Mobile Number Portability
Ordering Process Specification

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Contents

1   Scope

The obligation to support number portability for mobile numbers is specified in the MCA Decision Notice *Number Portability in Malta*[1] under Decision 2/2022. Unless otherwise stated, references to decisions in this document, in the format *Decision X/2022,* refer to decisions in the aforementioned Decision Notice.

This document specifies those aspects of the Mobile Number Portability Ordering Process that either:
- Involve exchanges between the operators; or
- Involve actions by one operator that have to be trusted by another operator, for example the customer order validation process.

This document does not specify all the details of the internal procedures and processing that each operator must undertake to support the required functionality.

This document specifies the different stages of the process from the point when a subscriber requests a new account with number portability, to the point when the subscriber has an active account on the recipient operator's network, the account on the donor operator's network has been closed and all other operators have been informed of the number porting. The process also allows for a number to be ported to an account that is already active with a number allocated by the recipient operator.

This specification applies to portings:
- from the block operator;
- back to the block operator; and
- between operators who are not the block operator.

Some parts of this specification are written at a functional level, for example the actions to be undertaken by one operator and trusted by the other operator, whilst others such as the exchange of messages are written at a detailed technical level to ensure compatibility between the operators. Furthermore, the document is written on the basis that the operator is both service provider and network operator. Section 16 of this document provides guidance on how to apply this specification where the service provider and network operator are distinct entities.

This document may need to be reviewed when new technologies such as Over-The-Air (OTA) provisioning of embedded SIMs (eSIMs) are introduced, since these Specifications are designed around the premise that physical SIM cards are being used by all mobile voice communications service providers[2]. As indicated in Decision 13/2022, if providers intend to introduce services based on eSIMs and OTA provisioning, they are required to inform the MCA at least six (6) months in advance, specifying also whether this will extend to starting OTA provisioning of voice communications service subscriptions. This would enable the Authority in good time to evaluate this development and carry out any necessary updates that would be necessary to the NP Decisions and Specifications after consulting with other service providers.

> **Commented [A1]:** Various changes were introduced in this paragraph to account for the provisions on OTA provisioning in the new Regulations.

This document may not apply where court orders however so described are in effect with respect to specific numbers.

The implementation of number portability in the mobile network is specified in *Number Portability Specification for Network Functionality*.

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[1] Under consultation.
[2] All references to the term 'voice communications service' in this document are in accordance with the definition included in Article 2 of CAP. 399.

2   Definitions

'Block Operator' means the operator to whom the Authority allocated the number block containing the number that is being ported.

'CLI Check' means a check that the person applying for number porting is in possession of an active SIM that is associated with the number.

'Consumer' means any natural person who uses or requests a publicly available electronic communications service, for purposes which are outside his trade, business, craft or profession, as defined in Article 2 of CAP. 399.

'Donor Operator' means the operator that provides service to a subscriber number before porting and includes any agents or other persons however so described acting for this operator.

'ID-Bill check' means a check by the recipient operator that the person applying for number porting has an identification document that matches the information on a bill or statement from the donor operator.

'Recipient Operator' means the operator that provides service to a subscriber number after porting and includes any agents or other persons however so described acting for this operator.

'Subscriber' means the legal holder of the active account who is not necessarily the user of the mobile.[3]

'Working Day' means from 09:00 – 18:00 hours from Monday to Friday and 09:00 – 13:00 hours on Saturday but excluding public holidays.

Note (1): Where the term 'subscriber' is used in terms of the 'subscriber number' (i.e. the number to be ported), it shall also be understood to also include the number in a porting request raised by an applicant, i.e. a person without an active subscription.

Note (2): Where the term 'person' is used, it applies for both natural and legal persons, unless otherwise specified.

3   Abbreviations

ACQ	All Call Query
CLI	Calling Line Identification
CLIR	Calling Line Identification Restriction
ECN/S	Electronic Communications Networks and/or Services
eSIM	embedded Subscriber Identity Module
HLR	Home Location Register
HSS	Home Subscriber Server
ID	Identification Document (which may be Maltese identity card or driving licence, or a passport for foreign nationals)
MMS	Multimedia Messaging Service
MNP	Mobile Number Portability
MSISDN	Mobile Station ISDN number (mobile telephone number)
MVNE	Mobile Virtual Network Enabler
OTA	Over-The-Air
SIM	Subscriber Identity Module
SMS	Short Message Service

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[3] Where there is a difference between the subscriber and the user, the rights to number portability apply to the subscriber rather than the user.

Commented [A2]: Various changes and additions were included to better align the terms with the provisions of the new Regulations.

Commented [A3]: Various additions to the list of abbreviations, and a change in the definition of "ID" to reflect the inclusion of one other valid identification document.

4   Overview

When requesting number portability, the subscriber would:

- open an account with the new (recipient) operator with a new subscription but using an existing number that he/she is already using with the old (donor) operator;
- request the new operator to close his/her account with the old operator on his/her behalf; and
- request all operators to change their routing arrangements so that calls, messages and other signalling traffic will be routed to the new operator.

The solution should therefore ensure that incoming communications (e.g. calls, SMS, MMS) to the subscriber's number are terminated on his/her account on the recipient operator.

The design of this porting process is asynchronous and sequential; a sequence of actions is specified with each action starting only after completion of the previous action.

The design minimises the state information that needs to be held by the donor operator and therefore minimises the problems of re-establishing the process after any unforeseen disruption.

The process allows for a number to be ported to both a new account and to an account that is already active with a number allocated by the recipient operator. The latter case would apply where for example a subscriber wants to try out an operator's network before porting his/her main number to it.

Given the introduction of the right to request porting within one (1) month from termination of the contract or other similar arrangement (as per Decision 8/2022), requests for porting may also be received from persons whose mobile subscription is no longer active, (hereafter referred to as 'applicants'). In such cases, there are minor changes in the porting process to ensure that the applicant is eligible to request such porting in the first place. Thus, in such cases the first step of the process involves verifications on the applicant's eligibility. Once eligibility is confirmed, the applicant's request should be treated in line with all applicable norms and procedures when porting subscriber numbers.

5   Subscriber handling

The recipient operator shall provide a one-stop shop for number portability, which enables subscribers to order their new account and to order number portability at the same time from the recipient operator. The procedure enables subscribers to appoint the recipient operator as their agent to close their account with the donor operator and to port the number.

Upon successful porting, in accordance with Decision 14/2022, the recipient operator is to inform subscribers through a durable medium[4] (e.g. email, SMS, letter) of the right granted to eligible consumers to request the donor operator to issue a refund for any remaining monetary credit. Subscribers are to be directed to the donor operator for further details on credit refunds, however they should be informed that the request has to be submitted within two (2) weeks from successful porting. Recipient operators must also include a note on this consumer right in their porting form.

The recipient operator may compensate non-eligible subscribers (e.g. pre-paid or hybrid tariff subscribers who are not considered as consumers) for any loss of unused monetary credit, but is not required to do so.

The recipient operator must explain to subscribers requesting porting that:
(i)   they should not attempt to terminate the contract or other similar arrangement with the donor operator because this will be done automatically for them upon successful porting; and
(ii)   such automatic termination can have implications on any other services, such as in a bundled offer, that they may have with the donor operator.

The recipient operator shall advise subscribers that when they port their number, any incoming messages or SMSs or MMSs that have not been retrieved or delivered are likely to be lost. Subscribers shall also be informed by the recipient operator that any details of the ported number which may be included in the directory maintained by the donor operator will be removed once the number is ported.

The recipient operator shall also inform subscribers that the donor operator will charge them a penalty for early termination, if applicable, as detailed further in Section 6.5.1 of this document.

> **Commented [A4]:** Various changes were introduced to this part of Chapter 5 to account for the implications of a number of new Decisions affecting subscriber handling.

A recipient operator may offer to:
- Port a number onto a new account; or
- Port a number onto an active account thereby replacing an already allocated and activated number with the ported number.

The second option gives subscribers the opportunity to try out a new account before altering their existing established subscription with another operator.

When a number is ported onto an active account the number that is replaced shall be released and returned to the pool of numbers which, after an appropriate ~~sterilisation~~ quarantine period[5], may be re-used for other subscribers.

In the case of accounts with multiple numbers, a subset of the numbers may be ported with the others remaining with the existing operator.

The subscriber's account with the recipient operator may be of a different type than that with the donor operator. For example, the account with the recipient operator may be post-paid whereas the account with the donor operator was pre-paid, and vice-versa.

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[4] All references to the term 'durable medium' in this document are in accordance with the definition included in Regulation 2 of S.L. 399.48.
[5] As stipulated in the National Numbering Conventions.

Where a subscriber has multiple MSISDNs that are related to the same SIM, e.g. different numbers for telephony and fax and data, then the subscriber shall at least be able to port only the number used for telephony. The arrangements for porting other numbers shall be established on a case-by-case basis. (Note: The different operators treat fax and data differently.)

All auxiliary services, such as secondary SIM cards, linked to the subscribers' SIM or MSISDN to be ported will be lost when the porting is effected. The recipient operator should advise such subscribers that if they wish to keep these auxiliary services in operation on the donor operator, they should have them converted into full services before requesting number portability. In order to ensure that subscribers are fully aware and in control of this situation, the recipient operator shall be held responsible to inform subscribers that any supplementary services or benefits would be lost.

Number portability applies only where the legal entity who requests number portability from the recipient operator is the same legal entity who holds the account with the donor operator. (Note: Where a change of the legal entity is required, e.g. from a personal account to a corporate account, this change should be made with the recipient operator after the porting process has been completed.)

The procedure is designed to be carried out as quickly as possible. It does not accommodate long delays in the middle of the process. Therefore, if a subscriber wishes to arrange for porting to take place at a specific date and time in the future, the recipient operator will need to postpone the start of the process until the time that corresponds to the process being completed at the time desired by the said subscriber.

As designed, failure of the porting process should be a rare occurrence. However, in line with Decision 12/2022, it should be noted that whenever the donor operator is informed of a failure in the porting process which may result in some loss of service, the donor operator shall, with immediate effect, reactivate the subscriber's number and related services under the same terms and conditions previously offered until porting is successfully concluded and the services are activated by the recipient operator.

Annex 1 contains a standard porting form to be used by subscribers/applicants when requesting number portability. The porting form includes explicit acceptance by the subscriber/applicant of the warnings and advice outlined above. Any storage and handling of subscribers' personal data should be in conformity with all applicable privacy and data protection norms.

6 Validation process

6.1 Introduction

Validation is the process by which the recipient operator and the donor operator check that the subscriber is entitled to portability. The validation procedures differ for different types of account and circumstances. The process of validation may be combined with the process of subscriber checking (including any identity checks required by law and any credit checks) that an operator would carry out for all subscribers irrespective of whether they request number portability.

The number portability process is designed to cover porting both to a new account and to an existing account. For porting to a new account, the recipient operator will have to issue a SIM to the subscriber.

The processes of subscriber checking and SIM issue are outside the scope of this document.

