

ELECTRONIC COMMUNICATIONS LAW
(Law No 6/2012 and 21/2014)
By-Law made under Article 46

The Council of Ministers of the Turkish Republic of Northern Cyprus enacts this By-Law with the power given under Articles 46 of the Electronic Communications Law:

Short Title 1. This Bylaw may be cited as “Number Portability Bylaw.”

SECTION ONE
General Rules

Interpretation

2. In these By-Law, unless the context requires otherwise;

“Subscriber,” means any natural or legal entity that is a party in a contract made with an electronic service provider for the provision of an electronic communications service.

“Recipient Communication Service Provider” means the communication service provider; to whom the number is ported or is in a porting stage from the donor communication service provider.

“Ministry” means the Ministry responsible for Electronic Communication.

“Electronic Communications Provider/Communications Provider,” means the legal entity and the Telecommunications Agency that is the operator of an electronic communications network or provides electronic communications services.

“Additional conveyance cost” means the cost, within the scope of interconnection, incurred to the allocated communication service provider of the number due to the additional switching required along with other related systems and the transmission capacity, which are required for the call set-up for the calls toward ported numbers and in addition for the used ones for the call toward non ported number.

“User,” means any kind of natural or legal entity that uses electronic communications services, regardless of being a subscriber or not.

“Board” means the Board of Directors of the Information Technologies and Communication Board established under the Law.

“Authority” means Information Technologies and Communication Board.

“Mobile number portability” means number portability provided in mobile numbers except for GMPCS (Global Mobile Personal Communications by Satellite).

“Number” means a string or combination of letters or/and digits or symbols that defines the network termination point and routes the voice, data and images to the respective point that includes the information which may refer to subscriber, application or service provider (where relevant).

“Right of use fee for number” means the fee, which is determined in accordance with the Schedule Eight of Law in accordance with the type of number and which is paid during the right of number allocations.

“Announcement time of number porting” means the time in which the number being ported, the recipient network information, date and time of porting are announced, in order to assure that the necessary arrangements be made by the communication service providers in their network in connection with the stated number.

“Number portability” means the service that enables the subscriber to change its communication service provider without changing subscriber number.

“NTS” “Number portability system” means the common reference database in which the information on ported numbers and respective routing numbers and other relevant information of communication service providers are kept and used also for the exchange of information during porting numbers.

“Number portability routing code” means the routing code, allocated by the Authority to the communication service providers, which indicates the recipient network information for the ported number.

“Communication service provider, which the number is allocated” means the communication service provider to whom the right of use for number, which is subject to porting, is granted by the Authority.

“System set-up cost” means the expenses of a communication service provider derived from the renovation, modification, software and hardware upgraded of his network and systems, etc. in order to provide number portability service and/or make a call to the ported numbers and other similar expenses together with the expenses derived from the testing procedures between the communication service providers.

“Tariff transparency” means informing and/or warning the calling user for the calls made to ported number.

“Checking period of porting request” means the period in which the recipient communication service provider send the porting request

	<p>to donor communication service provider for checking and donor communication service provider’s reply to recipient communication service provider upon his check for the information of subscriber requesting for port.</p> <p>“Submission period of porting request” means the period between the application of the subscriber to the recipient communication service provider in order to port his number and submission of such request to the donor communication service provider together with the required information and documents submitted by the recipient communication service provider.</p> <p>“Administrative cost per ported number” means administrative expenses of the donor and recipient communication per ported number and expenses of the relevant communication service providers in connection with the changes of the routing information within the context of the stated number.</p> <p>“National numbering plan” means the numbering plan which outlines the structure for numbers that serve the purpose of providing information on forwarding, addressing, pricing and service types.</p> <p>“Donor communication service provider” means the communication service provider from whom the number is ported or in a porting stage.</p> <p>“Law” means Electronic Communication Law.</p>
Purpose	3. The purpose of this By-Law is to define the procedures and principles for implementation and pricing of number portability.
Scope	4. This By-Law covers number portability of mobile numbers and the respective number is within the scope of portability as long as subscription for the number that is allocated to a subscriber continues.
Principles	<p>5. (1) The following principles are considered in the application of this By-Law.</p> <ul style="list-style-type: none"> (1) Ensuring and maintaining a free, effective and sustainable competitive environment, (2) Promoting the practices that will enable users to benefit from wide ranging electronic communications services and infrastructure in return for reasonable prices all over the country, (3) Protecting consumer rights and interests, encouraging investments that increase user satisfaction and that eliminates complaints, (4) Encouraging the practices that everyone will benefit from electronic communication network and services with the same service quality for a reasonable price under equal conditions, (5) Encouraging interoperability of network and services and facilitating network access,

