

The Telecommunication Regulatory Authority's Board of Directors

Resolution No. 2 of 2010

Promulgating a Regulation on Number Portability

The Telecommunication Regulatory Authority's Board of Directors:

After perusal of:

The Telecommunications Law promulgated by Legislative Decree No. 48 of the year 2002, and in particular Articles 3 and 40 thereof,
The Authority's Regulation No. 4 of 2008 promulgating the National Numbering Plan,
After consulting with the public and the concerned authorities,
And on the basis of the proposal submitted by the Authority's Acting General Director,
And after the approval of the Authority's Board of Directors,

The following is decided:

The First Article

The provisions of the Number Portability Regulation attached to this Resolution shall apply.

The Second Article

This Resolution and the Regulation attached hereto shall be published in the Official Gazette and shall take effect on the day following the date of their publication.

Chairman of the Authority's Board of Directors
Mohammed Ahmed Al Amer

Issued on: 13 Jumada the first, 1431 (h)
Corresponding to: 27 April 2010

Number Portability Regulation

Article 1 Definitions

- (a) Any word, phrase or expression used in this Regulation shall, unless it is expressly defined herein, have the same meaning as in the Telecommunications Law of the Kingdom of Bahrain, Legislative Decree No.48 of 2002, and the National Numbering Plan issued by the Authority under the Authority's Regulation No.4 of 2008.
- (b) References to time are references to time in the Kingdom of Bahrain measured using the 24 hour clock.
- (c) The terms and phrases below shall have the following meaning, unless the context requires otherwise:

'Bad Debt' means the unpaid fees, bills or other dues that have been invoiced and notified to a Subscriber by a Donor Operator and are directly related to the Telecommunications services provided to the Subscriber by a Donor Operator through the Number that is the subject of a Number Porting Request and which have passed the due date for payment at the date of the Number Porting Request and are equal to or over three (3) Bahraini Dinars in value at the date of the Number Porting Request.

'Block Operator' means a Licensee that is allocated and manages a specific Number Block under the National Numbering Plan.

'Central System' means only the system that facilitates the Number Porting Process and includes a database showing all Ported Numbers.

'Donor Operator' means a Licensee from which a Number is being or has been Ported.

'Fixed Line Operator' means Licensed Operator, other than Mobile Telecommunications Services Operators, that terminate calls to Subscribers.

'Fixed Number' means a number designated for Fixed Services.

'Licensees' means Licensees that have been granted Telecommunications Services Licenses that allow the use of Numbers for the purposes of providing Telecommunications services and which assign Numbers to Subscribers and provide Telecommunications services through such Numbers.

'Licensee Copy' means a copy of the database of Ported Numbers on the Central System that is replicated and hosted by each Licensee for the purpose of routing calls.

‘Mobile Number’ means a number designated for Mobile Services.

‘Number Portability Specifications’ mean the specifications issued by the Authority under this Regulation which include all technical measures and matters relating to Number Portability.

‘Number Porting Process’ means the process of transferring a Subscriber’s Number from one Licensee to another Licensee.

‘Number Porting Request’ means the request issued by a Subscriber to a Recipient Operator to Port the Subscriber’s Number from a Donor Operator to the Recipient Operator;

‘Number Port Period’ means the period of time in which the necessary processes must be conducted to execute the necessary Number Porting Processes to Port from the Donor Operator to the Recipient Operator.

‘Port’ means the transfer of a Subscriber’s Number from one Licensee to another Licensee.

‘Recipient Operator’ means a Licensee from which a Subscriber wishes to receive Telecommunications Services and to Port its Number to.

Article 2 Scope of the Regulation

The provisions of this Regulation shall apply to all Licensees as defined for the purposes of this Regulation.

Article 3 Implementation of Number Portability

- (a) All Licensees are required to implement Number Portability in accordance with this Regulation and the Number Portability Specifications issued by the Authority pursuant to this Regulation.
- (b) The Authority will issue Number Portability Specifications. The Number Portability Specifications will be published on the Authority’s website and brought to the attention of Licensees in a manner the Authority deems appropriate. The Authority may amend the Number Portability Specifications from time to time after due consultation.
- (c) Licensees must bear all costs associated with the implementation of Number Portability, except where expressly stated in this Regulation.

Article 4

Central System

- (a) Number Portability will be facilitated by means of a Central System established and administered by the Authority.
- (b) Each Licensee to which this Regulation applies must connect to and use the Central System in the manner described in the Number Portability Specifications.
- (c) All Number Porting Requests, communications and messages between the Recipient and Donor Operators regarding the Number Porting Process shall be in electronic format as defined in the Number Portability Specifications and must be exchanged through the Central System.
- (d) The Central System shall, at a minimum, perform the following tasks:
 - 1. Co-ordinate and exchange Number Porting Requests, communications and messages required by Article 6 of this Regulation between Licensees regarding Number Porting Requests.
 - 2. Maintain the database of Ported Numbers.
 - 3. Update all Licensees' Local Copies immediately upon the completion of the Porting of any Number and each day in accordance with the Number Portability Specifications.
 - 4. Measure the performance of all Licensees, on an individual operator basis against quality of service parameters defined in the Number Portability Specifications.