6.2 Account classification

For the purpose of number portability, subscriber accounts are classified as follows:
- Pre-paid (both single-line and multi-line, registered and unregistered, held by a natural person or an entity however so described other than a natural person;
- Post-paid (both single-line and multi-line) account held by a natural person; or
- Post-paid (both single-line and multi-line) account held by an entity however so described other than a natural person.

For the purpose of account classification and ensuing validation checks during the porting process, a hybrid account shall be considered as a post-paid account. This is without prejudice to the right of consumers subscribed to hybrid tariff plans to be refunded any unused monetary credit remaining with the donor operator upon request as per Decision 14/2022 and as also referred to in Section 5 of this document.

Accounts should also be marked as either being active subscriptions or terminated, given that number portability requests may also be received from applicants by virtue of Decision 8/2022. This will be necessary to assist the donor operator when determining the applicant's eligibility to port the number.

6.3 Checks

The following sections specify the various checks.

There are four issues to be checked for subscribers:

   a) That the number to be ported is associated with the account of the subscriber;
   b) That the subscriber who claims to have a post-paid account does have a post-paid account and so the other checks relevant to post-paid will be applied;
   c) That the person who is requesting portability is the subscriber or the legal representative of the subscriber; and
   d) That the request and the appointment of the recipient operator as agent to close the account with the donor operator is made in a legally valid form.

In the case when the porting request is received from a person within one (1) month from termination of the contract or other similar arrangement which was in force with the donor operator, checks (a) to (c) above have to be verified with respect to the account holder at the time of termination.

These issues are handled in a way that accommodates as many as possible of the different circumstances and takes account of the fact that some pre-paid subscribers are unregistered and are in effect anonymous to the network operators. In general, one needs to accommodate situations where the subscriber is present and ones where he/she is absent and has to arrange porting remotely.

The checks are made wherever possible using the identification document (ID) (e.g. Maltese identity card or driving licence), or the passport for foreign nationals. There are two forms of this check:

- A check made by the recipient operator of the name on the ID against that on a bill or statement for the number to be ported. This is called the "ID-Bill" check; or
- A check made by the donor operator against its record of the ID number pertaining to the subscriber.

Notes:

(a) The procedure is designed to avoid having to send names and addresses of subscribers between recipient operator and donor operator as this can lead to disputes over spelling errors, etc.

(b) The specifications include a CLI Check by the recipient operator that the subscriber is able to make a call from the number to be ported. In the case of unregistered pre-paid accounts this is the only check possible by the recipient operator. In this regard, a further requirement on the recipient operator is to ask the subscriber to send a blank SMS to an on-net free text number 1811 at the donor operator before sending the Authorisation Request. The donor operator shall ensure that the SMS is terminated and may opt to check the CLIs of the SMSs received on this number against the number to be ported in the Authorisation Requests and refuse the Authorisation Request unless a match is found. The implementation of these checks would be optional for the donor operator. The effect of the check would be both to confirm possession of the number to be ported and eliminate the problem of data entry errors that can result in a third party's account being terminated without warning and can cause serious problems especially if the user is roaming abroad. Since it is optional for the donor operators to process the SMS check, the CLI check shall be retained.

(c) The recipient operator shall verify that the CLI presented on a call from the subscriber is the number to be ported. Understandably, where the subscriber has CLI Restriction (CLIR) applied to his/her account this service will have to be disabled for the CLI check to be carried out. In many cases this should be possible by entering a service control code into the mobile. The person who made the CLI check shall sign a record that the test has been carried out and passed. In the case of pre-paid, a CLI check is not possible if the subscriber has no remaining credit or the time window has expired. In such cases, the agent may opt to send an SMS to the number to be ported to verify connection.

6.4 Procedures

The following shows how the checks identified above may be applied by the recipient operator and processed by the donor operator.

The procedures take account of the fact that the subscriber may not know whether he/she are registered or not with the donor operator, if he/she is a pre-paid subscriber, nor, if he/she are registered or are a post-paid subscriber, nor whether the donor operator has a record of his/her identification documents and/or identification numbers. Thus the procedures are based on the recipient operator doing the maximum validation and information collection and the donor operator using whichever information is available and relevant.

The procedures also take account of the following:
- Subscribers should be able to present at least one ID (e.g. Maltese identity card or driving licence, or passport for foreign nationals).
- Validation based on an ID is the best validation. Operators should encourage subscribers to register their identification details as this is a form of protection and security for the subscriber. Consequently, porting should not proceed unless the ID of the subscriber/applicant matches that registered with the donor operator.
- Identity card and passport *numbers* may be verified against official and reliable personal identification methods, hence the importance that checks require some form of identification document to be presented.
- In any case, storage and handling of subscribers' personal data should be in conformity with all applicable privacy and data protection norms.

Commented [A5]: Some changes were introduced here intended to better align the Specs with GDPR principles.

In general:
- Signatures do not have to be made in the presence of the recipient operator and signed forms may be sent via online means (e.g. by email), post or fax or mail.
- Copies of IDs and bills may be sent via online means (e.g. email), post or fax to the recipient operator, inspection of the originals is not necessary.
- A signature may be given by an authorised representative under a power of attorney provided that the recipient operator checks the power of attorney and the identity of the person signing under the power of attorney through checking his/her identification document.
- For foreigners, a passport shall be used if they do not have a Maltese ID.
- Where a subscriber loses a SIM or has it stolen, he/she must obtain a replacement SIM from the donor operator before he/she may port his/her number.
- A subscriber requesting the porting of numbers pertaining to the same multi-line account shall be able to submit solely one duly filled in and signed porting form for all numbers to be ported (subject that the signatory in question is authorised to request porting for all the numbers in question) rather than a signed porting form for each number. In such cases, the numbers pertaining to the same multi-line account and which are to be ported shall be listed in the porting form[6].

Commented [A6]: This could include also chat systems on in-house portals (e.g. operator's website) or other online interpersonal communications services.

Persons under 18 years of age may not order number portability, but their legal representative may order it on their behalf.

Donor operators shall not change the credit limit or the time allowed for paying bills for subscribers who request portability with the intention of enabling them to refuse the porting request for reasons related to credit or payment.
(Note: If there are claims of such practices the MCA will require extensive reporting in order to investigate the claims as an anti-competitive practice.)

The recipient operator shall then ask which of the following describes the account in question, namely:
- Whether the account is an **active** subscription or a **terminated** account; and
- Whether the account is (or was) **Pre-paid**; **Personal post-paid**; or **Non-personal post-paid** (i.e. held by an entity other than a natural person).

Commented [A7]: Some changes introduced to account for the right to request porting after contract termination as per Decisions 8/2022.

For post-paid accounts the recipient operator shall ask if the account is single or multi-line.

The treatment of post-paid accounts differs from pre-paid because:
- In most cases the subscriber will have a bill or statement that links his/her name to the number; and
- All post-paid accounts are registered with the donor operator, but for some accounts the donor operator may not know the identity card or passport number of the subscriber, even though the donor operator knows the subscriber's name and address.

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[6] The possibility for a subscriber to submit one porting form to request the porting of numbers pertaining to the same multi-line account has been introduced in June 2019.

The following procedures shall be applied depending on the subscriber's/applicant's answer.

6.4.1 Pre-paid accounts

The following procedure applies to both personal pre-paid accounts and pre-paid accounts held by non-personal entities. Because the central principle is that if there is registration, then an ID number should be registered and there must be a match of ID numbers between those held by the donor operator and the subscriber, the same procedure applies to both personal and non-personal subscribers.

It is possible that there may be multiple legal representatives of the non-personal subscriber. This case is likely to be uncommon. If it occurs, then the person requesting porting should be advised that the subscriber should either:

- Have the application made by a person who is recognised by the donor operator as a legal representative; or
- Contact the donor operator and update the registration to include the ID number of a legal representative who can handle the application for porting. In case of a non-personal entity account, the donor operator can verify the identity of the legal representative against the Malta Business Registry (MBR) database.

The subscriber or legal representative does not have to visit the premises of the recipient operator but may send the necessary documents via online means (e.g. email), by post, fax or via another person.

In some cases, there may be a registration but no record of the ID number and so an ID check by the donor operator against its record is not possible.

If the SIM is lost, damaged or stolen, then porting is not possible until a replacement SIM has been obtained from the donor operator.

Actions by the recipient operator

The recipient operator shall ask the subscriber or his/her representative to show or send in a copy of the subscriber's ID.

The recipient operator shall perform a CLI check and ask the subscriber to send a blank SMS from the number to be ported to 1811.

If either:

- The CLI check is not passed;
- A copy of the subscriber's ID is not obtained; or
- The subscriber does not send the SMS check to 1811;

then the recipient operator shall not proceed with the porting.

The recipient operator shall obtain a signed porting form from the subscriber requesting the porting for the number and shall retain the form for audit purposes as specified in Section 6.4.6 of this document.

The recipient operator shall send the donor operator:

- The number to be ported;
- The subscriber's ID number;
- Confirmation that the CLI check was successful; and
- An indication that the account is pre-paid.

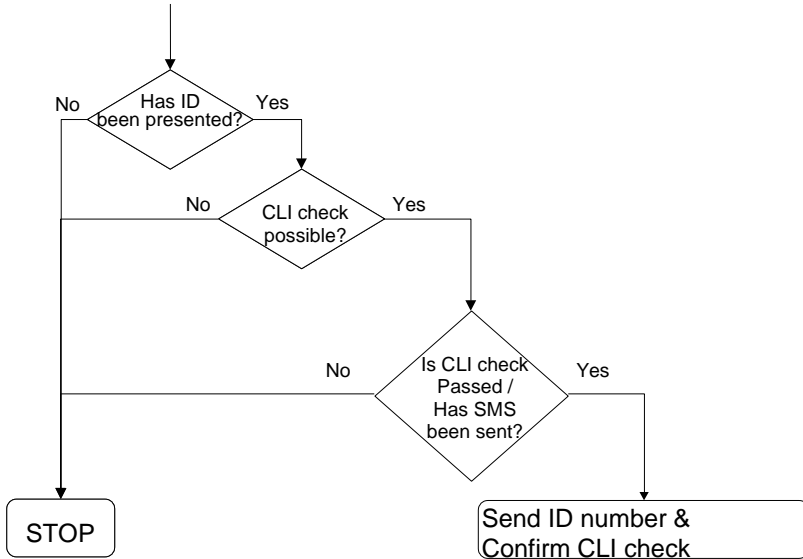Figure 1 shows the logic to be applied by the recipient operator.

Figure 1: Recipient operator logic for pre-paid accounts

Initially it was required that each week, the recipient operator should send the donor operator a set of copies of the signed porting forms used during the previous week so that the donor has records of the requests. This requirement has been discontinued and the recipient is now required to send the porting form only if specifically requested by the donor, e.g. if a problem has arisen about the porting.

With a view to minimise administrative burdens, the recipient operator is only required to send the signed porting form to the donor operator if specifically requested by the donor operator, e.g. if a problem has arisen about the porting.

