

Regulation for the Introduction of Operator Number Portability in the Greek Market

THE HELLENIC TELECOMMUNICATIONS & POST COMMISSION (EETT)

Having regard to:

- a. Law No. 2867/2000 "Organization and Operation of Telecommunications and Other Provisions", in particular article 3, par. 14 and article 7 par. 1 of same (Government Gazette 273/A/2000);
- b. Presidential Decree No. 165/99 "On the amendment of Law No. 2246/94, as applicable at any given time, (a) in compliance with Directive 97/33/EC of the European Parliament and of the Council on interconnection in telecommunications with regard to ensuring universal service and interoperability, through application of the principles of Open Network Provision (ONP), and (b) in compliance with Directive 98/61/EC of the European Parliament and of the Council "On the Adjustment of Directive 97/33/EC with regard to Operator Number Portability and Carrier Preselection" (Government Gazette 159/A/1999);
- c. its Decision No. 206/2/29.1.2001 "National Numbering Plan for Telephony Services and Mobile and Personal Communications Services" (Government Gazette 127/B/2001);
- d. its Decision No. 207/6/2.2.2001 "Regulation for the Management and Allocation of Numbers under the National Numbering Plan for Telephony Services and for Mobile and Personal Communications Services" (Government Gazette 159/B/2001);
- e. the results of the Public Consultation held by EETT on the Introduction of Carrier Preselection and Operator Number Portability, pursuant on its decision No. 244/121/1.2.2002;
- f. the fact that the provisions of this present Regulation do not create any cost for the State Budget; decides:

Article 1

Objective – Scope of Application

1. The objective of this present Decision is to establish rules with regard to the introduction of operator number portability in the Greek telecommunications market.

2. Portability between services that are substantially different, in particular portability between a geographic number and a mobile telephony number, is prohibited.

Article 2 Definitions

1. "Geographical area": the area of the Greek country as defined in Annex I of EETT Decision No. 206/2/29.1.2001 "National Numbering Plan for Telephony Services and Mobile and Personal Communications Services" (Government Gazette 127/B/2001), which corresponds to one single National Destination Code.

"Rerouting": the procedure of notifying the identity of the number recipient provider.

"Recipient provider": the telecommunications provider to whom the number is ported.

"Donor provider": the telecommunications provider from whom the number is ported.

"Call Number Portability": the option offered to end users whereby they can retain their geographical or non geographic number or numbers when they switch to another service provider, location or type of service.

2. In addition, the definitions of article 2 of Law No. 2867/2000, article 2 or Presidential Decree No. 165/1999, article 2 of EETT Decision No. 206/2/29.1.2001 "National Numbering Plan for Telephony Services and Mobile and Personal Communications Services" and article 2 of EETT Decision No. 207/6/2.2.2001 "Regulation for the Management and Allocation of Numbers under the National Numbering Plan for Telephony Services and for Mobile and Personal Communications Services" are also applicable.

Article 3 Portability of Geographic Numbers

1. Providers of fixed telecommunications networks or/and services are required to ensure the portability of geographic numbers so that subscribers may retain their number or numbers in the public switched telephone network (PSTN) and the Integrated Services Digital Network (ISDN) when they switch to another telecommunications network providing fixed telecommunications services in the same geographical area. The said capability shall be available no later than 1 January 2003.
2. All providers of telecommunications networks or/and services providing their services through the use of geographic numbers are required to implement the procedures for number input and output from their networks

in order to make geographic portability possible, pursuant to the provisions of paragraph 1 of this present article.

3. New providers that appear in the market after 1 January 2003 are required to provide geographic portability in a certain geographical area either from the date when they start providing their services or within two months from the date when the first set of numbers is allocated by EETT for the geographical area in question, whichever happens last. The above provisions shall by no means restrict the obligations of providers based on the law and the regulations on number allocation.
4. A provider is required to respond to a request made by another provider for starting to process geographic portability applications in a certain geographical area within thirty days.
5. The procedure for geographic portability shall be initiated upon a request made by a subscriber, as provided for in article 9 of this present Decision. In the case where the ported numbers belong to a set of numbers, that is they are successive numbers, and the subscriber needs more numbers successive to the ones he/she already has, then he is entitled to apply for the portage of the said successive numbers, on condition that the said numbers have not been already allocated to others.

