

## **CONSOLIDATED VERSION**

*This document is meant purely as a documentation tool and the institutions do not assume any liability for its contents. It is without prejudice to the official text, in Serbian language, as published in the Official Gazette of the Republic of Serbia.*

- **RULEBOOK on the manner of monitoring the radio frequency spectrum usage, technical inspection procedure and protection from harmful interference (Official Gazette of RS no. 60/11)**

### **Amended by:**

- **RULEBOOK amending the Rulebook on the manner of monitoring the radio frequency spectrum usage, technical inspection procedure and protection from harmful interference (Official Gazette of RS no. 35/13)**

Pursuant to Arts. 8, para. 1, item 1, 23, para. 1. and 98 para. 7 of the Law on Electronic Communications (*Official Gazette of RS*, no. 44/10) and Art. 12, para. 1, item 1 and Art. 16, item 4 of the Statutes of the Republic Agency for Electronic Communications (*Official Gazette of RS*, no. 59/10),

the Managing Board of the Republic Agency for Electronic Communications, in its session held on 7 July 2011, passed the following

## **RULEBOOK**

### **on the manner of monitoring the radio frequency spectrum usage, technical inspection procedure and protection from harmful interference**

*(Official Gazette of RS, nos. 60/11 and 35/13)*

*- Consolidated version -*

#### **I. OPENING PROVISIONS**

*Subject and Contents of the Rulebook*

##### **Article 1**

This Rulebook shall stipulate in detail the manner of the radio frequency spectrum monitoring (hereinafter: Monitoring), including the monitoring of the radio frequency spectrum usage, radio stations technical inspection procedure and practices aimed at the protection from harmful interference, and it shall also stipulate the identification form of the authorized monitoring officer, which shall be printed herewith and is an integral part hereof.

The provisions of this Rulebook shall not apply to the radio stations and systems operating in the frequency bands allocated for special purposes.

The Republic Agency for Electronic Communications (hereinafter: Agency) shall perform the Monitoring as part of the radio frequency spectrum management, as a national scarce resource.

*Monitoring Purpose*

##### **Article 2**

The monitoring shall be performed in order to ensure an efficient, economic and safe usage of the radio frequency spectrum for the users that hold an appropriate licence, individual licence for radio frequency usage (hereinafter: Licence) or general authorization for service provision (hereinafter: Authorization) and for other spectrum users, which is achieved by monitoring the work of the authorized users, detection and prevention of unauthorized RF spectrum usage and by examination of harmful interferences followed by undertaking adequate steps for the elimination thereof, pursuant to the Law on Electronic Communications (*Official Gazette of RS*, no. 44/10, hereinafter: Law) and bylaws, ITU Radio Regulations - RR, 2008 (hereinafter: RR 2008) and national and international standards.

##### **Article 3**

The Monitoring shall include the inspection of the RF spectrum usage in the 9 kHz - 3000 GHz frequency band (hereinafter: Spectrum), including the radio emission parameters and relevant characteristics of the radio stations as the source of the transmissions, in accordance with the available technical resources of the Agency.

The Monitoring of the radio transmission parameters and radio station characteristics referred to in the previous paragraph herein shall refer to the transmissions of the radio stations in the territory of the Republic of Serbia.

The Monitoring shall also entail the verification of the transmission parameters of the radio stations in the territory of another country in case of the radio frequency coordination, when the Spectrum availability needs to be verified and necessary steps need to be taken in order to eliminate harmful interferences caused by the transmissions of these radio stations and to remove other irregularities.

### *Cooperation with Relevant Authorities*

#### **Article 4**

The Monitoring of the parts of the Spectrum used for special needs shall be performed by the Agency in cooperation with the defence and security authorities and emergency services.

The Monitoring of the parts of the Spectrum allocated to the distribution and broadcasting of the media contents shall be performed by the Agency in cooperation with the authority in charge of the broadcasting.

In the Monitoring related activities, the Agency shall cooperate with the inspections of the relevant ministries and authorities of the autonomous province.

The manner of cooperation between the Agency and the relevant authorities referred to in paragraphs 1 to 3 herein shall be regulated by appropriate protocols, in accordance with the Law.

