

LAW ON ELECTRONIC COMMUNICATIONS

Prom. SG. 41/22 May 2007, amend. SG. 109/20 Dec 2007, amend. SG. 36/4 Apr 2008, amend. SG. 43/29 Apr 2008, amend. SG. 69/5 Aug 2008, amend. SG. 17/6 Mar 2009, amend. SG. 35/12 May 2009, amend. SG. 37/19 May 2009, amend. SG. 42/5 Jun 2009, amend. SG. 45/16 Jun 2009, amend. SG. 82/16 Oct 2009, amend. SG. 89/10 Nov 2009, amend. SG. 93/24 Nov 2009, amend. SG. 12/12 Feb 2010, amend. SG. 17/2 Mar 2010, amend. SG. 27/9 Apr 2010

Chapter one. GENERAL PROVISIONS

Art. 1. (1) This Law regulates the public relationships pertaining to carrying out electronic communications.

(2) Electronic communications shall be carried out by conveyance, emission, broadcasting, and transmission or reception of signs, signals, written text, images, sound of communications of any kind through wire, radio waves, optical or another electromagnetic media.

Art. 2. This Law shall not apply to the content of the conveyed electronic communications.

Art. 3. This Law shall not apply in case of electronic communications carried out:

1. (suppl. - SG 109/07, in force from 01.01.2008) by the Ministry of Defence, by the Ministry of Interior, by the State Agency "National Security", by the National Safeguard Office, and by the National Intelligence Office for their own purposes, as well as with regard to the internal allocation of frequencies and assignment of call signs for their official radio communications;

2. (amend. - SG 89/09, in force from 10.11.2009) by the state authorities and their administrations in relation to the national security.

Chapter two. OBJECTIVES AND PRINCIPLES

Art. 4. (1) The objectives of this Law are:

1. to provide relevant conditions for development of competition in provision of electronic communications, by:

- a)** providing opportunities for consumers, including disabled, to make maximum use in terms of selection, price and quality of electronic communications;
- b)** preventing distortion or limitation of competition in the field of electronic communications;
- c)** encouraging investments in infrastructure and promoting innovations;
- d)** encouraging effective use and management of limited resources.

2. to support the development of the internal market of electronic communications, by:

- a)** elimination of possible barriers in provision of electronic communications;
- b)** encouraging establishment and development of pan-European networks, inter-operability of pan-European services and end-to-end connectivity;
- c)** treating the undertakings providing electronic communications on equal terms under identical circumstances;

d) assist to regulatory authorities of the Member States of the European Union and to the European Commission in a transparent way for the development of a consistent regulatory policy and for consistent application of the regulatory framework of the European Union for electronic communications;

3. to support the interests of the citizens, by:

- a)** providing access for all individuals to a universal service;
- b)** providing a high level of protection of the consumers in their relations with suppliers and in particular availability of simple and financially affordable procedures for disputes settlement;
- c)** assisting for provision of high level of protection of personal data and protection of privacy in the field of electronic communications;
- d)** providing conditions for provision of clear information, including through placing requirements for transparency of rates and conditions of use of public electronic communication services;
- e)** supporting interests of specific social groups and in particular of the people with disabilities;
- f)** establishing conditions for ensuring the maintenance of the integrity and security of the public electronic communications networks.

(2) Electronic communications managing and regulatory authorities shall:

1. undertake all reasonable measures for achieving the objectives, set out in Para 1, in the scope and terms, adequate to the respective objective;
2. take into consideration as much as possible the need in technological neutrality.

Art. 5. Where applying this Law the state authorities shall observe the principles of lawfulness, predictability, transparency, publicity, consultancy, equality, proportionality, technological neutrality with regard to networks in case of electronic communications services provided by undertakings and reduction of regulatory interference to the required minimum.

Chapter three.

STATE GOVERNANCE OF ELECTRONIC COMMUNICATIONS

Section I.

General provisions

Art. 6. (amend. - SG 89/09, in force from 10.11.2009) The state governance of electronic communications shall be carried out by the Council of Ministers, by the Council on the National Radio-frequency Spectrum and by the Minister of Transport, Information Technology and Communications.

Art. 7. (1) (amend. - SG 89/09, in force from 10.11.2009) The Council of Ministers, upon a proposal by the Minister of Transport, Information Technology and Communications shall adopt a policy in the field of electronic communications and a policy in the field of information society and shall promulgate them in the State Gazette.

(2) The drafts of the acts of Para 1 shall be submitted for public discussion pursuant to Art. 18.

(3) The policy in the field of electronic communications and the policy in the field of information society shall be updated at least once every two years.

Art. 8. (1) The Council of Ministers upon a proposal of the Council on National Radio-frequency Spectrum shall adopt a policy for planning and allocation of radio-frequency spectrum and shall promulgate it in the State Gazette.

(2) The Council of Ministers upon a proposal of the Council on National Radio-Frequency Spectrum shall adopt a National plan for Allocation of the Radio-frequency Spectrum and shall promulgate it in the State Gazette

(3) The National Plan for Allocation of the Radio-frequency Spectrum shall be updated at least once every two years.

Section II.

Council on the National Radio-frequency Spectrum

Art. 9. (1) The Council on the National Radio-frequency Spectrum at the Council of Ministers, hereinafter referred to as "the Council", shall prepare and propose for adoption by the Council of Ministers a state policy for planning and allocation of the radio-frequency spectrum and shall carry out its implementation.

(2) The draft of the state policy under Para 1 shall be submitted for public consultations under Art. 18.

Art. 10. (1) (suppl. - SG 109/07, in force from 01.01.2008; suppl. – SG 17/09; amend. - SG 82/09, in force from 16.10.2009; amend. - SG 89/09, in force from 10.11.2009) In the Council as members shall participate representatives of the Ministry of Finance, Ministry of Economy, Energy and Tourism, Ministry of Transport, Information Technology and Communications, Ministry of Defence, Ministry of Interior, State Agency "National Security", Communications Regulatory Commission, National Safeguarding Office and National Intelligence Office.

(2) (amend. - SG 89/09, in force from 10.11.2009) Chairperson of the Council shall be the Minister of Transport, Information Technology and Communications or a person authorized by him/her. The state authorities and offices under Para 1 shall nominate their representatives and shall provide for their participation in the operation of the Council. The Chairperson of the Council shall nominate one of the representatives of the Ministry of Transport, Information Technology and Communications as organizational secretary of the Council.

(3) The Council of Ministers shall adopt regulations on the operation of the Council upon proposal of its

Chairperson.

(4) (amend. - SG 89/09, in force from 10.11.2009) The administrative support of the Council shall be carried out by the administration of the Ministry of Transport, Information Technology and Communications.

Art. 11. (1) The Council shall produce a draft of a National Plan for Allocation of the Radio-frequency Spectrum.

(2) The plan under Para 1 shall be produced in compliance with the documents of the international organizations and/or their competent authorities, as well as under proposals of interested institutions and offices in view of harmonized and effective use of the radio-frequency spectrum.

(3) By virtue of the plan under Para 1 the radio-frequency spectrum shall be allocated in radio-frequencies, radio-frequency bands and radio services for civil purposes, for the needs of the state authorities and services under Art. 3 related to the national security, and for shared use between them.

(4) The allocation of the radio-frequency spectrum in radio-frequencies, radio-frequency bands and radio services shall be done in compliance with the principles for allocation and use of the radio-frequency spectrum in the European Union and by the International Telecommunication Union.

(5) The particular allocation of radio-frequencies and radio-frequency bands, meant for civil purposes or for shared use for civil purposes and for the needs of the state authorities and services under Art. 3 related to the national security, shall be carried out after holding public discussions under Art. 18 related to the part of civil purposes.

(6) (amend. - SG 89/09, in force from 10.11.2009) Within 7 days after expiration of the term set for public discussions the Minister of Transport, Information Technology and Communications shall forward the draft under consideration and the submitted opinion of the Council on the National Radio-frequency Spectrum. The Council shall examine the opinion and shall publish on the internet site of the Ministry of Transport, Information Technology and Communications the submitted opinion, as well as the reasons for non-accepted and accepted proposals. After examination of the opinion the Council shall propose to the Council of Ministers to adopt a decision.

(7) (new – SG 17/09) The Council shall consider and decide matters, related to electromagnetic compatibility, and in case of disagreement between its members the matters shall be referred to the Council of Ministers which shall take a decision.

Art. 12. The state authorities and services referred to in Art. 10, Para 1 shall co-operate between themselves for implementation of the activity of the Council in compliance with the regulations referred to in Art 10, Para 3.

Art. 13. (1) The Council, after coordination with the interested state authorities and services, shall adopt a decision for using particular radio-frequencies and radio-frequency bands by radio equipment with their technical Parameters, term and location of their usage on the territory of the Republic of Bulgaria by foreign countries on the grounds of reciprocity, as well as by international organizations, where this arises of the international obligation undertaken by the Republic of Bulgaria.

(2) Requests for usage of radio-frequencies and radio-frequency bands by embassies of foreign countries and/or by the representative offices of international organizations shall be submitted to the Council, which shall decide on the requests within one month after their receipt.

(3) Where granting authorization is stipulated for usage of individually assigned limited resource – radio-frequency spectrum for provision of electronic communications under this Law, the Council shall notify the Communications Regulation Commission, which shall:

1. issue the authorization in question;
2. collect the specified fees, unless otherwise provided in an international act.

Art. 14. (suppl. – SG 35/09, in force from 12.05.2009) The Minister of Defence or an official authorized by him/her shall authorize the use of radio-frequencies and radio-frequency bands by the Member States of the NATO in case of carrying out joint trainings and operations on the territory of the Republic of Bulgaria in compliance with the allocation of the radio-frequencies and radio-frequency bands for the needs of the Ministry of Defence in the National Plan on Allocation of the Radio-frequency Spectrum.

Section III.

Minister of Transport, Information Technology and Communications (Title amend. - SG 89/09, in force from 10.11.2009)

Art. 15. (amend. - SG 89/09, in force from 10.11.2009) The Minister of Transport, Information Technology and Communications shall be a specialized executive authority implementing the state policy in the field of electronic communications and in the field of information society.

Art. 16. (amend. - SG 89/09, in force from 10.11.2009) The Minister of Transport, Information Technology and Communications shall:

1. produce and submit for adoption by the Council of Ministers a policy and strategy in the field of electronic communications, as well as a policy, strategies and programs in the field of information society;
2. produce and issue or submit for adoption by the Council of Ministers secondary legislative documents, related to the implementation of his/her powers, provided by this Law;
3. provide conditions for ensuring freedom and confidentiality of communications;
4. represent the Republic of Bulgaria in international organizations in the field of electronic communications and information society;
5. support development and introduction of standards, technical requirements and specifications, related to electronic communications and information society;
6. provide for fulfilment of engagements of the Republic of Bulgaria in the field of electronic communications and information society management, related to its membership in the European Union and in international organizations.
7. participate in the work of international standardization organizations and in technical standardization committees in the Republic of Bulgaria, dealing with electronic communications and information society;
8. carry out international registration of radio-frequencies and radio-frequency bands, as well as of the radio-equipment using them;
9. carry out international co-ordination of all radio-services of radio-frequencies and radio-frequency bands, as well as of technical specifications of radio-equipment, using them for the national security purposes;
10. agree upon and/or approve investment programs and projects in compliance with the priorities in the field of information society and communications;
11. carry out inter-institutional coordination in the course of preparation and submission of drafts of legislative documents of the Council of Ministers in the field of electronic communications and information society.

Art. 17. (1) (amend. - SG 89/09, in force from 10.11.2009) The Minister of Transport, Information Technology and Communications shall:

1. establish, operate, maintain and develop electronic communication network and control points with regard to the national security, which shall be operated by personnel, occupying specific positions;
2. (amend. – SG 35/09, in force from 12.05.2009) secure electronic communications for management of disasters pursuant to the Law on the protection in case of disasters and in case of establishment of "martial law" regime, "state of war" regime, or "state of emergency" regime pursuant to the Law of the Defence and Armed Forces of the Republic of Bulgaria.

(2) (amend. - SG 89/09, in force from 10.11.2009) The Minister of Transport, Information Technology and Communications shall provide for reliable functioning, safety, independence and protection of the electronic communication networks for transfer of classified information for the purposes of the state government and with regard to the national security meeting the requirements of the Law for Protection of the Classified Information.

Art. 18. (1) (amend. - SG 89/09, in force from 10.11.2009) The Minister of Transport, Information Technology and Communications, prior to issuance or submission to the Council of Ministers of the subsidiary legislation documents, specified in this Law, shall publish a notice about the produced drafts in a national daily newspaper, as well as a notice along with the text of the draft on the Internet site of the Ministry of Transport, Information Technology and Communications.

(2) The notice referred to in Para 1 shall indicate the place, where interested persons shall be able to obtain the drafts, and a term of at least 30 days, in which they shall be able to submit written opinions on them.

(3) (amend. - SG 89/09, in force from 10.11.2009) The Minister of Transport, Information Technology and Communications shall study the opinions and shall include the adopted proposals.

(4) (amend. - SG 89/09, in force from 10.11.2009) The procedure of public consultations shall be concluded with the publication of the submitted opinions, adopted proposals, places and texts, through which the adopted proposals have been included, and the reasons for the non-approved ones on the Internet site of the Ministry of Transport, Information Technology and Communications.

Art. 19. (amend. - SG 89/09, in force from 10.11.2009) The funds for the support of the activities of the Ministry of Transport, Information Technology and Communications shall be debited to its budget and shall be collected from:

1. twenty five percent of the final bidding price after holding auction for the use of individually assigned limited resources;
2. twenty five percent of the single fee for using additionally provided radio-frequency spectrum;
3. thirty five percent of the annual fees for usage and for provisional usage of individually assigned limited resource – radio-frequency spectrum;
4. twenty five percent of the annual fees for usage of positions of the geostationary orbit allocated for the Republic of Bulgaria under international agreements;
5. funds for co-financing of projects for development of the communications and information society;
6. other revenue.

Art. 20. (1) (amend. – SG 17/09) Budget funds referred to in Art. 19 shall be spent for:

1. projects supporting the development of information society, electronic communications and postal services;
 2. establishment of common national and European information space – diverse, reliable and compatible wide-band services;
 3. supporting research and development activity in the field of information society, electronic communications and postal services;
 4. supporting implementation of information technologies in small and medium-sized enterprises;
 5. supporting the development of education and vocational training in the field of information technologies;
 6. projects, providing affordable electronic communication services;
 7. studies and marketing activities in the field of information society, of information technology, of electronic communications and of postal services;
 8. participation in European projects, programs and other initiatives;
 9. projects related to establishment and modernization of electronic communication networks and of postal infrastructure;
 10. making radio-frequency spectrum available for civil purposes;
 11. projects on state governing support, related to information technology, electronic communications and postal services;
 12. (amend. - SG 109/07, in force from 01.01.2008) projects, related to national security, upon coordination with the Ministry of Interior, the Ministry of Defence and the State Agency "National Security";
 13. activities and participation in projects, related to NATO and other organizations of collective safety;
 14. (amend. – SG 17/09; amend. – SG 35/09, in force from 12.05.2009; amend. - SG 89/09, in force from 10.11.2009; suppl. - SG 93/09, in force from 25.12.2009) projects, related to governing the country in cases of disasters and accidents after coordination with the Ministry of Interior.
- (2) Spending the funds referred to in Para 1, except for Items 10, 12 and 13, shall be done by observing the principles of competition, transparency and equality.
- (3) In case of implementation of projects related to the national security, NATO and other organizations of collective safety shall apply the procedures applicable to them.
- (4) (amend. - SG 89/09, in force from 10.11.2009) The Ministry of Transport, Information Technology and Communications shall produce an annual report on the spent funds referred to in Para 1, which shall be published on its Internet site by 31 March of the following year.

Chapter four. **REGULATION OF ELECTRONIC COMMUNICATIONS**

Section I. **Communications Regulation Commission**

Art. 21. (1) The functions of regulation and control of carrying out electronic communications shall be performed by the Communications Regulation Commission, referred to hereinafter as "the Commission".

(2) The Commission is a specialized independent state body. The Commission is a legal person with a seat in Sofia.

(3) The Commission shall fulfil legislative, secondary legislation acts and general administrative acts in

the field of electronic communications, electronic communications policy, planning and allocation of the radio-frequency spectrum policy and postal services policy.

(4) The Commission shall regulate and control the implementation of electronic communications in compliance with this Law.

(5) The Commission shall register and control the activity of providing certifying services related to the electronic signature under the order determined by the Law for the Electronic Document and Electronic Signature.

Art. 22. (amend. – SG 27/10, in force from 09.04.2010) (1) The Commission is a collective body consisting of five members, including a chairperson and a deputy chairperson.

(2) The members of the Commission shall be Bulgarian nationals:

1. with professional qualification in the field of communications, information technologies, media, economics or law;

2. with permanent address on the territory of the country;

3. who have not been sentenced to deprivation of liberty for a crime of general character.

(3) The Chairperson of the Commission shall be appointed and discharged by a decision of the Council of Ministers and shall be employed by an order of the Prime Minister for a period of 5 years.

(4) The deputy chairman and two of the members of the Commission shall be elected and discharged by a decision of the National Assembly for a period of 5 years.

(5) One of the members of the Commission shall be appointed and discharged by an edict of the President of the Republic for a period of 5 years.

(6) The number of the subsequent full mandates under Para 3, 4 and 5 shall not be more than two for each member of the Commission

(7) The members of the Commission shall enjoy all the rights in an employment relationship, except those which contradict to or are incompatible with their legal status.

Art. 23. (1) The members of the Commission may not be sole entrepreneurs, owners, partners, shareholders, managers, procurators, consultants or members of managing or control bodies of trade companies, state enterprises and non-profit corporate legal persons in the field of communications and certifying services pursuant to the provisions of the Law for the Electronic Document and Electronic Signature.

(2) The members of the Commission may not occupy another paid position, neither may they receive remuneration under a civil contract, except in the cases when they practice scientific or teaching activity.

Art. 24. (1) The mandate of a member of the Commission shall be terminated in case of death or by the respective authorities before the expiration of the mandate in the following cases:

1. upon his/her written request within one month after receipt of the request;

2. established incompatibility with the requirements of this Law;

3. when sentenced to deprivation of liberty for a deliberate crime of general character;

4. impossibility to fulfil their obligations for a period exceeding three subsequent months;

5. (new – SG 42/09) in case of entry into force of an act establishing conflict of interests under the Law on the Prevention and Disclosure of Conflict of Interests.

(2) Within one month from the day of premature termination of the mandate of a member of the Commission, the competent authority shall nominate or elect and appoint a new member until the expiration of the respective mandate.

(3) Upon expiration of a mandate of a member of the Commission he/she shall continue fulfilling his/her legal competences until the act of nomination or of election and appointment of a new member enters into force.

Art. 25. The remunerations of the members of the Commission shall be determined as follows:

1. of the chairperson – 90 percent of the basic remuneration of the Chairperson of the National Assembly;

2. of the deputy chairperson – 95 percent of the basic remuneration of the Chairperson of the Commission;

3. of the remaining members – 90 percent of the basic remuneration of the Chairperson of the Commission.

Art. 26. (1) (amend. – SG 42/09) Every member of the Commission shall be obliged to declare private interest under the Law on Prevention and Disclosure of Conflict of Interests, which, he/she has got in taking a particular decision, and shall not participate in its discussion and voting.

(2) (amend. – SG 42/09) Private interest shall be present also always for the persons referred to in Para 1, when members of their families, direct relatives without restriction, collateral relatives up to fourth degree

inclusive and relatives-in-law up to the second degree inclusive, as well as economically related to them persons provide electronic communication networks and/or services.

(3) (revoked – SG 42/09)

(4) (revoked – SG 42/09)

(5) One year after the termination or expiration of the mandate the members of the Commission may not be owners, shareholders, partners, managers, procurators or members of bodies of management and control, employees or consultants of trade companies, providing public electronic communication networks and/or services, to submit the notification referred to in Art. 66, neither to obtain authorizations pursuant to this Law and/or authorizations and/or licenses under the Law for the Electronic Document and Electronic Signature and under the Law on Postal Services.

(6) Any interested person may request from the Court to revoke decisions taken in violation of Para 1.

Art. 27. (1) The Chairperson of the Commission shall:

1. represent the Commission or shall authorise persons to represent it;

2. organise and manage the activity of the Commission;

3. schedule, propose a draft agenda and chair the sessions of the Commission;

4. conclude, amend and terminate the employment contracts with the employees of the administration of the Commission by representing the Commission in its capacity of an employer in relationships with the employees in the administration;

5. organize and be responsible for the fulfilment of the budget of the Commission.

(2) (revoked – SG 17/09)

Art. 28. (1) The Commission shall be assisted in its activity by an administration.

(2) Upon a proposal of the Chairperson and/or its member the Commission shall discuss and adopt regulations determining the structure, activity, the organisation of work of the Commission and its administration, which shall be promulgated in the State Gazette.

(3) Upon a proposal of the Chairperson and/or its member the Commission shall approve by a decision internal rules for determining the salaries of employees in the administration and the available funds of the budget of the Commission.

(4) The basic monthly remunerations of the employees of the administration shall be determined according to the internal rules, adopted by a decision of the Commission under Para 3 under a proposal of its Chairperson and/or its member.

(5) By a decision of the Commission its members and the employees in the administration shall receive extra remuneration in addition to their basic remuneration for fulfilment of specific functions under conditions and following a procedure determined by the internal rules for the salaries.

(6) The funds under Para 5 shall be determined in amount of up to 35 per cent of the gross annual amount of the funds for salaries and shall be included in the budget of the Commission.

Section II. Powers

Art. 29. The Commission shall execute its powers, functions and tasks for achievement of the objectives referred to in Art. 4 and in compliance with the principles, set out in Art. 5.

Art. 30. The Commission shall have the following powers:

1. to determine respective markets of electronic communication networks and/or services, subject to regulation by this Law;

2. to study, analyse and produce an assessment of the level of competition on respective markets of electronic communication networks and/or services;

3. to identify undertakings with significant market power on the respective market;

4. to impose, extend, amend or revoke specific obligations of undertakings, having been identified as undertakings with significant market power, for achieving the objectives of this Law;

5. as an exception, to impose grounded and adequate provisional specific obligations in cases, provided by this Law;

6. to assign provision of universal service;

7. to produce, adopt and update regulatory policy for using numbers, addresses and names for implementation of electronic communications;

8. to produce and adopt general and legislative acts, related to its powers in cases, provided in this Law;

9. (amend. – SG 17/09) to produce, adopt or submit for adoption by competent state bodies the secondary legislative acts in cases, provided in this Law;

10. to edit, amend, supplement, transfer, suspend, terminate or withdraw authorizations for usage of individually assigned limited resource;

11. to issue and suspend the validity of provisional authorizations for usage of individually assigned limited resource;

12. to issue, amend, supplement, transfer, suspend, terminate or withdraw authorizations for usage of individually assigned limited resource for carrying out electronic communications through available and/or new electronic communication networks for terrestrial analogue radio-broadcasting after a decision of the Council for Electronic Media;

13. to carry out a study and to provide information to the Council for Electronic Media about technical Parameters, required for terrestrial analogue radio-broadcasting of radio and television programs, about indicated by the Council for Electronic Media settlement, region or for the entire territory of the Republic of Bulgaria, including free radio-frequencies, admissible powers of broadcasting, possible points of broadcasting, as well as any other relevant technical information;

14. to produce, adopt and update National Numbering Plan;

15. to provide for usage, reserve and withdraw numbers, addresses and names;

16. (new – SG 17/09) to control the effective use of the numbers of the National Numbering Plan;

17. (prev. item 16 – SG 17/09) to assist in providing to international organizations of numbers, addresses and names for electronic communications in the Republic of Bulgaria;

18. (prev. item 17 – SG 17/09) to represent the Republic of Bulgaria in international organizations of regulatory bodies in the field of electronic communications;

19. (prev. item 18 – SG 17/09) to fulfil functions of a national organization for standardization before the European Telecommunication Standards Institute (ETSI) and to participate in the work of technical standardization committees in the Republic of Bulgaria, related to electronic communications;

20. (prev. item 19 – SG 17/09) to maintain the registers provided in this Law;

21. (prev. item 20 – SG 17/09) to carry out public discussions, consultations and inquiries in cases and following the procedures, provided in this Law;

22. (prev. item 21 – SG 17/09) to settle disputes between undertakings;

23. (prev. item 22 – SG 17/09) to consider claims of end users in cases, provided in this Law.

Art. 31. The Commission shall encourage the development of competition in providing electronic communication networks and services, by:

1. applying regulatory measures, restricting the opportunities for impeding the competition;

2. eliminating hindrances and barriers for the competition within the scope of its competency;

3. treating on equal terms all undertakings, providing electronic communication networks and/or services under identical circumstances;

4. maintaining mutual co-operation with other regulatory authorities and the European Commission for development of sustained regulatory practice and application of European law.

Art. 32. The Commission shall have the following legal authorities related to the management of the radio-frequency spectrum for civil purposes:

1. manage the radio-frequency spectrum by:

a) working out and promulgating in the State Gazette the regulatory policy for its management;

b) providing for using radio-frequencies and radio-frequency bands for carrying out electronic communications;

2. determine particular technical requirements for the operation of electronic communication networks and facilities, related to them;

3. carry out international coordination of radio-frequencies and radio-frequency bands and of the radio facilities, using them for all radio services, except for the air mobile, air mobile satellite, air radio navigation, air radio navigation – satellite, air sea, air sea satellite, sea radio navigation and sea radio navigation – satellite;

4. carry out national coordination of radio-frequencies and radio-frequency bands with all interested state bodies, administrations and offices in order to provide safety of air navigation and sea navigation and protection of national security and defence;

5. (amend. - SG 89/09, in force from 10.11.2009) prepare documents for registration in international organizations of electronic communications of coordinated radio-frequencies and radio-frequency bands and radio facilities, using them; preparation of documents applies to all radio services, except for air mobile, air mobile satellite, air radio navigation, air radio navigation – satellite, air sea, air sea satellite, sea radio navigation and sea radio navigation – satellite; registration documents shall be submitted to the Ministry of Transport, Information

Technology and Communications for carrying out international registration;

6. hold exams and issue authorizations for radio amateur competency ;

7. control the effective usage of the radio-frequency spectrum and/or the sources of radio interference in the radio-frequency spectrum for civil purposes;

8. control the observance of the internationally determined procedural rules for the radio services;

9. allocate for usage the distributed distinction signs of the transmitting radio facilities of the amateur radio service and the auditors' distinction signs;

10. provide conditions for carrying out electronic communications for the purposes of the sea and air tracking and rescue, as well as for broadcasting of current information for providing the safety of the sea and air navigation and of the ground transport;

11. (amend. - SG 89/09, in force from 10.11.2009) participate jointly with the Minister of Transport, Information Technology and Communications in the work of international organizations, related to radio-frequency spectrum management;

12. in view of the public interest at his/her own initiative or at the initiative of an interested undertaking, carrying out electronic communications, he/she may distribute the free limited resource – radio-frequency spectrum and the positions of geostationary orbit, allocated to the Republic of Bulgaria according to international agreements, which shall be used for providing of electronic communication networks and/or services for public of own purposes.

Art. 33. (1) The Commission shall create and maintain public registers of undertakings:

1. having advised the Commission about their intentions to carry out public electronic services;

2. having got authorizations for usage of individually assigned limited resource

(2) The registers referred to in Para 1 shall contain the following information:

1. identification data of the person, carrying out public electronic communications upon addressing a notification:

a) for natural persons – full name and permanent address;

b) for legal persons and single traders – name (corporate name), seat and registered business address;

2. method of implementation of electronic communications;

3. provided public electronic communication networks and/or services;

4. territorial range, where applicable;

5. telephone (fax, e-mail address), address and details of a contact person.

(3) The Commission shall publish the registers referred to in Para 1 on its Internet site.

Art. 34. The Commission shall control the application of:

1. the normative acts in the sphere of electronic communications;

2. the principles of pricing stipulated by this Law;

3. the Parameters and quality requirements to the services;

4. the particular terms and conditions and Parameters of usage of limited resource, provided by the authorizations;

5. applicable requirements of Art. 73 and special obligations for implementation of electronic communications;

6. the requirements for providing universal service.

Art. 35. (1) In implementation of its powers the Commission shall pronounce reasoned decisions.

(2) The decisions referred to in Para 1 are individual or general administrative acts and shall be subject to appeal pursuant to the provisions of the Administrative Procedure Code before the Supreme Administrative Court.

(3) By decisions the Commission may adopt also normative administrative acts in compliance with its powers.

(4) The general and the normative administrative acts shall be promulgated in the official section of the State Gazette.

(5) The decisions shall be adopted with regular majority of the members of the Commission.

(6) The appeal of the following individual administrative acts does not suspend their execution, unless otherwise instructed by the court:

1. decisions, by which information is required from the undertakings, necessary for analysis of respective markets;

2. decisions for identification and analysis of respective markets, for identification of undertakings with significant market power for imposing of specific obligations to undertakings with significant market power on the respective market;

3. decisions, related to fulfilment of imposed specific obligations to undertakings with significant market power on the respective market;
4. decisions on disputes between undertakings;
5. (new – SG 17/09) decisions, by which the commission shall grant a permit to the applicant having succeeded in the contest for use of individually assigned limited resource – radio frequency spectrum, for provision of electronic communications through electronic communication networks for terrestrial digital radio broadcasting.

Art. 36. (1) For developing of drafts of general and normative administrative acts, provided in this Law, the commission holds public discussion procedures by releasing an announcement about the prepared project and the grounds for its development in a national daily newspaper and on its internet site.

(2) In the announcement referred to in Para 1 the place from where interested persons can obtain the project shall be indicated, and a term not less than 30 days, within which they can present their written opinion on it.

(3) The Commission shall study the opinion and shall take into account the adopted proposals.

(4) The public discussion procedure shall be closed upon publishing on the Internet site of the Commission the submitted opinion, the adopted proposals, the places and wordings, reflecting the adopted proposals, and the reasons for non-adopted ones.

Art. 37. (1) Prior to adoption of a decision on important issues of public significance for the development of electronic communications the Commission shall hold public consultations.

(2) The procedure referred to in Para 1 shall commence with publishing an announcement about the forthcoming public consultations in a national daily newspaper, as well as on the Internet site of the Commission.

(3) The announcement referred to in Para 2 shall obligatorily indicate the issue subject to discussions, the place, where interested parties may obtain the opinion of the Commission on the issues subject to discussion, the reasons, motivating the Commission's position, as well as a term, not less than 14 days, within which written opinion shall be provided.

(4) The Commission shall study all the opinion and shall publish on its Internet site the reasons, grounding the adopted decision.

Art. 38. (1) The Commission shall draw up an annual report, which shall be submitted to the National Assembly, the President of the Republic and to the Council of Ministers by the end of the second quarter of the following year. The report shall contain:

1. analysis of provision of universal service, including degree of satisfaction and quality;
2. distribution of the provided for usage individually assigned limited resource and the applied mechanisms for its effective usage;
3. distribution of the numbers of the National Numbering Plan;
4. assessment of the development of competition at the markets of electronic communication networks and/or services, application of pricing principles and development perspectives;
5. financial situation and institutional development of the Commission and of its administration;
6. a report on accomplishment of activities of the preceding year.

(2) In the course of preparation of the assessment referred to in Para 1, Item 4, the Commission for protection of competition shall issue opinion within one month.

(3) The Commission shall publish the report of Para 1 and shall place it on its Internet site.

Art. 39. (1) The Commission may establish consultative structures in connection with the implementation of its powers.

(2) The decision for establishing structures referred to in Para 1 shall determine their head and members, the order of carrying out their activity and their functions and tasks.

Section III. **Provision of information**

Art. 40. (1) The Commission may address to the undertakings, carrying out electronic communications, justified written requests for provision of information, including financial, in relevant amount, terms and details, required for the implementation of its regulatory functions. The Commission, in its motives to the request of information shall state the reasons and the purposes, for which the information is required. The requests of information shall be adequate to the purposes for which they are meant.

(2) (amend. and suppl. - SG 109/07, in force from 01.01.2008; amend. – SG 35/09, in force from 12.05.2009) The Commission, upon a justified written request by the Ministry of Transport, Information Technology and Communications, the Ministry of Defence, the Ministry of Interior and/or the State Agency "National Security" shall provide the information of Para 1 for the purposes of the state policy, planning, protection of national security and defence.

(3) Upon request of the information of Para 1 the Commission shall require from the undertakings, providing it, specifically and in writing to specify for each individual case which part of the provided information shall be deemed business confidential.

(4) The members of the Commission and the employees of its administration shall be obliged not to disclose the information, obtained under Para 1, provided that it is deemed to be business confidential.

(5) In case of justified request by the European Commission or by a regulatory authority of a European Union Member State the Commission shall provide the information, relevant for implementation of their legal authorities.

(6) (amend. - SG 89/09, in force from 10.11.2009) Provided that the information under Para 1 is being provided to the Ministry of Transport, Information Technology and Communications, the European Commission or to regulatory authorities of European Union Member States, the Commission shall require from the recipients to keep confidentiality in conformity with Para 3.

(7) The undertakings under Para 1 may by a justified request in writing state, that the provided by them information to the Commission must not be provided by the European Commission to regulatory authorities of European Union Member States.

(8) In case of provision of information under Para 1 to the European Commission or to regulatory authorities of European Union Member States the Commission shall notify thereof the undertakings, having provided it.

Art. 41. (1) In compliance with the provisions of the Law for Access to Public Information the Commission shall provide upon request the information, obtained from the undertakings carrying out electronic communications.

(2) The conditions and order of access to information under Para 1 shall be determined by the Commission in a normative administrative act.

Section IV.

Cooperation and Consultations with the European Commission and the National Regulatory Authorities of the European Union Member States

Art. 42. (1) The Commission shall forward to the European Commission and to the European Union Member States a draft decision, containing determination of a respective market and analysis with regard to its efficiency and competitiveness.

(2) Provided that the Commission identifies lack of efficient competition at the respective market nomination of an undertaking with significant market power on the respective market shall be proposed in the draft decision under Para 1, as well as imposing of new or amendment of applicable specific obligations.

(3) Provided that effective competition is indicated in the analysis, a justified proposal for non-imposing or repealing of applicable specific obligations shall be included in the draft decision under Para 1.

(4) By the draft decision referred to in Para 1 the Commission may determine:

1. markets, different from the specified according to the decision referred to in Art. 152, Para 4, subject to consideration of the practice of European Union Member States;

2. undertaking or undertakings with individual or joint significant impact on the respective market;

(5) Provided that within 30 days from the date of forwarding of a draft decision under Para 1 no proposals by the European Commission and the regulatory authorities of the European Union Member States have been submitted, the Commission shall adopt the draft decision under Para 1.

(6) In the cases of Para 4 the European Commission may extend the term under Para 5 by two months, whereas it shall request from the Commission to postpone taking a decision in cases of Para 4. European Commission shall take a decision for extension of the term, when it deems that the proposed specific obligations will have a direct or indirect impact on the trade between the Member States, whereas this will create barriers to the internal market, or when it deems that the proposed measures will lead to significant incompatibility with the European Union laws or with the objectives under Art. 4.

(7) The European Commission may sustain a veto on the draft decision of the Commission. In this case the Commission shall withdraw the draft decision, whereas it can prepare a new draft or undertake other actions in consideration of the instructions of the European Commission, provided that such have been issued.

(8) Beyond the cases under Para 7 the Commission shall take into account the proposals of the European Commission and of the regulatory authorities of the Member States and shall include them in the draft decision prior to its final approval, having notified the European Commission thereof.

