



# GOVERNMENT GAZETTE OF THE REPUBLIC OF NAMIBIA

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## General Notices

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### COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 500

2018

#### AMENDMENT OF THE REGULATIONS PRESCRIBING THE NATIONAL NUMBERING PLAN FOR USE IN THE PROVISION OF TELECOMMUNICATIONS SERVICES IN THE REPUBLIC OF NAMIBIA, NUMBERING LICENCE FEES AND PROCEDURES FOR NUMBER LICENCES: COMMUNICATIONS ACT, 2009

The Communications Regulatory Authority of Namibia, in terms of sections 81(1), (3) and (4) and 129 of the Communications Act, 2009 (Act No. 8 of 2009), amends the Regulations Prescribing the National Numbering Plan for Use in the Provision of Telecommunications Services in the Republic of Namibia, Numbering Licence Fees and Procedures for Number Licences published in Government Gazette No. 5983, General Notice No. 97, dated 1 April 2016 effective from date of publication in the *Gazette*.

## Definition

1. In these regulations “the Regulations” means the Regulations Prescribing the National Numbering Plan for Use in the Provision of Telecommunications Services in the Republic of Namibia, Numbering Licence Fees and Procedures for Number Licences promulgated under Government Gazette No. 5983, General Notice No. 97, dated 1 April 2016.

## Insertion of regulation 6A in the Regulations

2. The Regulations are amended by the insertion of the following regulation 6A after regulation 6:

### “Number portability requirement

6A. (1) A holder of a service technology neutral telecommunications services licence, as defined in Annexure 1A, must implement number portability within the timeframe and in accordance with the requirements contained in Annexure 1A.

(2) Unless specifically stated otherwise in Annexure 1A, the obligations as contained that Annexure and imposed on a holder of a service technology neutral telecommunications services licence in relation to number portability apply on and after the implementation date specified in that Annexure.”.

## Insertion of Annexure 1A in the Regulations

3. The Regulations are amended by the insertion of the following Annexure 1A before Annexure A:

### ANNEXURE 1A NUMBER PORTABILITY PART 1 PRELIMINARY

## Interpretation

1. In this Annexure any word or expression to which a meaning is assigned in the Act or in regulation 1 has the same meaning and unless the context indicates otherwise –

‘clearing house’ means a central service co-ordinating the steps of porting a number between two or more licensees and managing the porting messages flowing between them;

‘donor licensee’ means the licensee who is losing or ‘exporting’ the number to another licensee in terms of number portability;

‘licensee’ means the holder of a service technology neutral telecommunications services licence as anticipated in item 3 of this Annexure;

‘mobile service’ means a radio communication service between mobile and land stations or between mobile stations;

‘MSISDN’ means Mobile Station International Subscriber Directory Number;

‘Number Portability Steering Group’ means the committee established in terms of item 7(1) of this Annexure;

‘recipient licensee’ means the licensee gaining or ‘importing’ the number from another licensee in terms of number portability;

‘reference database’ means a database with information which contains a record of, at least, all ported numbers and the current licensees who have the rights to use such numbers;

### **Objectives of this Annexure**

2. The objectives of this Annexure are:
  - (a) To set out the scope of number portability required to be implemented;
  - (b) to determine the date on which the number portability requirement becomes obligatory and enforceable; and
  - (c) irrespective of the date anticipated in paragraph (b), to set out the process for the implementation of number portability.

### **Scope**

3. The provisions of this Annexure apply to all holders of service technology neutral telecommunications services licences having a number range and having allocated numbers and which licensees have been awarded one or more number licences for the provision of telecommunication services.

## **PART II NUMBER PORTABILITY ARRANGEMENTS**

### **Number portability rights and obligations**

- |           |         |                                |
|-----------|---------|--------------------------------|
| <b>4.</b> | (1)     | Within the timeframe specified |
|           | in item | 5 of this Annexure -           |
- (a) customers having ECS (including any or all of the following services: mobile services), may retain their number or numbers when they change the licensee providing their service and when they change their service type;
  - (b) third party service providers using M2M numbers, Specially Tariffed Numbers, virtual telephone numbers and Short Codes may retain their number or numbers when they change the licensee providing their service only when the recipient licensee provides the customer with a service similar to that of the donor licensee without impairment to quality, reliability or convenience;
  - (c) where a customer has a service with the donor licensee which utilises more than one number, the customer has the right to move some or all of the customer’s numbers in a single porting transaction.

(2) A licensee providing services referred to in subitem (1) must ensure that a customer or third party service provider is able to exercise such customer’s or third party service provider’s rights in relation to number portability in accordance with this Annexure.

**Timeframe for the implementation of number portability**

5. All licensees must ensure that number portability is available to their customers and third party service providers when customers or third party service providers change the licensee providing their service within 12 months from date of publication of this Annexure.

