

Pursuant to Article 8 paragraph 1 item 1), Article 23 paragraph 1 and Article 79 paragraph 6 of the Law on Electronic Communications (Official Gazette of RS, nos. 44/10, 60/13-CC, 62/14 and 95/18 - other law), Article 12 paragraph 1 item 1) and Article 16 item 4) of the Regulatory Agency for Electronic Communications and Postal Services Statute (Official Gazette of RS, nos. 125/14 and 30/16),

the Managing Board of the Regulatory Agency for Electronic Communications and Postal Services, at the 9th session of the fourth convocation held on 24 December 2021, has adopted the

RULEBOOK

on the number portability for the services provided on public mobile communication networks

1 Introductory provisions

Article 1

This Rulebook stipulates the terms and conditions which need to be fulfilled by operators, subscribers (users) and the Regulatory Agency for Electronic Communications and Postal Services (hereinafter: Agency) in regard to the national number portability for public mobile communication network services from the Numbering Plan, as well as the number porting manner and the number porting fee.

Operators shall be required to achieve mutual cooperation and cooperation with the Agency in the number porting procedure, and to refrain from any action aimed to obstruct or prevent number porting.

Article 2

Certain terms used in this Rulebook have the following meanings:

- 1) number portability, in terms of this Rulebook, means a possibility, for the subscriber (user) to change the operator and to retain, at their own request, the number assigned to them from the Numbering Plan for the public mobile communication network services;
- 2) number porting, in terms of this Rulebook, means a set of technical and administrative procedures undertaken during the realisation of the number portability service, in the manner stipulated in this Rulebook;
- 3) operator is an entity that provides or is authorised to perform electronic communication activity on their own or on a leased public mobile communication network,
- 4) recipient operator means the operator whose services the subscriber (user) will be using after the number is ported;
- 5) donor operator means the operator relinquishing the number in the number porting procedure, whose services had been used by the subscriber (user) until the number was ported;
- 6) number range holder means the operator holder of the number from the Numbering Plan for public mobile communication network services, assigned thereto based on the licence for the use of numbering resources or a written agreement previously approved by the Agency;

- 7) subscriber (user), in terms of this Rulebook, means any natural or a legal entity who uses communication services as per a concluded subscription contract with the operator or in another legitimate manner, who has been assigned a number for the provision of these services,
- 8) central database of ported numbers (hereinafter: central database) means a reference database which contains the data needed to route calls towards ported numbers and which facilitates timely updates of the local database of ported telephone numbers and keeps records of all actions performed in the number porting procedure;
- 9) local database of ported numbers (hereinafter: local database) is hosted by the operator and is an operative database which contains data required for routing calls to ported numbers and which is regularly updated with the data from the central database;
- 10) routing number means a pre-number which is used for routing calls towards ported numbers and is kept in the central and local databases;
- 11) time frame means an interval between 02:00 am and 06:00 am on a working day, during which the number being ported is disconnected from the network of the donor operator and connected to the network of the recipient operator;
- 12) “all call query” means a method of routing a call towards the ported number, where the operator whose network is originating the call makes a query in its own local database on whether the number has been ported prior to establishing the connection. In case the called number has been ported, the connection is established directly towards the recipient operator, by means of a routing number.
- 13) “query on release” means a method of routing a call towards the ported number where the number range holder, by means of a signal message, informs the operator originating the call that the number is ported. Upon receiving this message, the operator originating the call routes the call directly towards the recipient operator, by means of a routing number obtained by query in its own local database;
- 14) working day means every day of the year other than Sundays and non-working days of national or religious holidays.

Article 3

Operators are obliged to enable the subscriber to retain their existing number when changing the operator, except in the cases stipulated in Article 11 of this Rulebook.

To carry out number portability, operators are obliged to align their general terms and conditions for the provision of services with this Rulebook.

In order to be able to port their number, users who do not have subscription contract (prepaid users) have to be registered. User registration implies the identification of users in accordance with the operator procedure. Registration of unregistered prepaid user may be carried out with the recipient operator by presenting the SIM card and PUK code and a valid identity document (ID card or passport).

The subscriber (user) who has ported a number may not request the porting of the same number any sooner than two months from the date the number has been ported between operators.

The subscriber shall not be entitled to request that the recipient operator transfer any additional services that the subscriber has had with the donor operator.

