



**Reference Number: 1-KAB-110-6/10**  
**Date: 27 July 2010**

**STATUTE**

**OF THE REPUBLIC AGENCY FOR ELECTRONIC  
COMMUNICATIONS**

Pursuant to Article 7, paragraphs 6 and 7 of the Electronic Communications Law (*‘Official Gazette of the Republic of Serbia’*, no. 44/10),

the Managing Board of the Republic Agency for Electronic Communications, in its session held on 27 July 2010, adopted the

## **STATUTE OF THE REPUBLIC AGENCY FOR ELECTRONIC COMMUNICATIONS**

### **Basic Provision**

#### **Article 1**

The Statute shall define the issues of relevance to conducting business activities, organization and operation of the Republic Agency for Electronic Communications, particularly the name and the seat of the Agency, tasks and the manner of performing tasks, means of operation and financial resources, governance and competencies of the Agency, representation, internal organization, the procedure and manner of establishing cooperation with other entities, the transparency of work and other issues.

### **Establishment of the Agency**

#### **Article 2**

The Republic Agency for Electronic Communications (hereinafter: the Agency) was established by the Electronic Communications Law (*‘Official Gazette of the Republic of Serbia’*, no. 44/10, hereinafter: the Law), as an independent organization with the status of a legal entity which shall exercise public authorities for the purpose of efficient implementation and promotion of the policy set within the electronic communications sector, encouragement of competition on the market of electronic communications networks and services, improvement of network capacity and quality of services, securing the development of electronic communications market and the protection of interests of electronic communications users, in line with the provisions of the Law and by-laws adopted in accordance with the Law.

### **Name, Seat and Status**

#### **Article 3**

The Agency shall act under the name of:

“Republic of Serbia – Republic Agency for Electronic Communications”

The seat of the Agency shall be in Belgrade.

#### **Article 4**

The Agency shall have the status of a legal entity.

### **Seal and Signet**

#### **Article 5**

The Agency shall have a seal and a signet.

## **Article 6**

The Agency seal shall be round, with a 32 mm diameter.

The Agency seal shall bear the Republic of Serbia coat of arms and the following text: “Republic of Serbia, Republic Agency for Electronic Communications – Belgrade”.

The text on the seal shall be written in concentric circles around the Republic of Serbia coat of arms.

The seal ordinal number shall be written in Roman numerals under the Republic of Serbia coat of arms.

The text of the Agency seal shall be written in Serbian language, in Cyrillic.

The Agency seal used in the organizational units of the Agency, which are outside the registered Agency seat, in addition to the text cited in paragraph 2 of this Article shall also bear the name of the place where the organizational unit is situated.

## **Article 7**

The Agency signet shall be rectangular, 60x30 mm in size.

The Agency signet shall contain the following text: “Republic of Serbia, Republic Agency for Electronic Communications – Belgrade”. The name and the seat of the Agency shall be written horizontally, and between the two, empty space shall be left for the act number and the date of its registration to be filled in.

The Agency signet used in the organizational units of the Agency, which are outside the registered Agency seat, in addition to the text cited in paragraph 2 of this Article shall also bear the name of the place where the organizational unit is situated.

The Agency signet text shall be written in Serbian language, in Cyrillic.

## **Article 8**

The usage, seal and signet number and the manner of keeping and destroying the seal and signet shall be determined by means of a special decision of the Managing Board of the Agency.

## **Article 9**

The Agency shall have a logo.

The logo shall also bear the shorter name of the Agency – RATEL.

## **Legal Status**

### **Article 10**

The Agency shall be functionally and financially independent of other state authorities, as well as other organizations and entities performing activities within the electronic communications sector.

Unless otherwise stipulated by the Law, the Agency shall operate in accordance with the provisions pertaining to public agencies.

The relevant Ministry in charge of the electronic communications sector shall supervise the lawfulness and functionality of the Agency in performing the entrusted tasks.

The Agency may, for the purpose of performing certain professional tasks which fall within its competencies, engage other national or foreign legal and physical entities.

The Statute of the Agency shall be subject to approval of the Government.

### **Article 11**

The Agency shall have its own account with a business bank.

### **Competencies of the Agency**

#### **Article 12**

The Agency shall have the competencies to:

- 1) adopt by-laws;
- 2) decide on the rights and obligations of operators and users;
- 3) co-operate with entities and organizations in charge of the sector of broadcasting, protection of competition, user protection, protection of personal data and other entities and organizations concerning the issues of relevance to the electronic communications sector;
- 4) co-operate with the competent regulatory and expert authorities within European Union Member States and other states with the aim of bringing into compliance the practice of implementation of the provisions relevant to electronic communications sector and encouraging the development of cross-border electronic communications networks and services;
- 5) participate in the work of international organizations and institutions within the field of electronic communications and act as a national regulatory authority within the electronic communications sector;
- 6) perform other tasks in accordance with the Law;

The Agency shall perform the tasks referred to in paragraph 1 of this Article as entrusted tasks, impartially and in a transparent manner.

