

Pursuant to Arts. 8, para. 1, item 1), 23, para. 1, 37, para 3 and 38, para. 3 of the Law on Electronic Communications (*Official Gazette of the Republic of Serbia* no. 44/10), Art. 12, para 1 item 1) and Art. 16, item 4 of the Statutes of the Republic Agency for Electronic Communications (*Official Gazette of the Republic of Serbia* no. 59/10),

the Managing Board of the Republic Agency for Electronic Communications, in its session held on 27 May 2011, passed the following

## **RULES**

### **on general terms and conditions for performing electronic communication activities under general authorization regime**

#### **Opening Provisions**

##### **Article 1**

These Rules shall stipulate in detail general terms and conditions for performing activities and shall set out the terms and conditions for performing all or specific electronic communication activities under general authorization regime, and shall stipulate the notification form for performing electronic communication activities (OB Form).

General terms and conditions referred to in para. 1 herein shall apply to the terms and conditions stipulated under provisions of Art. 37, para. 2 of the Law on Electronic Communication (*Official Gazette of the Republic of Serbia* no. 44/10, hereinafter: Law).

The form referred to in para. 1 herein shall be printed herewith and shall be an integral part hereof.

##### **Article 2**

The terms used herein shall have the following meaning:

**Electronic communication activity** refers to the building or installation, maintenance, usage and lease of the public communication networks and associated facilities, along with the provision of the publicly available electronic communication services.

**Internet services** refer to electronic communication services of data transmission which are realized in compliance with the Internet standards (recommended and STD series of RFCs) and which require the use of IP addresses, except for commercial voice transmission services.

**Data transmission services** refer to electronic communication services which are realized by means of data transmission devices connected to a public communication network and which do not require the use of public IP addresses.

**Voice transmission over the Internet** refers to the real-time voice transmission service, provided on a commercial basis.

**Public fixed telephone network** refers to an electronic communication network used for the provision of publicly available telephone service at a fixed location, which is mainly realized via copper pairs in the access segment. It provides voice transmission between the termination points and between other forms of communication (telefax, data transmission, etc.).

**Fixed wireless access network** refers to a fixed electronic communication network with fixed end-user locations and fixed access points connected wireless.

**Microwave access network** refers to an electronic communication network with nodes connected through wireless microwave links.

**Optical network** refers to a transmission system and, if required, to switching or routing equipment and other resources enabling signal transmission by using optical fibres.

**Dark fibre leasing** refers to the lease of dark fibres for signal transmission.

**Wired network leasing** refers to the lease of transmission systems by using copper pairs and/or coaxial cables.

**Leased line** refers to a transparent capacity enabling communication signal transmission between terminal points, where service users cannot take part in the control of the switching functions.

**Broadband wireless data transmission network** refers to a wireless network operating in the frequency bands that do not require individual licence for radio frequency usage.

**Nomadic networks** refer to networks where end-user can move from one location to another, but the service is not guaranteed while moving between the locations.

1. **Notification on the commencement, change and termination of the electronic communication activity, and the submission of other data and information**

### *1.1. Commencement of the Activity*

#### **Article 3**

Person intending to perform the electronic communication activity under the regime of general authorization shall be required to notify the Republic Agency for Electronic Communications (hereinafter: Agency) thereof, in writing, on the notification form (OB Form), at least 15 days prior to the commencement of the activity.

Person intending to perform electronic communication activity via their own electronic communication network by using radio frequencies that require an individual licence issued through a public bidding procedure, needs to acquire such individual licence beforehand.

Person intending to perform the electronic communication activity by using radio frequencies that require an individual licence issued on request need to submit the filled out OB Form referred to in para. 1 herein prior to submitting the request for the individual licence for radio frequency usage.

Person intending to perform the electronic communication activity by using wireless access infrastructure in the frequency bands that do not require an individual licence for radio frequency usage shall submit all data and also all basic technical parameters pertaining to the switching equipment (type of device and software) in accordance with the relevant general by-law of the Agency.

Person intending to perform the electronic communication activity such as to require the use of numbering shall submit the filled out OB Form referred to in para. 1 herein prior to submitting the request for the individual licence for the use of numbering.

