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**ETHIOPIAN**  
COMMUNICATIONS AUTHORITY

## **MOBILE NUMBER PORTABILITY DIRECTIVE**

**DRAFT FOR STAKEHOLDER CONSULTATION**

September 2020

## MOBILE NUMBER PORTABILITY DIRECTIVE

WHEREAS, Article 6(2) of Communications Service Proclamation No. 1148/2019 (“the Proclamation”) confers on the Ethiopian Communications Authority (“the Authority”) the power to implement policies for Communications Services in Ethiopia;

WHEREAS, Article 54(2) of the Proclamation confers on the Authority the power to issue directives for the implementation of the Proclamation and Regulations Issued pursuant to the Proclamation;

WHEREAS, Article 28(4) mandates the Authority to conduct a stakeholder consultation to prescribe directives for the implementation of number portability between licensed telecommunications operators;

NOW, THEREFORE, the Authority hereby issues this Mobile Number Portability Directive.

### PART I

#### SHORT TITLE, DEFINITION, OBJECTIVE, AND SCOPE OF APPLICATION

##### 1. Short Title

This Directive may be cited as the “Mobile Number Portability Directive No. 12/ 2020.”

##### 2. Definitions

Words and phrases used in this Directive shall have the meaning and application given to them in Communications Service Proclamation No. 1148/2019. In this Directive, unless the context otherwise requires:

- 1) “**Activate**” means to enable access by a subscriber of telecommunications services provided by a telecommunication operator or agent.
- 2) “**Agent**” or “**Authorized Agent**” means a person contracted or engaged by a telecommunication operator or by a third party on behalf of a telecommunications operator to carry out the registration of Subscriber Identification Modules (SIM Cards) under this Directive.
- 3) “**All Call Query or (ACQ)**” means the call set-up process where porting databases, central database managed by the Number Portability Clearinghouse (NPC) or operator-managed, are queried in order to determine the correct network of the called subscriber before completion of call set-up.
- 4) “**Authority**” means the Ethiopian Communications Authority established under Article 3 of the Proclamation.
- 5) “**Central Reference Database**” means a single centralized system that ports all mobile numbers through one system and relays information between donor and recipient networks in the Mobile Number Porting process.

- 6) **“Consumer,” “customer,” or “subscriber”** means any person who receives telecommunications services and pays the corresponding fees for a certain period of time by virtue of an agreement that (s)he enters into or accepts the terms set forth by a service provider.
- 7) **“Cutover Period”** means that the date and time when a subscriber who submitted a porting application will have no mobile telecommunications service while the porting process is being completed.
- 8) **“Deactivate”** means to disable the access of a subscriber to telecommunications services provided by a telecommunication operator.
- 9) **“Dipping Charge”** means the Authority’s approved fee charged by the NPC Administrator on Operators for the use of the Central Reference Database.
- 10) **“Dispute”** is any request for dispute resolution that has been accepted by the Authority for formal resolution.
- 11) **“Donor Operator/Provider”** means the mobile service provider to whose network the mobile number belongs at the time the subscriber submits a porting application.
- 12) **“Identification Details”** means details given by a subscriber to telecommunications operator or an agent for the purpose of registration.
- 13) **“License”** means a license issued by the Authority for the provision of Telecommunications Services.
- 14) **“Licensee”** means a person issued a license by the Authority for the provision of Telecommunications Services.
- 15) **“Mobile Number”** means the number series assigned by a mobile service provider to its subscribers.
- 16) **“Mobile Number Portability or MNP”** means the ability of a mobile postpaid or prepaid subscriber, who has no existing financial obligation to the donor provider, to retain an existing mobile number despite having moved from one mobile service provider to another.
- 17) **“Mobile Postpaid Subscriber”** means any person who enters a contract with the mobile operator and pays a monthly service subscription (rent) and usage bill.
- 18) **“Mobile Prepaid Subscriber”** means any person who pays in advance for the usage of telecommunications services that the service provider avails subtracting credit as the service is consumed by the subscriber.
- 19) **“National Subscriber Database”** means a subscriber information database containing registration information of all subscribers.
- 20) **“Number Portability Clearinghouse or NPC”** means the authority that manages the centralized clearinghouse established for the sole purpose of overseeing the tasks associated with Mobile Number Portability functions.

