

Effective: 24.10.2017 -

## **NMHH Decree 2/2012 (I. 24.)**

### **on the detailed rules on number portability**

By virtue of the authorisation granted under Section 182 (3) 16 of Act C of 2003 on Electronic Communications, and proceeding within the scope of my functions defined in Section 109 (5) of Act CLXXXV of 2010 on Media Services and Mass Media, I hereby order as follows:

#### ***1. The scope of the Decree***

**Section 1.** The scope of the Decree shall extend to

- a) providers of electronic communication services (hereinafter: service providers) assigning telephone numbers to subscribers,
- b) subscribers and
- c) the National Media and Infocommunications Authority (hereinafter: the Authority)

#### ***2. Terms and Definitions***

**Section 2.** For the purposes of this Decree:

1. *Donor service provider:* a service provider whose subscriber ports his/her number to another service provider following termination or amendment of the subscriber contract;
2. *Recipient service provider:* service provider whose prospective subscriber ports his/her subscriber number from another service provider as part of the conclusion of the subscriber contract;
3. *Equipment code:* a two-digit code used for the routing of calls within the network, which the recipient service provider shall provide in the case of a geographic number and indicating the connection point via which the subscriber of the ported number can be reached directly;
4. *Compliance test:* verification of a user's theoretical and technical eligibility for using the CRD;
5. *Location porting:* the retention of a subscriber number for fixed-access telephone service within the given numbering area in case the location or technology of use — and thus the routing information — is changed;
6. *Call routing:* a network function that, in the case of calls initiated to ported numbers, defines and includes the routing information applicable to the real termination and forwards the call to the real termination network of the called party;
7. *Ported number:* a subscriber number indicated in the subscriber contract that is retained by the subscriber when switching from the donor service provider to the recipient service provider or, in case of fixed-access telephone service, retained by the subscriber within the numbering area when the location or technology of use — and thus the routing information — is changed;
8. *Routing information:* information containing the ported number, its respective routing number and the period of validity;
9. *Routing number:* information comprising a service provider code and an equipment code and allowing for the appropriate routing of calls and signals made to ported numbers;

10. *Routing service provider*: the service provider that inserts into the calls or signals the routing number necessary for the routing of calls or signals to ported numbers, usually through a database query;

11. *Signalling routing*: network function that analyses the signals required for the implementation of services other than call routing and to be provided in the course of number porting, inserts the signalling routing information applicable to the real termination in the case of ported numbers, and directs the signal to the real termination network;

12. *Signalling relay function*: a signalling network function suitable for recognising ported numbers and, if necessary, providing them with routing information in case of signalling messages both related to and irrespective of the call setup;

13.<sup>1</sup> *Contact person*: a person entitled to proceed in administrative matters relating to the central reference database (CRD) on behalf of the service provider;

14. *Central Reference Database or CRD*: a database created for number porting, which contains and handles call routing information related to all ported numbers as well as the data of service providers and subscribers as defined herein, and enables the collection and disbursement, between service provider and other parties authorised by law, of routing data via an electronic data link;

15. *Query on Release*: a procedure in which the query of the database containing routing information takes place in case the release received from the original service provider of the called number indicates a ported number;

16. *All Call Query*: a procedure in which the database containing routing information is queried for each call;

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18. *Number porting period*: a four-hour window starting on each workday at 8:00 pm, reserved for technical arrangements by service providers that are required for validating number porting and number field transfer. During this period, service on the telephone numbers affected by the porting may be suspended, either in whole or in part;

19. *Number porting agreement*: an agreement concluded between subscriber and recipient service provider on the basis of a porting request by the subscriber, containing all numbers to be ported by the subscriber and the applicable porting periods;

20. *Service provider user*: a person or computer system authorised to access the CRD, engaging in number porting transactions on behalf of the service provider;

21. *Service provider code*: a three-digit code assigned by the Authority used in the CRD for the identification of the service provider or a specific business line or unit thereof;

22. *Transaction*: a reporting, approval, modification, deletion or download operation recorded in the CRD and provided with a transaction identifier, which relates to the transfer of a given number or number range, the termination of the use of a ported number or number range or to the downloading of data in the CRD ;

23. *Transaction identifier*: single identifier assigned by the service provider user or the Authority;

24. *Transaction closing*: cut-off time 8 hours before the beginning of the number porting period, after which no transactions relating to the given number porting period — other than downloads — can be accepted by the CRD;

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<sup>1</sup> Established by: Section 2 (2) of NMHH Decree 13/2012 (IX.28.)