### *1.2. Notification Submission and Content*

#### **Article 4**

The notification shall include data required to identify the operator performing an electronic communication activity, in particular the following:

- 1) company name, address and/or seat, company ID number, fiscal ID number and contact information of the authorised persons;
- 2) short description of the electronic communication network and/or service which is the subject of the notification;
- 3) expected date of the commencement, change and termination of the electronic communication activity;
- 4) service contract model offered to users;
- 5) text of the general terms and conditions for service provision.

The notification shall include a stamped signature of the person authorized to represent the company.

In addition to the notification referred to in para. 1 herein, the operator shall submit an excerpt from the business registry or other relevant registry substantiating the authenticity of the data referred to in para. 1, item 1 herein.

A short description of the electronic communication network referred to in para. 1 item 2) herein shall be submitted together with the notification and shall include the following:

- 1) description and purpose of the electronic communication network;
- 2) schematic design of the electronic communication network indicating the node locations;
- 3) basic characteristics of the applied transmission systems (realization technology, capacities, resources deployed and infrastructure);
- 4) information on the number of users to be served by the electronic communication network;
- 5) description of the access points designed for the connection to other networks;
- 6) information on the area to be served by the electronic communication network (municipality/city/region/territory of the Republic of Serbia);
- 7) information on the network management and monitoring system;
- 8) design of the power supply systems for single electronic communication network elements;
- 9) information on the compliance with the recommendations, standards and technical provisions.

Short description of the electronic communication services referred to in para. 1 item 2) herein shall be submitted along with the notification and shall include the following:

- 1) information on the service provision area;
- 2) description of the service provided and the manner of service provision;
- 3) user registry and service billing technical solution,
- 4) information on the quality control of the provided services;
- 5) information regarding user protection and communication safety and privacy;
- 6) data uniquely identifying the broadcasts in the RF spectrum for the services provided using radio frequencies.

The operator shall inform the Agency of any change in the information given in the notification, in writing, no later than 15 days following the change.

### *1.3. Change and Termination of the Activity*

## **Article 5**

In case an operator wishes to change the electronic communication activity or terminate performing the activity, they shall inform the Agency thereof no later than 15 days prior to the change of the electronic communication activity or the termination of the activity performance, in writing on the notification form (OB Form), stamped and signed by a person authorised for representation.

### *1.4. Issuance of the Certificate on the Data Entry in the Operator Registry*

## **Article 6**

The Agency shall, in the line of duty or at the operator's request, issue a certificate on the data entry in the registry of operators performing the electronic communication activity no later than seven days following the receipt of the notification and the complete documentation.

The certificate referred to in para. 1 herein is attached hereto and is an integral part hereof.

### *1.5. Terms and Conditions for Removing the Operator from the Registry*

## **Article 7**

The Agency shall remove the operator from the registry of the operators performing the electronic communication activity in the following cases:

- 1) if the operator informs the Agency in writing on the termination of the activity performance, on the day indicated in the notification as the day of the termination of the activity performance;
- 2) if the operator suspends performing the activity of the electronic communication for more than six months uninterruptedly, on the day specified in the Agency decision;
- 3) if the operator is banned to perform the electronic communication activity by a final court ruling, on the day indicated in the ruling.

### *1.6. Register Keeping*

## **Article 8**

The agency shall keep an up-to-date register of the operators of the public communications networks and services in electronic form, which shall be available on the Agency website.

The operator register referred to in para. 1 hereof shall be kept in the form of the Operator Registry.

The Operator Registry shall include the following information:

- 1) entry ordinal number;
- 2) operator's name, address or eat, company ID number, fiscal ID number, name and surname of the person authorised for representation;
- 3) a related legal entity or a subsidiary for the operators referred to in Art. 40 of the Law;
- 4) short description of the public communication networks and/or communication services;
- 5) commencement and/or termination date of the operator's activity performance, and
- 6) other necessary data of importance for the entry in the Operator Registry.

The Operator Registry shall be kept based on the information from the notification stipulated under the provisions of Arts. 3 and 5 herein.

## **2. Fee Payment**

### **Article 9**

The operators performing the electronic communication activity shall pay fees pursuant to the Law and general by-laws of the Agency, in particular for:

1. use of numbering, as of the day of the issuance of the licence for the use of numbering;
2. radio frequency usage, as of the day of usage stipulated by the decision from the individual licence for the radio frequency usage;
3. performing the electronic communication activity, as of the day of the commencement of the electronic communication performance under the general authorization regime;
4. service provision which falls within the competence of the Agency.