- 21) **“Number Portability Clearinghouse Administrator or NPC Administrator”** means the Number Portability Clearinghouse Administrator licensed by the Authority to establish and manage the Clearinghouse.
- 22) **“Operator”** means a person who runs any of the specified communications systems and services.
- 23) **“Personal Information”** is private information and records relating to a customer leading to identify such customer such as his identity, address, or telephone number and/or traffic and billing data and/or other personal information.
- 24) **“Porting Application”** means an application submitted by a subscriber to a mobile service provider to avail of MNP.
- 25) **“Porting Process”** means the process by which a donor provider moves a mobile number to a recipient provider or changes the type of subscription from postpaid to prepaid or vice versa. In no case shall the entire porting process take more than 48 hours.
- 26) **“Proclamation”** means the Ethiopian Communications Service Proclamation No. 1148/2019.
- 27) **“Proxy registration”** means registration on behalf of a subscriber by a person who legally representing the actual subscriber.
- 28) **“Recipient Operator/Provider”** means the mobile service provider that shall provide mobile telecommunications service to the subscriber after the porting process.
- 29) **“Registration”** means the process of recording identification details of a person as a subscriber by a telecommunications operator or an agent.
- 30) **“SIM Card”** means Subscriber Identification Module, widely known as SIM Card, USIM card or e-SIM card is a card that is inserted into a device such as a cell phone and that is used to identify a subscriber on a communications network and to store data (such as phone numbers or contact information and other technical data).
- 31) **“Suspend”** means to temporarily disable access to a subscriber for telecommunications services provided by a donor or recipient provider or operator.

### **3. Objectives**

- 1) Monitor the fair process of number portability between operators at the request of the subscriber;
- 2) Provide a regulatory framework for the seamless operations of Mobile Number Portability;
- 3) Establish a National Portability Clearinghouse;
- 4) Establish an efficient and effective mobile number porting process between operators;
- 5) Provide the subscriber the freedom to select and switch service providers while maintaining his/her originally assigned phone number;

- 6) Protect the subscriber's consumer rights and monitor the subscriber's satisfaction with the MNP process;
- 7) Provide an efficient approach to allocate limited numbering resources; and,
- 8) Ensure that the subscriber number is only ported to and from a network with the subscriber's written or electronic request or authorization.

#### 4. **Scope of Application**

This Directive shall apply to all licensees offering mobile communication services to subscribers and their agents, subscribers, regulators, and the Number Portability Clearinghouse administrator.

## **PART II NUMBER PORTABILITY CLEARINGHOUSE**

#### 5. **Establishment of a Number Portability Clearinghouse**

- 1) The Authority hereby establishes a Number Portability Clearinghouse (NPC) to be managed by an Administrator who shall be licensed by the Authority and whose primary responsibility is to manage the MNP process.
- 2) The Authority will establish rules to enable fair MNP procedures by:
  - a) Providing business operations rules on MNP;
  - b) Establishing the central reference database and the NPC, and,
  - c) Establishing network routing procedures for numbers that have been ported from one network to another.
- 3) The NPC shall be issued a license to operate by the Authority for the sole purpose of managing the Mobile Number Portability function.
- 4) The NPC Administrator shall use the number portability clearinghouse for the performance of the following functions:
  - a) Verifying and validating all porting transactions;
  - b) Relaying of messages between the Donor and Recipient Operators and maintenance of status information for each individual and bulk porting transactions;
  - c) Management of the porting process to monitor the compliance with target porting time scales by the Operators;
  - d) Interworking with the National Subscriber Database, to verify Subscriber registration status and mandatory data matches to validate Subscriber porting transactions;
  - e) Receive and reconcile SMS verifications from Subscribers confirming the request to port;

