



REGULATION NO. 2003/16

**ON THE PROMULGATION OF
A LAW ADOPTED BY THE ASSEMBLY OF KOSOVO
ON TELECOMMUNICATIONS**

The Special Representative of the Secretary-General,

Pursuant to the authority given to him under United Nations Security Council resolution 1244 (1999) of 10 June 1999,

In conformity with paragraphs 9.1.44 and 9.1.45 of the Constitutional Framework for Provisional Self-Government (UNMIK Regulation No. 2001/9),

Taking into account communications from the President of the Assembly of Kosovo, dated 10 December 2002 and 9 May 2003, concerning the Law on Telecommunications adopted by the Assembly of Kosovo on 4 December 2002,

Taking also into account a communication from the Special Representative of the Secretary-General, dated 15 April 2003, and a related UNMIK communication dated 7 February 2003, concerning the said Law,

Recalling and without prejudice to UNMIK Regulation No. 2002/12 of 13 June 2002 on the Establishment of the Kosovo Trust Agency,

Hereby promulgates effective as of the date of signature the Law on Telecommunications, with the changes adopted by the Assembly of Kosovo on 8 May 2003, attached to the present Regulation (Law No. 2002/7).

Signed on this 12 day of May 2003.

Michael Steiner
Special Representative of the Secretary-General

LAW NO. 2002/7

LAW ON TELECOMMUNICATIONS

The Assembly of Kosovo,

Taking into account UNMIK Regulation No. 1999/1 of 25 July 1999, "On the Authority of the Interim Administration in Kosovo," as amended; and UNMIK Regulation No. 1999/24 of 12 December 1999, "On the Law Applicable in Kosovo," as amended; and

On the basis of the authority granted by United Nations Interim Administration on Kosovo (UNMIK) Regulation No. 2001/9 of 15 May 2001, "On a Constitutional Framework for Provisional Self-Government in Kosovo," especially Sections 5.1(h), 5.7, 9.1.1, 9.1.26(a), 9.3.3, and 11.2 thereof;

Recognizing the need to improve the Telecommunications Sector in Kosovo by: establishing an independent regulatory agency responsible for licensing, regulating and supervising the providers of telecommunication services in Kosovo; encouraging the private sector participation and competition in the provision of services; setting standards for all service providers in Kosovo, and, establishing provisions for consumer protection:

Hereby adopts the following law:

Chapter 1 General Provisions

Section 1 Scope and Purpose

- (1) This Law governs all telecommunications services and all telecommunications service providers in Kosovo, and shall create a transparent legal and regulatory environment that will promote investments and free competition to meet the requirements of all users for telecommunications services.
- (2) This Law and all implementing actions shall take into account the Directives and Regulations of the European Union and other international telecommunications standards and practices with respect to the promotion of transparent market entry conditions and a competitive marketplace.

Section 2 Definitions and Rules of Interpretation

- (1) Definitions: The following terms, whether in the singular or plural, shall have the meanings stated below:

"Assembly" - The legislative body established by UNMIK Regulation 2001/9 of 15 May 2001, On the Constitutional Framework for Provisional Government in Kosovo.

"Authorization" - The official written permission issued by the TRA, acknowledging the registration of a person's intention to provide telecommunications services to the public.

"Broadcasting" - The emission and dissemination of radio or television channels intended for direct public reception. Broadcasting is a one-directional telecommunication service that shall not include a return path from the user to the service provider.

"Broadcasting Regulation" - UNMIK Regulation 2000/36 "On the Licensing and Regulation of the Broadcast Media in Kosovo."

"Committee for Transport and Communications" ("the Committee") - The Committee of the Assembly responsible for matters pertaining to the telecommunications sector.

“Conference Européenne des Administration des Postes et des Telecommunications” (“CEPT”) - The European Conference of Postal and Telecommunications Administrations, a European standards body that promotes the harmonization of technical and operational parameters among postal and telecommunications service providers throughout Europe.

“Confidential Information” - All documents and other information, whether technical or commercial, relating to the design, rehabilitation, insurance, operation, maintenance, management and financing of telecommunications service operations or any activity, facility related thereto, but not including any information already in the public domain otherwise than by breach of the obligations contained in this Law or other applicable laws or UNMIK Regulations.