(9) In exceptional cases, when for inserting of the determined in the draft decision referred to in Para 2 specific obligations a long lasting time period is required, and the Commission deems that there is an urgent need in protection of competition and users' interests, the Commission may not undertake the action of Para 1 and 4, but to impose justified, adequate and provisional specific obligations instead, provided in this Law. The Commission shall advise about the imposed provisional specific obligations the European Commission and regulatory authorities of the Member States, with indicating the reasons for their imposing, as well as identified competition problems.

(10) The Commission may extend the term of validity of the provisional specific obligations or make them permanent with undertaking prior to that the actions under Para 1 - 4.

(11) The Commission may withdraw the draft decision referred to in Para 1, 2 and 3 at any time in the course of the procedure of its discussion with the European Commission and regulatory authorities of the European Union Member States.

Art. 43. The Commission shall observe the requirements for confidentiality of information, obtained by the European Commission and the regulatory authorities of other European Union Member States.

Section V.

Cooperation with the Commission for Protection of Competition

Art. 44. (1) The Communications Regulation Commission and the Commission for Protection of Competition shall carry out cooperation and coordination for achieving the objectives referred to in Art. 4, in conformity with this Law and on the grounds of rules, adopted by decisions of both commissions.

(2) The rules of Para 1 shall be published on the Internet site of each of the Commissions.

Art. 45. The cooperation between the Commission and the Commission for Protection of Competition shall be carried out in forms, such as:

1. consultations;
2. information exchange;
3. provision of opinion;
4. joint working groups.

Section VI.

Cooperation with the Council for Electronic Media in the Field of Digital Radio-broadcasting

Art. 46. The Commission shall cooperate with the Council for Electronic Media under the conditions and order of this Law and in the Law for the Radio and Television.

Art. 47. (1) (amend. – SG 17/09) The Council for Electronic Media shall grant a license pursuant to the provisions of the Law for the radio and television, on the grounds of which radio and television programs shall be broadcasted through electronic communication networks for terrestrial digital radio broadcasting.

(2) The licenses of par. 1 shall give the right the programs to be broadcasted by an undertaking, to which a permit has been granted by the commission for use of individually assigned limited resource – radio frequency spectrum, for implementation of electronic communications through electronic communications through terrestrial digital radio broadcasting networks within the territorial coverage, indicated in the permit.

(3) Radio and television programs shall be broadcasted by the undertaking of par. 2 on the grounds of a written agreement between the undertaking and the radio- or television operator, unless otherwise provided in a law.

(4) The undertaking, implementing electronic communications through electronic communications through terrestrial digital radio broadcasting networks shall broadcast licensed television programs of a type and profile, determined, respectively approved by the Council for Electronic Media pursuant to the provisions of the Law for the radio and television.

Art. 47a. (new – SG 17/09) (1) Radio- and television operator may not obtain a permit by the Commission for use of individually assigned limited resource – radio frequency spectrum for implementation of

electronic communications through electronic communications through electronic communication networks for terrestrial digital radio broadcasting.

(2) The restriction of par. 1 shall apply also with regard to persons, affiliated to the operator of par. 1 in the meaning of the Commercial Law.

Art. 48. (amend. – SG 17/09) (1) The Commission subject to observance of the procedural requirements, provided in Chapter Five, shall open a competition procedure for selection of an undertaking which may obtain an authorization for usage of individually assigned limited resource – radio-frequency spectrum for implementation of electronic communications through terrestrial digital radio broadcasting networks.

(2) In the expert commission for holding the competition two representatives of the Council for Electronic Media, nominated by a decision of the Council shall be also included.

(3) An undertaking or affiliated with it persons in the meaning of the Commercial Law, to which a permit to use individually assigned limited resource – radio-frequency spectrum for implementation of electronic communications through terrestrial digital radio broadcasting networks, may not be radio or television operators and shall not have the right to produce radio or television programs.

(4) The undertaking, having obtained a permit under par. 1, shall broadcast radio or television programs in compliance with the requirements of the Law for the radio and television.

(5) (declared anticonstitutional in DCC No 3/09 – SG 45/09) An undertaking or affiliated with it persons in the meaning of the Commercial Law, to which a permit to use individually assigned limited resource – radio-frequency spectrum for implementation of electronic communications through terrestrial digital radio broadcasting networks shall not have the right to set out electronic communication network for broadcasting of radio and television programs.

Art. 48a. (new – SG 17/09; revoked – SG 12/10)

Art. 49. (1) The Commission shall adopt normative administrative acts, by which it shall set the procedure of providing access to electronic communication services through the terrestrial digital radio broadcasting networks and for provision of electronic communication services, intended for persons with hearing and seeing difficulties.

(2) Prior to adoption of acts under Para 1 the Commission shall hold public discussions pursuant to the provisions of Art. 36 and shall obtain opinion of the Council for Electronic Media.

(3) The Council for Electronic Media shall receive the opinions referred to in Para 2 within 30 days after receiving the draft acts of the Commission.

Section VII. Financing

Art. 50. The Commission is a primary administrator of budget credits.

Art. 51. (1) The Commission shall administer the following revenue of its budget:

1. administrative fees;
2. forty per cent of the annual fees for usage and provisional usage of individually assigned limited resource – radio-frequency spectrum;
3. (amend. – SG 17/09) fees for usage of individually assigned limited resource – numbers;
4. license and registration fees pursuant to the Law for the Postal Services and to the Law for the Electronic Document and Electronic Signature;
5. five per cent of the final bidding price after having hold auction for usage of individually assigned limited resource;
6. five percent of the annual fees for using the positions of the geostationary orbit allocated for the Republic of Bulgaria according to international agreements;
7. five pre cent of the single fee for usage of additionally allocated radio-frequency spectrum;
8. twenty percent of the fines and proprietary sanctions stipulated by this Law;
9. of interest on overdue receivables;
10. (revoked – SG 17/09).

(2) The resources of the budget of the Commission shall be spent for financing its activity, including for projects related to regulation and liberalisation of the market, for capital expenses, for providing effective and active control, for improvement of the material resources, for qualification and training.

Art. 52. The Commission shall work out and annually, by May 30, shall publish on its Internet site a draft of expected revenue under Art. 51, except for revenue from administrative fee for control and for the respective expenses for provision of its activity over the next year, which shall be presented for coordination to the Minister of Finance.

Art. 53. (1) Should the expected proceeds for the relevant year do not cover the expenses of the Commission, the difference shall be secured through adjustments of the amount of the control administrative fee.

(2) The Commission by September 30 of the current year, shall propose annually to the Council of Ministers to adopt a tariff of the fees collected by the Commission. The fees shall be collected from January 1 of the next year

Section VIII.

Resolution of Disputes Between Undertakings

Art. 54. (1) Where an undertaking providing electronic communications networks and/or services fails to fulfil an obligation under this Law, within up to two months each affected party may forward written request to the Commission to assist in reaching consent or to give binding instructions.

(2) The request under Para 1 must contain the circumstances on which it is based and, shall certified copies of documents proving the circumstances provided and a document for the payment of an administrative fee shall be attached in cases of binding instructions requested by the Commission.

Art. 55. (1) When the affected party has made a request for assistance to reach consent, within 7 days from receipt of the request the Commission shall appoint by decision a special committee.

(2) The special committee shall hear the opinions of the parties, clarify the reasons for which the request has been filed and explain the adverse impact of a failure to reach consent.

(3) Provided that the parties fail to reach consent, within 30 days from receipt of the request each affected party under Para 1 may request from the Commission to give binding instructions within 14 days.

(4) The procedure for assistance to reach consent shall be free of charge.

Art. 56. (1) When the affected party has requested binding instructions, within 7 days from receipt of the request the Commission shall determine, by decision, a special committee, which shall include at least one qualified lawyer. Outside experts may also be involved to take part in the work of the special committee as members or consultants thereto.

(2) The special committee shall consider the request and the documents enclosed thereto within 7 days from its appointment.

(3) In case of incomplete or irregular documents, the chairperson of the special committee shall notify the person in writing, fixing thereby a 7-day time-limit from receipt of the notification, for correcting the incompleteness or irregularity.

(4) If the incompleteness or irregularity of documents has not been corrected within the time-limit under Para 3, the committee shall dismiss the request.

Art. 57. (1) (amend. – SG 17/09) The special committee under Art. 56, Para 1 within 3 days from expiry of the time-limit under Art. 56, Para 2 or 3 shall forward a copy of the request to the interested parties allowing the latter a 7 days time-limit from receipt to submit their opinions and to enclose evidences thereto.

(2) Within 3 days from receipt of the opinions under Para 1 the special committee shall forward copies of the opinions to the party having filed the request, allowing it a 7 days time-limit from receipt to submit an opinion and enclose other evidence thereto.

Art. 58. (1) The special committee shall study the request made and the opinions of the interested parties, all the evidences enclosed thereto and, require additional evidence if needed, including inspections carried out by authorized pursuant to this Law officials.

(2) The inspections under Para 1 shall be conducted within the time-limit and scope as determined by the special committee. When relevant, the time-limit may be extended. In any case the time-limit for conducting the inspection under Para 1 may not be longer than 14 days.

(3) Upon collecting all the evidences, the special committee shall discuss the request and the evidences collected on the case in the presence of the parties or of their authorized representatives.

(4) The interested parties shall be notified in writing of the date, time and place for the meeting at least 7 days prior to its holding, whereby the notice shall specify that in case of non appearance of their representatives

the special committee shall consider the request in absence of the latter.

(5) The special committee shall draw up a protocol of the meeting held, which shall contain:

1. the members of the special committee and a list of the attending persons;
2. presentation of the opinions of the parties;
3. conclusions of the special committee of the meeting held.
4. date of protocol drawing up.

Art. 59. Within two months from receipt of the request under Art. 54 the special committee shall prepare a report and submit it to the Commission, enclosing thereto the documentation collected in the course of the procedure and a draft decision of the Commission on the request.

Art. 60. The Commission shall consider the report under Art. 59 at its first meeting after submission whereby it may:

1. adopt the results of the work of the special committee and take a justified decision on the request submitted under Art. 54;
2. give order for additional actions to be taken on checking up the actual situation, its analysing by the special committee and preparing a new draft decision setting a time-limit for that.

Art. 61. (1) Within 4 months from submission of the request under Art. 54, the Commission by a justified decision shall give binding instructions on the request submitted or dismiss the latter.

(2) The decision under Para 1 shall be forwarded to the interested parties within three days after its adoption and shall be published on the Commission's web page except the information determined by the parties as commercial secret.

Art. 62. (1) When the request submitted for dispute settlement is also within the competency of a national regulatory authority of another Member State of the European Union, the special committee under Art. 55 shall consider the request and the documents enclosed thereto.

(2) The Commission shall forward a copy of the request to the competent regulatory authorities for opinion.

(3) The Commission and the regulatory authorities under Para 1 may jointly refuse the settlement of a dispute when they decide that other mechanisms exist which could facilitate its timely settlement, notifying the parties to that effect within 14 days.

(4) Where no settlement of a dispute has been reached within up to four month, if the dispute has not been referred to a court by the party seeking the dispute settlement and if each party has stated its desire to have the dispute settled by the Commission, the Commission shall make efforts to settle the dispute.

(5) Prior to a dispute settlement the special committee may require, through the Commission, additional evidences from the affected undertaking and from the relevant national regulatory authorities.

(6) Upon collection of all the evidences, the special committee shall prepare a report and submit it to the Commission enclosing the collected documentation thereto.

(7) The Commission shall adopt by decision a statement on the request made, which it shall forward to the relevant regulatory authority.

(8) Upon receipt of confirmation by the relevant national regulatory authority on the statement, the Commission by a decision shall give instructions, in conformity with the statement, forwarding them to the affected parties.

Section IX.

Separate Accounting

Art. 63. Undertakings providing public electronic communications networks and/or services, which hold special or exclusive rights to provide services in other sectors, including other European Union Member States, shall keep separate accounting with regard to the sector, pertaining to the performance of electronic communications.

Chapter five.

CARRYING OUT ELECTRONIC COMMUNICATIONS

Section I.

General Provisions

Art. 64. (suppl. – SG 17/09) Electronic communications shall be carried out freely upon notification and/or upon issuing an authorization for usage of individually assigned limited resource in compliance with the requirements of this Law and the acts on its application.

Art. 65. (1) Electronic communications for own needs shall be provided freely in cases, when they are provided through:

1. electronic communication networks without using individually assigned limited resource;
2. radio facilities using radio-frequency spectrum which does not need to be individually assigned.

(2) The rules for carrying out electronic communications under Para 1, Item 2 shall be adopted in a normative administrative act by the Commission after holding a procedure of public discussions pursuant to Art. 36. The act shall be promulgated in the State Gazette.

(3) The rules of Para 2 shall contain requirements, related to protection of the people's life and health and non-creation of disturbances for usage of radio-frequency spectrum.

Art. 66. Public electronic communications shall be carried out after submission of a notification to the Commission.

Art. 67. Electronic communications shall be carried out after issuing an authorization in cases, when individually assigned limited resource is required.

Art. 68. Electronic communications may be provided by an unlimited number of persons, except for in cases of use of an individually assigned limited resource.

Art. 69. Public electronic communications shall be provided by sole entrepreneurs and legal persons.

Art. 70. Electronic communications shall be provided on the whole territory of the entire country unless a limited territorial coverage is specified in an authorization for usage of individually assigned limited resource or in the general requirements for carrying out the specified activity.

Art. 71. The authorization for usage of individually assigned limited resource shall have an initial time-limit of up to 20 years with possible extension of up to 10 years.

Art. 72. (1) The networks and/or the services, through which public electronic communications are provided meeting general requirements, shall be indicated in a list, approved by the Commission after public discussions under Art. 36. The decision of the Commission along with the list shall be promulgated in the State Gazette.

(2) Amendments to the list under Para 1 shall be done on the initiative of the Commission or upon proposal of an interested person after public discussions under Art. 36.

Section II.

Carrying out Electronic Communications Meeting General Requirements

Art. 73. (1) (amend. – SG 17/09) An undertaking having submitted a notification for carrying out public electronic communications under Art. 66, shall have to observe general requirements, set out depending on the type of the electronic communication network and/or service. The general requirements shall be adopted by a decision of the Commission in compliance with the principles of transparency, equality and adequacy.

(2) (amend. – SG 17/09) The decision under Para 1 shall be adopted after holding public discussions under Art. 36 and shall be promulgated in the State Gazette.

(3) (amend. – SG 17/09) Depending on the type of electronic communication network and/or service the applicable general requirements, approved by the decision of Para 1, may contain all or some of the following requirements:

1. to negotiate and provide access to and interconnection of its network with the networks of other

undertakings, carrying out electronic communications, including:

- a) to ensure interoperability of its services with those of the other undertakings;
- b) to maintain the integrity and to provide safety of its network;
- c) whenever possible, to provide shared use of premises and facilities of its network to other undertakings, providing public electronic communications network and/or services;
2. requirements and conditions, related to provision of the right of transition;
3. to provide information to the Commission under Art. 40 and under Art. 75, Para 2;
4. provide for usage numbers from the National Numbering Plan to end-users when the provision of public electronic communications is connected with use of numbers;
5. to provide protection of confidentiality of communications and users' data;
6. to provide:
 - a) observance of the conditions not allowing harmful electromagnetic fields and radiation.;
 - b) observance of the requirements for electromagnetic compatibility;
 - c) use in the network only of facilities that are in good technical condition, which have been conformity assessed under the Law for the Technical Requirements for the Products;
 - d) observance of conditions related to the efficient use of radio-frequency spectrum and not allowing harmful interferences, when such use is not subject to issuing an authorization;
 - e) application of the operative standards in the field of electronic communications networks and/or services;
7. to cooperate for protection of the public interest, for protection of the national security and for the provision of electronic communications for the needs of defence and also in case of crises, by:
 - a) providing conditions for restricting and terminating the transmission of information with content which is contradictory to the applicable legislation;
 - b) not providing electronic communications which contain misleading signs and/or signals for help, disaster, emergency, accident or alarm;
 - c) providing opportunity for lawful tracking out of traffic in its network on the part of the competent state authorities;
 - d) providing on its own expenses conditions for interception of electronic communications by providing interfaces for the purposes of national security and public order.
 - e) (amend. – SG 35/09, in force from 12.05.2009) providing opportunity for use of its network and network facilities in the event of disasters pursuant to the Law on the protection in case of disasters, in the event of introduction of a "state of martial law" regime or "state of war" regime, or "state of emergency" regime under the Law of Defence and Armed Forces of the Republic of Bulgaria;
8. paying the administrative fees pursuant to Chapter Eight;
9. paying contributions to the Universal Service Compensation Fund;
10. providing transmission of radio and/or television programmes of public significance;
11. (new – SG 17/09) terms and conditions for protection of end users interests.
- (4) (revoked – SG 17/09).

Art. 73a. (new – SG 17/09) The commission may assign special obligations to the undertaking, providing public electronic communication networks and/or services under the terms and conditions and following the procedure of Chapter Nine, as well as other obligations provided by this law.

Art. 74. The undertaking which notifies the Commission of its intentions to provide public electronic communications shall have the following rights, without being limited to:

1. provide electronic communications networks and/or services, as from the date of submission of the notification in an approved form to the Commission, except for the case when issuing an authorization for usage of individually assigned limited resource is required;
2. set up, use and administer electronic communications networks and facilities;
3. negotiate and obtain access and interconnection to networks of other undertakings providing publicly available electronic communications networks and/or services observing the requirements of the applicable laws;
4. provide any or all services within the universal service scope, when it has been designated, according to Chapter Eleven, for provision of any or all services within the scope of universal service on the whole national territory or parts thereof.

Art. 75. (1) The rights under Art. 74 shall arise as from the date of the due filing of the notification in an approved form to the Commission, except for issuance of an authorization for usage of individually assigned limited resource is required.

(2) The notification shall contain:

1. identification data of the person providing electronic communications – name (corporate name), seat, head office address and respective unified identification code;
2. brief description and basic Parameters of the public communication network and/or service;
3. territorial coverage;
4. a contact person and contact details;
5. an estimated commencement date of provision of public electronic communications.

(3) The notification shall be filed in Bulgarian language.

(4) In case of incomplete notification, within 7 days after its receipt, the Commission shall notify the person in writing to eliminate the incompleteness.

(5) Where it has been found, from a notification filed, that the provision of public communication services will require the use of individually assigned limited resource, the Commission shall notify the person in writing for the necessity of filing an application for granting a permission for use of individually assigned limited resource

(6) The Commission shall inscribe the person in the register under Art. 33, Para 1, Item 1 within 14 days from the date of receipt of the notification or elimination of the incompleteness.

(7) The undertaking carrying out public electronic communications shall notify the Commission of any amendments to the data of the notification under Para 1 within 14 days from the change.

Art. 76. An undertaking may cease providing electronic communication networks and/or services, notifying the Commission thereof.

Art. 77. (1) An undertaking carrying out electronic communications under general requirements may request in writing from the Commission to issue a certificate for inscription in the register under Art. 33, Para 1, Item 1.

(2) The Commission shall issue the certificate under Para 1 within 7 days from receipt of the request. The certificate shall specify the rights under Art. 74 related to provision of electronic communications networks and/or services, the construction of electronic communications infrastructure, including right-of-way, negotiating access to and interconnection of networks.

(3) For issuance of the certificate under Para 1 an administrative fee shall be payable in the amount determined in the Tariff on the Fees collected by the Commission under this Law. A document for a paid fee shall be enclosed to the request.

(4) The certificate under Para 1 shall not be issued in cases where a document for a paid administrative fee has not been enclosed.

Art. 78. (1) In the event that the Commission establishes failure to perform the applicable general requirements and/or imposed specific obligations, the Commission shall notify the undertaking carrying out electronic communications about the established non-performance within 7 days from its establishment, setting a period of at least 1 month, as from the notification to express an opinion and remedy the failure.

(2) In case that the undertaking carrying out electronic communications has failed to terminate the non-performance within the time-period set by the Commission, the Commission shall impose a fine or a proprietary sanction under this Law.

(3) The Commission may make a decision to terminate the provision of public electronic communications by the undertaking under Art. 75, provided that one of the following circumstances is available:

1. established systematic non-compliance with the applicable requirements under Art. 73 and/or the specific obligations;

2. established essential breach of this Law;

3. withdrawn authorization for the use of individually assigned limited resource.

(4) The undertaking of Para 3 may file a notification for provision of the same electronic communication services not earlier than 6 months from the effective date of the decision for suspension.

Section III.

Granting Authorization – General Provisions

Art. 79. Authorization shall be required for using individually assigned limited resource for carrying out electronic communications.

Art. 80. (1) The requirements for granting authorization shall be the same for all persons wishing to provide identical electronic communications by using of individually assigned limited resource.

(2) Granting an authorization shall be carried out subject to observance of the principles of objectivity,

proportionality, equal treatment and transparency.

Art. 81. (1) (suppl. – SG 17/09) The Commission shall grant an authorization for use of individually assigned limited resource – radio frequency spectrum, after holding a contest or auction, when the number of applicants is greater than the number of persons, which may obtain an authorization for the respective free limited resource.

(2) (suppl. – SG 17/09) The Commission shall grant an authorization for use of individually assigned limited resource - radio frequency spectrum, without a contest or auction, in the following cases:

1. for own needs of the state authorities related to their functions and to diplomatic representations or to other organizations having the statute of diplomatic missions;

2. for providing electronic communications for own needs;

3. when the number of applicants is less or equal to the number of persons who may obtain an authorization for the respective free limited resource.

4. For provision of electronic communications by using the available and/or new analogue electronic communications networks for terrestrial analogue broadcasting after a decision by the Council for Electronic Media

5. when a provisional authorization under Art. 109 is granted.

(3) The subject, scope and term of validity of an authorization under Para 2, Item 4 may not differ from the subject, term of validity and scope of the licence for radio or television activity.

(4) (new – SG 17/09) The Commission shall issue a permit for use of individually assigned limited resource – numbers, without holding a contest or a tender.

Art. 82. (1) The applications for use of individually assigned limited resource - radio-frequency spectrum for provision of electronic communications for own needs shall be satisfied without holding a contest or auction whereas the resource shall be assigned for use to the first applicant in time of filing the application.

(2) The provision of Para 1 shall be applied also to the cases when the limited resource is required to ensure a transmission medium in the networks of undertakings providing public electronic communications.

Art. 83. (1) The procedure for granting of an authorization shall start after filing an application for use of individually assigned limited resource according to a form approved by the Commission. The application shall contain:

1. Identification data of the person applying for granting an authorization;

a) for natural persons: the full name, unified citizen's code and permanent address. and for foreign persons: the personal identification number.

b) for legal persons and sole entrepreneurs – name (firm), seat, head office address and the respective unified identification code;

2. indication of the required individually assigned limited resource - radio-frequency spectrum and/or numbers, and/or the geostationary orbit position;

3. short description of the type of electronic communications which require the use of individually assigned limited resource;

4. description of the technical characteristics of the electronic communications network and facilities.

5. description of the service or services to be provided by the person by means of individually assigned limited resource, where the latter is intended for providing public electronic communications;

6. time period for use of the individually assigned limited resource;

7. (revoked – SG 17/09);

8. initial territorial coverage;

9. contact person and contact details.

(2) To the application shall be attached:

1. certificate of updated registration in the Commercial Register, issued not earlier than one month prior to the date of filing the application and, the relevant document for foreign persons, when applicable;

2. a document for the fee paid up for administrative services;

3. a document evidencing that the undertaking is not in announced bankruptcy and is not under procedure of announcing bankruptcy;

4. a declaration that the sole trader is not under procedure of writing off;

5. a document issued by a competent authority certifying that the natural person or legal person does not have any liabilities to the state under the Tax-Insurance Procedure Code established by an enforced act of a competent authority, unless deferred payment or postponement of the liabilities has been authorized;

6. (new - SG 17/09) a declaration by the manager and the members of the managing bodies of the person, that they have not been deprived of the right to exercise business activity.

(3) The application and the documents enclosed thereto shall be filed in Bulgarian language.

(4) In case of incomplete and/or irregular documents under Para 1 and 2 the Commission shall notify the applicant in writing to eliminate the incompleteness or irregularities within 7 days from receipt of the notification. In case of failure to eliminate the incompleteness or irregularities within the indicated time-limit the application shall not be considered.

Art. 84. (1) The Commission by a justified decision shall reject granting an authorization when:

1. no free limited resource is available;

2. the use of the limited resource would endanger national security or is in contravention of international obligations, arising out of an enforced international treaty, under which the Republic of Bulgaria is a party;

3. the person, applying for an authorization:

a) has been declared bankrupt or is under proceedings for declaring bankruptcy or is under procedure of liquidation;

b) has been deprived from the right to practice commercial activity;

c) (amend. – SG 17/09) has got public liabilities to the state, including to the Commission and to the insurance funds, established by an enforced act of a competent authority, unless a deferred payment or postponement of liabilities has been allowed;

d) has got its authorization for use of individually assigned limited resource for the same type of electronic communications withdrawn for the period, set by the Commission.

(2) The circumstances under Para 1, Item 3, Letters "a" and "c" shall be evidenced by a document issued by the respective competent authority, and under Letter "b" – by a declaration of the natural person.

(3) The provision of Para 1, Item 3, Letter "b" shall apply to managers or members of managing bodies of the undertaking.

Art. 85. The undertakings, providing public electronic services, shall be obliged to notify the Commission about any changes occurring in the circumstances, subject to entering into the records of the Commercial Register within 14 days after their occurrence.

Section IV.

Granting Authorization for Use of Individually Assigned Limited Resource

Art. 86. (1) The Commission shall adopt a decision for granting an authorization for use of individually assigned limited resource - radio-frequency spectrum within 6 weeks from the date of receipt of the application or elimination of the incompleteness where no international coordination is required for radio-frequencies and radio-frequency bands and for the technical characteristics of the radio equipment which is to use them.

(2) In case of an application filed for use of individually assigned limited resource, which requires international co-ordination of radio-frequencies and radio-frequency bands and of technical characteristics of the radio equipment which would use them, the Commission shall carry out the coordination within up to 8 months from the date of filing the application, notifying the applicant thereby of the necessity for co-ordination within 7 days from filing the application.

(3) Where an international act party to which is the Republic of Bulgaria provides for a time-limit of co-ordination under Para 2 and this time limit is longer than 8 months, the co-ordination procedure shall be accomplished within the time-limit stipulated by the international act.

(4) Upon conclusion of the co-ordination procedure under Para 2 the Commission shall notify the applicant about the result within 3 days.

(5) The applicant shall have to confirm in writing his/her wish to obtain permission for use of individually assigned limited resource within 14 days from receipt of the notification.

(6) Provided that the applicant has confirmed his/her wish within the time limit of Para 5, the Commission shall adopt a decision for granting an authorization for use of individually assigned limited resource - radio-frequency spectrum.

Art. 87. (1) The Commission shall notify the applicant in writing within 3 days from adoption of the decision for granting an authorization for use of individually assigned limited resource – radio-frequency spectrum.

(2) The applicant shall deposit the due fees to the account of the Commission within 14 days from receipt of the notification under Para 1.

Art. 88. (1) The Commission shall adopt a decision for granting an authorization for use of individually assigned limited resource – numbers, within up to three weeks from the date of receipt of application or

elimination of incompleteness.

(2) The Commission shall notify the applicant in writing within three days after the adoption of the decision under Para 1.

(3) The applicant shall deposit the due fees to the account of the Commission within 14 days from receipt of the notification under Para 2.

Section V.

Granting Authorization for Use of Individually Assigned Limited Resource – Radio-frequency Spectrum after Holding a Contest or Auction (Title amend. – SG 17/09)

Art. 89. The Commission may on its own initiative to announce its intention to hold a contest or auction in case of necessity to restrict the number of granted authorizations for use of a particular free limited resource.

Art. 90. (1) The number of granted authorizations for use of individually assigned limited resource – radio-frequency spectrum, shall be restricted for reasons of effective spectrum use, maximization of the benefit for the users and encouragement of competition.

(2) (amend. – SG 17/09) The Commission shall conduct public consultations with regard to the announced intention with releasing an announcement at least in one national daily newspaper and on its internet site about the reasons, for which the restriction is required. The announcement shall contain:

1. radio-frequency spectrum, to which the restrictions shall apply;

2. the expected number of authorizations to be issued;

3. terms and conditions, which the Commission intends to impose with regard to the authorization for use of a spectrum;

4. (new – SG 17/09) invitation for filing an intention for use of the individually assigned limited resource – radio-frequency spectrum, within a set by the Commission term, which may not be shorter than the term for carrying out the public consultations.

(3) (amend. – SG 17/09) The Commission shall announce the results of conducted public consultations on its internet site. Depending on the announced results the Commission shall:

1. announce a contest or auction. Pursuant to the provisions of Art. 93, where the number of the submitted under par. 2 letters of intent is more than the number of the authorizations, which may be granted by the Commission;

2. undertake actions for granting of a permit for use of individually assigned limited resources – radio-frequency spectrum, upon submission of an application under Art. 83 within a set by the Commission term, where the number of the filed under par. 2 letters of intent is less or equal to the number of authorizations, which might be granted by the Commission.

(4) The Commission must, at reasonable intervals or on the grounds of filed applications by affected persons, reconsider the relevancy of the reasons, requiring restriction of the number of authorizations for use of radio-frequency spectrum.

(5) The Commission shall conduct public consultations with interested persons regarding the reconsideration.

(6) Provided that as a result of public consultations it has been identified that the reasons for the imposed restriction have stopped existing or to the benefit of users and encouragement of competition it is required to withdraw the imposed restriction for use of radio-frequency spectrum, the Commission shall repeal the restriction related to the number of authorizations.

Art. 91. (1) After submission of an application under Art. 83 for granting of individually assigned limited resource - radio-frequency spectrum or positions of geostationary orbit for provision of public electronic communications and upon accomplishment of international co-ordination, whenever such is required, the Commission within 5 days shall publish an announcement thereof on its internet site and at least in one national daily newspaper. When the requested limited resource is of national coverage, the Commission within 10 days shall publish the announcement in the State Gazette. The announcement shall contain:

1. information about the requested limited resource;

2. a call for filing other applications within up to 21 day from the date of publication of the announcement in a national daily newspaper about the use of the same limited resource.

(2) If within the time-limit under Para 1, Item 2, no other application for use of the same individually assigned limited resource has been submitted to the Commission, the Commission shall take a decision for granting an authorization for use of individually assigned limited resource within 10 days

(3) The Commission shall notify the applicant in writing within 3 days from adoption of the decision

under Para 2.

(4) The applicant shall deposit the due fees to the account of the Commission within 14 days from receipt of the notification under Para 3.

(5) (amend. – SG 17/09) The undertaking shall obtain the authorization after payment of the required fees.

Art. 92. (revoked – SG 17/09)

Art. 93. (1) (amend. – SG 17/09) Where the existing available limited resource – radio-frequency spectrum is not sufficient for use by all the persons who have filed letters of intent under Art. 90, par. 2, item 4 or an application within the set time-limit under Art. 91, Para 1, Item 2 the Commission shall notify all the applicants about the submitted letters of intent or applications and their number, and by a decision shall open a procedure for conducting a contest or auction.

(2) The decision under Para 1 shall contain:

1. subject and type of the contest or auction;
2. specific requirements for the persons who may participate, regarding technical or financial requirements, or conditions of observing the competition;
3. place, deadline and order of buying the competition or auction papers;
4. deadline and place of filing applications for participation;
5. amount and method of payment of the deposit for participation;
6. initial auction price and increment of bidding in announced auction;
7. date, place and time of holding the contest or auction;
8. other particular requirements related to the procedure of the contest or auction.

(3) (amend. – SG 17/09) The decision under Para 1 shall be published on the internet page of the Commission and shall be promulgated in the State Gazette within 21 days from expiry of the time-limit for submission of letters of intent or applications for use of individually assigned limited resource – radio-frequency spectrum or positions of geostationary orbit.

(4) (revoked – SG 17/09).

Art. 94. (1) Contest shall be held where there is a necessity of a complex assessment for issuance of an authorization.

(2) auction shall be held in the cases where, in view of the nature of the carrying out of public electronic communications, the amount of the offered auction price is of substantial importance.

Art. 95. (1) (amend. – SG 17/09) The initial auction price in case of conducting auction shall be set by the Commission by the decision referred to in Art. 93, Para 2.

(2) The bid increment in case of holding auction shall be set by the commission in the auction documents.

(3) The reached in the bidding amount shall be payable by the winning bidder within a time-limit, set by the decision of Para 1.

Art. 96. (1) auction documents shall be adopted by a decision of the Commission and shall include:

1. information about the limited resource subject to the contest;
2. list of required attachments to the application for participation in the contest;
3. requirements for provision of public electronic services – subject to the contest, such as: rate of development and/or of services, quality of services, type of applied technology, obligations, related to national security;
4. assessment criteria, their relative weight and assessment mechanism;
5. rules of conducting the contest;
6. rules of operation of the expert commission for conducting the contest;
7. amount of the deposit for participation in the contest.

(2) The auction documents shall contain conditions for participation in the contest and a draft authorization for use of individually assigned limited resource and attachments containing the relevant technical Parameters for the authorizations.

Art. 97. The auction documents shall be adopted by a decision of the commission and shall contain:

1. information about the limited resource – subject to the auction;
2. list of required attachments to the application for participation in the auction;
3. rules of holding of the auction;

4. rules of operation of the expert commission for holding of the auction;
5. criteria of non-admission and removal from participation in the auction;
6. draft authorization for usage of individually assigned limited resource and attachments, containing relevant technical Parameters for the authorizations;
7. the amount of the deposit for participation in the auction, which may not be higher than 5 per cent of the fixed initial auction price, as well as terms and conditions, related to the deposit for participation in the auction;
8. place, date and time of holding the auction.

Art. 98. (1) The contest or the auction for granting individually assigned limited resource - radio-frequency spectrum or positions of the geostationary orbit shall be held not earlier than 30 days from promulgation of the decision under Art. 93, Para 3 in the State Gazette. In the event that several contests or auctions are announced, according to the available free limited resource, the Commission shall determine the sequence of their holding. The Commission may conduct also a tender or a contest, with which to grant more than one authorization according to the available free limited resource.

(2) (revoked – SG 17/09)

Art. 99. (1) (suppl. – SG 17/09) The Commission shall appoint an expert committee for conducting a contest or auction whereas at least one of its members shall be with juridical background. Representatives from the interested state authorities and the Commission may be members of the expert committee. A representative of the State Agency "National Security" must be included in the expert commission.

(2) A person, having a substantial commercial, financial or other business interest, may not participate as a member of the expert committee

(3) Substantial commercial, financial, or other business interest shall always be available when the members of the expert committee or members of their families, including husbands, relatives in a direct line of descent, without restrictions, including relatives in collateral line of descent up to fourth degree, and relatives-in-law up to second degree as well as persons economically connected with them are granted a permission under this Law.

(4) Each member of the expert committee shall be obliged to declare in writing before the Commission the absence of a substantial commercial, financial or other business interest, which he/she and/or economically related with him/her or with members of his/her family have while selecting a bidder or that they will not be employed in the management bodies of the applicant who has won the contest or auction, within one year from granting the permission.

(5) The declarations under Para 4 shall be kept in a special public register with the Commission.

(6) The members of the expert committee shall be obliged not to disclose to third parties any information obtained during the procedures of conducting a contest or auction. Prior to commencement of the procedure each member of the committee shall sign a declaration for observance of this obligation.