#### *2.1. Setting the Fee Amount*

### **Article 10**

The fee for the use of numbering, radio frequencies and performing the electronic communication activity shall be paid by the operator, in the amount set on an annual level by the decision passed by the Agency, according to the regulations of the general administrative procedure, stipulating the fee amount and method of payment, based on the submitted annual report and/or the register of the licences issued for the frequency usage and assigned numbering.

The Agency shall set the amount of the annual fee for operators performing the electronic communication activity, pursuant to the Law and general by-law.

The amount of the fee for performing electronic communication activity shall be set pursuant to the general by-law of the Agency, according to the type of public communication

network and/or publicly available electronic communication services and in line with the Agency's financial plan.

The revenues from sales in the business year to which the payment of the fee applies shall be the revenues from sales made on the account of electronic communication activity performance, with respect to the type of activity, stated by the operator in the profit and loss account for the previous business year, pursuant to the regulations regulating accounting and auditing.

Operators that do not have the obligation of making the annual financial reports shall submit the information on the revenues made from sales for the previous year in the same manner applied in respect to the relevant IRS offices of the Republic of Serbia.

Operators referred to in the previous paragraph herein shall submit to the Agency the financial reports with notes, certified by the Serbian Business Registers Agency, and/or the information on revenues, no later 31 March of the current year for the previous year.

The operators that have the obligation to perform an independent auditing of the financial reports shall submit to the Agency the report of the auditor for the previous year along with the corrected financial reports immediately, and no later than five days after submitting them to the Serbian Business Registers Agency.

The operator that commences performing the electronic communication activity during the business year shall be required to submit to the Agency the information on the estimated revenues from sales for the business year, along with the notification referred to in Art. 3 herein in order to set the advance payment of the fees for performing the electronic communication activity.

The operator that commences performing the electronic communication activity during the business year following the decision on fulfilment of the conditions for the individual licence issuance following the public bidding procedure shall submit to the Agency the information on the estimated revenues from sales for the business year no later than 15 days after the decision has been adopted, in order to set the advance payment of the fees for performing the electronic communication activity.

## **Article 11**

The operator can be granted a delayed payment or instalment payment, but no later than the end of the calendar year, subject to the decision of the Agency upon individual request.

In case the final decision should set an amount inferior than the amount of the advanced payment, the operator may request the reimbursement of the excessive payments made.

### **3. Project design, construction or installation, use and maintenance of the electronic communication networks and associated facilities**

#### **Article 12**

Operators shall prepare the project design for electronic communication networks and associated facilities as well as build or install, use and maintain the networks in accordance with:

- 1) the prescribed technical and other requirements;
- 2) provisions which govern the fields of spatial planning and construction, environmental protection and cultural heritage protection;
- 3) the law and other related provisions so as not to cause harmful interference in the operation of other electronic communication networks, associated facilities and electronic communication equipment.

Electronic communication network, associated facilities, electronic communication equipment and terminal equipment shall not cause unlawful electromagnetic interference which may have a harmful effect on the operation of other electronic devices as well as other devices and plants in the near vicinity.

Electronic communication network, associated facilities, electronic communication equipment and terminal equipment shall have the appropriate immunity to electromagnetic interference.

In accordance with the law, operators who provide passive infrastructure (e.g. cable ducts, optical cables, dark fibers, masts) shall submit necessary data to the Agency in regard to the infrastructure which they intend to lease to other operators.

### **4. Control of the degree of human exposure to electromagnetic fields**

#### **Article 13**

Agency shall measure the intensity of electromagnetic field generated by electronic communication networks, associated facilities, electronic communication equipment and terminal equipment and shall notify the representatives of the relevant inspection agency about the cases where the electromagnetic field intensity exceeds the set limit.



The measurements referred to in para. 1 herein shall be conducted within organizational units of the Agency (regional stations) i.e. monitoring stations, by representatives authorized to perform measurements and tests.

## **5. Compliance with prescribed technical and other requirements**

### **Article 14**

Ensuring compliance with and fulfilment of the prescribed technical and other requirements shall refer to:

- 1) elements of communication infrastructure,
- 2) whole electronic communication network as well as electronic communication network elements, and
- 3) associated electronic communication facilities.

