

**NOTE OF CLARIFICATION ON THE PORTABILITY REGULATION
ARTICLE 13 OF REGULATION NO 87/2009 OF 18 FEBRUARY "REGULATION
AMMENDING REGULATION NO 58/2005 OF 18 AUGUST"**

Due to a query being raised by a company with portability obligations in respect of the application of point c) of paragraph 2 of article 113 of Regulation no 87/2009 of 18 February, - Refusal of electronic request - specifically with regard to the legitimacy of refusing an electronic request for portability by the DP¹ when the RP² fails to send the number of any of the subscriber's identification documents as provided for in this point - Citizen Card, Identity Card, Residency Card, Tax Identification Number or Passport -, ICP-ANACOM hereby issues the following clarification:

The current Specifications of Portability, with regard to Administrative Procedures for Operator Portability, provide for the option, with respect to electronic portability requests, of sending details of the subscriber's Identity Card or Tax Identification Number, whereas there is no provision for the sending of information with respect to other identification documents (Citizen Card, Residency Card or Passport).

This specification will be amended according to article 4 of the Amending Regulation in question.

Accordingly, in the period between the entry into force of the Article. 13, on March 4, and the entry into force of the Regulations of portability in its entirety, there is no obligation for verification of these items, respectively by the RP and by the DP, nor does the lack of the number of the subscriber's identification document constitute grounds for refusal.

Electronic requests for portability must be validated by means of verification of the name of the subscriber and the corresponding telephone number³, taking account of the rule which is now introduced for the validation of the name, i.e. *"... In the case of identifications with more than three names, ... it is sufficient that three names correspond in the same sequence."*

According to the same logic, due to the fact that it is obligatory, in the current version of the process specifications, to send the parameters associated with the address of the subscriber in requests for the portability of geographic numbers, the fields provided for this information should be completed by the RPs, in particular for purposes of smooth process.

However, considering the repeal of point d) of paragraph 2 of Article 13, which repeal shall be effective as of 4 March, the fact that the subscriber's address does not correspond to that on the records of the DP may not be cited by the DP as grounds for refusal.

¹ Holding or Donor Provider

² Receiving Provider

³ With the exclusion provided in paragraph 4 of this article