- f) Communicating with the Subscribers and advising them via SMS or voice message on the status of their porting requests;
  - g) Real-time broadcasting of information to all Mobile Service Operators of the identity of the Recipient Operator serving a number after porting for the purpose of updating routing arrangements;
  - h) Updating the National Subscriber Database to reflect the migration of successfully ported numbers from Donor Operators to Recipient Operators;
  - i) Collection of logs on all port activities;
  - j) Collection of statistics on porting;
  - k) Maintenance of the serving Operator status for every mobile number in Ethiopia in real-time to reflect changes effected through the completion for porting transactions;
  - l) Storage of information of the history of each porting transaction excluding any personal Subscriber data, which should be deleted once a porting has been completed;
  - m) Coordinating porting transactions between Mobile Service Providers and ensuring consistency in the porting performance and adherence to the porting time scales set from time to time in the Business Rules;
  - n) Maintaining a Central Reference Database of all ported numbers and making provisions for the download of such information by any Mobile Service Provider, especially new entrants; and,
  - o) Management of ancillary porting functions as required, including return to Number Range Holder and emergency repatriation processes.
- 1) The Number Portability Clearinghouse and the MNP System in Ethiopia shall be administered by the Authority and the Licensees Operator User Agreement.
  - 2) The NPC Administrator shall, in every case, ensure minimal disruption of the MNP Service during scheduled maintenance periods of its administrative systems.

#### **6. Number Portability Helpdesk**

The Authority shall set up and operate a Number Portability Helpdesk with the following responsibilities:

- 1) Identifying and resolving service impacting faults and issues;
- 2) receiving, reviewing, and resolving questions and complaints from Mobile Service Providers and the Authority itself;
- 3) Monitoring the continuity and quality of service of the Number Portability Clearinghouse or Central Reference Database;
- 4) Be available twenty-four (24) hours a day, 365 days a year to provide support to all mobile network operators; and,

5) Other items as determined by the Authority as needed to improve the MNP process.

**7. Mobile Service Operators Helpdesk shall provide the following support to its Subscribers**

- 1) Every Mobile Network Operator shall establish a customer complaint unit with the responsibility of receiving, reviewing, and resolving the complaints made by Subscribers;
- 2) A subscriber can report a complaint by contacting the helpdesk at the Recipient Operator for resolution;
- 3) The Recipient Operator's subscriber complaint helpdesk shall acknowledge the complaints of the Subscriber within 4 hours after a problem is reported;
- 4) The Recipient Operator's Subscriber complaint helpdesk shall record the MNP related Subscriber complaint and where the resolution of such complaints are under its operational control, shall take all necessary steps to ensure that the complaint is resolved within a maximum of forty-eight (48) hours from the time the complaint was reported;
- 5) The Recipient Operator's customer complaint helpdesk shall keep records of all complaints according to the current business practice of the operator and in line with the Operators Business Rules;
- 6) Both the Recipient Operator and the Donor Operator shall collaborate to ensure that Subscriber porting complaints are reviewed and resolved quickly;
- 7) Where a Customer's complaint remains unresolved after forty-eight (48) hours and because either the Recipient Operator or the Donor Operator have failed to resolve the issue, the dispute can be referred to the Authority for resolution;
- 8) In the event that the Subscriber's complaint remains unresolved after forty-eight (48) hours because either the Recipient or the Donor Operator have failed to resolve the fault, the Subscriber can request for the Authority to review the complaint and resolve the issue by following the dispute resolution mechanism describer under the business rules.

**PART III  
PRIVACY AND REPORTING**

**8. Data Privacy**

- 1) The Number Portability Clearinghouse and the licensees shall keep confidential any data supplied by Subscribers in connection with the Number Portability process.
- 2) All parties involved in the Number Portability Process shall:
  - a) ensure that collected data is used solely for the purposes of the porting of mobile numbers and not for any other purpose;
  - b) Ensure that data collected and used to process porting requests shall be authenticated by the National Subscriber Database; and,

- c) As may be required by the Authority, amend the design and operations of the porting process and systems to align with requirements of any future changes to the Ethiopian National Subscriber registration process and systems.

#### **PART IV**

#### **RELATIONSHIP BETWEEN MOBILE SERVICE PROVIDERS AND THE ADMINISTRATOR**

#### **9. Compliance with MNP Operator User Agreement**

The Administrator and all licensed operators shall offer MNP services in accordance with the MNP Operator User Agreement and the Regulations.