The mandatory minimum set of technical requirements which have to be fulfilled shall imply the following:

- 1) health protection;
- 2) safety and security;
- 3) environmental protection and
- 4) user protection.

Monitoring the fulfilment of the prescribed technical and other requirements shall refer to:

- 1) projects and project design documentation;
- 2) electronic communication networks, associated facilities and terminal equipment;
- 3) quality control of the services provided to users;
- 4) technical inspection.

## **6. Interconnection, access and interoperability of networks and services**

### **Article 15**

In accordance with the Law and general by-laws of the Agency, operators shall be entitled to interconnect with other operators, as well to access network elements and associated facilities of other operators in order to provide electronic communication services to end-users.

The operator who receives the request for interconnection or access shall commence negotiation about interconnection and/or access terms with the operator who has submitted the request.

Technical and commercial requirements for interconnection and/or access on a national or international level shall be stipulated in the contract signed by operators.

An operator shall keep the confidentiality of information obtained before, during and after negotiations or conclusion of the contract on interconnection and/or access, and use such information solely for the purposes it has been provided for.

Should any of the electronic communication operators fail to reach an agreement on interconnection and/or access, the Agency shall be authorized to adopt a decision, at the request of an operator or in the line of duty, within 60 days from the commencement of negotiations, to ensure interconnection and/or access, including technical and commercial conditions.

## **7. Interconnection of electronic communication networks for special purposes and public communication networks**

### **Article 16**

At the request of defense and security authorities and emergency services, by its decision, the Agency may impose an obligation on an operator to provide, within the existing technical possibilities, priority interconnection with an electronic communication network for special purposes for a period not longer than 14 days, in cases where in a certain area there are no adequate capacities of electronic communication networks for special purposes and/or when for the reasons of urgency or unpredictability, it was not possible to predict and realize interconnections necessary for the execution of duties of defense and security authorities and emergency services prescribed by law (e.g. for securing visits of foreign statesmen, sports manifestations and public gatherings, actions in cases of major traffic accidents, fire and disasters, urgent interventions in case of terrorist attacks, military drills, etc.).

Technical conditions and interconnection service fees shall be determined by the decision from para. 1 of this Article.

## **8. Universal service financing**

### **Article 17**

In accordance with the Law and the adequate by-law adopted by the Agency, operators shall finance universal service provision.

The decision adopted by the Agency shall specify the amount of the contributions the operators shall pay for financing the universal service provision in the previous accounting period, in the manner which shall disrupt market relations to the slightest possible extent and shall be in proportion to the respective operator's share in the market; the total amount of contributions paid by all operators must correspond to the total amount of excessive costs.

## **9. Ensuring the availability of numbering for end-users**

### **Article 18**

In line with the Law, in cases where service provision necessitates the use of numbers or addresses from the Numbering Plan, the operator shall submit a request to the Agency for the issuance of the license for the use of numbering.

## **10. Service provision related to the use of radio frequencies within the general authorization regime**

### **Article 19**

The manner of use of radio frequencies which fall within the general authorization regime shall be determined by a general by-law adopted by the Agency in accordance with the Law.

## **11. Broadcasting media content of general interest**

### **Article 20**

At the request of the authority in charge of broadcasting, the Agency shall designate the operator in charge of broadcasting one or more radio or television programs on a national, provincial, regional or local level.

## **12. Protection of consumer rights within the field of electronic communication**

### *12.1. General rules for service provision*

### **Article 21**

Services shall be provided in accordance with the Law and professional ethics with the aim of protecting consumer rights.

Services shall not be provided or offered in a manner which is likely to offend or abuse the position and/or characteristics of individuals or groups of people.

Operators shall, in line with their existing technical possibilities, ensure equal availability of their services for people with disabilities.

### *12.2. General rules for service promotion*

### **Article 22**

Within all promotional offers, services shall be described in great detail and shall include the price of services in such a manner so as to ensure that the description of services is clear, comprehensible, conspicuous and legible.

Provision of false, incomplete or other information which may deceive consumers with regard to terms of service provision as well as deliberate concealment of information required for the user to make a decision regarding certain service use shall be strictly forbidden.