Art. 100. (1) The persons wishing to participate in the contest or auction announced by the Commission shall file a written application for participation enclosing:

1. (amend. – SG 17/09) a document, certifying the existence and the updated legal status of the person – where the applicant does not hold Unified Identification Code as per Art.23 of the Law for the Trade Register;

2. proof of financial ability to carry out the activity, such as: annual accountancy balance and an account of the revenue and expenses, annual tax declarations, bank references, documents for acquiring long-term assets;

3. a technical project and a business plan in compliance with the requirements of Art. 96, Para 1, Item 3;

4. a document for paid deposit or bank guarantee for its amount;

5. documents certifying a lack of the circumstances under Art. 84, Para 1, Item 3;

6. declaration for protecting the confidentiality of the information contained in the contest or auction documentation;

7. a document for paid contest or auction documentation;

8. other documents related to the subject of the contest or auction.

(2) All documents shall be filed in Bulgarian language.

(3) In case of missing and/or irregular documents under Para 1, with exception of those under Para 1, Item 3, the applicant shall be notified in writing to remove the lack or irregularity, giving him a 7-day period from receipt of the notification. Should the incompleteness or irregularities fail to be corrected within the set time, the applicant shall not be admitted to participate.

(4) A person, wishing to participate in the announced by the committee contest or auction, shall be disqualified from participation, when:

1. he/she has been declared bankrupt or is under proceedings for declaring bankruptcy.

2. he/she is deprived from the right to carry out commercial activity;
3. he/she has got public monetary liabilities to the state established by an enforced act of a competent authority or a liability to insurance funds, unless a deferred payment or postponement is allowed;
4. his/her authorization for use of individually assigned limited resource for the same type of electronic communications has been withdrawn for the period, set by the committee.

(5) (new – SG 17/09) Provided that the number of the filed applications is smaller or equal to the number of permits, subject to the decision of Art. 93, par. 2, the Commission by a decision shall announce the procedure closed and within 10 days shall issue a decision for use of individually assigned limited resource – radio-frequency spectrum. Within three days after adoption of the decision for announcement of the procedure closed, the Commission shall send it to the State Gazette for promulgation within 5 days after its receipt.

(6) (new – SG 17/09) Provided that within the term of Art. 93, par. 2, item 4 no application has been filed, the Commission by a decision shall terminate the announced procedure. Within three days after adoption of the decision for termination of the announced procedure, the Commission shall send it to the State Gazette for promulgation within 5 days after its receipt.

Art. 101. (1) In a contest the offers shall be ranked on the basis of a complex assessment for meeting the contest requirements.

(2) In auction the ranking of the applicants shall be made considering the amount of the offered auction price.

Art. 102. (1) The expert commission, within 7 days from accomplishment of its work, shall present to the Commission a report for the completed work and for the results from the ranking, as well as the whole documentation related to the held contest or auction

(2) Within 14 days from receipt of the documents under Para 1 the Commission shall take a decision for:

1. issuance of an authorization to the applicant having won the contest or auction;
2. termination of the contest or auction, without nominating a winner when, as a result of the ranking an applicant has not been determined meeting the requirements of the held contest or auction.

(3) Within three days from taking the decision under Para 2 the Commission shall send it to the State Gazette for promulgation within 5 days from its receipt.

Art. 103. (1) The Commission shall have the right to retain the deposits of the applicants who have filed complaints against the decision under Art. 102, Para 2 until the settlement of the dispute by the court.

(2) The deposits of the failed applicants shall be released within three working days from the expiration of the deadline for filing complaints against the decision under Art. 102, Para 2. Released within the same period shall be the deposits of all applicants on closing of the procedure.

(3) The deposits of the winner and of the applicant ranked second shall be released within three working days from the enactment of the decision under Art. 102, Para 2, Item 1.

Art. 104. (1) Within 14 days from the enactment of the decision under Art. 69, Para 2, Item 1 the Commission shall issue an individual license to the winner of the contest or auction.

(2) The winner shall be bound by the proposals made in the contest or auction.

(3) (new – SG 17/09) Upon granting of the license of Art. 90, par. 3, item 2 and Art. 100, par. 1 and 5 the undertaking shall be entered into the register of Art.33, par. 1, item 1.

Art. 105. (1) If the winner refuses issuance of an authorization or fails pay the final auction price offered by him within the term and by the method indicated in the auction or contest documents, the authorization shall be offered to the applicant ranked second.

(2) In case of refusal by the applicant ranked second the procedure shall be terminated without issuance of an authorization.

(3) In cases when subject to auction are two or more authorizations and a ranked applicant waives granting an authorization or fails to pay the quoted by him/her final bidding price within the time-limit and by the method, indicated in the auction documents, it shall be offered to the ranked at the next place applicant. Provided that the latter waves too, the procedure shall be closed without granting an authorization.

(4) The deposits of the persons under Para 1, 2 and 3 shall not be refunded.

Section VI. Contents of the Authorization

Art. 106. In the authorizations for use of individually assigned limited resource - radio-frequency spectrum and/or positions of the geostationary orbit - shall be determined:

1. the service and/or type of electronic communications network and/or the technology for which radio-frequency spectrum is assigned;
2. radio-frequency spectrum and/or positions of the geostationary orbit provided;
3. territorial coverage, where applicable;
4. conditions for transferring an authorization by an undertaking subject to the condition of non infringement of the competition;
5. parameters through which efficient use of radio-frequency spectrum is provided, and the requirements for coverage, when applicable;
6. technical and operational conditions necessary for avoidance of harmful interferences and for limiting the opportunity of public exposure to harmful electromagnetic fields when the circumstances differ from those, subject to observance of the requirements of Art. 73, Para 3, Item 6, Letter "d";
7. term of validity of the authorization in consideration of the National Plan for Allocation of radio-frequency Spectrum;
8. fee for use of individually assigned limited resource -radio-frequency spectrum;
9. obligations assumed by the undertakings providing public electronic communications networks and/or services, where a contest or auction procedure has been conducted;
10. obligations arising from international agreements which provide for the use of radio-frequency spectrum, when such are applicable;
11. (amend. – SG 17/09) terms for commencement of provision of electronic communications and for achieving efficient use of the limited resource;
12. (amend. – SG 35/09, in force from 12.05.2009) obligations to ensure opportunity for use of limited resource - radio-frequency spectrum and/or positions of the geostationary orbit - and the radio equipment using it in case of disasters under the Law on the protection in case of disasters, in the event of introducing a "state of martial law" regime or "state of war" regime, or "state of emergency" regime under the Law on Defence and Armed Forces of the Republic of Bulgaria;
13. obligations, requirements and restrictions related to the protection of the national security and defence;
14. the date of granting the authorization;
15. identification data.

Art. 107. In the authorization for use of individually assigned limited resource – numbers, shall be determined:

1. the service for which undertakings have obtained an authorization to use numbers, including all obligations related to the provision of this service;
2. (suppl. – SG 17/09) numbers and addresses assigned;
3. requirements for efficient use of numbers;
4. conditions for number portability;
5. obligations to provide public information on the telephone numbers of subscribers to public telephone services for the purposes of the universal service in compliance with Chapter Eleven and subject to explicit subscribers' consent;
6. validity of the authorization in consideration of the National Numbering Plan.
7. conditions for secondary assignment of numbers;
8. conditions for transfer of the authorization;
9. (amend. – SG 17/09) fee for use of individually assigned limited resource - numbers;
10. obligations assumed by the undertakings in case of auction procedure conducted;
11. (amend. – SG 17/09) obligations arising from international agreements which provide for the use of numbers and addresses, when applicable;
12. date of initiation of use of individually assigned limited resource and time-limit for achieving its efficient use;
13. obligations to ensure the opportunity for use of the limited resource – numbers, in crises under the Law on the Management of Crises, in the event of introducing a "state of martial law" regime or "state of war" regime, or "state of emergency" regime under the Law of Defence and Armed Forces of the Republic of Bulgaria;
- 13a. (new – SG 17/10, in force from 10.05.2010) the duties and requirements to secure capturing of electronic communications related to the protection of the national security and public order;

14. date of granting the permission;
15. identification data.

Art. 108. In addition to the obligations under Art. 106 or Art. 107, the undertakings which have obtained authorizations for use of individually assigned limited resource - radio-frequency spectrum or numbers, shall be obliged to observe also the applicable requirements under Art. 73.

Section VII. Provisional Authorizations

Art. 109. (1) The Commission shall grant provisional authorizations for use of individually assigned limited resource – radio-frequency spectrum which shall have a term of validity not longer than 6 months in the following cases:

1. when the use of individually assigned limited resource is necessary to test new technical methods and/or technologies for provision of electronic communications, or
2. when the use of individually assigned limited resource is necessary for testing new technical facilities or newly constructed electronic communications networks prior to their commissioning, or
3. for advertising of electronic communications facilities and/or equipment, or
4. when the use of individually assigned limited resource is required for short-term events.

(2) Provisional authorization shall be granted without a contest or auction.

(3) Provisional authorization shall not be granted for individually assigned limited resource which has already been assigned or, for limited resource for which an application for granting an authorization has been filed and the procedure for granting the authorization has not been finalized yet.

(4) For granting of provisional authorization an application shall be filed containing the data under Art. 83, Para 1 and data for the purposes of the requested limited resource in the cases indicated in Para 1. The documents under Art. 83, Para 2, Item 1 and 2 shall be enclosed to the application. The application shall be filed not later than 31 days prior to the date of starting the use of the limited resource indicated in the application. If the application is incomplete, the provisions of Art. 84, Para 4 shall apply.

(5) Where the requested limited resource is subject to international co-ordination, the Commission shall offer to the applicant another limited resource which is not subject to international co-ordination and is suitable for use, in accordance with:

1. the data submitted in the application for the cases indicated in Para 1, and
2. the technical characteristics of the electronic communications network and facilities for which the limited resource shall be used.

(6) The Commission shall grant the provisional authorization not later than 17 days prior to the date of starting to use the limited resource as indicated in the application under Para

(7) Within three days from its granting, the Commission shall notify the applicant about the granted provisional authorization, indicating also the amount of the fee due by the applicant for provisional use of individually assigned limited resource and a single fee for granting of the authorization. The applicant shall be obliged to pay the fees within 14 days from receipt of the notification.

(8) The Commission shall hand over the authorization to the applicant within three days after payment of the fees under Para 7.

Art. 110. (1) The provisional authorization shall contain the data, indicated in the application under Art. 109, Para 4.

(2) The individually assigned limited resource may be used only for the designated purpose and in a manner explicitly determined in the provisional authorization.

Art. 111. (1) The rules for termination, withdrawal or suspension of the provisional authorizations granted under this Law shall not be applied.

(2) A provisional authorization in force shall be terminated immediately by the commission when it has been identified that the allocated individually assigned limited resource is not being used according to the purpose and the manner indicated in the provisional authorization.

Art. 112. An undertaking whose provisional authorization has been terminated under Art. 111, Para 2 may not file application for a new provisional authorization within 6 months from the date of termination of the previous authorization.

Section VIII.

Granting Supplementary Limited Resource

Art. 113. (1) (suppl. – SG 17/09) An undertaking implementing public electronic communications which has been granted an authorization for use of individually assigned limited resource - radio-frequency spectrum and/or numbers - may request the use of supplementary individually assigned limited resource. The undertaking shall file an application which, in addition to the data under Art. 83, shall contain also:

1. the number and the date of issuing the initial authorization;
2. electronic communication networks and/or services for the provision of which the supplementary individually assigned limited resource would be used;
3. indication of the supplementary individually assigned limited resource requested the use of which would require supplement and amendment of the authorization;
4. term of use of the supplementary individually assigned limited resource, which may not be longer than the term of use of the initial individually assigned limited resource;

5. (new – SG 17/09) data about effective absorption of already individually assigned limited resource.

(2) Electronic communication networks and/or services under Para 1, Item 2 may not differ from the electronic communication networks and/or services for which the initial individually assigned limited resource has been provided for.

(3) Documents and data justifying the necessity to use the supplementary individually assigned limited resource as well as a document for a paid fee for administrative services shall be enclosed to the application.

(4) The Commission shall grant the requested supplementary individually assigned limited resource, when:

1. the undertaking has justified necessity for such resource for expansion, modernization and development of its own electronic communications network when providing public electronic communications through it, and
2. the undertaking has already efficiently used the allocated individually assigned limited resource, and;
3. the electronic communications network of the undertaking allows optional expansion, modernization and development.

(5) The supplementary individually assigned limited resource shall be granted without holding a contest or auction.

(6) Where the conditions under Para 4 are available, the Commission shall grant the requested supplementary individually assigned limited resource – radio-frequency spectrum, by amending and supplementing the authorization for use of individually assigned limited resource of the applicant within 42 days from the date of filing the application.

(7) Where the conditions under Para 4 are available, the Commission shall grant the requested supplementary individually assigned limited resource – numbers, by amending and supplementing the authorization for use of individually assigned limited resource of the applicant within 21 days from the date of filing the application.

(8) Within 14 days from receipt of the notification under Para 7, the applicant shall deposit to the account of the Commission the payable fees for use of the allocated supplementary individually assigned limited resource, in proportion to the time of use during the current year.

Section IX.

Amendment, Supplementation, Termination, Withdrawal, Suspension or Transfer of an Authorization

Art. 114. (1) Any undertaking which has been granted an authorization may, prior to its expiry, request in writing a justified reduction of the term of validity of the authorization. The Commission shall study the grounds of the request and shall pronounce a decision within 1 month after receipt of the request.

(2) an undertaking which have been granted an authorization, may within a time limit not less than three months prior to expiration of the validity of the authorization file a justified request for extension of the validity of the granted authorization. The Commission shall study the grounds of the request and shall pronounce a decision within 1 month after receipt of the request, and in case of satisfying the request shall enter the new validity.

(3) Provided that within the time limit set in Para 2 an undertaking with a granted authorization fails to request an extension of the validity of the authorization, it shall be deemed that the allocated individually assigned limited resource is available upon expiration of the authorization validity.

(4) The validity of the authorization for use of individually assigned limited resource - radio-frequency spectrum for providing electronic communications through available and/or new electronic communications networks for terrestrial analogue broadcasting shall be extended after extending the term of validity of the license

under the Law for the Radio and Television for the same period of time.

Art. 115. (1) Amendments and supplements to an authorization may be introduced by a motivated decision of the Commission due to:

1. force majeure;
2. reasons related to the national security;
3. changes of the internal legislation and decisions of international organisations in force for the Republic of Bulgaria;
4. reasons related to the public interest, ensuing from the effective using of a limited resource, the protection of the interests of the users, the providing of a universal service.

(2) The amendments and supplements under Para 1 shall be introduced upon a written notification of the respective undertaking, which may express an opinion within 14 days from receipt of the notification, when the amendments and supplements refer to Para 1, Item 4.

Art. 116. An undertaking which has been granted an authorization may file a justified request to the Commission for amendment and supplementation of the authorization beyond the cases under Art. 115, Para 1. The Commission shall study the grounds of the request, shall consider the necessity of amendment and supplementation of the request, and shall pronounce a decision within 30 days after receipt of the request.

(2) If, within one year prior to expiry of a permission, an undertaking with granted permission applies in writing for a new period of prolongation of its validity fulfilling the requirements under Art. 64, the Commission shall amend and supplement the permission by inscribing the new term of validity.

Art. 117. (1) The validity of a granted authorization for use of individually assigned limited resource shall be terminated upon withdrawal of a granted authorization by the Commission in the following cases:

1. an undertaking, which has been granted an authorization for use of individually assigned limited resource – radio-frequency spectrum or points of geostationary orbit, has not observed some or all its obligations under Art. 106, Item 9;
2. in case of identified regular violations of the same condition under the granted authorization for use of individually assigned limited resource;
3. in case of regular non-payment of due fees, related to the granted authorization;
4. when as a result of an inspection carried out by the Commission availability of some of the circumstances under Art. 84, Para 1, Item 3, Items "a", "b" and "c" has been identified.

(2) The validity of a granted authorization for use of individually assigned limited resource may be terminated in the following cases:

1. upon motivated request of a competent authority in case of identified actions of the undertaking, menacing national security in case of use of the allocated by the authorization individually assigned limited resource;
2. the undertaking, having been granted an authorization, declared availability of any of the circumstances under Art. 84, Para 1, Item 3, Letters "a", "b" and "c";
3. upon motivated request by the undertaking with a granted authorization;
4. (amend. – SG 17/09) in case of a decease of the natural person, in case of winding up or termination of a legal entity or termination of the activity of a single trader - when they have been granted an authorization;
5. upon expiration of the validity of the authorization;
6. on the grounds of an obligation, arising from a ratified and enforced international agreement party to which is the Republic of Bulgaria.
7. upon notifying the Council for Electronic Media about an enforced decision for terminating the relevant license for radio or television activity of the undertaking, providing electronic communications through available and/or new electronic communications networks for terrestrial analogue broadcasting.

(3) The decisions taken by the Commission on the grounds of Para 2, Item 1 shall be subject to immediate fulfilment

(4) The validity of a granted authorization in case of available preconditions under Para 1 shall be terminated after a preliminary notification of the undertaking in writing, whereas the Commission shall indicate explicitly particular reasons and justifications.

(5) By the notification of Para 4 the Commission shall allocate a time limit to the undertaking not less than 30 days for an opinion.

(6) (amend. – SG 17/09) The Commission may withdraw the authorization only after having discussed the explanations and the objection of the undertaking and identified availability of sufficient evidences of the existence of circumstances under Para 1.

Art. 118. (1) In the cases under Art. 117, Para 2, Item 4 the limited resource shall not be considered to be available, if one or some of the inheritors declare in writing before the Commission the use of limited resource, for which the authorization has been granted, within 1 month after the death of the natural person. In this case the Commission shall grant a new authorization for use of the same individually assigned limited resource without a contest or auction, within 21 days from filing the application. The Commission shall notify in writing the applicants within 3 days after granting of the authorization.

(2) The applicant shall deposit all due fees in the account of the Commission within 14 days from receipt of the notification.

(3) The Commission shall hand over the authorization to the applicants after they have paid up all fees payable under this Law.

Art. 119. An undertaking, the term of validity of the authorization of which has been terminated on the grounds of Art. 117, Para 1 may file an application for granting of a new authorization not earlier than 12 months from the date of the Commission's decision to terminate its validity.

Art. 120. (1) The validity of an authorization granted for use of individually assigned limited resource can be provisionally suspended by the Commission, in the following cases:

1. (amend. – SG 35/09, in force from 12.05.2009) upon request of a competent authority in the event of disasters, declaring a "state of martial law" regime, or a "state of war" regime, or a "state of emergency" regime;

2. upon motivated request by the competent authorities in case of emerging menace for the national security;

3. upon motivated request of the undertaking with a granted authorization.

(2) In the cases under Para 1, Item 1 and 2 the suspension shall continue until the necessity of it falls off.

(3) Under suspension of validity of an authorization on the grounds of Para 1, Item 3 the undertaking with a granted authorization owes instalments from the annual fees for the period of suspension of the authorization.

(4) In the cases under Para 1, Item 3 the Commission shall study the grounds of the request made and shall pronounce a decision on it within 21 days after its receipt. The suspension in such cases may not be for a period longer than 3 months. The Commission shall refuse suspension, when:

1. the request is made by an undertaking with significant market power related to electronic communications networks and/or services with regard to which it has been determined as such;

2. the undertaking has been imposed with an obligation for universal service provision;

3. to an undertaking with an authorization for use of individually assigned limited resource with national coverage, providing public electronic communications.

(5) The decisions for suspension and the consequent resuming of the validity of a granted authorization shall be communicated to the affected persons within 3 days.

Art. 121. (1) (amend. – SG 17/09) An undertaking with granted authorization for use of individually assigned limited resource, may transfer the authorization or a part of its rights and respective obligations under the authorization for use of individually assigned limited resource – radio-frequency spectrum only upon preliminary permission by the Commission.

(2) The Commission shall grant an authorization under Para 1 when the following circumstances are available:

1. the transfer does not distort competition in the field of electronic communications, related to the use of individually assigned limited resource, and

2. the transfer does not lead to amendments to the conditions for use of individually assigned limited resource, or

3. the transfer under Para 1 for provision of electronic communications by using available and/or new analogue electronic communication networks for terrestrial analogue radio broadcasting does not lead to modification of the broadcast by the undertakings licensed by the Council of Electronic Media radio- and television programs of public operators – subject of public law.

(3) In case of universal succession by transformation of the legal form of the company Para 1 shall not apply.

Art. 122. (amend. – SG 17/09) The terms and conditions and the procedure for transferring authorizations for use of individually assigned limited resource, as well as of part of the rights and respective obligations under an authorization for use of individually assigned limited resource – radio-frequency spectrum, shall be determined by a legislative act by the Commission after public consultation under Art. 36, which shall be

promulgated in the State Gazette.

Art. 123. The Commission shall publish monthly information on its internet site about the transferred rights under granted authorizations for use of individually assigned limited resource - radio-frequency spectrum.

Chapter six.

RADIO-FREQUENCY SPECTRUM AND GEOSTATIONARY ORBITAL POSITIONS

Art. 124. (1) Management and efficient use of the radio spectrum without harmful interference, shall be carried out in accordance with the State Policy for radio-frequency Spectrum Planning and Allocation, the National Radio Spectrum Allocation Table, the Regulatory Policy on Radio Spectrum Management for Civil Needs, as well as in accordance with international agreements to which the Republic of Bulgaria is a party.

(2) The management and the efficient use of the radio spectrum shall be carried out taking into consideration the public interest, health and safety of the citizens, freedom of speech, cultural, scientific, social and technical aspects of the policy of the European Union, as well as the interests of radio spectrum users.

Art. 125. (1) Where the usage of radio-frequencies has been harmonised, access conditions and procedures have been agreed, and the undertakings to which the radio-frequencies shall be assigned have been selected in accordance with international agreements and Community rules, the Commission shall grant permissions for use of those radio-frequencies.

(2) Provided that all national conditions related to the right to use the radio-frequencies have been satisfied in the case of a common selection procedure, the Commission shall not impose any further conditions, additional criteria or procedures which would restrict, alter or delay the correct implementation of the common assignment of such radio-frequencies.

Art. 126. The radio-frequency spectrum in the range from 9 kHz to 3000 GHz shall be allocated into radio-frequencies and radio-frequency bands, services and users.

Art. 127. The geostationary orbital positions for the Republic of Bulgaria shall be determined by international agreements.

Art. 128. Management of the radio-frequency spectrum and the use of geostationary orbital positions shall be carried out for the purpose of the efficient use of the radio-frequency spectrum, without harmful interference, subject to observing the interests of the national security of the country, and by observing the principles of predictability, equal treatment and objectivity.

Art. 129. (1) The Commission shall assign for use the positions of the geostationary orbit, the radio-frequencies and radio-frequency bands, allocated for civil use.

(2) The radio-frequencies and radio-frequency bands, allocated for civil needs in the radio-frequency bands for shared use, shall be assigned by the Commission, after they have been nationally coordinated and agreed.

(3) Should the right of use of radio-frequencies and radio-frequency bands be withdrawn, due to changes in the legislation, arising from the implementation of an international obligation of the Republic of Bulgaria, a compensation from the state budget shall be provided, its size being determined with a motivated decision of the Commission.

Art. 130. The right of use of radio-frequencies and radio-frequency bands shall not be related to restrictions with regard to the type of services provided or technologies used.

Art. 130. In order to ensure safety of aeronautical and maritime navigation and to safeguard national security and meet the needs of defence, assignment of radio-frequencies and radio-frequency bands shall be carried out by the Commission after national and international co-ordination with interested administrations and, if required – international co-ordination.

Chapter seven.

NUMBERS, ADDRESSES AND NAMES

Art. 132. The National Numbering Plan shall constitute allocation of the numbers used by undertakings providing public electronic communication services in electronic communication networks for identification, routing and billing.

Art. 133. (1) The National Numbering Plan shall be drafted by the Commission in accordance with the regulatory policy under Art. 30, Item 7, subject to observance of the principles of objectivity, proportionality, equal treatment, transparency and timeliness, and taking into consideration national and public interests.

(2) The National Numbering Plan shall be drafted taking into consideration the acts of international organisations and/or their competent bodies, related to numbers, addresses and names, in order to ensure efficient use of the numbering space.

(3) The National Numbering Plan shall be promulgated in the official section of the State Gazette.

(4) The Commission shall keep a public register of the assigned to undertakings for use numbers, addresses and names.

Art. 134. (1) Undertakings, providing public telephone services, shall provide their subscribers with the possibility of keeping:

1. their geographic number when changing their fixed voice telephony service provider and/or when changing their address within one geographic national destination code;
2. their non-geographic number when changing their service provider;
3. their national significant number when changing their mobile telephony service provider.

(2) (amend. – SG 17/09) In cases where there are available prices for the end users of the services under par. 1, the undertakings, providing public telephone services, shall fix these prices in a manner that does not impede the change of the provider.

(3) Functional specifications of portability of numbers under Para 1 shall be determined by the Commission following a public consultation procedure under Art. 36 and shall be promulgated in the official section of the State Gazette.

(4) Functional specifications shall contain:

1. technical terms and conditions for implementation of portability;
2. required actions from undertakings, obliged to provide portability, including time limits for their implementation;
3. method of implementation of portability;
4. requirements with regard to data base, required for provision of routing;
5. obligations of undertakings, providing portability, and reasons for waiving of provision of the service to end users;
6. procedure of implementation of portability;
7. principles of pricing and sharing of expenses between undertakings.

Art. 135. (1) Undertakings providing public telephone networks and/or services having significant market power on retail markets shall provide to their subscribers access to public telephone services to undertakings, the networks of which are interconnected:

1. on a call-by-call basis, using a selection (access) code, and/or
2. on a subscription basis.

(2) Undertakings providing public telephone networks and/or services with significant market power on retail markets shall fix the prices of the services under Para 1, provided that such prices have been introduced in a manner, not impeding the use of those services.

(3) The Commission shall determine the terms and conditions and the procedure for the provision of the services under Para 1 in a normative administrative act which shall be promulgated in the State Gazette.

Art. 136. (1) (amend. – SG 17/09) Undertakings providing public telephone services shall determine between them:

1. an amount of single fee, covering the expenses related to check of subscriber's or user's identification and for any other activities related to administration of number portability process;
2. the price of interconnectivity with regard to change of the provider under Art. 134, par. 1 subject to observance of the principle of cost orientation.

(2) The undertakings under Art. 135, Para 2 shall fix the prices of access and interconnection in case of provision of services under Art. 135, Para 1, Items 1 and 2 subject to observance of the principle of cost

orientation.

Art. 137. (amend. – SG 17/09) The rules of allocation and the procedures of primary and secondary assignment for use, reservation and withdrawal of numbers, addresses and names shall be stipulated in an ordinance of the commission after carrying out a public discussion under Art. 36, which shall be promulgated in the State Gazette.

Art. 138. Undertakings providing public telephone networks, shall ensure direct or indirect connection with networks, serving the European Telephone Numbering Space for calls with code "3883", in accordance with the standards of the European Telecommunications Standards Institute.

Chapter eight. FEES

Art. 139. (1) The amount of the administrative fees payable by persons providing electronic communications in application of the provisions of this Law shall correspond to the administrative expenses of the Commission, required for international coordination and cooperation, harmonization and standardization, market analysis and market control, preparation and application of secondary legislation, issuing administrative acts and exercising control over their implementation.

(2) The administrative fees under Para 1 shall be:

1. annual control fee;
2. single fee for granting an authorization for use of individually assigned limited resource;
3. single fee for amendment and supplementation of the authorization;
4. single fee for administrative services.

Art. 140. The fees for use of individually assigned limited resource shall be:

1. annual fee for use of individually assigned limited resource;
2. fee for provisional use of individually assigned limited resource.

Art. 141. (1) The amount of the administrative control fee shall be up to 1.2 percent of the gross annual income from the provision of electronic communications networks and/or services, exclusive of Value Added Tax after deduction of transfer payments to other undertakings for interconnection of networks and for access, transit, roaming, value added services and expenses for settlement of copyrights and related rights for radio- and television programs.

(2) The fee under Para 1 shall be paid by the persons providing public electronic communications, in quarterly instalments, by the 15th day of the month following the respective quarter. The last quarter instalment shall be a balancing one and shall be paid within 15 days from expiration of the annual financial report deadline, specified in the Law on Accounting. The deposited over the year instalments shall be balances on the basis of a copy of the annual financial report provided by the undertaking together with the annexes attached to it.

Art. 142. (1) The single fee for issuing an authorization for use of individually assigned limited resource shall be equal to the administrative costs of preparation and issuing of the authorization, and shall include the costs of:

1. labour and materials;
2. proportionally attributed research and consultancy activities, if such activities are needed in connection with issuing of the authorization;
3. frequency planning and national, and international coordination.

(3) In case of conducting auction for granting an authorization for use of individually assigned limited resource, the final price shall include the fee under Para 1.

Art. 143. (1) The persons providing electronic communications by using individually assigned limited resource shall pay annual fees for use of individually assigned limited resource – radio-frequency spectrum and/or positions of the geostationary orbit allocated to the Republic of Bulgaria according to international agreements.

(2) Where individually assigned additional limited resource – radio-frequency spectrum or numbers have been allocated, the undertakings shall pay an additional single fee.

(3) The amount of the fees under Para 1 and 2 shall be determined according to one or more of the following criteria:

1. number of registered residents, who could be served by the electronic communication network, for

which an authorization for use of individually assigned limited resource is granted;

2. territorial coverage provided in the authorization;
3. output power of the emitter;
4. frequency band used;
5. number of radio stations used;
6. number of radio-frequency channels used;
7. type of the radio-frequency channel (radio-frequency band) – simplex/duplex;
8. type of the electronic communication networks, for which an authorization for use of individually assigned limited resource is granted;
9. number of the electronic communication networks used;
10. purpose of use of the radio stations and electronic communication networks;
11. period of use of the radio-frequency spectrum.

Art. 144. In case of a granted authorization for use of individually assigned limited resource – numbers from the National Numbering Plan, undertakings shall pay an annual fee according to the Tariff for the Fees, collectable by the Commission.

Art. 145. (1) (amend. – SG 17/09) The fees under Art. 143, Para 1 and Art. 144 shall be payable in 4 equal installments by the end of the month, preceding the quarter, for which they are due.

(2) Undertakings can pay the fees under Art. 143 and 144 by the end of the first quarter of the current year. In such a case the undertakings shall get a 5 per cent discount.

Art. 146. (1) In case of a granted provisional authorization for use of individually assigned limited resource, with the exception of positions from the geostationary orbit, for a period not longer than 6 months, persons, providing electronic communications shall pay the following fees:

1. single fee for issuing the authorization;
 2. fee for provisional use of individually assigned limited resource.
- (2)** The fee under Para 1, Item 2, shall be proportional to the period for which the permission is granted.

Art. 147. (1)) The amount of the fees under the present chapter, the terms and method of payment shall be determined in a Tariff for the Fees collectable by the Commission, adopted by the Council of Ministers under a proposal of the Commission.

(2) The Tariff under Para 1 shall determine also the fees for the administrative services provided by the Commission.

(3) The fees shall be determined according to the following principles:

1. equal treatment;
2. proportionality;
3. encouraging of competition and provision of new services;
4. provision of efficient use of limited resources;
5. promoting users' interests in high quality electronic communications networks and/or services.

(4) Persons having obtained an authorization for use of the same individually assigned limited resource shall pay the same annual fees.

Art. 148. (1)) The fees collected by the Commission under the Tariff shall be distributed according to the provisions of this Law.

(2) The fees for use of individually assigned limited resource shall be distributed as follows:

1. for use and for provisional use of radio-frequency spectrum:
 - a) 35 per cent – for provision of the funds under Art. 19;
 - b) 40 per cent – to the budget of the Commission;
 - c) 25 per cent – as revenues to the state budget;
2. for use of additionally assigned radio-frequency spectrum – single fee:
 - a) 25 per cent – for provision of the funds under Art. 19;
 - b) 5 per cent - to the budget of the Commission;
 - c) 70 per cent – as revenues to the state budget;
3. (amend. – SG 17/09) for use of individually assigned - to the budget of the Commission;

4. for use of positions of the geostationary orbit allocated to the Republic of Bulgaria according to international agreements:

- a) 25 per cent – for provision of the funds under Art. 19;
- b) 5 per cent - to the budget of the Commission;

- c) 70 per cent – as revenues to the state budget;
- 5. for use of individually allocated limited resource granted after auction procedure:
 - a) 25 per cent – to provide the funds under Art. 19;
 - b) 5 per cent - to the budget of the Commission;
 - c) 70 per cent – as revenues to the state budget.

(3) The single fee for issuing an authorization, the fees for amendment and supplementation of an authorization, the annual control fee and the fees for administrative services shall be allocated to the budget of the Commission.

Art. 149. (1) All fees shall be transferred to the Commission budget and up to the 15th day of the month, following the month, in which the fees have been transferred to the Commission budget, shall be allocated according to Art. 148, Para 2.

(2) Fees under the present chapter shall not be payable by:

- 1. state authorities providing electronic communications for their own needs related to their functions;
- 2. diplomatic representations and other organizations of a diplomatic mission statute, in case of provision of electronic communications for their own needs, on reciprocity basis.

Chapter nine.

MARKETS FOR ELECTRONIC COMMUNICATION NETWORKS AND/OR SERVICES

Art. 150. (1) The Commission shall identify, analyse and assess the relevant markets for electronic communications networks and/or service in regard of effective competition in compliance with the general principles of the competition law and specific national conditions, shall designate operators with significant market power and shall, where appropriate, impose, maintain, amend and/or withdraw specific obligations of the undertakings providing public electronic communications networks and/or services, for achieving the objectives of this Law.

(2) The terms and conditions and the procedure for identification, analysis and assessment of respective markets and the criteria to be applied to determine undertakings with significant market power shall be laid down in a methodology.

(3) (amend. – SG 17/09) The methodology under Para 2 shall be drafted and adopted by the Commission, in cooperation with the Commission for Protection of Competition, in compliance with the general principles of the competition laws and in compliance with the requirements of the European Community law. The methodology shall be adopted following public discussions under Art. 36 and shall be promulgated in the State Gazette.

Art. 151. (1) The Commission shall, periodically, every two years carry out analysis of and identify the markets for public electronic communications networks and/or services, and shall identify existence or lack of effective competition.

(2) The draft decision of the Commission identifying the relevant market, the analysis and the assessment whether there is effective competition, including designation of undertakings with significant market power on the relevant market and the specific obligations to be imposed, maintained, amended and/or withdrawn shall be presented, where appropriate, to the Commission for Protection of Competition for expressing an opinion and shall be published on the internet page of the Commission for a period of at least 30 days. The Commission for Protection of Competition shall pronounce a judgement within 30 days from the receipt of the draft.

(3) Within 30 days after expiry of the period under Para 2, the Commission shall consider the opinions and the proposals received, and shall publish them on its internet page, except for those parts, representing trade secrets, the adopted proposals and their incorporation in the draft, as well as the reasons for the non-acceptable proposals.

(4) The Commission shall adopt by Decisions the analyses and the assessments of the relevant markets, and the specific obligations to be imposed on the respective undertakings having significant market power, and shall publish such decisions on its internet page.

(5) The Commission shall forward the decisions under Para 4 to the European Commission.

Art. 152. (1) (amend. – SG 17/09) The markets for electronic communications networks and/or services, for which assessment of effective competition shall be done shall be wholesale and retail markets. The respective markets shall consist of product markets and geographic market.

(2) The product markets shall cover all public electronic communications networks and/or services, which could be considered by the users as replaceable in regard of their characteristics, purpose and prices.

(3) The geographic market shall cover a definite territory, in which the respective replaceable public electronic communications networks and/or services are being offered, and in which the conditions in regard of competition are equal and differ from those in the neighbouring regions.

