

DRAFT-REGULATION ON THE IMPLEMENTATION NUMBER PORTABILITY

Document for Public Consultation¹

(Approved by AKEP Steering Council Decision No. 7 of 12 June 2025)

¹ Please refer to Appendix 1 ‘Explanatory Note to the public consultation document’ of this document (pg.29-52) for explanations and clarifications regarding the proposed changes in this draft-regulation, including the public consultation process and questions for stakeholders.

The main changes proposed by AKEP in this Draft Regulation compared to the current regulation, Regulation No. 43/2016 “On the Implementation of Number Portability,” as amended (hereinafter, Regulation 43/2016), are presented in **bold and underlined text.**

CHAPTER I

General Provisions

Article 1

Subject matter

The subject matter of this Regulation is:

- a) the determination of the manner of implementation of number portability by undertakings of public electronic communications networks and services;
- b) the determination the relevant time limits for the implementation of portability.

Article 2

Aim

The purpose of this Regulation is to ensure the implementation of number portability by all undertakings of public telephone networks and/or publicly available telephone services (**voice communication services**), in accordance with the technical solutions, procedures, and time limits set out in this Regulation.

Article 3

Legal basis

This Regulation is drafted pursuant to **Article 12, points 1/j and 2/ll, and Articles 126, 145, and 146 of Law No. 54/2024 “On Electronic Communications in the Republic of Albania” (hereinafter, Law 54/2024).**

Article 4

Definitions and Abbreviations

Without prejudice to the provisions of **Law 54/2024 and other secondary legislation** adopted for its implementation, for the purposes of this Regulation, the following terms shall have the meanings set out below:

1. **“Number Portability” means the service/facility through which end-users/subscribers provided with numbers from the National Numbering Plan can keep their numbers, upon request, regardless of the undertaking providing the service to the subscriber at the network termination point.**
2. **“Centralized Reference Database (CRDB)” means the Centralized Number Portability Database, which records the status of each transaction and all standard messages exchanged between operators during the number porting process, and which also contains the information (data) necessary for routing calls to ported numbers, through which the local mirror databases (LMDB) of ported numbers of all operators are updated.**
2/1 “Centralized Reference Database Operator” (hereinafter, the CRDB Operator) means the legal entity registered in the Republic of Albania, selected by AKEP in accordance with the relevant public procurement procedures, to ensure the maintenance and management of the operation of the platform (hardware) and programmed systems (software) installed in the Centralized Reference Database (CRDB), in compliance with the provisions of this Regulation and other relevant AKEP acts related to number portability.

3. **“Local Mirror Database (LMDB)” means an active database at the operator’s premises, which contains the data necessary for routing calls to ported numbers and which is used by the operator in real time during the establishment of a call.**
4. **“All Call Query (ACQ)” means a routing method for calls to ported numbers whereby the originating network, prior to establishing each call, determines the network in which the called number is currently located by querying its own Local Mirror Database (LMDB).**
5. **“Public Electronic Communications Operator/Provider” (hereinafter, Operator) means an undertaking authorized to provide public electronic communications networks and/or services, including public telephone networks and/or telephone/voice communication services, in accordance with the provisions of Law No. 54/2024 and the relevant secondary legislation.**
- 5/1 “Access Network Operator” means an undertaking/operator whose access network or associated facilities are used by the donating operator/provider and/or the recipient operator/provider, or by both, for the provision of publicly available number-based interpersonal communication services (public telephone service/voice communication service) to the end user/subscriber.**
6. **“Donor Operator/Provider” (hereinafter, Donor Operator/DO) means the Operator that provides the public telephone/voice communication service to the subscriber prior to the porting of the number.**
- Note: The term Donor Operator in this Regulation has the same meaning as the terms Transferring Provider, Transferring Undertaking, and Donor Provider referred to in points 12, 14, and 15 of Article 145 of Law No. 54/2024.**
- 6/1 “Donor Network” (hereinafter also referred to as the DO Network) means the public electronic communications network of the Donor Operator, or used by the Donor Operator, in which the number was/is located prior to porting.**
- 6/2 “Initial Donor Operator” (hereinafter, IDO) means the operator to which AKEP has assigned the right to use the number or number range of which a ported number forms part. Where a number has been ported only once or is in the process of being ported for the first time, the Donor Operator and the Initial Donor Operator shall be the same undertaking.**
7. **“Recipient Operator/Provider” (hereinafter, Recipient Operator / RO) means the undertaking that provides the public telephone/voice communication service to the subscriber after the porting of the number.**
- Note: The term Recipient Operator in this Regulation has the same meaning as the term Recipient Provider referred to in points 12 and 14 of Article 145 of Law No. 54/2024.**
- 7/1 “Recipient Network” (hereinafter, the RO Network) means the public electronic communications network of the Recipient Operator, or used by the Recipient Operator, in which the number is placed after porting.**
8. **“Number Porting” means the transfer of a subscriber’s number from the Donor Operator to the Recipient Operator, including the processes of deactivation of the number from the Donor Operator’s network and its activation in the Recipient Operator’s network.**
9. **“Centralized Reference Database Operator” (hereinafter, the CRDB Operator) means an entity (legal person) that maintains and manages the operation of the platform and operating systems installed in the CRDB, in accordance with the applicable laws and secondary legislation.**

10. “Subscriber” means the end user—whether a consumer, a business, or any type of entity—that has entered into a contract (with a prepaid, post-paid, or hybrid tariff plan) with an undertaking for the provision of a public telephone service/voice communication service.
11. “MSISDN” means a unique national N(S)N number that identifies a subscriber in a mobile communications network (mobile telephone number).
12. “Active Number”, for the purposes of this Regulation, means a number from the National Numbering Plan assigned by an undertaking for use by a subscriber/end user, which is subject to an active/valid subscription contract (with prepaid, post-paid, or hybrid payment arrangements, for a fixed or indefinite term) with the provider of the voice communication service (Donor Operator). Accordingly, the public telephone/voice communication service is activated. A contract/number shall also be considered active where the subscriber’s services have been temporarily suspended/deactivated (but not permanently) (e.g., due to payment delays, failure to recharge, or expiry of prepaid credit validity). A prepaid mobile number shall be considered active, for the purposes of this Regulation, as long as it is able to send and/or receive communications at the time of the porting request and has not entered the status of a number permanently deactivated by the service provider.
13. “Deactivated/terminated Number”, for the purposes of this Regulation, means a number that no longer meets the conditions of an active/valid contract as defined in point 12 above, as the subscription contract has been terminated by the subscriber and/or the provider of the voice communication service, and the number has been permanently deactivated from the Donor Operator’s network.
14. “Personal Identification Number” - means the unique personal number on the Identity Card, Passport, of every Albanian citizen or foreigner with permanent or temporary residence in the Republic of Albania and which serves as the main criterion for identifying the subscriber.
15. “Approval” means the set of verifications carried out by the Donor Operator to check the accuracy and completeness of the request submitted by the Recipient Operator, with the aim of avoiding errors in the execution of number portability.
16. “Rejection” means the refusal of a number porting request by the Donor Operator, based on the rejection criteria set out in this Regulation.
17. “Conditional Approval/Acceptance” means the response of the Donor Operator to a request for porting a number with a post-paid tariff plan where, as a result of the verification process, it is determined that the subscriber is a debtor or has contractual obligations to be fulfilled prior to the termination of the existing contract with the Donor Operator for the number to be ported (in accordance with point 19 below).
18. “Pending Status” means the status created in the CRDB system for a porting request for a mobile or fixed number that has been conditionally approved by the Donor Operator.
19. “Contractual obligations to be fulfilled prior to termination of the contract/number porting”: means the financial obligations of the subscriber towards the Donor Operator, the payment/fulfilment of which must be completed before the Donor Operator approves the number porting request. These may include, as applicable:
 - a. obligations for invoices issued by the Donor Operator (including any outstanding obligations—past due—and the invoice for the current/previous month) that remain unpaid by the subscriber as of the date the porting request is received by

- the Donor Operator via the CRDB/the date of conditional acceptance of the request;
- b. the obligation for payment for service usage during the current month, according to the invoice issued/to be issued by the Donor Operator up to the date of notification of the conditional acceptance of the porting request or up to the date of payment by the subscriber of the obligations referred to in this paragraph (points a and c);
 - c. fees¹ and/or financial compensation² applicable to the subscriber in the event of termination before the minimum term of a fixed-term contract, in accordance with Article 144 of Law No. 54/2024.
20. “Contractual obligations to be fulfilled upon/after the termination of the contract”:
means the obligations that may be fulfilled by the subscriber only on the date of termination of the contract or after that date, and which may include, as applicable:
- a. the obligation to pay the invoice issued by the Donor Operator for the applicable charges for receipt/use of the service after the last day of the billed period up to the date of completion of number porting/service termination by the Donor Operator, where the services used by the subscriber during this period are not or are only partially included in the last invoice issued by the Donor Operator (point 19(a) or 19(b) above);
 - b. the return by the end-user of the terminal equipment included in the integrated tariff package or compensation for the equipment in the event of failure to return it within the deadline set by the Donor Operator under the existing contract (not earlier than the date of service termination by the Donor Operator).

Article 5

Scope of application and general principles

1. This Regulation applies only to the portability of numbers assigned to end-users/subscribers by undertakings to use for public telephone /voice communication service belonging to the following categories of numbers in the National Numbering Plan (NNP):
 - geographic numbers (hereinafter fixed numbers) as defined in point 25 of Article 4 of Law 54/2024;
 - non-geographic mobile numbers (hereinafter mobile numbers) as defined in point 26/a of Article 4 of Law 54/2024.
2. Fixed number portability is applied only between the Donor Operator and the Recipient Operator that are providers of publicly available telephone/voice communication services from fixed locations. A fixed number may be ported/activated only on networks that provide publicly available telephone/voice communication services from fixed locations (public fixed telephone networks) and at a specific geographic location, belonging to the same geographic region/numbering

¹ Early termination fee for a fixed-term contract pursuant to point 1/c/iv of Article 180 of Law 54/2024 (point 2 of Article 18 of Regulation 49/2021). This fee is not applicable in the cases provided for in points 6, 8, 9 and 10 and 11 of Article 144 of Law 54/2024.

² Compensation for terminal equipment: Outstanding obligations related to subsidized terminal equipment and/or equipment included in the integrated tariff package at the time of contract conclusion (pursuant to points 11 and 12 of Article 144 of Law No. 54/2024).

- area as before porting, in accordance with the National Numbering Plan and the relevant AKEP Regulation on the Assignment and Use of Numbers and Number Ranges and the National Numbering Plan.³
3. Mobile number portability is applied only between the Donor Operator and the Recipient Operator that are providers of publicly available mobile telephone/voice communication services, and a mobile number may be ported/activated only on mobile networks, regardless of location.
 4. Number porting/portability does not apply to the transfer of numbers between networks providing services from fixed locations and mobile networks.
 5. Number portability follows the principle of technological neutrality. The Donor Operator and the Recipient Operator are not required to use the same technology to provide publicly available telephone/voice communication services to the subscriber, i.e., regardless of the call switching technology used (circuit switching or packet switching). A fixed number may be ported regardless of the fixed network technology (e.g., optical fibre, coaxial cable, copper wire, etc.) used by the Recipient Operator and/or the Donor Operator.
A mobile number may be ported regardless of the mobile network technology (2G, 3G, 4G, 5G, etc.) or the SIM card technology (physical SIM card or eSIM) used by the Recipient Operator and/or the Donor Operator.
 6. The Donor Operator is required to accept/approve a porting request only for numbers for which the subscriber/end-user is entitled to request porting, in accordance with the provisions of this Regulation.
 7. The technical implementation of number portability does not prevent the subsequent expansion of the scope of secondary legislation on number portability. The Centralized Reference Database shall be able to support the porting of all numbers included in the National Numbering Plan, in accordance with the relevant AKEP acts.
 8. The provisions of this Regulation concerning the routing of calls to ported numbers shall be applied by all undertakings of electronic communications networks and/or services that provide voice communication services to their subscribers, as well as by network operators that provide transit of calls, in accordance with the provisions of Article 8 of this Regulation and other relevant AKEP secondary legislation.

CHAPTER II

Technical solutions for number portability and ensuring the availability of the CRDB

Article 6

Obligations for the Preparation of the Recipient/Donor Operator Networks and Testing

1. All operators shall adapt and upgrade their electronic communications networks and systems in line with the increasing number of ported numbers, in order to enable number portability and the implementation of the related number portability obligations as Donor

³ Currently in force: Regulation No. 10 “On the Allocation and Use of Numbers and Numbering Series and the National Numbering Plan”, approved by Decision of the AKEP Steering Council No. 932, dated 11.08.2009, as amended.

- Operators and Recipient Operators, in accordance with the provisions of Law No. 54/2024 and this Regulation.
2. Every operator shall establish its own Local Mirror Database of ported numbers (LMDB), including information on all ported numbers in the Republic of Albania.
 3. All operators, in relation to the number porting process, shall mutually exchange information on the use of ported numbers through the CRDB, which records all stages of the number porting process.
 4. Communication between the Recipient Operators and the Donor Operators for number porting shall be carried out exclusively through the CRDB.
 5. **The Recipient Operator and the Donor Operator are responsible for the number transfer process and for the preparation of their electronic communications networks, systems, and services, and the quality of the existing service shall not be adversely affected during the number transfer process.**
 6. **In order to provide/enable the number portability service, an operator shall establish and test interconnection with other operators before offering the number portability service.**
 7. **Prior to offering the number portability service, operators are obliged to carry out at least the following tests:⁴**
 - a. **connectivity between the operator and the CRDB in accordance with the instructions of the CRDB Operator, including for the number porting process between the operator and the CRDB, the receipt of notifications on the status of the porting process, and the updating of the LMDB;**
 - b. **interconnection with other operators as Donor Operators and Recipient Operators for the origination, termination, and transit of calls, SMS and MMS messages (for mobile network operators) to/from ported numbers, including the correct presentation of CLI.**

Article 7

Information on ported numbers

1. Information on ported numbers shall be stored in the operators' Local Mirror Databases of ported numbers (LMDB) and in the CRDB, which is a reference database.
2. The CRDB provides information for each ported number, including the network in which the number was located prior to porting, the network in which the number is placed after porting, as well as the exact date and time when the porting becomes effective. All operators that route calls to fixed and mobile numbers shall synchronize their local mirror databases with the Centralized Reference Database at least every six hours.

Article 8

Routing of calls to ported numbers

1. Operators of public telephone networks or publicly available telephone/**voice communication** services shall, through full automation of the process, support the routing of calls to ported fixed and mobile numbers. The selected routing method shall be the "All Call Query (ACQ)" method.
2. The operator of the mobile network and services in which the call originates shall be

⁴ The tests shall be performed according to the instructions of the CRDB operator and the AKEP number portability technical specifications document.

responsible for routing the call (direct transfer) or for sending messages to ported numbers in all networks in which the ported numbers are located, in accordance with the technical specifications of ETSI TS 123 066.

3. Operators of public fixed telephone/**voice communication** services, as well as operators that transit calls between networks, shall be responsible for the correct direct routing of calls to ported numbers of other fixed networks by using the “All Call Query (ACQ)” method.
4. Operators of public mobile telephone/voice communication services, in whose networks calls are originated, as well as operators that route calls from other networks, shall be directly responsible for the proper routing of calls to ported numbers in public mobile electronic communications networks, in accordance with the “All Call Query (ACQ)” method.
5. For the routing of incoming international calls/messages to ported numbers, the first operator authorized in the Republic of Albania that receives the incoming international call/message and has a direct relationship with foreign operators shall be obliged to forward them to the appropriate network in which the ported number is currently located, in accordance with the following cases:
 - a) According to the “All Call Query (ACQ)” method: direct forwarding to the Recipient Operator (the network in which the number is currently located) in cases where the two operators have concluded an interconnection agreement that also covers the forwarding of incoming international calls/messages between those operators for ported numbers. This method shall also apply where the first operator receiving the incoming international call/message is the Initial Donor Operator of the number;
 - b) According to the “Onward Routing” method: the first operator receiving the incoming international call/message forwards the call/message to the network of the Initial Donor Operator of the number (holder of the number allocated by AKEP), with whom it has an interconnection agreement for the termination of incoming international calls/messages. Thereafter, the Initial Donor Operator shall be obliged to forward the call/message to the Recipient Operator of the number (where the number is currently located), in accordance with the provisions of the relevant interconnection agreement with the Recipient Operator. This method shall apply in cases where the first operator receiving the incoming international call/message has an interconnection agreement with the Initial Donor Operator of the number for the termination of incoming international calls/messages, but does not have such an agreement with the Recipient Operator of the number. The Initial Donor Operator shall be obliged to pay the Recipient Operator the applicable termination rate communicated by the latter, and shall be entitled to charge the operator that forwards the incoming international call/message the Recipient Operator’s termination rate for such calls/messages, as well as a fee for the database query service and the transit of the call to the Recipient Operator’s network in which the number is currently located. Any disputes that may arise between the Donor Operator and the Recipient Operator regarding the termination rate of incoming international calls/messages to ported numbers (including cases referred to in point (a) above) shall be resolved by AKEP in accordance with the provisions of **Article 47 of Law No. 54/2024**.
6. Operators may fulfil the obligations set out in this Article either directly or through contractual agreements with a transit operator, a copy of which shall be submitted to AKEP.