“Electromagnetic Compatibility” - The capacity of a device, piece of equipment or system to operate satisfactorily in its electromagnetic environment without causing impermissible electromagnetic interference to anything in the environment.

“General Conditions” - The conditions pursuant to which all service providers in Kosovo shall provide their services and which must be pre-approved in writing by the TRA.

“Interconnection” - The physical and logical linking of the facilities of organizations providing telecommunications networks and/or telecommunications services, in order to allow users of one organization to communicate with users of another organization, or to access services provided by another organization.

“Interface” - A physical network connection point that allows a user to access a public telecommunications network, or a radio relay station that specifies the radio path between radio equipment.

“KTA - The Kosovo Trust Agency as established by UNMIK regulation 2002/12.

“License” - The official written permission issued by the TRA to a service provider required in all cases involving a limited resource, including, but not limited to, the right to use number or frequency allocation, and space on a utility pole, tower or in a conduit.

“Line Leasing” - A range of telecommunications capabilities that grant the user transparent transmission capacities between network connection points; and a “leased line” shall be a grant of line leasing rights.

“Local Loop” - A physical line that links a subscriber’s network connection point to a main distribution framework or other comparable equipment in the public telecommunications network.

“Ministry of Transport and Communications (“the Ministry”) - The administrative entity responsible for matters dealing with the telecommunications sector, established pursuant to UNMIK Regulation No. 2001/19, of 13 September 2001, On the Executive Branch of the Provisional Institutions of Self-Government in Kosovo.

“Mobile” - Public telecommunications services provided over radio, specifically including cellular and satellite phones.

“Network Connection Points” - All physical connections and the technical access specifications thereof that are part of a public network and that are required for access to a public telecommunications network or public telecommunications services and for effective connection by way of such public network.

“Number” - A series of signs, digits, letters or other symbols, including combinations thereof, for network access or the identification of a network, service provider, network connection point or any other network element.

“Open Network Provision” (“ONP”) - The core regulatory framework for the telecommunications sector in Europe, set forth in EU Council Directive of 28 June 1990, et. seq. on the establishment of the internal market for telecommunications services through the implementation of open network provision (90/387/EEC; OJ L 192/1, 24.7.1990).

“Person” - Any individual, legal or public entity including, a corporation, a partnership, a trust, an unincorporated organization, a service provider, a government or any agency or entity thereof.

“PISG” - Provisional Institutions of Self-Government as established by UNMIK Regulation 2001/19.

“PTK” - The Post and Telecommunications Enterprise of Kosovo as established by UNMIK Regulation 1999/12.

“Public Network” - A telecommunications network established or used for the purpose of providing telecommunications services to the public.

“Public Telephone Service” -- The commercial provision of a service consisting of the conveyance of direct, real-time voice telephony by public telecommunications services providers.

“Radio Equipment” - A device or part of a device, that is capable of communicating through the emission and/or reception of radio waves and that makes use of the radio frequency spectrum allocated to terrestrial/space radio communications.

“Radio Frequency” - A part of the frequency spectrum used for radio communications that is comprised of a central frequency and containing a defined bandwidth of a radio frequency above and below.

“Rural Area” - is a sparsely populated area in which the predominant economic activity includes agricultural production, farming, ranching and forestry. In Kosovo, the term “rural area” specifically excludes the seven (7) major urban centers and villages with more than 1000 inhabitants.

“Service Provider” - Any enterprise providing any telecommunications services to any end user or any other enterprise; also described as an operator for telecommunications services.

“Self Assembly Kit” - All telecommunications equipment made functional by the user on a custom basis, including, but not limited to hobby, educational and research & development applications; not including serial production in industrial applications.

“Subscriber” - Persons that hold a valid contract with a service provider of public telecommunications services for the use of the services thereof.

“Supervisory Board” - The Board established by the Assembly in cooperation with KTA for the supervision of the work of the PTK.

“Telecommunications” - Any form of transmission or reception of signs, signals, text, image, sound or other information, by wire, optical fiber, radio or other electromagnetic means.