Article 4 Portability of Mobile Telephone Numbers

1. Providers of mobile telephone networks or/and services are required to ensure the portability of mobile telephone numbers so that subscribers may retain their number or numbers in the public mobile telephone network when they switch to another organization providing telecommunications services. The said capability shall be available no later than 1 July 2003.
2. All providers of telecommunications networks or/and services providing their services through the use of mobile telephone numbers are required to implement the procedures for number input and output from their networks in order to make mobile portability possible, pursuant to the provisions of paragraph 1 of this present article.
3. New providers that appear in the market after 1 July 2003 are required to provide mobile portability either from the date when they start providing their services or within two months from the date when a corresponding set of numbers is originally allocated by EETT, whichever happens last. The above provisions shall by no means restrict the obligations of providers based on the law and the regulations on number allocation.
4. The procedure for mobile portability shall be initiated upon a request made by a subscriber, as provided for in article 9 of this present Decision.

Article 5

Portability of Non-Geographic Numbers

1. Providers of fixed telecommunications networks or/and services are required to ensure the portability of non-geographic numbers so that subscribers may retain their number or numbers when they switch to another organization providing telecommunications services at any location. The said capability shall be available no later than 1 January 2003.
2. All providers of telecommunications networks or/and services providing their services through the use of non-geographic numbers are required to implement the procedures for number input and output from their networks in order to make non-geographic portability possible, pursuant to the provisions of paragraph 1 of this present article.
3. New providers that appear in the market after 1 January 2003 are required to provide non-geographic portability either from the date when they start providing their services or within two months from the date when a corresponding set of numbers is first allocated by EETT, whichever happens last. The above provisions shall by no means restrict the obligations of providers based on the law and the regulations on number allocation.
4. The procedure for non-geographic portability shall be initiated upon a request made by a subscriber, as provided for in article 9 of this present Decision.
5. The categories of non-geographic numbers which the obligation for number portability shall be applicable to are as follows:
 - a) corporate numbers and VPN access numbers (series 50)
 - b) personal numbers (series 70)
 - c) freephone numbers (series 800)
 - d) shared-cost numbers (series 801)
 - e) calling card numbers (series 807)
 - f) extra-charge numbers (series 90)

EETT may issue a well-documented Decision in order to cancel or extend the obligation for number portability to other series or/and categories of non-geographic numbers, on a case by case basis.

Article 6 Responsibility for Routing Calls to Ported Numbers

1. No later than 1 July 2003, a provider to whom the set of numbers that includes the ported number has originally been allocated, as well as the recipient provider of the ported number, are responsible for the proper routing of calls and, to that effect, they shall act in mutual coordination (inter-dependent solution), upon a special agreement entered between them.
2. Starting from 1 July 2003, the originating operator has the obligation and responsibility to route the call, regardless of the network which the corresponding set of numbers belongs to, as well as the obligation to pay the corresponding fees in the case where it uses the services of another provider, who operates the routing procedures (independent solution). The originating networks shall include both fixed and mobile telephone networks providing the access and the networks of the selected / preselected carriers, in the case of carrier selection / preselection. For the needs of this present regulation, in the case of Local Loop Unbundling (LLU) the originating provider shall be considered as the beneficiary of access to the local loop.

The originating provider may:

- a) either route the call itself, or
- b) or route the call to another provider and use the routing services of the said provider, by paying the corresponding fees to the latter.

The information required for proper call routing are acquired from the National Reference Database for Portability, which is set up pursuant to the provisions set forth in article 10 of this present Decision. All providers shall be required to acquire relevant data from the above database at regular intervals, so as to fully discharge their obligations based on call routing, as provided for in the provisions of this present Decision. EETT is entitled to make a decision in order to determine the exact amount of time that must elapse between two successive data acquisitions from the database on portability for each provider.