<sup>2</sup> Superseded by: Section 19 (1) of NMHH Decree 1/2016 (I.15.). Repealed as of: 23.01.2016.

25.<sup>3</sup> *Message*: information on number porting affecting the service provider and stored electronically in the CRD, to be downloaded from the CRD by the service provider.

### ***3. Rules of number portability affecting service providers***

**Section 3.** (1) If a called number is ported and the charges on the call might change due to the calling party's service provider applying different rates,

a) when calling geographical numbers within the same numbering area, directed to service providers providing various fixed-access telephone services, and in the case of

b) calls directed to service providers providing various mobile telephone services, the service provider of the calling party shall provide, directly before the call as a free option available from its own network and subscriber handset, information to the calling party about the network of the service provider where the call is terminated, as well as applicable charges. This information shall also be indicated on the call history enclosed with the monthly invoice.

(2) Service providers may meet their information obligation referred to in Paragraph (1) above

a) via its customer care available free of charge within its own network, or on other freephone numbers, or

b) by way of a pre-set, automatic signal followed by an automated message — containing, at the minimum, details about the service provider terminating the call and where information on applicable charges can be obtained — that can be interrupted manually by the calling party at any time;

(3)<sup>4</sup> The service provider shall ensure the portability of subscriber numbers for freephone services, premium rate services (NDC = 90, 91) and nomadic voice services, in accordance with the provisions stipulated herein.

(4) Upon subscriber request, a fixed-access telephone service provider may authorise the retention of subscriber numbers within a numbering area, in case the location of use or the service technology is changed.

(5) Mobile telephone service providers shall ensure, based on the subscriber number, that data — including short message service (SMS) and multimedia messaging service (MMS) — are routed correctly to ported mobile telephone numbers.

(6) Service providers shall co-operate towards the implementation of number portability. The terms of such co-operation, as well as their related tasks and obligations shall be laid down in network contracts. Service providers required to prepare reference offers for interconnection and subscriber loop unbundling shall also specify, in their respective reference offers, the details of their co-operation with service providers concerning number portability and number porting. The implementation deadline for number porting through subscriber loop unbundling does not include the unbundling deadline specified in the reference offer.

(7) In the implementation of number porting, all services, including electronic communications services provided through signalling routing (hereinafter: services) that are available as equivalent applications in both transferring and recipient service provider networks and provided to subscribers by both transferring and recipient service providers, and for which co-operation between transferring and recipient service providers is indispensable, shall be made available on ported numbers.

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<sup>3</sup> Established by: Section 2 (2) of NMHH Decree 13/2012 (IX.28.)

<sup>4</sup> Amended by: Section 11 and 19 (2) of NMHH Decree 1/2016 (I.15.)

(8)<sup>5</sup> For number porting resulting in the simultaneous transfer of multi-play service packages, the unbundling of the subscriber loop or national bit stream access, the porting of numbers of freephone services, premium rate services and business subscriptions with over 10 telephone numbers, and in the case of a partial porting of contiguous number ranges, the recipient service provider shall consult with the donor service provider, upon a warranted request by the latter, to arrange scheduling and execution.

(9) All exchange of information between service providers concerning the porting procedure, including the initiation thereof, shall take place electronically. Besides electronic information exchange, service providers may also agree on other supplementary types of data exchange.

(10) To ensure a smooth execution of number porting and for the purpose of co-operation between service providers, permanently available contact persons shall be appointed by each service provider. Contact persons or organisational units shall be available at least via the following channels, reserved for number porting operations:

- a) e-mail address;
- b) telephone number;
- c) postal address.

(11) Service providers shall ensure that number porting procedures be initiated via their customer care centres including telephone and online customer services — subject to the appropriate identification of subscribers —, as well as at all commercial representatives that also handle customer care functions.

(12) The donor service provider shall ensure service continuity until the beginning of the number porting period.

(13) When number porting is initiated, the recipient service provider may, upon subscriber request, provide temporary telephone numbers.

#### ***4. Call and signal routing***

**Section 4.** (1) For the appropriate routing of calls directed to ported numbers, the service provider shall be liable

- a) in whose network the call is originated in Hungary without carrier selection, or
- b) that has been selected for the given call, provided the call is originated in Hungary with carrier selection, or
- c) that receives the call from the international network.

(2) For the signalling routing of SMS and MMS messages directed to ported mobile telephone numbers, the service provider shall be liable

- a) in whose network the use of the service was initiated, or
- b) which receives the service initiation request from the international network, as well as the mobile telephone service provider to which it has been forwarded by a service provider with an international network.