Article 9

Notification of ported numbers

1. Operators are obliged to inform their subscribers, by means of a voice message in the form of a beep tone, of the porting of a number, prior to the completion of a call to ported

- numbers.
2. The beep tone shall be the same for all operators and shall serve to notify subscribers that the number has been ported.

Article 10

Centralized Reference Database (CRDB)

1. For the exchange of data on ported numbers between the local mirror databases of ported numbers (LMDB), the Centralized Reference Database (CRDB) shall be used.
2. The CRDB shall contain information on all ported numbers, including codes for routing calls to ported numbers and transactions between operators (operators, names of Donor Operators and Recipient Operators of the numbers, dates, number of transfers, and information on the status of the number porting process).
3. **AKEP ensures the availability of the CRDB by carrying out the relevant public procurement procedures in order to guarantee and secure:**
 - a) **the platform (hardware) and operating systems (software) of the CRDB (initially and/or any subsequent necessary upgrades);**
 - b) **the premises for hosting the CRDB platform and operating systems;**
 - c) **the maintenance and management service for the operation of the platform and systems installed in the CRDB, provided by the CRDB Operator.**
4. **In order to ensure the continuous, high-quality, and reliable availability of the CRDB, including its operation, AKEP shall periodically (at least once every three years) carry out public consultation processes with stakeholders.**
5. **The public consultation process referred to in point 4 above shall include discussions with stakeholders regarding the performance and operation of the CRDB, as well as the need, if any, for improvements to the platform and systems installed in the CRDB, and other issues related to the availability of the CRDB.**
6. The CRDB Operator shall guarantee impartiality and reliability to **electronic communications operators throughout the entire period of providing the maintenance and management service for the operation of the platform and systems installed in the CRDB.**
The CRDB Operator shall be independent from all electronic communications operators and shall provide the service in accordance with the principle of non-discrimination, treating equally all electronic communications operators connected to the CRDB (that are obliged to connect to the CRDB), and shall inform them of any development, software, technical, or operational update related to the maintenance and management service of the CRDB.
The technical requirements, including those ensuring the criteria of impartiality and reliability and the principle of non-discrimination, shall be determined by AKEP in the document “Technical Specifications for Number Portability”, approved by a Decision of the AKEP Steering Council,⁵ as well as in the relevant technical specification documents/terms of reference in the public procurement procedure for the selection of the CRDB Operator.
7. The CRDB Operator shall be responsible for operating the platform and shall guarantee the availability of the database functions, **including the necessary software developments (including technical/operational developments) required for changes in the number**

⁵ The document “*Technical Specifications for the Implementation of Number Portability*”, approved by Decision of the AKEP Steering Council No. 1318, dated 14.06.2010, will be amended by AKEP in order to reflect all changes related to number portability, including those adopted after the approval of the final version of the Draft Regulation (following the conclusion of this public consultation process).

portability process in accordance with the provisions of this Regulation and other relevant AKEP acts related to number portability.

8. The technical specifications for the hosting environment of the CRDB platform and operating systems shall be determined by AKEP in the relevant public procurement procedure, where hosting is to be carried out in premises other than those of the CRDB Operator.
Notwithstanding the above paragraph and point 3(b) of this Article, in order to guarantee and secure the hosting environment for the CRDB platform and operating systems, AKEP may use its own premises and/or those of specialized public institutions that ensure secure 24/7 hosting, at no additional cost or at significantly lower cost than that offered by economic operators in the market.
9. The **CRDB** Operator shall comply with the legal provisions on the protection of personal data.
10. Based on reports and statistics produced by the CRDB, AKEP shall periodically publish reports containing information and statistics on number porting, the performance of the CRDB, and the performance of operators in number porting.

Article 11

Prior notification of end-users

1. The originating network operator shall transmit a **beep tone** to the calling party when making a call to a ported number, where the retail tariffs for off-net calls/SMS are higher than those for on-net calls/SMS.
2. Operators shall inform subscribers about the possibilities referred to in this Article and the manner of submitting a request, in accordance with the relevant recommendations (recommendations on transparency and the publication of information).
3. AKEP, through the CRDB Operator, shall provide a website at www.portabiliteti.al with information on the number porting process, so that interested parties may, inter alia, obtain information regarding the process of porting a number.

Article 12

Use of routing codes

1. For the transfer of calls to ported numbers, routing codes determined by AKEP shall be used, in accordance with the specifications set out in the relevant AKEP Regulation on the Assignment and Use of Numbers and Number Ranges and the National Numbering Plan.
2. For the purpose of routing calls to operators' ported numbers, AKEP shall be obliged to ensure the assignment of number portability routing codes.
3. The routing code referred to in the paragraph above is defined as follows: the numerical value of the Number Portability Routing Prefix is 99 X₁X₂, where:
 - a) 99 – is the access code for number portability;
 - b) X₁X₂ – is the identifying number of the undertaking that provides the service.
4. Operators shall ensure that subscribers are not able to dial routing codes. Any such attempt shall be detected and rejected by the system.
5. Operators shall be obliged to use the routing code for routing calls to ported numbers.

CHAPTER III

Number porting process

Article 13

Eligibility for porting a number and number portability request

1. The porting process is based on the “one-stop shop” principle. A subscriber/end user who wishes to port a number shall submit a request for the possibility of number porting to the Recipient Operator.
2. In order to be eligible for number porting, the end user must be using an Active Number as a subscriber of the Donor Operator, **or the end user must have used a Deactivated Number for which, upon termination of the contract with the Donor Operator, they have not waived the right to port that number. The request for number porting shall be carried out in accordance with the procedures and time limits set out in this Regulation.**
3. The number porting process shall be recipient-led, meaning that the Recipient Operator shall be responsible for submitting the subscriber’s porting request to the Donor Operator, monitoring the number porting process, and sending the relevant notifications to the subscriber regarding the process, in accordance with the provisions of this Regulation.
4. The application form for number portability for end users is attached to this Regulation as Annex 1.

Article 14

Obligations of the Receiving Operator

1. Prior to the start of the number porting process, the Recipient Operator shall verify the identity of the applicant person/subscriber submitting the number porting request.
Where the applicant is a consumer (individual) subscriber of the Donor Operator, identification by the Recipient Operator shall be carried out by verifying an identification document that proves the person’s identity, including their Personal Identification Number, through a valid identification document such as an Identity Card or Passport.
Where the applicant is a business subscriber (natural or legal person) of the Donor Operator, identification by the Recipient Operator shall be carried out by verifying an identification document that proves the identity of the authorized representative of the applicant, including their Personal Identification Number, through a valid identification document such as an Identity Card or Passport, as well as by verifying a simple extract/historical record of the natural or legal person.
Upon completion of the successful number porting process, the Recipient Operator shall register the data of the ported subscriber in accordance with the relevant registration form approved by AKEP, pursuant to the applicable legal provisions.
The Recipient Operator shall keep and archive all documentation related to the number porting process, including the number porting request, and, upon request by AKEP, to submit it electronically or in hard copy within the deadline specified by AKEP.
2. The Recipient Operator shall, through the CRDB, submit the number porting request to the Donor Operator, based on the subscriber’s request in accordance with the form in Annex 1. The Recipient Operator shall be obliged to provide the subscriber with a printed or electronic copy of the porting request in accordance with the form in Annex 1. Where the time of entry of the request into the CRDB system by the mobile Recipient Operator differs from the time of submission of the request by the subscriber, the Recipient Operator shall notify the subscriber by SMS of the time at which their porting request was entered into the system. In any case, the Recipient Operator shall enter the request into the CRDB system no later than one working day from the submission of the request by the subscriber.

3. The Recipient Operator shall be obliged to ensure that the use of the number after import is in accordance with the rules on the use of numbers set out in the relevant AKEP Regulation on the Assignment and Use of Numbers and Number Ranges and the National Numbering Plan.
4. The Recipient Operator shall inform the subscriber who submits a number porting request about the number transfer process, including:
 - a) the period during which the porting process will be carried out;
 - b) the period when service activation in the Recipient Operator's network will begin;
 - c) the services of the Recipient Operator;
 - d) the responsibilities and conditions for the transmission of warning notifications to subscribers when callers call ported numbers;
 - e) the reasons for refusal of number porting requests;
 - f) the reasons for delays in the number transfer.
5. Where the Recipient Operator conducts the porting process without the subscriber's authorization, the number shall be returned to the Donor Operator's network, and the subscriber and the Donor Operator shall have the right to claim compensation for damages.
6. For the provision of services on its network, in addition to the information required under **Article 141 of Law No. 54/2024** and other applicable laws and secondary legislation, the Recipient Operator shall be obliged to provide the subscriber submitting a porting request with all necessary information, in particular the information set out in Annex 1 to this Regulation, including:
 - a) **that a request to port an Active Number constitutes a request to terminate the existing contract with the Donor Operator, and that** the completion of number porting shall **automatically** terminate the subscriber's existing contract with the Donor Operator, but shall not terminate the subscriber's obligations towards the Donor Operator under the existing contract (**or the previous contract where the porting request concerns a Deactivated Number**), where such obligations exist and are to be paid/fulfilled in accordance with the relevant notification(s) from the Donor Operator;
 - b) any obligation that the subscriber must pay to the Recipient Operator prior to concluding the contract; and
 - c) where necessary, the technical specifications of the Recipient Operator's network interface and whether the subscriber will be able to use existing terminal equipment on the Recipient Operator's network.

Article 15

Obligations of the Donor Operator

1. All donor operators that use fixed or mobile numbers shall be obliged to support the number porting process **and the execution of number porting to the Recipient Operator, in accordance with the provisions of this Regulation.**
2. The Donor Operator shall not be obliged to accept a request to port a number to the Recipient Operator where the number is:
 - a) **an Active Number, as defined in point 12 of Article 4 of this Regulation, which has been activated for the first time with the Donor Operator (as a new number or as a number ported from another Donor Operator) for less than three (3) months;**
 - b) **a Deactivated Number, as defined in point 13 of Article 4 of this Regulation, which has been deactivated by the Donor Operator for more than three (3) months;**
 - c) **a Deactivated Number, as defined in point 13 of Article 4 of this Regulation, for which, upon termination of the contract with the Donor Operator, the end user has expressly waived the right to port the number after its deactivation.**
3. The Donor Operator shall be obliged to carry out number porting even where the services contracted with the subscriber have been suspended or temporarily unilaterally interrupted

prior to the contract being deemed terminated in accordance with the applicable legal and secondary legislation, due to non-payment of invoiced obligations by the subscriber. In cases where, due to non-payment of the monthly invoice, the subscriber is subject to unilateral suspension of the contracted services, the Donor Operator shall be obliged to **conditionally accept** the porting request, and the request shall be approved and the number ported only once the subscriber has settled the invoiced obligation with the Donor Operator, in accordance with the provisions of this Regulation.

4. **The Donor/Transferring Operator, in addition to what is provided for in Articles 141 and 180 of Law No. 54/2024 and the relevant secondary legislation, shall ensure that end users/subscribers are appropriately informed in the contract/general terms and conditions of the contract about: their right to number porting; their right to reimbursement of remaining or unused credit in the use of prepaid services; and their right to compensation in cases of delays or abuses by the Donor Operator in porting the subscriber's number, in accordance with points 1(c)(ii) and 1(c)(iii) of Article 180 of Law No. 54/2024.**
5. Where a ported number enters the status of Deactivated Number **(as defined in point 13 of Article 4 of this Regulation)** and remains in this status for more than three (3) months from the date of deactivation, and the former end user has not exercised the right to port the number within this period, or where the number is withdrawn from the subscriber for reasons set out in the applicable legal and secondary legislation, the ported number shall revert to the Initial Donor Operator (IDO), which holds the right of use of the number assigned by AKEP. The Recipient Operator shall notify the Initial Donor Operator of such numbers by updating the relevant information in the CRDB, in accordance with the instructions of the CRDB Operator.
6. All mobile operators shall be obliged, every three (3) months, during the first five (5) working days of the months of January, April, July, and October, to carry out the repatriation process (return to the Initial Donor Operators) of ported numbers in their networks **that have remained in the status of Deactivated Number for more than three (3) months from the date of deactivation.** For fixed networks, the update and repatriation process shall be carried out annually in the month of January.
7. Subscriber data relating to a porting request shall be treated by the Donor Operator with the utmost confidentiality and shall be used exclusively for the purpose of executing number porting. **During the thirty (30)-day Pending status period created in accordance with Article 18 of this Regulation for a porting request conditionally accepted subject to settlement of contractual obligations by a post-paid subscriber,** the Donor Operator shall be prohibited from offering individual offers, bonuses, or other preferential conditions to the subscriber who has submitted a porting request.
8. **The Donor Operator shall have the right to reject a number porting request only for the reasons referred to in Article 18, point 5(c) of this Regulation.**
9. **The Donor Operator shall have the right to conditionally accept a number porting request from a post-paid subscriber only where, on the date of receipt of the porting request by the Donor Operator via the CRDB / the date of conditional acceptance of the request, the subscriber has "Contractual obligations to be fulfilled prior to termination of the contract/number porting", as defined in point 19 of Article 4 of this Regulation.**
The Donor Operator may not include additional obligations within the "contractual obligations to be fulfilled prior to termination of the contract/number porting", other than those specified in the existing contract between the Donor Operator and the subscriber for the service that includes the number to be ported, and which are applicable in the event of termination of the contract at the subscriber's request, in accordance with Article 144 of Law No. 54/2024 and other applicable legal and secondary legislation.

Contractual obligations to be fulfilled upon/after termination of the contract/number porting, as defined in point 20 of Article 4 of this Regulation, shall not constitute grounds for conditional acceptance of a porting request for an Active Number. Such obligations may be paid/fulfilled by the subscriber only on or after the date of contract termination/service cessation by the Donor Operator, in accordance with the relevant notification from the Donor Operator.

The Donor Operator shall have the right to conditionally accept a porting request from a former post-paid subscriber for a Deactivated Number only where, on the date of receipt of the porting request via the CRDB / the date of conditional acceptance, the subscriber/end user has outstanding obligations under the previous contract with the Donor Operator (which may include any type of unfulfilled obligation under points 19 and 20 of Article 4 of this Regulation).

10. **The Donor Operator shall be obliged to accept a number porting request where none of the rejection or conditional acceptance criteria are met.**
11. **In cases of rejection of a number porting request due to mismatch of ID/NIPT, or conditional acceptance of a porting request for a post-paid number, the Donor Operator shall notify and inform the subscriber through a durable medium of communication (SMS for mobile operators) and shall carry out the relevant actions and processes for correction of the ID and/or execution of the number porting, in accordance with the requirements and deadlines specified in points 12(b), 13, and 14 of Article 18 of this Regulation.**
12. **After the porting date/service termination, the Donor Operator shall have the right to invoice a post-paid subscriber only for “Contractual obligations to be fulfilled upon/after termination of the contract”, which are additional obligations arising during the Pending status that were not included in the invoicing of “Contractual obligations to be fulfilled prior to termination of the contract/number porting”, or which may only be fulfilled by the subscriber after service/contract termination by the Donor Operator, such as the return of terminal equipment.**
13. **The Donor Operator shall ensure that subscriber data in the subscriber database(s) used for verification of number porting requests are synchronized with the subscriber data in the database(s) used by Donor Operator staff at the undertaking’s sales points.**
14. **The Donor Operator, upon request, shall be obliged to reimburse consumer-category subscribers for their remaining or unused prepaid credit for mobile communications services, in accordance with the provisions of Article 22 of this Regulation.**

Article 16

Rights and Obligations of the Subscriber

1. Number portability is a right of the subscriber in their contractual relations with the Donor Operator and the Recipient Operator. The subscriber has the right to retain their number when changing operators.
2. A subscriber/end user may port a number by concluding a contract with the Recipient Operator and by signing, with the Recipient Operator, a request for number porting from the Donor Operator (in accordance with Annexes 1 and 2 to this Regulation).
The subscriber’s request to port an Active Number, signed with the Recipient Operator, constitutes an expression of the subscriber’s intention to terminate/close the existing contract with the Donor Operator, and the submission of the request by the Recipient Operator to the Donor Operator via the CRDB constitutes a request for termination of the subscriber’s existing contract with the Donor Operator.
The existing contract with the Donor Operator and the new contract with the Recipient Operator may be prepaid or post-paid. **The new contract with the Recipient Operator**

shall enter into force only in the event of successful completion of number porting and on the date of activation of the ported number with the Recipient Operator.