#### **Article 5**

The Agency shall have a direct cooperation with the regulatory authorities of the neighbouring and other countries, to the end of a joint examination and elimination of harmful interferences, in case of endangered safety of human lives and property, and in other cases of irregular Spectrum usage.

The Agency representatives shall take part in the work of the international agencies in charge of Spectrum usage monitoring and other relevant Monitoring related activities that involve the preparation of relevant international regulations, reports and projects.

### *Monitoring Unit*

#### **Article 6**

The Monitoring shall be performed by the Agency, which includes the Monitoring Centres as separate district units.

The Monitoring Centres shall be equipped and organized in accordance with the Handbook on Monitoring, International Telecommunication Union – ITU, 2010 (hereinafter: Handbook on Monitoring).

The Monitoring Centre Belgrade is registered in the list of the international monitoring centres with the International Telecommunication Union - ITU.

The Monitoring referred to herein shall be performed by the Agency through authorized persons – electronic networks and services monitoring officers (hereinafter: Monitoring Officer). The Monitoring Officer shall hold an appropriate identification for the identification purpose when performing the monitoring.

### *Monitoring Officer Identification Form*

#### **Article 7**

Monitoring Officer identification shall be white, plasticized, printed on the hard paper. The identification shall have the following dimensions: 6.5 x 9.5 cm.

The front side of the identification shall bear the title: „РЕПУБЛИКА СРБИЈА“ (REPUBLIC OF SERBIA) and „РЕПУБЛИЧКА АГЕНЦИЈА ЗА ЕЛЕКТРОНСКЕ КОМУНИКАЦИЈЕ“ (REPUBLIC AGENCY FOR ELECTRONIC COMMUNICATIONS), area reserved for the Monitoring Officer’s photo of the following dimensions: 3,2 x 2,8 cm, side impressed Agency logo, the following text „**ЛЕГИТИМАЦИЈА КОНТРОЛОРА ЕЛЕКТРОНСКИХ МРЕЖА И УСЛУГА**“ (**ELECTRONIC NETWORKS AND SERVICES MONITORING OFFICER IDENTIFICATION**), identification number, Monitoring Officer’s name, surname and personal ID number. The back side of the identification shall bear the text stating the Monitoring Officer’s authority, personal signature, date of issuance, space for the Agency seal and for the signature of the officer in charge.

A short name of the Agency “RATEL” in blue colour shall be impressed over the entire back side.

Monitoring Officer identification form (Annex 1) shall be printed herewith and is an integral part hereof.

The design, dimensions and text of the Monitoring Officer badge shall be determined by a separate bylaw passed by the director of the Agency.

### *Standards, Technical Instructions and Regulations Within the Monitoring Activities*

#### **Article 8**

The Monitoring activities shall be performed in accordance with the standards, technical instructions and other regulations of the Republic of Serbia, which are harmonized with the binding standards and/or technical specifications of the European Union, RR 2008, Handbook on Monitoring and international recommendations.

In case there are no adequate national standards and/or technical specifications referred to in para. 1 herein, the standards and technical specifications of the European Telecommunications Standards Institute - ETSI, the European Committee for Standardization - CEN and the European Committee for Electrotechnical Standardization – CENELEC, along with the standards, decisions and recommendations of the International Telecommunication Union, the International Organization for Standardization - ISO, the International Electrotechnical Commission - IEC and the European Conference of Postal and Telecommunications Administrations - CEPT shall apply.

The Agency shall harmonize and update the list of the national standards, technical instructions and other regulations referred to in para. 1 herein on a regular basis and shall publish them on its website and/or another appropriate and publicly available manner.

## **II. RADIO FREQUENCY SPECTRUM USAGE MONITORING**

### **Radio Frequency Spectrum Usage Monitoring Activities**

#### **Article 9**

The Agency shall perform a constant monitoring of the spectrum usage, whereas the selected radio frequency monitoring shall be performed as necessary. As part of the spectrum usage monitoring activities, the Agency shall perform the following:

- 1) verify the radio emission parameters, technical characteristics of the radio stations and other relevant data for the radio station where owners and/or users hold the licence, permit or authorization and/or appropriate entry in the register of the operators;
- 2) identify unauthorized spectrum usage and undertakes appropriate measures for the prevention thereof;
- 3) examine the spectrum availability;
- 4) verify and determine coverage areas;
- 5) measure quality parameters of the electronic communication services provided wireless;
- 6) measure the level of the electromagnetic field (non-ionizing radiation);
- 7) carry out special measurements.