(4) The Commission shall, by its decision, identify the markets, in compliance with the requirements of the European Community law and the national circumstances

(5) (amend. – SG 17/09) For determination of a relevant market the Commission shall be led by the principles of the competition law and shall apply the following criteria:

1. high and sustainable structural, legislative and regulatory barriers for entering the market, and
2. lack of opportunity of promoting and development of market competition for a period of two years ahead; and
3. insufficient efficiency of the competition laws for overcoming the barriers under Item 1 and for resuming the competition on the respective market.

Art. 153. (1) The undertakings providing public electronic communications networks and/or services shall provide to the Commission documents and information necessary for carrying out the analysis under Art. 151, Para 1. The undertakings cannot refer to commercial secret to refuse provision of documents and information.

(2) The documents and information under Para 1 shall be determined in the methodology under Art. 150, Para 2.

(3) The members of the Commission and its administration shall not disclose the information obtained under Para 1, in case it represents commercial secret; therefore they shall sign declarations in a form approved by decision of the Commission.

Art. 154. (1) The Commission shall analyse the effectiveness of competition on a relevant market according to the methods and principles of the competition law.

(2) An effective competition on a relevant market shall be considered existing when there is no undertaking providing electronic communications networks and/or services, which individually or jointly with other undertakings has significant market power on that market.

Art. 155. (1) Where on the basis of analysis of a relevant market it has been found out that the competition is effective, the Commission shall not impose specific obligations on the undertakings providing public electronic communications networks and/or services on that market.

(2) In case specific obligations have been imposed, the Commission shall withdraw those obligations of undertakings providing public electronic communications networks and/or services on the respective market.

Art. 156. (1) Where on the basis of analysis of a relevant market it has been found out that the competition is not effective, the Commission shall designate an undertaking or undertakings having significant market power and shall impose on that undertaking or undertakings specific obligations.

(2) In case specific obligations have been imposed on the undertaking or undertakings having significant market power, the Commission shall maintain those obligations or amend them.

(3) For determination of a particular undertaking as an undertaking having significant market power the Commission shall take into consideration in addition to its market share on the respective market, also criteria, such as:

1. overall size of the undertaking;
2. control over the infrastructure, which may not be easily doubled;
3. technological advantages or benefits and/or the achieved technological level of network development;
4. insufficient or poor purchasing power of competitive undertakings;
5. easy or favoured access to capital markets and/or financial resources;
6. availability of product diversity (for instance related offering of products and/or services);
7. availability of savings from the scale;
8. availability of savings from the coverage;
9. availability of vertical integration;
10. well developed distribution and sales network;
11. lack of potential competition;
12. existence of barriers to entering and extension of the relevant market.

(4) For determination of undertakings having joint significant market power the Commission shall take into consideration, in addition to their relevant market share, also criteria, such as:

1. availability of well developed market;
2. relatively steady growth of consumers' demand;

3. low demand elasticity;
4. offering of uniform electronic communication networks and/or services;
5. similar structure of costs for provision of electronic communication networks and/or services;
6. similar market shares of undertakings, designated as undertakings having joint dominant position;
7. infeasibility of technological development and innovations due to the achieved high technological level of network development;
8. lack of sufficient capacities;
9. existence of barriers for entering the respective market;
10. insufficient or weak purchasing capacity;
11. lack of potential competition;
12. availability of formal or informal relations and/or connections between relevant undertakings, designated as undertakings having joint dominant position;
13. lack or low price competition;
14. availability of influencing mechanisms.

Art. 157. For determination of specific obligations, which the Commission may impose, maintain, amend or withdraw, it shall observe the following principles:

1. adequacy of the imposed obligation in terms of the reason of identified ineffective competition and the targeted outcome;
2. justification;
3. refraining from regulatory interference on emerging markets, even in case of identified existence of a market player or players having large market shares.

Chapter ten. ACCESS AND INTERCONNECTION

Section I. General Provisions

Art. 158. An undertaking providing public electronic communication networks shall have the right and, when requested by other undertakings, an obligation to negotiate interconnection of their networks for the purpose of provision of public electronic communications services and ensuring interoperability of services.

Art. 159. (1) Undertakings providing public electronic communications networks shall be free to negotiate access and/or interconnection and shall conclude contracts in writing.

(2) Undertakings shall forward a copy of the contract or of its amendments to the Commission for information within one month after their signing.

Art. 160. (1) Where undertakings fail to reach an agreement, the Commission may by its decision impose obligation for provision of networks interconnection, in order to ensure end-to-end connectivity between users.

(2) The Commission may, by its own judgement, decide and impose on an undertaking providing public electronic communications networks an obligation to provide access to application programme interfaces or access to electronic programme guides, in order to ensure access for the end-users to specified digital radio and television broadcasting services.

(3) The Commission shall impose the obligations under Para 1 and 2 subject to observance of the principles of objectivity, transparency, proportionality and equal treatment, and following the procedures under Art. 37 and 42.

Art. 161. (1) Undertakings providing public electronic communications networks for distribution of digital television services shall provide an opportunity for their networks to distribute wide-screen television services and programmes.

(2) Undertakings providing public electronic communications networks that receive and redistribute wide-screen television services shall maintain the same wide-screen television format.

Art. 162. (1) The undertakings providing public electronic communications networks and/or services and their employees shall respect the requirements for confidentiality with regard to the information received in the process of or in connection with negotiations for access and/or interconnection, and shall use that information

solely for the purpose for which it is meant.

(2) The information under Para 1 shall not be made available to parties, for whom such information could provide a competitive advantages.

(3) The undertakings providing public electronic communications network and/or services shall be obliged to provide the information under Para 1 related to access and/or interconnection to the Commission for the purpose of exercising its powers under this chapter.

Art. 163. The Commission may intervene with regard to access and/or interconnection at its own initiative, where required or upon request of any of the parties, provided that no agreement is available thereof, when this is deemed justified in view of achievement of the objectives under Art. 4 and subject to observance of the principles of Art. 5.

Art. 164. The terms and conditions and the procedure for implementation of access and/or interconnection shall be laid down in an Ordinance, adopted by the Commission, which shall be subject to promulgation in the State Gazette.

Art. 165. Undertakings providing public electronic communications networks and/or services in the territory of another Member State of the European Union can request access and/or interconnection in accordance with the provisions of this Chapter.

Section II.

Terms for Access and Interconnection

Art. 166. (1) The Commission may impose, maintain, amend or withdraw specific obligations of undertakings with significant market power on a relevant market to provide efficient access and/or interconnection, and interoperability of services, to the benefit of end-users and to promote effective competition.

(2) The obligations under Para 1, which the Commission may impose in order to achieve the objectives under Art. 4, are as follows:

1. transparency;
2. equal treatment;
3. separate accounting;
4. access to and use of relevant network facilities and equipment;
5. price restrictions, including obligations for cost orientation.

(3) In the course of implementation of its functions under Para 1, the Commission shall respect the principles of objectiveness, transparency, proportionality, and equal treatment.

Art. 167. (1) The obligation for provision of transparency involves publication of specified information, such as: financial statements, technical specifications, network characteristics, terms and conditions for provision of access and/or interconnection, terms of use, including prices.

(2) The Commission may specify the content of the information to be published, the level of detail required and the manner of publication subject to observance of the requirement for protection of commercial secret.

(3) Where apart from the obligation under par, 1 the undertaking under Art. 166, par, 1 an obligation for equal treatment has been imposed, the Commission may require that undertaking to publish a reference proposal. The reference proposal may include:

1. conditions for interconnection and access:
 - a) description of the services related to interconnection and access for each network, terms and conditions and time limits for provision thereof;
 - b) locations of the points of interconnection and access, terms and conditions and time limits for their opening and/or closing;
 - c) network elements to which access is offered, including independent access or shared access to the local loop;
 - d) standards and quality requirements;
 - e) other relevant information, required for the use of service;
2. co-location services:
 - a) information about the locations where co-location is offered, whereas the this information may be made available to interested parties only, to ensure network security;
 - b) opportunities for co-location, including physical co-location and, if possible, remote co-location and

virtual co-location;

- c) conditions for access to computer support systems as well as information systems or databases for preliminary orders, provisioning, ordering, maintenance, repair requests and billing;
- d) characteristics and technical restrictions for the facilities, which could be co-located;
- e) security measures;
- f) access conditions for employees of competitive undertakings;
- g) safety standards;
- h) rules for the allocation of space, where co-location space is limited;
- i) conditions for inspection by competitive undertakings, of sites, where physical co-location is possible or of sites where co-location was refused due to lacking possibility.

3. conditions included in the contracts for access and interconnection:

- a) time limits for responding to requests for provision of services, procedures for fault resolution, procedures for resuming the provision of service and its quality;
- b) standard contractual terms and conditions, including, where appropriate, compensation for failure to meet time limits for provision of services;
- c) terms and conditions for provision of service – selection of an operator for each call and on a subscription basis;
- d) terms and conditions for transferability of the numbers;
- e) prices and pricing mechanism;
- f) other relevant information, required for the use of service.

(4) The provisions of Para 3, Item 3, Letter "c" shall apply to undertakings with significant market power on the respective retail market.

(5) The prices referred to in Para 3, Item 3, Letter "c" shall have unbundled structure allowing charging only for the service required from the undertaking providing public electronic communications networks, when that service can be provided independently.

(6) Where an undertaking providing public electronic communications networks has an obligation for provision of unbundled access to the local loop, the Commission shall impose on that undertaking an obligation for publication of a reference proposal.

(7) The Commission may by a decision, adopted pursuant to the provision of Art. 37 subject to observance of the principles of Art. 4 and in order to achieve the objectives set in Art. 4 shall approve without remarks or shall oblige the undertakings to amend their reference proposals.

(8) Individual contracts, concluded between undertakings may not contradict the reference proposal.

(9) The reference proposal may be amended on the initiative of the obliged undertaking of the Commission following the provisions of Art. 7.

Art. 168. (amend. – SG 17.09) The obligation to provide equal treatment shall entail provision of equal conditions in similar circumstances to other undertakings providing equivalent electronic communication services, as well as provision of services and information under the same conditions and of the same quality like those, under which the undertaking connects its networks and/or which the enterprise provides to its affiliated persons, with which an agreement had already been concluded.

Art. 169. (1) The obligation for provision of separate accounting may be imposed in case of provision of access and/or interconnection.

(2) Where an obligation for equal treatment under Art. 168 has been imposed, the Commission may oblige a vertically integrated undertaking to ensure transparency of the wholesale prices of services and of the internal transfer prices.

(3) The Commission may impose the obligation under Para 2 when it deems that opportunities for violation of the ban on cross-subsidy exist.

(4) The Commission may after consultations with the respective undertaking specify the format and the accounting methodology to be used for determination of prices.

(5) To ensure implementation of the obligations under Para 2 and 4, the Commission may require from the undertakings providing public electronic communication networks, accounting records and information, including also revenues received from third parties.

(6) The Commission may publish the obtained information where this would contribute to creating conditions for effective competition, subject to observance of the requirements for protection of trade secret.

Art. 170. (1) (amend. – SG 17/09) The obligation for cost orientation for special types of access and/or interconnection includes determination of prices on the basis of costs and application of a cost accounting system with an objective to ensure effective and sustainable competition and maximal benefits for the consumers.

(2) The obligation under Para 1 shall be imposed when the Commission finds out, on the grounds of the analysis under Art. 151, that the competition on the market is not effective due to the presence of an undertaking with significant market power, which is able to keep prices excessively high or apply a price squeeze to the detriment of end-users.

(3) In case of imposing the obligation under Para 1, the Commission shall take into account the investments made by the undertaking providing public electronic communications networks at a reasonable rate of return on the capital employed, taking into account the risk involved.

(4) (amend. – SG 17/09) The obligation for price limitations for particular types of access and/or interconnection may include limitation of the growth of prices up to a preliminary fixed price ceiling, determination of prices on the grounds of a comparative analysis between the fixed by the undertaking prices and the prices of the same services of comparable competitive markets in other European Union Member States and/or determination of a plan of gradual reduction of the prices within a particular period of time, after which the price level must reach a preliminary set level.

Art. 171. (1) An undertaking, providing public electronic communication networks, having been determined as an undertaking with substantial market power on the respective market, shall evidence its cost oriented prices, in case when the obligation under Art. 170, Para 1 has been imposed to it.

(2) The Commission may use an independent method for verification of the costs in order to fix prices on the grounds of efficiency in provision of services.

(3) The Commission may require an undertaking under Para 1 to provide full justification for its prices and may, where necessary, require their change.

Art. 172. (1) Where an obligation for application of a cost accounting system is imposed, the description of the relevant system shall be made publicly available; whereas it shall contain at least the main categories under which the costs are grouped and the rules for the allocation of costs.

(2) The Commission shall assign an inspection of the application of the cost accounting system, which shall be carried out by an independent auditor and the results of the inspection shall be published annually.

Section III.

Access to and Use of Required Network Facilities and Equipment

Art. 173. The obligation for provision of access to and use of necessary network elements and/or facilities may be imposed on an undertaking with significant market power at Commission's discretion, including in situations where the denial of provision or setting of terms and conditions equivalent to denial, may hinder the existence of a sustainable competitive market of retail services or would be detrimental to end-users.

Art. 174. (1) The Commission may impose the obligation under Art. 173 and require:

1. provision of access to third parties to specified network elements and/or facilities, unbundled access to the local loop;
2. negotiation in good faith with undertakings requesting access;
3. maintaining access already granted;
4. provision of particular services on a wholesale basis for resale by third parties;
5. granting open access to technical interfaces, protocols or other key technologies, that are necessary for interoperability of services or for provision of virtual network services;
6. provision of co-location and other forms of shared use, including sharing of ducts, towers, buildings and other equipment and technical facilities;
7. provision of particular services needed to ensure interoperability of end-to-end services to users, including facilities for intelligent network services or roaming on mobile networks;
8. provision of access to operational support systems or similar software systems to ensure effective competition in the provision of services;
9. interconnection of networks or network facilities.

(2) When the Commission imposes the requirements under Para 1, it may put conditions for fairness, justification and timeliness.

Art. 175. When the Commission imposes the obligation under Art. 173 it shall follow the principle of proportionality by taking into consideration:

1. the technical and economic viability of using or installing facilities of competing undertakings providing public electronic communications networks and/or services, in view of market development and the nature and

type of interconnection and access involved;

2. the possibility to provide access, in relation to the capacity available;
3. the initial investment and the risks involved thereof;
4. safeguarding the competition in the long term;
5. intellectual property rights, when relevant;
6. provision of pan-European services;
7. imposed specific obligations to the same undertaking at neighbouring related markets.

Art. 176. (1) Where imposing an obligation under Art. 173 involving a requirement to provide unbundled access to the local loop, the Commission shall also oblige the undertaking providing public electronic communication networks to publish also a reference proposal.

(2) The reference proposal shall contain at least:

1. conditions for unbundled access to the local loop:

a) the network elements, to which independent local loop access and/or access to the non-voice frequency band of the local loop is offered in the case of shared access;

b) information concerning the locations of physical access to the network, whereas this information may be provided only to interested parties in order to ensure network security; availability of local loops in particular parts of the network, to which the access is being provided.

c) technical conditions related to the access to and use of the local loop, including technical characteristics of the twisted metallic pair in the local loop;

d) terms and conditions for placing orders and for use, and restrictions;

2. co-location services:

a) information about the sites of co-location, whereas this information may be provided only to the interested parties in order to secure network safety;

b) options for co-location, including physical sharing and, where possible, distant and virtual co-location;

c) characteristics and technical restrictions for the equipment that can be co-located;

d) security standards;

e) access conditions for employees of competing undertakings

f) safety standards;

g) rules for allocation of space, where the space is limited;

h) conditions under which competing undertakings can inspect possible sites for co-location, or sites where co-location has been refused on grounds of lack of capacity;

3. conditions for access to operational support systems, as well as to information systems or databases for pre-ordering, provisioning, ordering, maintenance, repair requests, and billing.

4. conditions for provision of unbundled access:

a) time limit for provision of services and facilities;

b) agreements concerning the quality level of services and servicing, identification of faults, procedures of resuming the service and its quality Parameters;

c) standard contractual conditions, including, where appropriate, compensations due for failing to meet time limits for provision of services;

d) prices and pricing mechanism.

(3) The Commission, by a decision, taken pursuant to the provision of Art. 37 subject to observance of the principles of Art. 4 and in order to achieve the objectives under Art. 4, shall approve without remarks or shall oblige undertakings to modify their reference proposals.

(4) Individual agreements, concluded between the undertakings, cannot contradict the reference proposal.

(5) The reference proposal may be modified on the initiative of the obliged undertaking or of the Commission pursuant to the provisions of Para 3.

Art. 177. (1) For reasons associated with environment protection, public health and public security, the Commission may by a decision impose an obligation for provision of co-location and other forms of shared use, including with regard to shared use of ducts, towers, buildings and other equipment and technical facilities.

(2) (new – SG 17/09) In order to provide normal functioning of public electronic communication networks in case of assigning and use of access to and use of required network resources and facilities, the Commission by a decision may impose technical and/or operation conditions to undertakings.

(3) (new – SG 17/09) Imposition of conditions under par. 2 shall be based on balanced consideration both of the rights of the undertaking-owner of the network to use it in favour of provision of its own electronic communication services, and of the rights of other undertakings to access to facilities, implemented for provision of competitive services.

(4) (prev. par. 2 – amend. SG 17/09) Before taking the decision under Para 1 and 2, the Commission shall carry out a procedure of public consultation according to the procedure under Art. 36.

Section IV. Protected Services and Conditional Access

Art. 178. (1) Protected services shall be the following services, provided on the basis of conditional access and against remuneration:

1. radio broadcasting;
2. television broadcasting;
3. information society services;
4. provision of conditional access to the services under Items 1, 2 and 3.

(2) Access to a protected service under Para 1 shall be allowed by means of a conditional access device provided by a protected service provider.

(3) (new – SG 17/09) Carrying out activity with commercial purpose, including production, import, distribution, sale, renting, owning, installation, maintenance, exchange or advertising of prohibited facilities for access to a protected service shall be deemed a violation.

Art. 179. (1) The systems for conditional access to digital radio- and television programmes, irrespective of the means of transmission, shall provide to undertakings providing electronic communication networks technical opportunity for cost-effective access to control over the protected services provided on the basis of conditional access.

(2) The undertakings under Para 1 controlling conditional access systems shall offer to the radio and television broadcasting operators and protected service providers technical means enabling their digitally transmitted services to be received by authorized listeners and viewers by means of decoders.

(3) The decoders shall be administered by the undertakings providing conditional access services.

(4) The technical means under Para 2 shall be provided to the radio and television broadcasting operators and protected service providers on fair, reasonable and equal treatment conditions.

(5) The undertakings providing conditional access shall keep separate accounting for the activity under Para 2.

Art. 180. (1) The rights for manufacturing of conditional access products and systems, subject of industrial property right, shall be granted on fair, reasonable and equal treatment conditions.

(2) The granting of rights under Para 1 shall not be subject to conditions prohibiting, deterring or discouraging inclusion in the same product of:

1. a common interface allowing connection of one or more access systems;
2. means specific to other access systems, provided that reasonable conditions are respected ensuring security of information exchange with the operators of conditional access systems.

Art. 181. The Commission may impose on the enterprises under this section obligations to provide access to electronic programme guides and access to application programme interfaces.

Chapter eleven. UNIVERSAL SERVICE

Section I. Nature and Scope of the Universal Service

Art. 182. (1) Universal service shall mean a set of services, of specified quality, available to all end users regardless of their geographical location on the territory of the country, at an affordable price.

(2) The universal service shall include:

1. connection at a definite location to the public telephone network and access to public telephone services regardless of the technology used;
2. provision of public pay telephones, of specified quality, which also ensure the possibility to make emergency calls, free of charge, national numbers and to the single European emergency call number „112“;
3. provision of a telephone directory for the numbers of all subscribers to public telephone services;
4. provision of telephone inquiry services accessible to all end users, including users of public pay

telephones;

5. provision of emergency calls, free of charge, national numbers and to the single European emergency call number „112“;

6. provision of access to public telephone services, including the emergency call services, telephone directory and inquiry services for disabled people, similar to those used by other end users.

(3) (amend. - SG 89/09, in force from 10.11.2009) The quality of the service under Para 1 shall be determined by requirements and Parameters, determined in an ordinance of the Minister of Transport, Information Technology and Communications upon proposal by the Commission, which shall be promulgated in the State Gazette.

Section II.

Provision of the Universal Service

Art. 183. (1) Undertakings obliged to provide the service under Art. 182, Para 2, Item 1 shall satisfy any justified request for connection at a definite location to the public telephone network and access to public telephone services.

(2) The connection under Para 1 shall provide a possibility to make local, national and international calls, facsimile communications and data communications, at a rate appropriate for functional Internet access.

Art. 184. (1) Undertakings obliged to provide the service under Art. 182, Para 2, Item 2, shall ensure:

1. definite number of public pay telephones, according to their geographical coverage, in order to meet the needs of end users;

2. (amend. – SG 17/09) access to public telephones for disabled people;

3. quality of services.

(2) Undertakings under Para 1 shall provide access to emergency call services, including access to the call number "112", through public pay telephones without using coins, chips, cards or other payment instruments.

Art. 185. (1) (amend. – SG 17/09) Undertakings obliged to provide the universal service under Art. 182, Para 2, Item 3 shall publish at least one telephone directory in compliance with the requirements of this Law in an approved by the Commission hard and/or soft copy. The telephone directory shall be updated regularly, and not less often than once a year.

(2) The directory under Para1 shall be generally accessible.

Art. 186. Undertakings obliged to provide the universal service under Art. 182, Para 2, Item 3 and 4 shall observe the principle of equal treatment and reciprocity when handling the information provided by other undertakings.

Art. 187. (1) Undertakings obliged to provide universal service shall take special measures to ensure access for disabled people to public telephone services, including the emergency call services, telephone directory and enquiry services, similar to those used by other end users.

(2) Undertakings under Para 1 shall offer to end users with vision or hearing difficulties a telephone directory, enquiry services, contracts and Itemized bills in the appropriate form.

(3) Undertakings under Para 1 shall create conditions to ensure access for disabled people to public pay telephones.

(4) The terms, conditions and means for provision of the universal service to disabled people shall be laid down in the ordinance under Art. 182, Para 3.

Art. 188. (1) Undertakings obliged to provide universal service shall publish in their Internet site and provide to the Commission updated information on fulfilment of the obligation for universal service provision, in accordance with the requirements and service quality Parameters and the methods for evaluation of coverage, retail prices, revenue and expenditure related to service provision, number of requests and refusals, including the reasons thereof.

(2) The Commission shall determine the form, method and time-limits for provision of the information under Para 1.

(3) When continuous non-fulfilment of the obligations under Para 1 is identified, the Commission may assign an inspection by an independent auditor at the expense of the undertaking.

Art. 189. The Commission shall prepare a consolidated annual report on the degree of provision of the

universal service to the public and shall publish it on its Internet site. This report shall be an integral part of the Commission's report under Art. 38.

Section III.

Designation of undertakings obliged to provide universal service

Art. 190. The Commission shall assign to one or more undertakings, providing public electronic communications networks and/or services, the provision of all or some of the services under Art. 182, Para 2 for the purpose of ensuring universal service provision on the whole territory of the country.

Art. 191. (1) The Commission shall assign the provision of universal service, including after a contest procedure, subject to observance of the rules under Chapter Five and subject to observance of the principles of objectivity, transparency and equal treatment and in end users' interest, without excluding a priori any undertaking from the opportunity of being assigned the provision of universal services or a part thereof.

(2) When designating the undertakings under Art. 190, the Commission shall consider the most expedient economic manner for the universal service provision, which may be used for calculating the net costs of the universal service obligation

Art. 192. The Commission may decide not to assign the obligations under Art. 184, Para 1, on the whole territory of the country or part thereof, if, after consultation with the interested parties, it finds that such devices, facilities or similar services are satisfactory and widely available.

Art. 193. The procedure for selection of undertakings providing public electronic communications networks and/or services, and assigning the obligation for universal service provision shall be determined in the ordinance under Art. 182, Para 3.

Art. 194. The Commission shall notify the European Commission of the undertakings designated under this section and the obligations imposed.

Section IV.

Affordability of the Price of the Universal Service

Art. 195. (1) The method of determination of the universal service prices and price packages shall be described in a methodology drafted by the Commission and adopted by the Council of Ministers.

(2) The draft methodology under Para 1 shall be published for public consultation under Art. 36.

Art. 196. (1) Undertakings, providing public electronic communications networks and/or services, shall determine the universal service prices and price packages on the basis of the methodology under Art. 195.

(2) The undertakings under Para 1 shall submit for approval by the Commission the prices and price packages under Para 1, together with the pricing documents, at least 60 days prior to their entry into force.

(3) The Commission shall consider the prices and price packages under Para 1 within 30 days from their submission and may oblige the undertakings under Para 1 to adjust the prices and price packages in accordance with the requirements of this Law and the methodology under Art. 195.

(4) The undertakings under Para 1 shall publish the universal service prices and price packages, approved by the Commission, at least 14 days prior to their entry into force.

Art. 197. (1) The Commission may impose on the undertakings providing universal service to apply geographically average retail prices for the whole territory of the country or to comply with price ceilings in accordance with the methodology under Art. 195.

(2) The undertakings, providing universal service under Art. 182, Para 2, Item 1, shall offer to disabled people, people with special social needs and people with low incomes price packages, different from those offered under normal commercial conditions.

Art. 198. (1) Undertakings obliged to provide the service under Art. 182, Para 2, Item 1 shall ensure possibilities for the end users to monitor and control their expenditure by themselves, by means of:

1. free of charge provision of itemized bills;
2. free of charge selective call barring for outgoing calls;

3. provision of means for pre-paid access to public telephone networks and use of public telephone services;
4. payment in instalments of fees for connection to public telephone networks;
5. advance notice on service suspension in case of default payment of bills, while maintaining the possibilities for emergency calls, within 1 month after services suspension.

(2) The method of using the possibilities under Para 1 shall be determined in the General Conditions for the Relations between Undertakings and End Users.

(3) The Commission may not impose the obligations under Para 1, on the whole territory of the country or part thereof if it finds out that there are sufficient opportunities for monitoring and control of expenditure by end users.

Art. 199. No charges shall be due by end users for facilities and services, offered by the undertakings providing universal service, which are not necessary or inherent for the service provision.

Section V.

Compensation of Net Costs for Universal Service Provision

Art. 200. (1) Undertakings obliged to provide universal service may request a compensation for proven net costs when the provision of the universal service places unfair burden on them.

(2) (amend. – SG 27/10, in force from 09.04.2010) Availability of unfair burden shall be determined on the basis of the net costs, taking account also of the immaterial advantages of the undertaking under Para 1, associated with provision of the universal service or a part thereof, provided that the provision leads to losses or is offered on prices below normal commercial profit.

Art. 201. (1) The Commission shall draft and adopt rules for calculation of the net costs of universal service provision.

(2) (amend. – SG 17/09) Undertakings, obliged to provide universal service under Art. 182, Para 2 shall determine the amount of the net costs for universal service provision according to the rules under Para 1.

(3) Documents related to the calculation of the net costs for universal service provision shall be submitted to the Commission and audited by a nominated by it independent auditor.

(4) The results from the net cost calculation and the auditor's assessment on compliance with the rules for price determination according to methodology under Art. 195, as well as the costs of service provision shall be publicly available.

Art. 202. (1) The resources for compensation of the net costs of universal services provision shall be collected in a Universal Service Compensation Fund, hereinafter referred to as "the Fund". The resources for compensation of the net costs for universal service provision may be collected also from other sources, budget resources or public funds.

(2) The Fund shall be a legal person with a seat in Sofia.

(3) The Audit Office shall exercise control over the activity of the Fund.

(4) The Fund shall be exempt from state and local taxes and fees only for the operations related to compensation of the net costs for the universal service. The resources of the Fund shall be kept in the Bulgarian National Bank.

(5) The Fund shall be transformed, terminated and liquidated by a law.

Art. 203. (1) The Fund shall be managed by a managing board consisting of 7 members, including a chairman and a deputy chairman, who shall be appointed as follows:

1. the chairman – by decision of the Communications Regulation Commission;

2. (amend. - SG 89/09, in force from 10.11.2009) the deputy chairman – by a decision of the Minister of Transport, Information Technology and Communications;

3. one member – by the Governor of the Bulgarian National Bank;

4. one member – by the Minister of Labour and Social Policy;

5. one member – by the Minister of Finance;

6. one member – by the Commission for Protection of Competition;

7. one member – by the Consumer Protection Commission.

(2) (amend. - SG 89/09, in force from 10.11.2009) Annually, not later than 31 May, the managing board of the Fund shall work out a report for the previous year and submit it to the Minister of Transport, Information Technology and Communications, the Minister of Finance, the Minister of Labour and Social Policy, the Governor

of the Bulgarian National Bank, the Communications Regulation Commission, the Commission for Protection of Competition and the Consumer Protection Commission, which shall contain:

1. the amount of the net costs incurred by the provision of universal service;
2. evaluation of the immaterial advantages of undertakings providing universal service;
3. the amount of the contributions of the undertakings to the Fund;
4. the amount of the funds spent;

(3) The report under Para 2 shall be published on the internet page of the Communications Regulation Commission.

Art. 204. (1) The decisions of the managing board shall be taken by simple majority. The decisions shall be publicly available.

(2) The managing board shall work out and adopt rules for the activity of the Fund.

(3) The administrative support of the Fund shall be provided by the administration of the Commission.

Art. 205. The resources of the Fund shall be spent only for compensation of net costs incurred by universal service provision, under this section.

Art. 206. (1) (suppl. – SG 27/10, in force from 09.04.2010) Undertakings providing public telephone services shall pay contributions to the Fund under the terms and conditions of this section. No payment shall be due by enterprises with annual gross income under BGN 100 000.

(2) The amount of the contributions under Para 1 for the respective year may not exceed 0.8 per cent of the gross revenue from public telephone service provision, exclusive of VAT, after deduction of the transfer payments to other undertakings for interconnection of networks and for access, transit, roaming, value added services.

(3) The undertakings under Para 1 shall pay the contributions within one year from the effect of the decision under Art. 208, Para 2. Failure to meet the deadline for payment of the contributions shall be considered a material violation of the Law. In case of a delay of payment a legal interest shall be imposed over contributions.

(4) The contributions of the undertakings under Para 1 shall be accounted as incidental costs.

Art. 207. (1) Applications for compensation of net costs of universal service provision for the previous calendar year, accompanied by relevant evidence, shall be submitted to the Commission by the undertakings under Art. 206 by 30 June of the current year.

(2) The Commission shall, within 45 days from the end of the public consultation procedure under Art 36, give opinion regarding:

1. the availability of unfair burden, including the impact of the immaterial advantages from the universal service provision for the relevant undertaking under Art. 206;

2. the amount of the compensation requested by the respective applicant.

(3) Within the time-limit under Para 2 the Commission may require from the applicants to present, within 7-days, additional information and/or evidence.

(4) The Commission shall present to the managing board the opinion under Para 2 and the related documents as well as data for the gross revenues of the undertakings under Art. 206, Para 1.

Art. 208. (1) Within 7-days from receipt of the opinion under Art. 207, Para 4, the managing board shall announce a decision on the total amount of the compensation due to all applicants for the previous year, as well as on the actual amount payable to each of them.

(2) (amend. – SG 17/09) By the decision of par. 1 the managing board shall determine the percentage of the gross revenue and the amount of the contribution to the Fund for each undertakings under Art. 206, par. 1.

(3) Within 13 months from the effect of the decision under Para 2 the Fund shall pay the compensations due to the applicants. For taxation purposes the compensation amount shall be deducted from the financial result of the undertakings under Art. 206 providing universal service.

(4) The compensations under Para 3 shall be payable in equal quarterly instalments.

(5) Where the total amount of the compensation due to all applicants exceeds the amount of the resources in the Fund, designated for compensation of net costs for the preceding year, the compensations shall be paid up in proportion to the relation between the total amount of compensation due to all applicants and the total amount of the Fund resources for the relevant year. The remaining portion of the compensation that has not been paid up shall be due in the following year.

Chapter twelve.

LEASED LINES

Art. 209. Undertakings providing public electronic communications networks and/or services shall provide leased lines on commercial basis.

Art. 210. (amend. – SG 17/09) The Commission shall carry out an analysis of the respective market of leased lines pursuant to the provisions of Chapter Nine in order to find out the existence or lack of effective competition at the respective markets.

Art. 211. (amend. – SG 17/09) When lack of effective competition at the respective wholesale market of lease lines has been identified, the Commission shall determine an undertaking or undertakings with significant impact at the market and shall impose all or some of the specific obligations under Art. 166, par. 2, Art. 173 and 174 pursuant to the provisions of Chapter Nine and in compliance with the content of the specific obligations under Chapter Ten.

Art. 212. (amend. – SG 17/09) The Commission may withdraw the obligations, imposed to the undertakings with significant impact on the respective market of leased lines where an effective competition is established, after an accomplished market analysis pursuant to the provisions of Chapter Nine.

Art. 213. (revoked – SG 17/09)

Art. 214. (revoked – SG 17/09)

Art. 215. (revoked – SG 17/09)

Chapter thirteen.

PRICES

Art. 216. (1) The undertakings providing public electronic communications networks and/or services shall fix prices according to the demand and supply in ensuring equal treatment of users, end-user categories, traffic volume and other conditions pertaining to freedom of negotiation.

(2) The undertakings providing public electronic communications networks and/or services may offer price packages ensuring thereby the right of the user to use services not bound in package prices, outside a package price.

(3) Undertakings, providing public electronic communication networks and/or services may offer discounts for used services under publicly known terms and conditions, where they are used by everybody, meeting the requirements for their provision, announced in advance.

(4) Undertakings, providing public electronic communication networks and/or services shall present their retail prices for information to the Commission within three days prior to their coming into effect.

(5) The undertakings providing public electronic communications networks and/or services shall publish their prices on their internet sites or in an accessible for users place.

Art. 217. The Commission may regulate prices of electronic communications services when:

1. by a decision adopted pursuant to the provisions of this Law an obligation has been imposed on an undertaking with significant market power on the relevant market for price restrictions and/or cost-orientation, or
2. it is stipulated in this Law that the prices provided by undertakings are cost-oriented.

Art. 218. The undertakings providing public electronic communications networks and/or services, which have been imposed specific obligation for cost-orientation and for a cost determination system, shall present to the Commission detailed information on the costs by respective services, annually within 4 months after finalization of the accounts of the financial year.

Art. 219. (1) The undertakings under Art. 217, providing public electronic communication networks and/or services, shall present the prices of the regulated electronic communication services to the Commission one month prior to their publication along with the documents of their pricing.

(2) Provided that the prices do not correspond to the imposed specific obligations or to the stipulated in the Law requirements, the Commission shall send them back to the undertakings under Para 1 for revision within

one month.

(3) The Commission may require once every 6 months from the undertakings under Art. 218 to substantiate prices cost-orientation, allocating for that one month period to the respective undertaking.

(4) Provided that within the one-month period under Para 3 the undertakings under Para 1 fail to revise the prices or fail to substantiate their cost orientation respectively, the Commission may set price restrictions according to the imposed specific obligations or to the legislative provisions for a period of up to 6 months.

(5) The undertakings under Art. 217, Item 1 shall fix prices of services, meeting the following requirements:

1. not to contain any components of pricing, based solely on the significant power of the undertaking at the respective market;

2. not to contain any discounts, violating the competition opportunities for other undertakings, providing the respective electronic communication service;

3. not to generate benefits for individual users of the same of a similar electronic communication service;

4. not to be under the level of the cost of their provision.