(3) For call routing, both the Query on Release and the All Call Query methods can be used. In mobile telephone networks, the Signalling Relay Function, as well as any other suitable standard procedures may be used for the routing of calls and SMS and MMS signalling.

(4) Emergency calls originated from a ported number shall be routed by the recipient service provider, under an agreement concluded with territorially competent organisations receiving

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<sup>5</sup> Amended by: Section 6 of NMHH Decree 10/2017 (IX.14.)

emergency calls.

(5) A service provider responsible for the routing of SMS and MMS signalling may delegate routing to other service providers.

(6) A service provider responsible for the routing of calls and signalling, as well as respective delegated service providers, shall modify the routing according to ported numbers within the number porting period.

(7) A service provider entitled to the use of number block containing ported numbers (number block provider) shall set the numbers ported as 'ported numbers' within the number porting period available for number porting and number block transfer.

(8)<sup>6</sup> In case only a set of numbers within a contiguous range are ported, the release of the range and the settings for ported and unported numbers shall be made by the donor service provider during the number porting period available for number porting and number block transfer.

### ***5. The conditions of number porting***

**Section 5.** (1) The recipient service provider shall identify a subscriber requesting number porting, according to its general terms and conditions, based on the subscriber number and the data contained in the subscriber contract concluded with the donor service provider. The following documents shall be used for verifying the contract or, in the absence thereof, for identifying the subscriber:

*a)* for natural persons:

*aa)* Hungarian citizens: identity card or passport, or driving licence and residence card;

*ab)* non-Hungarian citizens: passport and residence permit or other official document and, subject to the discretion and consent of the subscriber, any official permit or document used by the donor service provider for identification at the conclusion of the original subscriber contract;

*b)*<sup>7</sup> for business organisations under the Civil Code:

*ba)* trader's licence or an extract of the Commercial Register no more than 30 days old, or the sole trader's registration number,

*bb)* notarised specimen signature — or a sample signature certified by an attorney proceeding in company registration (change of information) — of the person authorised to sign for the company;

*bc)* identity card of the proceeding representative and

*bd)* power of attorney if a person not vested with the right of representation proceeds;

*c)* for budgetary agencies, condominiums and other organisations:

*ca)* original document issued by the court or authority registering the organization, budgetary agency or condominium, or an authenticated copy of the register kept by it, and deed(s) of establishment submitted to the Authority, containing at least the name, registered seat and representative of the organization, agency or condominium and the method of representation, if such data are kept in the register,

*bc)* identity card of the proceeding representative and

*bd)* power of attorney if a person not vested with the right of representation proceeds.

(2)<sup>8</sup> A subscriber may apply for number porting with respect to all of its numbers listed in its

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<sup>6</sup> Introduced by: Section 1 (2) of NMHH Decree 13/2012 (IX.28.). Effective date: 30.09.2012.

<sup>7</sup> Amended by: Section 4 of NMHH Decree 3/2014 (III.13.)

existing subscriber contract with the donor service provider, or only for selected numbers from this list. As per Section 3 (8), a contiguous numbering range assigned to a given network termination point may also be ported only in parts.

(3) On numbers listed in the existing subscriber contract that the subscriber did not specify for porting, the donor service provider shall maintain the service through an amendment to the existing subscriber contract or terminate it upon the subscriber's request. A subscriber may request the termination of its subscriber contract with the donor service provider.

(4) The subscriber shall be entitled to re-port the ported number to any other service provider including those previously used.

(5) The recipient service provider shall accept the subscriber's request to retain the subscription number, provided that the subscriber complies with the provisions on new subscribers set forth in the general terms and conditions of the recipient service provider.

(6)<sup>9</sup> The donor service provider may only reject the application for number porting if

a) the subscriber applying for number porting cannot be identified based on the documents provided as per Paragraph (1) above, or

b) at the time the application for number porting is submitted, the subscriber has unpaid bills toward the donor service provider more than 30 days past due, of which the donor service provider has notified the subscriber in accordance with Section 144 of Act C of 2003 on Electronic Communications (hereinafter: Electronic Communications Act), or

c) the donor service provider requests consultation in cases set forth in Section 3 (8) herein.

(7) The subscriber's balance of unpaid bills towards the donor service provider outstanding at the time the application for number porting is submitted, or any claim related to a handset sold at reduced rate for a definite period, or sold at reduced rate in any other way, shall become expired at the time number porting is initiated. The recipient service provider proceeding on behalf of the subscriber towards the donor service provider may make a declaration on the assumption of said outstanding balance.

(8) The recipient service provider shall be entitled to invoice the subscriber's debt assumed as per Paragraph (7) above, or to reach another settlement with the subscriber.