With the aim of obtaining higher promotional gain, in case of additional payments, above the service price for added value services, such additional payment shall be stipulated within promotional offers referred to in Art. 1 herein in a clear, easily comprehensible and legible manner.

Services must not be described as „free of charge“ unless such services are designated as free of charge in accordance with the Numbering Plan. Special benefits obtained by service use must not be described as „free of charge“ yet as a gift received for using the service.

Promotional offers must include the name and contact details of operators providing value added services, telephone number which shall not be part of the category of value added numbers or information regarding the manner of finding such data in a simple manner and free of charge.

Service prices shall include the amount of VAT. Should the prices for accessing services from mobile and fixed networks be different, all prices shall be listed separately.

Visual promotional material shall include information about service prices which shall be easily visible and clear, as well as comprehensible to and legible for an average user. Service prices, as well as telephone number or service address, shall be written in the same manner (same font, size, colour, background, etc.).

Promotional offers without visual interpretation (e.g. radio advertisement) must include information about service prices which shall be comprehensible and read slowly.

Within promotional offers broadcast via television or other types of audiovisual media, the information about service price must be shown visually or be heard and shall be repeated when the telephone number for accessing the service is repeated. Visual presentations must be clearly visible as well as slow enough for a user to be able to read and comprehend them within an average distance from the screen. Audio presentations must be spoken slowly and comprehensibly.

Services with contents intended exclusively for adult population must include a warning message (e.g. “If you are younger than 18 and do not hold the permission from parents/guardians, please hang up immediately”) which shall be played before the service provision begins, along with the information about call charges and the beginning of service billing.

### *12.3. Contents of service advertisements*

#### **Article 23**

Advertisements for services must include the description of the service which is provided or information about the manner of obtaining full description of services.

Services must be described in a clear, easily comprehensible and legible manner.

Each advertisement which refers to value added services must include service prices which shall be located next to the telephone number or address and be written in the same manner (font, size, shape, background, etc.) as the number.

Advertisements for services which refer to the provision of professional help and information must include the identity and the appropriate professional qualifications of an individual or a professional organization responsible for providing detailed information.

Every advertisement for services available through public media shall be followed by name, full address of the seat of the company, ID number of the operator in charge of providing value added services as well as the telephone number which must not be part of the category of value added numbers.

### *12.4. Contracts between operators and users*

#### **Article 24**

Mutual rights and obligations of operators and users shall be specified by means of a contract which shall be concluded in a written form and in the manner stipulated by the Law.

Mutual rights and obligations of operators and users not stipulated in the contract shall be governed by operator's general terms and conditions for service provision.

General term and conditions referred to in para. 2 herein shall include all elements stipulated in the contract referred to in para. 1 herein except from the length of contract validity and terms and conditions for renewing or cancelling the contract.

Contract referred to in para. 1 herein shall be considered closed also for value added services available to subscribers under general terms and conditions stipulated by operators. In that case, operators shall send a written, or if stipulated in the contract, electronic confirmation to users about the activation of additional services along with the terms and conditions for the commencement and cancellation of service use.

Subscribers shall ensure the proper functioning of subscriber installation. Communication terminal equipment must be in compliance with the prescribed technical requirements.

Operators must not refuse to connect the subscriber communication equipment which is compliance with the provisions adopted in accordance with the Law.

In cases where contracts include a limited trial period for service use, during which subscribers may cancel the use of services free of charge, operators must inform service subscribers within eight days prior to trial period deadline, either verbally or in writing, about the date starting from which the contract can no longer be cancelled free of charge.

In cases where subscribers breach the provisions of another contract between same parties, contract referred to in para.1 herein shall not include the possibility for a temporary suspension of service provision or the possibility for subscriber contract cancellation, nor shall it include the possibility for operators to avoid or limit the fulfilment of contractual obligations, to the detriment of subscribers.

#### *12.5. Information about contract terms and service prices*

### **Article 25**

Operators shall offer their services in a manner which shall clearly and unambiguously inform the users about the terms of contract conclusion.

Service price list, depending on types of services offered, shall include: the amount of the one-off connection fee, amount of the monthly fee for accessing the electronic communication network or service, cost calculation unit and tariff interval, the description of special conditions for accessing protected contents or value added services, information about maintenance costs and available bundled services and discounts as well as other information relative to other specific services.

