**Decision No. 1/27 of the Board of the Public Utilities Commission**

Adopted 22 September 2022

**Regulations Regarding the Elimination of Numbering Fraud**

*Issued pursuant to*

*Section 64, Paragraph one of the Electronic Communications Law and Section 25, Paragraph one of the law On Regulators of Public Utilities*

1. These regulations prescribe the signs of numbering fraud (hereinafter – the fraud) and also the time limit and procedures within and by which information shall be exchanged between an electronic communications merchant (hereinafter – the merchant) and the Public Utilities Commission (hereinafter – the Regulator) and the fraud shall be detected and eliminated.

2. An action by which a service or numbering intended for an end-user is used and which corresponds to at least one of the following signs shall be considered as fraud:

2.1. complete or partial modification of the calling number, except where the country code assigned in accordance with international legal acts is added to a number received in the basic format;

2.2. the call origination from a number or the routing or receipt of a call to a number which has not been activated or used on the electronic communications network of the merchant to whom the right of use of numbering to this number has been granted or retransferred, except for roaming;

2.3. making a call from a number or the routing or receipt of a call to a number to which the right of use of numbering has not been granted to any merchant;

2.4. sending a short message or multimedia message (hereinafter – the short message) from a number or the routing or receipt of the short message to a number to which the right of use of numbering has not been granted to any merchant;

2.5. the merchant transfers for use to an end-user a number to which the right of use of numbering has not been granted to, retransferred to, or cancelled for this merchant;

2.6. the merchant provides the number portability service for a number to which the Regulator has not granted or cancelled the right of use of numbering;

2.7. the right of use of numbering to a number is exercised by a third party without the consent of the merchant to whom the particular right of use of numbering is granted;

2.8. a call has been made or the short message has been sent by allowing incorrect use of numbering;

2.9. as a result of the activity, useless or artificial traffic arises according to the Paragraph 3 of these regulations and it conforms to at least one of the following signs:

2.9.1. the creation of missed calls from a foreign number or numbers;

2.9.2. the creation of missed calls from a foreign or national number to which, when making a call, high-priced tariff or such tariff is applied which several times exceeds the upper limit of the tariff for an equivalent electronic communications service of another merchant of the Republic of Latvia;

2.9.3. calls are made to the numbers of the Republic of Latvia or foreign numbers to which high-priced tariff is applied;

2.9.4. calls are being received from a number to which, when making a call, a connection cannot be made or the call is received by a different end-user;

2.9.5. in the routing of a call or short message, the affiliation of the country code does not correspond to the affiliation of the mobile country code;

2.9.6. the number of calls made or short messages sent from the number several times exceeds the number of calls or short messages received to the number;

2.9.7. the number of calls or short messages received to the number several times exceeds the number of calls made or short messages sent from the number;

2.9.8. a call has been made to or received from a number for which a restriction on use has been specified – the possibility to only make a call or the possibility to only receive a call;

2.9.9. the short message has been sent to or received from a number for which a restriction on use has been specified – the possibility to only send the short message or the possibility to only receive the short message;

2.9.10. when making a call, the end-user receives an answer of an answering machine and, after call origination, the call is terminated independently of the end-user;

2.9.11. in accordance with the national time of the location where the call was originated or from where the short message was sent, uniform calls have been made or short messages have been sent from Monday to Friday from 22.00 to 8.00 o’clock, on Saturdays, Sundays or public holidays, or a different time that is abnormal for the end-user;

2.9.12. in accordance with the national time of the location where the call or short message was received, uniform calls or short messages have been received from Monday to Friday from 22.00 to 8.00 o’clock, on Saturdays, Sundays or public holidays, or a different time that is abnormal for the end-user;

2.9.13. the traffic is caused by a terminal equipment connected to the termination point;

2.9.14. during the call, a new call is made from the calling number to the same or other called number without interrupting the call;

2.9.15. during the call, a new call is received to the called number from the same or another calling number without interrupting the call;

2.9.16. calls from national numbers are being received from an electronic communications network of a foreign merchant, except for roaming and numbers for extraterritorial use.