#### **Article 13**

The Agency can close contracts and perform other activities within the scope of competencies referred to in Article 12 of this Statute.

In exercising its authority the Agency has legal accountability.

### **Bodies of the Agency**

#### **Article 14**

The bodies of the Agency shall be the Managing Board and the Director.

### **Managing Board**

#### **Article 15**

The Managing Board of the Agency shall consist of five members, including the Chairperson and the Deputy Chairperson.

Pursuant to the Law, the Chairperson, the Deputy Chairperson and the members of the Managing Board shall be appointed and relieved from the office by the National Assembly of the Republic of Serbia, upon the proposal of the Government and in accordance with the public call for appointment.

The members of the Managing Board shall be appointed to a term of five years. The same person shall not be eligible to hold office in excess of two consecutive terms.

### **Scope of Competencies of the Managing Board**

#### **Article 16**

In accordance with the Law, the Managing Board of the Agency shall:

- 1) adopt the annual Framework Business Plan of the Agency, which shall be in accordance with the strategic acts and action plans set within the electronic communications sector, not later than at the end of the current year for the following year;
- 2) adopt, based on the two-thirds majority, the Statute of the Agency which shall be subject to approval of the Government;
- 3) adopt the Rules of Procedure of the Managing Board;
- 4) adopt by-laws, decisions and all other acts which, in a general manner, regulate the issues within the scope of competencies of the Agency, as well as all other acts stipulated under the Law;
- 5) adopt the Financial Plan of the Agency not later than on 15 November of the current year for the following year, which shall be in accordance with the Law and subject to approval of the Government;
- 6) adopt the financial report of the Agency which shall be forwarded to the Government together with the report of the certified auditor;
- 7) adopt, in accordance with the Law, the annual report on the activities of the Agency which shall pertain to the preceding year and which shall be forwarded to the Government not later than at the end of June of the current year;
- 8) engage or dismiss an independent, certified auditor, as well as set the fee to be charged for his/her services;
- 9) approve the act pertaining to the internal organization and classification of jobs within the Agency which shall be adopted by the Director of the Agency;
- 10) appoint or relieve from office the Director of the Agency in accordance with the public call for the appointment of the Director of the Agency and the provisions stipulated under the Law;
- 11) perform other tasks in accordance with the Law and this Statute.

### **Manner of Performing Tasks**

#### **Article 17**

The work of the Managing Board shall be transparent.

The Managing Board of the Agency shall adopt decisions in sessions which shall be held as needed and at least once a month.

The sessions of the Agency Managing Board shall be convened and chaired by the Chairperson of the Agency Managing Board, and, in his/her absence, by the Deputy Chairperson of the Managing Board of the Agency.

The Managing Board of the Agency can reach decisions only if at least three members of the Managing Board are present in the session.

The Managing Board of the Agency shall adopt decisions by the majority of votes of the total number of the members of the Agency Managing Board, unless otherwise stipulated under the Law or the Statute.

The convocation, the manner of performing tasks and the decision-making of the Managing Board of the Agency shall be more closely regulated by the Rules of Procedure of the Managing Board of the Agency.

The Rules of Procedure shall stipulate, in particular, the manner of performing tasks which fall within the competencies of the Managing Board, the preparation and the convocation of sessions, chairing the sessions, course of the sessions, adoption of by-laws, maintenance of order at the sessions, postponement, interruption and conclusion of the sessions as well as the contents of the session minutes.

### **Public Availability of General By-laws**

#### **Article 18**

The Managing Board shall adopt by-laws, decisions and other acts which shall regulate, in a general manner, the issues which fall within the competencies of the Agency.

The Agency is under the obligation to obtain the opinion the relevant ministry on the constitutionality and lawfulness of the by-laws in question prior to making them publicly available, whereas the relevant ministry is under the obligation to provide a detailed proposal pertaining to the harmonization of the by-law with the Constitution, the law, other provisions or the general act of the National Assembly and the Government, in accordance with the law regulating state administration.

### **Remuneration for the Work on the Managing Board**

#### **Article 19**

Members of the Managing Board shall be entitled to monthly remuneration for their work on the Managing Board which shall not be less than the salary of deputies exclusively employed by the National Assembly nor than the amount of the remuneration received by the chairperson of the competent or any other standing committee of the National Assembly.