Actions by the donor operator

On receiving the Authorisation Request, the donor operator shall check that an ID number and a Confirm CLI check have been received and if either has not been received shall reject the request (Code=10). Subsequently, the donor operator shall check whether the account is pre-paid, and if not shall reject the request (Code=09).

The donor operator shall then check its records for the number to be ported.
- If the account is registered and if the ID number sent matches its records, the validation shall be passed.
- If the account is registered and if the ID number sent does not match its records the validation shall be failed, even if the CLI check has been passed (Code=13).
- If the account is registered and if the ID number is not sent by the recipient operator the validation shall be failed, even if the CLI check has been passed.
- If the account is registered but if the ID number sent cannot be matched because the donor operator does not know it, then, even if the CLI check has been passed, the validation shall be failed (Code=15). In this case, the recipient operator should advise the subscriber to contact the donor operator to add his/her ID number to the registration information and then the Authorisation Request can be sent again.
- If the account is unregistered, if the recipient operator has confirmed that the CLI check has been passed, then the validation shall be passed.

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<div style="float:right; border:1px solid #999; padding:4px;">
Commented [A9]: This is redundant, as the donor would have logically already rejected the request with Code=10 given that no ID number has been sent by the recipient operator.
</div>

- ~~If the account is unregistered, and if the recipient operator has not confirmed that the CLI check has been passed, then the validation shall be failed, even if an ID number has been sent.~~

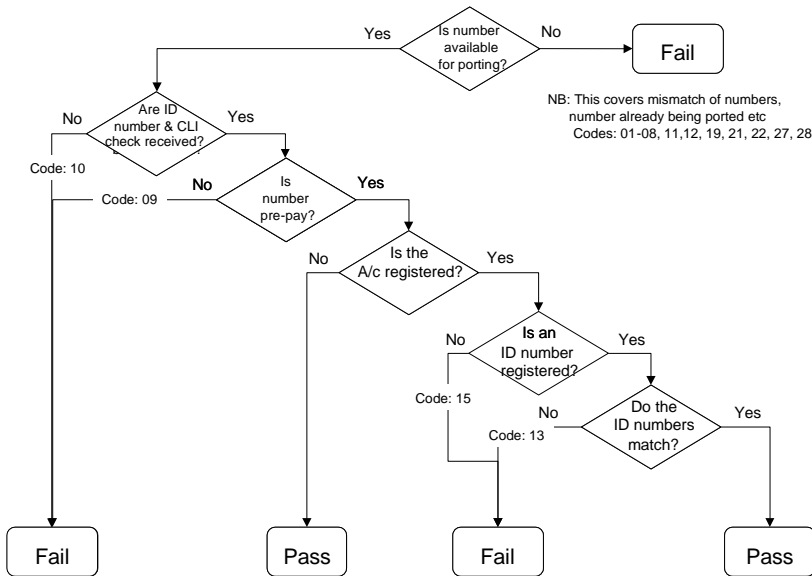The logic to be applied by the donor operator is included in figure 2.

Figure 2: Donor operator logic for pre-paid accounts

The donor operator shall ensure that SMSs received on 1811 are terminated correctly.

The donor operator may check that the number to be ported in the Authorisation Request matches the CLI of an SMS received by the number 1811. If the donor operator opts to implement this check, then it shall refuse the porting if a match is not achieved. The donor operator may delete unmatched SMSs after they have been stored for two (2) working days. This is to allow for Authorisation Requests to be delayed or re-submitted if problems occur.

Where a pass has been achieved, the donor operator shall accept the request.

The procedure specified above has been described for a single-line account but the procedure is also applicable to multi-line accounts. With multi-line accounts, the recipient operator shall send a separate Authorisation Request for each number for which porting is requested even when only one porting form has been received, and the availability of each number for porting shall be checked separately by the donor operator.

6.4.2 Personal post-paid accounts

Account is to be taken of the following:
- The subscriber may not be able to produce a bill or statement (they may for example have been lost or cannot be found); and
- The address of the subscriber may have changed.

The subscriber does not have to visit the premises of the recipient operator but may send the necessary documents via online means (e.g. email), by post, fax, or via another person.

Actions by the recipient operator

The recipient operator shall ask the person requesting porting to show or send in a copy of:

- The ID of the subscriber; and
- A bill or statement for the number to be ported issued within the three (3) months prior to the date of the porting request.

The recipient operator shall ask the person requesting porting if the account is single-line or multi-line. Experience has shown that subscribers may not always give correct answers to this question and therefore it is recommended that operators should indicate the account classification (single-line vs multi-line, personal vs non-personal) on all invoices.

If a valid ID is not available, then the recipient operator shall not proceed with the porting.

If a bill or statement is available, the recipient operator shall check the name on the ID against the name on the bill or statement.

- If the ID name matches the bill and the bill shows the number to be ported, then the ID-Bill test has been passed.
- If they do not match, the recipient operator shall not proceed with the porting except for the following cases:
  - Where, at the point of processing the porting request, the recipient operator is provided with verifiable information that the subscriber's name and/or surname has changed as a result of a legal change in status (e.g. marriage);
  - The subscriber's second names or initials are omitted, or there are reasonable mismatches in the subscriber's second names; or
  - There are minor evident spelling mistakes.

If a bill or statement is not available, the recipient operator shall perform a CLI check if the account is single-line. If it is multi-line the recipient operator shall not proceed with the porting. The recipient operator shall also ask the subscriber to send a blank SMS from the number to be ported to 1811.

(Note: The MCA has decided that the bill or statement shall not be required in all circumstances for a personal post pay single-line account as some subscribers may not retain their bills and statements.)

The recipient operator shall obtain a porting form signed by the subscriber. In the case that porting is requested by the subscriber's representative, a letter from the subscriber authorising his/her representative to request porting for the number is also required.

The recipient operator shall send to the donor operator the following information, as applicable:

- The ID number of the subscriber;
- The account number from the bill or statement if available but always required for multi-line;
- An indication whether the ID-Bill check has been passed; and
- An indication whether a CLI check has been passed.

Figure 3 shows the logic to be applied by the recipient operator.

Commented [A11]: Some editorial changes were needed here to reflect recent legislative changes such as those brought about by the Marriage Equality Bill 2017 and the possibility to legally change one's name (e.g. after gender reassignment).
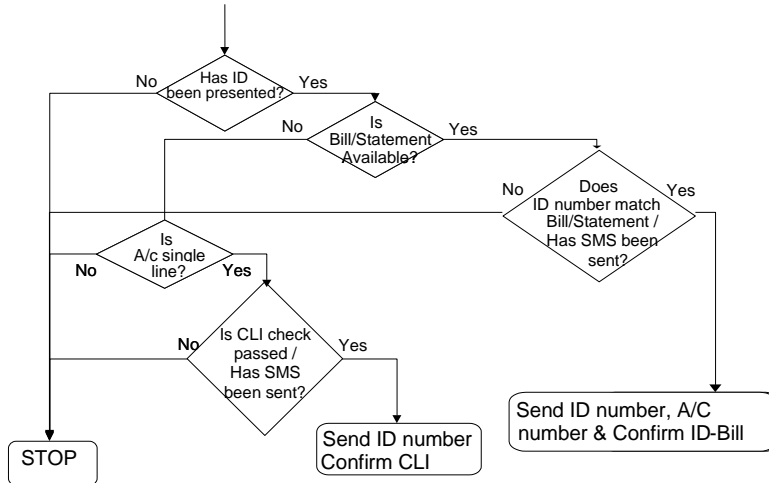
Figure 3: Recipient operator logic for personal post-paid accounts

In parallel the recipient operator shall fax or send by email or other agreed electronic method a scan of:

- The signed porting form, including the indication whether the CLI and/or ID-Bill checks have been passed;
- Copy of the subscriber's ID; and
- Letter of authorisation, if applicable.

Note: The MCA will review the way in which this information is handled by the donor operator. If many unjustified refusals occur, the MCA may reduce or remove the sending of these documents.

Actions by the donor operator

On receiving this information, the donor operator shall check its records for the number to be ported.

(Note: The operators know the ID number of the subscriber for the vast majority of personal post-paid accounts.)

The donor operator shall check that the an ID number has been sent with the Authorisation Request, that the phone number is available for porting and and that the number is on a post-paid account, and a complete and matching porting form has been received. If all these checks pass, then:

- If the ID number sent and the account number match its records, and either the ID-Bill check or the CLI check has been passed, the validation shall be passed.
- If the ID number sent does not match its records, the validation shall be failed (Code=13).
- If the ID number matches the records but the account number is not sent (because the subscriber did not present a bill), and if the CLI check has been passed, the validation shall be passed.
- If the subscriber's ID number cannot be matched because the donor operator does not know it, then if the account numbers match and the recipient operator has confirmed that the ID-Bill check has passed, the validation shall be passed.

In the very small number of cases where the donor operator does not know the ID number of the subscriber, the signature shall be checked against the records and, if the signature matches, the validation shall be passed.

The logic to be applied by the donor operator is shown in figure 4.
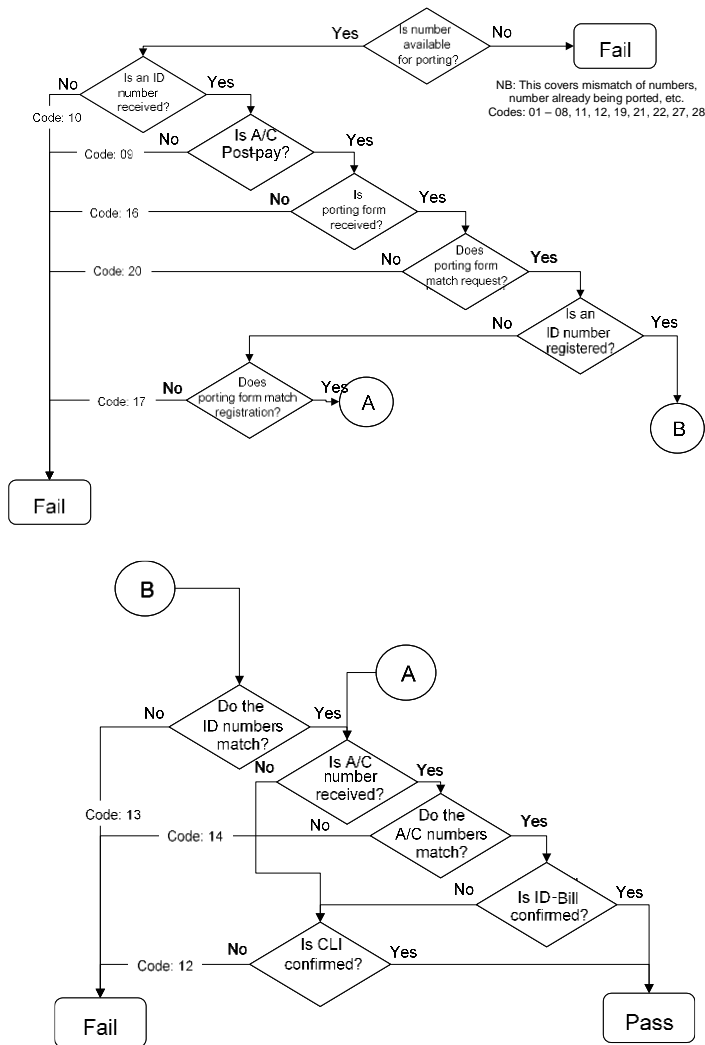
15

Figure 4: Donor operator logic for personal post-paid accounts

The donor operator shall ensure that SMSs received on 1811 are terminated correctly.

