



**DIRECTOR  
THE COMMUNICATIONS REGULATORY AUTHORITY  
OF THE REPUBLIC OF LITHUANIA**

**ORDER  
ON THE APPROVAL OF TERMS AND CONDITIONS OF ENSURING THE  
SUBSCRIBER'S RIGHT TO RETAIN THE SUBSCRIBER NUMBER WHEN CHANGING  
THE PROVIDER OF TELEPHONE SERVICES OR THE PLACE AND METHOD OF THE  
PROVISION OF SERVICES**

29 April 2011, No. 1V-460,  
Vilnius

In accordance with the Paragraph 9 of the Article 34 of the Law on Electronic Communications of the Republic of Lithuania (Official Gazette, 2004, No. 69-2382) and implementing the Directive 2002/22/EC of the European Parliament and of the Council of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services (Universal Services Directive) (OJ, 2004 *special issue*, Chapter 13, Volume 29, p. 367) with the last amendments made by the Directive 2009/136/EB of the European Parliament and of the Council of 25 November 2009 (OJ 2009 C 337, p. 11):

1. I h e r e b y a p p r o v e the subscriber's right to retain the subscriber number when changing the provider of telephone services or the place and method of the provision of services (attached).

2. I h e r e b y c o n s i d e r the following documents to be no longer in effect:

2.1. Order No. 1V-129 of the Director of the Communications Regulatory Authority under the Government of the Republic of Lithuania of 16 October 2003 On the Approval of Terms and Conditions of Ensuring the Subscriber's Right to Retain the Subscriber Number when Changing the Provider of Telephone Services or the Place and Method of the Provision of Services (Official Gazette, 2003, No. 100-4528);

2.2. Order No. 1V-11 of the Director of the Communications Regulatory Authority under the Government of the Republic of Lithuania of 3 February 2004 On Supplementing the Order No. 1V-129 of the Director of the Communications Regulatory Authority under the Government of the Republic of Lithuania of 16 October 2003 On the Approval of Terms and Conditions of Ensuring the Subscriber's Right to Retain the Subscriber Number when Changing the Provider of Telephone Services or the Place and Method of the Provision of Services (Official Gazette, 2004, No. 22-679);

2.3. Order No. 1V-735 of the Director of the Communications Regulatory Authority under the Government of the Republic of Lithuania of 28 December 2004 On the Amendment of the Order No. 1V-129 of the Director of the Communications Regulatory Authority under the Government of the Republic of Lithuania of 16 October 2003 On the Approval of Terms and Conditions of Ensuring the Subscriber's Right to Retain the Subscriber Number when Changing the Provider of Telephone Services or the Place and Method of the Provision of Services (Official Gazette, 2004, No. 188-7047);

2.4. Order No. 1V-605 of the Director of the Communications Regulatory Authority under the Government of the Republic of Lithuania of 27 June 2005 On the Amendment of the Order No. 1V-129 of the Director of the Communications Regulatory Authority under the Government of the Republic of Lithuania of 16 October 2003 On the Approval of Terms and Conditions of Ensuring the Subscriber's Right to Retain the Subscriber Number when Changing the Provider of

Telephone Services or the Place and Method of the Provision of Services (Official Gazette, 2005, No. 81-2992);

2.5. Order No. 1V-726 of the Director of the Communications Regulatory Authority under the Government of the Republic of Lithuania of 25 August 2005 On the Amendment of the Order No. 1V-129 of the Director of the Communications Regulatory Authority under the Government of the Republic of Lithuania of 16 October 2003 On the Approval of Terms and Conditions of Ensuring the Subscriber's Right to Retain the Subscriber Number when Changing the Provider of Telephone Services or the Place and Method of the Provision of Services (Official Gazette, 2005, No. 105-3900);

2.6. Order No. 1V-923 of the Director of the Communications Regulatory Authority under the Government of the Republic of Lithuania of 27 October 2005 On the Amendment of the Order No. 1V-129 of the Director of the Communications Regulatory Authority under the Government of the Republic of Lithuania of 16 October 2003 On the Approval of Terms and Conditions of Ensuring the Subscriber's Right to Retain the Subscriber Number when Changing the Provider of Telephone Services or the Place and Method of the Provision of Services (Official Gazette, 2005, Nr. 128-4647).