The Chairperson and the Deputy Chairperson of the Managing Board shall be entitled to a remuneration which, as opposed to the remunerations of other members of the Managing Board, shall be increased by 15% and 10% respectively.

The amount of the remuneration referred to in paragraphs 1 and 2 of this Article shall be determined in accordance with the Financial Plan of the Agency.

### **Appointment and Relief from Office of Members of the Managing Board**

#### **Article 20**

Members of the Managing Board shall be appointed and relieved from office, i.e. the termination of the term of office of the members of the Managing Board shall be conducted in a manner which shall be in accordance with the procedure stipulated under the Law.

## **Director of the Agency**

### **Article 21**

The Director shall be responsible for the lawfulness of the work of the Agency, he/she shall represent and act on behalf of the Agency, manage the activities and business operations of the Agency, decide on the rights, obligations and responsibilities of the Agency's employees, prepare and implement decisions of the Managing Board, secure the transparency of work of the Agency and perform other tasks stipulated under the Law or this Statute.

Pursuant to the Law, the Director of the Agency shall be appointed by the Managing Board in accordance with the public call for the appointment of the Director.

Director of the Agency shall be appointed to a term of five years and may be reappointed.

Director of the Agency shall be permanently employed in the Agency during his/her term of office.

Director of the Agency shall be held responsible for his/her work by the Managing Board and shall submit annual and periodical reports to the Managing Board.

With the prior approval of the Managing Board, the Director shall adopt a by-law regulating the internal organization and job classification in the Agency.

### **Requirements for the Appointment of the Director**

#### **Article 22**

A person to be elected for the Director of the Agency shall meet the same requirements as the ones pertinent to the appointment of the members of the Managing Board of the Agency and shall have at least five years of working experience in one or more areas falling within the scope of the activities of the Agency.

### **Procedure for the Appointment of the Director**

#### **Article 23**

The Managing Board shall announce the public call for the appointment of the Director referred to in Article 17, paragraph 2 of the Law and shall have the announcement published in the *Official Gazette of the Republic of Serbia* and on the Agency's website.

The announcement of the public call for the appointment shall include:

- 1) requirements the candidates must meet in order to be appointed, as referred to in Article 18 of the Law;
- 2) evidence to be provided in support of the application;
- 3) deadline for the submission of applications;
- 4) the manner of submission of applications;
- 5) time within which the candidates shall be notified about the commencement of the election process;
- 6) information about the election process;
- 7) name of a person designated to give information about the public call for appointment;
- 8) other information of relevance for the appointment procedure.

The application for the participation in the appointment procedure shall be submitted to the Agency within 30 days from the announcement of the public call in the *Official Gazette of the Republic of Serbia*.

The Managing Board shall compose a list of candidates who meet the requirements for the appointment within 30 days following the expiry of the deadline referred to in paragraph 3 of this Article.

The Managing Board shall select the Director from the list referred to in paragraph 4 of this Article.

The Managing Board shall forward a decision on the election of the Director to all candidates who have responded to the public call for appointment.

If none of the candidates meet the requirements set out in the public call for the appointment, the entire procedure shall be repeated.

### **Termination of the Director's Term of Office**

#### **Article 24**

The term of office of the Director may be terminated in the following cases:

- 1) expiry of the term to which he/she has been appointed;
- 2) relief from office for the reasons stipulated by this Law;
- 3) cancellation of employment contract according to the law governing labour relations;
- 4) dismissal for reasons prescribed by the Law;
- 5) death.

### **Relief from Director's Office**

#### **Article 25**

The Managing Board shall relieve the Director prior to the expiry of his/her term of office if:

- 1) it is established that, in the process of applying for the appointment, he/she provided incorrect data or omitted to provide data that was relevant to his/her appointment;
- 2) it is established that during the term of his/her office he/she has violated the rules pertinent to the conflict of interest and incompatibility of functions stipulated by the law which regulates the prevention of conflict of interests in executing public offices;
- 3) an illness or any other reason makes him/her unable to perform his/her duties for a period exceeding six consecutive months;
- 4) he/she fails to submit annual or periodical reports to the Managing Board in a timely manner, as stipulated by this Law;
- 5) if he/she disposes of the Agency's funds contrary to the Financial Plan which has been adopted;
- 6) he/she makes it difficult or impossible for the Agency to perform its activities by unconscientious or improper work, causes a major damage to the Agency, acts contrary to the Law and the by-laws adopted pursuant to the Law or neglects or unconscientiously performs his/her duties so that major hindrances to the activities of the Agency are or may be caused;
- 7) he/she has been deprived of legal capacity;
- 8) he/she has been sentenced by a final court decision to a prison term exceeding six months or charged with a criminal offence of abusing official powers, fraud, corruption, theft,



forgery or other similar criminal offence, which has made him/her unworthy of performing his/her function.