#### **10. Connectivity and Routing of Traffic Between Operators and Number Portability Clearinghouse**

- 1) All existing interconnection agreements between operators shall be subjected to the provisions of these MNP Directives
  - a) The routing of traffic to and from mobile numbers, both ported and non-porting, will use the All Call Query (ACQ) approach as mandated by the Authority.
  - b) The corresponding routing prefix-allocated by the Authority.
- 2) Establish interconnections between the operators' responsive MNP gateways, the NPC and disaster recovery sites managed by the NPC Administrator at the operators' own cost.
- 3) A licensed operator may establish a common fail-proof connectivity to the main and disaster recovery sites of the NPC Administrator for all its licensed activities and share its Local Number Portability Database across its various licensed activities for the purpose of implementing and managing Mobile Number Portability.
- 4) No licensed operator shall share its Local Number Portability Database with another licensed operator.
- 5) A licensed operator who shares its Local Number Portability Database across its licensed activities shall ensure that such sharing of Local Number Portability Database enables it to directly route traffic to ported mobile numbers.
- 6) A licensed operator on whose network traffic originates shall be responsible for the correct routing of such traffic.
- 7) A licensed operator shall not be permitted to charge Additional Conveyance Charges for direct routed traffic originated and terminated on its network.
- 8) In case of international incoming short or voicemail messages, the International Gateway Operator carrying such messages shall be responsible for the correct routing of traffic to the terminating operator through ACQ direct routing via its own Local Number Portability Database.
- 9) Where there is a conflict between the provisions of any interconnection agreement and this Directive, the provisions of this Directive shall prevail.

#### **11. Obligations of the Recipient Operator**



The recipient operator shall:

- 1) Begin the porting process for the subscriber within four (4) hours of when all identity verification and request for porting confirmation is received.
- 2) Remit to the NPC Administrator a porting transaction fee for subscriber who is successfully ported.
- 3) The payment for the service will commence within 30 days of receipt of the bill from the NPC Administrator.
- 4) The Authority retains the right to review and revise the rate to be charged for the successful porting of subscriber numbers.
- 5) Maintain records in respect to all mobile numbers for which porting requests have been processed and granted for a minimum of twelve (12) months from the date of the successful porting of the number.

**12. Obligations of the Donor Operator**

The donor operator shall:

- 1) Continue to provide telecommunications services to the subscriber until such time that the porting process is completed.
- 2) Maintain records of all mobile numbers for which porting requests have been rejected for a minimum period of twelve (12) months from the date of rejection of the request, including the reason for rejection.

**13. Obligations of the NPC Administrator**

The NPC Administrator shall:

- 1) Coordinate efforts between donor and recipient operators for the sole purpose of expediting the porting of subscriber numbers.
- 2) Generate statistics and reports that include:
  - a) The number of total porting requests received;
  - b) The number of successful porting requests;
  - c) number of failed porting requests including reasons for failures and the response times of Licensees at each state of the porting process; and,
  - d) Other relevant statistics and reports in accordance with the MNP Objectives or as may be determined by the Authority.
- 3) In the event that a recipient operator fails to pay the Porting Transaction Fee within the time limit specified in Article 11 of this Directive, the NPC Administrator shall, before taking any action:
  - a) Issue a notice to the Recipient Operator; and
  - b) Request the recipient operator to pay the Porting Transaction Fee, within a period of fifteen (15) days from the time the notice is delivered by the Administrator.

- 4) Pursuant to objectives of this Directive, the NPC Administrator shall not discontinue the provisioning of MNP Services to a recipient operator where it defaults in the payment of the Porting Transaction Fee.

**14. MNP Subscriber Interface**

The MNP subscriber interface shall:

- 1) Be the responsibility of all Mobile Service Providers and the NPC Administrator;
- 2) Provide provisioning service to all subscribers in a non-discriminatory basis;
- 3) The recipient operator shall only process porting requests from eligible subscribers;
- 4) Authorize a recipient network operator to initiate the porting process after the subscriber has sufficiently completed the verification process and authorize the porting of the subscriber number;
- 5) Complete all requests on time;
- 6) Ensure that its network enables a subscriber to send the porting approval SMS at no charge and even where the subscriber has zero credit balance;
- 7) A donor operator may not deliver the porting approval SMS if the subscriber is already barred or suspended from making outbound calls or sending SMS.