(6) The undertakings under Art. 217, Item 1 at the retail market, apart from the conditions under Para 5, shall be obliged not to create price squeeze.

Art. 220. (1) The Commission may impose price restrictions and requirements for cost orientation with regard to the prices of access and interconnection of undertakings with significant power at the respective wholesale market.

(2) In case of imposing price restrictions under Para 1 the Commission may apply any of the following methods:

1. limitation of the increase of prices of services up to preliminary set price ceiling;

2. benchmarking between fixed by the undertaking prices and the prices of the same services at comparable competitive markets in other European Union Member States;

3. definition of a plan of a gradual reduction of prices over a specified period of time, after which the price level shall have to reach a preliminary set level.

(3) Cost oriented prices shall be set by the undertakings according to cost determination system, where this is stipulated pursuant to the provisions of this Law and is imposed by a decision of the Commission.

Art. 221. (1) The Commission may regulate retail and wholesale prices for electronic communications services provided by undertakings with significant market power on the relevant retail market under the terms and conditions of this Law when it finds out that imposing specific obligations under Chapter Ten and Art. 135 will not lead to achieving the objectives under Art. 4

(2) The Commission may impose to undertakings with significant power on the relevant retail market the specific obligations under Art. 166, Para 2, Item 1, 2 and 5.

(3) The Commission in view of protection of end users and of promotion of effective competition may within the scope of obligations under Para 2 impose on undertakings under Para 1 one or some of the following obligations:

1. limitation of prices increase at retail markets up to preliminary set price ceiling;

2. control over prices to end users;

3. determination of cost oriented prices at retail markets;

4. determination of prices, oriented to prices for the same or similar services at comparable respective markets in European Union Member States.

(4) The obligations under Para 3 may be imposed, where the undertakings under Para 1:

1. impose irrelevantly high prices; or

2. impose prices, hindering competition or entering the respective market by other undertakings; or

3. introduce preferences to specific end users; or

4. apply irrelevant bounding of services.

(5) The Commission shall provide upon request by the European Commission information about the imposed price control at retail markets, and also about the applicable cost determination system, where respective obligation has been imposed.

(6) The undertakings, on which obligations under Para 3 have been imposed, shall apply the cost determination system in compliance with Art. 222.

Art. 222. (1) The Commission may require from the enterprises under Art. 217, Item 1 to work out and apply cost determination system, where this is relevant for achievement of the objectives under Art. 4 and subject to observance of the principles under Art. 5.

(2) The undertakings under Para 1 within 6 months after imposing the obligation under Para 1 shall

present to the Commission a draft of cost determination system. The Commission may, after consultations with enterprises, require the principles and general categories, under which cost have been grouped, and the general rules of their allocation.

(3) (amend. – SG 17/09) After consultations with the undertakings under Para 1 the Commission may request amendments and supplementation to the draft of the cost determination system, which do not intimidate the financial vitality of the undertaking under Para 1.

(4) (amend. – SG 17/09) The Commission shall approve the cost determination system within three months after its presentation under par. 2, whereas it may issue obligatory instructions to the undertakings under par. 1 to amend the cost determination system.

(5) (amend. – SG 17/09) The undertakings under Para 1 shall provide for public accessibility of the principles and of the basic categories, under which the costs have been grouped, and the general rules for their allocation and shall provide this information free of charge upon request.

(6) (amend. – SG 17/09) The undertakings under Para 1 shall publish an annual report containing an analysis of fulfilment of the obligation for cost orientation of public electronic communication networks and/or services.

(7) (amend. – SG 17/09) The undertakings under Para 1 and/or the Commission may well reasoned initiate a modification of the cost determination system pursuant to the provisions of this Art..

(8) (amend. – SG 17/09) The Commission annually shall appoint inspections of application of the cost determination system, which are carried out by an independent auditor. The audit results shall be accessible to the public.

(9) (revoked – SG 17/09)

(10) (revoked – SG 17/09)

Art. 223. (1) The undertakings providing public electronic communications networks and/or services shall publish clear and accurate information on retail market prices which must not mislead the end users with regards to the conditions and prices for the relevant services provided.

(2) The information under Para 1 must contain also details on the method of charging, the initial or single price and the usage price, including the starting and ending of its charging time according to the selected pricing method.

Art. 224. Prices of electronic communication services under Chapter Eleven shall be fixed by undertakings, obliged to provide universal service according to the methodology under Art. 195, Para 1.

Chapter fourteen. PROTECTION OF END-USERS' INTERESTS

Art. 225. Undertakings providing electronic communications services shall offer those services to end-users respecting the principles of transparency, proportionality and equal treatment according to the type of technology used, the categories of subscribers, the traffic volume and the way of payment, and shall not offer advantages to individual end-users or a group of end-users for the same services.

Art. 226. (1) Undertakings providing public telephone services shall prepare General Conditions of contract with end-users when it is practically not possible to conclude only individual contracts.

(2) The General Conditions shall enter into force with respect to the end-user when he/she signs an individual contract in writing or when he/she starts using the service.

(3) The General Conditions shall be an integral part of the individual contract between the undertaking and the end-user.

Art. 227. (1) The General Conditions of contract with end-users shall mandatory include:

1. identification data of the undertaking providing electronic communications services;
2. telephone number (fax, electronic address), address for contact;
3. types of services, description and quality of services;
4. conditions and payment deadlines of the prices of offered services ;
5. maintenance of the services offered;
6. special measures for people with disabilities;
7. rights and obligations of the undertaking and of the end-users;
8. provision of information concerning prices and price packages, new services, etc. under this contract;
9. procedures for consideration and issuing a resolution on claims, applications and proposals of end

users, and also ways of settlement of disputes in relation to the contract;

10. liabilities for non-compliance with the contract;

11. conditions and procedure for suspension of service(s) provision upon non-payment of due charges or upon violation of contractual conditions by end-users, or by the undertaking connected with usage of the service(s);

(2) The General Conditions shall include obligations of the undertaking to:

1. notify in advance about interruptions or lower quality of services during routine maintenance, repair works or due to works related to development of the electronic communications network, as well as about the duration of interruption or lower quality of service;

2. notify the end-users about amendments in the General Conditions at least one month before entry into force of the amendments;

3. inform the end-user in advance and in writing when requiring access to his/her premises;

4. make publicly available a contact address and/or telephone number in case of faults and for provision of information;

5. provide access free of charge to the emergency call services, in case of provision of public telephone services, until termination of the contract according to the procedure envisaged in the General Conditions;

6. provide information about the availability of "calling line identification" and "connected line identification" functions of the electronic communications network where public telephone services are being offered;

7. retain, for a definite period, data necessary for billing purposes.

(3) Undertakings shall produce and publish a price list of services, containing identification of prices of offered services, price packages or rates, and terms and conditions of their use.

Art. 228. The individual contract under General Conditions between undertaking providing public telephone services and an end-user shall specify, at least:

1. identification data of the end-user;

2. telephone number (fax, electronic address) and address of the end-user;

3. type and description of services;

4. period of use of services;

5. prices and price packages or rates, payment conditions and deadlines;

6. conditions for extension and termination of the individual contract.

Art. 229. When the undertakings provide electronic communications services only on the basis of an individual contract with the end-users, the contract shall include, in addition to the information under Art. 228, the following information:

1. quality Parameters of services and responsibility, including indemnifications or penalties in case of non-compliance;

2. maintenance conditions of the services offered;

3. method of obtaining of up-to-date information about all prices;

4. methods of resolution of disputes related to the contract.

Art. 230. (1) General Conditions or amendments thereto shall be published by the undertakings on their internet page and shall display them in an easily visible place at their business premises, or make them available in another appropriate way for a term not less than 30 days prior to their entering into force.

(2) Every end-user in case of amendment of the General Condition shall have the right to terminate the individual contract without penalty within one month after their entering into force.

(3) The provision of Para 2 shall not be applied, where:

1. the amendments to General Conditions arise out of the applicable legislation or of an act of the Commission, or

2. discounts by the undertaking with regard to the respective end user have been included in the individual contract.

Art. 231. (1) Undertakings providing public electronic communications services shall ensure free access at least to:

1. the General Conditions of contract with end-users, when applicable;

2. updated information about prices and price packages;

3. updated information about the quality of services offered.

(2) Undertakings providing public telephone services shall maintain available on their internet page updated information about:

1. name, address, telephone number for contact with the undertaking;
 2. telephone services offered:
 - a) access prices, all kinds of consumers prices, including conditions for discounts and special price packages;
 - b) compensations and refunding of costs, including detailed information on the compensation schedules applied;
 - c) types of maintenance services;
 - d) contractual conditions, including minimal duration of contract, where applicable.
 3. procedure of resolution of disputes between the undertaking and end-users;
 4. information about rights related to the opportunities under Art. 198, Para 1.
- (3) Undertakings providing universal service shall maintain on their internet site updated information about the public telephone services offered, including amount of the subscription fee and prices of operator services, directory inquiry services, selective call barring, maintenance, and others.

Art. 232. (1) Undertakings providing universal service shall submit to the Commission, for agreeing upon, the General Conditions of contract with end-users of this service within a period not less than 30 days prior to initiation of provision of the service.

(2) In case the General Conditions do not comply with the requirements under Art. 227, the Commission shall, within 14 days after submission, inform the undertakings under Para 1, giving them directions and a term to eliminate non-compliances.

(3) After elimination of non-compliances, the undertakings under Para 1 shall submit the General Conditions to the Commission.

(4) The Commission shall agree upon the General Conditions of undertakings providing universal service within 14 days after their initial submission or after their adjustment in consideration of the instruction under Para 2.

(5) Undertakings under Para 1 shall publish on their internet site and make available at their business premises the General Conditions of contract with end-users within 7 days after agreeing upon by the Commission, throughout their entire period of activity.

(6) Undertakings providing public telephone services shall provide for information to the Commission General Conditions of the contracts with end users.

Art. 233. (1) Amendments or supplements to the General Conditions can be made at the initiative of the Commission or of the undertaking.

(2) Amendments or supplements of the General Conditions at the initiative of the undertaking shall be made pursuant to the provisions of Art. 232, Para 2.

(3) Amendments or supplements of the General Conditions may be made at the initiative of the Commission for the purpose of protection of end-users interests. In such a case the Commission shall give the undertaking binding instructions for relevant adjustments.

Art. 234. (1) The Commission may draft standard General Conditions of the contracts between undertakings and end-users and publish them on its web page.

(2) Undertakings under Art. 226, Para 1 may draft their General Conditions in accordance with the standard General Conditions under Para 1.

Art. 235. Undertakings under Art. 226, Para 1 shall submit their General Conditions to the Consumer Protection Commission for information.

Art. 236. The Commission shall specify, after consulting the Consumer Protection Commission, the quality Parameters of the service, as well as the content, the form, and the method of publication of information in order to secure the access of end-users to comparable, adequate and updated information about the quality of services offered.

Art. 237. (1) Undertakings providing public telephone networks in a fixed location shall take all appropriate measures to secure the integrity of the public telephone network and the provision of public telephone services over that network in cases of force majeure.

(2) Undertakings providing public telephone services in a fixed location shall take all appropriate measures to secure uninterrupted access to emergency call services.

Art. 238. (1) Where an undertaking providing public electronic communications services fails to meet its

obligation under this Chapter, the affected end-users may, within 2 months, file a complaint in writing to the Commission to consider and resolve the case.

(2) End users shall be considered also persons with permanent residence in another European Union Member State, who use the services of an undertaking under Para 1 established on the territory of the Republic of Bulgaria .

(3) The complaint under Para 1 shall contain clear description of all circumstances relevant to the complaint and a person's signature.

Art. 239. (1) The Commission shall, within 7 days from receipt of the complaint, order examination of the circumstances described therein.

(2) The Commission shall obligatory request a written opinion of the undertaking under Art. 238, Para 1 regarding the circumstances described in the complaint.

(3) The Commission may require the claimant to provide further evidence.

(4) The Commission may refer the complaint and related correspondence to independent experts for expert opinion.

Art. 240. (1) The Commission shall make a decision on the complaint within one month from receipt.

(2) In case of encountering complex technical and/or economical issues, the term may be prolonged by 30 days.

Art. 241. (1) In its decision under Art. 240 the Commission shall give binding instructions to the undertaking for elimination of the committed violation within a deadline set by the Commission.

(2) The decision of the Commission shall be communicated to the undertaking under Art. 238, Para 1 and to the claimant.

Art. 242. (1) The Commission shall prepare annual analysis of the complaints under this Chapter, in which it identifies the reasons, causing them.

(2) The analysis shall be included in the annual report of the Commission.

Chapter fifteen.

SECURITY OF ELECTRONIC COMMUNICATIONS NETWORKS AND SERVICES, CONFIDENTIALITY OF COMMUNICATIONS AND PROTECTION OF USERS' DATA

Section I.

SECURITY OF ELECTRONIC COMMUNICATIONS NETWORKS AND SERVICES

Art. 243. (1) Undertakings, providing public electronic communications services shall be obligated to take the necessary technical and organizational measures, and if necessary in cooperation with the undertakings, providing public electronic communications networks, to safeguard security of the electronic communications networks and/or services.

(2) The measures under Para 1 shall be taken in order to protect the fundamental rights and freedoms of the citizens, including the right to privacy with respect to the processing of personal data and ensuring free movement of such data and of electronic communications equipment and services within the European Union.

Art. 244. In case of danger of a breach of the security of the electronic communications networks, the undertaking providing public electronic communication services shall inform its subscribers about such danger, the necessary means for its elimination, including the related expenditures.

Section II.

Confidentiality of Communications

Art. 245. (1) Undertakings providing public electronic communications networks and/or services shall be obligated not to disclose and distribute the communications and related traffic data, information about the location and data, required for user's identification, having become known to them in the course of provision of electronic communications networks and/or services.

(2) The obligations under Para 1 shall also apply to the employees of the undertakings under Para 1, who have access or could obtain access to the communications and the information under Para 1.

Art. 246. (1) For the purpose of safeguarding the confidentiality of communications and the related traffic data it shall be prohibited to listen to, record, store or otherwise intercept or track down communications, by persons, different from the sender and the recipient of the communication without sender's and recipient's explicit consent, except in cases provided in a law.

(2) The prohibition under Para 1 shall not apply to undertakings, providing electronic communications networks and/or services, when:

1. storage is required due to technical reasons or it is an essential part of the provision of the service;
2. a verification of the technical Parameters of the service is done by persons authorized under this Law;

(3) In the cases under par 2, the undertakings providing public electronic communications networks and/or services shall be obligated to erase the stored communications as soon as the reason for its storage is no longer valid.

Art. 247. (1) In addition to the exceptions under Art. 246, Para 2, the restrictions shall not apply to recording of communications and related to them traffic data also when:

1. the recording is necessary and provided for in law for the purpose of providing evidence of a commercial transaction, and
2. the sender and the recipient of the communications have been informed in advance of the recording, of its purposes and of the duration of its storage, as well as of their right to refuse such recording.

(2) The recorded communications and related traffic data shall be stored for a period not longer than the period, within which they may be used in accordance with Para 1, Item 1.

Section III. Protection of End-Users' Data

Art. 248. (1) Undertakings, providing public electronic communications networks and/or services may collect, process and use data of end-users where such data are meant directly for the provision of electronic communications services.

(2) The data of end-users include:

1. traffic data – data necessary for the provision of electronic communications services, for billing, for the formation of the subscribers' bills, as well as for proving their reliability:

- a) the number of the calling end-user and the number of the called end-user, the electronic prepaid card number;
- b) beginning and end of the call, specified by date and time, with accuracy up to second, if technically possible, and/or - in case of data transfer – volume of the transferred data for billing purposes;
- c) the type of the service provided;
- d) the interconnection points related to the call, beginning and end of their use, specified by date and time, with accuracy up to the second, if technically possible;
- e) data for the type of connection or zones - time and territorial, necessary for billing purposes;
- f) location of a user of a service provided over mobile network, including when "roaming" service is provided

2. Data, required to produce subscribers' bills, as well as to prove their reliability, including the following data:

- a) data about the subscriber: for natural persons – full name, personal ID number and address; for foreigners: personal number; for legal persons and natural persons – sole traders – corporate name, seat, registered address and respective identification code;
- b) type of electronic communications services used;
- c) total number of price units, charged for the period of drawing the bill for a regular account;
- d) price of the services used for the respective period;
- e) information on the payment option chosen by the subscriber and the payments made and payments due;
- f) information regarding changes in the use of the service – restriction of use, restoration after the restriction;

3. location data – data processed in electronic communications networks for determination of the geographic location of terminal electronic communication facility of the user.

Art. 249. (1) Undertakings, providing public electronic communications services may not request from end user further data than those under Art. 248, Para 2, Item 2, Item "a" for provision of services. The personal ID

number of end-users may be used only for the purpose of collecting due payments by court procedure, whereas they may be processed also when a natural person, to which this data relate, has given his/her explicit consent.

(2) Undertakings, providing public electronic communications services may not place conditions for provision of their services depending on to end-user's consent to use his/her data for other purposes.

Art. 250. (1) Undertakings, providing public electronic communications services which collect, process and use traffic data for the purpose of a call or establishment of a connection, shall be obligated, after termination of the call or connection, to delete this data or de-personified them, unless it is directly necessary for the realization of a new call or in the cases, stipulated by this Law.

(2) Undertakings under Para 1 shall be obligated to provide to the users accurate and full information about the type of traffic data which are processed for the purposes of billing of users and for interconnection payments, and about the duration of such processing.

(3) Undertakings under Para 1 shall store data for the billing and formation of the subscribers' bills as well as information on interconnection payment until the payment is effected, except in the cases when billing data is challenged or payment pursued according to this Law.

(4) Undertakings under Para 1 shall provide information about traffic data to the Commission upon its request, in connection with settling access, interconnection and billing disputes.

(5) Undertakings under Para 1 may use the data under Para 1 for the purpose of market surveys, including the extent to which the provided electronic communications services satisfy the needs of end-users, or for the provision of value added services, requiring further processing of traffic data or location data, different from the traffic data, required for the transfer of communication or for its charging only upon end-user's prior consent. The personal data of end-users, received in connection with the survey, shall be de-personified.

(6) Undertakings under Para 1 upon end users' prior consent may process the information about the types of traffic data for the purpose of market surveys.

(7) Undertakings under Para 1 shall provide to the users accurate and full information about the types of traffic data which are processed, as well as about the duration of such processing.

(8) Upon obtaining end users' preliminary consent undertakings under Para 1 shall have the right to provide traffic data, related to the users for the purpose of provision of value added service, requiring further processing of traffic data or location data, different from the traffic data, required for the transfer of communication or for its charging.

(9) Undertakings under Para 1 shall include a mechanism in their relations with the users, through which users may withdraw at any time their consent given under Para 5.

Art. 250a. (new – SG 17/10, in force from 10.05.2010) (1) The undertakings providing public electronic communication networks and/or services, shall store for a period of 12 months data, generated or processed in the process of their activity, required for:

1. tracing and identification of the source of the connection;
2. identification of the direction of the connection;
3. identification of the date, time and duration of the connection;
4. identification of the type of the connection;
5. identification of the user's end electronic communication facility or of the one, presented as his/her end facility;
6. setting of used cells identifier.

(2) The information under Para 1 shall be stored for the purpose of discovering and investigating severe crimes and crimes under Art. 319a - 319f of the Penal Code, as well as for searching persons.

(3) Other data, including data, disclosing the content of communications, may not be stored pursuant to this procedure.

(4) Undertakings, providing public electronic communication networks and/or services shall be obliged to destroy the data after expiration of the term of par. 1.

(5) The preservation for a period of up to 6 months from the date of providing information that has been accessed and stored may be required by the head of the requesting authority from the providing undertaking.

(6) The information under Para 1 shall be processed and stored in compliance with the requirements of the Law on Protection of the Personal Data.

Art. 250b. (new – SG 17/10, in force from 10.05.2010) (1) The right to inquire about the information under Art. 250a, Para 1 according to their competence shall have the heads of:

1. the specialised directorates, the territorial directorates and the independent territorial units of State Agency „National Security“;
2. Chief Directorate „Criminal Police“, Chief Directorate „Struggle against the Organised Crime“, Chief

Directorate „Guard Police“, Chief Directorate „Border Police“, Directorate „Internal Security“, the Capital Directorate of Interior, the Regional Directorates of the Ministry of Interior and the territorial units of Chief Directorate „Struggle against the Organised Crime“;

3. the „Military Information“ and „Military Police“ services at the Minister of Defense;

4. the National Investigation Service.

(2) To access the information under Art. 250a, Para 1 a reasoned request in writing shall be drawn up by the head of the respective authority under Para 1 containing:

1. the legal grounds and the purpose justifying the access;

2. the registration number of the file subject to the inquiry;

3. the information to be included in the inquiry;

4. the time period to be comprised by the inquiry;

5. the official that shall receive the information.

(3) The requests by the authorities under Para 1 shall be kept in a special register, which shall not be public.

Art. 250c. (new – SG 17/10, in force from 10.05.2010) (1) The access to the information under Art. 250a, Para 1 shall be provided following a permission by the chairman of the district court or by a judge authorised by him at the seat of the authority requesting access on the basis of which an order for providing access to the information shall be issued.

(2) The mandatory contents of the order under Para 1 shall be:

1. the information to be included in the inquiry;

2. the period of time to be comprised by the inquiry;

3. the official to be provided the information;

4. name, position and signature of the judge.

(3) A special non-public register shall be kept in the district courts for the permissions or refusals that have been issued.

(4) For the purposes of the penal procedure the information under Art. 250a, Para 1 shall be provided to the court and to the pre-trial authorities under the conditions and order of the Penal-Procedure Code.

(5) The access to information under Art. 250a, Para 1 related to a chairman of a district court, his ascendants, descendants, brothers or sisters, spouse or cohabitant shall be provided following a permission by the chairman of the corresponding regional court.

Art. 250d. (new – SG 17/10, in force from 10.05.2010) (1) The undertakings providing public electronic communication networks and/or services shall be obliged to ensure that the order under Art. 250c, Para 1 and Art. 251, Para 2 can be received 24 hours per day, 7 days per week.

(2) The heads of the undertakings providing public electronic communication networks and/or services shall submit to the Communications Regulatory Commission a list indicating:

1. a current address on which to receive the order under Art. 250c, Para 1 and Art. 251, Para 2;

2. a name, second name, surname and position of the authorised officials who shall receive the orders under Art. 250c, Para 1 and Art. 251, Para 2, as well as a telephone number to contact them; where the data is changed, the Communications Regulatory Commission shall be notified in writing within 24 hours and its Chairman shall immediately make the lists available to the heads of the authorities under Art/ 250b, Para 1.

Art. 250e. (new – SG 17/10, in force from 10.05.2010) (1) The undertakings providing public electronic communication networks and/or services shall perform an inquiry about the information under Art. 250a, Para 1 after submission of an access order. The submitted access order shall be entered into a special non-public register.

(2) Within shortest terms, but no more than 72 hours from submission of the access order under Art. 250c, Para 1 and Art. 251, Para 2 to the undertaking, the undertakings providing public electronic communication networks and/or services shall send the information to the official under Art. 250c, Para 2, Item 3. The Minister of Interior or official authorised by him in writing may specify a concrete term for sending the information.

(3) Inquiries about the information under Art. 250a, Para 1 in the undertakings providing public electronic communication networks and/or services may be carried out only by officials authorised in writing by the head of the undertaking.

(4) After being drawn up the inquiry shall be signed by the head of the undertaking, providing public electronic communication networks and/or services, or by an official authorised in writing by him. The inquiry shall be entered into a special register and shall be sent to an official specified in the order to be provided the information.

(5) Where possible the order of the judge and the inquiry under Para 4 shall be sent electronically in

compliance with the requirements of the Law on the Electronic Management and the Law on the Electronic Document and the Electronic Signature.

Art. 250f. (new – SG 17/10, in force from 10.05.2010) The inquiry under Art. 250e, Para 4 that is not used for opening a pre-trial procedure, regardless whether its is classified information, shall be destroyed within 6 months from the date of its receipt by a commission of three members determined by the head of the authority under Art. 250b, Para 1 which shall be recorded in a protocol.

Art. 251. (amend. – SG 17/09; amend. – SG 17/10, in force from 10.05.2010) (1) The information under Art. 250a, Para 1 may be provided also to a competent authority of Member State, when provided for by an international agreement in force for the Republic of Bulgaria.

(2) The access to the information under Art. 250am Para 1 shall be provided at request by a head of a chief or specialised directorate under Art. 250b, Para 1, Items 1 and 2, following a permission in writing by the chairman of the Sofia City Court or a judge authorised by him, for which an order for access to the information shall be issued. A special non-public register shall be kept at the Sofia City Court for the granted permissions and refusals.

(3) The competent authority of the other State shall be notified of the results from the inquiry for the information under Art. 250a, Para 1 under the procedure stipulated in the international agreement.

Art. 251a. (new – SG 17/09) (1) (amend. – SG 17/10, in force from 10.05.2010) The data under Art. 250a, par. 1, item 1 are in case of:

1. public telephone service – the calling party's telephone number and identification data of the subscriber or of the user;

2. internet access, email over internet and internet telephony – identifier, allocated for the user, user's identifier and telephone number, determined for each communication, incoming to the public telephone network, subscriber's or user's identification data, for whom IP address, user's identifier or a telephone number at the time of connection have been allocated.

(2) (amend. – SG 17/10, in force from 10.05.2010) The data under Art. 250a, par. 1, item 2 shall be in case of:

1. public telephone service – the dialed (called party's telephone number) and in case of additional services, like call divert or call forwarding, a number or numbers, to which the call has been directed, and identification data of the subscriber or of the user;

2. email over internet and internet telephony – user's identifier or a telephone number of the party/parties receiving internet telephone call, subscriber's or user's identification data, and identifier of the receiving party, for which the communication is meant.

(3) (amend. – SG 17/10, in force from 10.05.2010) The data under Art. 250a, par. 1, item 3 shall be:

1. in case of public telephone service – date and time of the start and end of the connection;

2. for internet access, email over internet and internet telephony – date and time of signing in and signing out of the internet access service, based on the set time zone, together with the IP address, either dynamic or static, allocated for the connection by the internet access service provider, and subscriber's or user's identifier, date and time of signing in and signing out of the email service over internet or internet telephony, based on the set time zone.

(4) (amend. – SG 17/10, in force from 10.05.2010) The data under Art. 250a, par. 1, item 4 shall be:

1. type of the used public telephone service;

2. the used internet service in case of email over internet or internet telephony;

(5) (amend. – SG 17/10, in force from 10.05.2010) The data under Art. 250a, par. 1, item 5 shall be in case of:

1. fixed telephone service – of the calling and called telephone number;

2. public telephone service, provided through a mobile terrestrial network – for a calling and called telephone number; international mobile subscriber identifier (IMSI); international called mobile subscriber identifier (IMSI), international identifier of the calling mobile end electronic communication device (IMEI); international identifier of the called mobile end electronic communication device (IMEI); in case of prepaid services – date and time of initial service activation and locality label – cell identifier, from where the service has been activated and subscriber's or user's identification;

3. internet access, email over internet and internet telephony – the calling telephone number for commutable access, digital subscriber's line (DSL) or another end point of the connection initiator.

(6) (amend. – SG 17/10, in force from 10.05.2010) Data under Art. 250a, par. 1, item 6 shall be administrative addresses of cells of the mobile terrestrial electronic communication network, from which a call has been generated or terminated.

Art. 252. (1) Processing of traffic data shall be carried out by officials authorised by the undertakings providing electronic communications services, who are in charge of:

1. the administration of traffic data and data under Art. 248, Para 2, Item 2;
 2. end-users inquiries,
 3. identification of misuse;
 4. marketing of electronic communications services;
 5. provision of value added services, requiring further processing of traffic data or location data, different from the traffic data, required for the transfer of communication or for its charging
- (2) Officials shall have access only to the information, required for the respective activity.

Art. 253. (1) Undertakings, providing electronic communications services may, after obtaining prior written consent, process location data of users and subscribers, provided that:

1. data is de-personified; or
2. data is necessary for the purposes and duration of provision of value added services, requiring further processing of traffic data or location data, different from the traffic data, required for the transfer of communication or for its charging

(2) Undertakings under Para 1 shall inform in advance their end-users of the type of location data under Para 1, which will be processed, of the purposes and duration of such processing and of the possibility data to be transmitted to a third party for the purpose of providing value added services, requiring further processing of traffic data or location data, different from the traffic data, required for the transfer of communication or for its charging

(3) Undertakings under Para 1 shall provide free of charge opportunities for the end-users to:

1. withdraw at any time their preliminary consent for processing of location data;
2. refuse temporarily the processing of their location data for each connection to the electronic communication network or for each transmitted communication.

Art. 254. Processing of location data shall be carried out by persons authorised by the undertakings under Art. 252, Para 1 or by authorised persons by a third party, providing value added services, and shall have to be restricted to the relevant level for the purpose of providing the value added services.

Art. 255. (1) (suppl. – SG 17/09) Undertakings under Art. 252, Para 1 shall process and provide at their expense location data of end-users in case of emergency calls, including when a prior consent for the processing of location data has not been obtained or when a refusal under Art. 253, Para 3 has been received. The data shall be provided only to the relevant services.

(2) (suppl. – SG 17/09) Undertakings under Art. 252, Para 1 shall provide at their expense the required hardware and software for routing and transfer of calls to the emergency call centres.

(3) (amend. – SG 17/09) The conditions and the procedure of provision of end-users' location data and information about the subscriber in case of emergency calls by undertakings, providing public telephone services to emergency call centers, shall be set in rules, adopted by the Commission.

Art. 256. (1)) Undertakings providing public electronic communications services may collect, process and use the data under Art. 248, Para 2 also for:

1. detecting, locating and eliminating defects and software errors in the electronic communications networks;

2. detecting and terminating unauthorized use of electronic communications networks and facilities, where there are grounds to consider that such actions are being performed and this has been claimed in writing by the affected party or a competent authority;

3. detecting and tracking of disturbing calls, upon a request on the part of the affected subscriber claiming the undertaking providing the service to take measures.

(2) Where taking actions under Para 1, the undertakings providing public electronic communications services shall inform the persons concerned as soon as possible, unless this will prevent the achievement of the objectives of this provision.

(3) The data collected by the order of this Art. shall be used only for the purposes under Para 1.

Art. 257. (1) Undertakings providing public telephone services shall be obliged, when technically possible, to ensure the functions of the electronic communications services "tone dialling", "calling line identification" and "connected line identification".

(2) Undertakings under Para 1 providing "calling-line identification" function of the electronic communications network shall offer the service of "displaying of calling line identification" free of charge, providing

the opportunity to end-users free of charge to activate or deactivate the service "calling line identification restriction" using generally accessible means for each call or permanently for their respective line.

(3) Undertakings under Para 1 providing "connected line identification" function of the electronic communications network shall offer the service of "displaying of connecting line identification" free of charge, providing the opportunity to end-users free of charge to activate or deactivate the service "connecting line identification restriction" using generally accessible means for each call or permanently for their respective line.

(4) The undertakings under Para 1 providing the "calling-line identification" function of the electronic communications network shall offer the called end user the possibility, free of charge, using generally accessible means, to reject incoming calls where the "calling line identification restriction" has been de-activated by the calling end user.

(5) Where providing emergency call services, as well as in cases of calls to services responsible for national security, defence and internal affairs, the undertakings under Para 1 shall guarantee that the "calling-line identification restriction" function can not be activated.

(6) Undertakings under Para 1, providing "calling line identification" function of the electronic communications network shall ensure for their end-users, free of charge, availability of the service "stop receiving calls forwarded to their terminal equipment".

(7) When technical capacity for the provision of the functions under Para 1 is not available, the Commission, jointly with the undertakings under Para 1 and according to their investment policy shall specify the procedure and term for the introduction of these functions of the electronic communications network.

(8) The Commission shall notify the European commission about the cases where a technical capacity under Para 1 and 6 is not available.

(9) Undertakings under Para 1 shall provide their networks for performing calls, transmission of communications, or electronic mail for direct marketing upon the explicit written consent of their subscribers.

(10) The conditions and the procedure of provision and use of services under Para 1, 4 and 6 shall be set in rules, adopted by a decision of the Commission, which shall be promulgated in the official section of the State Gazette.

Art. 258. (1) Undertakings providing public electronic communications services, which produce and publish telephone directories in printed or electronic form, shall include free of charge in the directories the subscriber's name (personal name or name of the company), address and telephone number. The telephone directory may also include additional data as requested by the subscriber.

(2) (amend. – SG 17/09) Undertakings providing electronic communication services which provide telephone numbers to their subscribers, shall be obligated to inform their subscribers, in advance and free of charge, of the purposes of use of the directory in which their data will be included as well as of any further possibilities of usage of that data via search functions, for electronic versions of the directory, enabling users of the directory to discover the name and address of the subscribers on the basis of a telephone number only.

(3) Undertakings under Para 1, publishing telephone directories in electronic form, used also through Internet or another electronic communications network, shall be obliged to provide access to the respective telephone number only when a minimum amount of data has been provided fully and accurately. The undertakings under Para 1 shall be obligated to take appropriate technical and organizational measures to prevent the possibility of copying text from directories in electronic form.

(4) The subscriber shall have, free of charge, the right to:

1. submit the entering a part or all his/her data into the telephone directory;

2. request verification, change or deletion, completely or partially, of his/her data in the telephone directory; the data shall be deleted or modified when a new or an existing updated telephone directory is issued.

(5) The subscriber may request that additional information is included in the telephone directory concerning other people using jointly the line, provided that their written consent is given in advance.

(6) The subscriber shall be informed of any usage possibilities based on search function for electronic versions of the directory, enabling users of the directory to get the name and address of the subscribers on the basis of the telephone number only.

(7) (new – SG 17/09) The undertakings. Providing electronic communication services, allocating telephone numbers to their subscribers, shall be obliged upon a justified request to provide to the undertaking, producing and issuing telephone directories on a hard and soft copy, as well as to the undertakings providing telephone information services, the required by them information and data base in an agreed format under terms and conditions, which are fair, objective, cost oriented and equal. The information and the data bases shall be provided in case of existing explicit subscribers' consent.

(8) (prev. par. 7 – SG 17/09; amend. - SG 89/09, in force from 10.11.2009) The conditions and the procedure of issuing telephone directories, including operation with the database, their transfer and use, shall be laid down in an ordinance, issued by the Minister of Transport, Information Technology and Communications and

shall be promulgated in the State Gazette.

Art. 259. (1) Undertakings providing public electronic communications services shall provide telephone enquiry services in compliance with the data included in a printed or electronic telephone directory.

(2) Undertakings under Para 1 shall provide information about the respective telephone number only when a minimum amount of data has been provided accurately

(3) (prev. par. 7 – SG 17/09) The conditions and the procedure of provision of telephone inquiry services shall be laid down in the ordinance under Art. 258, Para 8.

Art. 260. (1) The subscribers shall have the right to not receive Itemized bills upon an explicit request.

(2) (prev. par. 7 – SG 17/09) Undertakings offering public telephone services shall provide to the subscribers, free of charge, an Itemized bill for services used, along with a tax invoice, and shall provide free of charge access to information in electronic form concerning the monthly bills for used services.

