

Nr. Prot. 055/B/16

**DECISION No. 904**

**On**

**'Allocation of Non-Geographic numbering block 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 of Kosovo (*Ref. No. Prot. 023/B/14*), articles, 4), 5), 7), 8), and 16) (*hereinafter referred as: Numbering Plan*); Point 4) of the Telecommunications Agreement between Kosovo and Serbia approved with Government Decision No.03/148; Government Decision No.07/70; Confirmation of Notification for temporary authorization for "mts" D.O.O. for mobile telephony (*Ref. No.Prot.009/A/16*); 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.** To allocate to the "mts" D.O.O. 60,000 (sixty thousand) non geographic numbers in the series 4x in accordance with the National Numbering Plan: (0)47: 100 000 - 159 999.
- II.** Tariffs for the allocated numbering block in the paragraph I) of this decision shall be based on article 8 of the Numbering Plan. Tariffing for numbering block specified in

paragraph I) of this decision shall be paid on annual basis within ninety (90) days after the end of the fiscal year.

- III. The allocated non-geographic numbering block specified in the paragraph I) of this Decision shall be used only for the purpose of the provision of mobile telephony services during the temporary authorization, as is specified in article II) of the Confirmation of notification for temporary authorization (*Ref. No.Prot.009/A/16*).
- IV. The enterprise 'mts' D.O.O. is obliged to register all its subscribers (SiM cards) postpaid and prepaid in accordance with the article 67 of the Law and Regulation on registering of mobile telephony users. The form with the data which are compulsory to be given by the subscribers to enable their registration is specified in Annex 1 of this regulation. This registration will begin three (3) months after this decision enters into force. It shall last 3 months, and may be prolonged for a further two (2) months if necessary.
- V. During the process of registration the 'mts' D.O.O subscribers shall be assigned new numbers in the range of (0)47 as specified in paragraph I) of this decision. In order to ensure continuation of services and not creating inconveniences for the subscribers, for the purpose of smooth transition current numbers (06x) registered in parallel with the newly issued 0 (47) number in accordance with the paragraph IV) of this decision can be used on the same SiM card. The 06X number will be the primary number until the end of the migration period specified in line with the timeline under points 1.5 and 1.6 of the Action Plan of the Arrangements on Telecommunications. After this the 047x number will be the primary number. Mts d.o.o. will be responsible for ensuring the technical application of this dual numbering approach.
- VI. Mts d.o.o. will be responsible for allocating a new IMSI number to their mobile customers. These numbers will come from a designated block from the existing IMSI range 22003X, which will be reserved for customers in Kosovo.
- VII. This decision shall expire once Kosovo Authorities issue a new full/unrestricted mobile telephony authorization as a result of a tender or an auction as it defined in point 4 of Telecommunications agreement mentioned above and Kosovo Regulatory Framework.
- VIII. If the allocated numbering block is used for purposes that are not foreseen in paragraph 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.
- IX. During the temporary authorization mts D.O.O will be allowed to use its existing core elements and IT platforms for its mobile operations. 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.

- X. 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.
- XI. 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. The parties, within the EU facilitated dialogue, through the conclusions of the EU Facilitator on telecoms (13 November 2016), agreed under point 2 of these conclusions that should additional numbers be required, "mts" D.O.O. will request them to ARKEP.

## 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 16 the series of numbers 4x are determined as non-geographic numbering series: *for the provision of mobile electronic communications services.*

Article 5, paragraph 4) of National Numbering Plan specifies that the period of allocation of geographical numbers from the series 4x 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 Temporary Authorization for mobile telephony. After reviewing the application, ARKEP issued on 22

January 2016 a Confirmation of Notification for temporary authorization for mobile telephony (Ref. No.Prot.009/A/16).

Taking into consideration that mts D.O.O. during the temporary authorization is limited in terms of infrastructure and operations then in line with the telecoms conclusions ARKEP considers that it is sufficient to allocate the numbering block of 60,000 numbers.

Numbers allocated to the “mts” D.O.O. shall be used for the provision of mobile 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,

Therefore, 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.