(9)<sup>10</sup> Following payment of the consideration for the handset sold at reduced rate for a definite period, or sold at reduced rate in any other way, or receipt of the recipient service provider's relevant declaration, the service provider shall remove the network lock on the handset immediately, without extra charging.

## ***6. Initiation of number porting***

**Section 6.** (1)<sup>11</sup> Subscribers shall announce their demand for number porting to the recipient service provider simultaneously with their application for a new subscriber contract. If the applicable contracting terms are met, during the application procedure

a) the recipient service provider shall identify the subscriber and conclude a new subscriber contract,

b) the recipient service provider and the subscriber shall agree on the details of number porting — including the numbers intended to be ported in case of a partial transfer of a contiguous

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<sup>8</sup> Established by: Section 1 (3) of NMHH Decree 13/2012 (IX.28.)

<sup>9</sup> Established by: Section 1 (4) of NMHH Decree 13/2012 (IX.28.)

<sup>10</sup> Amended by: Section 7 of NMHH Decree 10/2017 (IX.24.)

<sup>11</sup> Established by: Section 1 (5) of NMHH Decree 13/2012 (IX.28.)

numbering range — as well as the applicable number porting period,

c) the recipient service provider is assigned by the subscriber to complete the number porting.

(2) The number porting agreement shall enter into force whenever the porting request is reported to the CRD.

(3) Upon completion of the number porting, the subscriber contract with the donor service provider shall be cancelled or amended as per Section 5 (2) and (3).

(4)<sup>12</sup> the recipient service provider shall inform the subscriber in accordance with the application for number porting about the following:

a) during the number porting period, service may be suspended either in full or partially,

b) messages stored on voice mail cannot be transferred,

c) for prepaid subscription, unused balances shall be forfeited at porting, unless provided otherwise by the recipient service provider,

d) a handset with a network lock, sold at a discount by the donor service provider may only be used in the recipient service provider's network if the donor service provider has removed the network lock as per Section 5 (9),

e) at the time the demand for number porting is announced, the subscriber shall incur an unpaid bill balance as per Section 5 (7) herein, which shall be settled at the donor service provider within 8 business days or at the recipient service provider under its respective terms as per Section 5 (8),

f) in cases specified in Section 3 (8), the recipient service provider shall, upon the donor service provider's request, arrange the number porting with the latter, which might require subscriber involvement as well.

(5) The recipient service provider shall represent the subscriber towards the donor service provider in the cancellation or amendment of the subscriber contract as well as the number porting procedure itself, in line with the subscriber's number porting requirements. Unless otherwise specified by the parties involved, the recipient service provider shall hand over to the donor service provider unmodifiable electronic files containing the original copies of the subscriber's request for number porting and the proxy letter for its representation.

## ***7. The number porting procedure***

**Section 7.<sup>13</sup>** (1) The recipient service provider shall

a) notify the donor service provider of the subscriber's request for number porting — if submitted before 4:00 pm — by 8:00 pm of the same business day,

b) on the business day following notification as per item a) above, report the number porting to the CRD with a deadline as per Section 13 (1) for the number porting period on the next business day, except the cases specified in Paragraph (3).

(2) Failure to comply with the obligations set out in items (1) a) and b) above shall result in a late payment fee amounting to HUF 5,000 for each number porting agreement and failure, payable to the subscriber by the recipient service provider.

(3) If

a) the subscriber does not request the earliest possible number porting period, or

b) number porting would call for the unbundling of the subscriber loop or the installation of a subscriber access point, or

c) at the consultation as per Section 3 (8), not the earliest number porting period was selected,

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<sup>12</sup> Established by: Section 1 (6) of NMHH Decree 13/2012 (IX.28.)

<sup>13</sup> Established by: Section 1 (7) of NMHH Decree 13/2012 (IX.28.)

the recipient service provider shall report the number porting to the CRD in accordance with Section 13 (1) herein, no later than 12:00 pm on the day prior to the number porting period as defined in the pertaining agreement. Failure to comply with this obligation shall result in a late payment fee amounting to HUF 5,000 per number porting agreement and failure, payable to the subscriber by the recipient service provider.

(4) The donor service provider shall

*a)* notify the recipient service provider about its approval or rejection of the number porting, as well as the reasons thereof, no later than 8:00 pm on the day following notification by the recipient service provider, and

*b)* approve or reject the number porting in the CRD before transaction closing, in accordance with Section 13 (2).