Operators shall make contract terms and service price lists for physical persons publicly available in a convenient way.

Terms and conditions which apply to special types of payment for value added services must be explained to users in a comprehensible manner.

Value added service operators shall enable users to cancel the use of service at any point in time and immediately suspend service provision and service billing.

In case a value added service is used for collecting donations, each advertisement of such a service must indicate the amount of the portion of service price which shall be donated to a particular cause. In case the donation is collected for charity or humanitarian aid, each advertisement of such a service must also indicate the portion which corresponds to the costs incurred by service operators.

Operators shall, without any further delay, inform subscribers about contract terms and conditions as well as about all modifications to contract terms and conditions and submit such information to the Agency not later than the day those come into force.

Agency may prescribe additional requirements for certain services.

#### *12.6. Modification of service provision conditions*

##### **Article 26**

In a manner deemed convenient (by printed appendix sent with the monthly service bill, SMS message, printed brochure available at outlets, Internet website, info channel, or other means of public advertising) operators shall inform subscribers at least one month in advance, about their intent of unilateral modification of conditions of service provision as well as about the right of subscribers to cancel the contract prior to the expiry of the contract validity period.

In case operators modify important terms of the contract unilaterally (modifications related to service prices, tariffs, specification of bundled services, etc.) subscribers, upon the receipt of the information referred to in para. 1 herein, shall have the right to cancel the contract without paying the amount stipulated in the contractual penalty clause.

#### *12.7. Quality of service*

##### **Article 27**

Operator shall provide quality operation of electronic communication networks and quality of services which are provided in accordance with the provisions governing the electronic communication sector, by-laws of the Agency and contracts concluded with users, i.e. in accordance with the general terms and conditions which govern the provision of services by operators.

Operators shall be responsible for removing faults and malfunctions on the electronic communication network and network elements used for the provision of services which fall within their competencies.

Operators shall identify the location and cause of faults and malfunctions and remove them in due time and in a manner which guarantees quality.

Faults and malfunctions referred to in para. 3 herein shall be removed by operators not later than 48 hours from the moment of their occurrence regardless of fact where they have occurred, i.e. within one part of the system or within the system as a whole.

In case operators fail to remove failures or malfunctions within the deadline referred to in para. 4 herein, they shall notify subscribers and the Agency thereof in the adequate manner and provide reasons for their failure to remove failures and malfunctions.

In case the suspension of services lasts more than 48 hours from the moment the failures and malfunctions occurred, operators shall reduce the amount of monthly subscription charge in proportion to the period during which the services were suspended, in case of services which require payment of fixed monthly subscription charges.

Operators shall pay particular attention to removing failures and malfunctions in case of special categories of subscribers such as: nursing homes, elderly and/or persons with disabilities living in their own homes or apartments, etc.

Agency shall have the right to verify the authenticity of all submitted data referred to in this Article within four years from the date of the receipt of such data.

Operators shall submit to the Agency the data on the quality of electronic communication network operation as well as the quality of provided services as part of the annual report, as well as upon request of the Agency.

Agency shall adopt a by-law which shall stipulate the quality parameters which need to be closely monitored.

#### *12.8. Itemised billing*

### **Article 28**

In cases where services are charged relative to the amount or quality, operators shall, upon the request of subscribers, issue a bill containing a detailed specification of provided services with the calculation of charges for each individual service with the aim of ensuring simple verification and cost control of the provided services.

#### *12.9. Subscribers' complaints*

### **Article 29**

In accordance with Art. 113 of the Law, a subscriber may file a complaint to the operator in writing, referring to the amount charged for the provided service or referring to the quality of the provided service and may seek indemnification in line with the Law and the contractual provisions related to the lower quality of the provided service.



### **13. Ensuring the availability of unambiguous and complete information about prices, requirements for access to, use and quality of public communication networks and services**

#### **Article 30**

Operators shall submit updated data on the prices and quality of services on a regular basis and in the manner and form prescribed by the Agency. The Agency shall make price lists, requirements, values of quality parameters as well as comparative analyses of those data publicly available on its website.

