

Pursuant to paragraph 6 of Article 71 and paragraph 2 of Article 87 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 17<sup>th</sup> March 2006, adopted

## **RULES**

### **ON TECHNICAL INSPECTION PROCEDURE IN THE FIELD OF TELECOMMUNICATIONS**

#### **1. GENERAL PROVISION**

##### **Article 1**

These Rules regulate the technical inspection procedure in the field of telecommunications.

The technical inspection procedure (hereinafter: technical inspection) means inspection of technical requirements and parameters for the telecommunications networks, systems and facilities, as well as for radio stations, as defined in the previously approved project documentation and/or technical documentation, and the compliance with all prescribed conditions on basis of which the relevant permits have been granted.

##### **Article 2**

Telecommunication networks, systems and facilities, as well as radio stations can be put into operation after the technical inspection has been performed and after all liabilities towards the Republic Telecommunication Agency (hereinafter: Agency) have been settled.

#### **2. TECHNICAL INSPECTION PROCEDURE**

##### **2.1. Submission of request for technical inspection**

##### **Article 3**

Technical inspection shall be performed only upon written request from natural or legal person, i.e. the user of the telecommunication network, system or facilities, and of radio station, for which the Agency has issued relevant permits (technical permit – certificate and radio station license).

The request referred to in paragraph 1 of this Article shall be submitted to the Agency.

The technical inspection has to begin no later than 30 days from the day the request referred to in paragraph 2 of this Article has been received, with prior written agreement with the submitter of the request regarding the place and time of performing the technical inspection.

The technical inspection may also be performed if, during the Agency control or following complaint from a user, it is determined that there is incongruence with the parameters stipulated under technical permits – certificates or under radio station license.

## 2.2. Contents of the request and accompanying documentation

### Article 4

The request for technical inspection shall contain:

- name, address, head office, Fiscal ID number and personal ID number of the submitter of request;
- subject of technical inspection;
- statement of acceptance of total costs of the technical inspection and
- proof of payment of the costs of technical inspection.

In addition to the request for technical inspection referred to in paragraph 1 of this Article, the following documentation shall also be submitted:

- a copy of registration with the Serbian Business Register Agency;
- a copy of technical permits – certificates on compliance of telecommunication networks, systems or facilities with the prescribed standards and norms, issued by the Agency;
- main project according to which the structure has been built;
- statement that the structure has been built in accordance with the main project and the project of the built structure;
- special certificates issued by the specialized authorized institutions;
- reports on testing and measuring.

For technical inspection of radio station, in addition to the request referred to in paragraph 1 of this Article, a copy of the radio station license and a copy of technical permit – certificate issued by the Agency for the same type of radio station the technical inspection is requested, shall also be submitted.

## 2.3. Commission for technical inspection

### Article 5

Technical inspection is performed by the Commission for technical inspection (hereinafter: Commission), formed by the decision of the Chairman of the Agency Managing Board.

Proposal for the decision on forming the Commission is submitted by the head of the relevant Agency department to the Chairman of the Managing Board.

The proposal referred to in paragraph 1 of this Article contains in particular:

- name of the submitter of request for technical inspection, date and number;
- subject of technical inspection;
- composition of the Commission for technical inspection, with explanation in case the persons outside the Agency have been engaged;
- timeframe within which the technical inspection shall be performed;
- necessary measuring and tests by other institutions, with explanation;
- evaluation on the absence of conflict of interests between the members of the Commission and the submitter of request for technical inspection.

### Article 6

Decision on forming the Commission is reached by the Chairman of the Agency Managing Board or by a person authorized by the Chairman.

The decision referred to in paragraph 1 of this Article contains in particular:

- legal basis for the decision;
- composition of the Commission for technical inspection;
- task of the Commission;
- subject of the technical inspection;
- timeframe within which the technical inspection shall be performed;
- name, address, head office, Fiscal ID number and personal ID number of the submitter of request, date and number of the submitted of the submitted request;

- obligation to submit the record of the performed technical inspection, and
- obligation to submit report on the performed technical inspection of radio station or telecommunications network, system or facilities;
- place, date and number of the decision.

#### Article 7

The Commission consists of the president of the Commission and defined number of members.

The total number of the members of the Commission shall be defined in accordance with the complexity and volume of the technical inspection, but the number of members may not be less than three.

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.

The member of the Commission cannot be an employee of the submitter of the request or of other legal person which has worked on the project or project documentation or provided the works, or of the supplier or manufacturer of the telecommunications system and facilities.

#### Article 8

If appropriate, the Commission may propose to close a contract with relevant faculty, institute or specialized organization in regard to necessary testing and measuring within the technical inspection procedure, in case the Agency does not dispose of the necessary equipment and instruments.

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 and which do not have a conflict of interest with the submitter of the request for technical inspection.

The Agency shall make a register of entities which fulfil the requirements referred to in paragraph 2 of this Article and it shall be made public.

The contracts defines more closely the work referred to in paragraph 1 of this Article to be performed on behalf of the Agency, the responsibilities regarding the performed work, timeframes and other elements of the contract.