3. The successful completion of the porting process **of an Active Number shall automatically** terminate the contract between the subscriber and the Donor Operator, but shall not terminate the subscriber's obligations under the existing contract with the Donor Operator that arose prior to completion of the porting.

The successful completion of the porting process of a Deactivated Number shall not terminate the obligations arising from the previous contract with the Donor Operator that existed prior to completion of the porting.

In particular, a post-paid subscriber shall be obliged to pay (settle) or fulfil any obligation, in accordance with **point 19 of Article 4 of this Regulation (where applicable)**, arising from the existing contract (or the previous contract in the case of a Deactivated Number) with the Donor Operator prior to acceptance/execution of the porting request, **and/or any obligation, in accordance with point 20 of Article 4 of this Regulation (where applicable), arising from the existing contract with the Donor Operator and which may be fulfilled only after service termination by the Donor Operator/porting of the subscriber's number.**

4. No contract between a subscriber and an operator may exclude the subscriber's right to port a number. Contractual clauses that exclude or limit the subscriber's right to port a number, **in contradiction with the provisions of Law No. 54/2024 and this Regulation,** shall be null and void.

5. A **post-paid** subscriber **whose number porting request has been conditionally accepted by the Donor Operator** shall pay the Donor Operator all unpaid obligations/invoices arising from the existing contract, **in accordance with points 19(a) and 19(b) of Article 4 of this Regulation and the relevant notification from the Donor Operator**, prior to acceptance/execution of the porting request by the Donor Operator. **Otherwise, the porting request shall be automatically cancelled/considered rejected upon expiry of the thirty (30)-day period.**

6. A **post-paid** subscriber **whose number porting request has been conditionally accepted by the Donor Operator** shall fulfil all applicable obligations arising from the existing contract **due to early termination of the fixed-term contract**, including compensation for subsidized telephone devices **or other terminal equipment included in the integrated tariff package, in accordance with point 19(c) of Article 4 of this Regulation and the relevant notification from the Donor Operator**, prior to acceptance/execution of the porting request by the Donor Operator.

7. The subscriber shall be eligible to port a number only three (3) months after becoming a subscriber of the Donor Operator (**either through the allocation/activation of services with a new number by the Donor Operator or** through porting of the number from another Donor Operator), **and the subscriber shall retain the right to port that number as its former end user for up to three (3) months after the date of termination of the contract/deactivation of the number by the Donor Operator.**

The subscriber/end user shall have the right to request the porting of an Active Number currently in use with the Donor Operator or a Deactivated Number previously in use with the Donor Operator, within the following time limits:

- **Active Number: not earlier than three (3) months from the date of becoming a subscriber of the Donor Operator (date of first activation of the number with the Donor Operator as a new number or as a number ported from the Initial Donor Operator);**
- **Deactivated Number: no later than three (3) months from the date of termination of the previous contract/deactivation of the number by the Donor Operator, unless the end user has expressly waived this right.**

(Note: The Active/Deactivated Number requested to be ported may be a number first activated as a new number with the Donor Operator (Initial Donor Operator) or a number previously ported to the Donor Operator from another donor operator.)

8. Subscribers shall be obliged to notify the undertaking with which they have concluded the subscription contract of any changes to their data registered in the undertaking's database, based on the relevant documentation. During the execution of a porting request, the subscriber may be required to correct identification details in the Donor Operator's network, in accordance with the provisions of this Regulation.
9. **Consumer-category subscribers shall have the right to request reimbursement from the Donor Operator for their remaining or unused prepaid credit used for prepaid services, up to the date of service termination/number porting by the Donor Operator, in accordance with the provisions of Article 22 of this Regulation.**

Article 17

Administrative Procedure for Number Porting

1. The porting process is initiated by the subscriber. The subscriber contacts the Recipient Operator and expresses in writing their intention to conclude a contract/obtain service from the Recipient Operator and to port the specified number, in accordance with Annex 1 to this Regulation. The Recipient Operator shall inform the subscriber of their rights and obligations in accordance with the provisions of this Regulation.
2. After the Recipient Operator has completed the identification and information of the subscriber in accordance with this Regulation and is ready to conclude a contract (post-paid or prepaid) with the subscriber and to import the number, and the subscriber agrees to the terms and conditions for the provision of services by the Recipient Operator, the subscriber shall complete and sign the relevant Number Porting Form in accordance with Annex 1 to this Regulation.
The time limits for the porting process shall be calculated starting from the Time of Entry of the Porting Request into the CRDB System by the Recipient Operator.
3. The subscriber may not withdraw from the number porting request after completing the form and submitting the porting request to the Recipient Operator and after the porting request has been entered into the CRDB by the Recipient Operator.
4. The Recipient Operator shall review the subscriber's application in accordance with standard procedures and shall proceed with the porting process in accordance with the provisions of this Regulation. Where the Recipient Operator refuses to provide services to the subscriber, it shall inform the subscriber in writing (SMS, email, letter, etc.), including the reasons for refusal.

Article 18

Porting Request and Response

1. After the subscriber completes the number porting request in accordance with Article 17 of this Regulation, the Recipient Operator shall submit the porting request to the CRDB immediately or within the time limits set out in this Regulation, but no later than one working day from the time the subscriber submits the request, and shall notify the subscriber of the time the request is entered into the system, in accordance with this Regulation. The porting request shall contain, and shall be in accordance with, the form in Annex 1 to this Regulation.
2. The Donor Operator shall be notified via the CRDB of the number porting request, including the desired date of number transfer, as set out in the form in Annex 1.
3. The Centralized Reference Database shall immediately check the accuracy of the porting request as quickly as possible, in particular whether the number to be ported is a geographic or mobile number and whether it is correctly located in the Donor Operator's network. If

any error is detected, the Centralized Reference Database shall immediately send an error message to the Recipient Operator. The Recipient Operator shall be obliged, in cooperation with the Donor Operator and the subscriber, to correct the detected error in the porting request within the deadline set out in this Regulation.

a) If an error is detected, the Centralized Reference Database shall immediately send an error message to the Recipient Operator.

b) If the Centralized Reference Database does not detect any error, it shall immediately register the porting request, assign a reference number, and confirm receipt of the request, including the assigned reference number. The Centralized Reference Database shall then immediately forward the porting request to the Donor Operator, including the assigned reference number.

4. Upon receipt of a porting request, the Donor Operator shall check, **in the following order**:
- i. whether the number to be ported is an Active Number or a Deactivated Number with the Donor Operator **(as defined in points 12 and 13 of Article 4 of this Regulation) and the relevant time limits for the right to request porting of an Active/Deactivated Number (as set out in point 7 of Article 16 of this Regulation)**;
 - ii. whether the subscriber's personal identification number (ID) provided in the porting request matches the subscriber's ID in the Donor Operator's subscriber database;
 - iii. whether the subscriber's NIPT number provided in the porting request matches the subscriber's registered NIPT number in the Donor Operator's database (applies only to subscribers that are natural or legal persons registered with a NIPT number);
 - iv. whether the number to be ported has outstanding contractual obligations under the existing contract **for an Active Number or the previous contract for a Deactivated Number** (applies only to post-paid numbers).

The verification by the Donor Operator shall be fully automated in its subscriber database(s) (prepaid and post-paid) for the following fields:

- MSISDN number;
- status (Active/Deactivated) **and activation/deactivation date**;
- subscriber ID (Personal Identification Number for individuals, or NIPT for businesses, and ID for individual users of numbers);
- debtor/outstanding contractual obligations.

Verification/checking of outstanding obligations (applicable only to post-paid users/subscribers) may be carried out through internal communications within the Donor Operator's structures, but shall not take longer than four (4) working hours from receipt of the request.

5. After examination, the Donor Operator shall send the response to the porting request to the Centralized Reference Database. The porting response shall contain:
- a) the reference number of this porting process;
 - b) Acceptance (Approval), Rejection (negative response), **or Conditional Acceptance of the request**;
 - c) in the case of a negative response (Rejection), an indication of the relevant reason for rejecting the porting request. Except for cases of exceeding the daily capacity under point 10 below, a request may be rejected only for the following reasons:
 - i. the number to be ported is not located with the Donor Operator **This response is generated automatically by the CRDB**).
 - ii. the number to be ported does not have the right to be ported because it is:
 - a. an Active Number but its end user has been a subscriber of the Donor Operator for less than three (3) months; or
 - b. **a Deactivated Number that has been deactivated by the Donor Operator for more than three (3) months; or**

- c. **a Deactivated Number for which the end user has expressly waived the right to port it;**
- iii. iii) the subscriber's Personal Identification Number (ID) provided in the porting request does not match the subscriber's ID in the Donor Operator's database;
- iv. iv) the subscriber's NIPT number provided in the porting request does not match the subscriber's registered NIPT number in the Donor Operator's database (applies only to subscribers that are legal entities registered with a NIPT number **with the Donor Operator**).
- d) in the case of **Conditional Acceptance of a porting request, the reason that the subscriber/end user who submitted the request has outstanding obligations under the existing contract (where the request concerns an Active Number) or the previous contract (where the request concerns a Deactivated Number).**
The Donor Operator's response of Conditional Acceptance applies only to post-paid subscribers where the subscriber/end user of the number:⁶
- **for an Active Number, has outstanding obligations under the existing contract only for "Contractual obligations to be fulfilled prior to termination of the contract/number porting" as defined in point 19 of Article 4 of this Regulation;**
 - **for a Deactivated Number, has outstanding obligations under the previous contract with the Donor Operator (which may be any type of unfulfilled obligation under points 19 and 20 of Article 4 of this Regulation).**

The Donor Operator's Conditional Acceptance response shall be sent to the CRDB, where a Pending Status is created and the Recipient Operator is notified that the request has been conditionally accepted and has entered Pending Status. The porting request shall remain in Pending Status until the subscriber settles the relevant obligations with the Donor Operator, but not longer than thirty (30) calendar days from the date this status is created.

Once the subscriber fulfils the obligations, the Donor Operator shall accept the porting request by notifying the Recipient Operator via the CRDB system, and the request moves from Pending Status to Accepted Status, after which the relevant processes for completion of number porting shall continue.

If the subscriber fails to fulfil the obligations / the Donor Operator fails to send the acceptance message within the maximum 30-day Pending Status period, the case shall be closed by the CRDB and the request shall be considered Rejected.

In cases of a negative response (**rejection for the reasons in points (c)(iii) and (c)(iv) above) and conditional acceptance (point (d) above)**), the Donor Operator shall be obliged to cooperate with the subscriber and the Recipient Operator to enable correction of the identified error in the subscriber's data and/or payment of obligations by the subscriber in order to complete the number porting process within the deadlines set out in this Regulation. During this process, the Donor Operator is prohibited from offering individualized offers/bonuses to the subscriber.

6. All operators of mobile electronic communications networks and/or services shall apply full automation to examine and process porting requests and responses in their role as Donor Operator. For mobile Donor Operators, the time between receipt of a porting request and the response via the CRDB system shall not be longer than five (5) minutes in 100% of cases in the calendar month for prepaid subscribers. For mobile post-paid users, this

⁶ If a contract with a business subscriber includes a group of mobile numbers and different end users, the obligations (and contracts) for users who individually pay the invoices issued by the operator for the numbers they use (i.e., not paid by the Business subscriber) are individual. In such cases, these users may not be denied the right to port their number, nor may their porting request be refused, due to the obligations or benefits of other users within the same group or of the Business subscriber.

- time limit shall not be longer than four (4) working hours in 90% of cases in the calendar month and not longer than one (1) working day in 100% of cases in the calendar month.
7. For mobile Donor Operators, the time between receipt of a porting request and the response, in the case of a request to port more than 100 numbers of a **business-category** subscriber, shall not be longer than three (3) working days.
 8. For operators of fixed electronic communications networks and/or services, the time between acceptance of the porting request and the response via the CRDB system shall not be longer than six (6) working hours in 90% of cases in the calendar month and not longer than three (3) working days in 100% of cases in the calendar month.
 9. For fixed Donor Operators, the time between receipt of a porting request and the response, in the case of a request to port more than 100 numbers of a **business-category** subscriber, shall not be longer than five (5) working days.
 10. The maximum number of requests that may be accepted in the CRDB addressed to the same donor operator within one working day is **3000**. The maximum number of requests that may be accepted in the CRDB and processed within the day, addressed to the same donor operator within one working day, is **2500**. The maximum capacity figures set out in this point may be increased or amended through separate administrative acts issued by AKEP in implementation of this Regulation, also depending on improvements in the CRDB system (hardware and software) and market dynamics.
 11. If the Donor Operator does not send the porting response within the time limits set out in paragraphs 5, 6, 7, 8, and 9 of this Article, the Centralized Reference Database shall act as if it has received a positive response for porting.
 12. In the event of rejection or conditional acceptance of a porting request by the Donor Operator **for the reasons referred to in points 5(c) and 5(d) above:**
 1. After receiving the response from the CRDB system, the Recipient Operator shall immediately notify and **inform** the subscriber (by SMS for mobile operators) of the reasons for rejection or conditional acceptance, as well as the alternatives for correcting errors/settling obligations:
 - i) in case of rejection due to ID mismatch, the subscriber is advised to contact the Donor Operator to correct the ID data registered with the Donor Operator;
 - ii) in case of conditional acceptance, the subscriber is informed that they have contractual obligations towards the Donor Operator and is advised to settle/fulfil them **according to the notice they will receive from the Donor Operator.**
 2. **The Donor Operator, no later than eight (8) hours/one (1) working day from the rejection of the porting request due to ID/NIPT mismatch, or from the conditional acceptance of the porting request, shall notify and inform the subscriber (by SMS for mobile operators) of the reason(s) for rejection or conditional acceptance of the number porting request, including in this notification:**
 - i) **in case of rejection due to ID/NIPT mismatch:**
 - **the subscriber's Personal Identification Number (NIPT for business subscribers) registered with the Donor Operator;**
 - **advice that the subscriber should appear at one of the Donor Operator's points of sale to correct identification data using the relevant form.**
 - ii) **in case of conditional acceptance due to the post-paid subscriber's obligations:**
 - **information on the total and detailed monetary amount of the "Contractual obligations to be fulfilled prior to termination of the contract/number porting" (point 19, Article 4) that the subscriber must pay as a condition for acceptance of the porting request by the Donor Operator/termination of the contract with the Donor Operator, as well as the maximum deadline for payment of these obligations of**

28 calendar days from the date of notification, and that if these obligations are not paid the porting request will be rejected and the relationship between the subscriber and the Donor Operator will continue under the existing contract;

- **information on “Contractual obligations to be fulfilled upon/after termination of the contract” (point 20, Article 4), if any, such as billing for the remaining period up to the date of contract/service termination by the Donor Operator and/or return of terminal equipment included in the integrated tariff package or compensation for the equipment if it is not returned within the deadline set by the Donor Operator under the existing contract (not earlier than the date of service termination by the Donor Operator).**
13. Upon the subscriber’s appearance at the Donor Operator, **in accordance with point 12(2) above,** the Donor Operator shall:
- carry out identification and correction of the subscriber’s data based on the ID **and Personal Identification Number provided by the subscriber, through a valid identification document/means, using the relevant form for this purpose. The Donor Operator shall provide the subscriber with a copy of the form signed by the Donor Operator;**
 - **provide the subscriber with the relevant invoice for settlement of the “Contractual obligations to be fulfilled prior to termination of the contract/number porting” and/or a payment order/receipt (proof of settlement/payment of the relevant obligations).**
14. The Donor Operator shall, immediately, or at most:
- within one (1) working hour after the correction of identification data;
 - **within four (4) working hours after payment by the subscriber at one of the Donor Operator’s points of sale (eight (8) hours/one working day after a bank payment / submission of the bank payment order by the subscriber) of all “Contractual obligations to be fulfilled prior to termination of the contract/number porting” (point 19, Article 4),**
- update its database referred to in point 4 of this Article and carry out the subsequent actions for acceptance and/or execution of the porting request.
15. Recipient Operators shall submit porting requests in the CRDB system and Donor Operators shall return responses to porting requests in the CRDB system every working day from 08:00 to 17:00. The message for the execution of portability (Npexec) may be sent up to sixty (60) minutes before the end of the CRDB system operating hours stated above.
16. The activation time of the ported number shall not be longer than twenty-four (24) hours from the time the request is submitted into the system by the Recipient Operator. An exception to this deadline shall apply where the request must be processed during official public holidays or where the request is rejected **or conditionally accepted** by the Donor Operator for the reasons set out in this Regulation. In such cases, the time shall be calculated from the moment the request is entered into the CRDB system by the Recipient Operator. An additional exception to the 24-hour deadline applies where the subscriber has expressed, in the form in Annex 1, their wish for porting to be completed within a period longer than 24 hours.

Article 19

Porting Confirmation

1. When the Centralized Reference Database receives a positive porting response from the Donor Operator, it shall immediately forward it to the Recipient Operator and record this information in the database.