### **14. Protection of privacy and personal data**

#### **Article 31**

Interception of electronic communication that reveals the content of communication shall not be permitted without the prior consent of the user, except for a definite time and based on the court decision, if necessary for criminal proceedings or the protection of security of the Republic of Serbia, in a manner prescribed by law.

The provision stipulated in para. 1 of this Article shall not prevent the recording of communication and related traffic data carried out for the purpose of providing evidence of commercial transactions or other business relations, in which both parties are aware, must be aware of or have been explicitly warned that the communication may be recorded.

Use of electronic communication networks and services to store or gain access to user data stored in the terminal equipment of subscribers or users shall be allowed on condition that the subscriber or user concerned is provided with clear and comprehensive information about the purpose of data collection and processing, in accordance with the laws governing personal data protection, and is also given an opportunity to refuse such processing.

The provision referred to in para. 3 of this Article shall not prevent any technical storage or access to data for the purpose of transmission of communication over electronic communication networks or provision of services explicitly requested by the user.

### **15. Measures for the prevention and elimination of abuse and frauds**

#### **Article 32**

Operators shall, in line with the relevant provisions, take appropriate technical and other measures with the aim of preventing abuse and frauds with respect to the use of electronic communication networks and services.

**16. Measures for the protection of safety and integrity of public communication networks and prevention of electromagnetic interference among electronic communication networks and services**

**Article 33**

In line with the relevant provisions, operators shall take adequate technical and other measures with the aim of ensuring the protection of safety and integrity of public communication networks and service provision.

With the aim of preventing electromagnetic interference among electronic communication networks, operators shall take adequate technical and other measures in line with the relevant provisions.

The operator shall inform the Agency of any violations of security and integrity of public communication networks and services, that significantly affected their operation, and particularly on violations that caused infringement of personal data protection or privacy of subscribers or users.

The Agency shall be authorized to inform the public on the infringement of security and integrity referred to in para. 3 of this Article or to require operators to inform the public themselves in cases where they consider the publication of such information shall be of interest to the public.

**17. Lawful interception of electronic communication and access to retained data**

**Article 34**

Operators shall enable lawful interception of electronic communication and shall retain data on electronic communication in accordance with the Law, general by-laws, i.e. technical conditions, adopted by the relevant authority in accordance with Arts. 127 and 129 of the Law.

**18. Transitional and final provisions**

**Article 35**

In its line of duty, the Agency shall enter data from the existing registries, registers, and databases of holders of valid licences and authorizations into the register of operators and shall issue the relevant confirmation in accordance with the Law and these Rules.

**Article 36**

Once these Rules shall come into force, the Rules on public telecommunication networks and public telecommunication services for which authorization is required (*Official Gazette of the Republic of Serbia*, no. 60/06), Rules on terms and conditions for the issuance of authorizations

for public telecommunication networks and contents of authorizations (*Official Gazette of the Republic of Serbia*, no. 94/08), Rules on terms and conditions for the provision of voice transmission services over the Internet and the contents of the authorization (*Official Gazette of the Republic of Serbia*, no. 94/08), Rules on terms and conditions for the provision of Internet services and other data transmission services and on contents of authorization (*Official Gazette of the Republic of Serbia*, no. 100/08) and Rules on terms and conditions for the provision radio and television program distribution service and contents of the authorization (*Official Gazette of the Republic of Serbia*, no. 26/09) shall cease to be valid.

### **Article 37**

These Rules shall come into force on the eight day following the day of their publication in the *Official Gazette of the Republic of Serbia*.

Ref. no: 1-01-3400-3/11

In Belgrade, 27 May 2011

**Chairman  
of the Managing Board**

*prof. dr Jovan Radunović*

**OPERATOR'S NOTIFICATION FOR THE ENTRY IN THE REGISTER**

	<b>Information on the operator (<i>filled in by the operator</i>)</b>	
	Full business name	
	Abbreviated business name	
Company seat address	Street and number	
	Postal code and locality	
Contact address	Street and number	
	Postal code and locality	
	Name of the subsidiary for performing electronic communication activity (if applicable)	
Seat address	Seat of the subsidiary for performing electronic communication activity (if applicable)	
	Company ID number	
	Fiscal ID number	
	Telephone	
	Fax	
	E-mail	
	Website	
	Owner/Authorised person, name, surname, personal ID	

	number		
	<b>Contact person</b>		
	Contact person: name, surname,		
	Telephone		
	e-mail		
User complaints	Address:		
	Telephone:		
	e-mail:		
	Short description of the network or service		
	Provides services using	Own network	Network of another operator
	Specify operators of the access network used		