#### 2.4. Objections to the procedure and results of the technical inspection

## Article 9

In case the Commission makes a report on technical inspection establishing that all prescribed conditions have not been met, the submitter of the request can file objection to the report to the Managing Board.

In the objection, which shall be submitted through the Commission for technical inspection, the reasons for objection have to be stated, along with the facts challenging the findings and opinion of the Commission.

Prior to submitting the objection to the Agency Managing Board, in the procedure of re-examining the decision, the Commission can modify the decision or request additional verification of the facts stated in the objection.

In case the Commission takes the same stance after having re-examined the decision, it is obliged to submit to the Managing Board the reasons for which it maintains the previous proposition, along with the objection.

## Article 10

When deciding on the objection, the Managing Board may ask for additional explanations from the president of the Commission.

After having considered all circumstances, the Managing Board may confirm the Commission proposition, change the position of the Commission and decide to adopt the record of technical inspection or instruct the Commission to repeat the procedure with the order to re-examine all contentious facts indicated in the objection.

The decision of the Managing Board is final.

Party who feels that by the decision of the Agency their right or an interest protected by a right has been violated can take legal action before the relevant court.

## 3. RADIO STATION TECHNICAL INSPECTION

### Article 11

In the technical inspection of radio station the control of parameters prescribed in the project or technical documentation, on the basis of which the radio station license has been granted, is performed.

### Article 12

In the technical inspection of radio stations it is checked in particular whether:

- 1) operation of the radio station causes any interference to other radio stations and other telecommunications devices and systems;
- 2) operation of the radio station endangers safety and health of people and quality of their lives.

#### Article 13

Radio station holder is obliged to submit to the Agency a written request for performing technical inspection of the radio station from Article 4 of these Rules, in case:

- 1) the radio station for which the license is issued is being put into operation for the first time;
- 2) the validation period of the radio station license is extended by issuing a new license;
- 3) basic functional parts of the radio station, which were the subject of technical inspection, are being replaced, whereby the radio station parameters are modified.

#### Article 14

Technical inspection of the radio station is performed by the Commission for technical inspection, whose composition and task is defined in Articles 6 and 7 of these Rules.

#### 3.1. Contents of radio station technical inspection

#### Article 15

Within radio station technical inspection, depending on the type of radio station, it is obligatory to:

1. directly measure the following parameters:

- accuracy of assigned frequency;
- frequency offset (offset of TV transmitters);
- frequencies and levels of spurious emissions;
- bandwidth of emission;
- value of incident and reflected power, and
- frequencies and levels of intermodulation products of the emissions of the tested radio station, in relation to the emissions of other radio station/s which are already installed on the same or nearby location (electromagnetic compatibility);

- level of electromagnetic field of the radio station in the surrounding inhabited area, as well as the measures of caution and protection, where necessary;

2. check data regarding:

- assigned frequencies in relation to the above/receiving, reserve and other,
- class of station,
- nature of service,
- name of the location of the radio station,
- name of more specific location of the radio station,
- geographic coordinates of the radio station,
- altitude of site above sea level,
- station identification,
- manufacturer of the equipment and antenna,
- height of antenna above ground level;
- type of transmitting antenna or antenna system,
- polarization,
- directivity of antenna in respect to azimuth,
- serial number of the radio station.

3.2. Methods and instruments used for the technical inspection of radio station

Article 16

Methods of measuring used for technical inspection of radio station are defined within the published technical regulations and standards for each type of radio station. In case there are no relevant domestic regulations for a certain type of radio station, relevant technical regulations applied in the EU shall be applied.

Special instruments for technical inspections are those listed in the technical regulations referred to in the pervious paragraph.

Instruments used for measuring in the technical inspection of radio stations have to be calibrated in the authorized laboratories and have minimum ten times greater accuracy in respect to the tolerated variation.

Submitter of request for radio station technical inspection has to allow the Commission to perform technical inspection undisturbed and provide all necessary assistance in regard to performing these activities.

### 3.3. Report on radio station technical inspection

#### Article 17

During technical inspection of radio station, the Form of the report on technical inspection shall be filled out in three copies, where the Agency shall keep two copies and the radio station holder shall receive the third copy. In case the measuring has been performed by a contracted party, referred to in Article 8 of these Rules, this party shall receive one copy of the report.

Following the performed technical inspection, the filled in Form of the technical inspection shall be certified by the person who performed the measuring, radio station holder and the Commission.

The form and contents of the Form referred to in paragraph 1 of this Article shall be defined by a special act of the Agency.

#### Article 18

If it is found that the measuring and tests have been performed properly, but the measured parameters are not within the acceptable limits or some of the conditions set in the radio station license issuance procedure have not been satisfied, the Commission shall conclude that the radio station did not pass the technical inspection and shall give the filled in Form of the technical inspection, distinctly specifying those parameters that are not within the acceptable limits or the conditions which have not been satisfied, to the radio station holder. In this case the radio station holder is obliged to remedy the indicated defects and subsequently repeat the technical inspection procedure.