Upon request of the subscriber (user), the operator shall provide information on all subscriber (user) numbers, together with the details of the contract and the contract expiration date for each of the numbers, within two working days of the submission of the request. The operator and the subscriber (user) shall have an additional period of three working days to harmonise and arrange the data.

A prepaid user shall not be entitled to claim any reimbursement from the donor operator for any remaining amount on their account and any unused traffic.

The number range holder has the right to change the subscriber numbering system in accordance with the Numbering Plan, and upon the approval of the Agency.

2 Requesting number porting

Article 4

The number porting procedure is initiated by submitting a number porting request to a recipient operator in writing or electronically using a qualified electronic signature or registered electronic identification schemes of substantial or high level of assurance, in accordance with the law governing electronic communications and the law governing electronic documents, electronic identification and trusted services in electronic commerce. This request shall simultaneously be considered as a request for termination of the existing subscription contract between the subscriber (user) and the donor operator, i.e. termination of their mutual obligations in accordance with the general terms and conditions of their contract. The contract shall be terminated the moment the number is disconnected from the network of the donor operator.

The number porting request submitted electronically in accordance with the law governing electronic documents, electronic identification and trusted services in electronic commerce shall be kept in accordance with the provisions thereof, and the recipient operator may deliver it to the donor operator electronically.

Article 5

The number porting request shall be submitted by a natural entity (on behalf of minors, the request shall be submitted by a parent or a guardian) and on behalf of a legal entity by an authorized person, based on a written authorization.

The number porting request form shall be provided by the recipient operator, and it shall contain the following information:

1) about the subscriber:

- (1) for natural entities: first name, last name, personal ID number (JMBG) (for foreign citizens, passport number and country of issue or the registration number assigned by the relevant authorities of the Republic of Serbia) and address;
- (2) for legal entities: business name, head office - address, company registration number, tax identification number (TIN) and the personal ID number (JMBG) of the person

registered as representative of the legal entity or the authorised person representing the legal entity;

- 2) the number or a group of numbers to be ported;
- 3) the type of subscription contract with the donor operator (prepaid, postpaid);
- 4) the name of the donor operator;
- 5) the name of the recipient operator;
- 6) the date and time of submission of the request;
- 7) the date by which number porting is requested within the stipulated time frame for the service realization;
- 8) the statement of the subscriber (user) stating that this request shall also be considered the request for the termination of the existing subscription contract with the donor operator, i.e. a request for the termination of service provision between the donor operator and subscriber (user) in compliance with the general provisions regulating their mutual relationship.
- 9) the statement of the subscriber (user) obliging them to pay all outstanding debts to the donor operator accrued until the moment of number porting as well as all debts accrued during the number porting procedure and all subsequent due debts incurred before the contract termination;
- 10) the statement of the subscriber accepting that recipient operator shall suspend all their outgoing calls, except calls to emergency services, for a period of 30 days and then, upon request of the donor operator, disconnect the number, if the subscriber does not clear the outstanding debts to the donor operator accrued before the termination of the contract;
- 11) acceptance of the subscriber to have their personal data collected, processed and exchanged between the operators and the central database with the exclusive purpose of realization of the number porting.

Article 6

Person submitting the request for number porting in writing shall identify themselves by providing the valid ID card or passport.

Person requesting number porting electronically shall identify themselves using a qualified electronic signature or registered electronic identification schemes of substantial or high level of assurance, in accordance with the law governing electronic communications and the law governing electronic documents, electronic identification, and trusted services in electronic commerce.

On behalf of a legal entity, the number porting request shall be submitted by:

- 1) the person registered as representative of the legal entity;
- 2) a third party, based on the written authorisation (special power of attorney) issued by the person registered as representative of the legal entity.

The person submitting the request for number porting bound by a contract shall provide the recipient operator with proof of the payment of the last bill due, if the recipient operator so requests.

As a rule, during the number porting procedure, the recipient operator and the donor operator shall exchange information electronically.

Article 7

The donor operator shall provide the subscriber (user) with the calculation of outstanding dues and other dues within two working days from the date the number porting request was submitted. In particular, the donor operator shall specify the amount owed due to the early termination of the contract.