2. The Recipient Operator may not choose a porting time later than the next working day, except where the subscriber requests that porting be completed within a different timeframe. The time period between the confirmation of porting and the porting time shall be no more than six (6) hours.
3. The Centralized Reference Database shall immediately forward the porting confirmation to the Recipient Operator. The porting confirmation is an authentic confirmation of the completion of the porting process and shall contain:
 - a) the reference number of this porting process;
 - b) the number to be ported;
 - c) the subscriber's name;
 - d) the code of the Donor Operator;
 - e) the code of the Recipient Operator; and
 - f) the date and time when porting will take place.
4. When the Centralized Reference Database receives a negative response, it shall immediately forward the response to the Recipient Operator. In this case, the porting process has been completed unsuccessfully and, depending on the reason for failure, the Recipient Operator may initiate another process.
5. During the number transfer process, the subscriber's electronic communications services may be interrupted; such services shall resume as soon as possible, **but no later than one (1) working day.**
6. **In the event of failure of the porting process that may result in loss of service for the subscriber, for any reason after acceptance of the porting request and the corresponding CRDB messages for the release of the number by the Donor Operator, the Recipient Operator shall immediately inform the subscriber and the Donor Operator, requesting the Donor Operator to reactivate the number and the related services for the end user until the number is successfully ported. The Donor Operator shall reactivate immediately, but no later than one (1) working day from receipt of the Recipient Operator's request, and shall continue providing its services to the subscriber under the same terms and conditions until services with the Recipient Operator have been activated.**
7. **Access network operators or the operators of associated facilities used by the Donor Operator and/or the Recipient Operator, or by both jointly, for providing voice communication services to their subscribers, shall take measures to ensure that porting is carried out without delays and that service is provided without interruption for the end user, in accordance with the instructions of the Recipient Operator and/or the Donor Operator.**
In any event, all parties involved in a porting process (Recipient Operator, Donor Operator, and access network operators) shall ensure that any service interruption during the number porting process does not exceed one (1) working day.

Article 20

Escalation / Review

1. Each operator that uses fixed or mobile numbers shall designate a contact person, who shall have a telephone number and an email address, and who shall be responsible for handling cases that cannot be resolved through the standard electronic messages defined in this Chapter. The Centralized Reference Database shall maintain an intranet page containing the contact details of all operators' contact persons.
2. Where a porting request cannot be resolved through the exchange of standard electronic messages, the contact person of the Recipient Operator shall directly contact the contact person of the Donor Operator. In compliance with the "one-stop shop" principle of number porting, operators shall find a solution within the time limits set out in this Regulation, but

- no later than eight (8) working hours for other cases, by exchanging and updating accurate data in the interest of the subscriber and the continuation of the porting process.
3. Where specific technical or operational problems recur, **electronic communications operators and the CRDB Operator** shall cooperate in expanding the technical specifications in order to resolve such problems.

CHAPTER IV

Payments by Operators and Reimbursements and Compensation for Portability

Article 21

Coverage of financial costs and payments

1. **AKEP shall cover the costs of ensuring the availability of the CRDB, as referred to in Article 10, paragraph 3 of this Regulation, in accordance with the relevant planned expenditures in its annual budget.**
2. **The annual costs/expenditures of AKEP referred to in paragraph 1 of this Article shall be fully covered/financed by the annual payments of electronic communications operators for number portability.**
3. **The payments of electronic communications operators referred to in paragraph 2 of this Article shall be calculated by AKEP on the basis of:**
 - a. **the total amount of the relevant expenditures provided for in AKEP's annual budget, or contracted with the relevant economic operators selected in accordance with the procedures set out in Article 10, paragraph 3 of this Regulation (the CRDB Operator and/or, as applicable, the economic operator for hosting facilities and/or the economic operator providing the CRDB platform (hardware) and operating systems (software) (initially and/or any subsequent necessary upgrades));**
 - b. **the coefficient calculated by AKEP as the ratio of the total expenditures referred to in point (a) to the total number of ported numbers during the previous financial/calendar year (cost per ported number).**

The annual obligation payable by each electronic communications operator shall be calculated by AKEP on a proportional basis, by multiplying the respective number of ported/received numbers of each operator as Recipient Operator (port-in) during the previous financial/calendar year by the coefficient/cost per ported number calculated in accordance with point (b) above.
4. The payment calculated for each operator pursuant to paragraph 3 of this Article shall be invoiced by AKEP in January of each current year, and operators shall be obliged to make the payment to the bank account specified on the invoice within fifteen (15) days of receipt of the invoice.
5. Each operator shall bear its own financial costs for adapting its network to enable number portability and the costs for maintaining facilities, including the automation of request processing and response processes in the role of Donor Operator.
6. **The Donor Operator (DO) and the Recipient Operator (RO) shall be obliged not to apply any direct charge/fee to end users/subscribers for the number porting service, including fees charged by the Donor Operator for changing a tariff plan from post-paid to prepaid for subscribers who have expressed their intention to port their number.**
7. **The Donor Operator shall have the right to apply a wholesale fee to the Recipient Operator for number porting, payable by the Recipient Operator in accordance with the relevant monthly invoice, and such fee shall not exceed:**
 - a. **ALL 500 (excluding VAT) / ALL 600 (including VAT) for each number successfully ported from the Donor Operator to the Recipient Operator;**

- b. ALL 250 (excluding VAT) / ALL 300 (including VAT) for each number porting request rejected due to errors (incorrect ID information, incorrect phone number) in the porting request submitted by the Recipient Operator into the CRDB (for requests involving multiple numbers, the fee shall be calculated based on the number of rejected numbers).

Article 22

Reimbursement of unused prepaid service credits

1. Consumer-category subscribers who are prepaid users of public electronic communications services (mobile) have the right to request reimbursement from the Donor Operator (DO) for their remaining or unused credits as of the date of service termination by the DO / the date of number porting.
2. The Donor Operator shall carry out reimbursement of the consumer in accordance with the provisions of the existing contract with the subscriber and the relevant reimbursement procedures, drawn up and published in compliance with Article 180, paragraph 1(c)(iii) of Law No. 54/2024. Such procedures shall be simple and in compliance with the provisions of this Article and the applicable legislation.
3. The Donor Operator shall be obliged to reimburse the consumer for the remaining credits on the basis of a request submitted by the prepaid consumer to the Donor Operator within a reasonable deadline set by the Donor Operator in its reimbursement procedures, which shall not be less than fourteen (14) calendar days from the date of number porting. The Donor Operator shall provide consumers with the possibility to submit reimbursement requests at its points of sale, as well as through electronic online means (e.g., email or online submissions) used by the Donor Operator in its relations with subscribers and enabling subscriber identification.
4. The Donor Operator shall have the right to apply an administrative fee for processing a reimbursement request only where such a fee is provided for in the existing contract between the Donor Operator and the consumer. The fee applied in such cases shall be proportionate and reasonably related to the actual costs incurred by the Donor Operator in providing the reimbursement. The administrative reimbursement fee shall be fixed and independent of the reimbursed amount, but in any case, shall not exceed ALL 500 (including VAT).
5. The reimbursable credits of the prepaid subscriber pursuant to paragraph 1 above shall be the monetary value of the credits prepaid by the consumer subscriber that are valid for use, or their remaining value in the prepaid user's account (remaining prepaid balance) at the moment of service termination by the Donor Operator due to number porting to the Recipient Operator. This amount shall not include credits already used to purchase prepaid offers/packages, nor the value of credits granted by the Donor Operator as bonuses or promotions to the subscriber.
6. The Donor Operator shall reimburse the consumer, in compliance with the applicable legislation, using one of the following payment methods:
 - cash payment at a Donor Operator points of sale; or
 - bank transfer, where requested by the consumer, based on the bank details provided by the consumer in the reimbursement request.
7. The Donor Operator shall carry out the reimbursement within a reasonable period, but no later than thirty (30) calendar days from the date of receipt of the reimbursement request.
8. Within three (3) working days from receipt of the reimbursement request, the Donor Operator shall notify the consumer by a durable medium (SMS for requests

submitted at the Donor Operator's point of sale, and email for requests submitted by email or online), informing the consumer of:

- the amount and method of reimbursement, where the reimbursement request is valid; or
- the reason for non-acceptance of the reimbursement request (e.g., the request was submitted outside the deadline set out in paragraph 3 above, and/or the consumer requesting reimbursement has no remaining valid credits as of the date of service termination/number porting).

Article 22/1

Compensation of end-users in case of delays or abuses with the porting process

1. The Donor Operator (DO) and/or the Recipient Operator (RO) shall be obliged to compensate and/or reimburse the subscriber for delays and/or abuses committed by the DO/RO during the number porting process, in accordance with the provisions of the current contract between the subscriber and the Donor Operator / the new contract between the subscriber and the Recipient Operator, as well as the relevant procedures for compensation and reimbursement in cases of delay or abuse during the process of changing the service provider/number porting. These procedures shall be drafted and published by the Recipient Operator in compliance with Article 180, paragraph 1(c)(ii) of Law No. 54/2024 and the secondary legislation issued by AKEP in implementation of Law No. 54/2024.
2. Delays and/or abuses committed by the Donor Operator and/or the Recipient Operator in the number porting process shall include, inter alia:
 - carrying out the number porting process by the Recipient Operator without a request from the subscriber;
 - refusal or conditional acceptance of a number porting request by the Donor Operator in breach of the provisions of this Regulation;
 - exceeding the prescribed time limits by the Donor Operator in responding to a porting request;
 - exceeding the prescribed time limits by the Recipient Operator in submitting the porting request into the CRDB.

Article 23

Handling of Disputes Related to Number Portability

1. The Recipient Operator and the Donor Operator involved in a number porting process shall cooperate with each other in good faith, without delaying or abusing the number porting procedures, and shall not port numbers without the clear and explicit consent of the end user.

Any dispute that may arise between operators, or between subscribers and operators, concerning matters related to the implementation of number portability and the arrangements set out in this Regulation, shall first be sought to be resolved amicably between the parties. Failing such resolution, any party shall have the right to refer the dispute to AKEP for resolution, in accordance with the applicable legal and secondary legislation governing the resolution of disputes between electronic communications network operators and electronic communications service providers, as well as disputes between end users and operators, pursuant to the provisions of Law No. 54/2024 and the relevant secondary legislation.
2. AKEP shall monitor, on a quarterly basis, through the CRDB system, the performance of operators with regard to number porting and shall carry out inspections/audits based on subscriber complaint statistics and CRDB data, as well as in individual cases involving

problems with the implementation of number portability, in accordance with the provisions of **Law No. 54/2024** and this Regulation.

3. Based on CRDB performance reports on operators' compliance with porting time limits and rules, as well as on subscriber complaints and disputes related to number porting (including complaint statistics), AKEP shall take proportionate measures against operators that fail to implement number portability or that are found to be in breach of the provisions of this Regulation.
4. AKEP shall designate a contact person within its structure for handling subscriber complaints related to number porting. This contact person shall communicate with the relevant contact persons of operators responsible for portability and shall carry out investigations into individual subscriber complaints and the actions of operators.

Article 24

Administrative Measures

1. **In cases where undertakings fail to fulfil the number portability obligations set out in Articles 126 and 145 of Law No. 54/2024 and in this Regulation, AKEP shall impose administrative measures in relation to non-implementation of number portability, as well as for delays and abuses in the porting process, in accordance with the provisions of Article 184 of Law No. 54/2024 and the relevant secondary legislation.**
2. Where an **undertaking** fails to settle the financial obligations provided for in this Regulation, **the undertaking's access to the CRDB shall be suspended**, and a fine shall be imposed in accordance with the provisions of paragraph 1 of this Article.

CHAPTER V

Final provisions

Article 25

Repeals

Regulation No. 43 “On the Method of Implementing Number Portability”, approved by Decision of the AKEP Steering Council No. 2689, dated 22.09.2016, as amended, is repealed as of the date of entry into force of this Regulation.

Article 26

Entry into Force

This Regulation shall enter into force on the date of its approval by the AKEP Steering Council and its publication on the AKEP website at www.akep.al.

Article 27

Transitional Provisions

1. **The obligation for undertakings to implement the provisions of this Regulation relating to:**

- a. the creation of Pending status in the CRDB and the conditional acceptance of number porting requests by the Donor Operator;
 - b. the obligations of the Donor Operator for the automated processing of requests for porting deactivated numbers;
- shall enter into force six (6) months after the date of approval of this Regulation.
2. The provisions of the document “*Technical Specifications for the Implementation of Number Portability*”, approved by Decision of the AKEP Steering Council No. 1318, dated 14.06.2010, shall remain in force insofar as they do not conflict with the provisions of this Regulation and other secondary legislation of AKEP, until the date of approval/entry into force of the technical specifications document adopted pursuant to this Regulation.
3. Undertakings and the CRDB Operator shall be obliged, during the six-month period referred to in paragraph 1 of this Article, to take all necessary technical and operational measures so that, on the date of entry into force of this Regulation, they have implemented in their systems and internal procedures all changes necessary for the application of all provisions of this Regulation.

ANNEX 1

Number Porting Application Form

This Annex contains the minimum information of the porting request form to be used by the Recipient Operator, for Active and Deactivated numbers. Where the applicant requests to port several numbers simultaneously and these include both Active Numbers and Deactivated Numbers, it is recommended that two separate forms be used—one for Active Numbers and one for Deactivated Numbers. Accordingly, Active and Deactivated numbers should not be included in the same form.

RO logo		
1	Donor Operator (DO):	
2	Receiving Operator (RO):	-
3	Telephone number(s) requested to be ported from DO to RO:	
4	Current status of the number at the Donor Operator:	
	4.1	<input type="checkbox"/> Active
	4.2	<input type="checkbox"/> Deactivated
5	The subscriber's current tariff plan category at DO	
	5.1	<input type="checkbox"/> Prepaid
	5.2	<input type="checkbox"/> Post-paid/Hybrid (monthly fee)
6	Category of the subscriber's contractual relationship with the DO:	
	6.1	<input type="checkbox"/> Personal/Individual (Consumer)
	6.1.1	Name Surname:
	6.1.2	Unique Personal Number:
	6.2	<input type="checkbox"/> Business (Natural person, legal entity, Institution, etc., registered with NIPT/tax code at the DO)
	6.2.1	Subject Name:
	6.2.2	NIPT
	6.2.3	Name of Authorized Person
	6.2.4	Unique Personal Number of Authorized Person
7	Subscriber contact details for the porting process	
		Phone/Mobile Number:
		Email:
8	Date and Time of Submission of the Request by the Subscriber/Applicant to the RO:	dd / mm / yyyy Time: hh .mm
9	Date on which number porting/activation will be carried out at the RO:	<input type="checkbox"/> Within 1 business day, or <input type="checkbox"/> On date dd/mm/yyyy Time: hh.mm (During working days and business hours 8.00-16.00)

Notes:

The subscriber/applicant is provided by RO with a printed or electronic copy of the completed porting request form. If the Receiving Operator sends the request to the CRDB system on a date different from the date of submission of the request by the subscriber to the RO, the Receiving Mobile Operator notifies the subscriber by SMS of the date of submission of the request to the CRDB system, which shall not be later than 1 (one) business day from the date of submission of the request by the subscriber.

I, the undersigned applicant for number porting, hereby confirm that I have been informed as follows:

- a) Porting a telephone number means that the entire number is transferred from the Donor Operator (hereinafter, *DO*) to the Recipient Operator (hereinafter, *RO*). As a subscriber to a public telephone/voice communication service, I have the right to request number porting, and both the *DO* and the *RO* are obliged to support this process. By signing this porting request form with the *RO*, I request the porting of my number. The Recipient Operator leads the porting process and must take all necessary steps to port the number. The Recipient Operator shall inform me about the progress of the porting process at every stage.
- b) **A request to port an Active Number constitutes a request to terminate my existing contract with the DO, and the completion of number porting will automatically terminate my existing contract with the DO. However, it does not terminate my obligations towards the DO under the existing contract (or the previous contract if the porting request concerns a Deactivated Number), where such obligations exist and must be paid/fulfilled in accordance with the relevant notification(s) from the DO.**
If I have any questions regarding the amount of unpaid obligations or any other possible payments due to the *DO*, I must clarify these matters directly with the *DO*.
- c) The *RO* is obliged to inform me about the details of the terms of my new contract, in particular about any obligation I must pay to the *RO* and whether I can use my existing equipment on the *RO*'s network.
- d) The *RO* shall notify me (by SMS for mobile operators) of the date on which the porting request is entered into the CRDB system (if this date differs from the date I submitted my request to the *RO*), and I acknowledge that I may not request cancellation of the number porting process after the request has been entered into the CRDB system.
- e) If I have any other questions regarding the terms or tariffs of the new contract with the *RO*, I will clarify these matters through direct contact with the *RO* before signing this document.