“Telecommunications Networks” - The transmission systems, including switching centers and other equipment, that facilitate the transfer of signals between specific network connection points by means of wires or radio waves or by optical or other electromagnetic means, including satellite networks, fixed and mobile voice and data terrestrial networks, radio and television broadcasting networks, and cable television networks.

“Telecommunications Regulatory Authority” (“TRA”) - The independent regulatory body established by this Law to regulate and foster the development of the telecommunications sector in Kosovo.

“Telecommunications Service” - Transmission systems and where applicable, switching equipment and other resources which permit the conveyance of signals between defined termination points by wire, by radio, by optical or by other electromagnetic means.

“Terminal Equipment” - Equipment intended to be connected directly or indirectly to the termination point of a network in order to send, process or receive information, excluding equipment intended to provide access to radio or cable television broadcast entertainment, unless such equipment can also be used for access to telecommunications services.

“Temporary Media Commissioner” - The authority for the regulation of the broadcast sector of Kosovo as currently defined in UNMIK Regulation No. 2000/36 of 17 June 2000 on the Licensing and Regulation of the Broadcast Media in Kosovo.

“Universal Services” - Those services that comprise the minimal provision of telecommunications services of defined quality, to which all users shall, at their request, have access at the access price, notwithstanding their place of residence or operations.

“Users” - Persons that use or request telecommunications services as end users, or service providers as users of the telecommunications services of others; also called subscribers.

“Website” - Electronic files that are accessible through the public internet and designated by a Universal Record Locator (URL).

“Wireless” - Public telecommunications services provided by radio frequency, as well as fixed local loop and optical loop.

“Wireline” - Public telecommunications services provided by copper or other physical means, specifically including those traditional basic services offered by the PTK over twisted copper wires.

Section 3 Authorities and Competencies

- (1) The responsibilities for the implementation of telecommunications services in Kosovo shall reside in the following entities:
- (a) the Ministry shall develop policies for the sector, including the development of legislation, and exercising all other powers transferred to it under the Constitutional Framework.
 - (b) the TRA, established as an independent body within the PISG by this Law, shall implement the policies of the PISG and Ministry pursuant to this Law, and all other implementing legislation enacted pursuant thereto.
 - (c) UNMIK, through the SRSG, shall exercise those powers that are reserved to it under the Constitutional Framework, including:
 - (i) The authority to manage publicly owned telecommunications assets, including, but not limited to Management of essential PTK assets through the Kosovo Trust Agency (KTA) in cooperation with the PISG pursuant to UNMIK Regulation 2002/12 on the Establishment of the Kosovo Trust Agency of 13 June 2002;
 - (ii) Management of radio frequencies, carried out by the Frequency Management Office (FMO). Some specific administrative functions will be implemented by the PISG and the respective independent regulatory body. And
 - (iii) The regulation of the broadcast industry, which is currently executed by the Temporary Media Commissioner (TMC).
- (2) The TRA shall coordinate all broadcasting activities with the Temporary Media Commissioner and with other relevant authorities in accordance with the provisions of the Broadcasting Regulation.
- (3) The TRA assign to service provider and users spectrum resources that are specifically allocated by UNMIK.
- (4) The TRA shall at its discretion, obtain from service providers and review for compliance with this Law, international contracts involving the provision of Telecommunications Services and equipment between commercial entities active in Kosovo. The TRA shall not conclude any agreements with states and multilateral organizations.
- (5) The Ministry shall request that the SRSG conclude on behalf of UNMIK agreements with states and multilateral organizations that pertain to the telecommunications sector, as well as all documents pertaining to the SRSG’s oversight of international agreements entered into on behalf of UNMIK in the telecommunications sector. As part of the consultative process in these matters, the Ministry may request the right as an interested party to participate in discussions and negotiations conducted by the SRSG with states and multilateral organizations that are intended to result in the conclusion of such agreements.

Chapter 2 **Telecommunications Regulatory Authority (“TRA”)**

Section 4 Establishment of the TRA

- (1) The Telecommunications Regulatory Authority (the “TRA”) is hereby established as an independent, non-profit body within the Ministry, and shall implement the policies of the PISG and the Ministry pursuant to this Law, and all other implementing legislation enacted pursuant thereto.