The donor operator, upon establishing the any outstanding payment, including all the obligations to the donor operator arising from the subscriber contract due to the early termination of the contract, shall provide request for payment to the subscriber (user) and simultaneously notify the recipient operator about it, who has to notify the user about the receipt of such information. The donor operator shall set a reasonable deadline for the subscriber (user) to pay the amount due, which shall not be shorter than 15 days and not longer than a month. If the subscriber (user) fails to settle financial obligations within the specified period, i.e. fails to submit proof of payment of obligations to the recipient operator, the outgoing calls will be suspended for a period of 30 days, except calls to emergency services.

If the subscriber (user) settles the obligations before the expiration of the deadline for suspension, the number will be activated. If the subscriber fails to pay the obligations during the 30-day suspension period, the telephone number will be disconnected permanently. Once the telephone number has been disconnected and the service by the recipient operator terminated, the telephone number will be returned to the number range holder within seven days.

The recipient operator may not activate a permanently disconnected telephone number at the request of the subscriber (user). The process of returning the telephone number shall be carried out via the central database.

The use of a telephone number may not be suspended on a non-working day, i.e. on weekends and public holidays observed as non-working days, which means that in such situations the operator shall be required to shift the suspension to the first working day that follows.

3 Number porting procedure

Article 8

A number porting request submitted by 6:00 pm shall be deemed to be submitted for that day. If a request is submitted after 6:00 pm, it shall be deemed to be submitted for the next working day. The recipient operator shall, without delay, forward the number porting request electronically to the central database, along with the following mandatory data:

- 1) information on subscriber (user) referred to in Article 5 paragraph 2 item 1) of this Rulebook;
- 2) the number or numbers to be ported;
- 3) the type of subscriber relationship;
- 4) the names of the donor operator and the recipient operator.

Upon receiving the information, the central database shall respond to the recipient operator with a confirmation of number porting procedure initiation.

Upon receiving and examining the request, the central database shall forward the subscriber's (user's) number porting request to the donor operator.

A number porting request specifying porting date may be submitted no later than 30 days in advance.

In case of online submission of a number porting request, the recipient operator shall make it possible for the subscriber to submit the porting request using a qualified electronic signature or registered electronic identification schemes of substantial or high level in accordance with the law governing electronic communications and the law governing electronic documents, electronic identification and trusted services in electronic commerce.

Should there be any information changes or repeated number porting requests, the subscriber (user) will sign a request form either in writing form or electronically using a qualified electronic signature or registered electronic identification schemes of substantial or high level in accordance with the law governing electronic communications and the law governing electronic documents, electronic identification and trusted services in electronic commerce.

Article 9

Upon receipt of the request, the donor operator shall verify whether the conditions for number porting have been met and notify the recipient operator and the central base about it.

The verification and notification referred to in the previous paragraph may not take longer than one working day from the date when the donor operator received the number porting request including where number porting was requested in advance by a specific date.

The subscriber (user) who has submitted a number porting request may withdraw the number porting request with the recipient operator in writing form or electronically in accordance with the law governing electronic communications or the law governing electronic documents, electronic identification and trusted services in electronic commerce, until the moment the donor operator has notified the recipient operator that the number port has been approved.

The recipient operator shall make a record of the date and time when the request for number porting cancellation is submitted and immediately notify the donor operator and central database about it.

Article 10

If the conditions for number porting are met, the donor operator shall notify the recipient operator and the central database that the number porting request has been accepted on the date and within the time frame specified in the request.

Once the donor operator has accepted the number porting, no more than one working day may elapse before the porting is carried out, unless the number porting was requested in advance by a specific date.

The donor operator, upon disconnecting the number which is subject of the request, shall immediately notify the central database about it, after which the central database shall notify the recipient operator.

The recipient operator, upon connecting the number which is subject of the request, shall immediately notify the central database about it. Upon receipt of confirmation that the number is connected to the network of the recipient operator, the central database is automatically updated, and the information is available to all local databases.