(3) The Itemized bill shall contain at least the following information:

1. all types of services used by the subscriber within the payment period;

2. number of the services used;

3. total price per type of service used;

4. total amount of the bill;

5. total amount of taxes calculated on the bill given both as per cent of the amount of the bill and as an absolute value;

6. amount of discounts, which might be due to the subscriber in consideration of the method of using the services, agreed between the subscriber and the undertaking providing the services;

7. total due amount ;

8. term of payment;

9. possible means for distant payment of the bill, with relevant data for that;

10. identification data of the undertaking providing the services;

11. addresses, telephone numbers, and other contact details of the undertaking providing the services.

(4) Undertakings under Para 2 may upon request provide Itemized bill for the used telephone services, shall contain information at least about:

1. the type of each accomplished call service used, including the accomplished calls, which are free of charge;

2. the cost of each accomplished call;

3. date, time and duration of each accomplished call.

(5) The undertakings providing the services shall ensure for the subscribers a possibility to receive their bills in electronic or printed form.

Art. 261. (1) Calls, messages or electronic mail for the purpose of the direct marketing shall be allowed only when a prior consent of the user has been obtained. The consent may be withdrawn at any time.

(2) The prior consent of users is not required when:

1. the sender has obtained the contact details in the context of a commercial transaction or provision of service to their customers;

2. the message is sent for the purpose of direct marketing of undertaking's own services.

(3) In the cases under Para 2, as well as in any cases when the prior consent is not obtained, any person, who sends messages for marketing purposes, shall have to provide opportunity to each user to express their dissent with further receipt of such messages.

(4) The person under Para 3 shall be obligated to respect any refusal of obtaining messages for marketing purposes.

(5) Sending of messages for marketing purposes shall be prohibited even when the requirements under Para 1-3 are fulfilled, when the identity of the sender cannot be established, or the message has an invalid address to which the recipient may not send refusal to obtain messages.

Art. 261a. (new – SG 17/10, in force from 10.05.2010) (1) The Commission for Protection of Personal Data shall be a supervisory authority for security of the information retained under Art. 250a, Para 1.

(2) As a supervisory authority the Commission for Protection of Personal Data shall supervise the activity of the undertakings providing public electronic communication networks and/or services for compliance with the following rules for retention of the information under Art. 250a, Para 1 in order to guarantee their protection and security:

1. the retained information shall be of the same quality and shall be subject to the same security and protection as the corresponding information in the network;

2. provision of appropriate technical and organizational measures to protect the information of accidental or illegal destruction, accidental loss or change, or unauthorized or illegal retention, processing, access or disclosure;

3. provision of appropriate technical and organizational measures to guarantee access to the data only to specially authorised staff;

4. the information, except that provided to the competent authorities and retained by them, shall be destroyed at the end of the retention period, except in the cases explicitly specified in the law.

(3) For carrying out the activity under Para 2 the Commission for Protection of Personal Data shall be entitled to:

1. request within its competence information from the undertakings providing public electronic communication networks and/or services;

2. give mandatory instructions subject to immediate performance.

(4) Annually, by 31 March, the undertakings providing public electronic communication networks and/or services shall provide to the Commission for Protection of Personal Data as a supervisory authority statistical information about:

1. the cases of provided information to the competent authorities under Art. 250b, Para 1 and Art. 250c, Para 4;

2. the time that has expired since the initial date of retention to the date of the request of the information by the competent authorities;

3. the cases, where the information request could not be answered.

(5) The Commission for Protection of Personal Data shall provide annually to the National Assembly and to the European Commission summarised information under Para 4 within two months from receiving it.

(6) The summarised statistical information under Para 4 and 5 shall not contain personal data.

Art. 261b. (new – SG 17/10, in force from 10.05.2010) (1) The National Assembly, through a commission specified in its structural and activity regulations, shall carry out parliamentary control and supervision of the procedures of permission and access to the information under Art. 250a, Para 1, as well as for protection of the rights and freedoms of the citizens against illegal access to such information.

(2) For performing its functions the commission under Para 1 shall have the right:

1. to request within its competence information from the authorities under Art. 250b, Para 1, from the undertakings providing public electronic communication networks and/or services and from the Commission for Protection of Personal Data;

2. to check the procedures and methods of retention of information under Art. 250a, Para 1, of the requests and orders, as well as the procedures for destruction of the information under Art. 250a, Para 1 and Art. 250f;

3. to access the premises of the authorities under Art. 250b, Para 1 and of the undertakings providing public electronic communication networks and/or services;

4. to draw up annual reports of the conducted checks and to extend proposals for improvement of the procedures for retention and processing of the information under Art. 250a, Para 1.

(3) The Ministry of Interior, the Ministry of Defense, the State Agency „National Security“, the National Intelligence Service and the Chief Prosecutor shall draw up by 31 March every year summarised statistical information of the submitted requests, the issued judicial orders, the received and the destroyed inquiries regarding information under Art. 250a, Para 1, which shall be submitted to the commission under Para 1.

(4) In cases of finding unlawful use, retention or destruction of information under Art. 250a, Para 1 the commission shall notify of the violations the competent prosecution authorities and the heads of the authorities under Art. 250b, Para 1 and of the undertakings providing public electronic communication networks and/or services. The heads of the authorities and the undertakings shall be obliged to notify in due time the commission of the measures that have been undertaken to terminate the violations.

(5) The commission under Para 1 shall notify ex officio the citizens of any requested or granted illegal access to information under Art. 250a, Para 1 regarding them.

(6) The citizens shall not be notified if thus the achievement of the purposes under Art. 250a, Para 2 or Art. 250c, Para 4 can be endangered.

Art. 262. For all matters not covered by this chapter concerning natural persons the provisions of the Law for Protection of the Personal Data shall apply.

Chapter sixteen.
RADIO EQUIPMENT AND ELECTRONIC COMMUNICATION TERMINAL EQUIPMENT, EQUIPMENT FOR
INTERACTIVE DIGITAL TELEVISION SERVICES AND STANDARDS IN THE FIELD OF ELECTRONIC
COMMUNICATION NETWORKS AND/OR SERVICES

Section I.
Radio Equipment and Electronic Communication Terminal Equipment and Equipment for Digital
Interactive Television Services

Art. 263. (1) Placing on the market and putting into service of electronic communications terminal equipment and equipment for digital interactive television services with assessed conformity against the Law for the Technical Requirements for the Products shall be free.

(2) Placing on the market of radio equipment with assessed conformity against the Law for the Technical Requirements for the Products shall be free.

Art. 264. Putting into service of radio equipment with assessed conformity against the Law for the Technical Requirements for the Products and using harmonized within the European Union radio-frequency bands shall be free.

Art. 265. (1) The Commission in coordination with the Council on the National Radio-frequency Spectrum shall produce and update at least once a year a list of radio equipment under Art. 264 and terminal electronic radio equipment.

(2) The list shall be adopted by a decision of the Commission and shall be promulgated in the official section of the State Gazette.

(3) The list under Para 1 shall contain radio equipment technical Parameters, as well as requirements, related to non-generation of interference in using radio-frequency spectrum.

Art. 266. Putting into service of the radio equipment may only be restricted for the following reasons, related to:

1. effective and radio interference free use of the radio-frequency spectrum allocated in accordance with the National Plan for Allocation of the Radio-frequency Spectrum;
2. protection of human life and health;
3. protection of the national security and defence.

Art. 267. In the territory of the Republic of Bulgaria may not be commissioned radio equipment:

1. using radio-frequency bands, allocated for the needs of the national security in the National Plan for Allocation of Radio Spectrum;
2. using radio-frequency bands, which according to the National Plan for Allocation of Radio Spectrum are not allocated in the Republic of Bulgaria for the respective type of radio services;
3. technical Parameters of which do not meet the requirements of the provisions under Art. 65, Para 2.

Art. 268. (1) Radio equipment, using radio-frequency bands, non-harmonized within the European union and/or which cannot be commissioned on the territory of the Republic of Bulgaria, or may be commissioned upon granting an authorization for individually assigned limited resource, must bear an identification marking symbol.

(2) (amend. - SG 89/09, in force from 10.11.2009) The procedure and the method of affixing the specific marking under Para 1 shall be regulated in an ordinance of the Council of Ministers under a proposal of the Minister of Transport, Information Technology and Communications.

Art. 269. (1) An entity placing on the market radio equipment under Art. 268, Para 1, shall notify the Commission, at least one month prior to placing it on the market.

(2) The notification under Para 1 shall be submitted in an approved by the Commission form and shall contain:

1. the name, corporate name and address of the entity;
2. the name of radio equipment and its technical Parameters;
3. the identification number of the entity having assessed the conformity of the radio-equipment against the essential requirements pursuant to the Law for the Technical Requirements for the Products;
4. date of submission of the notification.

Art. 270. (1) The Commission may restrict with a motivated decision placing on the market of radio

equipment under Art. 268, Para 1, which may cause radio interference and shall notify the State Agency of Metrological and Technical Supervision and the European Commission about the decision taken.

(2) In cases under Para 1 the Commission shall issue a decision within 30 days from the submission of the notification under Art. 269.

(3) The Commission may require in a motivated decision from the State Agency for Metrological and Technical Supervision to withdraw a placed on the market radio equipment, causing radio interference.

Art. 271. (1) Undertakings, providing public electronic communication services by public electronic communication networks may not refuse due to technical reasons connection of the electronic communication terminal equipment which has been assessed for conformity.

(2) When electronic communication terminal equipment, which has been assessed for conformity, causes damages to the electronic communications network, radio interference, or harm to the network or its functioning, or is not used for its intended purpose, the undertakings under Para 1 shall have the right to refuse connection, to disconnect that equipment or to withdraw it from service, after performing all the necessary technical inspections. In those cases the undertakings shall immediately notify the State Agency for Metrological and Technical Supervision

(3) In cases of accidents the undertakings under Para 1 can disconnect electronic communication terminal equipment, if the protection of the electronic communication network safety requires its immediate disconnection, and if an alternative solution for connection to the network can be offered to the user, without delay and without costs for him/her.

(4) In the cases under Para 3 the undertakings shall immediately notify the Commission.

Art. 272. (1) Undertakings, providing public electronic communication networks and/or services, prior to making their services available, shall publish technical specifications of the interfaces for the connection of electronic communication terminal equipment to their networks on their Internet sites, and shall periodically update them and shall send to the Commission information about interfaces technical specifications.

(2) The technical specifications under Para 1 shall include all the information necessary to allow manufacturers to carry out, by their choice, the relevant tests for the essential requirements applicable to the electronic communication terminal equipment and design it in such a way as to be able to provide all services through the respective interface.

Art. 273. The Commission shall monitor the fulfilment of obligations under Art. 272 by undertakings, shall publish information about undertakings interfaces on its internet site and shall inform the European Commission on the types of interfaces for connection of electronic communication terminal equipment applied in public electronic communication networks

Art. 274. (1) (amend. - SG 43/08; amend. - SG 93/09) Radio equipment and/or electronic communication terminal equipment, including hardware accessories to the radio equipment or terminal equipment for encryption of electronic communications and using cryptographic keys more than 56 bits long, shall be manufactured or imported after registration in Directorate "Technical Operations" of State Agency "National Security".

(2) Cryptographic devices for bank transactions protection, smart cards, scramblers for scrambling television signals, mobile phones without a built-in additional cryptographic module and cryptographic devices used by representations or other organisations having a status of diplomatic missions shall not be subject to registration under Para 1.

(3) (amend. - SG 43/08) Radio equipment and electronic communication terminal equipment under Para 1 shall be entered in a public register. The register shall be published on the Internet site of State Agency "National Security".

(4) The register under Para 3 shall contain the following information:

1. identification data about the manufacturer or importer:

a) for natural persons – full name and permanent address;

b) for legal persons and natural persons-sole traders – name (company), headquarters, registered address;

2. name and type of the terminal equipment under Para 1.

Art. 275. (1) (amend. - SG 43/08; amend. - SG 93/09) To register radio equipment or electronic communication terminal equipment under Art. 274, the manufacturer or importer shall file an application to the Directorate "Technical Operations" of State Agency "National Security".

(2) The application under Para 1 shall contain:

1. identification data of the manufacturer, importer, respectively (the importer shall also supply data on the manufacturer):

a) for natural persons – full name, unified citizen number and permanent address, and for foreign entities – personal number;

b) for legal persons and natural persons-sole traders – name (company), headquarters, registered address, and unified identification code under BULSTAT, and for foreign entities – relevant identification code.

2. full name of the radio equipment or the electronic communication terminal equipment;

3. short description of the radio equipment or the electronic communication terminal equipment, including type of cryptographic algorithms used and the length of the cryptographic keys.

(3) Attached to the application under Para 1 shall be:

1. a copy of the technical documentation of the radio equipment or the electronic communication terminal equipment;

2. description of the cryptographic algorithms, if they are not publicly accessible, the methods of their initialisation, working modes and formats of incoming and outgoing data.

(4) The application and the documents attached to it shall be in Bulgarian language.

(5) In case of incomplete application or attachments to it, the manufacturer or the importer, respectively, shall be notified in writing to correct the omissions. If the omissions are not corrected within 30 days from the notification date, the procedure shall be terminated.

(6) (amend. - SG 43/08; amend. - SG 93/09) The Directorate "Technical Operations" of State Agency "National Security" shall enter the radio equipment or device in the register under Art. 274, Para 3, within 30 days of the date of receipt of the application with the attachments or of correction of the omissions under Para 5.

Art. 276. (1) (amend. - SG 43/08; amend. - SG 93/09) The Directorate "Technical Operations" of State Agency "National Security" shall issue a certificate of entry in the register under Art. 274, Para 3, to the entity, importing or producing radio equipment and/or electronic communication terminal equipment under Art. 274, Para 1

(2) (amend. - SG 43/08) For the issuance of the certificate under Para 1, a fee shall be paid to the amount specified in the Tariff of Fees, collected by State Agency "National Security".

Art. 277. (suppl. - SG 109/07, in force from 01.01.2008) Entities carrying out transactions with radio equipment or electronic communication terminal equipment under Art. 274, Para 1 shall supply written information to the State Agency "National Security" and to the relevant regional unit for fighting organised crime at the Ministry of Interior on any transaction with such equipment or device – name, type, serial number and identification data under Art. 274, Para 4, Item 1 with whom the transaction has been made at least every three months.

Art. 278. Entities placing on the market digital television equipment deployed for the reception of digital interactive television services on digital interactive television platforms, shall ensure that this television equipment has open application programme interfaces (API) in accordance with the minimum requirement of the relevant standards and specifications.

Art. 279. (amend. - SG 89/09, in force from 10.11.2009) The requirements of this section shall not be applied to electronic communication equipment that is permanently installed on vessels and aircraft and/or serve to coordinate traffic and to ensure safety and/or search and rescue, as well as those facilities installed and used on shore, meant the same purpose and recognised as such by the Minister of Transport, Information Technology and Communications.

Section II.

Standards in the Field of Electronic Communication Networks and/or Services

Art. 280. (prev. par. 7 – SG 17/09) (1) Undertakings, providing public electronic communication networks and/or services shall apply:

1. with regard to the radio devices and end telecommunication facilities - Bulgarian standards transposing harmonised European standards published in the Official Journal of the Bulgarian Institute of Standardisation, corresponding to the published in the Official Journal of the European Union;

2. for ensuring of interoperability of electronic communication services and for enhancing freedom of choice for users of electronic communication services – the recommended by the European Commission standards and/or specifications, included in a list, published in the Official Journal of the European Union.

(2) Where there are no published standards and/or specifications under Para 1, item 2 standards and/or specifications of the European Standardization Organizations shall apply.

(3) Where there are no published standards and/or specifications under Para 1, item 2 and par. 2 international standards or recommendations of ITO, ISO, IEC shall be applied..

(4) European and international standards shall be introduced like Bulgarian and shall apply in compliance with the provisions of the Law of National Standardization.

(5) The Commission shall impose obligatory application of standards and/or specifications, only provided that they are stipulated as obligatory in the European Union Official Journal.

Chapter seventeen.

CONSTRUCTION AND MAINTENANCE OF ELECTRONIC COMMUNICATION INFRASTRUCTURE

Section I.

Construction of Electronic Communication Infrastructure

Art. 281. (1) Construction of electronic communication networks, facilities and relevant infrastructure shall be carried out under this Law and the Law of the Spatial Planning.

(2) Undertakings providing public electronic communication networks and/or services shall have the right to construct electronic communication networks, facilities and relevant infrastructure on, over or under real estates, which are:

1. public or private state property;
2. public or private municipality property;
3. private property of natural and legal persons.

(3) Undertakings providing private electronic communications for their own needs shall have the right to construct electronic communication networks, facilities and related infrastructure on, over and under real estates:

1. public state property;
2. public municipality property;
3. private property of natural and legal persons.

(4) (amend. - SG 89/09, in force from 10.11.2009) The rules and norms of engineering, constructing and putting into operation of electronic communication networks, facilities and related infrastructure, including safety requirements, shall be stipulated in joint ordinances of the Minister of Regional Development and Public Works and the Minister of Transport, Information Technology and Communications, depending on the types of networks.

(5) The control over engineering, construction, putting into operation and maintenance shall be carried out in accordance with the Law of the Spatial Planning.

Art. 282. (1) Undertakings providing electronic communications shall produce and maintain special maps, registers and, if possible, information systems in the sense of the Law on Cadastre and Property Register, for the electronic communication networks, facilities and the related infrastructure they have constructed.

(2) (amend. - SG 89/09, in force from 10.11.2009) The content of the special maps and registers and the terms and conditions of their production and maintenance shall be stipulated in a joint ordinance of the Minister of Transport, Information Technology and Communications and the Minister of Regional Development and Public Works.

Art. 283. (1) Undertakings providing public electronic communication networks and/or services are owners of the electronic communication networks, facilities and related infrastructure constructed by them, as well as of included as assets and/or acquired under a law or legal transaction electronic communication networks, facilities and related infrastructure.

(2) Transactions of disposal of constructed electronic communication networks, facilities and related infrastructure shall be carried out in writing, signature being certified by a Notary public and shall not be subject to entering. The constructed electronic communication networks, facilities and related infrastructure may be subject to a registered pledge pursuant to the Law for the Registered Pledges.

(3) The undertakings under Para 1 shall be commissioners of the construction of electronic communication networks, facilities and related infrastructure in the sense of Art. 161, Para 1 of the Law of the Spatial Planning, as well as concerned parties pursuant to Art. 124, Para 3 of the Law of the Spatial Planning.

(4) During the construction the constructor and the entity, carrying out construction supervision, shall undertake measures for environmental protection, for not admitting any damages or for their restriction.

(5) Within one month after accomplishment of construction and installation works the constructor and the entity, carrying out construction supervision, shall repair caused damages and shall undertake measures for

rehabilitation of the property in its condition before the initiation of construction at their expense.

Art. 284. (1) Re-location of electronic communication networks and facilities in the course of upcoming construction works shall be carried out under the Law for Spatial Planning based on an agreement between the concerned parties.

(2) Re-location under Para 1 shall be at the expense of the entity requesting the construction works, unless otherwise agreed upon between the parties.

(3) Provided that additional protection of the electronic communication network and/or facilities is required the expenses shall be incurred by their owner, unless otherwise agreed upon between the parties.

Art. 285. The central executive authorities and local self-government authorities, exercising the rights of the state or of the municipality in undertakings, carrying out electronic communications, shall separate their powers of management and control of those undertakings from the powers, related to granting rights of use in separate structural units.

Art. 286. (1) Cable electronic communication networks shall be built underground.

(2) Cable electronic communication networks can be built aerially only beyond urbanised territories and in urbanised territories with population up to 10000 inhabitants and/or with low residential buildings.

(3) Aerial building of cable electronic communication networks shall not be allowed in resort settlements and in settlements, neither in settlements or parts thereof, declared reserves of historical, archaeological, ethnographic or architectural importance.

(4) (new – SG 17/09) Control over implementation of the requirements under par. 1, 2 and 3 shall be carried out by the Commission under the terms and conditions and following the provisions of this law.

Section II. Easements

Art. 287. (1) In case of construction of new and/or extension of existing aerial and underground electronic communication networks and facilities for achieving the objectives under Art. 4 and in public interest, in favour of undertakings, providing public electronic communications networks and/or services easements arise. Easements pursuant to this Law shall be entered into the cadastre and shall be registered under the terms and conditions and following the procedure set in the Law on Cadastre and Property Register.

(2) Easements under Para 1 shall arise for all properties of public and private ownership, except for those, specified in Section III of this Chapter.

(3) The easements under Para 1 shall arise, where:

1. there is an enforced detailed development plan, indicating the location of the respective properties, and

2. (amend. – SG 17/09) only for properties of private ownership a single damage has been paid up by the holder of the easement to the property owner;

(4) (amend. – SG 17/09) Determination of the amount of damages under par. 3, item 2 shall be done with parties mutual consent or on the grounds of evaluation by a licensed evaluator, and for properties of public ownership no damages shall be due.

(5) The payment method of the damages under Para 3, Item 2 shall be agreed upon between the parties.

Art. 288. Easements pursuant to this Law shall be:

1. right-of-way and construction of networks in favour of undertakings, providing public electronic communications networks and/or services, including of deviations from these networks up to buildings in other land properties;

2. restriction of the use of land properties, where the right-of-way and/or the right of construction.

Art. 289. (1) Easements under this Law shall be indivisible rights, which may be exercised entirely in favour of each part of the dominant estate and are burdened fully on each part of the employed estate also in the cases, where this estate is a subject to administration in any legal way after the easement occurrence.

(2) Change of ownership of the employed estate does not terminate and/or modify the effect of the easements neither with regard to the dominant, not to the employed estate.

(3) The easement shall be used only for the purposes of the dominant property.

(4) The owner of the employed estate shall not have the right to relocate the easement, unless

otherwise agreed by the parties.

Art. 290. (1) In case of exercising of easements:

1. the undertaking, providing public electronic communications networks and/or services shall obtain the right its representatives to enter and pass through employed estates and to carry out on them activities, related to construction, development, maintenance and operation of electronic communications network, facilities and related infrastructure, including the right of way of equipment through the employed land properties with regard to network construction and servicing;

2. in the employed land properties shall not be allowed:

a) to carry out construction or perennial planting in easement zone, determined in the ordinance under Art. 292, unless otherwise agreed upon between the owner and the undertaking;

b) laying down of ducts of other systems of the technical infrastructure, except for the cases, where this is allowed by a legislative act, subject to compliance with the respective technical requirements and upon a written coordination with the undertaking, providing public electronic communication services and/or services.

(2) Exercising of the rights under Para 1, Item 1 shall be carried out pursuant to the provision of Art. 299 subject to compliance with the public order regulations.

(3) Easement holder shall be obliged to provide shared use of the easement zone in case of a grounded request by another undertaking, providing public communications networks and/or services, whenever this is technically and physically feasible and against payment.

(4) The payment under Para 3 may not exceed the total value of the damage under Art. 287, Para 3, Item 2.

Art. 291. (1) Exercising of the easement shall be carried out by the undertaking, providing electronic communications in compliance with this Law and with the technical requirements, set in the ordinance under Art. 192.

(2) Provided that the easement zone falls into an estate, for which a right of construction is being instituted, the easement on the property shall be indicated in the act of institution of the construction right.

Art. 292. (amend. - SG 36/08; amend. – SG 17/09; amend. - SG 89/09, in force from 10.11.2009) The size, the location and the special regime of exercising of easements shall be individual for the different kinds electronic communications networks and facilities and shall be determined pursuant to a procedure and in a way, set in an ordinance of the Minister of Regional Development and Public Works, the Minister of Agriculture and Food and the Minister of Transport, Information Technology and Communications.

Art. 293. (1) The amount of the damage under Art. 287, Para 3 shall be determined subject to application of the following criteria:

1. surface area of the employed land estate, included in the easement boarders;

2. types of restrictions on the use of the employed estate;

3. time limit of the restriction;

4. market evaluation of the estate or of the part thereof, which falls into the easement boarders.

(2) Regardless the damage under Para 1, the undertaking, providing electronic communications, shall be liable to pay to the owner of the land estate under an agreement reimbursement of all caused damages to the estate or a respective financial compensation.

Art. 294. When the owner, the user or the lessee of the employees estate has carried out a non-authorized construction, fencing, planting or any other violation of the regime of easement exercising, the undertaking, providing electronic communications shall have the right to notify the competent authorities by a request for removal of non-authorized constructions at the expense of the owner, user or lessee, unless he/she does that within the time limit, set by the undertaking, providing electronic communications.

Section III. Right of Use

Art. 295. (1) Undertakings providing public electronic communications shall have the right of special use pursuant to the Law for the Roads and/or right of use of line transportation engineering, water supply and sewerage, electric power distribution, gas distribution, hydro meliorations pursuant to § 5, Item 31 of the Law of the Spatial Planning, including their easement zones, water and irrigation facilities and natural water basins – public property.

(2) The right of special use and/or the right of use under Para 1 shall be granted for construction, extension, maintenance and operation of electronic communication networks and facilities subject to compliance with the requirements for safety and environmental protection are met in accordance with the detailed city plans.

(3) Where the property of state ownership under Para 1 has been provided to a state owned undertaking under Art. 62, Para 3 of the Commercial Law, the right of special use and/or the right of use under Para 1 shall be constituted against payment by the manager of the state owner undertaking after a decision of the collective managing body and an authorization, issued by the respective minister or by the manager of the administration, exercising rights of ownership of the state in the undertaking, whereas the indemnification shall be one off.

(4) In cases under Para 3 the receipts from the constituted right of use and/or right of special use under Para 1, along with the maintenance costs, shall be deposited to the payment account of the state owned undertaking.

(5) In case of transfer of ownership on electronic communication networks, facilities and related infrastructure, the right of use and/or the right of special use under Para 1 and 2 shall be transferred automatically in favour of the new owner – acquiror.

(6) The right under Para 1 shall be exercised against payment on the grounds of an authorization granted by the bodies or entities, running the respective technical infrastructure or properties, whereas the indemnification is one-off. In case of transfer of the right of use and/or the right of special use according to Para 3, the acquiror of electronic communication networks, facilities and related infrastructure shall not pay a new remuneration or a fee.

(7) (new – SG 17/09) Use of bridges, roads, streets, walk sides and other properties of public municipal ownership for setting up, crossing and maintenance of electronic communication networks of the undertakings providing electronic communication networks and/or services, shall be done against payment.

Art. 296. (amend. – SG 17/09) (1) When an undertaking, providing public electronic communications, submits an application, the bodies and entities, running the technical infrastructure, within 14 days after the receipt of the application, shall announce their intention to grant right of use of the technical infrastructure on their Internet site and in a national daily newspaper, or elsewhere, specifying a 30-day term for submission of applications by interested parties.

(2) The applications shall be submitted in a form, approved by the respective authorities or persons under par. 1.

(3) The authorities or the persons, managing technical infrastructure, shall grant to the undertakings under par. 1 right of use of the technical infrastructure in case of absence of circumstances, threatening safety and security, and where this is technically feasible.

Art. 297. The authorizations under Art. 295, Para 6 shall be granted following the sequence of submitted applications, provided that the possibilities of using the technical infrastructure are not limited.

Art. 298. (1) Where the possibilities of use of technical infrastructure are limited and the applicants for right of use are more than one, the authorizations under Art. 295, Para 6 shall be granted in the following order:

1. to an undertaking providing public electronic communication networks and/or services with national coverage;

2. to an undertaking providing public electronic communication networks and/or services with regional coverage;

3. to an undertaking providing public electronic communication networks and/or services with coverage over one settlement;

4. to an undertaking providing electronic communications for their own needs.

(2) Providing that the applicants under Para 1 are of the same category and the opportunities for implementation of the right of use are limited, the authorization under Art. 295, Para 6 shall be granted after holding auction, and all the applicants reach an agreement for shared use of facilities.

Art. 299. (1) Undertakings providing public electronic communication networks and/or services, or officials authorized by them shall have the right to access and way in properties for carrying out activities related to construction and maintenance of electronic communication networks and equipment.

(2) The undertaking or entities, carrying out activities under Para 1, shall be obliged to notify the owners or the users of the properties at least 7 days prior to initiation of the activities related to construction and maintenance of electronic communication networks and equipment.

(3) In case of interruption of operation of electronic communication networks or in related to this networks facilities, caused by unforeseeable and irresistible events, when undertaking of immediate action is required and the time limit under Para 2 cannot be met, the notification shall be done the soonest prior to or

immediately after the repair of the fault or the interruption.

(4) The undertaking under Para 1 shall indemnify the owner or the user of a property or shall restore the property in its original form after accomplishment of the activities under Para 1.

Chapter eighteen.

PROVISION OF ELECTRONIC COMMUNICATIONS DURING DISASTERS, IN CASE OF PROCLAMATION OF "STATE OF MARTIAL LAW" REGIME, "STATE OF WAR" REGIME OR "STATE OF EMERGENCY" REGIME (TITLE AMEND. – SG 35/09, IN FORCE FROM 12.05.2009)

Art. 300. (1) (revoked – SG 35/09, in force from 12.05.2009)

(2) (amend. - SG 89/09, in force from 10.11.2009) The terms and conditions of provision of electronic communication services during a state of martial law, state of war, or a state of emergency in the sense of the Law of Defence and Armed Forces of the Republic of Bulgaria shall be defined by the Council of Ministers upon a proposal of the Minister of Transport, Information Technology and Communications in agreement with the relevant competent authorities.

Art. 301. (1) (amend. – SG 35/09, in force from 12.05.2009) Undertakings providing public electronic communication networks and/or services shall ensure possibilities for the provision of electronic communication services in case of disasters in the sense of the Law on the protection in case of disasters, or during a state of martial law, state of war, or a state of emergency in the sense of the Law of Defence and Armed Forces of the Republic of Bulgaria.

(2) For the sake of the national security, undertakings providing public electronic communication networks and/or services shall, if necessary, provide the competent bodies with access to the network and/or the provided services, as well as a possibility of free of charge use of electronic communications through the network in case of an immediate endangering menace for the national security.

(3) (suppl. - SG 43/08; amend. – SG 69/08; amend. – SG 17/09; amend. - SG 93/09) In order to carry out the activities under Art. 91, Para 1 and Art. 137b, Para 1, Item 8 of the Law on the Ministry of Interior under Art. 42, Para 1, Item 5 and 6 of the Law on State Agency "National Security" and under par. 3 – 6 of the Regulations for the structure and activity of the National Security Service to the President of the Republic of Bulgaria (prom. – SG 66/92; amend. – SG 82/92; SG 5/95; SG 13, 16, 22, 62 and 83/96; SG 25, 36 and 41/97; SG 13/99; SG 111/91; SG 7/03; SG 56 and 83/05; SG 78/06; SG 70/07), as well as in case of an immediate endangering menace to the national security, the competent bodies of the Ministry of Interior, of State Agency "National Security" and of the National Security Service may block using technical means the use of electronic communication services.

Art. 302. (1) In the event of declaring a state of martial law, or a state of war, the Commission, under a proposal of a competent body, shall suspend the validity of the granted permissions for use of individually assigned limited resources.

(2) The Commission shall prohibit the use of radio equipment and radio-frequency spectrum for civil needs at the decision of the competent body in cases under Para 1.

Art. 303. (1) (amend. – SG 35/09, in force from 12.05.2009; amend. - SG 89/09, in force from 10.11.2009) While exercising its powers under Art. 16, the Minister of Transport, Information Technology and Communications, shall operate, modernise and maintain operational the special facilities with defence functions and installed war-time capacities, ready to provide electronic communication services in the event of disasters in the sense of the Law on the protection in case of disasters, and in case of introduction of a state of martial law, state of war or state of emergency in the sense of the Law of Defence and Armed Forces of the Republic of Bulgaria.

(2) (amend. – SG 35/09, in force from 12.05.2009) The undertakings providing public electronic communication networks and/or services, with assigned war-time tasks, shall operate and maintain operational the electronic communication networks, ready to provide electronic communications in the event of disasters in the sense of the Law on the protection in case of disasters, and in case of introduction of a state of martial law, state of war or state of emergency in the sense of the Law of Defence and Armed Forces of the Republic of Bulgaria.

(3) Special facilities under Para 1 and the land on which they have been constructed, may be expropriated, leased or burdened with real rights by a decision of the Council of Ministers.

(4) The special facilities under Para 1 and the installed war-time capacities may be used for the needs of the central executive bodies and self-government under terms and conditions defined by the Council of Ministers.

(5) The funds for building, maintenance, reconstruction and modernisation of the special facilities and capacities under Para 1 shall be provided from the state budget and from other sources under terms and conditions defined by the Council of Ministers.

Chapter nineteen.

PROVIDING CONDITIONS FOR INTERCEPTION OF ELECTRONIC COMMUNICATIONS RELATED TO PROTECTION OF NATIONAL SECURITY AND MAINTENANCE OF PUBLIC ORDER

Art. 304. (suppl. - SG 109/07, in force from 01.01.2008; amend. – SG 69/08) The undertakings providing public electronic communications networks and/or services shall ensure a capacity to intercept real time electronic communications, to secure continuous surveillance, as well as real time access to data related to a specific call. When these data cannot be provided in real time, they shall be given to a specialized directorate "Operative Technical Operations" of the Ministry of Interior and the State Agency "National Security" as soon as possible after termination of the call. The capacity for interception, twenty-four-hour surveillance and access to data, related to a call in real time, shall be used only in accordance with the Law on Special Surveillance Means.

Art. 305. (1) (suppl. - SG 109/07, in force from 01.01.2008; amend. – SG 69/08; suppl. - SG 17/10, in force from 10.05.2010) The undertakings providing public electronic communications networks and/or services shall provide, put into operation and maintain, on their own expenses, one or several interception interfaces, from which the intercepted electronic communications can be transferred to the facilities of the specialized directorate "Operative Technical Operations" of the Ministry of Interior and to State Agency "National Security".

(2) (suppl. - SG 109/07, in force from 01.01.2008; amend. - SG 17/10, in force from 10.05.2010) The technical parameters, configuration and maintenance conditions of the intercepting interfaces, secured by the undertakings providing public electronic communications networks and/or services, shall be coordinated with the Specialised Directorate „Operative Technical Operations“ at the Ministry of Interior and shall be approved by the Minister of Interior.

Art. 306. The undertakings providing public electronic communications and/or services shall provide data related to a specific call and its content in a manner allowing for the exact matching of the data about the call and the content of the call

Art. 307. (amend. - SG 109/07, in force from 01.01.2008) In case the undertakings providing electronic communications networks and/or services undertake coding, compressing or encrypting of the intercepted electronic communications, they shall deliver these to the State Agency "National Security" in their original form.

Art. 308. (suppl. - SG 109/07, in force from 01.01.2008; amend. – SG 69/08) The undertakings providing public electronic communications and/or services shall be obliged to ensure the capacity for transmission of intercepted electronic services to the facilities of the specialized directorate "Operative Technical Operations" of the Ministry of Interior and to the State Agency "National Security" over fixed or switched lines.

Art. 309. (suppl. - SG 109/07, in force from 01.01.2008; amend. – SG 69/08) Interception shall be carried out in a manner that excludes any option for illegal interference and secures protection of the information related to the interception. The intercepted electronic communications shall be available only to the specialized directorate "Operative Technical Operations" of the Ministry of Interior and to the State Agency "National Security" in accordance with the Law on Special Surveillance Means.

Art. 310. (amend. and suppl. - SG 109/07, in force from 01.01.2008; amend. – SG 69/08) Before an interception based on legal grounds is made, the specialized directorate "Operative Technical Operations" of the Ministry of Interior and the State Agency "National Security" shall require from the undertakings providing public electronic communications and/or services:

1. data to determine the identity of the subscriber, number or another identification feature of the electronic communications service;

2. information about the service and the characteristics of the electronic communications system, used by the object of interception and delivered by the undertakings providing public electronic communications and/or services;

3. (amend. – SG 69/08) information about the technical Parameters of the transfer to the facilities of the specialized directorate "Operative Technical Operations" of the Ministry of Interior.