**15. Number Porting Eligibility**

In order to port an eligible mobile number, a subscriber shall make such request where the following conditions are met:

- 1) The mobile number has been registered on the National Subscriber Database;
- 2) The subscriber's identity details match those held by the donor operator and the National Subscriber Database, in accordance with the MNP process requirements as determined by the Authority in the operator obligations;
- 3) The mobile number is not blocked or subject to restricted service provisions for any reason by the donor operator at the time that the porting request is submitted;
- 4) A zero balance is reflected on the subscriber's postpaid account with the donor operator, and not more than one pending bill cycle is confirmed;
- 5) Porting of the relevant mobile number has not been prohibited by a court of law; and,
- 6) There is no pending request for change of ownership of the mobile number.

**16. Request for Porting Form**

- 1) The Request for Porting Form shall incorporate:
  - a) The porting eligibility criteria as specified in the Porting Eligibility requirements set forth in Article 15 of this Directive;
  - b) Confirmation of the following from the subscriber:

- i). That the number was not involved in any fraudulent or inappropriate activities;
  - ii). That the number has not been reported lost or stolen; and,
  - iii). Eligibility or authorization to request the porting of the mobile number.
- c) Specific to prepaid subscribers, any remaining balance will not port to the Recipient network.
  - d) Specific to postpaid subscribers, any remaining balance on the account with the donor operator remains due and payable.
  - e) Where the subscriber understands that upon porting of the number, rates and charges may be different on the recipient operator.
  - f) For all subscribers that any ancillary services that were saved on the donor operator may not migrate to the recipient operator.
- 2) Each porting request shall be accompanied by:
- a) A completed Porting Request Form;
  - b) The subscriber's government issued photo identification, driver's license, national identity card or international passport; and,
  - c) A declaration that the mobile number to be ported is registered in the National Subscriber Database

**17. Porting Approval Request Message**

The recipient operator shall:

- 1) Confirm the eligibility of the Subscriber as specified in Porting Request Form and upon confirmation, send a Porting Approval Request Message to the Number Portability Clearinghouse, and,
- 2) Issue the subscriber a new SIM, at the successful initiation of the porting process.

**PART V**

**TRANSACTION CHARGES AND REPORTING REQUIREMENTS**

**18. Porting Transaction Fee**

- 1) The Authority shall approve, and the Administrator shall enforce, a Porting Transaction Fee, which shall be billed to the recipient operator by the Number Portability Clearinghouse.
- 2) The Porting Transaction Fee will be billed for each successfully completed porting transaction. Unsuccessful Porting Transactions will not be billed.
- 3) The Porting Transaction Fee shall be paid to the Number Portability Clearinghouse directly by the recipient operator and no payments shall be made for unsuccessful port transactions.

- 4) All Mobile Service Providers and Interconnection Exchange Service Providers shall be provided with access to the Central Reference Database free of charge to enable proper transiting and routing of calls, provided that such Mobile Service Provider or Interconnection Exchange Service Provider has in place an ACQ infrastructure to enable it to interconnect with the Central Reference Database.
- 5) The ACQ response system of the MNP System shall be provided by the NPC to other network providers, Interconnection Exchange Service Providers and other authorized parties at a Dipping Charge to be approved by the Authority where such parties do not have their own All Call Query infrastructure.
- 6) The Mobile Service Providers and Interconnection Exchange Service Providers shall provide other authorized parties with access to the information in the Central Reference Database at a charge to be approved by the Authority.

**19. Intervention and Review**

- 1) The Authority may intervene, for the purpose of protecting the interest of the subscribers for monitoring and ensuring compliance with these Directives to promote and ensure the continued growth of the telecommunications sector in Ethiopia.
- 2) The Authority may review and modify the Porting Transaction Fee and Dipping Charge as it deems necessary.