SECTION TWO
Rules Regulating Procedures and Principles on Number Portability

Application for number porting

6. (1) (A) Number porting process starts upon the application of a subscriber with the request of number porting to the recipient communication service provider in writing or other ways that will be determined with regulations and/or notifications that are envisaged to be enacted in accordance with this Bylaw.

(B) Without any request of the subscriber with the procedures given in subparagraph (A), number portability process shall not be initiated for the said subscriber.

(2) (A) The subscriber, who wants to port his number, shall make a written request to the recipient communication service provider stating the number to be ported, information on the identity and communication of the subscriber, donor communication service provider information, contact details and the preferred porting time.

(B) Request of subscriber on porting his number in accordance with paragraph (A), means request for termination of his subscription agreement with the donor communication service provider at the same time. The subscription agreement of the subscriber with the donor communication service provider shall be deemed as terminated as of the date of actual porting of the number to the recipient communication service provider.

(3) A subscription agreement is made by the actual porting of the number between the subscriber and the recipient communication service provider which will be valid as of the number is ported. The agreement enters into force by the actual porting of the number and the agreement begins to bear consequences and becomes effective as of this date.

(4) (A) With the request made for Paragraph (2), it shall be deemed that the subscriber approved for submission of the information required for porting process and the carrying out the porting process by the recipient communication service provider on behalf of him.

(B) Recipient communication service provider delivers the written and signed request of the subscriber to the NTS within the delivery period of the porting request.

(5) In the form to be filed by the subscriber for number porting request, the recipient communication service provider

(A) shall inform the subscriber about the rights he gets with number porting,

(B) shall inform him about the obligations he undertakes in the framework of number porting,

	<p>(C) shall inform him clearly that his financial obligations against the donor communication service provider will not be terminated with number portability.</p>
<p>Receiving number porting request by the recipient communication service provider</p>	<p>7. (1) Following the receipt of the request for porting, the donor communication service provider compares the number and identity of the subscriber with its own records and checks the date and time of requested porting. Donor communication service provider notifies the recipient communication service provider on his reply for the request for number porting through NTS within the control period stipulated in subparagraph (B) of paragraph (1) of Article 11 of this Bylaw.</p> <p>(2) The authentication is made only for the purpose of verifying the number requested for port and the applicant, and apart from this, further information and document which complicate the process shall not be requested from the subscriber or recipient communication service provider.</p> <p>(3) In case of the existence of one of the reasons stated in Article 8 of this Bylaw, communication service provider rejects the porting request within the checking period of porting number and sends the decision for rejection together with its reasons to the recipient communication service provider.</p> <p>(4) Following the receipt of the rejection from the donor communication service provider, the recipient communication service provider sends its decision for rejection to the subscriber with its reasons within 24 (twentyfour) hours through the communication information submitted by the subscriber. In case of the removal of the deficiencies stated in the mentioned reason, application may be renewed. However, in case of not being able to reach the subscriber due to reasons, which are not resourced from the recipient communication service provider, the recipient communication service provider shall not be kept responsible.</p> <p>(5) The information belonging to the subscribers obtained by communication service providers within the context of number portability shall not be used for purposes other than porting the respective number.</p> <p>(6) Communication service providers act in accordance with the Law, legislation enacted as per the Law and other regulatory procedures and rules of other Laws for the confidentiality of personal information belonging to the subscribers, which are obtained during the processes of number portability.</p>
<p>Criteria for rejection of number porting</p>	<p>8. The donor communication service provider shall reject the number porting request in the conditions stated below and shall notify the recipient communication service provider together with the reasons:</p> <p>(1) Identity information of the subscriber is incorrect or missing which could not be considered for proof of the identity of the subscriber,</p>

