

Pursuant to paragraph 5 of Article 86 of the Telecommunications Law (*Official Gazette of the Republic of Serbia* number 44/03) 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 17th February 2006, adopted

RULES

ON COMPLIANCE CONTROL OF TELECOMMUNICATIONS NETWORKS, SYSTEMS AND FACILITIES WITH PRESCRIBED STANDARDS AND REGULATIONS

1. PRELIMINARY PROVISIONS

Article 1

These Rules define the control of telecommunications networks, systems and facilities compliance with prescribed standards and regulations.

Article 2

Telecommunications networks, systems and facilities have to be built, designed, manufactured, used and maintained in compliance with domestic rules, standards and regulations.

If there are no domestic standards and regulations, the relevant European Union standards and technical regulations shall be applied.

The Republic Telecommunication Agency (hereinafter: Agency) periodically publishes a list of rules, standards and regulations which refer to telecommunications networks, systems and facilities.

Article 3

Control of telecommunications networks, systems and facilities compliance with prescribed standards and regulations shall be performed by the Commission for compliance control (hereinafter: Commission), formed by the Agency Managing Board, or by a party authorized by the Managing Board no later than 10 days from the day the request has been submitted.

On the basis of the written report of the Commission, the Telecommunications Law (hereinafter: Law) and the regulations adopted on the basis thereof, the Agency issues relevant technical permit – certificate.

2. COMPLIANCE CONTROL

Article 4

Control of telecommunications networks, systems and facilities compliance with prescribed standards and regulations applies to:

- 1) project and project documentation for telecommunications networks and systems;
- 2) technical characteristics and performances of telecommunications networks, systems and facilities;
- 3) building and installing telecommunications networks, systems and facilities;
- 4) usage and maintenance of telecommunications networks, systems and facilities.

2.1. Compliance control of project and project documentation for telecommunication networks and systems with prescribed standards and regulations

Article 5

Compliance control of project and project documentation for telecommunication networks and systems with prescribed standards and regulations shall be performed by inspection of project and project documentation, in order to determine whether the requirements regarding the following have been fulfilled:

- Strategy for the development of telecommunications in the Republic of Serbia;
- standards and regulations prescribed for telecommunications networks, systems and facilities;
- standards and regulations referring to safety and protection of health and environment;
- electromagnetic compatibility.

The project, which is submitted together with the request for compliance control, and which is the basis for building and installing telecommunication network or system has to be made in compliance with standards and technical requirements, by an authorized organization, which holds a license for this type of activities, in accordance with the special law.

In addition to the project referred to in paragraph 1 of this Article, the submitter is also obliged to submit other documentation in accordance with the general act governing the issue of technical permit – certificate issuance.

Article 6

After the compliance of project has been controlled and ascertained, if the project had been made in compliance with standards and regulations, the Agency shall issue technical permit – certificate of compliance, in accordance with the general act governing the issue of technical permit – certificate issuance.

2.2. Compliance control of telecommunications systems and facilities technical characteristics with prescribed standards and regulations

Article 7

Compliance control of telecommunications systems and facilities technical characteristics with prescribed standards and regulations means inspection of applied technology, enclosed statements on compatibility and reports on testing and measuring of telecommunications networks, systems and facilities, direct measuring and testing, as well as partial application of the mentioned ways.

Exceptionally, the user other directly interested party, in case of doubt that departure from the declared rules and regulations has occurred, may request, in written form, inspection of compliance of the standardized and achieved technical characteristics, of the built-in integral parts and materials, as well as of application of the prescribed procedures and protocols in the production and/or on the finished telecommunications networks, systems and facilities.

The control shall be performed on samples and in conditions approved by the Commission, on proposal of the submitter of request.

Article 8

After the control procedure has been carried out and the compliance of telecommunications systems and facilities technical characteristics with prescribed standards and regulations has been ascertained, the Agency shall issue technical permit – certificate of compliance on the basis of which the system or facility can be installed on networks and systems or be put into circulation.

After any change in name or declared characteristics of system or facilities for which technical permit – certificate has already been issued, a new procedure of compliance control has to be initiated, but this procedure may be proportionally simplified in accordance with the made modifications.

2.3. Compliance control of building and installation of telecommunication networks, systems and facilities with the prescribed standards and regulations

Article 9

Compliance control of building and installation of telecommunication networks, systems and facilities implies the issued technical permit – certificate in accordance with Articles 5 and 8 of these Rules.

Compliance control of building and installation of telecommunication networks, systems and facilities with the prescribed standards and regulations refers to control of whether the submitter of request has procured necessary certificates and approvals from the relevant authorities, in accordance with the regulations, approved project documentation and issued technical permit – certificate referred to in Articles 5 and 8 of these Rules.

The submitter of the request shall submit to the Agency a statement confirming that they have procured necessary certificates and approvals from the relevant authorities, in accordance with the regulations, that they will hire licensed – authorized building contractors, and take all necessary measures stipulated under Article 87 of the Law.

Article 10

After the control has been carried out and the compliance of the building and installation of telecommunications networks, systems and facilities with prescribed standards and regulations has been ascertained, the Agency shall issue technical permit – certificate of compliance, in accordance with the general act governing the issue of technical permit – certificate issuance.

The period for which the technical permit – certificate is issued shall correspond the expected duration of building, i.e. the duration of issued approval for building.

2.4. Compliance control of usage and maintenance of telecommunications networks, systems and facilities

Article 11

Compliance control of usage and maintenance of telecommunications networks, systems and facilities and proper working implies testing, measuring and observation of technical characteristics which are performed regularly, or on request, i.e. when necessary, in order to provide proper working of the telecommunications networks, systems and facilities as a whole, or of single parts thereof.