- (2) The TRA shall promote and facilitate the provision of sufficient and satisfactory domestic and international telecommunications services, and other services covered in the broadcasting regulations, provided however, that such promotion and facilitation shall not extend to free of charge services.
- (3) The TRA shall be governed by this Law, and shall observe the need to promote universal services in accordance with the principles set forth in Chapter 8 of this Law.
- (4) The TRA is authorized to issue regulations and instruction for the implementation of the present Law.

Section 5

Funds, Budget, Audit and Reporting

- (1) The Ministry shall propose and the Assembly shall approve the amount of the initial budget of the TRA and allocate sufficient funds from the Kosovo Consolidated Budget to fund its establishment and its first year of operation.
- (2) Thereafter, the TRA shall be self-funded, providing for reasonable expenses and adequate administrative and technical support, which shall be not less than the amount allocated for the previous year, unless determined otherwise by the Assembly.
- (3) The TRA's operations shall be funded by such monies as shall be collected through the transparent application of regulatory fees pursuant to this Law, including but not limited to:
- (a) authorizations;
 - (b) licensing;
 - (c) assignment of numbers; and
 - (d) assignment of right to use spectrum resources.
- (4) All funds collected by the TRA shall be deposited pursuant to the applicable budget procedures pertaining to all Government funds in Kosovo. The TRA shall employ accounting standards for all of its accounts in accordance with the applicable law in Kosovo. All surplus funds collected by the TRA shall revert to the Kosovo Consolidated Budget.
- (5) The TRA shall appoint a qualified external auditor to audit its accounts in accordance with the applicable law in Kosovo.
- (6) The TRA shall submit a budget for review or approval by the Assembly not less than two (2) months prior to the commencement of each fiscal year.
- (7) Not later than six (6) months after the close of each fiscal year, the TRA shall prepare and deliver to the Assembly an annual report containing financial details pertaining to the activities of the TRA for the preceding year. An electronic version of such report shall be posted on the TRA's official website.

Section 6

Operations of the Board

- (1) The TRA's legal authority shall reside in its Board. Decisions of the Board shall be made in a transparent manner, independent of outside political, industrial or other influence.
- (2) The Board shall be comprised of five (5) Members.
- (3) The Members of the Regulatory Board shall be paid according to the salary schedule applicable to members of the Assembly, which shall be reflected in the initial budget of the TRA presented to the Assembly for approval.
- (4) The Minister of Transport and Communications, acting in consultation with the Prime Minister, shall designate one Member of the Board to be the Chairperson. The Chairperson shall preside over the meetings and activities of the Board, take charge of the administration of the TRA, and supervise the selection, hiring, termination and general administration of the staff.
- (5) A Board's member term shall be for a period of five (5) years from the date of the Member's appointment. The number of terms a member may serve is limited to two terms. To ensure that the terms of not more than two (2) Members expire during the same calendar year, the terms of the Members may be staggered.

- (6) A simple majority of existing Members shall constitute a quorum to conduct the business of the Board. Each Member, including the Chairperson, shall have one vote, and the votes of a majority of the voting Members shall be required to dispose of any item of business. In the event of a voting deadlock, the Chairman shall cast a second, deciding vote.
- (7) The Board shall meet as often as necessary, but not less than once each calendar month, to conduct its activities. The Board's meetings shall not be open to the public unless decided otherwise by the Board either as part of its administrative guidelines or on an ad hoc basis.
- (8) The Board is authorized to adopt written policies which delegate certain tasks and functions to the staff of the TRA.
- (9) Summaries of the proceedings of all Board meetings shall be made available for public review.