(5) Number porting may be rejected only due to the reasons set forth in Section 5 (6). Should the donor service provider reject the application for number porting

*a)* without justification,

*b)* despite identification as per Section 5 (1),

*c)* on grounds other than the overdue balance as per item *b)* under Section 5 (6) on which a notice has been sent,

*d)* on grounds other than the consultation as per Section 3 (8) that is required in justified cases, or

*e)* in the CRD following acceptance as per item *a)* of Paragraph (4),

it shall pay the subscriber a late payment fee amounting to HUF 5,000 per number porting agreement and unlawful rejection.

(6) The recipient service provider shall inform the subscriber about the rejection of its application for number porting within one business day, in accordance with Section 144 (4) of the Electronic Communications Act.

(7) If the donor service provider has rejected porting citing item *c)* under Section 5 (6) herein, the donor and recipient service providers shall consult as per Section 3 (8) within 5 business days of the date of rejection.

(8) The donor service provider may not reject applications for number porting submitted based on the consultation as per Paragraph (7) above, as well as those re-submitted after the consultation being cancelled at its own fault.

(9) Following a repeated identification of the subscriber, or after the overdue payables as per item *b)* under Section 5 (6) have been reported by the subscriber as settled, or after the consultation as per Paragraph (7), the deadlines shall restart on the day the application for number porting is repeatedly submitted to the donor service provider.

(10) The subscriber may cancel its application for number porting with the recipient service provider before 4:00 pm on the second business day before the applicable number porting period. Based on this information, the recipient service provider shall notify the donor service provider by 8:00 pm and delete the porting, already entered into the CRD by marking it 'cancelled by subscriber'.

## ***8. The Central Reference Database and the general rules of data supply***

**Section 8.** (1) The Authority shall be responsible for operating the CRD and handling the data of service provider users.

(2) The Authority shall have its costs incurred in connection with the operation of the CRD



covered from revenues collected in the form of identifier assignment and usage fees.

(3) The CRD shall contain the following service provider and subscriber data:

a)<sup>14</sup> service provider's name and IP addresses used for accessing the CRD, as well as name, postal address, telephone number and e-mail address of contact person(s);

b)<sup>15</sup> if the service provider user is a natural person: name, postal address, telephone number, e-mail address and

c) contact details as per Section 3 (10).

(4) The service provider shall furnish to the Authority the information listed in Paragraph (3) above and notify the Authority's CRD customer care of any change of information within 15 days.

(5) As the CRD operator, the Authority shall ensure that routing information can be received by the CRD continuously from service provider users, and that lawfully authorised parties and service provider users can access data according to their respective clearances.

(6) The Authority shall ensure that information stored in the database match those supplied by service providers.

(7) For purposes of dispute management and to ensure the authenticity of records and billing data pertaining to identifier usage fees, all transactions shall be logged at the CRD. Service provider users may not have access to this log. Upon a warranted request by the service provider, the Authority shall hand over the requested log data.

(8) In warranted cases and subject to a written request by the service provider, the Authority shall be entitled to carry out number porting transactions provided the service provider is experiencing temporary difficulties in accessing the CRD.

**Section 9.** (1)<sup>16</sup> Data exchange between the CRD and service providers shall take place electronically via an authenticated data link. Messages sent both by the CRD and service providers shall be accompanied by an advanced or qualified electronic signature or electronic seal. To ensure the smooth functioning of the CRD, if transmitting electronically signed messages to the CRD is not possible due to objective technical reasons, the Authority shall accept messages sent by service providers without electronic signature or seal, according to the rules included in the technical descriptions as per Section 10 (1).

(2) Routing information on ported numbers is reported by service provider users to the CRD as part of number porting transactions.

(3) Number porting transactions shall be accepted by the CRD for the starting time of the number porting period.

(4) Any transaction that is incomplete, sent in an inadequate format or at the wrong time shall be rejected by the CRD, of which the applicant service provider shall be notified.

(5) The downloading of messages stored in the CRD for the service provider shall be initiated by the service provider user. At the service provider's request, the CRD shall notify the service provider via e-mail on new messages available.

(6) The recipient service provider shall send the numbers ported and pertaining routing information to the CRD, taking heed of the deadline specified in Section 13 (1).

(7) Service providers are entitled and obliged to access call routing information stored in the

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<sup>14</sup> Amended by: Section 12 of NMHH Decree 1/2016 (I.15.). Effective date: 23.01.2016.

<sup>15</sup> Amended by: Section 12 of NMHH Decree 1/2016 (I.15.). Effective date: 23.01.2016.

<sup>16</sup> Established by: Section 13 of NMHH Decree 1/2016 (I.15.). Amended by: Section 10 a) of NMHH Decree 10/2017 (IX.14.).