I declare as follows:

- 1. **This request to port my number from the DO to the RO is a request to port an Active Number (Deactivated Number) that I currently use (or have used) as a subscriber of the DO.**
- 2. I wish to enter into a contract with the *RO* under the contractual terms and conditions, including service tariffs, as presented to me by the *RO* in separate documents.
- 3. I wish for both operators to cooperate and to port the referred number from the *DO* to the *RO* within the requested timeframe. I authorize the *RO*, on my behalf, to forward my request to the *DO* for the porting of the **Active Number and the termination of my existing contract for that number, or for the porting of the Deactivated Number.**

Subscriber/Applicant:
Name Surname, Signature

Receiving Operator Representative:
Name, Surname, Signature and Seal of the RO

Place and date ____

APPENDIX 1: Explanatory Note to the Public Consultation Document

1. Background

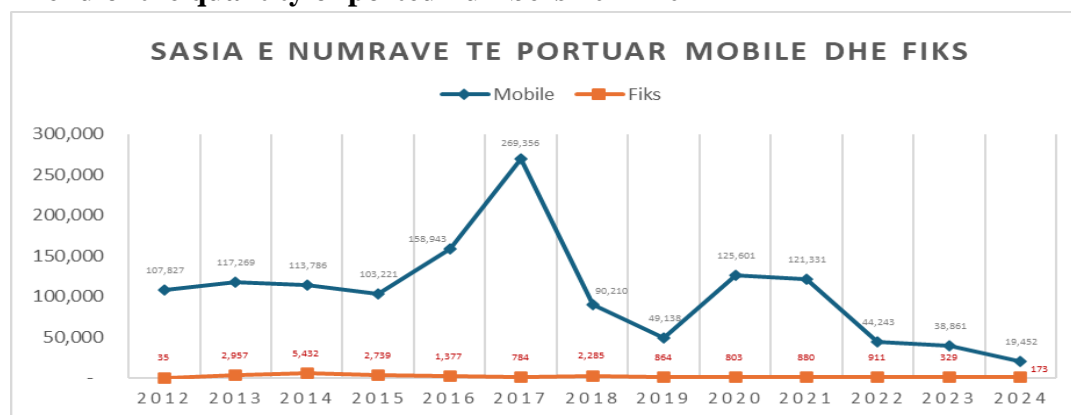
Number portability is a facility or opportunity for all end-users who are subscribers of the public telephone service provided with numbers from the National Numbering Plan to retain their numbers, upon request, when they change the undertaking that provides them with the public telephone service and other services related to the telephone number. The right to number portability and its effective implementation is considered an important factor for maximizing the benefits of end-users of electronic communications services since number portability (number retention) of the telephone facilitates the process of choosing and changing the electronic communications service provider for subscribers and at the same time promotes effective competition between service providers in the electronic communications market.

Number portability began to be implemented in Albania in 2011 according to the provisions of articles 87-88 of law 9918/2008, “On electronic communications in the Republic of Albania”, as well as the relevant by-laws issued by AKEP in 2010, which included Regulation no. 13/2010, “On Number Portability”, approved by AKEP Steering Council Decision no. 1219, dated 07.04.2010, as well as the document, “Technical specifications for the implementation of number portability”, approved by AKEP Steering Council Decision no. 1318, dated 14.06.2010, through which the relevant procedures for the establishment and operation of the centralized portability reference database (CRDB) were carried out.

Number portability for subscribers of public mobile telephone networks and services began in 2011, while for subscribers of public fixed telephone networks and services it began in 2012. By the end of 2024, a total of approximately 1.3 million mobile numbers and around 20 thousand fixed numbers had been ported.

As also referenced in the AKEP Annual Report 2024, in recent years a significant reduction has been observed in the volume of ported numbers. In 2024, 19,452 mobile numbers and 173 fixed numbers were ported, representing a 50% decrease in porting compared to 2023, as well as the lowest historical levels of annual ported numbers since the introduction of number portability in Albania (2011/2012).

Trend of the quantity of ported numbers 2012-2024

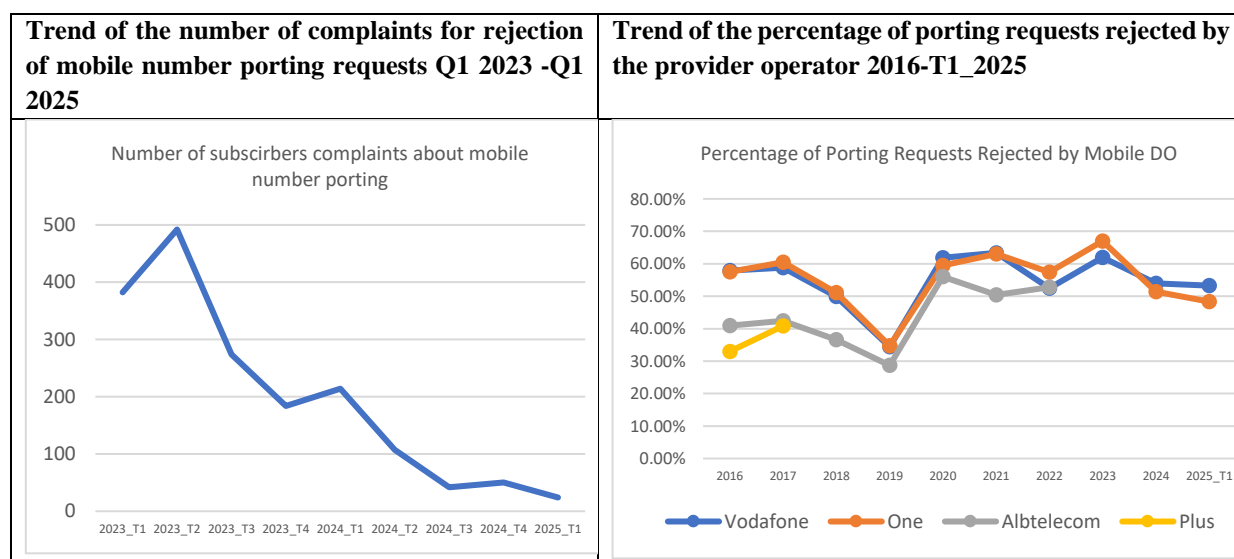


Regulation No. 13/2010 “On Number Portability”, has been the subject of several amendments over the years, and in 2016 was replaced by Regulation No. 43/2016 “On the manner of implementing number portability”, approved by AKEP Steering Council Decision No. 2689, dated 22.09.2016.

In 2018, AKEP made several amendments to Regulation No. 43/2016 aimed at improving the number porting process, mainly to address the issues identified in relation to the high percentage of rejections of mobile number porting requests due to ID mismatch. These amendments had a positive effect on significantly reducing the percentage of rejections in the period 2018-2019, but in the period 2020-2024, a significant increase in the number of subscriber complaints related to mobile number porting was observed, as well as a further increase in the percentage of requests rejected by mobile operators.

Meanwhile, during 2024 and the first quarter of 2025, a significant decline has been observed in the number of subscriber complaints regarding refusals of mobile number porting requests by Donor Operators (DO), falling to around 50 complaints in Q2 2024 – Q1 2025, compared to a peak of approximately 500 complaints in Q2 2023.

During the same period, the percentage of porting requests rejected by mobile Donor Operators has also decreased, though at a more moderate pace, reaching around 50% rejections in Q1 2025, compared to 60–70% rejections in 2023. One Albania recorded the largest reduction, by 19 percentage points, while Vodafone Albania recorded a reduction of 9 percentage points. Despite these reductions, the rejection level of mobile number porting requests remains very high at around 50%, particularly when compared with the lowest rejection level of around 30% in 2019.



Issues related to portability

The problems reported in subscriber complaints are related to the rejection of number porting requests by the transferring operator, due to the mismatch of the prepaid user ID in the systems of the transferring/donor operator with the ID in the porting request sent by the receiving/beneficiary operator and the contractual obligations that the post-paid subscriber has towards the transferring/donor operator, and which must be settled before the number is ported (switching and activating the number to the receiving operator and deactivating the number by the transferring operator).

The Assembly of the Republic of Albania, through the resolution on the evaluation of AKEP's activity for 2023, has recommended that AKEP during 2024, in addition to the monitoring/inspection processes of the implementation by operators of the obligations and recommendations in previous inspections, review the Portability Regulation with the aim of improving the porting process, particularly by establishing obligations and responsibilities for the providing operator for informing the subscriber of the reasons for rejecting the porting request.

Despite the monitoring/inspection processes and administrative measures and recommendations of AKEP towards mobile operators, as well as the decrease in the number of subscriber complaints during 2024 (see AKEP Annual Report 2024) and the first quarter of 2025, the Draft Regulation contains changes from Regulation 43/2016 that AKEP has considered necessary to address the issues identified for the rejection of requests for mobile number porting.

Changes in the law on electronic communications

Law No. 54/2024 “On *electronic communications in the Republic of Albania*” entered into force on 20.12.2024, repealing Law 9918/2008 “On electronic communications in the Republic of Albania”, as amended. The new Law 54/2024 has partially transposed Directive (EU) 2018/1972 of the European Parliament and of the Council “Establishing the European Electronic Communications Code” (hereinafter EECC) into national legislation, and contains several new provisions regarding number portability, which were not part of Law 9918/2008.

Law 54/2024 in Articles 126, 145, 146 and 180 contains provisions on the rights of end-users and the obligations of undertakings regarding number portability and switching of service providers by end-users, some of which were not part of the provisions of Law 9918/2008 or the relevant existing sub-legal framework. These new provisions of Law 54/2024 regarding number portability and switching of service providers include, among others:

- The provisions in points 1-3 of Article 145 regarding the change of internet access service provider, which aim to guarantee the continuity of the provision of this service to the end user in cases of change of service provider, so that this process is carried out within the shortest possible time and the lack of service for the end user during this process shall be no longer than one working day;

- Definitions in point 5 of Article 145:

When a user terminates a contract, he retains the right to port a number from the National Numbering Plan to another provider, for at least one month from the date of termination of the previous contract, unless the end user waives this right.

- Definitions in point 12 of Article 145:

*In the event of a porting failure, the transferring provider shall reactivate the number and the associated services for the end-user until the number is successfully ported. The transferring provider shall continue to provide its services under the same terms and conditions until the services at the receiving provider are activated. In any case, the interruption of service during the porting process shall not exceed one business day. **The operators of the access network or their facilities used by the transferring or receiving provider or by both shall take measures to carry out the porting without delay and to ensure the provision of uninterrupted service to the user.***

- The definitions in points 15 and 16 of Article 145:

15. The transferring provider shall, upon request and where technically possible, reimburse consumers for their remaining or unused credits in the use of prepaid services. The provider may apply a fee for reimbursement only where this is provided for in the contract. The fee for reimbursement must be proportionate and in reasonable proportion to the actual costs of the transferring undertaking in providing the reimbursement.

16. AKEP, based on the specifics of the Albanian electronic communications market and after a consultation process on technical possibilities, shall adopt by regulation the methods for compensating end users by providers, according to point 15 of this article, with the aim of ensuring compensation, in a simple manner and respecting the requirements of the legislation in force.

- The definitions in point 17 of Article 145, and points 1/c/ii and 1/c/iii of Article 180 of Law 54/2024:

1. Providers of publicly available electronic communications services, other than transmission services, used for the provision of car-to-car services, shall provide the following information in the contract:

c) information on the duration of the contract and the conditions for renewal and termination of the contract, including possible termination fees, to the extent that these conditions apply:

i. any minimum usage or duration required to benefit from the promotional terms;

ii. any fees related to the switch and compensation and reimbursement arrangements for delay or abuse of the switch, as well as information regarding the relevant procedures;

iii. information on the right of consumers using prepaid services to a refund, upon request, of any remaining credit in the event of switching, as defined in Article 145 of this Law;

Article 146 (Implementation of number portability) of Law 54/2024 stipulates that:

1. AKEP, through a regulation, determines the manner of implementing number portability and the relevant deadlines.

2. In drafting the regulation set out in point 1 of this article, AKEP must take into account the requirements of Article 145 of this law.

Based on the above, Regulation 43/2016 needs to be revised to reflect the new provisions of Law 54/2024 regarding number portability as well as to address the issues reported by subscribers and those identified by AKEP.

2. Changes of the Draft Regulation compared to Regulation No. 43/2016 and Public Consultation Questions

The main differences between the “Draft Regulation on the Implementation of Number Portability” (hereinafter, the *Draft Regulation*) and the currently applicable regulation on number portability, Regulation No. 43/2016 “On the Implementation of Number Portability”, as amended (hereinafter, *Regulation 43/2016*), may be grouped into two categories:

- Changes reflecting the new legal framework (Law No. 54/2024), including the terminology and new definitions introduced by this law in relation to number portability, which were not part of Law No. 9918/2008 or Regulation 43/2016;
- Changes aimed at addressing issues reported by subscribers and/or identified by AKEP regarding the refusal of porting requests by Donor Operators, which are also reflected in

Recommendation No. 2 of the Resolution of the Assembly of the Republic of Albania for AKEP.

The Draft Regulation has been prepared based on the structure of Regulation 43/2016, and the main differences between the two documents are presented in bold and underlined text. In some cases, fractional numbering of articles or article paragraphs has been used in the Draft Regulation, for the convenience of the reader.

In the subsections below, AKEP has provided explanations of the main proposed changes and has also included, at the end of each subsection, public consultation questions on the most important issues addressed by the proposed amendments.

- **Changes to reflect the new provisions of Law 54/2024 on number portability**

2.1 New definitions/terms of Law 54/2024

In the Draft Regulation, AKEP has reflected the changes in the terms and definitions used in Law 54/2024 compared to Law 9918/2008 and Regulation 43/2016. These changes are reflected in Article 4 (Definitions and Abbreviations) of the Draft Regulation for the following terms:

- Public electronic communications operator/provider
- Donor Operator/Provider and Recipient Operator/Provider
- Access network operator
- Donor network (hereinafter also referred to as the DO network)

Law 54/2024 in Article 145 uses several new terms such as Transferring Provider, Transferring Undertaking and Donor Provider, Receiving Provider and Access Network Operator, which are according to the definitions of the EECC, including in the obligations for number portability as DO and/or RO and providers of electronic communications services who provide electronic communications services to subscribers using the access network and/or associated facilities of this network of another undertaking.

The provisions in point 12 of Article 145, regarding obligations for the porting process and for access network operators or their facilities used by the transferring or receiving provider or by both together, may be applicable in the cases of MVNOs (Mobile Virtual Network Operators) or MVNEs (Mobile Virtual Network Enablers) who use the access networks of MNOs or fixed telephony service providers through the access network of another fixed operator/undertaking, with/without obligations for SMP for LLU (local loop unbundling). These service providers in the number porting processes, for the activation and/or deactivation of ported numbers (as well as non-ported numbers) of their subscribers, depend on the respective access network operator, and the latter must act in accordance with the provisions of point 12 of Article 145 of Law 54/2024⁸ reflected in the Draft Regulation (Article 4, point 5/1 and Article 19, point 7), by cooperating with the DO/RO without causing delays in the number porting process.

AKEP emphasizes that, notwithstanding the above definitions, the primary responsibility for complying with number portability deadlines lies with the Donor Operator (DO) and the Recipient Operator (RO), as the service providers of the subscriber before and after porting. Accordingly, DO and RO must cooperate and provide the necessary instructions to the access network operator for each porting process, in accordance with the relevant access agreements, in

⁸ *Operators of the access network or their facilities used by the originating or receiving provider or by both together shall take measures to carry out porting without delay and ensure the provision of uninterrupted service to the user.*

order to guarantee compliance with the deadlines set out in Law No. 54/2024 and the Number Portability Regulation for the porting of their subscribers' numbers.

In addition to the above terms, the Draft Regulation also uses the terms number-based interpersonal communications services, public telephone service, and voice communications service, which have the same meaning as defined in Article 4 of Law No. 54/2024.

The terms “public telephone service” and “voice communications service” are used interchangeably in the Draft Regulation. Although these terms are defined as distinct in Law No. 54/2024, based on Recital 14 of EECC⁹, the term “*public telephone service*”—used in the 2002 Directives and often perceived as referring to traditional analogue (circuit-switched) telephony—should be replaced by the term “*voice communications service*”, which is more up-to-date and technologically neutral, as it also encompasses communications based on Internet Protocol technologies (packet switching).

Question no.1:

Do you agree with the proposed changes and/or additions to the definitions of terms in points 1, 5, 5/1, 6, 6/1, 6/2, 7 and 7/1 of Article 4 of the Draft Regulation?

2.2 Scope and general principles

AKEP, in Article 5 of the Draft Regulation, has introduced several changes compared to Regulation No. 43/2016, in order to reflect the provisions of Article 126 of Law No. 54/2024 and to further clarify the scope of application of the Regulation, particularly with regard to the categories of numbers that may be subject to a porting request.