3. I h e r e b y d e t e r m i n e that this Order shall come into effect on 25 June 2011.

4. I h e r e b y o r d e r that this Order be published in the Official Gazette *Valstybės žinios*.

Director

Tomas Barakauskas

APPROVED  
by the Resolution No. (1.4) TN-10  
Of the Communication Regulatory Authority Board  
Of 22 April 2011

APPROVED  
by the Order No. 1V-460 of the  
Director of the Communications  
Regulatory Authority of 29 April 2011

**THE TERMS AND CONDITIONS OF ENSURING THE SUBSCRIBER'S RIGHT TO  
RETAIN THE SUBSCRIBER NUMBER WHEN CHANGING THE PROVIDER OF  
TELEPHONE SERVICES OR THE PLACE AND METHOD OF THE PROVISION OF  
THE SERVICES**

**I. GENERAL PROVISIONS**

1. The terms and conditions of ensuring the subscriber's right to retain the subscriber number or the place and method of the provision of the services (hereunder "the Terms and Conditions") shall establish the terms and conditions of retaining the subscriber number when changing the provider of telephone services or the place and method of the provision of the services, the procedures of electing the Central Database Administrator, its functions, and the terms and conditions of the termination of its functions.

2. The Terms and Conditions have been prepared in accordance with the Paragraph 9 of the Article 34 of the Law on Communications of the Republic of Lithuania (Official Gazette, 2004, No. 69-2382) and implementing the Directive 2002/22/EC of the European Parliament and of the Council of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services (Universal Services Directive) (OJ, 2004 *special issue*, Chapter 13, Volume 29, p. 367) with the last amendments made by the Directive 2009/136/EB of the European Parliament and of the Council of 25 November 2009 (OJ 2009 C 337, p. 11)

3. Definitions used for the purpose of these Terms and Conditions:

**"Subscriber number"** shall mean a telephone number designated for the provision of fixed telephony services, a telephone number designated for the provision of mobile communications services, or a service number introduced to a provider of public communications services or public telephony services by the Communications Regulatory Authority of the Republic of Lithuania (hereunder – "the Authority"), indicated in the National Telephone Numbering Plan approved by the Order No. 1V-1104 of the Director of the Communications Regulatory Authority of 13 December 2005 (Official Gazette, 2005, No. 147-5386).

**"Number portability"** shall mean the subscriber's right to retain the subscriber number used to receive telecommunications services when changing the provider of public telephone services or the place and method of the provision of the services.

**"Central Database Administrator"** shall mean an undertaking selected by the Communications Regulatory Authority in the procedure and under the conditions established by these Terms and Conditions which shall administrate the central database, co-ordinate its activity and control the number portability process in a centralized way.

**"Recipient"** shall mean the provider of public telephone services, the services of which the subscriber wants to use or uses in retaining the telephone number, which was or is used to receive services of another public telephone provider.

**"Donor"** shall mean the provider of public telephone services whose subscriber or former subscriber wants to use or uses the services of another provider of public telephone services in retaining the subscriber number, which was or is used to receive public telephone services of the Donor.

Other definitions used in these Terms and Conditions shall be understood as they are defined in the Law on Electronic Communications of the Republic of Lithuania and the Rules for the Allocation and Use of Telephone Numbers approved by the Order No. 1V-1104 of the Director of

the Communications Regulatory Authority of 13 December 2005 (Official Gazette, 2005, No. 147-5386).