## **Article 26**

Director of the Agency shall represent the Agency in legal affairs.

## **Article 27**

Director of the Agency may transfer certain tasks which fall within his/her competencies to other employees of the Agency by means of a special authorization.

## **Decisions on the Rights and Obligations of Operators and Users**

### **Article 28**

Pursuant to the Law, at the request of interested parties or in the line of duty, the Agency shall adopt a decision on the rights and duties of operators and users.

The decision from paragraph 1 of this Article shall be passed by the Director of the Agency.

Provisions of the Law, general by-laws and the Law which regulates the general administrative procedure, shall be applied during the decision-making procedure on the rights and obligations referred to in paragraph 1 of this Article.

The decision from paragraph 2 of this Article shall be final and administrative litigation may be initiated against it.

The litigation shall not postpone the execution of the decision referred to in paragraph 2 of this Article.

## **Transparency of the Work of the Agency**

### **Article 29**

The work of the Agency shall be transparent.

Apart from the obligation pertaining to making available the by-laws adopted according to the law which regulates state administration, the Agency shall, free of charge and according to the provisions regulating the protection of personal data and business confidentiality, make publicly available the adopted by-laws and other complete and updated data and information from within its scope of activities, in particular:

- 1) provisions for the implementation of the Law and other general by-laws;
- 2) minutes from sessions and decisions of the Managing Board;
- 3) registers, records and databases, in accordance with the Law and by-laws of the Agency;
- 4) comparative reviews of the quality and prices of the publicly available services and other data relevant to the protection and promotion of consumer and/or end-user rights;
- 5) expert opinions, studies and analyses commissioned by the Agency;
- 6) statistical data and other indicators of the development of the electronic communications market;
- 7) excerpts from the Financial Plan, financial report and the annual report of the Agency;
- 8) programme of public consultations as well as the opinions on the subject-matter of public consultations;

9) other data and information related to the activities and business operation of the Agency.

In making the data and information referred to in paragraph 2 of this Article publicly available, the Agency shall adhere to the provisions on the protection of personal data, confidential data and business confidentiality.

### **Article 30**

With the aim of obtaining comments and opinions of experts and broader public, and in accordance with the Law and by-laws adopted by the Agency, the transparency of the work of the Agency shall be achieved by public consultations held during the process of adoption of general by-laws which fall within the competencies of the Agency.

### **Article 31**

The Agency shall be entitled to seek from operators the data and information deemed necessary for the performance of the tasks which fall within its competencies.

## **Sources of Financing of the Agency**

### **Article 32**

The revenues of the Agency shall be the funds generated from the fees payable for the use of numbering resources, the use of radio-frequencies, the carrying out of activities within the electronic communications sector, and the income generated by the Agency in providing services from its scope of activities which shall be charged in accordance with this Law.

## **Financial Plan of the Agency**

### **Article 33**

The Agency shall be financed in accordance with the Financial Plan.

The Financial Plan shall specify the total revenues and total expenditures of the Agency, including contingency reserves, and the elements of relevance for comprehensive review of earnings and employment policy of the Agency.

Total operating costs of the Agency envisaged in the Financial Plan, including contingency reserves, may not exceed real costs of the Agency's activities that are necessary for the successful performance of its responsibilities, whereas unforeseen expenditures shall not exceed 2% of the planned expenditures.

The Financial Plan shall be adopted by the Managing Board of the Agency not later than 15 November of the current year for the following year.

The Financial Plan referred to in paragraph 1 of this Article shall be subject to Government approval.

The Financial Plan shall be made publicly available on the Agency's website.

In cases where the Government fails to give its consent to the Financial Plan referred to in paragraph 4 of this Article prior to the beginning of the year for which the Financial Plan is adopted, the expenditures of the Agency for each following quarter shall not exceed

one quarter of the total amount of funds used in accordance with the Financial Plan for the previous year until the approval referred to in paragraph 5 of this Article is obtained.

### **Internal organization**

#### **Article 34**

The Rules on the internal organization and job classification shall specify in greater detail the internal organization, work positions, requirements necessary for the establishment of employment and distribution of employees within the Agency.

With the prior approval of the Managing Board, the Director shall adopt a by-law regulating the internal organization and job classification in the Agency.