The Agency shall publish a Report on the Radio Frequency Spectrum Usage at least once a year.

#### *Manner of Performing the Measurement and Other Examination Activities*

#### **Article 10**

The measurement and other examination activities referred to in Art. 9 herein shall be performed by an authorized Monitoring Officer of the Agency, pursuant to the standards, technical instructions and regulations referred to in Art. 8 herein.

The measurements shall be performed manually or automatically, using the calibrated measuring equipment in the fixed stations for spectrum monitoring within the monitoring centres, in the remote-controlled stations, in mobile stations on vehicles, in portable stations, as well as with hand held receivers.

The measuring may also be performed directly (conductively) on the radio stations by applying appropriate measuring devices.

Other examinations shall be performed by verification and analysis of the data obtained through filed work or from relevant documents and data bases.

#### *Data on Radio Emission Parameters and the Registration Thereof*

#### **Article 11**

The data obtained in the monitoring procedure referred to in Art. 9, para 1, item 1) herein, shall be registered in the monitoring data base kept by the Agency.

Individual verification of the radio emission parameters shall be registered in the monitoring data base and shall involve the following parameters:

- 1) measured frequency of the radio emission;
- 2) nature and type of the radio emission;
- 3) modulation index;
- 4) maximum value of the EM field strength level;
- 5) azimuth of maximum radiation;
- 6) expected location of the radio station;
- 7) measured carrier/auxiliary frequency in the appropriate accuracy class (channel frequency);
- 8) receiving frequency or other frequency related to the carrier frequency;
- 9) radio station identification;
- 10) designation of the country from which the radio station is operating;
- 11) EM wave polarization;
- 12) nature of service;
- 13) bandwidth occupied by the emission;
- 14) multiplex power for stereo emission;
- 15) digital signal modulation parameters;
- 16) identification of the Monitoring Officer verifying the radio emission parameters;
- 17) date and time of the radio emission parameters verification;
- 18) location and geographic coordinates of the measuring point.

Other data obtained through the verification and measuring of the radio emission parameters and radio station technical characteristics shall involve the following data:

- 1) unwanted emissions ( harmonic emissions, parasitic emissions, intermodulation products and spurious emissions resulting from the modulation process) ;
- 2) information on the radio station owner;
- 3) information on the owner of the facilities where the radio station is located;
- 4) audio recordings of the emission content;
- 5) video recordings of the emission content;
- 6) model designation of the measuring equipment applied (brand, type, manufacturer, registration number etc.);
- 7) atmospheric conditions at the moment of measuring; and
- 8) various notes regarding the subject of the monitoring,

and all other relevant data referred to in the standards, technical instructions and regulations referred to in Art. 8 herein.

### *Irregularities in the Spectrum Usage*

#### **Article 12**

As part of the monitoring activities referred to Art. 9, para. 1, item 1) herein, the Agency shall, *ex officio* or upon a request, verify and detect any irregularities in the Spectrum usage, by comparing the measured radio emission parameters and the data obtained through other examinations with the relevant parameters and data stipulated under the licence, permit or authorization, and also with the data given in the technical regulations referred to in Art. 8 herein.

### *Unauthorized Spectrum Usage*

#### **Article 13**

As part of the monitoring activities referred to Art. 9, para. 1, item 2) herein, the Agency shall, *ex officio* or upon a request, detect any unauthorized Spectrum usage, by comparing the measured radio emission parameters and the data obtained through other examinations with the relevant parameters in the register of the issued licences, permits and authorizations.

The location of the radio station involved in the unauthorised Spectrum usage shall be traced by special measuring equipment used to locate the radio emission source, whereas the identification of the owner and/or user of such radio station shall be determined by other examination methods.

