

CONSOLIDATED VERSION

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- **RULEBOOK on general terms and conditions for performing electronic communication activities under general authorization regime (Official Gazette of RS no. 38/11)**

Amended by:

- **RULEBOOK amending the Rulebook on general terms and conditions for performing electronic communication activities under general authorization regime (Official Gazette of RS no. 13/14)**

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 passed the following

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

(Official Gazette of RS, nos. 38/11 and 13/14)
- Consolidated version -

Opening Provisions

Article 1

This Rulebook 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:

Access network is a public communication network providing transmission of the electronic communication signals between set locations from which electronic communication services are provided to end-users and terminal points of the network at end-user premises.

Transport network is a public communication network providing transmission of the electronic communication signal between set locations set locations from which electronic communication services are provided to end-users.

Public fixed communication network is a public communication network used for the provision of publicly available electronic communication services at a fixed location.

Public fixed telephone network is a public telephone network that provides publicly available telephone services at a fixed location.

Fixed wireless access network is a fixed electronic communication network with fixed end-user locations and fixed access points connected wirelessly.

Microwave transport network is a transport network with nodes connected via microwave links.

Optical transport network is a transport network with nodes connected via optical transmission systems.

Dark fibre is any unused fibre in the optical cable.

Leased line is a capacity of the electronic communication network, which enables a transparent communication signal transmission between terminal points of a public communication network, where service users cannot take part in the control of the switching functions.

Cable access network is a fixed access network based on the cable distribution system.

WAS (Wireless Access System)/RLAN (Radio Local Area Network) is a wireless broadband LAN using radio frequencies under the general authorization regime.

BFWA (Broadband Fixed Wireless Access) network is a fixed wireless broadband access network using radio frequencies under the general authorization regime.

PAMR (Public Access Mobile Radio) is a public mobile communications network designated for use by public services, providing various types of communications to its users, with or without involving a base stations.

MFCN (Mobile/Fixed Communications Network) is a mobile/fixed communication network which supports high bitrate data transmission, intended to operate in the radio

frequency bands set out in the ECC Decisions. It also includes IMT (International Mobile Telecommunications) services.

Satellite network is a public communication network consisting of a satellite system or a part of a satellite system of a single satellite and associated satellite Earth radio stations.

Fixed satellite network is a satellite network with terminal points at fixed locations.

Mobile satellite network is a satellite network with terminal points that are not located at fixed locations.

Electronic communication network capacity leasing involves leasing of its constituent parts (electronic communication systems and facilities, infrastructure, etc.) and functions (electronic communication signal transmission, multiplexing, transit, transport, cross-connection, switching and routing, signalling information exchange, synchronization information distribution, etc.)

Public voice service is a publicly available telephone service providing real-time voice signal transmission over a public communication network.

Voice transmission over the Internet is a public electronic communication service providing real-time voice transmission over the Internet, on a commercial basis.

Internet services are public electronic communication services provided in compliance with the Internet standards (RFC documents), which require the use of public IP addresses. Within the meaning of this Rulebook, Internet services do not include commercial voice transmission services.

Internet access service is a public electronic communication service that involves connecting terminal equipment and LAN to the Internet, providing the Internet access to the users.

Data transmission services are public electronic communication services provided through data transmission devices connected to public communication network, without using public IP addresses.

Media content distribution service includes distribution of the radio and television programmes and/or audiovisual media content and related services via cable, wireless broadband, satellite and other networks, which is charged based on the signed agreement between the operator and user.

Radio frequency usage under the general authorization regime for the purpose of this Rulebook is their usage in the frequency bands which are not subject to individual licences, and which require registration pursuant to the general act of the Agency regulating the manner of radio frequency usage under the general authorization regime.

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, shall be bound 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 shall be bound 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 can start performing the electronic communication activity only after the relevant individual licences for radio frequency usage are obtained.

Person intending to perform the electronic communication activity which requires radio frequencies usage under the general authorization regime entailing registration, shall be bound to submit the application pursuant to the relevant legal act of the Agency. The Agency shall register the radio frequency usage under the general authorization regime by making an entry in the relevant register, provided that all requirements set out in the general act of the Agency are met.

Person intending to perform the electronic communication activity that requires the use of numbering resources needs to be registered by the Agency in the register of public communication networks and services operators, prior to being granted a licence for the use of numbering.

1.2. Notification Submission and Content

Article 4

The notification shall include all data required to identify the operator performing an electronic communication activity, short description of the electronic communication network owned and/or service which is the subject of the notification, expected date of the commencement, change or termination of the activity which is the subject of the notification, and it shall be stamped and signed by a duly authorized representative.