The donor operator may check that the number to be ported in the Authorisation Request matches the CLI of an SMS received by the number 1811. If the donor opts to implement this check, then it shall refuse the porting if a match is not achieved. The donor operator may delete unmatched SMSs after they have been stored for two (2) working days. This is to allow for Authorisation Requests to be delayed or re-submitted if problems occur.

If the validation has been passed the donor operator shall check that the copy of the signed porting form and letter of authorisation, if applicable, has been received and if it has, and, if there is not a severe mismatch with any signature held by the donor operator, the whole validation shall be passed.

The procedure specified above has been described for a single-line account but the procedure is also applicable to multi-line accounts. With multi-line accounts, the recipient operator shall send a separate authorisation request, including the account number, for each number for which porting is requested even when only one porting form has been received, and the availability of each number for porting shall be checked separately by the donor operator.

6.4.3 Non-personal post-paid accounts

Non-personal accounts differ from personal ones because the recipient operator has to deal with a legal representative of the non-personal entity that holds the subscription.

The legal representative does not have to visit the premises of the recipient operator but may send the necessary signed documents via online means (e.g. email), by post, fax, or via another person.

Actions by the recipient operator

The recipient operator shall ask the person requesting porting to show or send in a copy of:
- The identity card of the legal representative of the non-personal entity;
- A bill or statement issued within the last three (3) months for the number to be ported; and
- A letter of authorisation in case of a representative.

(Note: It is assumed that the legal representative of a non-personal entity will normally have an identity card because he/she is likely to be resident in Malta.)

If either:
- an identity card; or
- a bill or statement

is not available then the recipient operator shall not proceed with the porting.

Where the entity is a company then the recipient operator shall check that the name and address on the identity card is that of a legal representative of the company requesting porting as published by the Malta Business Registry. If it is not, then the recipient operator shall not proceed with the porting.

Where the entity is a not a company then the recipient operator shall check that the name and address on the identity card belong to an individual that appears as a responsible person e.g. partner, trustee, councillor, on some formal documentation for the entity. If it does not, then the recipient operator shall not proceed with the porting.

The recipient operator shall check if the name of the non-personal entity shown on the bill (if available) matches with reasonable accuracy with the name of the entity requesting porting for which the identity of the legal representative has been checked.
- If there is a match, the recipient operator shall confirm to the donor operator that the ID-Bill check has been passed.
- If there is not a match for example because the name of the entity has changed or because the entity changed address, the validation may still continue but the recipient operator shall not confirm that the ID-Bill check has been passed.

The recipient operator shall also ask the subscriber or legal representative to send a blank SMS from the number to be ported to 1811.

The recipient operator shall obtain a signed porting form. In case of a representative, a letter of authorisation from the legal representative requesting the porting for the number is also required.

The recipient operator shall send to the donor operator the following information:
- The identity card number of the legal representative of the non-personal entity;
- The account number from the bill or statement; and
- An indication whether the ID-Bill check has been passed.

In parallel the recipient operator shall fax or send by email or other agreed electronic method a scan of:
- The signed porting form, including an indication whether the ID-Bill check has been passed;
- Copy of the identity card of the legal representative of the non-personal entity; and
- Letter of authorisation, if applicable.

Figure 5 shows the logic to be applied by the recipient operator.
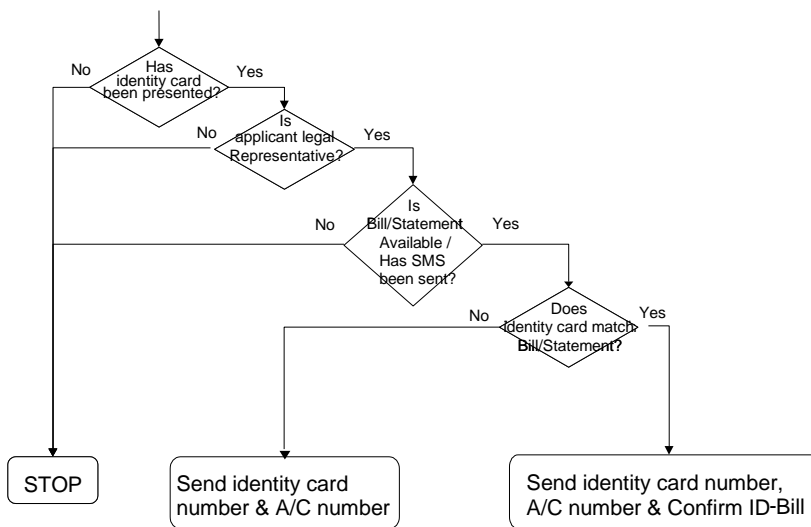

Figure 5: Recipient operator logic for non-personal post-paid accounts

Actions by the donor operator

On receiving this information, the donor operator shall check its records for the number to be ported.

The donor operator shall check that the number is available for porting and that the number is on a post-paid account. If these checks pass, then:
- If the identity card number sent matches its records and if the account number sent matches its records, validation shall be passed.

If the donor operator does not have the identity card number of the current legal representative, then in order to do the above check it shall endeavour to obtain the number:
- In the case of a company, from the database of the Malta Business Registry; or
- In the case of another type of non-personal entity, from any relevant authoritative source.

If the identity card number cannot be obtained and matched, the donor operator shall refuse the porting and the recipient operator should advise the subscriber to update its registration so that a match can be achieved, and then apply again.

The logic to be applied by the donor operator for non-personal post-paid accounts held by companies is shown in figure 6.
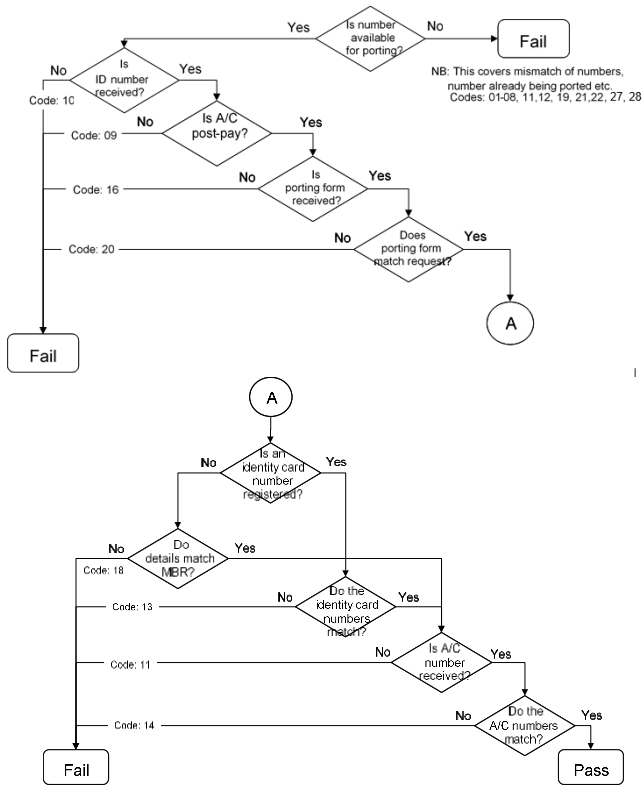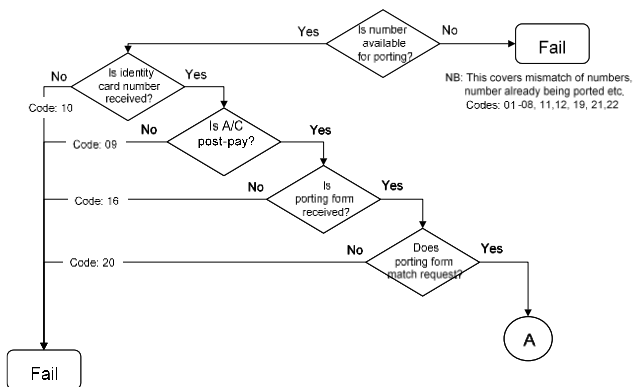
Figure 6: Donor operator logic for non-personal post-paid accounts held by companies

The logic to be applied by the donor operator for non-personal post-paid accounts held by entities other than companies (e.g. churches, clubs, embassies, Government departments, and public entities) is shown in figure 7.
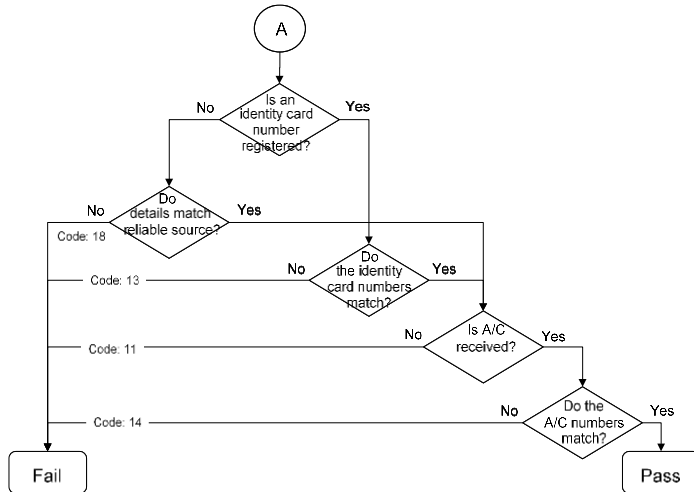
Figure 7: Donor operator logic for non-personal post-paid accounts held by entities other than companies

The donor operator shall ensure that SMSs received on 1811 are terminated correctly.

The donor operator may check that the number to be ported in the Authorisation Request matches the CLI of an SMS received by the number 1811. If the donor opts to implement this check, then it shall refuse the porting if a match is not achieved. The donor operator may delete unmatched SMSs after they have been stored for two (2) working days. This is to allow for Authorisation Requests to be delayed or re-submitted if problems occur.

If the validation has been passed, the donor operator shall check that the copy of the signed porting form has been received and if it has, and, provided there is no severe mismatch with any signature held by the donor operator, the whole validation shall be passed.

Though the procedure specified above has been described for a single-line account, the said procedure is also applicable to multi-line accounts. With multi-line accounts, the recipient operator shall send a separate Authorisation Request, including the account number, for each number for which porting is requested even when only one porting form has been received, and the availability of each number for porting shall be checked separately by the donor operator.

Where the non-personal account is a multi-line account, the donor operator may contact the legal representative of the non-personal entity to seek confirmation that the request is properly authorised. The donor operator may refuse the request if it receives an indication in writing, fax, email, recorded conversation or other agreed electronic method that the request is not correctly authorised.

