmitted together in the signaling field (Called Party Number).

**61.** The Agency shall assign numbering resources further to be used as routing numbers to providers, based on applications submitted to that effect.

**62.** For cases when users notify that the called number is ported to another provider's network, every call-originating provider, without any unjustified delays and free of charge, shall inform the user in this respect by means of an answering machine service or by distinct sonorous signals.

#### **V. TECHNICAL/COMMERCIAL CONDITIONS**

**63.** The technical/commercial conditions shall be developed by the centralized data base administrator, in coordination with the providers and approved by the Agency.

**64.** The technical/commercial conditions, including the provisions of the Regulation for development, operation, administration and maintenance of the centralized data base shall be developed in compliance with the requirements of international standards, specifications and recommendations, other standardization institutions that the Republic of Moldova joined.

**65.** The technical/commercial conditions shall be sufficiently detailed and shall contain mainly the following elements:

- 1) the technical specifications for the implementation of number portability, including for call routing to ported numbers;
- 2) the standard form for the porting application and the procedure of filing in, processing, validation and withdrawal;
- 3) the detailed description of the procedure of porting process administration;
- 4) the specific obligations of providers meant to ensure the number portability implementation;
- 5) the methods and procedure of settlements between providers, to the centralized data base administrator;
- 6) the quality parameters for the number portability service;
- 7) the Regulation for development, operation, administration and maintenance of the centralized data base;
- 8) methods of informing the end users regarding call origination to ported numbers;
- 9) procedure for modification and amendment of the technical/commercial conditions, if necessary;
- 10) other provisions relevant for the implementation of number portability.

**66.** Compliance with the technical/commercial conditions shall be obligatory for providers (including the call-originating ones) and for the centralized data base administrator.

**67.** The technical/commercial conditions shall be made publicly available on the Internet site of the centralized data base administrator, by means of other sources, so that these are accessible for the public and free of charge.

## **VI. CENTRALIZED DATA BASE**

**68.** The administration of the number porting process, including the exchange of information between providers about the ported numbers shall be performed by means of the centralized data base, which shall be under the ownership of the Agency.

**69.** The development, operation, administration and maintenance of the centralized data base for number portability implementation shall be ensured by the administrator, in compliance with the Regulation for development, operation, administration and maintenance of the centralized data base, which shall be part of the technical/commercial conditions.

**70.** The centralized data base shall be designed to collect and stock information, especially about:

- 1) ported numbers;
- 2) routing numbers;
- 3) register of transactions (administrative procedures) between providers;
- 4) other additional information necessary for number portability implementation.

**71.** The use of the centralized data base shall be obligatory for the exchange of information regarding the process of porting, modification of specific data associated with the ported numbers, interruption of the service provided via a ported number and recovery of the ported number by the initial provider-donor.

**72.** Every provider shall connect to the centralized data base for the purpose of ensuring number portability.

**73.** The access of providers to the centralized data base shall be ensured by the administrator in a non-discriminatory manner, in compliance with the technical/commercial conditions and with the agreement signed between the providers and the centralized data base administrator.

74. Communication between the centralized data base and the operational data bases of providers shall take place via standard interfaces of the informational systems, in a secured manner.

75. The centralized data base shall be designed to perform the following main administrative processes:

- 1) porting;
- 2) number disconnection (release);
- 3) modification of routing information;
- 4) synchronization;
- 5) information on the condition of the centralized data base;
- 6) re-assignment of a number block.

76. The centralized data base administrator shall ensure for the Agency the free access, by electronic facilities, to the information about ported numbers, including, the access to statistical data necessary for the monitoring and verification of the number portability implementation process, according to the requirements prescribed in the agreement signed between the administrator and the Agency.

77. The centralized data base administrator shall ensure, free of charge, the access of other entities (e.g. administrator of the National Single Emergency Center) to the centralized data base in justified cases and pursuant to the legislation regarding privacy protection.

78. The Agency shall inform the centralized data base administrator about the recently assigned number/number blocks.

## **VII. GENERAL PRINCIPLES FOR ORGANISING AND CONDUCTING TENDER TO SELECT CENTRALIZED DATA BASE ADMINISTRATOR**

79. The centralized data base administrator shall be selected through an open tender with international participation and by applying the comparative selection procedure.

80. The comparative selection is based on the ‘first-ranked’ principle, as a result of evaluation of a number of technical, administrative and/or financial criteria set forth in the Terms of reference, other tender documents.

81. The tender shall be organized and conducted according to the Procedure for organizing and conducting the tender to select the centralized data base administrator for number portability implementation in the Republic of Moldova.