CRD in due time and as appropriate, and apply these information for call routing. Information stored in the CRD may only be used for routing and for the fulfilment of information obligations regarding number porting.

(8) The service provider responsible for call and signalling routing or commissioned for routing by the responsible service provider shall, in its own database, validate the routing information applicable to ported numbers during the specified number porting period.

**Section 10.** (1) Detailed technical descriptions of the communication interface between service providers and the CRD, the method of data supply and transactions, as well as any possible changes therein, shall be subject to consultation between service providers and the Authority, of which service providers possessing service provider codes shall be notified. Technical descriptions shall contain calculations for availability as per Section 17 (1).

(2) The Authority shall publish the technical descriptions on its website.

(3) The Authority shall also publish on its website the contact information for the CRD customer care and help desk.

## ***9. Download procedures***

**Section 11.** (1) Service provider users may initiate the downloading of routing information at any time.

(2) The following database queries are available in the CRD for downloads:

*a) delta database query:* a list populated upon request by the service provider and containing routing data for transactions accepted, validated and deleted between the date provided by the service provider and the time of the query;

*b) database query for the upcoming number porting period:* a list populated for each porting period and containing routing information for transactions set to be validated in the next number porting period following the query.

*c) full database query:* a list populated for each porting period and containing routing information for transactions valid and accepted at the time of the query.

(3)<sup>17</sup> The lists defined in items b) and c) of Paragraph (2) above are created by the CRD following transaction closing applicable to the number porting period. Once populated, the list as per item b) of Paragraph (2) shall remain available until the start of the next number porting period. The current list specified in item c) shall remain permanently available.

(4) General and approval request messages created for a given service provider may be downloaded at any time by service provider users.

## ***10. Data entry procedures***

**Section 12.** (1) Basic data entry procedures for routing information shall be as follows:

*a) reporting, modification and approval of number porting;*

*b) reporting the termination of number use;*

*c) reporting of location porting;*

*d) reporting the termination of location porting;*

(2) Reports shall contain data featured in the detailed technical descriptions as specified in

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<sup>17</sup> Established by: Section 2 (2) of NMHH Decree 13/2012 (IX.28.).

Section 10 (1).

(3) Data entry procedures as per Paragraph (1) may be used for individual numbers or continuous numbering ranges. When continuous numbering ranges are ported, the porting of the entire range together may be rejected or approved as one.

**Section 13.** (1) Number porting shall be reported by the recipient service provider to the CRD by 12:00 pm on the day preceding the number porting period at the latest.

(2)<sup>18</sup> On a number porting report, the CRD shall generate an approval request message to the donor service provider. The donor service provider shall have until the transaction closing to reject the report, exclusively on account of the reasons set forth in Section 5 (6) herein.

(3) If the donor service provider does not respond within the approval deadline specified for number porting in Paragraph (2), it shall be deemed to have approved the report, thus causing the CRD to accept the number porting.

(4) The CRD shall generate a report to the recipient service provider on the acceptance or rejection of the porting report.

(5) The recipient service provider may have until the transaction closing to modify the equipment code featured in the porting report. The CRD shall generate a message to the donor service provider concerning the modification

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(7) The recipient service provider may have until the transaction closing to delete the porting report with justification. In case of a perfect deletion request, the CRD shall delete the porting report and generate a message on deletion for the donor and recipient service providers.

**Section 14.** (1) The recipient service provider shall report to the CRD the cancellation of its usage rights for the ported number, taking heed of the deadlines stipulated in Section 19.

(2) Starting with the number porting period specified in the report, the number will no longer be marked in the CRD as ported.

(3) The CRD shall generate a message to the beneficiary of the assignment authorisation affected concerning the return of the number usage rights, and to the service provider hitherto ensuring subscriber access services about number usage rights being relinquished.

(4) The reporting service provider may have until the transaction closing to delete the report on cancellation of number use. The CRD shall generate a message about the deletion to the beneficiary of the assignment authorisation.

**Section 15.** (1) A service provider may report location porting until the transaction closing for the number porting period featured in the report. The report may be deleted until the transaction closing.

(2) If a number is no longer ported, the cancellation of location porting — of the number ported by location but not between service providers — shall be reported by the service provider, which may delete the report until the transaction closing.

## ***11. Handling of service providers***

**Section 16.** (1)<sup>20</sup> All operators holding number block assignment licences for fixed-access telephone services, mobile telephone services or nomadic telephone services are required to

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<sup>18</sup> Established by: section 1 (8) of NMHH Decree 13/2012 (IX.28.)

<sup>19</sup> Superseded by: section 2 (2) of NMHH Decree 13/2012 (IX.28.)