6.4.4 Handling of applicants requesting porting of numbers associated with terminated accounts

The right to request porting[7] after termination of a contract (or other similar arrangement) pursuant to Regulation 94(6) of S.L. 399.48 (as detailed in Decisions 8/2022 and 9/2022) brings with it unique challenges that need to be overcome to ensure that only porting requests that are authentic and eligible are fulfilled. This section provides an overview of the actions by the recipient operator and the last serving provider, who would act as the donor operator, that comprise the 'initial screening' of the porting request to determine authenticity and eligibility.

Actions by the recipient operator
[Pending outcome of Consultation on Decision Notice]

- Besides the number to be ported, the recipient operator must also obtain the **applicant's identification details** and verify these details against a valid identification document.
- The recipient operator should also make attempts at discerning the **type of account** (e.g. prepaid, personal post-paid, etc.) last held by the applicant with the donor operator.
- The recipient operator should also obtain information on whether the account associated with the number to be ported was **registered or unregistered** with the donor operator prior to termination.
- The recipient operator should then request the applicant to provide it with the same **documents, account and/or additional personal details** that would otherwise be required had this porting request been received from a subscriber of the same account type being claimed by the applicant.
- [Pending outcome – additional steps may be necessary (e.g. recording verification codes sent to applicant by donor operator upon termination; CLI check; sending SMS to number to be ported; etc.]
- The details captured from the applicant should be reflected in the **Porting Form** to be submitted to the donor operator.
- An Authorisation Request to port the number should be sent once all the above information is obtained from the applicant.

Actions by the donor operator
[Pending outcome of Consultation on Decision Notice]

- Upon receiving an Authorisation Request to port a number belonging to a terminated account, the donor operator should carry out checks against documentation (if any) held for the terminated account against the details and/or documentation received from the recipient operator.
- As a first step, the checks should:
  - **Authenticate the applicant** as the person who last held a subscription associated with the number to be ported;
  - Verify that the porting request date is **within one (1) month from the date of termination** of the contract or other similar arrangement;
  - Verify that the right to request porting had **not been renounced** by the applicant at the point of termination.
  - Confirm that other verification details match as necessary (e.g. verification code claimed by applicant matches with code sent; SIM serial number is associated with number to be ported; etc.)

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[7] The applicant can also request *reactivation* of the number with the last serving provider. Such reactivation should also be carried out following robust authentication of the applicant's claim and verification to ensure that eligibility conditions are satisfied. The steps to be adopted are at the discretion of the service provider, provided that any such reactivations shall only be for the same person (natural or legal) that was the last subscriber associated with the number to be reactivated.

- If the applicant's request is authentic and eligible, the porting process should proceed in the same manner that would be applicable had this porting request been received from a subscriber of the same account type. Provided that the applicant's request also satisfies all other conditions associated with the Authorisation Phase, an Authorisation Response should then be sent to the recipient operator indicating that the porting process may proceed to the next steps accordingly.

Commented [A14]: We are proposing tying the determination of the applicant's eligibility and authenticity as part and parcel of the successful completion of all checks/processes that take place during the Authorisation Phase.

6.4.5 Summary of information sent by the recipient operator to the donor operator

The following table summarises the information to be sent by the recipient operator to the donor operator for the different cases (also applicable for terminated accounts of the same type).

Method	Pre-paid	Post-paid personal	Post-paid non-personal
Electronic messaging	- Subscriber's ID number - An indication that the account is pre-paid - An indication that a CLI check has been passed [Pending outcome, may not be applicable for terminated accounts] - [Pending outcome for porting of terminated numbers – additional info may be necessary (e.g. recording verification codes sent to applicant by donor operator upon termination; etc.]	- Subscriber's ID number - The account number from the bill or statement, if available, for single-line, and mandatory for multi-line - An indication whether the ID-Bill check has been passed, where applicable - An indication whether a CLI check has been passed, where applicable	- Identity card number of legal representative - The account number from the bill or statement - An indication that the ID-Bill check has been passed
Fax, email or other agreed electronic method	None. Except for cases where the subscriber is registered at the donor operator without an ID number, when the donor operator may request a copy of the porting form.	- Signed porting form - Copy of subscriber's ID - Letter of authorisation, if applicable	- Signed porting form - Copy of identity card of legal representative - Letter of authorisation, if applicable
Mail	The signed porting forms only if specifically requested by the donor operator.	None	None

6.4.6 Documents

The recipient operator is required to provide the applying port-in subscriber with a copy of the signed porting form, whether in a printed or electronic format. It shall also retain the following documents for a minimum of twelve (12) months or, if there is a dispute, until such dispute is finally concluded, whichever is the later, provided that the subscriber remains a subscriber of the recipient operator:

- A copy of any ID used;
- A copy of any bill used during the porting procedure;
- The original of the signed porting form and the letter of authorisation, if applicable; and
- A record of the person who made a CLI check and the time when it was made.

The donor operator shall retain any porting forms that it receives for at least two (2) months but shall not retain them for more than three (3) months.

Document images may be stored electronically, in which case there is then no requirement to store paper copies.

6.5 Other considerations

6.5.1 Early Termination

Many subscribers have complex contractual agreements with their network operator involving benefits and a minimum period of contract. Some subscribers may be uncertain of the details of these agreements such as the termination date of the contract and the penalty payable for early termination.

Wherever possible it is recommended that operators print the termination date of the contract and the current level of penalty for early termination on the subscriber's invoices.

Recipient operators may request information on the termination date of the contract and the penalty payable for early termination from the donor operator on behalf of the subscriber and with his/her consent, and the donor operator shall answer these requests in short order and as effectively as possible.

If a recipient operator wishes to pay an early termination penalty to the donor operator on behalf of a porting subscriber with the subscriber's consent, the donor operator shall accept such payment.

Donor operators are not allowed to refuse to port a number until the subscriber has paid any early termination penalty that may be owing to the donor operator, unless he/she has an outstanding bill or dues on a mobile telephone set that have not been paid within the normal period agreed to. To be in a position to port, such a subscriber may settle any reasonable termination charge applicable to the mobile telephone set in question. However, operators may agree voluntarily between each other not to accept as a new subscriber a person who has not paid the termination penalty due to the donor operator.

6.5.2 Detection of Erroneous Terminations

To facilitate early detection of erroneous terminations, and regardless of whether the terminated number belongs to a block allocated to the provider in question or to another provider (i.e. ported in[8]), the MCA recommends that the provider sends an SMS to the number being terminated with the following message:

> "Your account for <this number> is being terminated. If you disagree, please call customer services as soon as possible. (If you registered your details,) You may request to reactivate or port the same number for one (1) month from the termination date."

> **Commented [A15]:** Text moved from "Termination of Service", with amendments to reflect new Regulations on porting after contract termination.

> **Commented [A16]:** This text would only be required for applicants with unregistered prepaid SIMs, as addressed in Option (v) in *Section 5.2.5 – Porting Process* in the Consultation Document on Proposed Decisions.

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[8] The handling of terminated ported in numbers is addressed in further detail in Section 10 of this document.

Sufficient time to ensure the delivery of this SMS should be allowed prior to the deactivation of the account. Alternatively, the provider may opt to send this message through other durable media such as an e-mail.

7 Porting process

The porting process consists of four phases:
- Preparation Phase;
- Authorisation Phase;
- Activation Phase; and
- Instruction Phase.

These phases may follow each other in close succession. After completion of the process the recipient operator informs all the other operators, fixed and mobile, of the porting so that they can update their number portability databases where applicable (see Section 8 of this document).

The validation activities by the recipient operator take place during the Preparation Phase.

The validation process is spread across both the Preparation Phase and the Authorisation Phase.
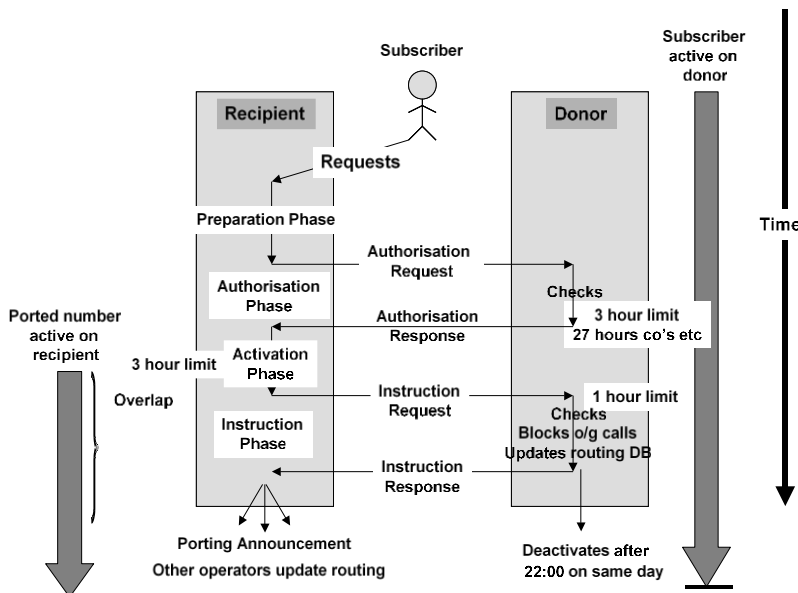
Figure 8 shows the phases.

Figure 8: Overview of procedure

In the following sections all references to time refer to working days, i.e. time within the hours
- 09:00-18:00 hours on weekdays
- 09:00-13:00 hours on Saturdays

excluding Sundays and public holidays.

The ~~Authorisation R~~request phase shall be started ~~sent by the recipient to the donor~~ only after:

a) the recipient's part of the validation process ~~(the Preparation Phase)~~ has been completed satisfactorily, and
b) the recipient operator's own qualification checks (e.g. identity check, credit check) for the subscriber have been completed satisfactorily.

~~The porting process is organised on a per-number basis and not as a batch process, including for numbers pertaining to the same multi-line account.~~

7.1 Support of inter-operator communications

In general, the communications between the operators involved in the porting process shall be made by using the Webservice described in the Webservice Specification. The format of the messages referred to in this specification is defined in the Webservice Specification.

In addition to the operation of the Webservice, each operator shall provide a Number Portability Support Desk with telephony and email contact that shall be staffed continuously by appropriately trained staff during the specified 'working day' hours. The operators shall exchange the contact details with each other and with the MCA so that the information in Annex 3 of this Specification document may be kept up-to-date.

7.2 Authorisation Phase

7.2.1 Authorisation Request

At any time the recipient operator may send an Authorisation Request to the donor operator for the porting of a number subject that:

a) the recipient's part of the validation process (the Preparation Phase) has been completed satisfactorily; and
b) the recipient operator's own qualification checks (e.g. identity check, credit check) for the subscriber have been completed satisfactorily.

The porting process is organised on a per-number basis and not as a batch process, including for numbers pertaining to the same multi-line account. In this respect, Where a subscriber has more than one number for which porting is requested, the recipient operator shall send a separate Authorisation Request for each number to be ported even when a single porting form has been received in the case of a multi-line account, and each number shall be handled as a separate porting. Consequently, some numbers pertaining to the same multi-line account may continue with the porting but others may not if they have been refused.