#### *Spectrum Availability Examination*

### **Article 14**

As part of the monitoring activities referred to Art. 9, para. 1, item 3) herein, the Agency shall, *ex officio* or upon a request, examine the availability of specific parts of the Spectrum, by measuring the radio emission parameters during a specific period of time and at a specific location, in order to obtain the data necessary for the Spectrum management, where the obtained data may show the following:

- 1) the percentage of time of a channel or frequency usage and/or occupancy;
- 2) the dynamics of the single channels and frequency bands usage, which is obtained by comparing the measurement data for the same channel or frequency band at different times for a specific location.

Each examination of the spectrum availability shall be accompanied by a Report on the Channel/Frequency Band Availability.

#### *Verification and Determination of the Coverage Areas*

### **Article 15**

As part of the monitoring activities referred to Art. 9, para. 1, item 4) herein, the Agency shall, *ex officio* or upon a request, measure the EM field strength levels and other relevant radio emission parameters on specific measurement points, in order to:

- 1) verify the compliance of the measuring results with the requirements from the permit or licence, with regard to the area size and the number of users (percentage) in the area with available wireless electronic communication service provision of a prescribed quality;
- 2) determine the actual size of the area with available wireless electronic communication service provision of a prescribed quality;
- 3) verify the prediction models used for network planning for the wireless provision of a specific electronic communication service.

Upon completing each verification or determination of the coverage area a Report on the verification/determination of the coverage area shall be prepared.

#### *Wireless Electronic Communication Services Provision Quality Control*

### **Article 16**

As part of the monitoring activities referred to Art. 9, para. 1, item 5) herein, the Agency shall, *ex officio* or upon a request, verify the quality parameters with regard to wireless electronic communication service provision. The values of the verified quality parameters shall be compared

with the reference values. The quality parameters of the wireless electronic communication services that are measured and the respective reference values shall be defined by a separate bylaw of the Agency.

Upon completing each verification of the quality parameters with regard to the wireless electronic communication service provision a Report on the quality control with regard to the wireless electronic communication service provision shall be prepared.

#### *Electromagnetic Field Strength Level (Non-Ionizing Radiation) Measuring*

### **Article 17**

As part of the monitoring activities referred to Art. 9, para. 1, item 6) herein, the Agency shall, pursuant to Art. 48 of the Law, measure the level of the electromagnetic field, having regard of the impact of all sources of the electromagnetic field at a specific location, with regard to electronic communication networks, associated facilities, electronic communication equipment and terminal equipment, in line with the reference levels set out in the separate regulations, to the end of environment protection.

Upon completing the measuring, the Monitoring Officer shall prepare a Report on the electromagnetic field level (non-ionizing radiation) measuring on the appropriate form. In case the measuring is carried out at a request, the Report on the electromagnetic field level measuring shall be submitted to the requester.

Any case of the exceeded electromagnetic field strength reference level found in the measuring procedure referred to in para. 1 herein shall be reported to the relevant inspection by the Agency.

The form of the Report on the electromagnetic field strength level (non-ionizing radiation) measuring shall be published on the Agency website.

#### *Special Measuring*

### **Article 18**

As part of the monitoring activities referred to Art. 9, para. 1, item 7) herein, the Agency shall, *ex officio* or upon a request, perform special measuring for the purpose of regular and additional planning requirements, radio frequency spectrum monitoring and service provision to the spectrum users in regard to the following:

- 1) frequency usage and coordination planning;
- 2) radio communication network planning;
- 3) radio frequency spectrum usage monitoring during important cultural, sports and other public manifestations, and
- 4) emergency situations.

## **III. RADIO STATION TECHNICAL INSPECTION**

### **Article 19**

Radio station technical inspection (hereinafter: technical inspection) shall involve measuring and verification of the compliance of the radio emission parameters and radio stations technical characteristics with the Spectrum assignment and usage requirements set out in the Law and regulations, standards and technical instructions referred to in Art. 8 herein.



The radio station technical inspection is used to check in particular whether:

- 1) the radio station causes interference to other stations or other electronic communication devices and systems;
- 2) the radio station jeopardizes the safety and health of the human beings and the quality of their lives, and
- 3) the minimum quality of service is provided, in accordance with the general bylaw of the Agency.