82. The Agency shall be responsible for organizing and conducting the tender.

83. In order to exercise its duty as tender organizer, the Agency shall have the following basic powers:

- 1) Develop and approve the Procedure for organizing and conducting the tender;
- 2) Establish the terms for the tender;
- 3) Develop and approve the Terms of Reference and other tender documents;
- 4) Establish the criteria and principles for selecting the centralized data base administrator;
- 5) Institute the tender commission;
- 6) Ensure the awareness of the public with reference to the tender, conditions for participation, other relevant information established in tender documents;
- 7) Organize and conduct the tender in compliance with the principles of objectivity, transparency and non-discriminatory;

- 8) Monitoring and verification of compliance with the Procedure for organizing and conducting the tender;
- 9) Informing the public about the results of the tender;
- 10) Other powers as established by the Procedure for organizing and conducting the tender.

**84.** Legal entities from the Republic of Moldova or abroad or civil societies/associations of legal entities from the Republic of Moldova and/or abroad shall be able to apply for participation in the tender and make common bids.

**85.** Civil societies/associations shall be able to participate in an uncertified form, but only on condition that they present a contract of a civil society/association signed between all the members of the association. This contract shall be presented in the original and shall contain at least the names of the associated members and the shares of every member thereof.

**86.** The Agency shall publish, under the conditions and terms prescribed in the Procedure for organizing and conducting the tender, announcements about the tender in at least two 2 daily newspapers under wide international circulation, in a daily newspaper under national circulation, on its website and at the Agency office, in a fully-accessible public space, at least 45 days before the date scheduled for the submission of tender applications.

**87.** Where the nominated winner of the tender is a foreign legal entity of civil society/association, the legal entity registered in the state registry of legal entities in Moldova, created and controlled by the winning bidder, shall be appointed as administrator of the centralized data base.

**88.** The centralized data base administrator shall not have the right to:

- 1) Hold a license for the use of numbering resources in the provision of public telephone networks/services on the territory of the Republic of Moldova;
- 2) Provide public telephone networks/services on the territory of the Republic of Moldova;
- 3) Hold shares (social parts), directly or indirectly, be an affiliated person to any holders of licenses for the use of numbering resources and/or providers of public telephone networks and/or services from the Republic of Moldova, have structural connections or other economic or property interests therein.

**89.** Providers of public telephone networks and/or services from the Republic of Moldova cannot hold shares in the capital of the centralized data base administrator; have structural connections or other economic or property interests therein.

**90.** The Agency shall sign with the centralized data base administrator a contract for development, operation, administration and maintenance of the centralized data base for a 10-year timeframe, renewable on basis of a new tender organized and held by the Agency, under the legislation in force.

**91.** If the centralized data base administrator is not selected and designated by the Agency for a new term, the latter shall stop acting as administrator of the centralized data base, after a new centralized data base administrator is selected by tender.

**92.** At least 90 days before the expiry of the administrator's right to operate, administrate and maintain the centralized data base, the Agency shall announce the date for a new tender. The term for organizing the tender and selecting a new administrator cannot exceed 90 days.

**93.** The duties of the centralized database administrator can be stopped at his own initiative or the Agency's, under the contract signed with the Agency, in which case the powers of organization, operation, administration and maintenance of the centralized

database will be transferred to another administrator selected on a competitive basis, in a tender organized and conducted by Agency under the regulations issued for this purpose.

**94.** If, during the duration of the contract signed with the Agency, there arise one or more incompatibilities referred to in sections 88 or 89 of this Regulation, the centralized database administrator shall immediately inform the Agency about this, in writing, and shall stop his duties and administrator in accordance with the contract signed with the Agency; these shall be transferred to another administrator selected on competitive basis in a tender organized and held by the Agency under the relevant legislation.

## **VIII.COSTS AND TARIFFS**

**95.** Every call-originating provider shall incur his own costs associated with the implementation of number portability, including the costs for interfaces with the centralised data base.

**96.** No provider shall be liable to compensate another provider for his costs, associated with the implementation of number portability or claim compensation of these costs by other providers.

**97.** A provider-donor can claim payment of a tariff by from the provider-donor for number porting. The tariff shall be established based on the avoidable costs connected with number porting from his network to the network of the provider-acceptor, including the administrative ones. These costs shall not include the costs incurred in number porting from other networks to individual networks, as these costs are related to individual retail activities.

**98.** The provider-acceptor shall incur the internal costs required by number portability.

**99.** Every call-originating provider shall incur his own costs associated with call routing (costs for accessing the centralized data base) by All Call Query method.

**100.** The interconnection tariffs for calls to ported numbers will be identical with the ones applied for ordinary calls to the same network.