Article 5

Introduction of Number Portability

- (a) All Licensees granted a Telecommunications Licence that allows the use of Numbers must be capable of offering Number Portability to their Subscribers before commercially launching Telecommunications services.
- (b) Licensees that are Licensed before the publication of the Number Portability Specifications shall implement Number Portability in the following manner:
 - 1. Within six (6) months of the date the Number Portability Specifications are published on the Authority's website all Licensees that provide Mobile Services ("Mobile Services Licensees") must provide the capability for their Subscribers to Port their Mobile Number to any other Mobile Services Licensee.

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2. Within eight (8) months of the date the Number Portability Specifications are published on the Authority's website all Licensees:
 - a. that provide Fixed Services, including by wireless means, ("Fixed Services Licensees") shall provide the capability for their Subscribers to Port their Fixed Services Number to any other Fixed Services Licensee.
 - b. that use Universal Numbers to terminate calls to their own Telecommunications Networks shall provide the capability for their Subscribers to Port their Universal Number to any other Licensee capable of providing services to that Universal Number.
 - c. shall provide the capability for Subscribers to Port Special Services Numbers, Premium Rate Services Numbers, Short Codes or other telecommunications services numbers to any other Licensee, provided that any applicable charge bands, as identified in the National Numbering Plan, are maintained.
- (c) The Authority may, upon receipt of a written request from a Licensee and at the Authority's sole discretion, temporarily exempt a Licensee from the requirement to implement the capability of Number Portability or any part of its functionality for a specified period. Where the Authority grants such an exemption it will publish on its website written reasons for the granting of the exemption.

Article 6
The Number Porting Process

- (a) The Number Porting Process commences when a Subscriber submits a Number Porting Request to the Recipient Operator, supported by all necessary documents as detailed in the Number Portability Specifications.
- (b) The Recipient Operator shall not commence the Number Portability Process for any Subscriber unless it has entered into a contract for Telecommunications services with the Subscriber and received a valid Number Porting Request from that Subscriber.

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- (c) The Number Porting Process shall not involve any contact between the Subscriber and the Donor Operator. All communications relating to the status of the Number Porting Process, including whether the Number Porting Request has been rejected by the Donor Operator in accordance with Article 6(g) of this Regulation, will be made by the Recipient Operator to the Subscriber.
- (d) The submission of a Number Porting Request by a Subscriber to a Recipient Operator is considered to be a request from the Subscriber to the Donor Operator to terminate the Subscriber's contract with the Donor Operator for the Telecommunications services provided through that Number by the Donor Operator.
- (e) The Donor Operator and Recipient Operator must do all things necessary, including communicating with each other in a clear and precise manner, to coordinate the handover of the Ported Number from the Donor Operator to the Recipient Operator and for the coordinated termination of Telecommunications services from the Donor Operator to the Subscriber and commencement of Telecommunications services from the Recipient Operator to the Subscriber to ensure the least disruption to the Subscriber.
- (f) The Subscriber's contract with the Donor Operator for the Telecommunications services provided through the Ported Number will be deemed terminated upon the completion of the Number Porting from the Donor Operator to the Recipient Operator. The Subscriber will remain liable for all contractual obligations arising out of its termination of the contract with the Donor Operator.
- (g) A Donor Operator may only reject a Number Porting Request under the following circumstances:
 - 1. there are material errors in the Porting Request, such that the request cannot reasonably be used.
 - 2. information, as required by the Number Portability Specifications, that forms part of the Number Porting Request is missing.
 - 3. authorisation information to identify the Subscriber that has submitted a Number Porting Request is incorrect or inconsistent.
 - 4. the Subscriber has a Bad Debt with the Donor Operator.
- (h) The Donor Operator must notify the Recipient Operator of a rejection of a Number Porting Request under Article 6(g) of this Regulation through the Central System.

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- (i) A Donor Operator must notify the Recipient Operator in all cases of its approval or rejection of a Number Porting Request within 24 hours of the Donor Operator Receiving a Number Porting Request.

**Article 7
Number Porting Period**

- (a) The Number Porting Period shall not exceed the following time frames, starting on the time and date a Number Porting Request is approved by the Donor Operator:
 - 1. 48 hours for Mobile Numbers.
 - 2. 72 hours for Fixed Numbers.
 - 3. 72 hours for Universal Numbers.
 - 4. 120 hours for Special Services Numbers, Premium Rate Services numbers, Short Codes or other telecommunications services numbers.
- (b) No later than 2 years of the date this Regulation comes into effect, the Porting Period for all Numbers must not exceed 24 hours.