In the control procedure referred to in paragraph 1 of this Article, the Agency uses the results of testing and measuring of the technical characteristics of telecommunications networks, systems and facilities, on the basis of the report on technical inspection and data from centralized and automated monitoring and managing systems.

The measuring, testing and observation also include those carried out after the cause of malfunctioning and disturbances has been removed, in order to determine the compliance of technical characteristics of the repaired telecommunications facilities or system with the requirements for putting them in operation again.

3. COMPLIANCE CONTROL PROCEDURE

3.1. Initiation procedure

Article 12

Compliance control procedure referred to in Article 4 of these Rules is initiated and conducted by the Agency.

Request for initiation of the control procedure referred to in paragraph 1 of this Article, may be submitted by:

1) legal or natural person who builds, owns, maintains and uses telecommunications network and/or provides telecommunications service or puts telecommunications system or facilities into circulation telecommunications;

2) telecommunications service user.

Request for initiation of the control procedure referred to in paragraph 2 of this Article shall be submitted to the Agency, along with the relevant documentation stipulated under the general act on technical permit – certificate issuance.

3.2. Compliance control Commission

Article 13

Compliance control of telecommunications networks, systems and facilities with the prescribed standards and regulations shall be performed by the compliance control Commission.

Commission referred to in paragraph 1 of this Article consists of the president of the Commission and defined number of members.

The number of members shall be defined depending on the complexity and size of the telecommunications networks, systems and facilities.

The president of the Commission is from the Agency.

The members of the Commission may be persons from the Agency or other persons with adequate expert knowledge in accordance with the decision of the Agency Managing Board.

The members of the Commission cannot be persons who participated in any way in the previous actions referred to in Article 4 of these Rules related with the concrete subject of the inspection.

The act on forming the Commission more closely defines the task of the Commission and timeframe for the completing it.

Submitter of the request referred to in item 1) of Article 12 of these Rules shall provide the conditions for the work of the Commission.

Article 14

If necessary, the Commission may propose to the Agency Managing Board to close a contract with relevant faculty, institute or specialized organization in regard to necessary testing and measuring within the procedure of compliance control of telecommunications networks, systems and facilities with the prescribed standards and regulations.

The contract referred to in paragraph 1 of this Article may be closed only with those entities which have adequate personnel and technical capacity to perform the work required by the Agency.

The contracts defines more closely the work of compliance control to be performed on behalf of the Agency, the responsibilities regarding the performed work, timeframes and other elements of the contract.

The Agency shall define more closely the necessary requirements the entities referred to paragraph 1 of this Article have to fulfil and subsequently make a relevant list concerning the hiring for the indicated work.

The Agency shall periodically inspect whether the requirements referred to in paragraph 2 of this Article are fulfilled.

3.3. Testing and measuring

Article 15

For any testing, measuring or observation prescribed by these Rules, or by a rule which refers to these Rules, only measuring and testing instruments for which a valid calibration certificate, in accordance with the separate law, can be used.

List of calibration certificates of applied instruments for measuring and testing and certificate of accreditation of the persons referred to in Article 13 of these Rules is an integral part of all reports on testing, measuring and observation.

Article 16

For any testing, measuring or observation prescribed procedures shall be applied, including statistical methods.

Exceptionally, for testing, measuring or observation non-standardized procedures shall be applied, provided the relevant accredited body has issued a letter of approval in regard to these procedures to the submitter of request, in compliance with JUS - ISO 17025 standard.

All values of the technical characteristics obtained by applying the procedures referred to in the previous paragraph have to be assessed in the standardized way.

3.4. Commission's report on compliance control

Article 17

Report shall be made on the compliance control referred to in Article 4 of these Rules, which shall contain, in particular, time and place of compliance control, basic data on the legal or natural person who builds, owns, maintains and uses telecommunications network and/or provides telecommunications service, or puts into circulation telecommunications system and facilities, basic data on telecommunications networks, systems and facilities.

An integral part of the report referred to in paragraph 1 of this Article shall be the reports on the performed measuring and testing.

Report on performed compliance control shall be made in three copies, where one copy is kept by legal or natural person who builds, owns, maintains and uses telecommunications network and/or provides telecommunications service, one is kept by the Commission and one is kept by the Agency.

In the report on compliance control it shall be stated if and to what degree the telecommunications networks, systems and facilities are compliant with the prescribed standards and regulations.

3.5. Technical permit – certificate issuance

Article 18

On the basis of Article 16 of these Rules, the Agency shall issue appropriate technical permit – certificate, in accordance with the Agency general acts.

If, during control, a noncompliance of telecommunications networks, systems and facilities with prescribed standards and regulations is found, the Commission shall set reasonable timeframe for the noncompliance to be remedied.

If the noncompliance is not remedied after the timeframe referred to in paragraph 2 of this Article has expired, the Agency shall adopt the decision by which the issuance of technical permit-certificate for telecommunications networks, systems and facilities is denied, along with explanation.

4. TRANSITIONAL AND FINAL PROVISIONS

Article 19

If the legal or natural person who builds, owns, maintains and uses telecommunications network and/or provides telecommunications service, or puts into circulation telecommunications system and facilities has initiated the compliance control procedure and has obtained a part of approvals and permits in accordance with former regulations, they are obliged to submit them together with the request for initiation of compliance control procedure.

Taking into consideration the approvals and permits referred to in paragraph 1 of this Article, the Agency shall initiate and carry out the compliance control procedure.

In case the compliance control procedure has been initiated in accordance with the former regulations but has not been concluded, a new request for initiation and carrying out of compliance control procedure shall be submitted to the Agency.

Article 20

These Rules shall enter into force on the eight day following the day of the publication in the "Official Gazette of the Republic of Serbia".

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Chairman of the Managing Board

Belgrade, 17th of February 2006

Prof. Dr. Jovan Radunovic