3. Useless or artificial traffic are calls made, routed, or received, as well as short messages sent, routed, or received which conform to at least one of the following signs:

3.1. calls or short messages are abnormal, uniform, characterised by the following parameters:

3.1.1. the duration of calls;

3.1.2. the regularity and amount of making calls or sending short messages to a number or numbers;

3.1.3. the regularity and amount of the receipt of calls or short messages from a number or numbers;

3.2. calls have been made in an amount abnormal for the end-user which has not been specified in the contract for the electronic communications service or by using a supplementary service (call forwarding; the possibility to answer another call during a call without interrupting it; the simultaneous connection with several end-users) which increases the total traffic volume of the merchant;

3.3. calls have been received in an amount abnormal for an end-user which has not been specified in the contract for the electronic communications service or by using a supplementary service (call forwarding; the possibility to answer another call during a call without interrupting it; simultaneous connection with several end-users) which increases the total traffic volume of the merchant;

3.4. short messages have been sent in an amount abnormal for an end-user which has not been specified in the contract for the electronic communications service or by using automatic sending of short messages to several end-users simultaneously which increases the total traffic volume of the merchant.

4. The merchant shall, without delay, stop the routing of traffic from an electronic communications network or terminal equipment, if the merchant has detected fraud.

5. The merchant shall, without delay, stop the routing of traffic if the merchant has detected that traffic from public telephone network numbers used by end-users on the electronic communications network of this merchant is routed from the electronic communications network of another merchant, except for roaming, or the use of these numbers for the provision of services to private electronic communications networks if these are connected to several public electronic communications networks.

6. When stopping the routing of traffic and access to the corresponding number or number range in the cases referred to in Paragraphs 4 and 5 of these regulations, the merchant shall notify the end-user to whom the corresponding number has been transferred for use thereof.

7. If the merchant has detected a potential fraud which requires evaluation, it shall submit an application for the possible fraud (hereinafter – the application) to the Regulator within 10 working days after the detection of the possible fraud by sending it to the electronic mail address of the Regulator sprk@sprk.gov.lv, including the following:

7.1. traffic data of the possible fraud;

7.2. information on the stopping of routing and access to the respective number or number range.

8. The merchant shall send to the Regulator the traffic data, including at least the following information:

8.1. the number or numbers from which calls are made or short messages are sent;

8.2. the number or numbers to which calls are made or short messages are sent;

8.3. the time when the call was originated or the time when the short message was sent;

8.4. the time when the call was ended or the duration of the call if it is a routed call;

8.5. the information available to the merchant on the electronic communications networks from which calls or short messages have been received;

8.6. the information available to the merchant on the electronic communications networks to which calls or short messages have been routed;

8.7. other information which the merchant considers to be necessary.

9. If the merchant has detected a possible fraud which does not require an evaluation, it shall, within 10 working days from detecting the possible fraud, submit the information to the Regulator by sending it to the electronic mail address of the Regulator fraud@sprk.gov.lv.

10. Within 10 working days after receipt of the submission, the Regulator shall:

10.1. ascertain the merchant to which the right of use of numbering to the numbers involved in the possible fraud has been granted;

10.2. if necessary, inform of the submission and request traffic data from the merchant the right of use of numbering of which has been exercised in the possible fraud or who has routed these calls, sending the request electronically to the contact person of the merchant in issues related to fraud and to the legal address or official electronic address of the merchant;

10.3. inform the submitter of the further actions of the Regulator.

11. The merchant referred to in Sub-paragraph 10.2 of these regulations shall provide a response on the possible fraud within the time limit specified by the Regulator by sending it to the electronic mail address of the Regulator sprk@sprk.gov.lv.

12. The Regulator shall evaluate and provide the merchant who submitted the submission with an assessment of the conformity of the possible fraud with the signs of fraud by analysing the information at the disposal of the Regulator, including the traffic data of the merchant.

13. If the merchant changes its contact person in issues related to fraud, the merchant shall, within 10 working days, submit the current information to the Regulator, indicating the given name, surname, telephone number, and electronic mail address of the contact person.

14. If the merchant starts using call certification mechanisms, it shall notify the Regulator thereof within 10 working days.

15. Decision No. 1/20 of the Public Utilities Commission of 3 December 2015, Regulations Regarding the Elimination of Fraud Using Numbering (*Latvijas Vēstnesis*, 2015, No. 240; 2016, No. 228; 2019, No. 29), is repealed.

16. These regulations shall come into force on 1 October 2022.

Chair of the Board of the Public Utilities Commission A. Ozola