	<p>(2) The number, which is requested to be ported, does not belong to the name of the subscriber, who requested the number to be ported,</p> <p>(3) The subscriber requesting for porting has a request to change his number within the donor communication service provider,</p> <p>(4) Existence of already initiated or still continuing number porting process for the requested number,</p> <p>(5) Subscriber requesting for porting has a request in writing for cancellation or transfer of the subscription agreement in the donor communication service provider,</p> <p>(6) The signature date of the first subscription agreement, which was made with the subscriber with the communication service provider, which the number is allocated to, or the date when communication services became active, in case of which date is older, is less than 3 month old,</p> <p>(7) Four months has not passed since date of the last number porting of the subscriber requesting porting.</p>
<p>Realization of number porting</p>	<p>9. (1) (A) Following the verification of the information, which was sent by the recipient communication service provider, the donor communication service provider determines the porting date and time (day/hour/minute) in consideration of the preference of the subscriber as much as possible.</p> <p>(B) This time of porting, which is determined by the donor communication service provider, shall be minimum one (1) and maximum two (2) working days after the date that the donor communication service provider sends its respond to the porting request.</p> <p>(C) Date and hour of number porting shall be notified to the subscriber by the recipient communication service provider within notification period and to the related communication service provider by NTS.</p> <p>(2) (A) Until the porting time, communication service providers shall make required changes in their systems in order to be ready for the porting time and date, by taking the information on routing and porting time.</p> <p>(B) Porting will be conducted in the determined time period that the subscriber will be affected from the interruption at minimum and the porting is conducted to ensure the number to be active on only one communication service provider at the same time.</p> <p>(3) The donor communication service provider sends an invoice to the subscriber, for the debts accrued in the period until the porting of the number and the said invoice shall be arranged by deducting the receivables of the subscriber such as deposit, prepayment or advance payments, etc.</p> <p>(4) The subscriber shall be reminded by sending a short message, which is sent 3 (three) working days before porting through NTS, in order to to remind that his number will be ported.</p>

<p>Withdrawal right of the subscriber</p>	<p>10. (1) Subscriber may withdraw his request of number porting by applying to the recipient communication service provider 2 (two) working days before the porting.</p> <p>(2) In the case of the withdrawal of the request by the subscriber, the recipient communication service provider cancels porting process by notifying the donor communication service provider about the withdrawal in maximum 6 (six) hours after receiving the withdrawal request; in any case, it will be notified on the same day with the day of the request without remaining on the next day.</p> <p>(3) The information on the withdrawal of porting request of the subscriber shall be notified to related communication service providers on NTS by recipient communication service provider.</p>
<p>The period to be applied with the scope of porting period</p>	<p>11. (1) Within the scope of number portability, the periods that the communication service providers are obliged to comply are as stated below;</p> <p>(A) Submission period of the porting request by recipient communication service provider on donor communication service provider is maximum 2 (two) working days.</p> <p>(B) Checking period of the information by donor communication service provider is maximum 2 (two) working days.</p> <p>(C) Realization period of porting number is minimum 1 (one) working day and maximum 2 (two) working days as of the date of positive response delivered by the donor communication service provider for number porting request.</p> <p>(Ç) Withdrawal right of the subscriber for porting his number is 2 (two) working days before the porting, whose notification is made.</p> <p>(D) In the case of the withdrawal of the request by the subscriber, the recipient communication service provider notifies the donor communication service provider about the withdrawal in maximum 6 (six) hours after receiving the withdrawal request; in any case, it will be notified on the same day with the day of the request without remaining on the next day.</p>
<p>SECTION THREE Conditions Concerning Ported Numbers</p>	
<p>Usage Conditions of Ported Numbers</p>	<p>12. Ported numbers shall be used in compliance with the conditions stated in the following paragraphs:</p> <p>(1) Ported numbers shall be used in compliance with the Law, legislation enacted as per the Law and other regulatory procedures and rules of other</p>