Section 7
Member Qualifications, Confirmation,
Resignation and Removal

- (1) The members of the Board shall be recommended by the Minister of Transport and Telecommunications, proposed by the Government and shall be subject to appointment by the Assembly. During the period that the nomination is under consideration by the Assembly, the nominee may serve on the Board with full authority.
- (2) The list of nominees for the initial Board shall be submitted to the Assembly for consideration not later than thirty (30) days after the entry into force of this Law.
- (3) Members of the Board shall be university graduates with specialized knowledge in the area of politics, frequencies, interconnections, tariffs, law, economics, standardizations, or have at least ten (10) years experience in the telecommunications sector.
- (4) Members of the Board shall be required to work for the TRA on a fulltime basis. As a condition for accepting the appointment, a Member shall, if applicable, resign from public or elected office or other employment and shall not engage in any other commercial activity regardless of whether the Member receives compensation for such activity. In addition, a Member shall be required to terminate any business activities and financial interests in enterprises that are under the jurisdiction of the Board, and otherwise comply with the provisions of the TRA's standards of conduct.
- (5) Upon a two-thirds vote of the Members, the Board shall remove a Member on the grounds of professional incompetence or misconduct. Specific grounds for removal or mandatory resignation of a Member shall include, without being limited to, the following:
- (a) death;
 - (b) mental or physical incapacity;
 - (c) disqualification under the provisions of the present Law;
 - (d) declaration of bankruptcy or insolvency;
 - (e) unexcused absence from three consecutive official and ordinary meetings of the TRA;
 - (f) conviction of a criminal offense;
 - (g) personal, spousal or direct family interest in a license awarded under the provisions of this Law; and/or,
 - (h) beneficial financial gains obtained from any telecommunications equipment supplier or service provider.
- (6) Any removal pursuant to paragraph (5) shall be subject to review and agreement of the Assembly.
- (7) A Member may resign from the Board upon the delivery to the Chairperson of not less than three (3) months' written notice thereof.

Chapter 3
Authority and Principles of TRA Operations

Section 8
Operating Policies and Standards of Conduct

- (1) Not later than thirty (30) days from the entry into force of this Law, the TRA shall adopt its own internal rules of operations, including, but not limited to, hiring and employment policies that are non-discriminatory and which are based on written job descriptions. All administrative rules adopted by the TRA shall be made available to the public for inspection.
- (2) Not later than thirty (30) days from the entry into force of this Law, the TRA shall adopt standards of conduct for its Members and staff designed to ensure that they perform their duties honestly and capably, avoiding actual or apparent conflicts of interest. Such standards of conduct shall include specific prohibitions on:
 - (a) the acceptance of any beneficial financial gain from any telecommunications equipment supplier or service provider, including, but not limited to, cash, stocks, real estate, gifts, travel or personal services;
 - (b) the ownership in, or the authority to exercise management control over the operations of any telecommunications equipment supplier or service provider, including the PTK or its subsidiaries or successors in interest.
- (3) The limitations of paragraph (2)(b) shall not apply to shares invested and held in the form of a pension scheme or commercially-brokered mutual fund, provided that the value of such shares does not exceed five (5) percent of the market capitalization, and provided that such holdings are made public in the form of an official declaration at the time of appointment or within fifteen (15) days of such transaction.

Section 9
Establishment and Collection of Fees

- (1) The TRA shall collect fees for the administrative telecommunications service pursuant to this Law and other relevant legislation.
- (2) The TRA shall issue fee schedules as follows:
 - (a) Not later than thirty (30) days from the entry into force of this Law, the TRA shall implement a schedule of the fees that will be charged for application processing, registration, licensing, the grant of right to use assigned spectrum resources, and the assignment of numbers and number blocks;
 - (b) Not later than sixty (60) days from the entry into force of this Law, the TRA shall implement a schedule of fees that will be charged in connection with public tenders and auctions.
 - (c) Not later than ninety (90) days from the entry into force of this Law, the TRA shall implement a schedule of fees that will be charged for offenses, fines and penalties. The fines and penalties shall be denominated in Euros and subject to the approval of the Ministry.
- (3) The schedule of fees for each service category shall apply uniformly to all service providers.
- (4) The TRA has the authority to adjust the schedule of fees. Increases or decreases in fees shall be applied uniformly across each applicable category. The TRA shall publish on its official website all such proposed fee adjustments not later than three (3) months prior to the effective date of such adjustment.
- (5) The TRA shall establish internal rules to ensure that public and private sector views regarding all fees and fee increases are taken into account.
- (6) The TRA shall prescribe penalties for the late payment of fees described in this section that shall be twenty-five (25) percent of the amount of the fee that was not paid in a timely manner.