#### **Article 20**

The radio station technical inspection shall be performed in the following cases:

- 1) when an individual radio frequency usage licence is issued;
- 2) when basic functional parts of a radio stations, which were subject of the technical inspection are being replaced;
- 3) when, through a control performed by the Agency, significant noncompliance of the radio emission parameters and technical characteristics with those found during the technical inspection.

Any change in regard to the radio station referred to in item 2) herein shall be reported without delay to the Agency by the holder ad/or user of the radio station.

#### *Technical Inspection Performance*

#### **Article 21**

Measuring of the parameters and control of the requirements in the technical inspection shall be performed by the person in charge of technical inspection, who may be a hired person or the Agency, depending on the choice of the holder and/or user of the radio station.

If needed, the Agency may hire a person i.e. close a contract with a person authorized for measuring and examination, including technical inspection performance (hereinafter: hired person).

The hired person must not have a conflict of interest, where the conflict of interest would implies the technical inspection being performed by the radio station holder and/or user, manufacturer and supplier, or a person who was involved in preparing the technical documentation or in the installation works.

The Agency shall keep a register of hired persons and shall make it available on its website. The holder and/or user of the radio station shall choose the person in charge of technical inspection between the Agency and a hired person.

#### **Article 22**

When technical inspection is performed pursuant to Art. 20, para. 1 item 1) and 2) herein, the Application for Technical Inspection Performance (hereinafter: Application) shall be submitted to the Agency. The Application Form shall be published on the Agency website.

The Application referred to in para. 1 herein shall be submitted to the Agency no later than 15 days prior to the technical inspection performance.

When the technical inspection is performed pursuant to Art. 20, para.1, item 3) herein, the Agency shall submit to the holder and/or user of the radio station a request for technical inspection performance, with a deadline for technical inspection execution no earlier than 15 days following the day of the request receipt. Upon the receipt of the request, the holder and/or the user of the radio station shall be required to act as referred to in para. 1 herein.

The Monitoring Officer may be present during the technical inspection performed by a hired person.

### **Article 23**

The parameters to be measured, the requirements to be verified and the measuring methods to be applied in the radio station technical inspection, for each type of radio stations, shall be set out in accordance with the standards, technical instructions and regulations referred to in Art. 8 herein.

The noncompliance of the measured parameters and/or the requirements controlled shall be in line with the standards, technical instructions and regulations referred to in Art. 8 herein, where the list of measuring instruments and other equipment necessary for technical inspection is given.

Also, the measuring instruments used for measuring during the radio station technical inspection shall be calibrated in accredited laboratories.

### *Technical Inspection Procedure*

### **Article 24**

During the technical inspection performance the person in charge of technical inspection shall fill in the form of the Report on the Performed Technical Inspection (hereinafter: Report) in three copies, one in electronic form. The Report form shall be published on the Agency website.

The filled in Report form shall be signed by the person who performed the measuring and the holder and/or the owner of the radio station. The form and content and the manner in which the form is filled in shall be set out in the measuring instructions, adopted by the Agency, for each type of radio station separately.

In case the person in charge of technical inspection finds that the measured parameters fall within the acceptable limits and that all conditions stipulated in the individual licence procedure for radio frequency usage are fulfilled, they shall submit two copies of the filled out Report (one in written and another in electronic form) to the Agency and one copy to the holder and/or the user of the radio station, no later than 60 days following the technical inspection performance. If not, it shall be deemed that the technical inspection has not been performed.

Should the Agency find that the radio station technical inspection has not been performed before the given deadline, it shall take appropriate steps and file a report to the relevant inspection within the ministry.

### **Article 25**

In case the person in charge of technical inspection finds that the measured parameters do not fall within the acceptable limits or that any of the conditions stipulated in the individual licence procedure for radio frequency usage are not fulfilled, they shall note that the radio station has not fulfilled the conditions stipulated under the individual licence for radio frequency usage.

The filled in Report form noting in particular the parameters that do not fall within the stipulated limits or the conditions that have not been fulfilled, shall be submitted to the holder an/or the user of the radio station. In that case, the holder and/or the user of the radio station shall be required to remedy the reported irregularities and repeat the procedure for technical inspection performance no later than 60 days following the receipt of the report.

In case the holder and/or the user of the radio station does not perform the technical inspection before the given deadline, the hired person shall be required to inform the Agency thereof.