Along with the notification referred to in paragraph 1 herein, the operator shall also submit the following:

- 1) excerpt from the business register or other relevant register,
- 2) model of the service contract offered to users and/or
- 3) text of the general terms and conditions for service provision

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

- 1) description and purpose of the electronic communication network in accordance with the request made in the Application Form OB;
- 2) schematic design of the electronic communication network indicating the node locations;
- 3) basic characteristics of the applied transmission systems (realization technology, capacities, deployed resources 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 individual electronic communication network segments;
- 9) information on the compliance with the recommendations, standards and technical provisions.

Short description of the electronic communication services referred to in para. 2 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 register 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;

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

The operator shall be bound to inform the Agency of any change in or termination of performing the electronic communication activity, by submitting a written notification stamped and signed by a duly authorized representative, no later than 15 days following the change in or the termination of performing the electronic communication activity, accompanied by the relevant substantiating documentation.

1.4. Issuance of the Certificate on the Data Entry in the Operator Register

Article 6

The Agency shall, in the line of duty or at the operator' request, issue a certificate on the data entry in the register 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 Register

Article 7

The Agency shall remove the operator from the register 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 of termination of the activity performance pursuant to Article 5 herein;
- 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;
- 4) if the operator is erased from the business register or other relevant register.

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 Register.

The Operator Register shall include the following information:

- 1) entry ordinal number;
- 2) operator's name, address or seat, 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 Register.

The Operator Register shall be kept based on the information from the notification stipulated under the provisions of Arts. 3, 4 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 general act setting the fee amount and method of payment, based on the submitted annual report and the published questionnaire of the Agency – IFN Form, the register of the individual licences issued for the radio frequency usage and/or register of public communication network and services operators 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.

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, using appropriate forms.

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 impermissible electromagnetic interference which may harm 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 and this Rulebook, operators providing passive infrastructure (e.g. cable ducts, optical cables, dark fibres, 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 by the Monitoring Centres, as separate organizational units of the Agency (district units), i.e. 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) communication infrastructure,
- 2) whole electronic communication network as well as electronic communication network segments, 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 of the construction and installation, usage and maintenance, as well as of the shared usage of electronic communication networks and accompanying facilities, shall be performed pursuant to the Law, separate laws regulating spatial planning and construction, environmental protection and cultural heritage protection.

Article 14a.

Operator shall provide public voice service via public fixed communication network entirely via their own public fixed communication network or via their own public fixed communication network leasing particular resources from operators registered for leasing electronic communication network resources shall be bound to:

- provide service pursuant to relevant International Telecommunication Union recommendations, Law and general acts of the Agency stipulating quality parameters for public voice services in public telephone network (call setup time, fault report rate per fixed access line, fault repair time, unsuccessful call ratio, response time for other services, bill correctness complaint resolution time, etc.);
- ensure availability of numbers in the national and international numbering plan;
- interconnect with other national and foreign operators thus enabling own users to make calls and receive to/from the numbers in the national and international numbering plan;
- ensure access to emergency services;
- ensure safety and integrity of the public communication networks and services;
- ensure quality of service set out in the Agency acts and the user contract;
- ensure protection of their own subscribers;
- ensure special technical and logistic requirements (devices and software support) for the confidentiality of electronic communication, lawful interception and data retention.

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 as 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 within 60 days from the commencement of negotiations, or if deemed necessary in the interest of end users or for the purpose of the interoperability, the Agency shall be authorized to adopt a decision, at the request of an operator or in the line of duty, to ensure interconnection and/or access, including technical and commercial conditions.

7. Enabling communication between emergency services and responsible authorities and organizations and notification of the public in cases of natural disasters and distress

Article 16

The operator shall be required to provide interconnection with electronic communication network for special purposes in cases and manner stipulated under Article 54 of the Law.

Technical requirements and fees related to interconnection referred to in paragraph 1 herein shall be set out in the decision adopted by the Agency.

During emergency, upon request by the relevant authority, the operator shall be required to adapt the usage of their electronic communication network and equipment to the situation and/or to place them at the disposal and for the use of the relevant authorities.

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.

Geographic numbers from the Numbering Plan shall be assigned exclusively to the operators providing public voice service via appropriate public fixed communication network or for the purpose of providing universal service.

10. Service provision related to the use of radio frequencies under the general authorization regime

Article 19

In case that service provision requires the use of radio frequencies under the general authorization regime, the operator shall be required to register as a holder of the right to use radio frequencies under the general authorization regime and to use the radio frequencies in a manner and under the conditions set out in the general act of the Agency regulating in a greater detail the manner of using the radio frequencies under the general authorization regime.