	<p>Laws the number category, which is determined with these rules, of which they belong to.</p> <p>(2) (A) Right of use fee concerning the ported numbers shall be paid to the Authority by the donor communication service provider unless the opposite is stated with the Law and/or legislation enacted as per the Law and other regulatory procedures.</p> <p>(B) Donor communication service provider shall notify the recipient communication service provider on the number of days for the ported numbers remained at the recipient communication service provider and the paid daily price of the right of use fee. Upon receiving the notification, recipient communication service provider shall pay the respective price to the donor communication service provider within 5 (five) working days.</p> <p>(C) Recipient communication service providers and donor communication service providers shall send their reports on ported numbers to the Authority until the 10th (tenth) working day of each month.</p> <p>(3) The communication service provider to whom the number is allocated firstly, shall not allocate the ported out number, which is ported to the recipient communication service provider, to another subscriber until subscription of the relevant subscriber, who requested porting, has been terminated with the recipient communication service provider and the said number have been returned to him.</p> <p>(4) Ported number shall not be transferred to another person by the recipient communication service provider.</p>
<p>Re-porting and return of a ported number</p>	<p>13. (1) The rules on number porting process set forth with this Bylaw shall be applied when a ported number is being re-reported or being returned to the communication service provider, whom the number was allocated firstly.</p> <p>(2) If the subscription agreement between a subscriber who has ported his number and a recipient communication service provider and terminated, if the subscriber does not request to port his number to another communication service provider, recipient communication service provider shall return the said number to number holder at the latest within 30 (thirty) working days and shall notify such situation to the other related communication service provider within 30 (thirty) working days of return.</p>
<p>SECTION FOUR Obligations of Communication Service Providers</p>	
<p>Obligation of providing number portability</p>	<p>14. Communication service providers to whom numbers mentioned herein Article 4 of this Bylaw are allocated and who allocate said numbers to its subscribers are obliged to provide number portability in accordance with this Bylaw.</p>

<p>Obligation of call routing</p>	<p>15. (1) Communication service providers are obliged for routing the calls originated from them or they carried to ported number correctly towards the recipient communication service provider in accordance with this Bylaw and legislation enacted as per this Bylaw and rules of regulatory procedures.</p> <p>(2) Calls made to the ported numbers shall be routed in accordance with call set up periods determined with international standards.</p> <p>(3) Communication service provider, who carry the call to ported numbers from abroad shall be deemed as originating communication service provider of the call and subject to call routing obligations in accordance with this Bylaw and legislation enacted as per this Bylaw and/or rules of other regulatory procedures and/or related legislation.</p> <p>(4) Communication service provider, who originates the call to ported numbers from a domestic fixed network, shall be subject to call routing obligations in accordance with this Bylaw and legislation enacted as per this Bylaw and/or rules of other regulatory procedures and/or related legislation.</p>
<p>Tariff transparency</p>	<p>16. (1) The related communication service provider shall be obliged to abide by the rules and take all the measures for tariff transparency as determined by the Authority.</p> <p>(2) (A) Communication service provider shall provide a distinctive tone determined by the Authority to the calling subscriber in order to indicate that the number being called is ported.</p> <p>(B) Subscribers, who do not want to receive the distinctive tone, shall not receive this service by applying to the communication service provider.</p> <p>(C) The right to receive the service again is reserved for the subscriber, who do not want to receive the distinctive tone service indicating that the number is ported in accordance with sub-paragraph (B) given above.</p> <p>(3) Instead of the tone obligation or in addition to tone obligation, the Authority may impose other obligations to the communication service providers with a decision it takes for the purpose of consumer protection and tariff transparency.</p> <p>(4) Communication service providers may provide information service to their subscribers via telephone, SMS or announcement through internet or short message concerning the numbers ported in to their network or ported out numbers from their network and the tariffs applied for such numbers.</p>
<p>Obligation of providing information to the Authority</p>	<p>17. Communication service providers shall provide their reports, which contain information on the numbers ported out to another network or ported to their network from another network for the period of last six months, until the end of the months of January and July;</p>