Chapter twenty . CONTROL

Art. 311. (1) The control over the provision of electronic communications shall be exercised by the Commission.

(2) The control over putting into service of radio facilities under Art. 267 and 268 shall be exercised by the Commission.

(3) The State Agency of Metrological and Technical Supervision in cooperation with the commission shall carry out supervision of the placed on the market according to Art. 263 and 269 terminal electronic communication facilities and radio equipment.

(4) (suppl. - SG 109/07, in force from 01.01.2008; amend. - SG 82/09, in force from 16.10.2009; amend. - SG 89/09, in force from 10.11.2009) In exercising control under Para 1, 2 and 3 the Commission shall interact with the Ministry of Transport, Information Technology and Communications, Ministry of Interior, Ministry of Defence, the State Agency "National Security", Ministry of Economy, Energy and Tourism – State Agency for Metrological and Technical Supervision, and the Ministry of Regional Development and Public Works – Directorate on the National Construction Supervision, in compliance with a jointly issued instruction, proposed by the Commission.

Art. 312. (1) For the purposes of exercising control over the electronic communications the Chairman of the Commission shall authorise by an order officials of its administration.

(2) The Commission shall insure the employees under Para 1 against accidents occurring during or on the occasion of fulfilment of their official duties, from resources of the budget of the Commission.

Art. 313. (1) In carrying out their functions the officials of the Commission authorised under Art. 312, Para 1, shall have the right to:

1. carry out inspections and draw up statements in accordance with the Law on Administrative Violations and Sanctions in the case of establishing a violation;

2. free access to the controlled sites where the electronic communications networks, facilities and technical devices are accommodated;

3. inspect the availability of the documents issued by the Commission, proving the legal capacity of the persons on the controlled sites;

4. request original documents, data, information, references, and other information carriers related to the exercise of control, from the persons inspected, as well as seize certified copies of documents related to the electronic communications activities and/or establishment of administrative violations under this Law;

5. inspect accountancy, trade or other books or documents, and information carriers, as well as other documents related to the electronic communications activities and/or establishment of administrative violations under this Law;

6. require from third persons information, abstracts and other documents necessary for carrying out cross examinations related to the control under this Law and/or establishment of administrative violations under this Law;

7. control the quality Parameters of the electronic communications services by carrying out documentary and technical inspections;

8. inspect, in compliance with the rules and procedures stipulated in the Penal Procedure Code, premises used by the persons for the purpose of providing electronic communications, as well as premises containing proof of committed administrative violations.

9. issue a direction for the undertakings to eliminate, within the period set by them, the lack of conformity with this Law as regards deviations of the technical Parameters of the electronic communications networks and facilities from certain set values related to their functioning; failure to comply with the directions within that period shall be considered an administrative violation under the Law on Administrative Offences and Sanctions.

(2) In the cases of inspection of premises under Para 1, Item 8, used as a residing place, the inspections shall be carried out by the employees authorised under Art. 312, Para 1, together with the bodies of the Ministry of Interior.

Art. 314. (1) Upon establishing violations the authorised officials under Art. 312, Para 1 shall seize and retain material evidence, related to establishment of the violation under Art. 41 of the Law on Administrative Offences and Sanctions.

(2) The seized material evidence shall be subject to confiscation in favour of the state by a penal decree pursuant to the provisions of Art. 20 and 21 of the Law on Administrative Offences and Sanctions for present corpus delicti according to the respective administrative penal provisions.

(3) The possessions seized in favour of the state shall be stored in premises specially provided for that purpose until the expiration of one year from the enactment of the resolution, the penal decree or court decision confirming it.

(4) In case the charges on the basis of which the possessions under Para 2 have been seized are withdrawn, the same shall be returned to their owners, after a request addressed to the Chairman of the Commission.

Art. 315. (1) Upon the expiration of the term under Art. 314, Para 3, the seized possessions shall be subject to:

1. granting without payment, all of them, or parts of them that can be used, without violating the laws and applicable standards in the country, to bodies of the state administration and local self-government, educational establishments – for educational purposes, hospitals and other organisations with social functions;

2. destruction.

(2) The procedure for granting and destruction of the possessions seized in favour of the state shall be stipulated in an ordinance of the Council of Ministers, proposed by the Commission.

Art. 316. In fulfilment of their official duties the officials authorised under Art. 312, Para 1 shall be obliged:

1. to legitimise themselves by an official identification card;

2. to maintain the confidentiality of the circumstances and facts which have become known to them during or on occasion of the fulfilment of their official duties.

Art. 317. (1) The procedure and the way of using and storing the seized documents and materials under Art. 314, as well as organising the control over the electronic communications activities shall be determined by a decision of the Commission.

(2) The Chairman of the Commission shall appoint the officials of the administration who will be in charge of the storage and use of the seized documents and materials.

(3) The officials under Para 2 and under Art. 316 shall sign a declaration in an approved form related to their duties, explicitly stating their responsibility for failure to fulfil these duties.

Art. 318. (1) The Commission may by orders suspend the provision of electronic communications, carried out in violation of this Law or permissions for use of individually assigned limited resource until the violations are eliminated.

(2) The order under Para 1 may impose a compulsory administrative measure for closing of sites and/or facilities, having served for the provision of electronic communications, carried out in violation of the Law, the secondary legislation, the applicable requirements under Art. 73 and/or specific obligations, or permissions for use of limited resource , until the violations are eliminated.

Art. 319. (1) The Commission shall annually prepare a plan for control over the undertakings providing public electronic communications networks and/or services for compliance with the applicable requirements under Art. 73 and/or specific obligations or permissions for use of individually assigned limited resource.

(2) The Commission shall undertake inspections, on written signals for violations of this Law, the secondary legislation, the applicable requirements under Art/ 73 and/or specific obligations or permissions for use of individually assigned limited resource.

Art. 320. The Commission, in its annual report under Art. 38, Para 1, shall prepare an analysis of the results from the control exercised and shall propose, in compliance with best European practices, measures to improve control efficiency and also preventive measures to reduce potential violations in the provision of electronic communications.

Art. 321. (amend. - SG 43/08; amend. - SG 93/09) The control under Art. 274, Para 1, shall be exercised by the officials of Directorate "Technical Operations" of State Agency "National Security".

Art. 322. The officials under Art. 321 shall have the right to:

1. carry out inspections and, in case of an established violation, draw up a statement under the Law for the Administrative Offences and Sanctions;

2. access freely the sites which accommodate radio equipment or devices under Art. 274, Para 1;

3. require from the inspected persons original documents, data, references and other information carriers, related to the exercise of control;

4. require from third persons, information, abstracts and other documents necessary for exercising control.

Art. 323. (1) In case of a violation established under Art. 335, the officials under Art. 321 shall be authorised to seize and retain material evidence, related to establishment of the violation.

(2) The seized material evidence shall be confiscated in favour of the state under Art. 20 and 21 of the Law for the Administrative Offences and Sanctions.

(3) The possessions seized in favour of the state shall be stored in premises specially provided for that purpose until the expiration of one year from the enactment of the resolution, the penal decree or court decision confirming it.

(4) In case the punitive decree on the basis of which the possessions have been seized is withdrawn, the same shall be returned to their owners.

(5) After the record or court decision has come into force under Para 3, the seized possessions:

1. (suppl. - SG 43/08) shall be used free of charge by the bodies of the Ministry of Interior, the Ministry of Defence and State Agency "National Security", upon their request;

2. (amend. - SG 43/08) shall be destroyed on the basis of an order of the Chairman of State Agency "National Security".

Chapter twenty one. **ADMINISTRATIVE PENAL PROVISIONS**

Art. 324. (1) Whoever provides public electronic communications networks and/or services, for the provision of which a permission must be granted for use of limited resource, without having this permission, or whoever continues to provide electronic communications after expiry or termination or withdrawal of permission granted, in case the act constitutes a crime, shall be penalised with a fine of BGN 30,000 to BGN 300,000.

(2) Whoever provides electronic communications for own use, for the provision of which a permission must be granted for use of individually assigned limited resource, without having this permission, or whoever continues to provide electronic communications after expiry or termination or withdrawal of permission granted, unless the act constitutes a crime, shall be penalised with a fine of BGN 30,000 to BGN 300,000.

(3) Whoever provides public electronic communication networks and/or services, for the provision of which a provisional permission must be granted for use of individually assigned limited resource, without having this permission, or whoever continues to provide electronic communications after expiry or termination or withdrawal of the permission granted, unless the act constitutes a crime, shall be penalised with a fine of BGN 30,000 to BGN 300,000.

(4) Whoever provides electronic communications for own needs, for the provision of which a provisional permission must be granted for use of individually assigned limited resource, without having this permission, or whoever continues to provide electronic communications after expiry or termination or withdrawal of temporary permission granted, unless the act constitutes a crime, shall be penalised with a fine of BGN 5,000 to BGN 50,000.

(5) Whoever provides public electronic communications networks and/or services, included on the list under Art. 72, determined by the Commission, without having submitted a notification under Art. 66 to the Commission, shall be penalised with a fine of BGN 3,000 to BGN 15,000.

(6) Whoever provides interconnection with or access to the network of an undertaking, providing public electronic communication services in breach of the established by the law procedure in order to provide electronic communications in a commercial way, shall be penalised with a fine of BGN 3,000 to BGN 15,000.

(7) For repeated violations under Para 1 to 5 the administrative penal body shall be able, by a penal decree, to deprive the violator from the right to provide the relevant electronic communications, for which it has been sanctioned for a period of up to one year.

Art. 325. (1) Whoever provides public electronic communications networks and/or services, for the provision of which a permission for use of individually assigned limited resource has been granted, and violates the permission's conditions, shall be penalised with a fine of BGN 10,000 to BGN 100,000.

(2) Whoever provides electronic communications for own needs, for the provision of which a permission for use of individually assigned limited resource has been granted, and violates the permission's conditions, shall be penalised with a fine of BGN 1,000 to BGN 10,000.

Art. 326. An undertaking providing public electronic communications networks and/or services subject to a notification under Art. 66, which has violated an applicable requirement under Art. 73 and/or a specific

obligation, shall be penalised with a fine of BGN 3,000 to BGN 15,000.

Art. 327. (1) Whoever violates the rules of confidentiality of communications and related traffic data, sent over public electronic communications networks, unless the act constitutes a crime, shall be penalised with a fine of BGN 1,000 to BGN 10,000.

(2) An undertaking providing public electronic communications and/or services, which fails to fulfil the obligation for provision of conditions for interception of electronic communications, related to protection of national security and maintenance of public order, shall be penalised with a proprietary sanction of BGN 10,000 to BGN 100,000.

(3) An undertaking providing public electronic communications and/or services, which fails to fulfil the obligation for securing protection of personal data in the field of electronic communications, shall be penalised with a proprietary sanction of BGN 1,000 to BGN 10,000.

(4) (new – SG 17/10, in force from 10.05.2010) Any undertaking providing public electronic communication networks and/or services, which fails to perform its duty under Art. 250a, shall be imposed a property sanction amounting to BGN 3000 – 25 000.

(5) (new – SG 17/10, in force from 10.05.2010) Any undertaking providing public electronic communication networks and/or services, which fails to perform its duty under Art. 250d, shall be imposed a property sanction amounting to BGN 2000 – 12 000.

(6) (new – SG 17/10, in force from 10.05.2010) Any undertaking providing public electronic communication networks and/or services, which fails to perform its duty under Art. 250e, shall be imposed a property sanction amounting to BGN 10 000 – 25 000.

(7) (new – SG 17/10, in force from 10.05.2010) In cases of repeated violation under Para 6 the property sanction shall amount to BGN 15 000 – 50 000.

Art. 328. (1) Whoever interferes with or changes the content of communications of third persons in a public electronic communications network through the use of electronic communications equipment, unless the act constitutes a crime, shall be penalised with a fine of BGN 200 to BGN 2,000.

(2) Whoever in order to derive for himself/ herself or for another person benefit, uses without legal grounds the electronic communication network, thus causing a damage to the undertaking, administering the electronic communication network, or to a third person, unless the act constitutes a crime, shall be penalised with a fine of BGN 1,000 to BGN 10,000, whereas the damages shall be subject to indemnification pursuant to the general order of claims.

Art. 329. (suppl. – SG 17/09) Whoever transmits over a public electronic communications network false calls or misleading signs and/or signals for help, disaster, accident, crash or alert, except for the cases, where the calls are made to the single European emergency number 112 shall be penalised with a fine of BGN 2,000 to BGN 20,000.

Art. 330. Whoever puts into service radio equipment, for which a restriction has been introduced under Art. 267, unless the act constitutes a crime, shall be penalised with a fine of BGN 5,000 to BGN 15,000.

Art. 331. (1) Whoever, upon request by the Commission, fails to provide information related to the application of this Law or provides false, incomplete, incorrect information, or fails to provide it within the term specified in the request, shall be penalised with a fine of BGN 500 to BGN 2,500.

(2) Whoever impedes the exercise of control under Art. 311 by the Commission, shall be penalised with a fine of BGN 1,000 to BGN 5,000.

(3) Whoever fails to comply with a decision of the Commission, which has come into force, shall be penalised with a fine of BGN 1,000 to BGN 10,000.

(4) Whoever fails to comply with a decision of the Commission under Art. 61, which has come into force, shall be penalised with a fine of BGN 5,000 to BGN 50,000.

(5) Whoever fails to comply with a decision of the Commission under Art. 240, Para 1, which has come into force, shall be penalised with a fine of BGN 2,000 to BGN 20,000.

(6) An undertaking providing public electronic communications and/or services, which does not provide the Commission with documents or provides false, incomplete, incorrect information, or fails to provide it within the term specified, when these documents and information are necessary for designation of an undertaking with significant market power, shall be punished with a proprietary penalty of BGN 5000 to BGN 50,000.

(7) An undertaking with significant market power that fails to comply with a decision of the Commission which has come into force and refers to its specific obligations as an undertaking with significant market power, shall be penalised with a proprietary sanction of BGN 100,000 to BGN 1,000,000.

Art. 332. (amend. – SG 17/09) Whoever fails to comply with the provisions of Art. 286 shall be penalised with a fine of BGN 5,000 to BGN 50,000.

Art. 332a. (new – SG 17/09; amend. and suppl. - SG 17/10, in force from 10.05.2010) An official from a state body or an undertaking providing public electronic communication networks and/or services, who violates its obligations or misuses the data under Art. 250a, Para 1, shall be penalised with a fine of BGN 1,000 to BGN 10,000, unless the act qualifies as crime.

Art. 333. The persons under Art. 312, Para 1, who disclose, submit, publish, use or circulate in any other way, data and circumstances representing official secret, shall be penalised with a fine of BGN 500 to BGN 5,000 and shall be divested of the right to occupy the respective position for a period of 6 months to one year.

Art. 334. A proprietary sanction of BGN 10,000 to BGN 100,000 shall be imposed for violation of Art. 301, Para 1.

Art. 334a. (new – SG 17/09) (1) For violations under Art. 178, par. 2 a fine from BGN10 000 to BGN50 000 shall be imposed.

(2) Where with the act under par. 1 considerable damages have been caused or other heavier consequences have occurred the penalty shall be a fine from BGN500 000 to BGN1 000 000.

Art. 334b. (new – SG 27/10, in force from 09.04.2010) (1) To an undertaking providing the roaming service on public electronic communication networks, which violates the requirements of Regulation (EC) 717/2007 of the European Parliament and of the Council of 27 June 2007 on roaming on public mobile telephone networks within the Community and amending Directive 2002/21/EC on a common regulatory framework for electronic communications networks and services (OJ, L 171/32 of 29 June 2007), amended by Regulation (EC) No 544/2009 of the European Parliament and of the Council of 18 June 2009 (OJ, L 167/12 June 2009) shall be imposed, as follows:

1. for a violation under Art. 3 of the Regulation – from BGN 400 000 to BGN 2 000 000;
2. for a violation under Art. 4, par. 1 of the Regulation – from BGN 10 000 to BGN 100 000;
3. for a violation under Art. 4, par. 2 of the Regulation – from BGN 50 000 to BGN 2 000 000;
4. for a violation under Art. 4, par. 3, Para 1 and 2 – from BGN 10 000 to BGN 100 000;
5. for a violation under Art. 4a of the Regulation – from BGN 400 000 to BGN 2 000 000;
6. for a violation under Art. 4b, par. 1 of the Regulation – from BGN 10 000 to BGN 100 000;
7. for a violation under Art. 4b, par. 2 of the Regulation – from BGN 50 000 to BGN 2 000 000;
8. for a violation under Art. 4b, par. 3 of the Regulation – from BGN 100 000 to BGN 2 000 000;
9. for a violation under Art. 4b, par. 4 and 5 of the Regulation – from BGN 50 000 to BGN 2 000 000;
10. for a violation under Art. 4b, par. 6 and 7 of the Regulation – from BGN 10 000 to BGN 100 000;
11. for a violation under Art. 4c of the Regulation – from BGN 10 000 to BGN 100 000;
12. for a violation under Art. 6 of the Regulation – from BGN 10 000 to BGN 100 000;
13. for a violation under Art. 6a of the Regulation – from BGN 10 000 to BGN 100 000;
14. for a violation under Art. 7, par. 4 of the Regulation – from BGN 10 000 to BGN 100 000;

(2) When the violation under par. 1 is repeated, a proprietary sanction of a double amount of the sanction imposed for the first violation under Para 1 shall be imposed.

Art. 335. A fine of BGN 500 to BGN 5,000 shall be imposed for violation of this Law and of the acts issued pursuant to it, unless another penalty is stipulated.

Art. 336. (amend. – SG 17/09) For the violations under Art. 324, Para 1-6, Art. 325, Art. 327, Para 1, Art. 328, Art. 330, Art. 331, Para 1 - 5, Art. 332, 334a, 335, 338, 340 and 343, committed by legal persons or sole traders, a proprietary sanctions of the amounts of the stipulated fines shall apply.

Art. 337. (1) Upon identification of the violations under Art. 324 – Art. 335, the officials authorised under Art. 312, Para 1, shall draw up statements in accordance with the Law for Administrative Offences and Sanctions.

(2) On the grounds of the statements under Para 1 the Chairman of the Commission, or a person explicitly authorised by him/her – a member of the Commission, shall issue penal decrees or motivated resolutions for termination of the administrative penal proceedings.

(3) The establishment of the violations, the issuance, the appeal and the fulfilment of the penal decrees shall be carried out in accordance with the Law for Administrative Offences and Sanctions.

Art. 338. Whoever provides public electronic communications and does not notify the Commission within 30 days of the occurrence of any amendments of the circumstances, indicated in the documents under Art. 83, Para 2, Items 1, and 3, shall be penalised with a fine of BGN 2,000 to BGN 5,000.

Art. 339. (1) A member of the expert commission under Art. 99, Para 1 who does not declare in writing before the Commission, the existence of a significant commercial, financial or other business interest, which he/she and/or other persons economically related to either him/her or members of his/her family, hold in the selection of a given candidate to be granted a permission for use of individually assigned limited resource, shall be penalised with a fine of BGN 1,000 to BGN 5,000.

(2) A member of the expert commission under Art. 99, Para 1, appointed in managing bodies of a candidate, which has won in a contest or auction a permission for use of individually assigned limited resource, up to one year as of the issuance date of the permission, shall be penalised with a fine of BGN 3,000 to BGN 8,000.

(3) A member of the expert commission under Art. 99, Para 1 who is revealed to have provided false data in his declaration under Art. 99, Para 4, unless the act constitutes a crime, shall be penalised with a fine of BGN 500 to BGN 2,000.

Art. 340. A fine of BGN 5,000 to BGN 10,000 shall be imposed for violations under Art. 261, Para 5.

Art. 341. Proprietary sanctions of BGN 500 to BGN 5,000 shall be imposed for violations under Art. 282, Para 1, committed by undertakings providing public electronic communications networks, registered under this Law.

Art. 342. (1) (amend. - SG 43/08; amend. - SG 93/09) Whoever produces or imports radio equipment or a terminal electronic communications device under Art. 274, Para 1, without having registered it with the Directorate "Technical Operations" of State Agency "National Security", shall be penalised with a fine of BGN 2,000 to BGN 5, 000.

(2) When the violation under Para 1 is committed by a legal person or a sole trader, a proprietary sanction shall be imposed of BGN 5,000 to BGN 10,000.

(3) When the violation under Para 1 is repeated, a doubled fine or pecuniary sanction shall be imposed.

Art. 343. Whoever does not provide information under Art. 272 shall be penalised with a fine of BGN 500 to BGN 1,000.

Art. 344. (1). Upon identification of violations under Art. 342, the employees under Art. 321 shall draw up statements in accordance with the Law for the Administrative Offences and Sanctions.

(2) (amend. - SG 43/08) On the basis of the statements under Para 1, the Chairman of State Agency "National Security", or a person explicitly authorised by him, shall issue penal decrees or motivated resolutions for termination of the administrative penal proceedings.

(3) The identification of violations, the issuance, appeal and fulfilment of penal decrees shall be carried out in accordance with the Law for the Administrative Offences and Sanctions.

Additional provisions

§ 1. For the purposes of this Law:

1. "Subscriber" shall mean a natural person or a legal person, party to a contract with the undertaking providing public electronic communications services.

2. (amend. – SG 17/09) "Local loop" shall mean physical circuit which connects a termination point of a public fixed telephone network at the subscriber's premises to the main distribution frame or another equivalent facility.

3. "Address" shall mean a sequence of digits and/or symbols, used for the identification of a given element or termination point of an electronic communications network during routing, excluding Internet address.

4. "Interconnection" shall mean physical and logical linking of public electronic communications networks, used by the same or a different undertaking in order to allow the users of one undertaking to exchange communications with the users of the same or another undertaking, or to have access to services provided by another undertaking. Services may be provided by the parties involved or by other parties who have access to the network. Interconnection is a specific type of access, implemented between undertakings providing electronic

communications over public electronic communications networks.

5. "Harmful interference" shall mean any electromagnetic phenomenon, which can degrade the technical Parameters of a radio facility and/or the quality of services, provided over radio communications networks, or can endanger the functioning of radio navigation services, whose work is related to people's safety or to national security. The phenomenon can be electromagnetic noise, an unsolicited signal or a change in the Parameters or characteristics of the transmission medium.

6. "Geographic number" shall mean a number from the national numbering plan where part of its digit structure contains geographic significance used for routing calls to the physical location of the network termination point of the electronic communications network.

7. "Location data" shall mean various sorts of data, processed in an electronic communications network, which show the geographic location of the terminal electronic communication point of a user of a public electronic communications service.

8. "Access" shall mean the provision of accessibility to facilities and/or services to another undertaking, under defined conditions for the provision of electronic communications services. This shall include access to electronic communications network elements and associated facilities, which may involve the connection of equipment, by fixed or non-fixed means (in particular this includes access to the local loop and to facilities necessary to provide services over the local loop) bit stream access, access to physical infrastructure, including buildings, ducts, shafts, towers, masts and poles; access to the relevant software systems, including operational support systems; access to fixed and mobile networks, including for the purpose of roaming; access to conditional access systems for digital television services; access to virtual network services.

9. "Member State" shall mean any Member State of the European Union, as well as other states which are parties to the European Economic Area Agreement and Switzerland.

10. "Electromagnetic compatibility" shall mean the capacity of the equipment to perform satisfactorily in its working electromagnetic environment without causing harmful interference with any of the devices in the same electromagnetic environment.

11. "Electronic mail" shall mean a communication in the form of text, voice, audio information or graphics, that is transmitted over a public electronic communications network and can be stored in it or has been received at the terminal equipment of the recipient.

12. "Electronic programme guide - EPG" shall mean a technical means or a technical solution which makes possible the selection of programs, transmitted through digital television systems, by providing additional information about each channel and program content.

13. "Electronic communications infrastructure" shall mean a totality of all or some of the following elements: means for electronic communications, including lines, cable systems, poles, towers, masts, cables, wires and equipment, which are used to provide electronic communications, except for the electronic communications terminal equipment.

14. "Electronic communications facilities" shall mean various electronic communications equipment and related technical means, including antennas.

15. "Electronic communications network" shall mean a totality of transmission facilities and, where necessary, switching and routing equipment, and other resources, which serve to transmit signals over wires, radio, optic or other electromagnetic means, including satellite networks, fixed (with channel or package switching, including Internet) and mobile land networks, electricity distribution networks, when they are used to transmit signals, networks used for radio and television broadcasting, and cable electronic communications networks for broadcasting of radio and television programs, irrespective of the type of transmitted information.

16. "Private electronic communications" shall mean the provision of electronic communications in a non-commercial manner. Private use is present when the network is not used as a means to provide electronic communications services.

17. "Electronic communications service" shall mean a service, usually provided against payment, which consists wholly or mainly in conveyance of signals over electronic communications networks, including transmission services, provided through broadcasting networks, excluding services, related to content and/or the control over it. It does not include information society services, which do not consist wholly or mainly in the conveyance of signals over electronic communications networks.

17a. (new – SG 17/09) "Prohibited device" shall mean any facility, software and/or means, meant or adapted to provide access in an optional form to one of the protected services without services provider's permission.

18. "Public interest protection" shall mean the protection of the citizens' dignity, justice and civil rights and freedoms, as recognised by legislation, as well as the guarantee of security, defence and public order of the country, and the provision of conditions for the successful use of limited resource and for encouraging of effective competition.

19. "Calling line identification" shall mean a function of the network enabling the called subscriber to

obtain information about the number of the calling subscriber before the information takes place.

20. "Connected line identification" shall mean a function of the network enabling the calling subscriber to obtain information about the number of the called subscriber during the establishment of the connection.

21. "Name" shall mean a sequence of letters, digits and/or symbols which identifies a definite element of a network and allows access to services, except for an Internet name.

22. "Internet" shall mean a system of interconnected networks using Internet Protocol which allows them to function as an independent virtual network.

23. "Interface" shall mean an electric, electronic, electromagnetic or optic system, including or not software and enabling interconnectivity or exchange of signals among devices, connected through it, subject to observing the respective technical specifications.

24. "Application program interface (API)" shall mean the software interface between program applications, provided by the producer and/or distributor of radio and television programs, as well as the opportunities for the enhanced equipment to provide digital radio and television services.

25. "Intelligent network services" shall mean services, provided through electronic communications networks of architecture which offers flexibility for the introduction of new options and services, including those managed by the user.

26. "End-user" shall mean a user who does not provide public communications networks or public electronic communications services.

27. "Network termination point" (NTP) shall mean the physical point at which the subscriber is provided with access to a public electronic communications network. In the case of networks involving switching or routing, NTP is identified by means of a specific network address, which may be linked to a subscriber number or name.

28. "Electronic communications terminal equipment" shall mean products or parts thereof, used to connect to the interfaces of the public electronic communications networks.

29. "Cryptographic key" shall mean a series of symbols that is used in an algorithm to generate cipher text (encryption) from plain text or vice versa – from cipher text into plain text (decryption).

30. "Leased lines" shall mean electronic communications equipment through which a transparent transfer capacity between terminal points of the electronic communications network is ensured, and which do not include switching on demand – commutation functions, controlled by the user as part of the provision of leased lines.

31. "Routing" shall mean a process of determination of route or method for providing electronic communications between two points of one or more electronic communications networks.

32. "Terrestrial analogue broadcasting" shall mean broadcasting from terrestrial radio transmitters of analogue radio and/or television signals to be received by the public.

33. "Non-geographic numbers" shall mean a number from the national numbering plan which is not geographic and is not bound to a geographical location, for example numbers for mobile services, free phone value-added services, etc.

34. "Unbundled access to the local loop" shall mean provision of independent or shared access to the local loop; it does not entail a change in ownership of the local loop.

35. (amend. – SG 27/10, in force from 09.04.2010) "Net costs" shall mean the difference between the costs of an undertaking, obligated to provide universal service, and the costs without obligation to provide universal service, reduced with the revenues from the provision of universal service.

36. "Number" shall mean a sequence of decimal digits, which uniquely identifies a terminal point in an electronic communications network. The number contains the information needed to route and/or charge a call to that terminal point.

37. "Numbering space" shall mean the full set of numbers, used in electronic communications.

38. (amend. – SG 17/09) "Public pay telephone" shall mean a telephone available to the general public, for the use of which the means of payment may include coins and/or credit/debit cards and/or pre-paid cards, including cards for use with dialling codes;

39. "Public electronic communications network" shall mean an electronic communications network, used wholly or partially for the provision of public electronic communications services and/or for the provision of electronic communications to an unlimited number of users for commercial purposes.

40. "Public electronic communications services" shall mean electronic communications services available to the public.

41. "Public telephone service" shall mean electronic communication service for transfer of voice and sound in real time providing national and international calls and access to emergency services through a number or numbers in a national or international numbering plan, and in addition may, where relevant, include one or more of the following services: the provision of operator assistance, directory enquiry services, directories, provision of public pay telephones, provision of service under special terms, provision of special facilities for end-users with disabilities or with special social needs and/or the provision of non-geographic services.

42. "Interoperability of services" shall mean the capacity of electronic communications networks to interoperate effectively in order to ensure access for users to the services provided over these networks.

43. (suppl. – SG 17/09) "limited resource" shall mean a resource, limited due to natural phenomena or to technical reasons, such as the numbers from the National numbering plan and addresses, the radio-frequency spectrum in accordance with the National Frequency Spectrum Allocation Plan, and positions from the geostationary orbit, allocated to the Republic of Bulgaria by international agreements.

44. "Provision of an electronic communications network" shall mean the construction, operation and provision of access to this network.

45. "Market of retail services" shall mean a market for the provision of services to the end-users.

46. "Market of wholesale services" shall mean a market where services are provided for third parties, which provide or intend to provide services to end-users.

47. "Call" shall mean a connection, set up over a public telephone service, allowing for bi-directional communications in real time.

48. "Repeated violation" shall mean a violation, committed within one year from entry into force of the penal decree which has imposed a sanction for the same type of violation.

49. "User" shall mean a legal person or natural person, using or having declared intent to use a public electronic communications service.

50. "Undertaking providing public electronic communications networks and/or services" shall mean any natural person – sole entrepreneur, or any legal person, who provides electronic communications for commercial purposes in accordance with the provisions laid down in this Law.

51. "Undertaking with significant market power" shall mean an undertaking that independently or together with other undertakings, enjoys a dominant position, i.e. a position of economic power which allows it to behave to a considerable extent independently from competitors, users, and end-users.

52. "Interception" shall mean an activity of obtaining access to and provision of the electronic communications of a given subscriber, as well as the data related to his calls, to the competent authorities under Art. 20, Para 1 of the Special Surveillance Means Law, performed on the basis of legal permission.

53. (amend. - SG 17/10, in force from 10.05.2010) "Interception interface" shall be a system comprising a monitoring center and other input-output software and technical means of an undertaking providing electronic communications, where access to the intercepted electronic communications or to data, related to the call, is provided.

54. (suppl. – SG 37/09, in force from 19.05.2009) "Radio broadcasting" shall mean the transmission by radio transmitters of radio and/or television signals, intended for reception by an unlimited number of listeners. Transmitters of radio and/or television signals are part of the electronic communication network for terrestrial broadcasting.

55. "Radio service" shall mean a combination of technical and organisational rules during the transmission, emission and/or reception of communications through radio waves for different specific cases of providing electronic communications.

56. "Radio equipment" shall mean a device or part thereof for the provision of electronic communications by means of the emission or emission and reception of radio waves, using the spectrum allocated for terrestrial or satellite radio communications.

57. "radio-frequency spectrum" shall mean a spectrum of frequencies within the radio-frequency range of 9 kHz to 3000 GHz; radio waves are electromagnetic self-propagating waves in space.

58. "Frequency band" shall mean a part of the radio-frequency spectrum, between two frequencies.

59. "Cost-oriented prices" shall mean service prices which include the costs incurred for their provision, plus investments and investment risk, as well as an acceptable level of return on the capital invested.

60. "Region" shall mean two or more adjacent settlements.

61. "Roaming" shall mean a service in a mobile network, which allows for a subscriber of an undertaking providing public electronic communications services, over public mobile electronic networks, to use the main services provided by the undertaking, as well as, depending on the technical capacity, all of or some of the additional services and calling regimes, in the networks of another undertaking providing public electronic services, over public mobile electronic networks, without being a subscriber of the latter.

62. "Full unbundled access to the local loop" shall mean provision of access to the local loop or local sub-loop by an undertaking obligated to provide the service, to another undertaking, by allowing the use of the full frequency spectrum of the twisted metallic pair.

63. "Electronic communication network security" shall mean the protection of electronic communications networks from unauthorised modification, destruction, or disclosure. This protection ensures that the electronic communication network performs its functions correctly and without any harmful side-effects, related to the timely and reliable transfer of communications.

64. "Systematic violation" shall be present when, within two years, three or more administrative

violations of this Law or of the secondary legislation for its implementation, are committed.

65. "Structural barriers to entry at the market" shall mean barriers resulting from the factors such as necessary initial capital or demand and creating inequality among undertakings with significant market power and those now entering the market, thus preventing or deterring the entry of the latter.

66. "Shared access to the local loop" shall mean the provision of access to the local loop or local sub-loop, by an undertaking, obligated to provide the service, to another undertaking by allowing the use of the non-voice band frequency spectrum of the twisted metallic pair. An undertaking, obligated to provide the service, continues to use the local loop to provide the public telephone service.

67. "Collocation" shall mean the provision of physical space and technical means required for placing and connecting the relevant equipment by an undertaking obligated to provide the service to another undertaking.

68. "Communication" shall mean any information, exchanged or transferred among a limited number of persons, through a public electronic communications service. This does not include information transferred as a part of broadcasting for the public over an electronic communications network, except when the information is related to a recipient - subscriber or user, who can be identified.

69. "Substantial violation" shall mean a violation which prevents the achievement of the goals set in Art. 4 of this Law, as the result of which may occur or have occurred unfavourable consequences for the normal functioning of the electronic communications market.

70. "Directory enquiry services" shall mean electronic communications services, enabling the calling end-user to obtain information about the telephone number of a subscriber through submitted data for individualisation of the subscriber – name, and if necessary, address.

71. "Traffic data" shall mean data, processed for the purposes of transferring communication over an electronic communications network or needed for its billing.

72. "Conditional access" shall mean a technical and/or organisational measure, whereby access to a protected service in an intelligible form is provided on the condition of prior individual permission.

73. "Value added service" shall mean a service for which the user pays to the undertaking an additional price to the price for use of the respective electronic communication service.

74. (amend. – SG 69/08) "Emergency call services" shall mean free of charge electronic communications services for all end-users, enabling their access to the "Emergency Medical Assistance", the Ministry of Interior, also to the single European emergency call number "112".

75. "Conditional access devices" and "Information Society services" shall have the meaning applied in the European Convention on the legal protection of services, based on, or consisting of, conditional access (SG-62/03).

76. "Enhanced digital television equipment" shall mean set top boxes intended for connection to television sets or integrated digital television sets, able to receive digital interactive television services.

77. "Fixed voice telephone service" shall mean a voice telephone service of definite quality, provided between fixed termination points of public electronic communication network.

78. "Price squeeze" shall mean a situation of reducing competition, where a service provider cannot offer its users profitable services, which are already offered on the relevant market by the undertaking that has provided its network for this purpose at a very small margin between the wholesale and retail prices.

79. "Price package" shall mean a package of two or more services, whose prices are different from the prices of each of the services in case they are offered outside the package.

80. "Wide-screen television service" shall mean a television service that consists wholly or partially of programmes produced and cut to be displayed in a 16:9 format.