Type of electronic communication network (ECN) subject of the notification				
Type of network	Network identification			Please mark
Infrastructure		Passive infrastructure (cable ducts, passive optical cables, $\lambda$ , masts,...)		
Fixed network	ECN0101	Public fixed telephone network		
	ECN0102	Fixed wireless access network		
	ECN0103	Microwave transport network		
	ECN0104	Optical network		
	ECN0105	Other wired networks (coaxial, hybrid)		
	ECN0106	Other networks (please provide description in the annex)		
Mobile network			Ref. no. of the individual licence for radio frequency usage	
	ECN0201	GSM mobile network		
	ECN0202	UMTS /IMT2000 mobile network		
	ECN0203	4 G mobile networks		
	ECN0204	TETRA		
	ECN0205	PAMR		
	ECN0206	Other mobile networks (please provide description in the annex)		
Satellite network	ECN0301	Fixed satellite network		
	ECN0302	Mobile satellite network		
	ECN0303	Other satellite networks (please provide description in the annex)		
ad ic ne	ECN0401	Broadband radio network (RLAN,..)		

	ECN0402	Other networks (please provide description in the annex)	
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### Electronic communication service provision

Type of notification			Service identification	Type of service	Type of network				Date of commencement, termination or change	Geographic area
Commencement	Change	Termination			Fixed	Mobile	Nomadic	Satellite		
			ECS0101	Public telephone service						
			ECS0102	Virtual public telephone service operator						
			ECS0103	Voice transmission over own network by using Internet protocol						
			ECS0104	Voice transmission over the Internet						
			ECS0105	Voice transmission value added service						
			ECS0106	Voice transmission from a fixed location by using prepaid cards						
			ECS0107	Voice transmission over satellite						
			ECS0108	Public phones						
			ECS0109	Telephone directory						
			ECS0110	Call back						
			ECS0111	Public phone via intermediary						
			ECS0112	Data transmission						
			ECS0113	Message transmission (SMS, MMS)						

			ECS0114	Message transmission (SMS,MMS) value added service						
			ECS0115	Media content distribution						
			ECS0116	Media content broadcasting and multiplexing						
			ECS0117	Leased lines						
			ECS0118	Partial leased lines						
			ECS0119	Infrastructure leasing						
			ECS0120	Dark fibre, $\lambda$ leasing						
			ECS0121	Virtual private networks (VPN)						
			ECS0122	Broadband network access						
			ECS0123	Closed user group						
			ECS0124	Other services – please provide a detailed description on a separate paper						

Please mark appropriate fields with „x“ and/or the date and area of service provision

DATE:

SEAL AND SIGNATURE OF  
THE PERSON AUTHORIZED  
FOR REPRESENTATION



Ref. no.:

Date:

Belgrade

Pursuant to Art. 38, para. 4 and 5 of the Law on Electronic Communications (*Official Gazette of RS*, no. 44/10) and Art. 161. of the Law on General Administrative Procedure (*Official Journal of FRY*, nos. 33/97 and 31/01 and *Official Gazette of RS*, no. 30/10),

**the Republic Agency for Electronic Communications hereby issues a**

### **CERTIFICATE**

**on the entry in the register of the public communication networks and services**

Electronic communication operator (company name, personal ID number, fiscal ID number, address and/or seat) is registered (*alternative: change is registered or is cancelled from the Registry*) in the Registry of the Republic Agency for Electronic Communications under ref. no. \_\_\_\_\_, as an operator for the provision of (specify the list of electronic communication activities pursuant to the table or text of the notification form), scheduled to commence performing the activity as of \_\_\_\_\_ 20\_\_ (*alternative: specify the change of information, or, if cancelled from the register, the type of electronic communication activity shall be followed by: scheduled to terminate performing the activity as of the day specified in the operator's Notification or as of \_\_.\_\_.20\_\_.*)

The Registry shall be available on the website of the Republic Agency for Electronic Communications.

**Signature of the officer in charge**

**(STAMP)**

Submitted to:

-the above-stated

-relative sectors