3. The provisions set forth in paragraphs 1 and 2 of this present article shall be applicable both to geographic and non-geographic portability, including mobile portability.
4. All providers shall prepare their networks promptly so that they are ready for the implementation of call routing pursuant to the provisions set forth in the provisions of this present article.

Article 7

Rules for Routing Calls to Ported Numbers

1. Starting from 1 July 2003, the responsibility for properly routing calls originating from the area of Greece lies with the provider that has the originating network, whereas for calls originating from areas outside

Greece, the responsibility for proper routing lies with the provider whose network receives the call initially.

The provider responsible for routing may decide to implement the necessary routing procedures itself or may forward the call to another provider that will implement the necessary additional routing procedures.

Providers having significant market power are required to provide, at a reasonable price, if requested by a certain provider, rerouting services for ensuring the proper routing of calls to ported numbers.

A provider to whom EETT has originally allocated the set of numbers that includes the ported number is required, if requested by a certain provider, to provide rerouting services for ensuring the proper routing of calls to the said number. In the case where the provider to whom EETT has originally allocated the set of numbers that includes the ported number also has significant market power, it shall provide rerouting services at a reasonable price.

2. The rerouting information pertaining to the proper routing of calls to ported numbers shall include the use of a routing prefix. The routing prefix shall include the identity of the network that receives the call and alternatively it may also include the identity of the switching exchange. The structure of prefixes and the manner of allocating them shall be determined in a future EETT decision.
3. The provisions of paragraphs 1 and 2 of this present article shall be applicable to all providers of fixed and mobile networks, as well as to geographic, non-geographic and mobile telephone numbers.
4. In the case where there are disagreements between providers as to the application of the stipulations set forth in paragraphs 1 and 2 of this present article, the provisions of article 15 of Presidential Decree No. 165/1999 (Government Gazette 159/A/1999) on resolving disputes between providers shall apply.

Article 8 Allocation of the Cost of Operator Number Portability

The cost of providing the operator number portability service shall be allocated based on the following principles applicable to all providers of fixed and mobile networks, as well as to geographic, non-geographic and mobile portability.

Part A: Set Up Cost

Each provider shall bear the set up cost required for the preparation of its network for the introduction and provision of the operator number

portability service. The said cost includes, primarily, the cost of upgrading the networks and necessary information technology systems.

Part B: Transaction Cost

1. The donor provider may request from the recipient provider only payment of the transaction cost pertaining to the processing of a number portability application and its portage from the donor provider's network. The said amount shall be reasonable and shall be determined based on the works performed for processing the number portability application, but not on the procedures required for disconnecting the subscriber or the procedures required for making changes in the routing information. The said amount shall be subject to the approval of EETT.
2. The donor provider's subscribers shall not be charged directly by the donor provider for providing the operator number portability service.

Part C: Additional Routing Cost

1. The additional routing cost includes the rerouting cost and the conveyance cost. The rerouting cost pertains to the receipt of the donor provider's identity information. The conveyance cost pertains to the cost incurred for switching the call to the recipient provider's network.
2. In the case where the originating provider is responsible for ensuring the proper routing of calls to ported numbers (independent solution), the following shall apply:
 - a. The originating provider shall bear the cost pertaining to updating the routing data.
 - b. The originating provider shall bear the rerouting cost and conveyance cost.
 - c. The providers that, based on an agreement made, undertake the responsibility to provide rerouting or/and portage services are entitled to recover the relevant cost from the originating provider.
 - d. In the case of telecommunications organizations that have significant market power, the cost incurred for the provision of portage services shall be part of the Reference Interconnection Offer they have, whereas in other cases it shall be determined based on bilateral agreements entered between providers.
 - e. The rerouting cost shall be determined based on bilateral agreements entered between providers. In the case of telecommunications organizations that have significant market power, the cost incurred for the provision of rerouting services shall be part of the Reference Interconnection Offer they have.

