

Nr. Prot. 054 /B/16

**DECISION No. 903**

**On**

**'Allocation of Geographic numbering blocks for usage by the enterprise 'mts' D.O.O'**

Pursuant to the Law No.04/L-109 on Electronic Communications, article 9, paragraph 1), article 45, paragraph 3), article 47, paragraph 1) and 10), article 58, paragraph 4), article 59, paragraph 1) (*hereinafter referred as: Law*); Regulation No. 26 on National Numbering Plan for Electronic Communications Networks in the Republic Kosovo (*Ref. No. Prot. 023/B/ 14*), articles, 4), 5), 7), 8), and 15) (*hereinafter referred as: Numbering Plan*); Point 3) of the Telecommunications Agreement between Kosovo and Serbia; Confirmation of notification for "mts" D.O.O. for provision of Fixed electronic communications network and services (*Ref. No.Prot. 009/A/16-b*); at the request of the enterprise (*NewCo*) "mts" D.O.O. dated 30 December 2015 (*Ref. No.Prot.1056/ 2/15*); in accordance with the provisions of Article 20 of the Internal Regulation of the Regulatory Authority of Electronic and Postal Communications (*hereinafter referred as; ARKEP or Authority*), the managing Board of the Authority consisting of:

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|-----------------------|-----------------------|
| 1) Mr. Kreshnik Gashi | Chairman of the Board |
| 2) Mr. Bahri Anadolli | Board member          |
| 3) Mr. Hazir Hajdari  | Board member          |
| 4) Mr. Nijazi Ademaj  | Board member          |
| 5) Mr. Shqiprim Pula  | Board member          |

at its meeting held on 18 of November 2016, after reviewing all the application documents and other materials related to this case, in order to implement the provisions of the applicable legislation, took the following;

**DECISION**

- I.** The request of the enterprise "mts" D.O.O. for the allocation of Geographic Numbering blocks is approved as it is specified in the Annex I of this Decision.
- II.** Tariffs for the allocated numbering blocks in the paragraph I) of this Decision shall be based on article 8 of the Numbering Plan. Tariffing for numbering blocks specified in Annex I of this decision shall be paid on annual basis within ninety (90) days after the end of the fiscal year.

- III. The allocated geographic numbering blocks specified in the Annex I of this decision shall be used only for the purpose of the provision of fixed telephony services.
- IV. If the allocated numbering blocks are used for purposes that are not foreseen in paragraphs III) of this decision, the allocated numbers shall be revoked. "mts" D.O.O will operate in compliance with the Kosovan Legal and Regulatory Framework for Electronic Communications.
- V. "mts" D.O.O. standalone operations for fixed telephony will be implemented within seventeen (17) months from the date of entry into force of this Decision. The parties, within the EU facilitated dialogue, through the conclusions of the EU Facilitator on telecoms (13 November 2016), agreed that until provisions under point 6 ("*mts*" D.O.O will be allowed to continue to use its existing core elements and IT platform for its mobile operations) and 7 ("*mts*" D.O.O's standalone operations for fixed telephony will be implemented within 17 months) of these conclusions are met, requests for the lawful interception of "mts" D.O.O. mobile telephony users, as well as for "mts" D.O.O. fixed telephony users, will be dealt with by competent institutions in accordance with the Mutual Legal Assistance arrangement, as agreed in the context of the IBM agreement.
- VI. ARKEP reserves the right to change this Decision in the future, if it considers it appropriate in accordance with the applicable laws in Kosovo and Arrangements Regarding Telecommunications, and for any possible amendments of the decision will inform on time all the relevant stakeholders.
- VII. This Decision shall enter into force on the same day that ITU (*International Telecommunication Union*) allocates to Kosovo a three digit dialing code as defined in the Telecommunications Agreement.

## REASONING

The Law on Electronic Communications, article 9, paragraph 1) specifies that ARKEP shall perform its functions in compliance with this Law and other legal and by-legal acts, as well as in accordance with the national sector policy and national strategies for the development of the electronic communications, and in compliance with the international agreements in the field of electronic communications.

Article 59, paragraph 1) of the Law defines that numbers, series/numbering blocks can be used only pursuant to ARKEP decision. Consequently none of enterprises involved in an electronic communications activity in Kosovo, operator and/or universal service provider, or other users can use a number or series of numbers except if and until ARKEP allocate such numbers.

Based on National Numbering Plan, article 15 the series of numbers 2x and 3x are determined as geographic numbering series: *for the provision of fixed electronic communications services.*

Article 5, paragraph 4) of National Numbering Plan specifies that the period of allocation of geographical numbers from the series 2x and 3x is unlimited, unless otherwise specified in the ARKEP's decision. Furthermore, article 8, paragraph 3) of Numbering Plan specifies that tariffing for these numbers/numbering blocks shall be paid on annual basis within ninety (90) days after the end of the fiscal year.

"mts" D.O.O. on December 30<sup>th</sup> 2015 submitted an application to ARKEP for Fixed Telephony. After reviewing the application, ARKEP issued on 22 January 2016 a Confirmation of notification for provision of fixed electronic communications network and services (*Ref. No.Prot. 009/A/16-b*).

Numbers allocated to the "mts" D.O.O. shall be used for the provision of fixed services as is specified in this Decision.

Taking into consideration the above clarifications and in order to:

- Ensure efficient structuring and usage of numbers and series of numbers in accordance with the Numbering Plan,
- Satisfy the reasonable needs of operators and providers of the public electronic communications service for the allocation of the numbers under the Law on electronic communications and National Numbering Plan,
- Ensure that the allocation and use of numbers is fair, transparent and nondiscriminatory,

it is decided as in the provisions of this Decision.

#### **Legal advice:**

The unsatisfied parties of this Decision may initiate an administrative dispute before the competent court within thirty (30) days from the date of receipt of the Decision.

**Prishtina, December 2<sup>nd</sup>, 2016**

**Regulatory Authority of Electronic and Postal Communications**  
**Kreshnik Gashi**  
**Chairman of the Board**

#### **This decision is sent to:**

- The enterprise "mts" D.O.O.;

- Electronic Communications Department, ARKEP;
- Legal Department, ARKEP; and
- ARKEP Archive.

## ANNEX I

### Allocation of geographic numbering blocks to be used by "mts" D.O.O.

Area (NDC)	Block	Start of the Block	End of the block	Block Size	Zone/Location		
(0)38	6x	630 00	659 99	3,000	Prishtina		
		680 000	680 999	1,000			
	8x	800 00	899 99	10,000			
<b>Subtotal (A)</b>				<b>14,000</b>			
(0)28	4x	400 000	409 999	10,000	North Mitrovica		
		420 000	426999	7,000			
		460 000	461 999	2,000			
		467 000	467 999	1,000			
		478 000	478 999	1,000			
		490 000	499 999	10,000			
	6x	662 000	662 999	1,000			
		663 000	666 999	4,000			
		667 000	667 999	1,000			
		669 000	669 999	1,000			
	8x	800 00	809 99	1,000			
		830 00	859 99	3,000			
		860 00	879 99	2,000			
		880 00	899 99	2,000			
	<b>Subtotal (B)</b>					<b>46,000</b>	
	(0)290	7x	700 00	759 99		6,000	Ferizaj
<b>Subtotal (C)</b>				<b>6,000</b>			
(0)280	7x	740 00	799 99	6,000	Gjilan		
	8x	870 00	889 99	2,000			
<b>Subtotal (D)</b>				<b>8,000</b>			
<b>TOTAL (A+B+C+D)</b>				<b>74,000</b>			