4. If the Donor and/or the Recipient provide services using the network of another public communications network provider, the obligations imposed on the Donor and/or Recipient by these Terms and Conditions shall be mandatory to that public communications network provider, which has the rights established also to the Donor and/or the Recipient in these Terms and Conditions.

## **II. GENERAL TERMS AND CONDITIONS OF SUBSCRIBER NUMBER PORTABILITY**

5. Providers of public communications services and/or public fixed telephone services must ensure on their own costs the portability of subscriber number when the subscriber changes the provider of public telephone services, or the place and methods of the provision of the services.

6. Providers of public fixed telephone network and/or public fixed telephone services must ensure the portability of public fixed telephone service numbers and services numbers when changing the provider of public fixed telephone services.

7. Providers of mobile fixed telephone network and/or public mobile telephone services must ensure the portability of public mobile telephone service numbers and services numbers when changing the provider of public mobile telephone services.

8. Providers of public fixed telephone network and/or public fixed telephone services must ensure the portability of subscriber number when changing the place of the provision of public fixed telephone services:

8.1 in retaining public fixed telephone service number within the territory of the Republic of Lithuania to which the same destination code is assigned in accordance with the National Telephone Numbering Plan;

8.2 in retaining service number within the territory of the Republic of Lithuania.

9. Providers of public fixed telephone networks and/or public fixed telephone services must ensure the portability of subscriber number when changing the method of the provision of public fixed telephone services from a public switched telephone network (PSTN) into the integrated services digital network (ISDN) and vice versa.

10. Providers of mobile telephone networks and/or public mobile telephone services must ensure the portability of subscriber number when changing the method of the provision of public mobile telephone services:

10.1 when changing the method of the provision of public mobile telephone services from the digital mobile cellular communications system (GSM/DCS) into the universal mobile telecommunications system (UMTS);

10.2 when changing the method of payment for public mobile telephone services (that is, by changing the method of the provision of services accordingly).

11. Providers of public fixed telephone networks and/or public fixed telephone services must ensure any combination of the methods specified in paragraphs 6, 8, and 9 of these Terms and Conditions requested by the subscriber. Providers of public mobile telephone networks and/or public mobile telephone services must ensure any combination of the methods specified in paragraphs 7 and 10 of these Terms and Conditions requested by the subscriber.

12. Providers of public communications networks and/or public telephone services shall not restrict in any way the subscriber number portability. This provision shall not restrict freedom of the parties to establish the terms and conditions of the agreements being concluded to the extent they do not prohibit to port the number, however, number portability must be ensured even if such portability violated the terms and conditions of the agreement concluded with the subscriber. This provision shall not relieve the subscriber of civil responsibility for the violation of the terms and conditions of the agreement.

13. Having ported the number when changing the provider of telephone services, the right to use the subscriber number and the obligations related to it having been granted to the Donor by the Communications Regulatory Authority shall be transferred onto the Recipient.

14. Providers of public communications networks and/or public telephone services shall have no right to take any fee related to porting of subscriber number when changing the place or the method of the provision of the service.

15. The Donor shall have no right to take any fee related porting of subscriber number when changing the provider of telephone services.

16. The entire 8-digit national number shall be ported.

17. The order of dialing the ported subscriber number must correspond to the procedure for dialing telephone numbers established in the Rules for the Allocation and Use of Telephone Numbers.

18. Providers of public telephone networks and/or of public telephone services must create the possibility for all individuals to publicly become acquainted with the terms and conditions upon which number portability is provided, including the fees, terms and other information, which may influence the subscribers' decision to change the provider of telephone services or the place and the method of the provision of the services retaining their subscriber number. Providers of public telephone networks and/or public telephone services must publish this information on their Internet website, if they have any. In case the providers of public telephone networks and/or public telephone services has no such Internet website, he must ensure that this information should be publicly and officially accessible free of charge to any person.