#### **Article 26**

The results of the technical inspection shall be entered in the technical inspection data base kept by the Agency, pursuant to the Law.

The Agency shall be authorized to perform the verification of the results of the performed technical inspection when the technical inspection is performed by a hired person.

#### *Technical Inspection Fee*

#### **Article 27**

The fee paid for the performed technical inspection shall be determined by a general bylaw regulating the fees for services provided by the Agency.

### **IV. HARMFUL INTERFERENCE PROTECTION**

#### **Article 28**

The harmful interference protection shall involve the practice, measuring and procedure aimed at enabling unhindered operation of the radio stations in pursuant to the granted licences, permits and authorizations, according to the following phases:

- 1) prevention measures;
- 2) detection and examination of the causes of harmful interferences;
- 3) measures for eliminating harmful interferences.

#### *Prevention Measures*

#### **Article 29**

The Agency shall take the following measures in regard to the harmful interferences:

- 1) plan the radio frequency spectrum usage and prepare the allocation plan and proposal of the allotment plan as part of the spectrum management, pursuant to Arts. 83 and 84 of the Law;
- 2) detect circulation of the radio station with emission parameters that are noncompliant with the allocation plan and report them to the relevant authorities;
- 3) detect unauthorized spectrum usage;
- 4) monitor radio stations and perform the technical inspections thereof in the manner stipulated hereby;
- 5) secure radio corridors and protection zones;
- 6) measure the level of electromagnetic radiation from the electronic and electric devices and
- 7) monitor locations with multiple radio stations.

#### **Article 30**

As part of the activities referred to in Art. 29, para. 1, items 1) and 2) herein, the Agency shall, *ex officio* or upon a request, detect circulation of the radio station with emission parameters that are noncompliant with the allocation plan and cases when this can cause harmful interference.

The circulation of such equipment and other irregularities found in relation thereto shall be reported to the relevant inspection and other relevant authorities by the Agency.

#### **Article 30a**

As part of the activities referred to in Article 29, paragraph 1, item 3) herein, the Agency shall detect unauthorized spectrum usage, *ex officio* or upon request.

In case referred to in paragraph 1 herein, the Agency shall proceed pursuant to Articles 13 and 40 herein.

#### **Article 30b**

As part of the activities referred to in Article 29, paragraph 1, item 4) herein, the Agency shall proceed pursuant to the procedure stipulated under Chapter III herein, which concerns radio station technical inspection.

#### **Article 31**

As part of the activities referred to in Art. 29, para. 1, item 5) herein, having regard to Art. 46 of the Law, the Agency shall, *ex officio* or upon a request, monitor radio corridors and protection zones in order to prevent harmful interference.

The Agency shall be report any irregularities found during such control to the relevant inspection and other relevant authorities.

#### **Article 32**

As part of the activities referred to in Art. 29, para. 1, item 6) herein, having regard to Art. 47 of the Law, the Agency shall, *ex officio* or upon a request, detect the cases when the requirements regarding electromagnetic compatibility are not met and cases when this may cause harmful interference.

The Agency shall be report any irregularities found during such control to the relevant inspection and other relevant authorities.

#### **Article 33**

As part of the activities referred to in Art. 29, para. 1, item 7) herein, having regard to Art. 51 of the Law, the Agency shall, in the line of duty or upon a request, monitor the locations with multiple radio stations where the risk of harmful interference is higher, which includes the inspection of facilities where the radio stations are located as well as of the antenna masts and shall keep records thereon.

The Monitoring Officer shall make a Report for each such location control.

#### *Detection and Examination of the Causes of Harmful Interferences*

#### **Article 34**

The Agency shall, *ex officio* or upon request, detect and examine the cause of harmful interferences by measuring the electromagnetic field strength levels produced by the radio emissions of the affected radio station and the radio station causing the interference and by determining the ratio of their levels at the location where a harmful interference has been reported, pursuant to the provisions hereof. The source of harmful interference must be located during examination, in case it is unknown.

In case the cause of the harmful interference is a source of electromagnetic radiation of an electronic or electric device, the examination of the cause of the harmful interferences shall be performed by measuring the level of the electromagnetic field strength produced by such radiation at the locations where the harmful interference has been reported and by comparing such level with the permitted levels set out in the documents referred to in Art. 8 herein.

