

Pursuant to Articles 36 and 38 of the Telecommunications Law (*Official Gazette of the Republic of Serbia* number 44/03 and 36/06) and pursuant to item 11 of Article 18 of the Statutes of the Republic Telecommunication Agency (*Official Gazette of the Republic of Serbia* number 78/05), the Managing Board of the Republic Telecommunication Agency in its session held on 24th March 2006, adopted

RULES

ON PROCEDURES FOR THE ISSUANCE OF LICENSES FOR PUBLIC TELECOMMUNICATION NETWORKS AND PUBLIC TELECOMMUNICATIONS SERVICES AND ON REGISTER KEEPING

I GENERAL PROVISIONS

Article 1

These Rules define procedures for issuance of licenses for public telecommunications networks and services, and the way of register keeping relative to these licenses.

Licenses referred to in paragraph 1 of this Article are license (individual license) and authorization (general license).

Article 2

License is permit issued by the Republic Telecommunication Agency (hereinafter: the Agency) to domestic or foreign natural or legal person who intends to build, own or operate public telecommunication network or provide public telecommunication services, in accordance with the Law on Telecommunications (hereinafter: the Law).

Article 3

Authorization is permit issued by the Agency to every domestic or foreign natural or legal person who intends to operate public telecommunications network or provide public telecommunications services, according to prescribed standard conditions, in accordance with the Law.

II INDIVIDUAL LICENSE

Article 4

License is issued after the public bidding procedure has been closed, after the decision on the best offer has been made.

Article 5

The Agency organizes and carries out the public bidding procedure in accordance with Article 37 of the Law.

In the procedure of organizing of public bidding, the Agency:

- 1) prepares the public bidding, including setting the date and time when the public bidding will be held, and the publishing of public announcement;
- 2) forms the Commission which shall carry out the public bidding procedure;
- 3) appoints a person who shall carry out the public bidding in terms of technicalities;
- 4) performs other activities that are important for the execution of public bidding in accordance with the decision of the Agency Managing Board.

Article 6

The Agency publishes public announcement for participation in the public bidding (hereinafter: public announcement) in the “Official Gazette of the Republic of Serbia”, as well as in at least one generally available international publication and at least one generally available domestic media (press, television, Internet) no later than 45 days before the day of public bidding.

The announcement referred to in paragraph 1 of this Article shall necessarily include the elements stipulated by Article 37, paragraph 2 of the Law.

The Agency may modify the date and time of the public bidding, if necessary. With the modification of date and time of public bidding, the deadline for application is also modified, but it cannot be shorter than 45 days from the day the modification has been published.

In case referred to in paragraph 3 of this Article, the Agency publishes the modification of the public announcement.

Article 7

The Agency ensures access to information relevant for the public bidding to all interested parties, under equal conditions.

Article 8

The public bidding is carried out by the Commission formed by the Agency Managing Board.

The Commission ensures the necessary conditions for the public bidding to be held.

The Commission has at least five members.

The members of the Commission must have appropriate professional knowledge from the field which is the subject of the public bidding.

The Commission appoints the president of the Commission among its members.

The Commission is appointed for one or more public biddings.

Article 9

The Commission carries out the following activities:

- 1) monitors and carries out the public bidding;
- 2) registers persons who have the right to participate in the public bidding;
- 3) signs the minutes;
- 4) declares the public bidding successful, or unsuccessful;
- 5) performs other activities that are important for the execution of public bidding, in accordance with the Law.

The Commission makes decisions with majority of votes of the members of the Commission.

Expert consulting and administrative technical activities for the needs of Commission shall be performed by the Agency.

The Agency can engage other domestic or foreign legal and natural persons to perform some expert activities in the public bidding procedure.

Article 10

The Agency shall adopt an instruction more specifically defining the public bidding procedure, in accordance with the Law and these Rules.

Article 11

The participants of the public bidding shall pay a deposit or issue a bank guarantee. The amount and the mode of payment shall be defined by the Agency Managing Board.

License issuance fee

Article 12

A once-off license fee is payable for the granted license when the license is issued, after the public bidding procedure has been completed, as well as the periodic annual fee and the costs of issuance or renewal of the license.

The minimum (starting) amount of the once-off fee, determined by the responsible ministry, is published, in accordance with the Law, in the announcement for the public bidding.

The final amount is determined in the public bidding procedure when selecting the best bidder.

Income from the fee referred to in paragraph 3 of this Article is income of the budget of the Republic of Serbia.

The amount of periodic annual fee is established in the license, at the amount determined by the Agency, and constitutes the income of the Agency.

In addition to fees from paragraphs 3 and 5 of this Article, the license holder shall also pay fees stipulated by the Law and the Agency bylaws, which are the income of the Agency, according to Article 19 of the Law.

The license holder may have the obligation to provide a guarantee for the payment of the once-off license fee.

III AUTHORIZATION

Article 13

The Agency issues authorization for the usage of public telecommunication networks, or for public telecommunication services provision, under the conditions and in the way set in the Article 38 of the Law and in the Agency bylaws.

Along with the application for the authorization issuance, the applicant shall submit the following information concerning:

1. The applicant:

- 1) name, address, head office, Fiscal ID number and Personal ID number;
- 2) a copy of registration with the Serbian Business Register Agency;
- 3) information on sources of financing and information on residences/seats and names of natural/legal persons owning more than 10% of management rights;

4) company profile and business objectives;

5) forms of partnership, if any.

2. Technical documents:

1) detailed description of all technical aspects concerning the provision of required service;

2) network configuration and description of interface concerning the provision of required service;

3) description of equipment which will be used by the applicant, with the exception of the equipment of the public fixed telecommunication network operator;

4) other relevant information on applicant.

Authorization fee

Article 14

The authorization issuance involves a fee payable in accordance with the Law and the Agency bylaws, which is the Agency income, according to Article 19 of the Law.

IV LICENSE REGISTER

Article 15

In accordance with the Article 22, paragraph 2, item 1 of the Law, the Agency keeps license register.

Article 16

The license register contains in particular:

1) name, address, head office, Fiscal ID number and Personal ID number;

2) a copy of registration with the Serbian Business Register Agency;

3) information on license holder and conditions for license modification;

4) information on issued license, type of public telecommunication networks or type of public telecommunication services, other information on license, and information on period for which the license is issued;

5) amount of fee and conditions of payment;

- 6) information on possible decision on prohibition to perform the registered activity;
- 7) information on performing the obligations stipulated by the license;
- 8) information on inflicted sanctions;
- 9) information on revocation of the license, or suspension of rights and obligations from the license.

V FINAL PROVISION

Article 17

These Rules shall enter into force on the eighth day from the day of the publication in the “Official Gazette of the Republic of Serbia”.

Number: 1-01-110-16/06
Belgrade, 24th March 2006

Chairman of the Managing Board
Prof. Dr. Jovan Radunovic