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 value added 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 presented, visually or audibly, in the same manner as the telephone number for accessing the service 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 terms and conditions referred to in para. 2 herein shall include all elements stipulated in the contract referred to in para. 1 herein except for 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 terminal equipment which is in 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 in a convenient way 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 provide notification to subscribers at least one month in advance, about their intent of unilateral modification of terms and 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 the announced unilateral modification of the contract involves changes in essential contract terms and conditions (modification of prices, tariffs, specification of bundled services, etc.) in a way that is not to the advantage of the subscribers, upon receiving the notification referred to in paragraph 1 herein, the subscriber shall have the right to cancel the contract without paying the cancelation-related costs, in accordance with the rules regulating consumer protection and the Law.

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 one year 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 or should be aware 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 law 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

In line with the relevant provisions, the operator shall be required to apply appropriate technical and other measures in order to preventing abuse and frauds with related to the use of electronic communication networks and services, and to inform the user thereof in advance.

In line with the technical possibilities, the operator shall be required to provide the user with the possibility to block outgoing calls and SMS messages, in a simple manner and without any charges, once the costs of these services exceed a predefined limit, and to block particular types of outgoing calls and calls and electronic messages to particular types of numbers.

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 certificate in accordance with the Law and this Rulebook.

Article 36

Once this Rulebook shall come into force, the Rulebook on public telecommunication networks and public telecommunication services for which authorization is required (*Official Gazette of the Republic of Serbia*, no. 60/06), Rulebook 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), Rulebook 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), Rulebook 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 Rulebook 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

This Rulebook shall come into force on the eight day following the day of its publication in the *Official Gazette of the Republic of Serbia*.

Chairman of the Managing Board

Prof. Dr Jovan Radunović

OPERATOR'S NOTIFICATION FOR THE ENTRY IN THE REGISTER

Information on the operator <i>(filled out by the operator)</i>	
	Full business name
	Abbreviated business name
Head office 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)
Subsidiary 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
Contact person	
	Contact person: name, surname,
	Telephone
	e-mail

User complaint s	Address:	
	Telephone:	
	e-mail:	

Type of electronic communication network (ECN) subject of the notification

Type of network and infrastructure	Network identification	Class of network and infrastructure	Please mark	Date of commencement, termination or change	Geographic area
Infrastructure	ECI0100	Passive infrastructure (cable ducts, dark fibres, wavelengths λ , masts, radio reflectors...)			
Fixed network	ECN0101	Public fixed telephone network			
	ECN0102	Microwave transport network			
	ECN0103	Optical transport network			
	ECN0104	Cable access network (copper pairs, coaxial cable, optical fibres)			
	ECN0105	Fixed wireless access network (in frequency bands subject to licensing through public tender)			
	ECN0106	Other fixed networks (please provide description in the annex)			
Mobile network	ECN0201	GSM mobile network			

	ECN0202	UMTS /IMT2000 mobile network			
	ECN0203	MFCN (including IMT)			
	ECN0204	PAMR mobile network			
	ECN0205	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)			
Broadband wireless networks using frequency bands under the general authorization regime	ECN0401	WAS/RLAN network in (2400-2483.5) MHz and (5470-5725) MHz frequency bands			
	ECN0402	BFWA network in (5725-5875) MHz frequency band			
	ECN0403	Microwave links in (72-76/82-86) GHz frequency bands			
	ECN0404	Other networks (please provide description in the annex)			

Electronic communication service provision

Type of service	Service identification	Own networks used for service provision	Leased networks used for service provision and operator's name	Date of commencement, termination or change	Geographic area
Public voice service	ECS0101				
Virtual mobile operator service	ECS0102				
Voice over the Internet service	ECS0103				
Message transmission (SMS, MMS)	ECS0104				
Data transmission (including M2M services)	ECS0201				
Internet access and services	ECS0202				
Value added services (SMS/MMS, voice transmission...)	ECS0301				
Media content distribution	ECS0401				
Media content broadcasting and multiplexing	ECS0402				
Electronic communication network facilities leasing (Please provide description of	ECS0501				

Type of service	Service identification	Own networks used for service provision	Leased networks used for service provision and operator's name	Date of commencement, termination or change	Geographic area
leased facilities in the annex)					
Leasing infrastructure used to perform electronic communication activity *	ECS0502				
Phone directory	ECS0600				
Other services – please provide a detailed description on a separate paper	ECS0601				

*Applies only to operators which have their own electronic communication network and passive infrastructure in accordance with the above ECN and ECS tables.

Please mark appropriate fields with „ x“, and specify date and area of the service provision.

DATE:	SEAL	SIGNATURE OF THE AUTHORIZED PERSON
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Република Србија
PATEL
Републичка агенција за
електронске комуникације

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 Register*) in the Register 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 Register shall be available on the website of the Republic Agency for Electronic Communications.

(STAMP)

Officer in Charge

Submitted to:

-the above-stated

-relative sectors