The format of the Authorisation Request is given in the Webservice Specification.

7.2.2 Authorisation Response

The donor operator shall reply within three (3) hours by sending an Authorisation Response. Where the subscriber is:
- a company with a multi-line account; or
- a non-personal legal entity other than a company with a single or multi-line account

the period for the donor operator to send an Authorisation Response shall be extended by one (1) working day.

The format of the Authorisation Response is given in the Webservice Specification.

Without prejudice to the above, if the recipient operator does not receive an Authorisation Response within the specified time limit, the recipient operator should contact the donor operator and the latter should explain the reason to the recipient operator. The recipient operator may wait to receive a late Authorisation Response from the donor operator or may terminate the process and start it again later if necessary. The failure to respond in time should be logged for statistical purposes, in line with Section 14 of this document.

If an Authorisation Request has been refused, but the problem causing the refusal has been resolved and the subscriber wishes the operator to resubmit the request, then the recipient operator is not required to ask the subscriber to sign a new porting request form or resubmit his/her documents unless more than four (4) weeks has elapsed since the previous form was signed. A new transaction identifier should be used for the resubmission.

The receipt of the Authorisation Response by the recipient operator marks the end of the Authorisation Phase.

During the Authorisation Phase (but not the Instruction Phase), the recipient operator may send an Abort message to the donor operator to abort the porting. The circumstances in which such a message would be sent include the detection that a wrong MSISDN was sent in the Authorisation Request.

On receipt of an Abort message, the donor operator shall terminate its processes in relation to the porting.

7.2.3 Quota

Donor operators are encouraged to handle all the Authorisation Requests they receive however they are permitted to refrain from processing these requests for valid technical limitations subject to the following conditions:

1. In the period up to 12:00 hours each working day the donor operator shall process Authorisation Requests on a first come first served basis until the number of Authorisation Requests processed from any individual operator reaches the *Individual Recipient Operator Authorisation Request Limit (see definition below)*;

2. Once the *Individual Recipient Operator Authorisation Request Limit* is reached, the donor operator is not required to process further Authorisation Requests from the recipient operator concerned until 12:00 hours but instead shall store the remaining Authorisation Requests from this recipient operator for after 12:00 hours while continuing to process requests from other recipient operators;

3. After 12:00 hours, the donor operator shall process the remaining Authorisation Requests together with the Authorisation Requests received after 12:00 hours in the order in which they were received until a total of 240 Authorisation Requests has been processed during that working day;

4. After 240 Authorisation Requests have been processed, the donor operator that opted to utilise this quota shall treat any subsequent Authorisation Requests as if they were received the following working day and treat them as new Authorisation Requests as part of the *Individual Recipient Operator Authorisation Request Limit* of the following day. Such requests should be treated with a response code 24 indicating to the recipient operator that they are being processed the following day.

Definition of *'Individual Recipient Operator Authorisation Request Limit'*: 240 (two hundred and forty) divided by the total number of operators that may request a porting from the donor operator.

On Saturdays:
- the time of 12:00 hours shall be replaced by 11:00 hours;
- the *Individual Recipient Operator Authorisation Request Limit* shall be halved; and
- the limit of 240 shall be replaced by 120.

The MCA will analyse statistics pertaining to response code 24 from time to time and when it deems necessary.

The quota applies only to Authorisation Requests and not to Instruction Requests.

7.3 Activation Phase

The following applies separately for each number for which porting is requested.

Where numbers pertaining to a multi-line account are being ported, it applies separately to each number for which porting is requested even when a single porting form has been received. Consequently, some numbers pertaining to the same multi-line account may continue with the porting but others may not if they have been refused.

If the Authorisation Phase has been completed successfully (i.e. Authorisation Response received by recipient operator with Code = 00), the recipient operator shall activate the number to be ported on its network, and no routing changes are applied at this stage, and then proceed to the Instruction Phase.

If the recipient operator does not proceed to the Instruction Phase within three (3) hours of receiving a successful Authorisation Response, then the recipient operator shall not continue to the Instruction Phase but may restart the porting process if appropriate.

If the Authorisation Request has been refused, the recipient operator may consult the subscriber to resolve the problem and may submit a revised Authorisation Request. After two refusals for the same number the recipient operator shall not submit further requests until it has resolved the problem with the donor operator.

At this stage, while originating calls can be made from the number to be ported using the recipient's SIM, the subscriber still has full service on the donor's end.

During the Activation Phase, the recipient operator may send an Abort message to the donor operator to abort the porting. The circumstances in which such a message would be sent include the detection that a wrong MSISDN was sent in the Authorisation Request.

On receipt of an Abort message, the donor operator shall terminate its processes in relation to the porting.

7.4 Instruction Phase

7.4.1 Instruction Request

The recipient operator shall send an Instruction Request to the donor operator.

The format of the Instruction Request is given in the Webservice Specification.

Instruction Requests shall only be sent for numbers for which the porting has been accepted within the last three (3) hours, and for numbers that have been activated on the recipient operator.

7.4.2 Instruction Response

The following applies separately for each number for which porting is instructed. Where numbers pertaining to a multi-line account are being ported, it applies separately to each number for which porting is requested even when a single porting form has been received. Consequently, some numbers pertaining to the same multi-line account may continue with the porting but others may not if they have been refused.

The donor operator shall send the Instruction Response within one (1) hour of receiving the Instruction Request.

Unless the Instruction Request is to be rejected because:

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- ~~The number to be ported is not the subject of a request made and accepted NB~~(Note: This includes the number not being a valid number) ~~- responseCode - 32~~;
- ~~the number has already been ported under the same acceptance (i.e. the instruction has been sent twice in error) - responseCode -~~ 33;
- ~~service on the number to be ported has been suspended due to debt problems since the request was accepted - responseCode -~~ 34;
- ~~the SIM for the number to be ported has been stolen since the request was accepted - responseCode -~~ 35;
- ~~Instruction rejected because the Instruction Request was received more than three hours in the porting period after the Authorisation Response was sent - responseCode -~~ 36;
- ~~other reasons apply that require discussion between the operators - responseCode -~~ 37;
- ~~Instruction rejected because the recipient operator is not the same as in the Authorisation Response - responseCode -~~ 38;
- ~~Instruction rejected because the donor operator is not the same as in the Authorisation Response - responseCode -~~ 39; or
- ~~Instruction rejected because the transaction ID~~ identifier ~~is a duplicate, i.e. the instruction has already been sent - responseCode -~~ 40;

Unless the Instruction Request is to be rejected because of any of the rejection reasons listed in Annex 2.2, the donor operator shall perform the following actions as one atomic transaction:
- deny subscriber from performing Location Update from the number being ported;
- update its routing tables and, when the donor operator is the block operator, also apply onward routing. This means that calls and messages originating from subscribers on the donor's network and from subscribers of other operators using the donor operator for indirect routing are routed to the recipient operator; and
- send an Instruction Response with Code=30.

On receiving a successful Instruction Response, the recipient operator shall update its routing database. This will ensure that calls and messages originating from the recipient's network are handled appropriately. When the recipient operator is also the block operator, it shall remove any onward routing applied to support previous portings.

Where the donor operator has sent a positive Instruction Response, the donor operator shall after 22:00 hours on the same day:

- deactivate the number on its network; ~~. This results~~ resulting ~~in all~~ incoming calls, SMS ~~messages and MMS messages to the ported number being onward routed in accordance with the network specification;~~ and
- close any mailboxes, with the loss of any messages stored in them, and any other services attached to the ported number.

Note: The reason why the deactivation of the number on the donor operator's network is delayed by several hours after the time when the Instruction Response is sent is to allow time for those other networks to update their databases. This is necessary because a potential problem arises where the donor operator receives an incoming call or SRI_SMS with a prefix already added. This case will arise where either:
- The originating operator uses All Call Query (ACQ); or
- The donor operator is not the block operator and the call or signalling has been onward routed.

If a prefix is present on the incoming call or signalling and if the number is not active on the donor operator's HLR/HSS that is identified by the prefix, the communications will fail and be treated as if the subscriber is unknown. This may deter a caller from making subsequent attempts to communicate and will result in lost messages. (As a security measure against endless loops that could arise from inaccurate routing data, operators are not allowed to programme their systems to replace or update prefixes.)

By keeping the number active ~~until all the other operators have updated their routing information~~, these communications will be treated as if the subscriber is unavailable (callers are given a message and SMSs are repeated). This handling of the incoming communications is much more appropriate. In this respect, the donor operator is required to keep the number active on its network at least until 22:00 hours on the same day when it sends the successful Instruction Response to provide all other operators with sufficient time to update their routing information prior to number deactivation by the donor operator.

The format of the Instruction Response is given in the Webservice Specification.

7.5 Handling of Errors and Other Issues

During the porting process, operators may encounter unforeseen errors or other issues that might necessitate a response via the Webservice, as appropriate in the circumstances being faced. Two such situations include the need to resubmit a particular request (Section 7.5.1 of this document) and handling out of sequence messages or codes (Section 7.5.2 of this document).

7.5.1 Resubmission of a request

The resubmission functionality allows an operator to resend a request or response that has been refused using the same transaction identifier, with possibly certain parameters changed. In particular, all parameters can be modified except for the following:
- Recipient Operator
- Donor Operator

This functionality is only applicable under specific conditions as defined below:

Authorisation Phase
The recipient operator can resubmit an Authorisation Request when:
- The recipient operator sends an initial Authorisation Request to the donor operator, and the latter replies back with an Authorisation Response Code 01, 15 or 16.

The donor operator can resubmit an Authorisation Response when:
- The donor operator originally replies back to the recipient operator with an Authorisation Response, and the latter specifies a Webservice return code other than 0, 1 or 2.

If the resubmission is made more than two (2) working days after the original submission, then the recipient operator should ask the subscriber to send another blank on-net SMS to 1811 once again.

Instruction Phase
The recipient operator can resubmit an Instruction Request when:
- The recipient operator initially sends an Instruction Request to the donor operator, and the latter replies back with an Instruction Response using Code = 31.
- The recipient operator initially sends an Instruction Request to the donor operator, and the latter specifies a Webservice return code other than 0, 1 or 2.

The donor operator can resubmit an Instruction Response when:
- The donor operator originally replies back to the recipient operator with an Instruction Response, and the latter specifies a Webservice return code other than 0, 1 or 2.

For both phases, when the same request or response is resubmitted more than two times, the operator is only allowed to resubmit again after an interval agreed on by the operators involved, and as required by the circumstances. For instance, in case the donor operator responds with system unavailable twice consecutively, the latter should advise the recipient operator on the expected downtime of the system and hence agree on a suitable interval before the next resubmission.

7.5.2 Out of sequence messages or codes

Operators shall not send codes that relate to messages other than the one for which they have been specified. Where a recipient operator receives a message with a code specified for a different message (e.g. an Authorisation Response with the Code 34) the recipient operator shall ignore the response and shall contact the donor operator and the donor operator shall send the correct response with the appropriate code.