### **III. PROCEDURES OF PORTING SUBSCRIBER NUMBER WHEN CHANGING THE PROVIDER OF PUBLIC TELEPHONE SERVICES**

19. When changing the provider of telephone services, a subscriber's written application identifying the subscriber submitted to the Recipient, shall form the basis for number portability. In the event the subscriber uses public telephone services of the Donor, which the subscriber's Donor does not identify, the subscriber must, together with the application, submit evidence that he/she is a Party to the Agreement concluded with the Donor. The Recipient shall be responsible for the presence of an adequate basis for number portability.

20. The Recipient, without prejudice to legal acts regulating protection of personal data and privacy, shall have the right to receive information from the Donor necessary to establish the authenticity of the documents submitted. The Donor must provide the information requested by the Recipient immediately after the receipt of the Recipient's request.

21. The Recipient having received the application referred to in the paragraph 19 shall immediately address the Central Database Administrator regarding the porting the subscriber number.

22. In the application referred to in the paragraph 19, the subscriber may specify the desirable date for porting the subscriber number.

23. The process of porting a subscriber number till the activation of the number ported shall last not longer than 1 working day from the day of porting out the subscriber number in accordance with the paragraph 22 of the Terms and Conditions, and when the date has not been specified, from the day of receipt of the subscriber's application referred to in the paragraph 19 of the Terms and Conditions by the Recipient.

24. The process of porting the subscriber number must be carried out in such a way that the provision of public telephone services to the subscriber should be cut for no longer than 1 day from the day specified in the paragraph 23 of the Terms and Conditions till the activation of the subscriber number ported.

25. The Central Database Administrator shall ensure that the process of porting a subscriber number is accomplished within the time limit specified in the paragraph 23 of these Terms and Conditions. The Central Database Administrator shall inform the Donor and the Recipient about the process of porting a subscriber number being carried out specifying the date and time of number deactivation and activation and the procedures necessary to carry out.

26. The Donor and the Recipient must carry out the instructions of the Central Database Administrator specified in paragraph 25 of these Terms and Conditions.

27. The Recipient shall be responsible for notifying the subscriber about the porting of the subscriber number.

28. The Central Database Administrator, prior to activation of the ported subscriber number must inform all the providers of public communications networks and/or public telephone services operating in the Republic of Lithuania using the central database specifying the subscriber number being ported, as well as the Donor and Recipient's networks identification data,

#### **IV. ADMINISTRATION OF THE PROCESS OF PORTING A SUBSCRIBER NUMBER WHEN CHANGING THE PROVIDER OF PUBLIC TELEPHONE SERVICES**

29. The process of porting a subscriber number when changing the provider of public telephone services shall be carried out by means of the central database ensuring the possibility to receive information about any subscriber number without delay at any time, which necessary to direct the information being communicated to the provider of public communications network and/or public telephone services using this subscriber number.

30. The Central Database Administrator must not be related to the providers of public communications networks and/or of public telephone services operating in the Republic of Lithuania in accordance with the Law on Competition of the Republic of Lithuania (Official Gazette, 1999, No. 30-856).

31. The Central Database Administrator shall follow these Terms and Conditions and the Agreement concluded with the Communications Regulatory Authority on administration of the central database.

32. The Central Database Administrator shall ensure the possibility for the Communications Regulatory Authority to immediately receive information by electronic means about the subscriber numbers ported by specific providers of public communications networks and/or public telephone services.

33. The Central Database Administrator shall be responsible for creating and administrating the central database. The Central Database Administrator, consulting the providers of public communications networks and/or public telephone services operating in the Republic of Lithuania, shall prepare the terms and conditions for using the database, including financial, technical and administration requirements so that number portability should be ensured in changing the provider of public telephone services by means of the central database, and shall co-ordinate these terms and conditions with the Communications Regulatory Authority.

34. The Central Database Administrator, in establishing technical requirements for the use of the central database, must follow international and European standards, specifications and recommendations, as well as those established by other regional standardization institutions.