Section 10
Public Hearings

- (1) The TRA may initiate public hearings on all substantive telecommunications matters, either on its own initiative or upon the written request from the Ministry.
- (2) The TRA may initiate hearings on matters relating to its regulatory authority including, but not limited to tariff filings and violations by service providers of the regulatory framework.
- (3) The hearings held by the TRA shall be public, unless the TRA otherwise decides, due to the confidential nature of any matters to be addressed in such hearings.
- (4) The TRA shall adopt specific rules and procedures to govern public hearing. The TRA shall make its public hearing procedures available to the public.
- (5) Comprehensive written records shall be taken from all hearings held by the TRA.

Section 11
Claims, Resolution of Disputes and Right of Appeal

- (1) Not later than thirty (30) days after the entry into force of this Law, the TRA shall adopt procedures to effectively address comments and/or complaints from affected parties, persons with legitimate interests and the public generally.
- (2) Where so required under this Law or other applicable legislation, the TRA shall resolve disputes between participants in telecommunications activities, including, but not limited to disputes by and between service providers, users, and the owners of land and facilities.
- (3) The TRA shall undertake such dispute resolution procedures, either at the request of any of party to a dispute under paragraph one (1) of this section, or of its own motion.
- (4) Upon receipt of a request by party to commence dispute resolution procedures, the TRA shall have not longer than six (6) weeks to collect information for the purpose of accepting or rejecting such request.
- (5) In the event that the TRA rejects the request for dispute resolution procedures, the parties shall be notified in writing thereof, together with the reasons therefore.
- (6) In the event that the TRA accepts the request to resolve the dispute, the TRA shall convene a meeting of the parties to the dispute, conduct a hearing for the purposes of ascertaining all relevant facts, and issue a ruling, either granting or rejecting the claim.
- (7) The TRA shall rule on the basis of applicable law and regulations, and pursuant to the principle of protecting the interests of users, promoting innovation and development in the field of telecommunications, and protecting competition.
- (8) Official acts and decisions of the TRA shall be subject to judicial review and appeal by any party with standing through the administrative court procedures as designated by the applicable laws in Kosovo.

Section 12
Right to Collect and Maintain Information

- (1) The TRA shall collect and maintain information, including but not limited to statistics, financial, employment and network performance reports or other reports that it requires in order to fulfill its responsibilities under this Law or any other relevant legislation.
- (2) The TRA shall collect personal data only pursuant to Kosovo law.
- (3) In handling information collected, the TRA shall safeguard commercial secrets and other confidential information.

Section 13
Official Registers

- (1) Pursuant to its authority to collect and maintain information, the TRA shall establish and maintain official registers of service providers, persons that have been assigned radio frequencies, and persons that have been assigned number blocks under the Kosovo numbering system.
- (2) The official registers shall be administered as a mutually linked computerized database.
- (3) The TRA is required to include the following data in the official register for service providers:
- (a) full name and title of the service provider;
 - (b) legal status and tax number;
 - (c) full name and personal identity number of the responsible officer;
 - (d) registration number in the Business Register of Kosovo;
 - (e) address or head office address;
 - (f) information regarding the authorization and/or license issued;
 - (g) date of expiration of the authorization and/or license issued;
 - (h) type of telecommunications services to be provided;
 - (i) other information in the authorization and/or license as relevant;
 - (j) information on the service provider's classification with respect to significant market strength; and,
 - (k) information related to the service provider's payment of fees, penalties and/or fines imposed by the TRA.
- (4) The TRA is required to include the following data in the official register for persons that have been received a grant of right to use radio frequencies:
- (a) full name and title of the grantee;
 - (b) legal status and tax number;
 - (c) full name and personal identity number of the responsible officer;
 - (d) registration number in the Business Register of Kosovo;
 - (e) address or head office address;
 - (f) information regarding the assignment of the radio frequency;
 - (g) date of expiration of the assignment;
 - (h) type of telecommunications services to be provided;
 - (i) other information regarding the assignment as relevant; and,
 - (j) information related to the grantees's payment of fees, penalties and/or fines imposed by the TRA.
- (5) The TRA is required to include the following data in the official register for persons that have been assigned number blocks under the Kosovo number system:
- (a) full name and title of the holder;
 - (b) legal status and tax number;
 - (c) full name and personal identity number of the responsible officer;
 - (d) registration number in the Business Register of Kosovo;
 - (e) address or head office address;
 - (f) information regarding the assignment of number blocks;
 - (g) date of expiration of the assignment;
 - (h) type of telecommunications services to be provided;
 - (i) other information regarding the assignment as relevant; and,
 - (j) information related to the holder's payment of fees, penalties and/or fines imposed by the TRA.
- (6) The TRA may also obtain the data specified in paragraph five (5) of this section by way of a direct computerized link.
- (7) The TRA shall submit an annual report with the Assembly on the work of the TRA during the preceding year. The TRA shall post the report on the TRA's official website, and make a copy available for public inspection at its offices.