If during the Instruction Phase the donor operator realises that it erroneously failed to refuse an application during the Authorisation Phase and had authorised the porting, the porting process should still take place unless there is a risk that subscribers or other third parties are negatively affected. The donor operator may not use any other response codes during the Instruction Phase to refuse such a porting application and shall continue with the porting process.

7.6 Cancellation of a *porting* request *by the subscriber*

The subscriber may not cancel porting by contacting the donor operator. Also, as from the submission of the signed Porting Form to the recipient operator, the subscriber may not cancel porting by contacting the recipient operator.

8 Porting Announcement and data publication

The objective is to provide all other operators with a list of the active ported in numbers that are currently served by each mobile operator.

Each recipient operator shall send a Porting Announcement message to each other operator within sixty (60) seconds of receiving a positive Instruction Response that completes the porting.

The recipient operator should deliver the Porting Announcement message to all operators. If any operator does not respond with a successful Webservice return code, the recipient operator is obliged to resubmit the Porting Announcement to the respective operator according to the retry scheme defined in the Webservice specification.

The format of the Porting Announcement message is given in the Webservice Specification.

Upon receipt of the Porting Announcement message, an operator that is neither the recipient operator nor the donor operator shall update its routing tables such that calls/messages originating from subscribers on this operator's network and from other operators using this operator for indirect routing are routed to the recipient operator. When the block operator is neither the recipient nor the donor operator, it shall also take care to update any onward routing applied to support previous portings such that calls/messages originating from subscribers of other operators using the block operator for indirect routing are onward routed to the recipient operator.

All operators shall include the ported number in their list of active ported in numbers except when the recipient operator is also the block operator, in which case each operator shall remove the number from its list of ported in numbers.

9   Subsequent portings

9.1   Portings back to the block operator

Where the subscriber requests porting back to the block operator (i.e. where the recipient operator is the block operator), the porting procedure specified in sections 5-8 shall apply with the following exceptions:

- The donor operator shall not apply onward routing as described in Section 7.4.2 such that when the Instruction Phase is completed successfully, the donor operator shall perform only the following actions as one atomic transaction:
  - deny subscriber from performing Location Update from the number being ported; and
  - send an Instruction Response with response code 30.

- The donor operator shall remove the number from the list of ported in numbers made available under section 8.

- The recipient (block) operator shall not add the number to the list of ported in numbers made available under section 8.

- On receiving a successful Instruction Response as described in Section 7.4.2, tThe recipient (block) operator shall remove any onward routing applied to support previous portings.

9.2   Portings where neither donor operator nor recipient operator is the block operator

Where the subscriber requests porting where neither donor operator nor recipient operator is the block operator, the porting procedure specified in sections 5-8 shall apply with the following exceptions:

Commented [A24]: Addition to highlight the case where the block operator is neither the donor nor the recipient.

This should also make the text more fluent for the reader, than having such specific cases handled in a separate section as in the current version of the Specs (Chapter 9).

Commented [A25]: Addition to single out the exception necessary when the recipient operator is also the block operator. It might be more fluent for the reader to have this text here, than in a separate section as in the current version of the Specs (Chapter 9).

Commented [A26]: As indicated in previous comments, changes were introduced to Sections 7.4.2 and Chapter 8 to make the text more fluent for the reader. These changes made the 'old' Chapter 9 redundant altogether.

~~The donor operator shall not apply onward routing as described in Section 7.4.2 such that when the Instruction Phase is completed successfully, the donor operator shall perform only the following actions as one atomic transaction:~~
  - ~~deny subscriber from performing Location Update from the number being ported; and~~
  - ~~send an Instruction Response with response code 30.~~

~~The donor operator shall remove the number from the list of ported numbers made available under section 8.~~
- ~~On receiving a Porting Announcement as described in Section 8, the block operator shall update any onward routing applied to support previous portings.~~

9   Winback

In accordance with Decision 15/2022, donor operators are not allowed to initiate contact with the subscriber/applicant during the porting, or within two (2) months of the completion of the porting, or within one (1) week of a porting request being refused, with the exception that exit surveys may be sent in writing to subscribers selected for such surveys on a random basis. Contacts to solve problems that affect the subscriber's service that have arisen during the porting process are allowed, as are contacts in relation to the implementation of porting following termination of the contract (or other similar arrangement).

Furthermore, after successful porting, the donor operator is allowed to initiate contact with the subscriber/applicant if this is necessary to address issues related to the processing of refunds to consumers on pre-paid or hybrid tariffs, and/or the settlement of any outstanding unpaid bills which become overdue after the porting process. In any case, donor operators must refrain from any winback attempts whilst in communication with the subscriber/applicant.

Commencing as from the receipt of the signed Porting Form, recipient operators shall not accept requests from other operators or the subscriber to cancel the porting request, or port the respective number again, until two (2) months have elapsed from when the porting is functional.

Where the recipient operator becomes aware of an alleged breach of this requirement, the recipient operator shall either obtain the consent of the subscriber affected before making any complaint to the MCA about the donor operator, or otherwise adequately substantiate the complaint with tangible evidence.

10   Termination of service on ported in numbers

When a number to be terminated corresponds to a ported in number, the last serving provider (formerly the recipient operator for this number) must inform all operators so that they update the list of ported in numbers, and specifically to inform the block operator that the number is being returned to it, such that the aforesaid block operator can ensure that onward routing is ceased. This obligation is fulfilled through the sending of an e164Terminated message. General provisions governing the sending of the e164Terminated message are provided in Section 10.1 of this document.

However, due account must be taken of the subscriber's right to request porting or number reactivation for a period of one (1) month from the date of termination, not only for cases where the terminated number is ported in, but also when it belongs to a block allocated to the last serving provider. To this end, mobile voice communications services providers are required to:
- Inform the subscriber of his/her right to request porting or reactivation for a period up to one (1) month from termination of the contract (or other similar arrangement), in line with Decision 8/2022; and
- Determine whether the subscriber wishes to renounce such right, in line with Decision 9/2022.

In order to safeguard this right, in the context of terminated numbers that were ported in, providers are to apply the submission timeframes for sending the e164Terminated message as specified in Section 10.2 of this document.

10.1 General provisions

The last serving provider shall send an e164Terminated message to each of the other operators when it ceases to supply service on a ported in number and the number is not ported to another operator or reactivated.

Following the submission of the e164Terminated message, if any operator does not respond with a successful Webservice return code, the last serving provider is obliged to resubmit the e164Terminated message to the respective operator according to the retry scheme defined in the Webservice Specification. The format of the e164Terminated message is also given in the same Webservice Specification.

Under clause 14, Section 3.2 of the revised National Numbering Conventions of June 2006 (as updated in May 2014), operators are required:

> "Whenever use of a number by a subscriber ceases, not to re-allocate the number to another subscriber for a period of at least three months".

This requirement shall apply to the block operator after the number has been returned to it, i.e. after it has received the e164Terminated message. Furthermore, the last serving provider is prohibited from re-allocating the terminated ported in number to another subscriber regardless of the elapsed time.

10.2 Submission timeframes for the e164Terminated message

With a view to facilitate the implementation of the right to request porting or reactivation of a number within one (1) month from termination of the contract (or other similar arrangement), the e164Terminated message shall be sent one (1) month from the date when the contract or other similar arrangement for service is terminated on the network of the last serving provider; except when the number has been ported to another operator or reactivated during the lapse of this one-month period.

However, in the case of subscribers who renounce this right, the last serving provider for the ported in number can send the e164Terminated message after the lapse of three (3) working days, and not later than one (1) month, from the date of termination. Notwithstanding the explicit renunciation by the subscriber, it is advisable to allow a three-day 'grace period' to allow time for resolving exceptional cases such as where subscriber numbers may have been erroneously terminated or marked as renounced.

11 Transaction Status

Each operator shall cooperate with the other operators in sharing status information on porting transactions.

When an operator receives a GetTransactionStatus, it shall respond with a GetTransactionStatus Response within 60 seconds.

The format of the GetTransactionStatus is given in the Webservice Specification.

12 Logging of Messages and actions

Each operator shall maintain an up-to-date log of the messages received and sent and make it available to other operators for reconciliation and, upon request, to the MCA for informational purposes.

When an operator receives a GetTransactions, it shall respond with a GetTransactions Response within 60 seconds.

The format of the GetTransactions is given in the Webservice Specification.

13 System performance and handling of major failures

All operators shall record the occurrence and duration of failures in the Webservice and the support systems used by the number portability process. These records shall be available on request to the MCA.

Where the automated porting system is either unavailable or not meeting the performance requirements to comply with the number portability process specifications for more than one (1) day, as a result of system failures and/or extraordinary events[9], then the operators shall use their best efforts to provide an alternative manual system so that number porting may be continued. Operators are to keep the MCA continuously informed of any identified issues in relation to the unavailability or non-performance of the automated porting system, and of the measures being adopted to address these issues.

In such circumstances, the MCA may also recommend the adoption of an interim measure such as the use of an alternative manual system.

> **Commented [A28]:** Various changes/additions in this section to further clarify operator's responsibility to ensure availability of the Webservice and support systems for number portability.

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[9] Extraordinary events include all scenarios whereby the timely processing of requests as per quota via the Webservice is jeopardised to the extent that it may significantly delay and/or discourage porting of numbers to the detriment of subscribers' right to choose their provider. This includes periods of time when the donor operator (or respective agents working on its behalf) cannot reasonably be expected to adhere with the porting quota due to a significant backlog of unprocessed requests.

14 Reporting of statistics

Operators are required to provide the MCA with up-to-date information on the performance of the number portability process upon request, in accordance with Decision 17/2022. The information requested may include, *inter alia*, the following:

- The number of requests received from subscribers for the porting of individual numbers;

- The number of Authorisation Requests that have been rejected by the donor operator (separate figures for each donor operator);

- The number of Authorisation Request rejections for each of the Ttwo most common porting refusal reasons received from the donor operator (separate figures for each donor operator);

- The number of Instruction Request rejections for each of the two most common porting refusal reasons received from the donor operator (separate figures for each donor operator);

- The number of fully successful portings that were effected within the specified time limits (separate figures for each donor operator);

- The number of successful portings that were not effected within the specified time limits (separate figures for each donor operator);

- The total number of unsuccessful portings including requests rejected at the Instruction Phase, (separate figures for each donor operator); and/or

- The total number of port-outs (separate figures for each donor operator).

15   Separation of service provider and network operator

The original document had been written on the basis that the operator is both service provider and network operator. This is no longer necessarily the case and the service provider and network operator may be distinct entities. This section explains how the Specifications should be used in these circumstances.