35. The Central Database Administrator shall announce the terms and conditions of using the database on its Internet website, if it has any, including financial, technical and administration requirements. In the event the Central Database Administrator has no such Internet website, it must ensure that this information should be accessible to any person publicly and free of charge.

36. Providers of public communications networks and/or public telephone services having been allocated some subscriber numbers must, upon co-ordination with the Central Database

Administrator, make all necessary technical changes in their network so as to ensure number portability when changing the provider of public telephone services by means of the central database.

37. Providers of public communications networks and/or public telephone services shall finance the activity of the Central Database Administrator by regularly paid fees in proportion to the number of the subscriber numbers allocated to them.

38. Specific fees to be paid in accordance with the paragraph 37, as well as other fees for the services provided by the Central Database Administrator shall be established on the basis of the agreement concluded between the Central Database Administrator and the Communications Regulatory Authority on administration of the central database.

39. At the end of every financial year, the Central Database Administrator shall submit an annual activity report, including a financial report, to the Regulatory Authority for the last financial year (including a partial financial year) not later than within 5 months from the end of the financial year.

40. The Central Database Administrator must carry out all instructions of the Communications Regulatory Authority related to the implementation of these Terms and Conditions, including instructions related to the termination of the carrying out of the functions of the central database.

41. The Communications Regulatory Authority shall inform the Central Database Administrator about newly granted/denied right to use subscriber numbers for the providers of public telephone services.

## **V. ELECTION OF THE CENTRAL DATABASE ADMINISTRATOR AND TERMINATION OF ITS FUNCTIONS**

42. The Communications Regulatory Authority shall elect the Central Database Administrator by means of an open tender. The conditions of the open tender shall be established by the Communications Regulatory Authority.

43. The conditions of an open tender shall specify the following:

43.1 the place and time of submitting tenders, the required contents of the tender;

43.2 the time and the assessment criteria of tenders of the participants in the tender;

43.3 the cases in which tenders may be regarded as non-complying with the requirements of the terms and conditions of the tender;

43.4 the draft of the agreement to be concluded with the Communications Regulatory Authority on administration of the central database;

43.5 the procedures for holding the tender and selecting the winner of the tender;

43.6 other terms and conditions

44. The draft of the open tender shall be announced on the Internet website of the Communications Regulatory Authority. Providers of public communications networks and/or public telephone services shall have the right, within the time period established by Communications Regulatory Authority, which must be at least 28 days from the day of announcing the draft of the terms and conditions of the open tender on the Internet website of the Communications Regulatory Authority, submit their observations concerning the draft of the conditions of the open tender.

45. The conditions of the open tender shall be published in the supplement *Informaciniai pranešimai* (en. Information Supplement) of the Official Gazette *Valstybės žinios*, and on the Internet website of the Communications Regulatory Authority.

46. The Communications Regulatory Authority shall, by means of a public tender, elect the Central Database Administrator for a ten-year period. Upon expiry of this time period, the Central Database Administrator shall terminate the carrying out of its functions after the functions have

been taken over by another Central Database Administrator elected in accordance of the provisions of this chapter and by means of a public tender.

47. The Central Database Administrator shall have the right to cancel the carrying out of the functions defined in these Terms and Conditions in accordance with the terms and conditions of the agreement on administration of the central database and having transferred the functions to another Central Database Administrator elected in accordance with the procedures established in these Terms and Conditions. In this case, the Central Database Administrator planning to cancel its activity shall notify the Communications Regulatory Authority thereof specifying the date of the planned cancellation of the activity at least 8 months prior to the planned cancellation of the activity.

## **VI. FINAL PROVISIONS**

1. For violating these Terms and Conditions, providers of public communications networks and/or public telephone services as well as Central Database Administrator shall be liable in the procedure and under conditions established by legal acts.

2. Actions and omission related to the compliance with and the implementation of these Terms and Conditions may be appealed against in the manner prescribed by the legal acts.

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