**Rights and obligations of licensees with regard to number portability**

6. (1) Within the timeframe specified in item 5, a licensee must complete its own internal number portability preparation and implementation tasks not only out of own accord but also in accordance with the decisions of, and within the time periods specified by, the Authority.

(2) The customer porting process shall be a recipient licensee led one-stop process whereby the customer does not communicate with the donor licensee during the porting process and the recipient licensee acts as the customer's agent to the donor licensee in all matters relating to the porting of the number.

(3) Verification of the customer requesting the port is the sole responsibility of the recipient licensee and the verification data used is limited to:

- (a) MSISDN to be ported;
- (b) SIM card number belonging to the subscription (where applicable) or telephone account number; and
- (c) ID-number or passport number (for a residential or non-residential customer who is a Namibian citizen and a natural person), passport number (for a residential or nonresidential customer who is a natural person but not a Namibian citizen) or close corporation or company registration number (for a corporate business customer).

(4) Where a mobile service is required by the customer, the number portability process must be completed within 24 hours from the time on which the recipient licensee accepts the customer's request to port their number.

(5) A recipient licensee may charge the customer for porting the number, subject to the internal business processes of the licensee and provided that such charging does not result in noncompliance with subitem (4).

(6) A donor licensee may only charge the porting customer the value of any unexpired term of the contract with the customer and for calls and services used by the customer up to the time that the number is ported.

(7) A donor licensee may refuse a port request because a customer has an outstanding negative balance or debt or an existing contract.

(8) Subject to the Authority's interconnection tariff -

- (a) the donor licensee may only charge the recipient licensee the direct per port costs associated with the individual port; and
- (b) such recoverable per port costs are limited to the incremental costs incurred by the donor licensee for the port activation activities only and exclude costs which the

donor licensee would normally incur when a customer terminates the customer's service.

(9) A licensee shall bear its own cost of preparing for and implementing the capability to port numbers.

(10) The provisions of subitems (2) to (7) of this item apply in the same manner, but with the necessary changes, to third party service providers.

### **Number portability implementation processes**

7. (1) The Authority must establish and chair a committee to be called the Number Portability Steering Group whose responsibility it is to manage and coordinate the implementation of number portability and to perform such other functions as the Authority may allocate to it.

(2) Specific functions of the Number Portability Steering Group include:

- (a) Making recommendations to the Authority on the implementation of number portability;
  - (b) managing industry issues and concerns regarding the number portability implementation;
  - (c) co-ordinating licensee specific issues regarding the implementation of the number portability.
- (3) Every licensee and the Authority -
- (a) must participate in the Number Portability Steering Group;
  - (b) may nominate up to three representatives to serve on the Number Portability Steering Group subject thereto that it is within the discretion of the Authority as to how many representatives it wants to nominate;
  - (c) must instruct and authorise its representatives to act in good faith with the aim to reach agreement with other representatives and the Authority in order to achieve the implementation and availability of number portability for customers and third party service providers in accordance with this Annexure.

(4) The Number Portability Steering Group must develop, as and when necessary, the procedures for meetings of the Group, the procedures for performance of functions by representatives serving on the Group and any other relevant procedures.

(5) The responsibility of the Number Portability Steering Group covers all aspects of the implementation of number portability, including but not limited to:

- (a) Establishing customer processes for requesting number portability, inter-licensee number portability processes and a Licensee Code of Practice or Business Rules common to and applicable to all licensees;
- (b) establishing and managing of the industry wide number portability implementation plan;

- (c) establishing the corporate governance and institutional arrangements for the clearing house and reference database;
- (d) supporting and assisting the Authority in the tender, selection and other procurement processes for the clearing house and reference database;
- (e) developing and co-ordinating industry wide customer awareness programmes and publicity for number portability and the service to which it relates, subject thereto that these may be supplemented by individual licensees' additional awareness creation and publicity activities.

(6) The Number Portability Steering Group may, as and when necessary, establish working groups to consider particular aspects of the implementation and must determine the terms of reference, membership and procedures of the working groups and their degree of delegated authority (if any).

(7) The Number Portability Steering Group must make every effort to achieve decision making by unanimous consent, subject thereto that if this cannot be achieved, the Authority's decision on the relevant matter shall prevail.

### **Remedial steps**

8. In the event where a licensee fails to comply with its obligations under this Annexure or fails to implement number portability in accordance with agreements or decisions of the Number Portability Steering Group or the Authority, the Authority may take such measures as deemed necessary and as may be available to the Authority, including by means of enforcement orders under section 116 of the Act, to remedy such failure.”.

## **F. KISHI CHAIRPERSON OF THE BOARD OF DIRECTORS COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

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