**Article 8
General Rules for the Number Porting Process**

- (a) Without prejudice to Donor Operator's right to reject a Number Porting Request under Article 6(g) of this Regulation, a Donor Operator cannot cancel the Number Porting Process. A Recipient Operator is only entitled to cancel a Number Porting Process upon request by the Subscriber.
- (b) Immediately upon the successful Porting of a Number the Recipient Operator must ensure that calls can be originated and received by the Ported Number on the Recipient Operator's Telecommunications Network in accordance with the Number Portability Specifications.
- (c) In the event of a Subscriber terminating a Telecommunications service with a Recipient Operator, other than as a result of Porting the Number to a new Licensee, the Ported Number shall be returned to the original Block Operator within a maximum period of 30 days from the date of termination of the Telecommunications service.
- (d) There is no restriction as to the number of times a Subscriber may request its Number to be Ported.

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- (e) In the case that a Licensee is providing its Telecommunications service through an affiliate or subcontractor and has allocated parts of its Number Ranges to that affiliate or subcontractor for that reason, then the Licensee is liable for the Number Porting Process and the Licensee is obliged to support Number Portability for the affiliate or subcontractor:
1. between all Licensees' Telecommunications Networks.
 2. between the affiliate or subcontractor and the Licensee.
 3. between different affiliates or subcontractors on the Licensee's network.

**Article 9
No winback**

- (a) Without prejudice to a Licensee's rights to advertise or market its services generally, a Donor Operator may not contact a Porting Subscriber in person or by telephone or through other direct targeted marketing communications to offer or provide discounts, services or other incentives in order to convince the Porting Subscriber to remain with or return to the Donor Operator, either:
1. after the Number Porting Request has been submitted by the Recipient Operator and received by the Donor Operator; or
 2. for 90 days after the date that the Number has been Ported.
- (b) Targeted marketing for the purposes of this Regulation means any advertisement and marketing that is targeted at a specific Subscriber.

**Article 10
Routing**

- (a) Each Licensee must ensure that it hosts adequate Licensee Copy facilities to ensure that it can receive, store and update the current database of Ported Numbers in the Central System for the purposes of originating, routing and receiving a call to a Ported Number.
- (b) Each Licensee which originates or routes a call to a Ported Number shall be responsible for ensuring that the call will be routed to the Recipient Operator in the most efficient way.

Article 11

Cost of Implementing and Providing Number Portability

- (a) The Authority will establish and administer the Central System. The Authority may sell, assign, license or lease the Central System at any time subject to adequately ensuring any buyer, assignee, licensee or lessee continues to provide at a minimum the Central System services required by Article 4(d) of this Regulation. The Authority may require the buyer, assignee, licensee or lessee to bear the operational costs of the Central System.
- (b) Each Licensee shall bear its own costs associated with the implementation and provision of Number Portability, including without limitation the connections from the Licensee's premises to the Central System, its Licensee Copy, related routing facilities, support systems and procedures required to comply with this Regulation.
- (c) The Recipient Operator shall pay the Donor Operator whichever of the following applies:
 - 1. the maximum charge, as set out in Article 11(d) of this Regulation.
 - 2. the charges established by bilateral negotiation, so long as such a charge does not exceed the maximum charge established in Article 11(d) of this Regulation.
- (d) The maximum charge per number porting shall be as follows:
 - 1. Four (4) Bahraini Dinars for Mobile Number Portability per successfully Ported Mobile Number.
 - 2. Six (6) Bahraini Dinars for Fixed Services Number Portability per successfully Ported Fixed Services Number.
 - 3. Ten (10) Bahraini Dinars for Number Portability of Special Services, Premium Rate Services, Universal Numbers, Short Codes and other service numbers per successfully Ported Number.
- (e) The Authority may amend the maximum charge by way of resolution, and such charge will be effective on a date to be specified in the resolution following publication of the resolution in the Official Gazette.
- (f) The Donor Operator shall not charge a Subscriber in relation to any aspect of Number Portability when the Subscriber Ports its Number or makes a request to Port.
- (g) After a Subscriber Ports its Number to the Recipient Operator the Recipient Operator may charge that Subscriber a once off charge that

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is fair, reasonable and non-discriminatory. This charge shall not exceed the respective charges set out in Article 11(c) of this Regulation.

- (h) Licensees must not discriminate with respect to the treatment of Ported and Non Ported Numbers.

Article 12
Implementation and Penalties

Licensees that fail to materially comply with the provisions of this Regulation will be deemed in breach of their relevant Licence and the Telecommunications Law and will therefore be subject to enforcement action as per the Telecommunications Law.