#### **Article 35**

Activities and tasks which fall within the scope of work of the Agency shall be carried out within organizational units.

The organizational unit shall be run by the head of the unit appointed and relieved from duty by the Chairperson of the Managing Board.

For his/her work the head of the unit shall directly answer to the Chairperson of the Managing Board.

#### **Article 36**

The activities of the Agency may also be performed outside the Agency seat through organizational units, if such units are formed, and the Rules on internal organization and job classification shall regulate the work positions and tasks thereof.

### **Rights, Duties and Responsibilities of Employees**

#### **Article 37**

In accordance with the Law and the Statute, the general regulations governing labour relations, as well as the provisions of general by-laws of the Agency, shall be applied to the rights, duties and responsibilities of the Agency employees.

### **Employment**

#### **Article 38**

The employment with the Agency shall be taken up through the adequate procedure based on the public announcement of job vacancies.

### **International Co-operation**

#### **Article 39**

The Agency shall establish co-operation with entities and organizations in charge of broadcasting, protection of competition, user protection and protection of personal data, and with other entities and organizations responsible for issues of relevance to the electronic communications sector.

The Agency shall establish cooperation with the relevant regulatory and expert bodies of the European Union Member States and other states for the purpose of harmonizing the practice of implementing the electronic communications sector regulations and promoting the development of cross-border electronic communications networks and services.

The Agency shall participate in the work of international organizations and institutions within the electronic communications sector in the capacity of the national regulatory authority within the electronic communications sector.

## **Amendments to the Statute and other General By-laws**

### **Article 40**

Amendments to this Statute and other general by-laws shall be made through a procedure and in a manner stipulated for their approval.

The authentic interpretation of the Statute as a whole, or the interpretation of its single provisions, shall be rendered by the Managing Board of the Agency.

## **Business Confidentiality**

### **Article 41**

Business confidentiality pertains to documents and data of relevance to the business operation of the Agency which, should they be made publicly available, would harm the reputation and/or interests of the Agency, the activities it performs or the entities the Agency cooperates with in performing the tasks that fall within the scope of its competencies.

Director of the Agency shall pass an act which shall specify in greater detail the documents and data to be considered confidential and the manner of handling such documents and data.

Members of the Managing Board, Director of the Agency, the employees of the Agency and other legal and physical entities engaged by the Agency to carry out certain tasks shall keep the confidentiality of collected data and information marked with a certain degree of confidentiality in accordance with the law regulating data confidentiality, and/or business confidentiality established by means of the data owner's act or a contract, in accordance with law.

The Agency is under the obligation to protect the confidentiality of business, commercial and other data which constitute business confidentiality and which are submitted to the Agency for the purpose of performing certain tasks which fall within the scope its competencies or are made available during the performance of certain activities.

## **Environment Protection**

### **Article 42**

The activities of the Agency shall be performed in a way which shall not harm the environment.

Measures and means required for the protection of the environment shall be defined by a general by-law.

## **Transitional and Final Provisions**

### **Article 43**

The Republic Telecommunication Agency, established by the Telecommunications Law (*‘Official Gazette of the Republic of Serbia’*, nos. 44/03, 36/06 and 50/09-CC decision) shall continue its operation and act under the name of the Republic Agency for Electronic Communications, in accordance with the Law and this Statute.

The employees of the Republic Telecommunication Agency, who have continued to work as the employees of the Republic Agency for Electronic Communications at the posts previously held in the Agency in accordance with Article 141 of the Law, shall be reassigned to new posts by means of employment contracts, following the entry into force of the Rules on the internal organization and job classification.

### **Article 44**

The Republic Agency for Electronic Communications shall continue use the same logo as the one which was used by the Republic Telecommunication Agency.

The Managing Board shall adopt the Rules of Procedure within sixty days from the day this Statute comes into force.

Until the Rules of Procedure are adopted by the Managing Board of the Republic Agency for Electronic Communications, the Rules of Procedure adopted by the Managing Board of the Republic Telecommunication Agency shall be applied.

### **Article 45**

The Statute of the Republic Telecommunication Agency (*‘Official Gazette of the Republic of Serbia’*, no. 78/05) shall cease to be valid on the day this Statute shall come into force.

### **Article 46**

Upon the approval of the Government of the Republic of Serbia, this Statute shall be published in the *‘Official Gazette of the Republic of Serbia’* and shall come into effect on the eight day following the day of its publication.

Chairman of the Managing Board  
**Prof. dr Jovan Radunović**  
In Belgrade,  
27 July, 2010