Since the porting process takes place at the service provider level, knowledge of the subscriber information should always be accessible and verifiable at this level, regardless of any commercial conditions established between the service provider and any associated undertaking, such as an underlying network operator. This is necessary as it is the recipient *service provider* that takes the order from the subscriber and it is only the donor *service provider* that is expected to respond to the Request messages because the response requires knowledge of the subscriber account. Therefore, the terms recipient and donor *operators* in the Specifications should generally be taken to refer to the recipient and donor *service providers.*

Notwithstanding, where there are steps in the porting process that relate to network functionality, such as activating and deactivating numbers and applying onward routing, it is understood that these activities can only be undertaken by the *network operators.* Therefore, where the service provider and network operator are distinct undertakings, these activities should only be implemented under the direction of the relevant *service providers*, e.g. the recipient service provider should request activation by the recipient network operator.

The exact details of the arrangements between the service providers and network operators may vary but the overriding principle is that the parties should cooperate so that together they comply with these Specifications to ensure a timely fulfilment of porting requests. For example, in one case the service provider may handle all the process and the webservice under its own identity on the webservice, whilst in another case the supporting network operator may handle the webservice as an agent for the service provider under the latter's identity on the webservice.

Regardless of the arrangement adopted, network operators whose access networks, facilities and/or technical solutions are used by the donor and/or recipient operator(s) involved in porting requests are responsible in ensuring that there is "no loss of service that would delay the porting process". With a view to clarify lines of responsibility, Decision 12/2022 establishes that it is the *service providers* involved in porting requests that are to assume *primary* responsibility for the porting process, including where there are dependencies on access networks, facilities and/or technical solutions provided by third parties.

Decision 12/2022 also stipulates that, where any underlying access networks, facilities and/or technical solutions are provided by undertakings authorised with the MCA as providers of electronic communications networks and/or services (ECN/S) in Malta (e.g. Mobile Virtual Network Enabler (MVNE), Access Provider), these are to conform with all applicable number portability Decisions and Specifications. Failure by such third parties to adhere with the Specifications can also be regarded as a loss of service towards the service provider and/or end-user. Should issues arise between the service provider and an underlying operator and/or solution provider, the Authority is empowered by law to impose obligations related to number portability directly on any locally authorised undertaking involved, in the best interest of affected subscribers.

Annex 1 Porting Form

This Annex contains the minimum contents of the porting form that is to be used by the recipient operator for both active and terminated numbers. Where multiple numbers are being raised for porting in a single form, it is advisable not to include a mix of active and terminated numbers in the same porting form.

> **Commented [A30]:** Various changes were implemented in the sample Porting Form due to the implications of new or updated provisions, in particular the facility to request porting of a number after contract termination.

Operator Logo

Mobile Number Portability Application Form

CORPORATE

| Name | | Company/Entity Reg. No. | |

INDIVIDUAL/CORPORATE REPRESENTATIVE

Name & Surname _____ Identification Doc. No. _____

Address _____

Contact No. _____ Fax _____

Request - Date ___ / ___ /20 Time ___ : ___

Donor Operator _____ Donor Account No. _____
(Current/Last Serving Service Provider) *(if applicable)*

Account Type   Single-Line ☐   Multi-Line ☐   Pre-paid ☐   Post-paid ☐

Account Status   Active ☐   Terminated ☐

PORTING NUMBER _____

PORTING NUMBERS _____
In case of Multi-Line Account

	Yes	No	N/A
ID Check	☐	☐	☐
CLI Check	☐	☐	☐
Sent SMS to 1811	☐	☐	☐
ID-Bill Check	☐	☐	☐

The Malta Communications Authority wishes to advise the applicant that the Donor Operator is not allowed to initiate contact with him/her from when he/she signs this application form, including a period of two months commencing from when the porting has been successfully completed, or one week in cases where the porting request has been declined. The applicant should report any non-conformity with this requirement to *<Recipient Operator Name>*. Applicants may nevertheless contact the Donor Operator if they wish to do so, for instance to submit a request for a credit refund.

Terms & Conditions:
1. Applicant is the rightful owner of the mobile number(s) stated above.
2. In the case of consumers with pre-paid or hybrid connections, the applicant should note that, upon request following successful porting, any unused monetary credit with the Donor Operator may be refunded by the latter, albeit a fee may apply if this is already provided for in the contract or other similar arrangement between the applicant and the Donor Operator. Such requests must be made to the Donor Operator within two weeks of a successful porting.
3. Any messages on the Voice Mailbox of the Donor Operator will be lost.
4. Any undelivered SMS and MMS on the mobile number(s) stated above may be lost after the porting process is complete.
5. In the case of post-paid connections, the balance due to the Donor Operator is duly paid.
6. The Donor Operator shall remove any entry/entries relating to the applicant's mobile number(s) which may be included in any directory information service of such provider upon the successful completion of the porting process.
7. The applicant is aware that the Donor Operator will automatically terminate his/her contract or other similar arrangement upon successful porting. In case the number(s) to be ported form(s) part of a contract or other similar arrangement comprising other services offered to the applicant by the Donor Operator, the applicant is aware that such automatic termination can have implications on any other services, such as in a bundled offer, that the applicant may have with the Donor Operator. Penalties for early termination of the said contract may apply.

Data Protection Clause:
<Recipient Operator Name> processes data lawfully and in a proportionate, fair and justified manner without prejudice to the data subject's rights at law, including those to access, object, rectify and erase such personal data. For more information, the customer is strongly urged to read *<Recipient Operator Name>*'s Privacy Policy available at *<Link to Privacy Policy on Recipient Operator's website>* and which shall also be provided to the applicant in hard copy if so requested.

Please note that in compiling this form the applicant must provide personal data that is correct and accurate in order to be matched with the data held by the Donor Operator for validation purposes.

Declaration
I hereby declare that I authorise *<Recipient Operator Name>* to act as my/our Porting Agent for the mobile number(s) listed on this document and am duly authorised to consent *<Recipient Operator Name>* to act as my porting agent. I also declare that I am the legal owner / signatory / duly authorised for the mobile number(s) stated above and that all the information above stated is correct. I also understand that all actions linked to the porting process are subject to the Terms and Conditions stated on this document.

I also hereby declare that I have been asked by *<Recipient Operator Name>* whether I have any supplementary services linked to my telephone number(s), and if so, the aforesaid operator informed me which of these services would be lost once the porting process is complete.

I also hereby declare that I am aware that after signing this application form, *<Recipient Operator Name>* shall not accept another application on my behalf to port back to the Donor Operator, or to another service provider, using the same facility for a period of two months after completion

Applicant Signature _____ Date ___ / ___ /20

For Internal Purposes Only
I hereby declare that I have carried out all the necessary checks related to the mobile number porting process in order to verify that the mobile number(s) stated above can be ported.

Processed by _____ Signature _____

Annex 2 Response Codes

Annex 2.1 Codes for use in the Authorisation Response

00 - Request accepted.

01 - The system is currently unavailable. Please try again later.

02 - Request rejected because number to be ported is not a valid number for a subscriber on the Donor Operator's network. (NB: In the case of prepaid where the subscriber's number is being held under a grace period, porting shall be allowed up to one week before the end of the grace period).

> **Commented [A31]:** This is now redundant given the right to request porting after contract termination.

03 - Request rejected because phone is blocked as it was stolen or lost.

04 - Request rejected because the subscriber has an outstanding bill or dues on a telephone set that has not been paid within the normal period allowed.

05 - Request rejected because the subscriber is already subject to suspension of outgoing or incoming calls because of failure to pay a bill.

06 - Request rejected because the number is already subject to a porting process.

07 - Request rejected because the number has already been ported in the last two months.

08 - Request rejected because there are identified auxiliary services still active on the number.

09 - Request rejected because the classification of the account does not match, e.g. a request is made under the pre-paid procedure for a post-paid account.

10 - Request rejected because for pre-paid the recipient operator did not send both the ID number and confirm-CLI, or for post-paid the recipient operator did not send the ID/passport number and ID-Bill check, (as applicable).

11 - Request rejected because an account number was not sent.

12 - Request rejected because CLI check not passed.

13 - Request rejected because the ID/Passport Number does not match the number held by the donor operator.

14 - Request rejected because account number match fails.

15 - Request rejected because donor does not have and cannot obtain ID/Passport Number to match to ID/-Passport Number sent.

16 - Request rejected because the necessary documents (authorisation letter, porting form, copy of Identification Document) have not been received.

17 - Request rejected because the porting form has been received and is not signed or there is a severe mismatch with the donor's records.

18 - Request rejected because the signature / ID is not of the legal representative according to the Malta Business Registry (MBR).

19 - Request rejected as it is a special case requiring discussion (NB: This code is only to be used when there is no other specific code and should be used on very rare occasions).

20 - Request rejected because electronic details and porting form do not match.

21 - Request rejected because credit limit for post-paid subscriber has been exceeded.

22 - Duplicate transaction identifier (i.e. request has already been sent).

23 - Request rejected because the account is the pre-paid account of a person under 18 years old and consent of the parent or guardian is required and has not been given.

24 - Request to be processed during the next working day since MNP Quota has been reached.

25 - Request rejected because the porting form submitted is back dated by more than four weeks.

26 - Request rejected because the donor has not been able to match the number to be ported in the Authorisation Request with the CLI of an SMS received on 1811.

27 - Request rejected because more than one month has elapsed since the subscription associated with the number to be ported was terminated.

28 - Request rejected because the subscriber formerly assigned this number had renounced the right to request porting when terminating his/her subscription.

Annex 2.2 Codes for use in Instruction Response

30 - Instruction completed.

31 - The system is currently unavailable. Please try again later.

32 - Instruction rejected because number to be ported is not the subject of an Authorisation Request made and accepted in the Authorisation Phase. (NB: This includes the number not being a valid number).

33 - Instruction rejected because the number has already been ported under the same acceptance (i.e. the Instruction Request has been sent more than once in error).

34 - Instruction rejected because service has been suspended due to debt problems since the Authorisation Request was accepted.

35 - Instruction rejected because the SIM associated with the number to be ported has been stolen/lost since the Authorisation Request was accepted.

36 - Instruction rejected because the Instruction Request was received by the Recipient Operator more than 3 hrs elapsed from when the Authorisation Response was sent.

37 - Instruction rejected for other reasons that require discussion between the operators.

38 - Instruction rejected because recipient operator is not the same as in the Authorisation Response.

39 - Instruction rejected because donor operator is not the same as in the Authorisation Response.

40 - Duplicate transaction identifier (i.e. Instruction Request has already been sent).

Annex 2.3 List of Identified Auxiliary Services

None

Commented [A32]: Proposed to remove this section.

Annex 3 MNP Contact Desk Details

All operators should ensure that the Number Portability Support Desk is staffed continuously by appropriately trained staff during the porting hours, and that the MCA is informed immediately upon any changes to the contact desk details. This would ensure that the Authority would be in a position to inform all local voice communications service providers of the new contact details.

The objective of having such Number Portability Support Desks is that a problem will either be resolved or a solution agreed within five (5) working days of it being first raised, otherwise the issue will be referred informally to the MCA to convene a meeting if necessary to seek a resolution by consensus.

Mobile Service Provider	Contact E-Mail	Contact telephone number
epic	consumer.mnp@epic.com.mt	99358170
GO Mobile	MNP.Billing@go.com.mt	23862673
Melita Mobile	porting@melitaltd.com	27273129