3. In the case where the provider to whom the set of numbers that includes the ported number has originally been allocated by EETT is responsible for ensuring the proper routing of calls to ported numbers (inter-dependent solution), the following shall apply:
 - a. The provider to whom the set of numbers that includes the ported number has originally been allocated by EETT may recover from the recipient provider the conveyance cost for calls originating from networks other than its own network, but not the rerouting cost.
 - b. The conveyance cost pertaining to organizations that have significant market power shall be part of the Reference Interconnection Offer they have, whereas for other providers it shall be determined based on bilateral agreements.

Part D: Use Fees of Ported Numbers

1. The amount corresponding to the use fees of ported numbers shall be paid by the recipient provider directly to the provider to whom the set of numbers that includes the ported numbers has originally been allocated by EETT.
2. The above amount shall be calculated based on the applicable number use fees, as determined in relevant EETT decisions.

Article 9 Procedures for Providing Operator Number Portability

1. The recipient provider shall provide a one-stop shop procedure to any subscribers wishing to port their numbers to its network, so that subscribers may contact only the recipient provider for the provision of the said service.

The recipient provider is required to inform those subscribers that are interested in porting their numbers about pricing and charging for the services provided.

A subscriber that decides to port his/her number must file an application with the recipient provider requesting the canceling of services by the donor provider. The application shall then be forwarded by the recipient provider to the donor provider no later than two (2) business days.

The donor provider receiving the subscriber's canceling application forwarded by the recipient provider is required to cancel the connection and close the account, except if the donor provider finds differences between the data of the donor provider and the corresponding data of the recipient provider. For natural persons, the said data include the subscriber's name, surname, father's name, Identity Card Number or

Passport Number and Taxpayer's ID Number, and his telephone number to be ported; as for undertakings, they include the corporate name, the Taxpayer's ID Number of the company and the number to be ported.

In that case, the donor provider is required to notify the recipient provider about his negative response, explaining the reasons for the refusal, no later than two (2) business days.

In the case where the above deadline has expired without any response given, the donor provider shall be considered as having responded positively to the canceling application.

A subscriber is entitled to number portability even if he has entered an definite time agreement with the provider.

To close the account, the donor provider shall collect the amounts due directly from the subscriber. Payment of amounts due shall not constitute a prerequisite for canceling the connection and porting the number.

2. In the case where a new line is set up by the recipient provider, the uninterrupted provision of outgoing calls and the minimization of any interruption of incoming calls must be ensured. The recipient provider shall be responsible for informing subscribers regarding the portage of their numbers.
3. To organize the portage, various procedures may be followed, taking into consideration the relevant wish expressed by the customer porting his/her number, such as:
 - a. deactivation by the donor provider and application of the new routing at the time determined by the recipient provider;
 - b. deactivation by the donor provider and application of the new routing at any time within ten (10) business days, whereby the recipient provider shall initiate the deactivation process by using an on-line control method from the customer's facilities or elsewhere.
4. The deadline for processing the portage of a number is set to no more than ten (10) business days.
5. In the case where significant problems arise during the process of porting a number, the donor provider must retain the necessary information so as to be able to restore the initial service within 60 minutes if requested to do so by the recipient provider. The said capability must be available in the first 24 hours from the time of service deactivation by the donor provider. The donor provider and the recipient provider shall ensure the uninterrupted provision of services during the portage process where it is necessary, such as for hospitals.