Upon completed examination, a Report on the Harmful Interferences shall be prepared.

### *Reporting the Irregularities in the Spectrum Usage*

#### **Article 35**

Any irregularities in the Spectrum usage, including the harmful interferences caused by such irregularities, shall be reported to the Agency on the complaint form designed for reporting irregularities in the spectrum usage, which shall be available at the Agency website.

The complaint may be submitted via e-mail, fax or regular mail and, in case urgent cases, announced by telephone through the contact centre followed by a complaint in writing.

The complaint reporting the irregularities from other states shall be received only from the official institutions of the relevant countries in charge of the Spectrum a management and shall be solved according to priority.

#### **Article 36**

In case the Monitoring Officer, during the procedure of radio frequency spectrum usage control and/or examination of harmful interferences, should find that the cause of the harmful interferences is a radio station of another country, they shall make an International Report on Harmful Interferences (Irregularities), on the appropriate form, which shall be submitted without any delay, to the administrations of the countries having jurisdiction over the radio station in question.

The form of the International Report on Harmful Interferences (Irregularities) shall be made according to the RR 2008 and shall be available on the Agency website.

### *Removing the Irregularities*

#### **Article 37**

In case any facts that do not comply with the provisions of the Law and other regulations are found in the process of the Control, the Monitoring Officer shall prepare appropriate documents, as follows: the Report on the Irregularities in the Radio Frequency Spectrum Usage or the Notes on Control, which shall serve as the basis for initiating the procedure for removing such irregularities.

The Monitoring Officer shall be authorized to request from the owner and/or the user of the radio station the data and information necessary to control whether the practice is compliant with the Law, and to perform measuring and examination of the operation of the electronic

communication networks and services, associated facilities, electronic communication equipment and terminal equipment.

During the Control procedure, the Monitoring Officer may require from the owner, and/or the user of the radio station, access to all radio communication devices that are suspected to be the source of the harmful interference and other irregularities or suspected to be used without the appropriate licence, permit or authorization, in order to examine the actual devices and perform other examinations.

The form of the Report on the Irregularities in the Radio Frequency Spectrum Usage, as well as the Notes on Control shall be available at the Agency website.

### **Article 38**

If the Agency should find, through the Monitoring Officer, that the practice of the owner and/or the user of the radio station is not compliant with the obligations pertaining to the spectrum usage stipulated under the Law, they shall receive a request to provide a statement, accompanied by the relevant enclosures: Report on the Irregularities in the Radio Frequency Spectrum Usage or the Notes on Control and also a report by the Agency pertaining to radio frequency spectrum usage monitoring, radio station technical inspection and removal of the causes of the harmful interferences.

The holder and/or the owner of the radio station shall be required to provide a statement on the found irregularities and/or remove them, and to inform the Agency thereof in writing, no earlier than eight days following the receipt of the request to provide a statement.

In case the holder and/or the user of the radio station fails to provide a statement on the found irregularities in writing before the set deadline, the Agency may file a request for proceedings to be initiated, pursuant with the Law.

### *Verification of Irregularity Removal*

### **Article 39**

After the deadline given in the request to provide a statement received by the owner and/or the user of the radio station, the Agency shall verify the compliance of the relevant practice with the obligations. If the Agency should find that owner and/or the user of the radio station has failed to remove the found irregularities before the deadline, it shall report it to the relevant inspection within the ministry.

If the owner and/or the user of the radio station who has failed to remove the found irregularities before the deadline performs a broadcasting activity, the Agency shall also report them to the broadcasting authority.

### *Procedure in Case of Detected Operation of a Radio Station without the Licence or Authorization*

### **Article 40**

In case an unauthorized usage of the Spectrum is detected, the Agency shall propose the measures of inspection monitoring to the relevant ministry immediately upon the performed measuring, and it shall initiate appropriate court proceedings against the owners and/or users of the radio station operating without the licence or authorization.

If the owner and/or the user of the radio station without the licence performs a broadcasting activity, the Agency shall also report them to the broadcasting authority.