**101.** Where the call-originating provider acquires the routing services from a third party, the acquisition conditions shall be commercial, established in negotiations. The associated tariffs, the methods of payment, other conditions shall be included in the interconnection agreement between the call-originating provider and the third party.

**102.** The costs connected with the development, operation, administration and maintenance of the centralized data base shall be determined within the tender, mentioned in section 79 of this Regulation.

**103.** The costs mentioned in section 102 of this Regulation shall be incurred by the centralized data base administrator, who, after the launch of mobile number portability, shall recover these costs from all the providers, under the conditions prescribed in sections 104-107 of this Regulation and the technical/commercial conditions.

**104.** All the providers shall be liable to make monthly payments to the centralized data base administrator for number portability services, calculated on basis of the costs incurred in the development, administration, operation and maintenance of the centralized data base.

**105.** The period of time for recovery of costs associated with the data base development shall start on the date number portability is launched for mobile telephony and shall stop no later than the expiry date of the term mentioned in section 90 of this regulation. These costs shall be recovered in equal monthly tranches. The monthly tranche to be paid by every provider shall be calculated proportionally to the quantity of numbers,

mentioned in section 5 of this Regulation, assigned to every provider by the Agency, from which the amount of numbers ported to other providers shall be deducted and the amount of numbers ported to this very provider shall be added, according to the situation as per the first day of the month for which the payment is made.

**106.** In the timeframe between launching mobile number portability and fixed number portability, the monthly costs connected with the operation, administration and maintenance of the centralized data base shall be shared between mobile providers proportionally to the number of numbers of ranges „6” and „7”, assigned to every provider by the Agency, from which the amount of ported numbers to other providers shall be deducted and the amount of numbers ported to this very provider shall be added, according to the situation as per the first day of the month for which the payment is made.

**107.** In the timeframe after the launch of fixed number portability, the monthly costs associated with the operation, administration and maintenance of the centralized data base, shall be distributed between all the providers proportionally with the amount of numbers, mentioned in section 5 of this Regulation, assigned to every provider by the Agency, from which the amount of ported numbers to other providers shall be deducted and the amount of numbers ported to this very provider shall be added, according to the situation as per the first day of the month for which the payment is made.

**108.** The centralized data base administrator shall provide services related to the realization of number portability, inclusively shall collect payments, under non-discriminatory conditions.

**109.** The centralized data base administrator shall make publicly available the methodology of calculating the payments collected from providers and the calculation of the quantum of these payments, which shall be sufficiently detailed to make sure that providers do not pay costs others than the ones for the implementation, administration, operation and maintenance of the centralized data base.

**110.** Annually, the centralized data base administrator shall present to the Agency and publish on its Internet page, the audit report, issued by an audit entity, approved by the Agency following the consultations with the providers, to confirm the administrator’s compliance with the liabilities as required by the legislation in force and the agreement concluded with the Agency.

**111.** The centralized data base administrator shall not have the right to practice, in the Republic of Moldova, other economic activities, except the development, administration, operation and maintenance of the centralized data base.

**112.** The provider donor shall not charge the subscriber and shall not claim other forms of payment from subscribers for number porting activities.

**113.** The retail tariffs applied for calls to ported numbers shall be equal to those applied to calls to numbers from other networks and shall be made publicly available by the call-originating providers including by means of their Web pages.

**114.** Where the providers-acceptors charge the end-users with tariffs for number portability, these shall be affordable and transparent.

**115.** Where the number porting also involves changing the terminal equipment used by the subscriber (ex: when a number is ported from a provider using GSM technology to another provider using the CDMA, from PSTN to IP, etc.), upon submitting the porting application, the provider acceptor shall inform the subscriber about the configuration and the type of terminal equipment to be used for service provision after porting and shall specify the party responsible for providing the appropriate terminal equipment.

**116.** Providers shall offer compensations to their subscribers in case of delays in number porting or in case of abusive porting performed by them on their behalf. The

amount of the compensations shall be set in the appropriate regulations issued by the Agency, so that it has a deterrent effect on providers regarding delays in number porting or porting against the will of subscribers.

**117.** The payment for the use of ported numbering resources shall be made to the Agency by the donor-provider.

**118.** The provider-acceptor shall reimburse the initial provider-donor for the numbering resources, originally paid by the donor-provider for the ported subscriber number, in the amount as established by the Agency for numbering resources. This payment shall be calculated proportionally to the period during which the ported numbers are used by the acceptor-provider and shall be made within maximum 30 days from the date of billing the acceptor-provider by the initial donor-provider.

## **IX. LIABILITIES**

Non-compliance with this Regulation, other regulations applicable to the process of number portability implementation and realization shall be penalized as provided by the legislation in force.