<sup>20</sup> Established by: Section 14 (1) of NMHH Decree 1/2016 (I.15.). Effective date: 23.01.2016.

connect to the CRD. Should the assignment licence for these numbers be revoked, the Authority shall discontinue their access to CRD.

(2) Prior to connecting to the CRD, service providers are required to perform a compliance test. Connection is subject to the successful completion of the test. Should a service provider fail to have completed the test by the deadline specified in the Authority's notice, the number assignment licences as per Paragraph (1) shall be revoked by the Authority. The deadline may not be less than 15 days, taking into the time required for acquiring the certificates required for connection.

(2a)<sup>21</sup> The Authority initiates revocation of number assignment licenses as per Paragraph (1) in cases where the service provider does not provide the conditions for the execution of transactions in terms of contact with the CRD.

(3) If a service provider is terminated without a legal successor, its service provider code shall be revoked by the Authority, which then shall modify routing information as appropriate.

(4) The service provider code shall be assigned by the Authority. In warranted cases, one service provider may be assigned multiple service provider codes.

(5)<sup>22</sup> If a service provider possessing a service provider code is terminated with a legal successor, the service provider code(s) assigned to the legal predecessor(s) shall be revoked by the Authority within 120 days, except code(s) selected by the successor service provider.

(5a)<sup>23</sup> If a service provider possessing a service provider code hands over its service, service provider code of the donor provider cannot be handed over.

(6) On changes in service provider codes, the CRD shall generate a message to service providers. The Authority shall publish such changes on its website.

## ***12. CRD help desk and troubleshooting***

**Section 17.** (1) Annual system availability for the CRD shall be at least 99.5% of the annual runtime.

(2) Service providers may report CRD faults to the Authority's CRD help desk 24/7 by telephone, fax or via e-mail.

(3) The fault report shall include the following:

- a) name of service provider;
- b) reporting person's name and contact details;
- c) names and contact details of service provider's personnel involved in troubleshooting;
- d) accurate description of the fault;
- e) fault detection time;
- f) date and time of the report.

(4) The Authority shall begin diagnostics immediately after the failure has been reported. After diagnostics are complete, the Authority shall notify the service provider by telephone and via e-mail about the cause of the fault and the expected duration of troubleshooting.

(5) The Authority shall eliminate the fault within the possible shortest time frame.

(6) In case of a fault causing full system crash, troubleshooting by the Authority shall

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<sup>21</sup> Introduced by: Section 14 (2) of NMHH Decree 1/2016 (I.15.). Effective date: 23.01.2016.

<sup>22</sup> Amended by: Section 8 of NMHH Decree 10/2017 (IX.14.). Effective date: 01.10.2017.

<sup>23</sup> Introduced by: Section 8 of NMHH Decree 10/2017 (IX.14.). Effective date: 01.10.2017.

commence within 4 hours, with a 12-hour window available for eliminating the fault. After the fault report, the Authority shall update service providers every four hours about progress in troubleshooting.

(7) Except in the cases discussed in Paragraph (6), the Authority shall resolve faults within 5 business days.

(8) If the service provider's involvement is necessary for troubleshooting, the Authority shall turn to the service provider's designated contact person. If this person is unavailable or the service provider is unable to cooperate, the time elapsed between the cooperation request and engagement shall not count towards the duration of troubleshooting as specified herein.

(9) The Authority shall issue a fault ticket on the report and, once troubleshooting has been completed, provide information to affected service providers by telephone and via e-mail about the recovery.

(10)<sup>24</sup> The service provider may be exempted from its liability for the erroneous completion of number porting, including late payment fee, if caused by a fault in the CRD. To confirm this, the service provider may request a copy of the fault ticket.

(11) The ticket shall include:

- a) serial number of the ticket;
- b) data of the fault report as per Paragraph (3),
- c) method and time of eliminating the fault;
- d) other comments or remarks as applicable.

### ***13. Costs***

**Section 18.** (1) Any incidental extra costs of call routing and call forwarding shall be borne by the responsible service provider referred to in Section 4 (1) in respect of call routing directed to a ported number between the service providers, whereas the costs of signalling routing shall be covered by the responsible service provider referred to in Section 4 (2).

(2) The identifier usage fee payable to the Authority by service providers for their use of subscriber numbers shall be determined and billed to the service providers by the Authority, also taking porting into account.

(3)<sup>25</sup> For the porting of a contiguous numbering range, the donor service provider shall determine a one-time fee per porting payable by the recipient service provider for the use of number porting, based on the warranted costs incurred in connection with the porting of the contiguous numbering range as one unit. For the partial porting of a contiguous numbering range, the donor service provider may apply for the numbers ported the fee applicable to the porting of individual numbers.