#### **Article 40a**

The usage of the radiocommunication and other devices, the operation of which is causing harmful interference and is affecting authorized electronic communication service provision, shall not be permitted, except for the defence and safety purposes, when the usage is permitted to the defence and safety authorities, in accordance with the law and Radio Frequency Band Allocation Plan.

In case the authorities referred to in paragraph 1 herein are causing planned and/or continues interference, the Agency shall be informed about the location, area size, radio frequency band and the nature of the interference. Based on the notification or *ex officio*, the Agency shall register zone of the interference referred to in paragraph 1 herein, as well as the affected radio frequency spectrum, and it shall take measures in accordance with the law.

Continuous interference referred to in paragraph 2 herein means a constantly present interference or any repeated interference, which is present with interruptions or which occurs occasionally from the same source at the same location.

#### *Urgent Measures for Irregularity Removal*

#### **Article 41**

If the irregularities, including the harmful interferences, jeopardizes the work of the defence and security authorities or emergency services, as well as the aeronautical, maritime and radionavigation and radiocommunications services, the Agency shall undertake urgent measures.

The reported irregularities jeopardizing the work of the aforementioned radiocommunications services shall be solved immediately, according to priority.

Upon detecting the cause of the irregularity, the Monitoring Officer shall require from the owner and/or the user of the radio station, via telephone or otherwise, to immediately remove the cause of the interference and irregularities, which may also implicate the termination of operation of the device causing the harmful interference.

If the aforementioned person fails to proceed according to the instruction referred to in the previous paragraph herein, the Monitoring Officer shall immediately inform the inspection of the responsible ministry thereof.

The Monitoring Officer shall make an official statement on the measures taken.

The procedure for the enforcement of urgent measures for the removal or irregularities may be stipulated by the Agency in the separate protocols on cooperation with the relevant services, authorities and organization.

#### *Control Plan and Programme*

#### **Article 42**

The Control shall be performed on a regular basis or may be specifically scheduled.

The regular control shall be performed according to the predefined annual plan.

The specifically scheduled control shall be performed upon a written complaint (request) and *ex officio*.

The specifically scheduled control *ex officio* shall be performed in case the Agency has a reasonable doubt, based on the examination made, that irregularities exist in the radio frequency spectrum usage, or for the needs of the Agency or other services and relevant institutions.

## **V. TRANSITIONAL AND FINAL PROVISIONS**

### **Article 43**

All requests for radio station technical inspection submitted prior to the entry into force of this Rulebook shall be solved according to the regulations in force at the time of their submission.

The radio station technical inspections that have not been initiated before the entry into force of this Rulebook shall be performed according to this Rulebook.

### **Article 44**

The day this Rulebook enters into force the Rulebook on technical inspection procedure in the field of telecommunications (*Official Gazette of RS*, no. 34/06), the Rulebook on form and contents of the form for the report on radio station technical inspection and of the form for the report on telecom networks, systems and facilities technical inspection (*Official Gazette of RS*, no. 34/06), the Rulebook on form for the identification card of the telecommunications and radio-broadcasting monitoring officer (*Official Gazette of RS*, no. 111/05) and Rulebook on content form for the report of the radio-broadcasting monitoring officer, ref. no. 1-05-110-5 of 10.02.2006, published on the Agency website) shall cease to be valid.

### **Article 45**

This Rulebook shall enter into force on the eighth day following its publication in the *Official Gazette of RS*.

**Chairman of the Managing Board**

*Prof. Dr. Jovan Radunovic*



 РЕПУБЛИКА СРБИЈА 

**РЕПУБЛИЧКА АГЕНЦИЈА ЗА ЕЛЕКТРОНСКЕ  
КОМУНИКАЦИЈЕ**

**ЛЕГИТИМАЦИЈА КОНТРОЛОРА  
ЕЛЕКТРОНСКИХ МРЕЖА И УСЛУГА**


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да врши послове контроле у складу са Законом  
о електронским комуникацијама прописима донесеним  
на основу тог закона и међународним уговорима  
у области електронских комуникација  
који обавезују Републику Србију.**

**РАТЕЛ**

Датум издавања \_\_\_\_\_

**М.П.**

Својеручни потпис \_\_\_\_\_

Директор \_\_\_\_\_