Article 126 of Law No. 54/2024 provides that end-users have the right to request the porting of the numbers they hold, from all categories of numbers included in the National Numbering Plan, both geographic and non-geographic.

AKEP in Article 5 of the Draft Regulation has determined that

*This Regulation applies only to the portability of **numbers assigned to end-users/subscribers by undertakings to use for public telephone service/voice communication, numbers which belong to the following categories of numbers in the NCP:***

- *geographic numbers (hereinafter fixed numbers) as defined in point 25 of Article 4 of Law 54/2024;*
- ***non-geographic mobile numbers** (hereinafter mobile numbers) as defined in point 26/a of Article 4 of Law 54/2024.*

The above definitions are also in accordance with points 6 and 7 of Article 145 of Law 54/2024:

⁹ *Definitions need to be adjusted to ensure that they are in line with the principle of technology neutrality and to keep pace with technological development, including new forms of network management such as through software emulation or software-defined networks. Technological and market evolution has brought networks to move to internet protocol (IP) technology, and enabled end-users to choose between a range of competing voice service providers. Therefore, the term ‘publicly available telephone service’, which is exclusively used in Directive 2002/22/EC and widely perceived as referring to traditional analogue telephone services, should be replaced by the more current and technological neutral term ‘voice communications service’....*

6. All operators of fixed public electronic communications networks and services are required to enable geographic number portability for all their subscribers when they change the operator providing them with public telephone services. fixed.

7. All operators of public mobile electronic communications networks and services are required to enable non-geographic number portability for all their subscribers when they change the undertaking that provides them with public mobile telephone service.

Based on the above, AKEP clarifies that the provisions of the Draft Regulation (as well as those of Regulation No. 43/2016) do not apply to the following cases:

- Portability of geographic numbers across different geographic locations (geographic portability of fixed numbers);
- Portability of numbers involving a change of service from a fixed network service to a mobile network service (service portability);
- Portability of numbers used for the provision of electronic communications services that are not interpersonal communications services, as defined in Law No. 54/2024, such as numbers used for M2M communications, since these do not constitute interpersonal communications or a public telephone/voice communication service;
- Portability of non-geographic numbers belonging to the categories defined in sub-points (b)–(d), point 26 of Article 4 of Law No. 54/2024, such as numbers for value-added/premium rate services, 0800 xxxx numbers, and numbers for nomadic public telephone services.

Meanwhile, the porting of numbers (fixed or mobile) used for M2M communications may be carried out on the basis of a voluntary agreement between the Donor Operator (DO) and the Recipient Operator (RO).

As for the portability of other numbers, AKEP will evaluate the definition of additional rules at a later time, due to the more complicated processes for the portability of these numbers. Currently, for non-geographic numbers such as 0800 numbers that are allocated by AKEP directly to end users (primary allocation), their users do not need the right to port/portability as they own the right to use the number (like the providers/operators who are provided with the right to use by AKEP for fixed and mobile numbers) and have the possibility of choosing the network operator where they will host these numbers, and their subsequent change. AKEP will assess the possibilities for changes in the way these numbers are allocated, to allocate 0800 numbers only to network operators (primary allocation), and the (secondary) allocation to end users of 0800 numbers (or other categories) to be carried out only by network operators that have received groups/series of these numbers from AKEP.

While for the portability of other numbers, AKEP will assess the establishment of additional rules at a later stage, also due to the more complex processes involved in the portability of these numbers. Currently, for non-geographic numbers such as 0800 numbers that are allocated directly by AKEP to end users (primary allocation), their users do not need a right to port/number portability, since they hold the right of use of the number (as do providers/operators that are granted the right of use by AKEP for fixed and mobile numbers). They therefore have the possibility to choose the network operator where these numbers will be hosted and to subsequently change that operator. AKEP will assess the possibilities for changes in the method of allocation of these numbers, in order to allocate 0800 numbers only to network operators (primary allocation), and for the secondary allocation to end users of 0800 numbers (and

potentially other categories) to be carried out only by network operators that have been assigned number blocks/series by AKEP.

Question No. 2:

Do you agree with the changes to Article 4 (Scope of Application and General Principles) of the Draft Regulation?

Question no.3:

What is your opinion regarding the clarifications provided by AKEP in this explanatory note regarding the portability of geographic numbers to different geographic locations, the portability of numbers used for M2M communications, the portability of 0800 numbers, etc.?

2.3 The right/possibility of number portability by the subscriber/end user

According to point 5 of Article 145 of Law 54/2024:

5. When a user terminates a contract, he retains the right to port a number from the National Numbering Plan to another provider, for at least one month after the date of termination of the previous contract, unless that right is renounced by the end-user.

The above definition constitutes an important change regarding the right of the end user/subscriber to port the number, as according to the provisions of Regulation 43/2016, the subscriber has the right to request number porting only if the number is active in the network of the providing operator with whom the subscriber has a valid subscription contract, which may be with a prepaid and/or post-paid tariff plan, with a fixed term and/or an indefinite term (the initial fixed term has ended, e.g. 12 or 24 months, and the contract continues with an indefinite term).

The subscriber's right/DO obligation to port only active numbers (loss of right after the number has changed to “Deactivated” status) is part of a several provisions of Regulation 43/2016, including:

- **Article 5, point 6:** *Only numbers that are **Active**, as defined in this Regulation (Article 4, point 12), may be ported.*
- **Article 13, point 2:** *In order to be eligible for number portability, the subscriber must be in possession of an **Active telephone Number** as defined in Article 4, point 12, and must also have fulfilled the condition set out in Article 16, point 7 of this Regulation.*
- **Article 15, point 2:** *The **Donor Operator (DO)** is not obliged to export the number if that number is not **Active** as defined in Article 4, point 12 of this Regulation, or if, even though it is active, the number has been ported into its network for less than 3 months.*
- **Article 18, point 4/iv:**
*When the **Donor Operator (DO)** receives a porting request, it shall verify:*
 - i. whether the number to be ported is **Active** (according to the definitions of this Regulation) in the network of the **Donor Operator (DO)***

....

*The verification/check by the **DO** must be fully automated in its subscriber database (prepaid and post-paid) for the following fields:*

...

Status (active/deactivated) ...
- **Article 18, point 5/c/ii:** *The porting request may be rejected by the **DO** because the number to be ported is not **Active** according to the definition in this Regulation.*

Based on the above, it is necessary that the preservation of the subscriber's/end-user's right to port a number after the termination date of the previous contract with the DO, pursuant to Article

145, point 5 of Law 54/2024, be reflected in the Draft Regulation, and that a specific/maximum time limit be defined for how long this right may be exercised by the subscriber, since Article 145, point 5 of Law 54/2024 has defined only the minimum period for preserving the right to port (at least one month) after the date of termination of the previous contract.

Another aspect related to the time limit of the subscriber's right to port the number under Regulation 43/2016 is the obligation for the subscriber, after porting the number, to remain with the new operator for at least 3 months in order to be able to submit a request to port the number again (re-porting) back to the previous operator or to another operator. This provision is part of Article 15, point 2 (above) and Article 16, point 7 of Regulation 43/2016:

- Article 16, point 7: *The subscriber may port the number again only 3 months after it has been ported into the network of the DO.*

The determination of a time period for the right to re-porting has been introduced in order to prevent communications by the DO with a subscriber who has submitted a porting request or whose number has just been ported, aimed at persuading the subscriber to return to the DO through individualised offers/bonuses that are not available to other subscribers (win-back offers), as well as to avoid excessively frequent porting processes of subscribers from one operator to another which, although they may bring short-term benefits to those subscribers, increase the overall costs of portability for operators, and reduce long-term benefits for subscribers.

However, under Regulation 43/2016, this time limit does not apply to the first-time porting of a number, and a subscriber who has been assigned a number has the right to submit a porting request even on the same day. During the public consultation and discussions on the amendments to Regulation 43/2016 carried out in 2018, the main operators requested that the 3-month period also be applied to first-time porting, but this request was not reflected in Regulation 43/2016. AKEP considers that the current regulation is asymmetric, and that the 3-month period (or any other period) should either be applied in both cases or in neither of them.

Based on the above, AKEP proposes that the current 3-month period for the emergence of the right to re-port an active number be also applied to the right to first-time porting of an active number by the subscriber, as well as to the preservation of the right to port a deactivated number. AKEP considers that this arrangement is symmetric and proportionate, since:

- The current regulation is asymmetric, and the 3-month period (or any other period) for the emergence of the right to re-port an active number should either also apply to the emergence of the right to first-time porting or to neither of these cases;
- The proposed regulation ensures symmetry in the time limits for the emergence of the right to first-time porting of an active number, the emergence of the right to re-porting (re-port) of an active number, and the preservation of the right to port a deactivated number, and a subscriber with a ported or non-ported number will have the possibility to port the number 3 months after its first activation with the Initial Donor Operator (IDO), to re-port the number, and will retain the right to port the number up to 3 months after its deactivation by the donor operator.

Based on the above, AKEP has reflected in the Draft Regulation the provisions of Article 145(5) of Law No. 54/2024, as well as the above proposal regarding the 3-month period for the emergence of the right to port, re-port an active number, and preserve the right to port a deactivated number. These changes are included in Article 16, paragraph 17 of the Draft Regulation, as follows:

*The subscriber acquires the right to port the number only 3 months after becoming a subscriber of the donor operator **(through the assignment/activation of services with a new number by the donor operator)** or through the porting of the number from another*

donor operator), **and retains the right to port this number as its former end user for up to 3 months after the date of termination of the contract/deactivation of the number by the DO.**

The subscriber/end user has the right to request the porting of an Active Number currently in use with the DO or a Deactivated Number that was previously in use with the DO, within the following time limits:

- **Active Number: not earlier than 3 months from the date the subscriber became a subscriber of the DO (the date of first activation of the number with the DO as a new number or as a number ported from the Initial Donor Operator – IDO);**
- **Deactivated Number: not later than 3 months from the date of termination of the previous contract/deactivation of the number by the DO, except in cases where the end user has expressly waived this right.**

(Note: The Active/Deactivated Number requested to be ported may be a number first activated as a new number with the DO (IDO) or a number previously ported to the DO from another donor operator).

The above changes are reflected in a number of other provisions of the Draft Regulation, such as: Articles 4(12) and 4(13); Article 13(2); Article 15(2); Article 18(4) and Article 18(5); the form in Annex 1, etc.

With regard to the implementation of the above changes concerning the preservation of the right to port a number pursuant to Article 145(5) of Law No. 54/2024 (“When a user terminates a contract, they retain the right to port a number from the National Numbering Plan to another provider for at least one month after the date of termination of the previous contract, unless that right is renounced by the end-user”), AKEP further clarifies the following:

- **When a user terminates a contract and the date of termination of the previous contract**

AKEP has linked the date of termination of the contract to the date of (final) deactivation of the subscriber’s number by the operator, as defined in Article 4(13) of the Draft Regulation. The termination of the contract/deactivation of the number may occur at the request of the subscriber and/or by the operator in accordance with the terms of the contract (e.g., expiry of a post-paid and/or prepaid contract).

The date of termination of the contract and the maximum 3-month period for preserving the right to port shall not be considered the date when a fixed-term contract expires (which, under current subscription contracts, usually converts into an open-ended contract following the relevant notifications by the operator), but rather the date on which the number is fully/finally deactivated by the DO, as defined in Article 4(13) of the Draft Regulation.

Therefore, cases where the number subject to the porting request has completed a fixed-term contract and moved to an open-ended contract, or a prepaid number is in an inactive status due to lack of recharge, or a post-paid service is restricted or temporarily suspended due to non-payment, shall not be considered Deactivated Numbers within the meaning of the Draft Regulation (Article 4(13)), but Active Numbers as defined in Article 4(12) of the Draft Regulation.

- Except where that right is renounced by the end-user

The subscriber/end user does not retain the right to port after the number has entered into Deactivated status only in cases where the subscriber/end user has expressly waived this

right at the termination of the contract, through an express declaration/ durable medium, and the DO holds evidence of such a waiver.

Current or subsequent subscribers who have not expressly waived this right and/or for whom the DO does not hold evidence on a durable medium of such waiver, shall retain the possibility to preserve this right within the time limits set out in the Draft Regulation.

The above changes concerning the preservation of the subscriber's right to port a number deactivated by the DO constitute a significant change with an impact on the internal processes of operators acting as DOs, including the subscriber databases referred to in Article 18(4)(iv). In addition to the status of the number (Active/Deactivated), the DO must also store the date of deactivation of the number, which will be used to calculate the above-mentioned 3-month period.

The declaration of the number status (Active/Deactivated) by the subscriber/applicant has also been included in the porting request form, with the aim of facilitating the verification processes carried out by the DO.

Question no.4:

What is your opinion regarding the new provisions in Article 16, point 17 of the Draft Regulation on preserving the right to port a number after the end of the contract?

Question no.5:

Do you agree with AKEP's proposal to establish a symmetrical 3-month deadline for:

- *the right to re-port the active number (current definition of Regulation 43/4016)*
- *the right to port the active number for the first time;*
- *preserving the right to port the deactivated number (Law 54/2024 only sets the minimum period of at least 1 month)?*

2.4 Prepaid subscribers' right to reimbursement of unused credits

According to the definitions in points 15 and 16 of Article 145 of Law 54/2024:

15. The transferring provider shall, upon request and where technically feasible, reimburse consumers for their remaining or unused credits in the use of prepaid services. The provider may apply a reimbursement fee only where this is provided for in the contract. The reimbursement fee must be proportionate and in reasonable proportion to the actual costs of the transferring undertaking in providing the reimbursement.

16. AKEP, based on the specifics of the Albanian electronic communications market and after a consultation process on technical feasibilities, shall adopt by regulation the methods for compensating end users by providers, according to point 15 of this article, with the aim of ensuring compensation, in a simple manner and in compliance with the requirements of the legislation in force.

The above provisions impose obligations on the donor operator/transferring provider to reimburse, upon request, consumer-category subscribers for their remaining or unused credits in the use of prepaid services (currently, upon porting a number to another operator, the subscriber loses unused prepaid credits with the previous operator/DO).

In order to reflect the provisions of points 15 and 16 of Article 145 of Law 54/2025, AKEP has included in the Draft Regulation a separate article, Article 22 *Refund of unused prepaid service credits*, which proposes the relevant deadlines for the submission of reimbursement requests by subscribers (not less than 14 days from number porting) to the DO and the processing of these requests by the DO (3 working days for informing about the request and 30 days to carry out the reimbursement), including the maximum administrative fee that the DO may apply (500 lek VAT included), as well as the methods of reimbursement to be applied by the DO.

Article 22

Reimbursement of unused prepaid service credits

1. *Subscribers (consumer category) who are prepaid users of public electronic communications services (mobile) have the right to request reimbursement from the Donor Operator (DO) for their remaining or unused credits as of the date of service termination by the DO / the date of number porting.*
2. *The DO shall carry out reimbursement of the consumer in accordance with the provisions of the existing contract with the subscriber and the relevant reimbursement procedures, prepared and published by the undertaking in compliance with point 1(c)(iii) of Article 180 of Law No. 54/2024. These procedures must be simple and in line with the provisions of this Article and the applicable legislation.*
3. *The DO shall reimburse the consumer for the remaining credits based on a request submitted by the prepaid consumer to the DO within a reasonable period defined by the DO in its reimbursement procedures, which shall not be less than 14 calendar days from the date of number porting. The DO must provide consumers with the possibility to submit reimbursement requests at the DO's points of sale, as well as through electronic online means (e.g., email or requests submitted online) that the DO may use in its relationship with subscribers and that enable identification of the subscriber by the DO.*
4. *The DO has the right to apply an administrative fee for processing the reimbursement request only where such a fee is provided for in the existing contract between the DO and the consumer. The fee applied in such cases must be proportionate and appropriately related to the actual costs incurred by the DO in providing the reimbursement. The administrative reimbursement fee must be fixed and independent of the reimbursed amount, and in any case shall not exceed ALL 500 (VAT included).*
5. *The reimbursable credits of the prepaid subscriber pursuant to paragraph 1 above shall be the monetary value of the prepaid credits paid by the consumer subscriber that are valid for use, or their remaining value in the prepaid user account (remaining balance) at the moment of service termination by the DO due to number porting to the RO. This value shall not include credits already used for the purchase of prepaid offers/packages, nor credits granted by the DO as bonuses or promotions to the subscriber.*
6. *The DO shall carry out reimbursement of the consumer in compliance with the requirements of the applicable legislation, using one of the following payment methods:*
 - *Cash payment at a DO point of sale; or*
 - *Bank transfer, where requested by the consumer, based on the bank details provided by the consumer in the reimbursement request.*
7. *The DO shall carry out reimbursement of the consumer within a reasonable period, but no later than 30 calendar days from the date of receipt of the reimbursement request.*
8. *Within 3 working days from receipt of the reimbursement request, the DO shall notify the consumer using a durable medium (SMS for requests submitted at DO points of sale and email for requests submitted by email or online), informing the consumer of:*
 - *The amount and method of reimbursement, where the reimbursement request is valid; or*
 - *The reason for rejection of the reimbursement request (e.g., the request was submitted outside the deadline set out in paragraph 3 above, and/or the consumer applying for reimbursement does not have remaining valid credits as of the date of service termination / number porting).*

AKEP clarifies that Article 22 of the Draft Regulation sets out minimum and/or maximum deadlines, and that the specific deadlines and relevant procedures, including the administrative reimbursement fee (not exceeding ALL 500 VAT included), must be determined by each donor

operator in the published terms and conditions for service provision and on their respective websites.