Section 14
Investigations and Offenses

- (1) The TRA may investigate any facts, conditions, practices or matters which it finds necessary or proper to determine whether any person has violated or is about to violate this Law, other applicable laws, or any rule issued thereunder or to carry out any other lawful responsibility of the TRA.
- (2) In conducting any such investigation, a Member of the TRA Board or any officer designated by the Board shall have the power to call witnesses, compel their attendance, take evidence and require the production of books, papers, contracts, agreements, and other records relevant to the inquiry.
- (3) In the event that any person fails to obey TRA's order, the TRA may invoke the aid of any court of competent jurisdiction or appropriate law enforcement agency to secure compliance therewith.
- (4) A company, organization or other legal entity may be found to be liable under this Law if it has acted, made a decision or failed to act where it should have acted, as a result of a decision made or act committed (whether intentionally, recklessly or negligently) by a director, secretary, manager, Member of the Board or other officer, of that company, organization or entity.

Section 15
Enforcement

- (1) The TRA shall appoint inspectors to verify the lawful execution of license terms and enforce the lawful use of spectrum resources, including, but not limited to:
 - (a) construction of network infrastructure; and
 - (b) towers, conduits and inside wiring.
- (2) The TRA shall issue official identification to inspectors and provide written instructions for the conduct of inspections. Inspectors may obtain expert opinions and technical advice to assist with their missions.
- (3) Service providers shall provide documents, plans and access to facilities upon request of the inspectors with duly issued written inspection orders.
- (4) The TRA may issue written orders to block and seal equipment and/or facilities when no license is issued, expired or if inspectors have documented evidence that the terms and conditions of the license have not been fulfilled. The blocking orders shall be implemented by its inspectors and Kosovo law enforcement authorities.
- (5) When inspectors have sufficient evidence to prove that a licensee has contravened this Law, the terms and conditions of license and/or approved rules, the TRA may :
 - (a) impose fines and issue written orders to correct defective actions within a specific time period; or
 - (b) suspend or revoke the general authorization or individual license.

Section 16
Market Entry Barriers Proceedings

- (1) Not later than nine (9) months after the entry into force of this Law, the TRA shall deliver to the Assembly a report identifying and facilitating the removal of market entry barriers for entrepreneurs and other small businesses in the delivery of telecommunications services.
- (2) The report shall take into account the opinions and concerns of the private sector, which opinions and concerns may be solicited either in a formal public proceeding, a request for written comments or both. In particular, this inquiry shall focus on the following matters:
 - (a) availability, quality and prices of leased lines, interconnection, including unbundled network elements, and, basic subscriber information suitable for telephone directories and yellow pages;
 - (b) competitive procurement of goods and services by PTK; and,
 - (c) barriers to the adoption of electronic commerce, including, but not limited to:
 - i. electronic signatures;
 - ii. public key infrastructure;

- iii. internet naming and addressing; and,
- iv. the technical and financial aspects of the international gateways, which provide interconnection and traffic routing for telephone calls into and out of Kosovo.

(3) The TRA shall undertake a new review of the subjects described in paragraph two (2) of this section and report to the Assembly not later than one (1) year after the initial review, and on an annual basis thereafter.