Article 11

The donor operator may reject a number porting request if:

- 1) the request has been submitted by an unauthorised person;
- 2) the number porting request is inaccurate or incomplete;
- 3) the prepaid user is not registered;
- 4) it has been found that the subscriber has not cleared the outstanding dues, including all obligations under the subscription contract, due to early termination of the contract with the donor operator, except where the contract has been terminated before the expiry of the period for which it was concluded due to the donor operator making changes unilaterally and thus materially altering the terms and conditions of the contract in a manner that does not benefit the subscriber;
- 5) the number is already in the procedure of being ported, or the number was last ported less than two months before
- 6) the number has been hosted by the donor operator for less than two months;
- 7) the number is stolen, non-existent, temporarily or permanently disconnected by the donor operator;
- 8) the number whose porting is requested is one of the numbers from a number sequence or part of the user number group in the network of the donor operator;

The donor operator shall not reject a number porting request if, in the case of natural entities, it turns out that the address of the subscriber (user) indicated in the request does not match the address in the operator's records, or if, in the case of legal entities, the business name, registered office or the address of the subscriber (user) indicated in the request does not match the address from the operator's records. Minor spelling differences in the name and address of the subscriber (user) shall not constitute sufficient grounds for the rejection of the number porting request. If the personal ID Number (JMBG) of a natural person or the registration number and TIN of a legal entity are correct, the request may be rejected only if the mismatch of other information gives rise to reasonable suspicion.

The existence of a contractual obligation between the subscriber (user) and the donor operator shall not justify the rejection of a porting request unless the termination of the contractual obligation results in the subscriber's (user's) outstanding dues.

Where the donor operator and the subscriber (user) who is using the donor operator's services under a subscription contract or in another legitimate way agree, by declaration of will, to change

their contractual relationship or part of their contractual relationship, the donor operator may not use this as a reason for rejecting the porting request referred to in paragraph 1 item 6) of this Article.

In the case of a number sequence, it is allowed to port individual units and individual numbers if the subscriber (user) has previously withdrawn from the donor operator's defined number sequence.

Article 12

In case a requested number cannot be ported, the donor operator will notify the central database and, either in writing or electronically, the recipient operator about the reasons for rejecting number porting within one working day from the date of receipt of the request. If there is more than one reason for rejecting porting request, the donor operator will state all the reasons for rejection.

Upon receiving the notification referred to in the previous paragraph, the recipient operator shall, without delay, inform the subscriber (user) about the porting request rejection either in writing or electronically, or by a text message (SMS), in accordance with the notification method that the subscriber (user) opted for in writing when submitting the number porting request.

In case the subscriber (user) chooses to be notified via text message (SMS), the user will be able to get detailed information about the rejection reasons by calling the customer service of the recipient operator.

Article 13

In the event of an unexpected delay in the number porting procedure, the operator responsible for the delay shall remove the cause of the delay immediately and notify the other operator and the central database about it.

The subscriber (user) is entitled to compensation if the donor operator and/or recipient operator fail to meet the deadlines for number porting set out in this Rulebook.

If the instant of number disconnection happens after the date requested by the user and provided the user is not to blame for the delay, all costs shall be borne by the donor operator and any costs incurred during that period of delay to the user shall not be charged.

Where number porting is scheduled three or more days in advance, the recipient operator shall furnish the user with the SIM card at least 24 hours before the porting, in the nearest branch office or a branch indicated by the subscriber (user) or in another agreed way. The recipient operator shall make it possible for the service to be tested and remove any defects before the number has been ported.

Each operator shall be obliged to notify immediately all operators and the central database of any malfunctions noticed in the number portability system, including any synchronisation errors, and shall immediately engage in the removal of causes of malfunctions.

4 Databases of ported numbers

Article 14

Database of ported numbers is the reference central database of the Agency.

The Agency shall be responsible for deployment, development, maintenance and financing of the central database.

The Agency shall determine the content and the form of data, as a well as the procedure of storing and updating of the data in the central database, having regard to the personal data protection.

The Agency shall determine the method of data exchange (access, interfaces and protocols) between the central and local databases, and the operators must ensure that their local databases are correctly and timely updated in line with the content from the central database.

Article 15

The central database shall contain a list of all ported numbers. A routing number shall be associated with each ported number.

The routing number is used for routing calls to ported numbers. It consists of a prefix that indicates a ported number and has a hexadecimal value D followed by the operator identifier and node identifier. Operator identifier consists of two decimal digits and is a number assigned to operators by the Agency. The node identifier consisting of two decimal digits, is a number that may be determined by the operator.

The central database contains records of all actions taken in the number porting procedure stipulated in this Rulebook.