## 4. TECHNICAL INSPECTION OF TELECOMMUNICATIONS NETWORKS, SYSTEMS AND FACILITIES

### 4.1. Types of technical inspection

#### Article 19

Technical inspection of telecommunications networks, systems and facilities can be:

- regular, before putting in operation, and



- extraordinary.

Regular technical inspection shall be performed after the building of telecommunication network, system and facility has been completed, and prior to putting them into operation.

Technical inspection of telecommunications networks, systems and facilities shall be performed after the building of structure, or part of structure if the building of telecommunication network is divided into phases, has been completed.

Technical inspection may be performed simultaneously with the construction, upon written request of the submitter, if the control of the built structures could not be performed after the construction of structures has been completed.

Extraordinary technical inspections are performed, as a rule, without prior notice, on request of the authorized person from the Agency during the operation of telecommunications network, system or facility and on the basis of the decision of the Managing Board made on suggestion of telecommunications inspector or telecommunications network, system and facilities service user.

Costs of the extraordinary technical inspection shall be bared by the Agency, except in case where irregularities or departures from the telecommunications networks, systems or facilities permit – certificate are found during the extraordinary technical inspection.

Submitter of request for technical inspection of telecommunications network, system and facilities, has to allow the Commission to perform technical inspection undisturbed and provide all necessary assistance in regard to performing these activities.

## Article 20

If it is found during technical inspection that all prescribed technical requirements and conditions from the issued permits – certificates have not been fulfilled, the Commission shall set the timeframe defect to be remedied, depending on the defect.

If it is found that the submitter of request does not fulfil the prescribed requirements, even after the set timeframe referred to in paragraph 1 of this Article, telecommunications networks, systems and facilities cannot be put into operation, which shall be stated in the report.

### 4.2. Contents of the record of technical inspection of telecommunications networks, systems and facilities

## Article 21

Record shall be made on technical inspection of telecommunications networks, systems and facilities, which shall include the following:

- number and date of the decision on forming the Commission;
- composition of the Commission;
- time and place of technical inspection;
- information about the submitter of request referred to in paragraph 1 of Article 4 of these Rules;
- information about the subject of the technical inspection;
- list of documentation placed at disposal of the Commission;
- list of persons present in the technical inspection;
- factual state found by technical inspection;
- evaluation of compliance of the subject of technical inspection with standards and norms;
- opinions and proposition of the members of the Commission;
- separate opinions of single members of the Commission, if any;
- comments and remarks of the submitter of request;
- report on the performed measuring and testing;
- proposal to issue or do not issue technical permit – certificate on performed technical inspection.

The record may contain other information which the Commission considers to be relevant for performing technical inspection.

Record shall be signed by the president and all members of the Commission, and the person authorized by the submitter of request.

Record of performed technical inspection with attachment shall be made in two copies, where one copy shall be kept by the submitter of request and the other the Agency.

## Article 22

The president of the Commission, on the basis of the record referred to in Article 21 of these Rules, shall make a report on the apposite form and submit it to the chairman of the Managing Board, with the proposition to adopt it, if all prescribed requirements have been fulfilled.

In case it is concluded in the record that the prescribed requirements have not been fulfilled, the record shall be submitted for inspection to the chairman of the Managing Board.

4.3. Report on performed technical inspection of telecommunication networks, systems and facilities

#### Article 23

Basic data from the record of technical inspection shall be recorded in the apposite form for report on performed technical inspection of telecommunications networks, systems and facilities by the president of the Commission.

The president of the Commission shall make report, on the basis of the record referred to in Article 21 of these Rules, on the apposite form and submit it to the chairman of the Managing Board with the proposition to adopt it, if all prescribed requirement have been fulfilled.

The chairman of the Managing Board shall sign the report on performed technical inspection of telecommunications networks, systems and facilities.

The report referred to in paragraph 1 of this Article is made in two copies, where one is submitted to the submitter of the request, and the other is kept in the Agency data base.

In case the measuring and testing performed by a party contracted by the Agency, referred to in Article 8 of these Rules, this party shall also keep one copy thereof.

Form and contents of the Form of the report on technical inspection of telecommunications networks, systems and facilities shall be defined by separate act of the Agency.

### 5. COSTS OF TECHNICAL INSPECTION

#### Article 24

For performed technical inspection costs defined by the Agency general act shall be paid.

In case the submitter of request causes prolongation of the work of the Commission, beyond the timeframe defined in the decision on forming the Commission, all costs incurred on these grounds shall be bared by the submitter of request.

After the procedure of technical inspection has been concluded, the president of the Commission shall submit final cost accounting of the technical inspection to the relevant Agency department.

### 6. TRANSITIONAL AND FINAL PROVISIONS

#### Article 25

Radio station holder who had been granted the radio station license prior to adoption of these Rules, and has not performed technical inspection thereof in the meantime, is obliged to submit a request for technical inspection to the Agency.

#### Article 26

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, 17<sup>th</sup> of March 2006**

**Prof. Dr. Jovan Radunovic**