National Reference Database for Portability

1. To facilitate the provision of the operator number portability service, a National Reference Database for Portability (NRDP) shall be set up as soon as possible, but no later than 1 July 2003. The NRDP shall be used for the portability of all numbers that are portable (geographic, non-geographic and mobile telephone numbers).
2. The NRDP shall be connected to the databases of all providers by using a standardized communication infrastructure, which shall support the exchange of information between the donor provider and the recipient provider, as well as the mass transmission to all providers of routing changes that are due to the portage of numbers.
3. EETT is entitled to make a Decision for the provision of additional services by the use of NRDP, on condition that the procedure provided for in article 14 of this present Decision is followed.
4. The NRDP operator and administrator shall be appointed by EETT every five years by means of a tender, pursuant to the provision of applicable law. The prospective Contractor may be either an organization independent from any providers or a joint venture of all telecommunications providers. The NRDP operator and administrator shall function under the supervision of EETT, shall manage and coordinate all the activities related to the reference database and shall provide support services to all telecommunications providers without any exception, under equal terms and conditions, with transparency, objectivity and non-discrimination.
5. EETT shall bear the cost of purchasing the software required for the management of NRDP, which shall owned by EETT.
6. Telecommunications providers shall bear the annual maintenance and operating cost of the NRDP, as well as the cost of the required hardware. The annual maintenance and operating cost of the NRDP and the cost of the required hardware shall be allocated to providers taking into consideration the fact that all providers, directly or indirectly, are using the information contained in the NRDP, as well as the multitude of numbers ported to the network of each provider.
7. Telecommunications providers shall bear the cost of their connection to the NRDP. The said cost shall be born by each one of the providers for their corresponding networks.

Article 11 Protection of Consumers

1. Telecommunications providers shall develop consumer information and updating systems and protection procedures so that the public can

understand, in particular, the options they have, as well as the way the services offered function.

2. Upon commencement of the provision of portability services, telecommunications providers are required to develop subscriber information and updating systems, upon a relevant request made by subscribers, pertaining to the difference in call charging compared to the tariffs applicable to calls made to the provider to which the corresponding set of numbers has originally been allocated, which is due to the portage of the called number to another provider.
3. The setting up and operation of the NRDP, as well as the processing of portability applications must comply with applicable laws governing the protection of personal data.
4. The above provisions shall not impose any limitation whatsoever on the subscribers' rights based on applicable law on consumer protection, the validity of the terms of accession agreements based on article 281 of the Civil Code and the law on the protection of personal data.

Article 12 Management of Ported Numbers

1. A provider to whom EETT has originally allocated a set of numbers is entitled to waive the rights to use the said set, when all the activated numbers of the said set have been ported to another provider. In that case, it shall be mandatory for the particular set of numbers in question shall be allocated to the recipient provider.
2. In the case where a connection is cancelled by a subscriber that has ported his connection to another provider, then his/her number shall return to the provider to whom EETT has originally allocated the set of numbers that includes the number in question.

Article 13 Supervision

1. EETT exercises supervision so as to ensure that the operator number portability service is provided in a most rational manner and in accordance with the provisions of this present Decision.
2. Telecommunications providers are required to submit to EETT, on an annual basis, data pertaining to the number of their subscribers to whom operator number portability services are offered, detailed per category of numbers. As far as geographic numbers are concerned in particular, there must be an analysis for each National Destination Code.
3. The telecommunications network providers offering operator number portability services must provide EETT with all additional relevant information considered necessary.

Article 14
Revisions / Supplements

1. EETT is entitled to make a Decision revising or/and supplementing this present Regulation. To revise or supplement this present Regulation EETT may hold consultations with the parties involved, especially telecommunications network or/and service providers and users' representatives.
2. All parties involved may submit proposals to EETT on revising or supplementing the provisions of this present Regulation. EETT shall examine the submitted proposals and may hold consultations with the parties involved. The submitted proposals shall not be binding to EETT.

Article 15
Complaints and Sanctions

Any complaints pertaining to the non compliance on the part of telecommunications network or/and service providers with the obligations set forth in this present Regulation shall be submitted to EETT, which shall examine them and may impose such administrative sanctions as provided for in article 12, par. 1 of Law No. 2867/2000, by issuing a well-documented Decision, after hearing the parties involved.

Article 16
Entry Into Force

This present Regulation shall enter into force on the day of its publication in the Government Gazette.

This present Regulation shall be published in the Government Gazette.

Marousi, 31 May 2002
The Chairman
EMM. A. GIAKOUMAKIS