5 Routing calls to ported numbers

Article 16

When establishing a call initiated by a fixed telephony subscriber towards a ported mobile telephony number, the “All Call Query” routing method shall be used in accordance with the relevant international recommendations.

When establishing a call initiated by a mobile telephony subscriber (user) towards a ported mobile telephony number, the “All Call Query” routing method shall be used in accordance with recommendation ETSI 123 066 (3GPP TS 23.066).

When forwarding an incoming international call towards a ported mobile telephony number, the “Query on Release” routing method shall be used in accordance with the relevant international recommendations, or the “All Call Query” routing method in accordance with recommendation ETSI 123 066 (3GPP TS 23.066).

Article 17

The operator originating a call or the operator accepting a national or international call towards a ported number shall be responsible for accurately routing the call directly to the operator hosting the ported number in accordance with the routing methods referred to in Article 16 of this Rulebook.

Operators shall be obliged to route calls towards ported numbers in the same way as calls to the recipient operator's non-ported numbers.

The routing principles referred to in paragraphs 1 and 2 of this Article shall also apply to requests for the delivery of text messages (SMS) or multimedia messages (MMS).

The Agency shall not be held responsible for incorrectly routed calls towards ported numbers.

6 Service charges and rights of operators

Article 18

Neither the recipient operator nor the donor operator may charge the subscriber (user) a number porting fee.

The recipient operator shall be obliged to pay a fee of RSD 200.00 (excluding VAT) to the recipient operator upon completed number porting.

If the subscriber requests porting of more than 100 numbers, the fee from the hundredth number onwards shall be half the amount stipulated in the previous paragraph.

The donor operator shall bill the recipient operator for the number portability service for the total number of ported numbers from the donor operator's network to the recipient operator's network in the relevant accounting period. The total number of ported numbers from the network of the donor operator to the network of the recipient operator shall be taken from the central database for the given billing cycle. The billing cycle shall be one calendar month.

Article 19

The operator shall not charge calls towards ported numbers more than the calls to non-ported numbers that are used for the provision of the same electronic communication services.

The operator shall not set, under the interconnection agreement, higher prices for calls towards ported numbers than for calls towards non-ported numbers that are used for the provision of the same electronic communication services.

Article 20

The number range holder shall remain in charge of the assigned number even if that number is ported to the recipient operator and shall pay a fee set out in the law regulating fees for the use of public goods.

The recipient operator shall pay the number range holder an annual fee set out in the law regulating fees for the use of public goods for each number ported to them, in proportion to the number of days per the year that the ported number has been used with the recipient operator.

In the event that the use of the ported number has been suspended, the recipient operator shall notify the central database and the number range holder about it within seven working days from the date the ported number has been deactivated, thereby returning the number to the number range holder.

Article 21

Operators with the established business cooperation with the operators of value-added services shall be obliged, upon request, to provide them information about ported numbers.

In case the number range holder does not forward messages sent to a ported number, the number range holder shall appropriately notify the operator of value-added services which operator is hosting the ported number to which the message is sent.

7 Notifying the subscriber (user)

Article 22

The addresses and office hours of the operators' customer services (branch offices) responsible for receiving number porting requests shall be made publicly available by the operators, by publishing such information in the media, on their websites or in another appropriate way.

Upon the subscriber's (user's) request, the operator shall make the information on ported numbers and charges for calls to ported numbers publicly available either by publishing it on its website or providing it through its customer service, as well as by other means of public information.

The number range holder shall provide for its subscribers (users) automatic voice message with the following content: "The number you have called has been ported to operator X. Please wait for the connection to be established." This message shall be free of charge. The voice message will initially be deactivated and upon request of the own subscriber (user) the operator may activate or deactivate it again, however this request may not be made by the subscriber (user) whose number has been ported.

8 Final provisions

Article 23

The Rulebook on number portability on public mobile communication networks (Official Gazette of RS 101/14) shall be repealed from the date this Rulebook takes effect.

Article 24

This Rulebook shall enter into force on the eighth day following its publication in the Official Gazette of the Republic of Serbia and it shall take effect upon the expiration of six months following its entry into force.

Ref. no: 1-01-3400-12/21

In Belgrade, 24 December 2022

**CHAIRMAN
OF THE MANAGING BOARD**

Dragan Kovačević