**PART VI  
SANCTIONS AND PENALTIES**

**20. Application of Sanctions**

- 1) The Authority shall apply the appropriate sanctions in accordance with Article 51(4) of the Proclamation.
- 2) Penalty Against the NPC Administrator:  
Where the NPC Administrator fails to act on a violation presented by a licensee that functions as a recipient operator with a valid MNP License
  - a) The Authority may revoke the MNP License where the NPC Administrator fails to:
    - i). Implement the MNP System and procedures within the timescales set by the Authority for the implementation of MNP in Ethiopia, or
    - ii). Fails to establish interconnecting agreements with Mobile Service Providers, or
    - iii). Discriminates between operators in honoring such existing agreements.
  - b) The failure of the NPC Administrator to facilitate the expeditious porting of numbers or perform its reporting obligations under these directives.

**21. Penalties against the Mobile Service Provider**

- 1) The Authority may impose a penalty on a Mobile Service Provider where:
  - a) A Mobile Service Provider fails to submit a porting approval request on behalf of each qualified requesting Subscriber within the set timeframe;

- b) A Mobile Service Provider fails to comply with the approved timescale for the completion of any porting activity including the delivery or communication of porting responses to the Number Portability Clearinghouse;
  - c) A Mobile Service Provider fails to directly route traffic using a local routing database infrastructure in accordance with the ACQ Direct Routing approach mandated by the Authority;
  - d) A Mobile Service Provider fails to take appropriate steps to afford subscribers the desired win-back protection provided under the MNP Business Rules;
  - e) The Donor Operator fails to permit a subscriber to send the porting approval SMS free of charge to the Number Portability Clearinghouse, unless the account is restricted;
  - f) A Mobile Service Provider or other authorized party fails to synchronize or take downloads of data from the Central Reference Database to the local routing database upon receipt of port completion messages within the set time; and
  - g) A donor operator rejects a porting approval request based on a reason not provided for by the MNP Objectives.
- 2) The Authority shall apply the appropriate sanctions in accordance with Article 51(4) of the Proclamation.
- 3) A Mobile Service Provider shall be subject to a fine if found in subordination of the following and will be subject to the appropriate sanctions in accordance with Article 51(4) of the Proclamation.
- a) Submission of a porting approval request without the subscriber's consent of an approved and completed Porting Request Form ;
  - b) Any contract or communication by the donor operator to a subscriber at the start of a porting transaction calculated at or likely to discourage the subscriber from completing the move;
  - c) Providing false, inaccurate, or misleading information related to the number porting process through false advertising;
  - d) Providing inaccurate or false information in any report to the Authority; and,
  - e) Failure to provide the Authority access to employees and agents during an investigation.

**PART VII  
DISPUTE RESOLUTION**

**22. Mobile Number Portability Dispute Resolution**

- 1) Any MNP dispute involving the NPC Administrator, recipient operator, and the Donor Operator shall be resolved amicably and in good faith between the relevant parties.

- 2) Where a dispute is not resolved amicably between the parties within thirty (30) working days of the existence of the dispute, the dispute may be referred to the Authority by either party for resolution.
- 3) A party requesting the Authority to resolve a dispute shall submit a written request to the Authority not later than sixty (60) working days after the parties fail to reach an agreement.
- 4) Following the written request to intervene, the Authority shall respond to the requesting party no later than thirty (30) working days after receiving such request, whether it:
  - a) Requires additional information from the parties involved before deciding whether to intervene or not;
  - b) Has decided not to intervene and provide a written response with a justification for not intervening; or,
  - c) Has decided to intervene in accordance with the procedures established in the Authority's Dispute Resolution Directive.
- 5) The porting obligations of Mobile Service Provider shall continue while a pending dispute awaits a final outcome by the Authority's conclusions.

**PART VIII  
MISCELLANEOUS**

**23. Amendment**

The Authority may, at any time it deems it necessary, and consistent with the Proclamation, amend this Directive.

**24. Effective Date**

This Directive shall come into force on \_\_\_\_\_, 2020.

**DONE AT ADDIS ABABA ON \_\_\_\_\_ DAY OF \_\_\_\_\_ 2020**

**ENGINEER BALCHA REBA  
DIRECTOR GENERAL  
ETHIOPIAN COMMUNICATIONS AUTHORITY**