	<p>(1) Number of ported out numbers from the communication service provider's network,</p> <p>(2) Number of ported in numbers to the communication service provider's network,</p> <p>(3) Number of subscribers requesting for port from the communication service provider's network,</p> <p>(4) Number of subscribers requesting for port in to the communication service provider's network,</p> <p>(5) Number of rejection for porting request and their reasons,</p> <p>(6) Average porting time conducted from/to the its network.</p> <p>(7) Other information requested by the Authority.</p>
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SECTION FIVE

Number Portability System (NTS)

<p>Establishment and operation of number portability system (NPS)</p>	<p>18. (1) (A) The Authority shall establish the number portability system (NTS) for the application and pricing of mobile number portability or may have third parties establish it by way of tender.</p> <p>(B) NTS, which is established in accordance with sub-paragraph (A) given above, shall be established in accordance with the Authority regulations and operated by the Authority.</p> <p>(2) NTS is connected to the systems of related communication service providers and is used for entering the porting requests, checking the request, keeping the information on ported numbers and routing information along with the exchange of information between the communication service providers and similar transactions. However, NTS shall not be used by the communication service providers for the query of the called numbers during call set up.</p> <p>(3) Establishment costs of NTS shall be paid by the Authority.</p>
<p>Operation of the number portability system (NTS)</p>	<p>19. (1) Communication service providers are responsible for the establishment of the copy or copies of NTS in their networks, upgrade regularly and operate accordingly and provide this service continuously. Call queries are carried out by the communication service provider via database exists in their systems.</p> <p>(2) In case of failures in the communication service providers' systems for number portability, communication service providers are obliged to take all necessary measures in order to remove the failure and in case of failure in their database records, they can provide data concerning the ported numbers from other communication service providers or NTS.</p>

	<p>(3) The Authority may issue Regulations or Notifications for the period and process that should be abided by for system update periods and/or for removing the failure in case of failure for NTS and its copy established in the network of communication service provider.</p>
<p>SECTION SIX</p> <p>Principles regarding Cost and Fees for Number Portability</p>	
<p>General principles</p>	<p>20. Fees concerning number portability shall be in compliance with the principles stated below:</p> <p>(1) Fees to be reflected to the subscriber directly within the context of number portability shall not impede the subscribers to take such services.</p> <p>(2) Donor communication service provider shall not demand any fee periodically or as one time charge under any name from the subscriber porting the number within the context of number portability.</p> <p>(3) Charges between the communication service providers concerning the number portability are determined freely by negotiating among themselves within the framework of the provisions of the Law, the related legislation enacted according to the Law and/or decisions of the Board and rules stipulated in Article 23.</p>
<p>Cost items for number portability</p>	<p>21. Cost items for number portability consists of</p> <p>(1) system set-up cost,</p> <p>(2) administrative cost per ported number and</p> <p>(3) additional conveyance cost.</p>
<p>System set-up cost</p>	<p>22. (1) NTS set up cost shall be paid by the Authority.</p> <p>(2) Communication service providers shall bear the system set up cost derived from the system tests and modifications to be made in their current systems and installation of software and hardware systems in order to route the calls to the ported numbers or to establish a copy of NTS in their network.</p>
<p>Administrative cost per ported number</p>	<p>23. (1) (A) Donor communication service provider may recover its administrative cost from the recipient communication service provider through one time charge per ported out number.</p> <p>(B) The fee stated in sub-paragraph (A) is cost-based. In case the Authority decides that the stated fee is not cost-based; the fee shall be determined by the Authority in consideration of the applications of Turkey and European Union member states. The fees determined by the Authority shall be binding.</p> <p>(2) Recipient communication service provider may demand a fee from the subscriber porting number to his network that will not impede the subscriber to benefit from such service and the respective fee cannot be more than the</p>