Question no.6:

What is your opinion regarding the provisions of Article 22 of the Draft Regulation on Reimbursement of consumers by DO of unused prepaid service credits drafted by AKEP pursuant to points 15 and 16 of Article 145 of Law 54/2024?

Question no.7:

Do you agree with the deadlines, procedures and maximum fee (500 Lek, VAT included) that DO may apply in cases of refunds to subscribers for unused prepaid service credits?

2.5 Subscriber's right to compensation from the DO/RO in case of delays/abuses with porting

According to the provisions of points 1(c)(ii) and 1(c)(iii) of Article 180 of Law No. 54/2024:

1. Providers of publicly available electronic communications services, other than transmission services used for the provision of machine-to-machine services, shall include in the contract the following information:

c) information on the duration of the contract and the conditions for renewal and termination of the contract, including any termination fees, insofar as these conditions apply:

- i. any minimum usage or minimum duration required in order to benefit from promotional conditions;*
- ii. any fees related to switching and the arrangements for compensation and reimbursement for delay or abuse of switching, as well as information on the relevant procedures;*
- iii. information on the right of consumers using prepaid services to reimbursement, upon request, of any remaining credit in the event of switching, as provided for in Article 145 of this Law;*

The provision set out in point 1(c)(ii) of Article 180 of Law No. 54/2024 establishes an obligation for operators to include in the subscription contract information relating to compensation and reimbursement procedures in cases of delays or abuses in the process of switching the service provider, which, pursuant to Article 145, may concern two cases:

- Switching of the internet access service provider (points 1–3);
- Switching of the public telephone service provider with number porting (points 4–18).

Delays and abuses in the number porting process may be committed by the DO and/or the RO, and include, among others, delays in number porting deadlines related to the deactivation/activation of the number by the DO/RO, unjustified refusals by the DO of porting requests, exceeding the deadlines for submission/response of requests in the CRDB by the RO/DO, porting without the subscriber's request by the RO, etc.

While the provisions of point 1(c)(iii) of Article 180 of Law No. 54/2024 are linked to points 15–16 of Article 145 of Law No. 54/2024 and impose obligations on the DO, which are reflected in Article 22 of the Draft Regulation (see above), the provisions of point 1(c)(ii) of Article 180 of Law No. 54/2024 (which are applicable to the DO and/or the RO) have been reflected by AKEP through the addition to the Draft Regulation of *Article 22/1 – Compensation in cases of delays or abuses in the number porting process.*¹⁰

¹⁰ Article 106 of the EECC partially transposed into Article 145 of Law 54/2024, in point 8, quotes:

Article 22/1

Compensation in Cases of Delays or Abuses in the Number Porting Process

1. *The DO/RO has the obligation to compensate and/or reimburse the subscriber for delays and/or abuses committed by the DO/RO in the number porting process, in accordance with the provisions of the current contract of the DO / the new contract of the RO with the subscriber, and the relevant procedures for compensation and reimbursement in cases of delay or abuse during the process of switching the service provider/number porting, as drafted and published by the RO in compliance with the provisions of point 1(c)(ii) of Article 180 of Law No. 54/2024 and the secondary legislation of AKEP issued pursuant to Law No. 54/2024.*
2. *Delays and/or abuses committed by the DO/RO in the number porting process shall be considered to include:*
 - *Carrying out the number porting process by the RO without a request from the subscriber;*
 - *Refusal/conditional acceptance of a number porting request by the DO in violation of the provisions of this Regulation;*
 - *Exceeding the prescribed deadlines by the DO in responding to a number porting request;*
 - *Exceeding the prescribed deadlines by the RO for submitting the number porting request into the CRDB.*

Question no.8:

What is your opinion regarding the provisions of Article 22/1 of the Draft Regulation on subscriber compensation by the DO and/or RO in case of delays or abuses in the number porting process?

Question no.9:

Do you think that subscriber compensation values according to Article 22/1 of the Draft Regulation should be determined by each operator (as DO and/or RO) in the general terms and conditions of service provision or should AKEP determine these compensation values? If YES, what values would you suggest depending on the delay and/or abuse by the DO/RO with the number porting process?

- **Changes to address issues reported by subscribers and/or identified by AKEP**

2.6 Contractual Obligations/Conditional Acceptance/Pending Status/DO Notices to Subscriber

As described in the preceding section (Background) of this public consultation document, as well as in AKEP's annual reports, the main issues reported in subscriber complaints and identified by AKEP are primarily related to rejections of mobile number porting requests by the Donor Operator (DO), due to the following reasons:

- Mismatch of the ID of prepaid users in the systems of the Donor/Transferring Operator (DO) with the ID indicated in the porting request submitted by the Recipient/Receiving Operator (RO); and
- Contractual obligations owed by post-paid subscribers to the Donor/Transferring Operator (DO), which must be settled prior to number porting (i.e., before the number is transferred

Member States shall lay down rules on the compensation of end-users by their providers in an easy and timely manner in the case of the failure of a provider to comply with the obligations laid down in this Article, as well as in the case of delays in, or abuses of, porting and switching processes, and missed service and installation appointments.

and activated on the Recipient Operator's network and deactivated on the Donor Operator's network).

To address the identified issues, and in order to comply with the Recommendation of the Assembly of the Republic of Albania, AKEP has proposed a set of amendments in the Draft Regulation compared to Regulation No. 43/2016, which include:

- the replacement of the **negative response** by the DO stating that *the porting request is accepted but cannot be executed due to unpaid/unfulfilled contractual obligations under the existing contract*, with a **Conditional Acceptance response**, where the subscriber/end-user who has submitted the porting request has outstanding contractual obligations under the existing contract (when the request concerns the porting of an Active Number) or under the previous contract (when the request concerns the porting of a Deactivated Number);
- the creation of a Pending status in the CRDB for requests that are Conditionally Accepted (applicable only to post-paid subscribers), with the request remaining in this status until the subscriber settles the relevant obligations with the DO, but for no longer than 30 calendar days from the date this status is created;
- the introduction of specific obligations and deadlines for the Donor Operator (DO) to communicate and inform the subscriber about the reason for the refusal of a porting request, by simultaneously sending to the subscriber, via SMS, the Personal Identification Number (PIN) registered with the DO (in cases of refusal due to ID mismatch), or the monetary value of the contractual obligation that the subscriber must pay in order to proceed with number porting (in cases of refusal due to outstanding contractual obligations);
 - o under the current framework, the subscriber is informed by the Recipient Operator (RO) only of the refusal and the reason for refusal by the DO, without receiving information on the ID currently registered with the DO or the amount of the outstanding obligation towards the DO;
- clarifications of several key terms related to the subscriber's contractual obligations, with the aim of avoiding/minimising divergent interpretations between the subscriber, the DO and the RO:
 - o *“Contractual obligations to be fulfilled prior to contract termination/number porting”*;
 - o *“Contractual obligations to be fulfilled upon/after contract termination”*.

The above changes are reflected in a number of provisions of the Draft Regulation, with the most significant amendments introduced in Articles 4, 15 and 18 of Regulation No. 43/2016, as described below.

Article 4 – Definitions and Abbreviations

Definitions 17–20 have been added as follows:

17. “Conditional approval/acceptance”: means the response of the Donor Operator (DO) to a request for porting a number under a post-paid tariff plan, where the verification process shows that the subscriber is a debtor or has contractual obligations to be fulfilled prior to the termination of the existing contract with the DO for the number to be ported (as defined in point 19 below).

18. “Pending status”: means the status created in the CRDB system for a porting request for a mobile or fixed number that has been conditionally approved by the DO.

19. “Contractual obligations to be fulfilled prior to contract termination/number porting”: means the financial obligations of the subscriber towards the DO, the payment/fulfilment of which

must be completed prior to the approval of the number porting request by the DO, and which may include, as applicable:

- a) obligations for invoices issued by the DO (including any outstanding obligations—i.e., overdue invoices—and the invoice for the current/previous month) that remain unpaid by the subscriber as of the date the porting request is received by the DO via the CRDB / the date of conditional acceptance of the request;
- b) the obligation for the use of the service during the current month, as per the invoice issued/to be issued by the DO up to the date of notification of the conditional acceptance of the porting request or up to the date on which the subscriber pays the obligations referred to in this paragraph (points a and c);
- c) penalties¹¹ and/or financial compensation¹² applicable to the subscriber in the event of early termination of a fixed-term contract, in accordance with Article 144 of Law No. 54/2024.

20“Contractual obligations to be fulfilled upon/after contract termination”: means obligations that may be fulfilled by the subscriber only on the date of contract termination or after that date, and which may include, as applicable:

- a) the obligation to pay the invoice issued by the DO for charges applicable to the receipt/use of the service after the last date of the billed period up to the date of completion of number porting/service termination by the DO, where the services received by the subscriber during this period are not, or are only partially, included in the last invoice issued by the DO (points 19/a or 19/b above);
- b) the return of the terminal equipment included in an integrated tariff package or compensation for the equipment in the event of failure to return it within the deadline set by the DO under the existing contract (not earlier than the date of service termination by the DO).

Article 15 – Obligations of the Donor Operator (DO)

Points 9–12 have been added with the following text:

9. The DO is entitled to conditionally approve a number porting request submitted by a post-paid subscriber only if, on the date the porting request is received by the DO via the CRDB / the date of conditional acceptance of the request, the subscriber is found to have “Contractual obligations to be fulfilled prior to contract termination/number porting” as defined in point 19 of Article 4 of this Regulation.

Within the “Contractual obligations to be fulfilled by the subscriber prior to contract termination/number porting”, the DO may not include any additional obligations other than those specified in the existing contract between the DO and the subscriber for the service associated with the number to be ported, and which are applicable in the event of termination/ending of the contract at the subscriber’s request, in accordance with Article 144 of Law No. 54/2024 and other applicable primary and secondary legislation.

Contractual obligations to be fulfilled upon/after contract termination/number porting, as defined in point 20 of Article 4 of this Regulation, do not constitute a criterion for the conditional acceptance of a porting request for an Active Number. These obligations may be paid/fulfilled by the subscriber only on the date of contract termination/service discontinuation by the DO or after that date, in accordance with the relevant notification by the DO.

¹¹ Early termination fee for contracts with a fixed minimum term, pursuant to point 1(c)(iv) of Article 180 of Law No. 54/2024 (Article 18(2) of Regulation No. 49/2021). This penalty is not applicable in the cases provided for in points 6, 8, 9, 10, and 11 of Article 144 of Law No. 54/2024.

¹² Compensation for terminal equipment: outstanding obligations relating to subsidized terminal equipment and/or equipment included in an integrated tariff package at the time of conclusion of the contract, in accordance with points 11 and 12 of Article 144 of Law No. 54/2024

The DO is entitled to conditionally approve a porting request from a former post-paid subscriber for a Deactivated Number only if the subscriber/end-user, on the date the porting request is received by the DO via the CRDB / the date of conditional acceptance of the request, is found to have outstanding obligations under the previous contract with the DO (which may include any type of unfulfilled obligation as defined in points 19 and 20 of Article 4 of this Regulation).

10. The DO is obliged to approve the subscriber's number porting request if none of the refusal or conditional acceptance criteria are met.

11. In cases of refusal of number porting requests due to ID/NIPT mismatch, or conditional acceptance of a porting request for a post-paid number, the DO shall notify and inform the subscriber using a durable medium of communication (SMS for mobile operators) and shall carry out the relevant actions and processes for the correction of the ID and/or completion of the number porting in accordance with the requirements and deadlines specified in points 12/b, 13 and 14 of Article 18 of this Regulation.

12. After the date of porting/service termination, the DO is entitled to invoice the post-paid subscriber only for "Contractual obligations to be fulfilled upon/after contract termination", which are additional obligations arising during the Pending status that were not included in the invoicing of "Contractual obligations to be fulfilled prior to contract termination/number porting", or which may be fulfilled by the subscriber only after service/contract termination by the DO, such as the return of terminal equipment.

Article 18 – Porting Request and Response

In point 5 of Article 18, the negative response of the DO stating that the porting request is accepted but cannot be executed (point 5/c/v) has been removed and replaced with the response **Conditional Acceptance**, added as a separate paragraph (Article 18, point 5/d), as follows:

5/d: In the case of a Conditional Acceptance response to a porting request, the DO shall include the reason that the subscriber/end-user who submitted the porting request has outstanding contractual obligations under the existing contract (where the request concerns the porting of an Active Number) or under the previous contract (where the request concerns the porting of a Deactivated Number).

The Conditional Acceptance response by the DO applies only to post-paid subscribers in cases where the subscriber/end-user of the number who has submitted the porting request:

- for an Active Number, has outstanding obligations under the existing contract limited exclusively to "Contractual obligations to be fulfilled prior to contract termination/number porting" as defined in point 19 of Article 4 of this Regulation;*
- for a Deactivated Number, has outstanding obligations under the previous contract with the DO (which may include any type of unfulfilled obligation as defined in points 19 and 20 of Article 4 of this Regulation).*

The DO's Conditional Acceptance response is sent to the CRDB, where a Pending Status is created, and the RO is notified that the request has been conditionally accepted and has entered Pending Status.

The porting request shall remain in Pending Status until the subscriber fulfils the relevant obligations towards the DO, but in any case, for no longer than 30 calendar days from the date this status is created.

Upon fulfilment of the subscriber's obligations, the DO shall approve the porting request by notifying the RO via the CRDB system, and the request shall move from Pending Status to Accepted Status, after which the relevant processes for the execution of number porting shall proceed.

In the event of non-fulfilment of the obligations by the subscriber / failure by the DO to send the acceptance message within the maximum 30-day period of the Pending Status, the case shall be closed by the CRDB and the request shall be considered Rejected.

In point 12 of Article 18,

- Sub-points 12/a and 12/b of Regulation No. 43/2016 have been merged into a single sub-point (12/a) concerning notification of the subscriber by the RO;
- A new sub-point 12/b has been added concerning notification and information of the subscriber by the DO in cases of rejection of the porting request, as follows:

*12/b) The DO, no later than 8 hours / 1 (one) working day from the rejection of the porting request due to ID/NIPT mismatch or from the **Conditional Acceptance** of the porting request, shall notify and inform the subscriber (by SMS for mobile operators) of the reason(s) for the rejection or conditional acceptance of the number porting request, including in such notification:*

i. In the case of rejection due to ID/NIPT mismatch:

- *the **Personal Identification Number** of the subscriber (NIPT for Business subscribers) as registered with the DO;*
- *advice for the subscriber to present themselves at one of the DO's points of sale in order to rectify the identification data in accordance with the relevant form.*

ii. In the case of Conditional Acceptance of the request due to outstanding obligations of a post-paid subscriber:

- *information on the **total monetary amount and detailed breakdown** of the “**Contractual obligations to be fulfilled prior to contract termination/number porting**”, in accordance with the specifications of point 19 of Article 4 of this Regulation, which the subscriber must pay as a condition for acceptance of the porting request by the DO / termination of the contract with the DO, as well as the **maximum deadline for payment** of such obligations, being **28 calendar days** from the date of notification; and clarification that, in the event of non-payment of these obligations, the porting request shall be rejected and the contractual relationship between the subscriber and the DO shall continue in accordance with the existing contract;*
- *information on the “**Contractual obligations to be fulfilled at/after contract termination**”, in accordance with the specifications of point 20 of Article 4 of this Regulation, where applicable, such as billing for the remaining period up to the date of contract/service termination by the DO and/or the return of the terminal equipment included in an integrated tariff package, or compensation for the equipment in the event of failure to return it within the deadline specified by the DO under the existing contract (not earlier than the date of service termination by the DO).*

Points 13 and 14 of Article 18 of Regulation No. 43/2016 have been amended in the Draft Regulation as follows:

17. Upon the subscriber's presentation at the DO, **in accordance with point 12/b above, the DO shall:**
 - carry out identification and correction of the subscriber's data based on the ID document **and Personal Identification Number presented by the subscriber, through a valid identification document/means, in accordance with the relevant form for this purpose. The DO shall provide the subscriber with a copy of the form signed by the DO;**
 - **provide the subscriber with the relevant invoice for the settlement of the “Contractual obligations to be fulfilled prior to contract termination/number porting” and/or with the relevant payment receipt (proof of settlement/payment of the respective obligations).**
18. The DO shall, immediately, or at the latest:
 - within 1 (one) working hour after the correction/rectification of identification data;
 - **within 4 working hours after payment by the subscriber at one of the DO's points of sale (8 hours / 1 working day after payment made via bank transfer / submission of the bank payment receipt by the subscriber) of all “Contractual obligations to be fulfilled prior to contract termination/number porting” (point 19, Article 4 of this Regulation).**

Question no.10:

What is your opinion regarding the definitions of the new terms in points 19 and 20 of Article 4 of the Draft Regulation regarding:

- “Contractual obligations to be fulfilled before contract termination/number porting”
- “Contractual obligations to be fulfilled upon/after the termination of the contract”?