81. "Legal or regulatory barriers to market entry" shall mean these barriers which are not based on economic conditions, but are the result of legislative, administrative or other state measures which restrict to a certain degree the market entry of potential competitors or their future behaviour.

82. (new – SG 17/09) "Separate book-keeping" shall mean maintenance of separate accounts for the activities, related to provision of electronic communication networks or services.

83. (new – SG 17/09) "Subscriber's and/or user's identification data" shall be: for natural persons – full name, personal ID number and permanent address, and for legal entities – personal number, for legal entities and natural persons – single traders - name, head office, registered address and respective identification code.

84. (new – SG 17/09) "User's identifier" shall mean unified identifier, allocated to persons upon subscription or registration for the service – internet access or for the internet electronic communication service.

§ 1a. (new – SG 17/09; prev. text of § 2 – SG 27/10, in force from 09.04.2010) Article 334b shall introduce the provisions of the Regulation (EC) 717/2007 of the European Parliament and of the Council of 27 June 2007 on roaming on public mobile telephone networks within the Community and amending Directive 2002/21/EC.

(2) (new – SG 27/10, in force from 09.04.2010) Art. 334b shall provide for implementation of the

provisions of Regulation (EC) No 717/2007 of the European Parliament and of the Council of 27 June 2007 on roaming on public mobile telephone networks within the Community and amending Directive 2002/21/EC on a common regulatory framework for electronic communications networks and services, amended by Regulation (EC) No 544/2009 of the European Parliament and of the Council of 18 June 2009.

§ 2. (new – SG 17/09) Article 334b shall introduce the provisions of the Regulation (EC) 717/2007 of the European Parliament and of the Council of 27 June 2007 on roaming on public mobile telephone networks within the Community and amending Directive 2002/21/EC.

Transitional and concluding provisions

§ 2. The Law for the Telecommunications (prom. - SG 88/03; amend. - SG 19, 77, 88, 95, 99 and 105/05, SG 17, 29, 34, 51, 59 and 82/06) is revoked.

§ 3. (1) The undertakings which provide the service of radio and television broadcasting over cable electronic communications networks, shall distribute free of charge and in real time the national and regional programs of the Bulgarian National Television and the Bulgarian National Radio.

(2) (revoked – SG 37/09, in force from 19.05.2009)

(3) (amend. – SG 12/10) The Bulgarian Telecommunications Company shall be obliged to provide high-quality terrestrial analogue broadcasting and transmit of the programs of the Bulgarian National Television and the Bulgarian National Radio on the basis of a contract at prices covering the cost of this activity and for profit that would be received by an unrelated person when carrying out the same activity.

(4) (new – SG 12/10) Enterprises that have been granted permission to use individually specified limited resource – radiofrequency spectrum, to carry out electronic communications through electronic communication networks for terrestrial digital broadcasting, which transmit the programmes of the Bulgarian National Radio and the Bulgarian National Television, shall be obliged to perform the transmission of these programmes on the basis of contracts at prices covering the cost of this activity and for profit that would be received by an unrelated person when carrying out the same activity.

(5) (new – SG 12/10) In case of failure to reach agreement on the prices under Para 3 and 4 between the enterprise and the Bulgarian National Radio and the Bulgarian National Television the prices shall be determined by the Commission on Regulation of the Communications.

§ 4. (1) The Law for the Radio and Television shall be brought in compliance with this Law within 6 months after its entering into force.

(2) (revoked – SG 37/09, in force from 19.05.2009)

(3) (revoked – SG 37/09, in force from 19.05.2009)

§ 5. (1) (prev. § 5 – SG 17/09) Authorizations for individually assigned limited resource – radio-frequency spectrum for analogue terrestrial television broadcasting shall be issued by 31 December 2008 for a maximum period until 31 December 2012.

(2) (new – SG 17/09) Until granting permits for use of individually assigned limited resource–radio-frequency spectrum for implementation of electronic communications through electronic communication networks for terrestrial digital radio broadcasting with national coverage pursuant to the provisions of this law, the Commission for regulation of communications may grant to television operators registered under the Law for the radio and television permits for use of free limited resource – radio frequency spectrum, which is not assigned under the provision of § 9a of the Transitional and Concluding provisions of the Law for the radio and television.

(3) (new – SG 17/09) The permits of par. 2 shall be granted following a procedure, set in regulations, adopted by the Commission for regulation of communications.

(4) (new – SG 17/09) The permit of par. 2 shall be granted after obtaining favourable consideration of the Commission for regulation of communications.

(5) (new – SG 17/09) The permits of par. 2 may be terminated, where the used by the undertakings individually assigned limited resource – radio frequency spectrum is required for implementation of the respective phase of setting of digital electronic communication network.

§ 5a. (new – SG 17/09) (1) (declared anticonstitutional, where reading "one" in DCC No 3/09 – SG 45/09) Within one procedure under Art. 48, par. 1 the Commission for regulation of communications shall nominate one undertaking, to which it shall grant a permit to use the individually assigned limited resource – radio

frequency spectrum, for implementation of electronic communications through electronic communication networks for terrestrial digital radio broadcasting with national coverage according to the scheduled for the First phase of the Plan of introduction of terrestrial digital television radio broadcasting (DVB-T) in the Republic of Bulgaria, adopted by the Council of Ministers.

(2) Simultaneously with the procedure under par. 1 the Commission for regulation of communications subject to observance of the provisions of this law and following the procedure, provided in Chapter Five, shall open a competition procedure for selection of an undertaking, which may obtain a permit for use of individually assigned limited resource – radio frequency spectrum, for implementation of electronic communications through electronic communication networks for terrestrial digital radio broadcasting with national coverage according to the scheduled within the Second phase of the Plan of introduction of terrestrial digital television radio broadcasting (DVB-T) in the Republic of Bulgaria, adopted by the Council of Ministers.

(3) The undertakings to which permits under par. 1 and 2 are granted, may not be affiliated persons pursuant to the Commercial act.

§ 5b. (new – SG 17/09) (1) Within one month after finalization of the procedure of § 5a, par. 1 the Commission for regulation of communications gradually shall open competitions for granting permits for use of individually assigned limited resource – radio frequency spectrum, for implementation of electronic communications through electronic communication networks for terrestrial digital radio broadcasting with national coverage according to the scheduled for the First phase of the Plan of introduction of terrestrial digital television radio broadcasting (DVB-T) in the Republic of Bulgaria, adopted by the Council of Ministers.

(2) Within the competition of par. 1 for one region only one permit shall be granted to one undertaking for use of individually assigned limited resource – radio frequency spectrum, for implementation of electronic communications through electronic communication networks for terrestrial digital radio broadcasting in the respective region.

§ 5c. (1) (new – SG 17/09; prev. §5c – SG 37/09, in force from 19.05.2009) the granted by the Commission for regulation of communications permits for use of individually assigned limited resource – radio frequency spectrum by using existing and/or new electronic communication networks for terrestrial analogue radio broadcasting shall be terminated, where the used by the undertaking individually assigned limited resource – radio frequency spectrum, is required for implementation of the respective phase of setting out of the digital electronic communication network in compliance with the granted by the Commission for regulation of communications permit for use of individually assigned limited resource – radio frequency spectrum, for implementation of electronic communications through electronic communication networks for terrestrial digital radio broadcasting with national and/or regional coverage.

(2) (new – SG 37/09, in force from 19.05.2009). Television programs, produced for broadcasting by television operators, holding a permit for use of individually assigned limited resource – radio frequency spectrum, for implementation of electronic communications through electronic communication networks for terrestrial digital radio broadcasting with national and/or regional coverage, granted by the Commission for Regulation of Communications, the validity of which expires after 2010, shall be broadcasted simultaneously through electronic communication networks for terrestrial analogue radio-broadcasting and for terrestrial digital broadcasting.

(3) (new – SG 37/09, in force from 19.05.2009) Analogue broadcasting shall be terminated at the same time for all programs referred to in par. 2, where the coverage by population of the electronic communication network for terrestrial digital radio-broadcasting reaches the coverage by population, provided by the electronic communication network for terrestrial analogue radio-broadcasting.

§ 5d. (new – SG 17/09) (1) Not later than 1 March 2009 a law shall be adopted, which provides the required individually assigned limited resource for broadcasting of the public radio and television programs of Bulgarian national television and Bulgarian national radio.

(2) The law of par. 1 shall set the terms and conditions for guaranteeing the public nature of Bulgarian national television and Bulgarian national radio.

§ 6. (1) The obligation under Art. 134, Para 1, Item 1 and 2 for fixed networks shall be applied as from 1 January 2009, and under Art. 134, Para 1, Item 3 for mobile networks – as from 1 January 2007.

(2) The provision of Art. 135, Para 1, Item 2 shall not apply to analogue telephone lines.

§ 7. The imposed pursuant to the provisions of the revoked Law for the Telecommunications obligations on operators with significant market power, related to access and interconnection, co-location and shared use of premises and equipment, specific access, access to subscription lines selection of transmission operator, provision of leased lines and of universal telecommunication service, shall remain until the entering into force of a

Commission decision, imposing specific obligations on undertakings, determined as such with a significant power at the respective market pursuant to the provisions of this Law.

§ 8. The members of the Communications Regulative Commission as of the date of entering into force of this Law shall finalize their mandate.

§ 9. (1) Operators, who as of the date of entering into force of this Law carry out telecommunication activity on the grounds of an individual license or registration under a general license, and this Law stipulates that provision of electronic communications requires submission of a notification, shall be entered officially into the register under Art. 33, Para 1, Item 1 by the Commission within 6 months after its entering into force.

(2) The persons under Para 1 shall provide electronic communications prior to their entering into the register on the grounds of the granted to them individual license or subject to compliance with the general license, under which they have been registered.

(3) To operators, who as of the date of entering into force of this Law carry out telecommunication activity on the grounds of an individual license, and this Law stipulates that provision of electronic communications requires submission of a notification, the Commission shall issue officially relevant authorization within 6 months after its entering into force. Prior to granting of the authorization electronic communications shall be provided on the grounds of the granted to them individual licenses.

(4) In case of a submitted request to the Commission within the 6-month period under Para 1 and 3 for allocation of additional limited resource or for amendment of the individual license with regard to the allocated individually assigned limited resource, the Commission shall issue a decision on the request following the procedure and within the time limits, set in this Law, except for the cases, where for allocation of individually assigned limited resource a contest procedure is required.

(5) The annual fees due under individual licenses under Para 1 and 3. shall be payable in the amount and deadlines, set in the respective individual licenses until the termination of their validity, in consideration of the period, within which the activity has been carried out on the grounds thereof.

(6) The annual administrative fee for control under Art. 139, Para 2, Item 1 shall be payable as from the entering into register under Art. 33, Para 1, Item 1, and the annual fee for use of individually assigned limited resource under Art. 140, par 1 shall be payable pro rata to the period of use in compliance with the granted authorization.

§ 10. Operators, having provided telecommunications freely under the provisions of the revoked Law for the Telecommunications and for which this Law requires from them to provide electronic communications after submitting a notification, shall be obliged to sent the notification referred to in Art. 66 to the Commission within three months after entering into force of the Law.

§ 11. (1) The procedures initiated for granting an individual license, when the resource is limited and this Law stipulates that provision of electronic communication requires granting an authorization, shall be finalized in compliance with the provisions of this Law, where the files applications for granting an individual license shall be deemed requests pursuant to Art. 83.

(2) Within 30 days after entering of the Law into force the applicants shall bring their applications in compliance with the requirements of Art. 83.

(3) In the cases of Para 1 the fee under Art. 139, Para 2, Item 4 shall not be payable.

§ 12. (1) The filed applications for registration under general license, where this Law sets that provision of electronic communications requires submission of a notification, shall be deemed notifications pursuant to Art. 66.

(2) Within 30 days after entering of the Law into force the applicants shall bring their notifications in compliance with the requirements of Art. 66.

§ 13. The provisions of Chapter Seventeen shall apply also with regard to the electronic communications infrastructure, constructed prior to entering of this law into force.

§ 14. In the Law for the Budget of the State Social Insurance for 2007 (SG 105.06) in Attachment 1, in line number 59, column "Designation of Economic Activity" and in Attachment No. 2 the word "telecommunications" shall be replaced with "electronic communications".

§ 15. In the Law for the Civil Aviation (prom. - SG 94/72; amend. - SG 30/90; amend. and suppl. - SG 16/97; amend. and suppl. - SG 85/98; amend. - SG 12/00; amend. and suppl. - SG 34 and 111/01; SG 52 and

70/04, SG 88 and 102/05, SG 30, 36, 37, 105 and 108/06, SG 10/07) a new Art. 16f shall be added:

"Art. 16f. The Minister of Transport or an official authorised by him shall:

1. issue qualification certificates to the radio operators from the aeronautical mobile radio service and the aeronautical mobile-satellite radio service, issue permissions for the use of aircraft radio stations and keep public registers of the certificates and permissions issued.

2. carry out international coordination of radio-frequencies and radio-frequency bands, as well as of the technical characteristics of the radio equipment, using them for the radio service – aeronautical mobile, aeronautical mobile-satellite, aeronautical radio navigation and aeronautical radio navigation - satellite.

3. shall assign for use the allocated radio call signs for identification of the aircraft radio stations and shall keep a register in accordance with a procedure and under terms and conditions, laid down in an ordinance of the Minister of Transport, for the allocation of radio call signs in the Republic of Bulgaria in compliance with the requirements of the International Telecommunication Union."

§ 16. In the Law on Value Added Tax (prom. - SG 63/06; amend. - SG 86, 105 and 108/06) the following amendments shall be made:

1. In Art. 3, Para 5, Item 1, Letter "a" the word "telecommunication" shall be replaced with "electronic communication".

2. In Art. 21:

a) in Para 3, Item 2, Letter "h" the word "telecommunication" shall be replaced with "electronic communication".

b) in Para 4 the words "provision of telecommunication" shall be replaced with "provision of electronic communication".

3. In § 1 of the Supplementary Provisions Item 13 shall be amended, as follows:

"13. "Electronic communication services" shall be electronic communication services in the meaning of the Law on Electronic Communications. Electronic communication services shall include also transfer or assignment of the right of use of conveyance, broadcasting, transmission or receiving or allocation of access to global information networks."

§ 17. In the Law on Access and Disclosure of Documents and on Announcement of Affiliation of Bulgarian Nationals to State Security and Intelligence Services of the Bulgarian People's Army (SG 102/06) in Art. 3, Para 2, Item 11 everywhere the words "telecommunications operators" shall be replaced with "undertakings, providing electronic communications".

§ 18. In the Law for the State Property (prom. - SG 44/96; amend. - SG 104/96., SG 55, 61 and 117/97, SG 93 and 124/98, SG 67/99, SG 9, 12, 26 and 57/00, SG 1/01, SG 38/01 - Decision № 7 of the Constitutional Court of 2001, amend. - SG 45/02, SG 63/03, SG 24 and 93/04, SG 32/05, SG 17, 30, 36, 64 and 105/06) in § 1 of the Supplementary Provisions the word "telecommunications" shall be replaced with "electronic communications".

§ 19. In the Law on the Electronic Commerce (prom. - SG 51/06, amend. - SG 105/06) the following amendments shall be made:

1. In Art. 1, Para 4, Item 2 the word "telecommunications" shall be replaced with "electronic communications".

2. In Art. 13 everywhere the words "telecommunications" and "the telecommunications" shall be replaced with "electronic communications".

3. In Art. 15 the word "telecommunications" shall be replaced with "electronic communications".

§ 20. In the Law of Protection of the Consumers (prom. - SG 99/05; amend. - SG 30, 51, 53, 59, 105 and 108/06, SG 31/07) the following amendments shall be done:

1. In Art. 50, Para 1, Item 2 shall be amended, as follows:

"2. concluded with undertakings, providing public electronic communication networks through public telephone units;"

2. In Art. 169, Para 1, Item. 3 the word telecommunications" shall be replaced with "electronic communications".

§ 21. In the Law on Protection in Case of Disasters (SG 102/06) in Art. 30, Para 2 the words "Telecommunication operators" shall be replaced with "Undertakings, providing electronic communications".

§ 22. In the Law of the Concessions (prom. - SG 36/06; amend. - SG 53, 65 and 105/06) in § 1, Item 13

of the Supplementary provisions the word "telecommunications" shall be replaced with "electronic communications".

§ 23. In the Law on the Ministry of Interior (prom. - SG 17/06; amend. - SG 30, 102 and 105/06, SG 11 and 31/07) in Art. 112, Item 6 the words "licensed telecommunication operators" shall be replaced with "undertakings, providing public electronic communication networks and/or services".

§ 24. In the Law for the Sea Waters, the Internal Water Ways and Ports of the Republic of Bulgaria (prom. - SG 12/00; amend. - SG 111/01, SG 24 and 70/04, SG 11/05, SG 45/05 - Decision № 5 of the Constitutional Court of 2005, amend. - SG 87, 88, 94, 102 and 104/05, SG 30, 36, 43, 65, 99 and 108/06) the following amendments and supplements shall be made:

1. In Art. 15:

a) in Para 1 the words "authorized operator for telecommunications" shall be replaced with "authorized undertaking, providing electronic communications";

б) in Para 2 the word "telecommunications" shall be replaced with "electronic communications".

2. Art. 60b shall be added:

"Art. 60b. The Minister of Transport or an official authorised by him:

1. shall issue qualification certificates to the radio operators from the Global Maritime Distress and Safety System of the maritime mobile radio service and the maritime mobile-satellite radio service, and to operators of radio stations on ships navigating in inland waterways, shall issue permissions for the use of ship radio stations and radio location stations and shall keep public registers of the certificates and permissions issued.

2. shall carry out international coordination of radio-frequencies and radio-frequency bands, as well as of the technical characteristics of the radio equipment, using them for the radio service – maritime mobile, maritime mobile-satellite, maritime radio navigation and maritime radio navigation satellite.

3. shall assign for use the allocated radio call signs for identification of the ship radio stations and shall keep a register in accordance with a procedure and under terms and conditions, laid down in a ordinance of the Minister of Transport, for the allocation of radio call signs in the Republic of Bulgaria in compliance with the requirements of the International Telecommunication Union".

§ 25. In the Law on Restriction of Administrative Regulation and Administrative Control over Economic Activity (prom. SG – 55/03; corr. SG – 59/03; amend. SG – 107/03, SG - 39 and 52/04, SG - 31 and 87/05, SG - 24, 38 and 59/06, SG – 11/07) in the Attachment Item 39 "Telecommunication activities" shall be deleted.

§ 26. In the Law on Environmental Protection (prom. SG – 91/02; corr. SG – 98/02; amend. SG – 86/03, SG – 70/04, SG - 74, 77, 88, 95 and 105/05, SG - 30, 65, 82, 99, 102 and 105/06, SG – 31/07) in Art. 85, Para 1 the word "telecommunications" shall be replaced with "electronic communications".

§ 27. In the Law of Defence and Arm Forces of the Republic of Bulgaria (prom. – SG 112/95; amend. - SG 67/96, SG 122/97, SG 70, 93, 152 and 153/98, SG 12, 67 and 69/99, SG 49 and 64/00, SG 25/01, SG 01, 40, 45 and 119/02, SG 50, 86, 95 and 112/03, SG 93 and 111/04, SG 27, 38, 76, 88, 102 and 105/05, SG 30, 36, 56, 82, 91 and 102/06, SG 11/07) in Art. 49a the following amendments and supplementations shall be made:

1. In Item 1 the words "post and telecommunications" shall be replaced with "post and electronic communications", and after the word "forces", "and" shall be added.

2. In Item 2 the word "telecommunications" shall be replaced with "electronic communications".

3. In Item 3 after the words "maintenance of" shall be added "special objects of defence purposes and installed capacities for war time in the National state network of security and defence for defence purposes", and the wording till the end shall be deleted.

§ 28. In the Law on Postal Services (prom. - SG 64/00; amend. - SG 112/01, SG 45 and 76/02, SG 26/03, SG 19, 88, 99 and 105/05, SG 17, 34, 37 and 86/06) the following amendments shall be done:

1. In Art. 3, Item 2 the word "telecommunications" shall be replaced with "electronic communications".

2. In Art. 64, Para 2 the words "implementation of its powers under Art. 15, Item 4 of the Law for the Telecommunications" shall be replaced with "projects under Art. 20, Para 1, Item 1, 6, 9 and 11 of the Law on Electronic Communications".

§ 29. In the Law for the Radio and Television (prom. - SG 138/98, SG 60/99 – Decision No 10 of the Constitutional Court from 1999, amend. - SG 81/99, SG 79/00, SG 96/01, SG 77 and 120/02, SG 99 and 114/03, SG 99 and 115/04, SG 88, 93 and 105/05, SG 21, 34, 70, 105 and 108/06, SG 10/07) in Art. 44 shall be created

Para 3 - 5:

"(3) The Bulgarian National Television and the Bulgarian National Radio shall ensure the broadcasting of their national programs through satellite/satellites, over the coverage of the territories of Europe and other continents, where citizens of Bulgarian origin live (the diaspora of the Republic of Bulgaria) according to sources of the Agency for Bulgarians Abroad and through own research.

(4) The funds to cover the activities under Para 1 shall be provided by the state budget.

(5) The Bulgarian National Television and the Bulgarian National Radio shall provide free of charge their national and regional programs to undertakings providing electronic communications over cable electronic communications networks for the distribution of radio and television programs, as well as for satellite and terrestrial digital broadcasting."

§ 30. In the Law for the Technical Requirements for the Products (prom. - SG 86/99; amend. - SG 63 and 93/02, SG 18 and 107/03, SG 45, 77, 88, 95 and 105/05, SG 30, 62 and 76/06) in Art. 27 Para 5 shall be added:

"(5) Market supervision of terminal electronic communication devices and radio equipment shall be carried out by the Communications Regulation Commission jointly with the Chairman of the State Agency for Metrological and Technical Supervision.

§ 31. In the Law on Spatial Planning and Development of the Municipality of Sofia (SG 106/06) the following amendments shall be done:

1. In Art. 13, Para 1, Item 9 the word "telecommunications" shall be replaced with "electronic communications".

2. In the Attachment on line 28, column one the word "telecommunications" shall be replaced with "electronic communications".

§ 32. In the Law of the Spatial Planning (prom. - SG 01/01; amend. - SG 41 and 111/01, SG 43/02, SG 20, 65 and 107/03, SG 36 and 65/04, SG 28, 76, 77, 88, 94, 95, 103 and 105/05, SG 29, 30, 34, 37, 65, 76, 79, 82, 106 and 108/06) the following amendments and supplementations shall be done:

1. In Art. 70, Para 4 the word "telecommunications" shall be replaced with "electronic communications".

2. In Part One, Chapter Four in the title of Section VI the word "Telecommunications" shall be replaced with "Electronic communications".

3. In Art. 93:

a) in Para 1 and 2 the word "telecommunications" shall be replaced with "electronic communications".

b) in Para 3 the word "telecommunications" shall be replaced with "electronic communications".

4. In Art. 94 the word "telecommunications" shall be replaced with "electronic communications".

5. In Art. 108, Para 2 the word "telecommunications" shall be replaced with "electronic communications".

6. In Art. 137, Para 1:

a) in Item 1, Letter "b" the word "telecommunication" shall be deleted;

b) in Item 2, Letter "b" the word "telecommunication" shall be deleted;

c) in Item 3:

aa) in Letter "b" the word "cable" shall be deleted

bb) Letter "h" shall be added:

"h) electronic communication networks and facilities, constructed as trunk network type on a national level ;"

d) in Item 4 a new Letter "g" shall be added:

"g) electronic communication networks and facilities, constructed in urbanized territories with high and medium height developments;"

e) in Item 5 a new Letter "e" shall be added:

"e) " electronic communication networks and facilities, constructed in urbanized territories with low developments;"

7. In Art. 205, Item 2 the word "telecommunications" shall be replaced with "electronic communications".

8. In § 5 of the Additional provisions in Item 31 the word "telecommunications" shall be replaced with "electronic communications".

§ 33. In the law on the Management of Crises (prom. - SG 19/05; amend. - SG 17, 30 and 102/06, SG 11/07) the following amendments shall be done:

1. In Art. 27:

a) in Para 2 the words "telecommunication operators" shall be replaced with the words "undertakings, providing electronic communications", and the words "specified information networks" shall be replaced with

"information networks for own needs";

b) in Para 3 the words "telecommunication operators" shall be replaced by "Undertakings, providing electronic communications", and the words "telecommunication services" shall be replaced with "electronic communication services";

c) in Para 5 the word "telecommunications" shall be replaced with "electronic communications".

2. In Art. 64, Para 1 the words "telecommunication networks for provision of the required communication connections" shall be replaced with "undertakings, providing public electronic communication networks and/or services for operation".

§ 34. (1) The secondary legislation related to the implementation of this Law shall be adopted within 6 months after its entering into force.

(2) Secondary legislation issued on the grounds of the revoked Law for the Telecommunications shall continue being applied as long as it does not contradict with this Law.

(3) Secondary legislation adopted on the grounds of Art. 14, Para 1, Item 2, Art. 27, Item 15 and Art. 28, Para 1, Item 11; Art. 140, Para 1 and Art. 209, Para 2 of the revoked Law for the Telecommunications shall be revoked by the Council of Ministers within 6 months after entering of this Law into force.

(4) The Methodology under Art. 150, Para 2, shall be adopted by the Council of Minister within three months after the promulgation of this Law in the State Gazette

(5) The documents and information under Art. 153 shall be provided to the Commission within one month of the adoption of the Methodology under Para 4.

(6) The draft decisions, containing analyses of the relevant markets according to the methodology under Para 4, shall be published for public consultation within three months of the expiry of the term under Para 3.

(7) The instruction under Art. 311, Para 4 shall be issued within one month after the promulgation of this Law in the State Gazette.

This Law was adopted by XXXX National Assembly on 10 May 2007 and was stamped with the official seal of the National Assembly.

Transitional and concluding provisions TO THE LAW ON STATE AGENCY "NATIONAL SECURITY"

(PROM. - SG 109/07, IN FORCE FROM 01.01.2008)

§ 44. The Law shall enter into force from 1 January 2008.

Transitional and concluding provisions TO THE LAW FOR AMENDMENT AND SUPPLEMENTATION OF THE LAW ON ELECTRONIC COMMUNICATIONS

(PROM. SG 17/09)

§ 79. The Chairman, the deputy chairman and the members of the Commission for regulation of communications shall keep their rights until the expiration of the mandate under Art. 22, par. 3, 4 and 5.

§ 80. (1) The undertakings providing electronic communication networks and/or services, shall be obliged by 1 January 2010 to collect data required for prepaid services user's identification under Art. 251a, par. 1, item 1 and par. 5, item 2.

(2) For the prepaid services users before 1 January 2010 the data under par. 1 required for their identification shall be collected following procedures and rules, adopted by the Commission for regulation of communications by 30 September 2009.

§ 81. The undertakings, providing mobile public telephone services, shall determine the location of the end users, calling telephone number 112 with an accuracy of up to 100m in the settlements and with an accuracy of up to 1 km outside settlements within the terms and following the rules of allocation of expenses, laid down in the applicable European laws.

Transitional and concluding provisions
TO THE LAW OF THE DEFENCE AND ARMED FORCES OF THE REPUBLIC OF BULGARIA

(PROM. – SG 35/09, IN FORCE FROM 12.05.2009)

§ 46. The Law shall enter into force from the day of its promulgation in the State Gazette.

Transitional and concluding provisions
TO THE LAW OF THE PUBLIC RADIO-BROADCASTING

(PROM. – SG 37/09, IN FORCE FROM 19.05.2009)

§ 7 Within one month after entering of the law into force the General Assembly shall elect, and the President of the Republic shall appoint the new members of the Commission for Regulation of Communications under § 6, item 1, items "b" and "c". The decision of the General Assembly and President's edict shall enter into force at the same time on 1 July 2009.

§ 8. The Law shall enter into force from the day of its promulgation in the State, except for § 6, item 1, which shall enter into force from 1 July 2009.

Additional provisions
TO THE LAW ON AMENDMENT AND SUPPLEMENTATION OF THE LAW ON THE ELECTRONIC COMMUNICATIONS

(PROM. - SG 89/09, IN FORCE FROM 10.11.2009)

§ 6. In the remaining texts of the law the words:

1. "the Chairperson of the State Agency of Information Technology and Communications" and "Chairperson of the State Agency of Information Technology and Communications" shall be replaced respectively by "the Minister of Transport, Information Technology and Communications" and "Minister of Transport, Information Technology and Communications".

2. "the State Agency of Information Technology and Communications" shall be replaced by "the Ministry of Transport, Information Technology and Communications".

3. "Ministry of Transport" and "Minister of Transport" shall be replaced by respectively "Ministry of Transport, Information Technology and Communications" and "Minister of Transport, Information Technology and Communications".

Transitional and concluding provisions
TO THE LAW ON AMENDMENT AND SUPPLEMENTATION OF THE LAW ON THE ELECTRONIC COMMUNICATIONS

(PROM. - SG 89/09, IN FORCE FROM 10.11.2009)

§ 7. The subordinate normative acts issued before entry into force of this law shall remain valid as far as they do not contradict to it.

§ 8. This law shall enter into force from the day of its promulgation in the State Gazette.

Transitional and concluding provisions
TO THE LAW ON AMENDMENT AND SUPPLEMENTATION OF THE LAW ON THE MINISTRY OF INTERIOR

(PROM. - SG 93/09, IN FORCE FROM 25.12.2009)

§ 100. This Law shall enter into force one month after its promulgation in the State Gazette except § 1, 2, 21, 36, 39, 41, 44, 45, 49, 50, 51, 53, 55, 56, 57, 59, 62, 63, 64, 65, 70 and 91, which shall enter into force from the date of its promulgation.

Additional provisions
TO THE LAW ON AMENDMENT AND SUPPLEMENTATION OF THE LAW ON THE ELECTRONIC COMMUNICATIONS

(PROM. - SG 17/10, IN FORCE FROM 10.05.2010)

§ 10. This Law shall implement the requirements of Directive 2006/24/EC of the European Parliament and of the Council of 15 March 2006 on the retention of data generated or processed in connection with the provision of publicly available electronic communications services or of public communications networks and amending Directive 2002/58/EC.

Concluding provisions
TO THE LAW ON AMENDMENT AND SUPPLEMENTATION OF THE LAW ON THE ELECTRONIC COMMUNICATIONS

(PROM. - SG 17/10, IN FORCE FROM 10.05.2010)

§ 11. The lists under Art. 250d, Para 2 shall be provided to the Communications Regulatory Commission by 10 May 2010.

§ 12. The Law shall enter into force from 10 May 2010.

Concluding provisions
TO THE LAW ON AMENDMENT AND SUPPLEMENTATION OF THE LAW ON THE ELECTRONIC COMMUNICATIONS

(PROM. – SG 27/10, IN FORCE FROM 09.04.2010)

§ 6. Within 15 days from entry into force of this Law the National Assembly shall discharge the last three members of the Commission from the quota of the National Assembly and the President of the Republic shall discharge one of the two members of the Commission appointed by him.

§ 7. This Law shall enter into force from the date of its promulgation in the State Gazette.

Relevant acts from the European legislation

COMMISSION DIRECTIVE 2002/77/EC OF 16 SEPTEMBER 2002 ON COMPETITION IN THE MARKETS FOR ELECTRONIC COMMUNICATIONS NETWORKS AND SERVICES

DIRECTIVE 2002/58/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 12 JULY 2002 CONCERNING THE PROCESSING OF PERSONAL DATA AND THE PROTECTION OF PRIVACY IN THE ELECTRONIC COMMUNICATIONS SECTOR

DIRECTIVE 2002/22/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 7 MARCH 2002 ON UNIVERSAL SERVICE AND USERS' RIGHTS RELATING TO ELECTRONIC COMMUNICATIONS NETWORKS AND SERVICES

DIRECTIVE 2002/21/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 7 MARCH 2002 ON A COMMON REGULATORY FRAMEWORK FOR ELECTRONIC COMMUNICATIONS NETWORKS AND SERVICES

DIRECTIVE 2002/20/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 7 MARCH 2002 ON THE AUTHORISATION OF ELECTRONIC COMMUNICATIONS NETWORKS AND SERVICES (AUTHORISATION DIRECTIVE)

DIRECTIVE 2002/19/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 7 MARCH 2002 ON ACCESS TO, AND INTERCONNECTION OF, ELECTRONIC COMMUNICATIONS NETWORKS AND ASSOCIATED FACILITIES

COMMISSION DIRECTIVE 1999/64/EC OF 23 JUNE 1999 AMENDING DIRECTIVE 90/388/EEC IN ORDER TO ENSURE THAT TELECOMMUNICATIONS NETWORKS AND CABLE TV NETWORKS OWNED BY A SINGLE OPERATOR ARE SEPARATE LEGAL ENTITIES

DIRECTIVE 98/10/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 26 FEBRUARY 1998 ON THE APPLICATION OF OPEN NETWORK PROVISION (ONP) TO VOICE TELEPHONY

AND ON UNIVERSAL SERVICE FOR TELECOMMUNICATIONS IN A COMPETITIVE ENVIRONMENT

DIRECTIVE 97/66/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 15 DECEMBER 1997 CONCERNING THE PROCESSING OF PERSONAL DATA AND THE PROTECTION OF PRIVACY IN THE TELECOMMUNICATIONS SECTOR

DIRECTIVE 97/33/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON INTERCONNECTION IN TELECOMMUNICATIONS WITH REGARD TO ENSURING UNIVERSAL SERVICE AND INTEROPERABILITY THROUGH THE APPLICATION OF THE PRINCIPLES OF OPEN NETWORK PROVISION

COMMISSION DIRECTIVE 96/19/EC OF 13 MARCH 1996 AMENDING DIRECTIVE 90/388/EEC WITH REGARD TO THE IMPLEMENTATION OF FULL COMPETITION IN TELECOMMUNICATIONS MARKETS

COMMISSION DIRECTIVE 96/2/EC OF 16 JANUARY 1996 AMENDING DIRECTIVE 90/388/EEC WITH REGARD TO MOBILE AND PERSONAL COMMUNICATIONS

COMMISSION DIRECTIVE 95/51/EC OF 18 OCTOBER 1995 AMENDING DIRECTIVE 90/388/EEC WITH REGARD TO THE ABOLITION OF THE RESTRICTIONS ON THE USE OF CABLE TELEVISION NETWORKS FOR THE PROVISION OF ALREADY LIBERALIZED TELECOMMUNICATIONS SERVICES

COMMISSION DIRECTIVE 94/46/EC OF 13 OCTOBER 1994 AMENDING DIRECTIVE 88/301/EEC AND DIRECTIVE 90/388/EEC IN PARTICULAR WITH REGARD TO SATELLITE COMMUNICATIONS

COMMISSION DIRECTIVE 90/388/EEC OF 28 JUNE 1990 ON COMPETITION IN THE MARKETS FOR TELECOMMUNICATIONS SERVICES

REGULATION (EC) NO 2887/2000 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 18 DECEMBER 2000 ON UNBUNDLED ACCESS TO THE LOCAL LOOP

2003/548/EC: COMMISSION DECISION OF 24 JULY 2003 ON THE MINIMUM SET OF LEASED LINES WITH HARMONISED CHARACTERISTICS AND ASSOCIATED STANDARDS REFERRED TO IN ARTICLE 18 OF THE UNIVERSAL SERVICE DIRECTIVE

DECISION NO 676/2002/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 7 MARCH 2002 ON A REGULATORY FRAMEWORK FOR RADIO SPECTRUM POLICY IN THE EUROPEAN COMMUNITY