	<p>cost that has to be born by the recipient communication service provider for the ported number.</p> <p>(3) The Authority may arrange regulations and/or issue notification in connection with such fees stated in sub-paragraph (2) to be received by the recipient communication service provider from the subscriber if it seems necessary.</p> <p>(4) Communication service providers shall bear the cost of amendment to be made on routing information for the ported numbers.</p> <p>(5) Costs of the subscriber occupied due to the cancellation of the subscription except number portability are not included as an administrative cost which will be met from the receiver communication service provider by the donor communication service provider.</p>
Additional conveyance cost	24. Communication service provider originating a call to a ported number shall bear the possible additional conveyance cost.
SECTION SEVEN Various Rules	
Number portability routing codes	25. Number portability routing codes are determined by the Authority and allocated to relevant communication service providers. Communication service providers are obliged to define the allocated routing codes in their networks and make necessary arrangements in order to ensure the routing of calls correctly.
Consumer rights and informing of consumers	<p>26. (1) Communication service providers shall take all kinds of measures in order to protect the rights of consumers, to ensure the customers to enjoy from the said services with the best conditions and for them to reach the information about the service easily.</p> <p>(2) Communication service providers shall inform the customers on the application procedure for number porting, required information and documents during the application, porting period, information on applicable fee for porting and similar issues; and publish such information as a minimum in the websites.</p>
Quality of Service 09.05.2014 R.G. 111 Annex III A.E. 295	27. Quality of service criteria that are determined with the Law and Bylaw on Authorization, Numbering and Spectrum and applied on the numbers, which are not ported, are also applied for the ported numbers.
Settlement of Disputes	<p>28. (1) In the disputes concerning the access and interconnection fees of number portability, the Authority shall act in accordance with Article 8 of the Bylaw on Access, Interconnection, Market Analysis and Tariffs.</p> <p>(2) In case of disputes concerning other fees described in this Bylaw, following the communication service providers' application to the Authority</p>

	<p>on the disputes which are not settled within 30 (thirty) working days between them;</p> <p>(A) The Authority shall require the requests and their justifications about the fees from the concerned parties in 15 (fifteen) working days.</p> <p>(B) Following the submission of requests and proposals to the Authority, the Authority shall set an upper limit for such fees by considering the said requests and proposals by also taking into consideration the international practices and predicted cost elements.</p>
Administrative sanctions	29. In case the activities of the communication service provider do not comply with the conditions and regulations determined with the Law, the Bylaw and the related legislation, administrative fine and other sanctions are implemented on the communication service provider in accordance with the Law and other related legislation.
Procedures and Principles	30. The Authority may issue Regulations or publish Notifications on number portability service process in communication service providers' networks within the scope of the Bylaw, on request and/or application and/or cancellation methods, on the NTS system, system update periods and processes for systems that are connected with the NTS system and/or period and process to comply with elimination of failure and on pricing number portability service.
SECTION EIGHT Temporary and Last Provisions	
Temporary Provision Commencement date of the enforcement	1. The Authority shall commence number portability application as of the entry into force of the Bylaw and as of the number portability system is engaged. However, communication service providers are obliged to enforce number portability at the same time with the Authority and to make the necessary arrangement according to the relevant provisions of this By-Law without waiting for the number portability system to be engaged by the Authority.
Enforcement	31. This Bylaw shall be enforced by the Ministry responsible for electronic communication.
Entry into Force	32. This Bylaw enters into force on the date of its publication on the Official Gazette.