Question no.11:

What is your opinion regarding the definitions of the terms “Conditional Approval/Acceptance” and “Pending Status” in points 17 and 18 of Article 4 and other relevant amendments to Articles 15 and 18 of the Draft Regulation regarding the Conditional Acceptance of requests for post-paid number porting that has obligations to fulfil towards the DO and the creation of Pending Status in the CRDB?

Do you think that the 30-day deadline for Pending Status is reasonable for the subscriber (fulfilment of relevant obligations) and the export process? If not, what deadline do you suggest?

Question No.12:

Do you agree with the imposition of additional obligations on the DO to notify the subscriber of the reason for the rejection of the number porting request, including information on the ID and/or the value of the subscriber's contractual obligations to the DO, according to the proposals in Articles 15 (point 11) and 18 (point 12/b) of the Draft Regulation?

2.7 Availability of CRDB and operators’ payments

2.7 Availability of the CRDB and operators’ payments

Pursuant to point 2/II of Article 12 of Law No. 54/2024, AKEP is responsible for ensuring the availability of a central reference database for number portability.

Number portability began to be implemented in Albania in 2011, in accordance with Articles 87–88 of Law No. 9918/2008, “*On Electronic Communications in the Republic of Albania*”, and the relevant secondary legislation issued by AKEP in 2010. This framework included Regulation No. 13/2010, “*On Number Portability*”, approved by Decision of the AKEP Steering Council No. 1219, dated 07.04.2010, as well as the document “*Technical Specifications for the Implementation of Number Portability*”, approved by Decision of the AKEP Steering Council No. 1318, dated 14.06.2010, through which the relevant procedures for the establishment and operation of the centralized reference database for number portability (CRDB) were carried out.

The current Regulation No. 43/2016 was approved in 2016, replacing Regulation No. 13/2010, “*On Number Portability*”. Article 10 of Regulation No. 43/2016 contains provisions concerning AKEP’s obligation to ensure the availability of the CRDB, including the conduct of procedures to guarantee and secure the CRDB platform and operating systems, the maintenance and management of the operation of the platform and systems installed in the CRDB (performed by the CRDB operator), as well as the premises for hosting the CRDB platform and operating systems.

Article 21 of Regulation No. 43/2016 contains provisions on the coverage of AKEP’s financial costs for ensuring the availability of the CRDB and the payments made by operators to AKEP in order to cover these number portability-related expenses.

AKEP has introduced several amendments to Article 10 (points 3–8) and Article 21 (points 1–3) of the Draft Regulation, aimed at clarifying the processes/procedures carried out by AKEP to ensure the availability and operation of the CRDB, as well as the financing of AKEP’s expenses through operators’ payments for number portability. These proposed amendments include:

- **replacement** of the wording “*platform and operating systems installed in the CRDB*” with “*platform (**hardware**) and operating systems (**software**) installed in the CRDB (**for initial deployment and/or subsequent necessary upgrades**)*”;
- **clarifications/reformulation of point 3 of Article 10**, regarding AKEP’s obligation to ensure the availability of the CRDB:

(Article 10, point 3): *AKEP ensures the availability of the CRDB through the conduct of the relevant public procurement procedures in order to guarantee and secure:*

 - a) the CRDB platform (hardware) and operating systems (software) (for initial deployment and/or subsequent necessary upgrades);*
 - b) the premises for hosting the CRDB platform and operating systems;*
 - c) the maintenance and operational management service of the platform and systems installed in the CRDB, performed by the CRDB Operator;*
- **inclusion in Article 4, point 21 of a definition of the CRDB Operator**, as well as clarifications in Article 10 of the following provisions:
 - ***the technical requirements for the CRDB Operator**, including those ensuring neutrality and trustworthiness, and **the principle of non-discrimination**, are determined by AKEP in the document “**Technical Specifications for Number Portability**”, approved by a **Decision of the AKEP Steering Council, as well as in the relevant technical specification documents/terms of reference of the public procurement procedure** for the selection of the CRDB Operator;*
 - *the CRDB Operator is responsible for operating the platform and ensuring the availability of the database functions, **including the necessary software developments (including technical/operational developments) required for changes in the number portability process in accordance with the provisions of this Regulation and other relevant AKEP acts on number portability**;*
- **inclusion in Article 10, of point 8 as follows:**

Notwithstanding the above paragraph and point 3(b) of this Article, in order to guarantee and ensure the hosting premises for the CRDB platform and operating systems, AKEP may use its own premises and/or those of specialized public institutions that ensure secure 24/7 hosting, at no additional cost or at significantly lower cost than that offered by economic operators in the market;
- **clarifications in Article 21** regarding the coverage of AKEP’s expenses for ensuring the availability of the CRDB through payments made by electronic communications operators.

AKEP clarifies that the proposed amendments to Article 10 (points 3–8) and Article 21 (points 1–3) have no effect on the current scheme for ensuring the availability of the CRDB, the hosting premises, the services provided by the CRDB Operator for the maintenance and operation of the CRDB, nor on the payments currently made by operators to AKEP to finance/cover these CRDB-related expenses.

Question no.13:

What is your opinion regarding the reformulations in Article 10 (points 3-8) and Article 21 (points 1-3) of the Draft Regulation regarding AKEP's provision of CRDB availability, hosting facilities, and the service provided by the CRDB Operator for the maintenance and operation of the CRDB?

2.8 Formula for operators’ payments for the availability of the CRDB

Formula for operators’ payments for the availability of the CRDB

With regard to the payments made by operators to AKEP for the expenses related to ensuring the availability of the CRDB, the current formula set out in point 3 of Article 21 of Regulation No. 43/2016—unchanged in this Draft Regulation proposal (only reformulated for clarity)—is based on the principle of proportionality, according to the respective number of ported-in numbers acquired by each operator as the Receiving Operator (RO), in relation to the total number of numbers ported by all operators during the previous financial/calendar year. This formula allocates the total costs of CRDB availability among operators based on the number of numbers (subscribers) acquired as RO.

However, the benefits of the CRDB are not limited only to operators that acquire numbers/subscribers as RO, but also extend to other electronic communications operators that use and/or benefit from the CRDB through the information obtained on ported numbers and the updating of their LMDB for call routing to the correct network/operator. The CRDB serves all electronic communications operators that provide publicly available telephone services to end-users/subscribers, as well as providers of call transit services, and communicates every 6 hours with the LMDB of all such operators that are required to be connected to the CRDB and that also benefit from this connection/access (receiving updated information on each porting event and on all ported numbers), regardless of whether they acquire numbers as RO.

In light of the above, with the aim of better applying the principle of proportionality in relation to the benefits each operator derives from the availability of and access to the CRDB, AKEP submits for discussion with interested parties the possibility of determining, by a separate AKEP act, a fixed annual fee to be paid by electronic communications operators for the availability of and access to the CRDB.

This fixed annual fee is proposed to be the same for all electronic communications operators that provide publicly available telephone services to end-users/subscribers and providers of call transit services between networks, which—pursuant to the Draft Regulation (Articles 6 and 8)—are required to connect to the CRDB (i.e. have been granted access) to enable number portability and/or to update information for routing calls to ported numbers, regardless of whether they have acquired numbers as RO.

The revenues collected from this fixed fee, or the total amount invoiced by AKEP for this fixed fee (fixed contribution) for all operators ($\text{Fixed fee} \times \text{Number of invoiced operators}$), will be deducted from AKEP's total annual expenses for ensuring the availability of the CRDB. The remaining amount ($\text{Total expenses} - \text{amount invoiced for the Fixed Fee}$) will then be used by AKEP to calculate the coefficient/cost per ported number and to invoice each operator proportionally to the number of ported-in numbers acquired as RO, in accordance with point 3(b) of Article 21 of the Draft Regulation.

Question no.14:

What is your opinion regarding the current formula for operators' payments for CRDB availability in proportion to the benefits based on the quantity of ported numbers (port-in) as RO (point 3 of Article 21 of the Draft Regulation and Regulation 43/2016)?

Does it reflect contributions by operators in a fair/proportional manner with the benefits of all operators from access to the CRDB, for number porting and call routing to ported numbers?

Question No.15:

Do you agree with AKEP's proposal and explanations in the section "Formula for operators' payments for CRDB availability" of this Appendix, that AKEP, by a separate act (or through a separate public consultation process), also determine a fixed annual fee that would be the same for all electronic communications operators, providers of public telephone service for end users/subscribers and providers of call transit services between networks (regardless of whether or not they have received numbers as RO)?

If YES, do you think that AKEP should include the possibility of setting a fixed tariff in Article 21 of the final version of the Draft Regulation and then conduct a separate public consultation process?

2.9 Tariffs between DO and RO

AKEP has added points 6 and 7 to Article 21 of the Draft Regulation as follows:

6. *DO and RO shall not apply any direct fee/charge to end-users/subscribers for the number portability service, including any fees charged by the DO for changing a tariff plan from post-paid to pre-paid for subscribers who have expressed their wish to port their number.*
7. *The DO has the right to apply a (wholesale) fee to the RO for number portability, payable by the RO in accordance with the relevant monthly invoice, and this fee shall not exceed:*
 - a. *ALL 500 (excluding VAT) / ALL 600 (including VAT) for each number successfully ported from the DO to the RO;*
 - b. *ALL 250 (excluding VAT) / ALL 300 (including VAT) for each number portability request rejected due to errors (incorrect ID information, incorrect telephone number) in the portability request submitted by the RO to the CRDB (for requests involving multiple numbers, the fee shall be calculated based on the number of rejected numbers).*

The provisions above under points 6 and 7(a) of Article 21 of the Draft Regulation constitute a reformulation of point 8 of Article 16 (Rights and obligations of the subscriber) of Regulation No. 43/2016, while the newly added provision is point 7(b).

AKEP proposes that, in addition to the application of the current fee of ALL 500 excluding VAT charged by the DO to the RO for each number successfully ported from the DO to the RO (point 7(a)), the DO should also have the right to charge the RO a fee (ALL 250 excluding VAT) for each unsuccessful/rejected number portability request rejected by the DO due to errors (incorrect ID information, incorrect telephone number) in the portability request submitted by the RO.

This proposal aims to increase the accountability of the RO in submitting number portability requests and to reduce repeated successive requests submitted by the RO despite an initial rejection by the DO due to ID-related errors. The introduction of a fee for such cases simultaneously increases the accountability of the DO for rejections of portability requests, as each rejected request will be subject to full verification by the RO due to the financial implications of the rejection for the RO.

Question No.16:

Do you agree with AKEP's proposal in point 7/b of Article 21 of the Draft Regulation, that the DO has the right to charge the RO a fee (250 Lek excluding VAT) for each unsuccessful/rejected porting request by the DO due to errors (incorrect ID information, phone number) in the RO's porting request?

If YES, is the proposed fee of 250 lek (VAT not included) reasonable?

2.10 Number porting request form

AKEP has included in Annex 1 of the Draft Regulation the Number Portability Application Form, which contains more comprehensive information regarding the number(s) requested to be ported by the subscriber/applicant, as declared by the subscriber. This information includes, inter alia, the status of the number at the DO (Active/Deactivated), the tariff plan category (Prepaid/Post-paid), details of the authorized representative for subscribers registered as Business users, etc.

AKEP has also merged the declaration contained in Annex 2 of Regulation No. 43/2016 with the form in Annex 1 of the Draft Regulation, reflecting the changes proposed in the Draft Regulation.

Meanwhile, Annex 3 of Regulation No. 43/2016 is not included among the annexes of the Draft Regulation, as it forms part of the contract concluded between AKEP and the CRDB Operator.

Question no.17:

Do you agree with the changes to the Porting Application Form in Annex 1 of the Draft Regulation as well as the merging of Annexes 1 and 2 of Regulation 43/2016 into a single Annex (Annex 1 of the Draft Regulation)?

2.11 Implementation of changes to the Portability Regulation

The new provisions of the Draft Regulation introduce a number of changes compared to the current provisions of Regulation No. 43/2016. The adoption of the final version of the Draft Regulation, following the public consultation process, will require operators to implement these changes within the deadlines specified in the final version of the Regulation.

The implementation by operators of some of these changes will require amendments/updates to their internal administrative, technical and operational processes, as well as the implementation and synchronization of changes in accordance with the guidelines/instructions of the CRDB Operator. These changes, which require more time for implementation and/or cooperation between electronic communications operators and the CRDB Operator, include in particular:

- the creation of the Pending status in the CRDB and the conditional acceptance of number portability requests by the DO;
- the obligations of the DO for the automated processing of requests for the portability of Deactivated numbers.

In view of the above, AKEP, in Article 27 of the Draft Regulation, has provided for transitional provisions, including the implementation of the above changes within six (6) months from the entry into force of the final version of the Draft Regulation to be adopted by AKEP following the public consultation process.

Article 27 Transitional Provisions

- 1. The obligation for undertakings to implement the provisions of this Regulation relating to:
a. the creation of the Pending status in the CRDB and the conditional acceptance of number portability requests by the DO;
b. the obligations of the DO for the automated processing of requests for the portability of Deactivated numbers,
shall enter into force six (6) months after the date of approval of this Regulation.*
- 2. The provisions of the document “Technical Specifications for the Implementation of Number Portability”, approved by Decision of the AKEP Steering Council No. 1318, dated 14.06.2010, shall remain in force insofar as they do not conflict with the provisions of this Regulation and other secondary legislation of AKEP, until the date of approval/entry into force of the technical specifications document adopted pursuant to this Regulation.*
- 3. Undertakings and the CRDB Operator are obliged, during the six-month period referred to in point 1 of this Article, to take all necessary technical and operational measures so that, by the date of entry into force of this Regulation, they have implemented in their systems and internal procedures all changes necessary for the application of all provisions of this Regulation.*

With regard to the creation of the Pending Status in the CRDB, the CRDB Operator has prepared the relevant technical solution, which will be discussed with the main operators during the public consultation process and, following the approval of the final version of the Draft Regulation, will

have to be implemented in the systems of all operators, together with the changes related to the Conditional Acceptance of number portability requests.

With regard to the processing of Deactivated number portability requests, operators (in the role of DO) will have to make the relevant changes to the databases that communicate for portability requests. During the transitional period, AKEP proposes that DO and RO may handle deactivated number portability requests in a non-automated manner, through communications between the respective portability teams of the RO and the DO.

With regard to the document “*Technical Specifications for the Implementation of Number Portability*”, approved by AKEP Steering Council Decision No. 1318, dated 14.06.2010, AKEP will carry out the relevant amendments after the approval of the final version of the Draft Regulation. The document approved in 2010 mainly served for the initial establishment and commissioning of the CRDB in 2011. However, AKEP considers that this document needs to be reviewed in order to reflect all changes made to the Number Portability Regulation during the period 2010–2018 (which have been implemented in practice by the CRDB Operator and electronic communications operators), as well as the changes that will be introduced following the approval of the final version of the Draft Regulation.

Question no.18:

What is your opinion on the proposed additional 6-month deadline for operators to implement obligations regarding:

- a. creating a pending status in the CRDB and conditional acceptance of number porting requests from the DO;*
- b. DO obligations for automated processing of requests for porting deactivated numbers?*

Question no. 19:

Do you think that AKEP should set an additional deadline/transitional period for the implementation of other additional obligations for DO and/or RO?

If YES, for which Obligations and what would be a reasonable timeframe for their implementation?

3. Public consultation process

Interested parties are invited to submit comments and suggestions on the public consultation questions presented by AKEP in Section 2, “Changes of the Draft Regulation compared to Regulation No. 43/2016 and Public Consultation Questions” (sub-sections 2.1–2.11) of this Annex, as well as on any other aspect related to the Draft Regulation on number portability.

In their comments/responses, parties are encouraged to include supporting arguments for their views/comments, as well as suggestions for improving the document.

The public consultation process for the document “*Draft Regulation on the Implementation of Number Portability*” will be conducted for a period of 30 days from the date of publication of the document on the AKEP website, and interested parties may submit their written comments to AKEP as follows:

- in written form, addressed to the Authority of Electronic and Postal Communications (AKEP), Rr. “Reshit Çollaku”, Tirana;
- in electronic form, by email to info@akep.al.