### ***14. Registration of ported numbers***

**Section 19.** (1) If a subscriber switches service providers and opts for number porting, the right of use of the ported subscriber number and the obligations related thereto shall be transferred to the recipient service provider. Concurrently, these rights at the donor service provider shall be cancelled; however, the service provider having originally been assigned the numbering range

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<sup>24</sup>Established by: Section 15 of NMHH Decree 1/2016 (I.15.). Effective date: 23.01.2016.

<sup>25</sup>Established by: Section 1 (9) of NMHH Decree 13/2012 (IX.28.)

containing the ported subscriber number shall remain the beneficiary of the assignment authorisation.

(2) In case the subscription contract relating to the ported number is terminated, the right of use of the subscriber number thus released and the obligations related thereto shall lie with the recipient service provider as long as the number cannot be assigned to a new subscriber. This period, determined by the recipient service provider in its general terms and conditions, may not be more than six months.

(3) The recipient service provider shall notify the CRD of the date of assignability of the subscriber number to a new subscriber at least thirty days in advance of said date. The CRD shall inform the beneficiary of the assignment authorisation of the number field containing the ported number that the subscriber number may be assigned to a new subscriber.

(3a)<sup>26</sup> If the CRD access of the recipient service provider is eliminated by the Authority, the right of use of the numbers ported to recipient service provider should be terminated at the same time, without applying of period mentioned in Paragraph (2).

(4) The right of use of the ported subscriber number that has been discontinued shall be returned to the beneficiary of the assignment authorisation of the number block containing the number, in which case the number shall be ready to be assigned to a new subscriber.

### ***15. Final and transitional provisions***

**Section 20.** (1) This Decree – with the exception of the provisions stipulated in paragraph (2) – shall enter into force on the day following its promulgation.

(2)<sup>27</sup> Sections 1 through 15 and 17 through 19 shall enter into force on 30 September 2012.

(3) Following the entry into force of the provisions as referred to in Paragraph (1) above, the provisions of Section 10 of Decree 55/2007 (V. 31) GKM of the Minister of Economy and Transport on the central reference database for number porting shall be repealed.

(4) In their modification of the reference offer resulting from Paragraph (2) herein taking effect, service providers subject to the preparation of reference offers as per Section 3 (6) herein shall be exempted from payment of the administrative service fee as stipulated in Section 15 (1) of NMHH Decree 5/2011 (X. 6.) on the administrative service fees of certain procedures of the National Media and Infocommunications Authority and the method of payment thereof. Obligated service providers shall submit for approval their reference offers, as amended on the basis of this Decree, at least 60 days prior to the taking into force of the provisions of Paragraph (2) above.

(4a)<sup>28</sup> In case the effective reference offer by a service provider that is subject to the preparation of a reference offer fails to comply with the provisions of this Decree, the service provider shall have until 30 November 2012 at the latest to amend and submit its reference order to the Authority for approval. In their modification of the reference offer, service providers subject to the preparation of reference offers shall be exempted from payment of the administrative service fee as stipulated in Section 15 (1) of NMHH Decree 5/2011 (X. 6.) on the administrative service fees of certain procedures of the National Media and Infocommunications Authority and the method of payment thereof.

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<sup>26</sup> Introduced by: Section 9 of NMHH Decree 10/2017 (IX.14.). Effective date: 01.10.2017

<sup>27</sup> Established by: Section 36 (2) of NMHH Decree 7/2012 (I.26.). Effective date: 01.02.2012.

<sup>28</sup> Introduced by: Section 3 (1) of NMHH Decree 13/2012 (IX.28.). Effective date: 29.09.2012.

(4b)<sup>29</sup> The donor and recipient service provider shall adhere to the regulations stipulated herein from the effective date of this Decree irrespective of the content of the reference offer.

(5) This Decree shall ensure compliance with

a) Directive 2002/22/EC of The European Parliament and of the Council of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services (universal service directive);

b) Directive 2009/136/EC of the European Parliament and of the Council of 25 November 2009 amending Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services, Directive 2002/58/EC concerning the processing of personal data and the protection of privacy in the electronic communications sector and Regulation (EC) No 2006/2004 of the European Parliament and of the Council of 25 November 2009 on the cooperation between national authorities responsible for the enforcement of consumer protection laws.

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<sup>29</sup>Introduced by: Section 3 (2) of NMHH Decree 13/2012 (IX.28.). Effective date: 29.09.2012.