Section 17
EU Conformity

(1) Not later than six (6) months after the entry into force of this Law, the TRA shall deliver to the Assembly a report which identifies the technical barriers in full conformity with EU Directives and Decisions with respect to the development of an open, competitive telecommunications market. In particular, this inquiry shall focus on the following technical issues:

- (a) Radio frequencies;
- (b) Numbering plan: adoption of the numbering responsibilities of the ONP framework, particularly the common international telephony access code (00) and free tariff numbers (emergency and value added network services);
- (c) Electronic commerce: adoption of the EU Directive establishing a common framework for electronic signatures and cross-border information flow;
- (d) Internet naming and addressing: creation of a top -level domain to facilitate the commercial exploitation of the internet in Kosovo; and,
- (e) Interfaces with international service providers: adoption of public procedures and a reference document.

(2) The TRA shall undertake a new review of the subjects described in paragraph one (1) of this section and report to the Assembly no later than one (1) year after the initial review, and on an annual basis thereafter.

Chapter 4
PTK

Section 18

PTK is a public operator of postal and telecommunications services in Kosovo as defined with UNMIK Regulation 1999/12.

Section 19

The Ministry, through the Supervisory Board and in cooperation with the KTA shall supervise the work of PTK.

Chapter 5
Authorizations and Licenses

Section 20
TRA Authority

(1) Except as otherwise specifically provided in this Law, the TRA shall have the sole power to issue authorizations and licenses to provide telecommunications services in Kosovo.

(2) The TRA shall conduct all activities and operations under this section in a transparent and non-discriminatory manner pursuant to this Law.

Section 21
Authorizations

(1) No person shall provide telecommunications services to the public in Kosovo without obtaining an authorization from the TRA to provide such services.

- (2) Service providers establishing telecommunications services for their exclusive use shall not be required to obtain an authorization, but may be required to obtain a license, in the event that they intend to utilize a limited resource.
- (3) The TRA shall prescribe precise, written, non-discriminatory procedures for the application, processing and issuance of authorizations.
- (4) As part of the authorization process the TRA is authorized to request such information from the applicant that is reasonably required to verify the information filed and the applicant's compliance with the provisions of this Law.
- (5) Authorizations shall be issued subject to compliance with the provisions contained in the general conditions, which shall include, at a minimum, applicant's agreement:
- (a) to provide services to the public on a transparent, non-discriminatory basis;
 - (b) to provide subscribers with a standard, non-discriminatory, written contract, which will be available to the TRA, upon request;
 - (c) to implement systems that will ensure all subscribers receive detailed and accurate billing;
 - (d) to establish an effective dispute settlement procedure for subscribers; and
 - (e) publish and provide adequate public notice of changes in access conditions, including tariffs, quality and availability of services.
- (6) The TRA may establish additional conditions for authorizations, based upon class or category of services, which may include, without being limited to the following:
- (a) customer information necessary for the provision of universal directory information;
 - (b) provision of emergency services;
 - (c) special arrangements for disabled people;
 - (d) conditions required for network interconnection;
 - (e) conditions that reflect standards of public morality and protect public safety; and,
 - (f) plans developed by service providers for the continued provision of essential telecommunications services to the public in the event of a strike or labor action, which, subject to the approval of the TRA, they shall implement upon the written notification by the Ministry.
- (7) The TRA shall establish applicable classes or categories of services for authorizations, which may include, without being limited to the following:
- (a) data services, including fixed packet - or circuit-switched data services offered to the public;
 - (b) value-added data transmission services, including multimedia, internet and electronic mail;
 - (c) value-added voice transmission services, such as store-and-forward and voicemail services, audiotext and teletext services, video-conferencing, re-forwarding of messages, videophones;
 - (d) premium rate services, such as shared cost, shared revenue or freephone (toll-free) and calling cards; and,
 - (e) satellite personal communications services.

Section 22 Licenses

- (1) No person shall provide telecommunications services involving a limited resource, including, but not limited to, the right to use number of frequency allocation, space on a utility pole, tower or in a conduit, without obtaining a license from the TRA to provide such services.
- (2) The number of licenses that the TRA may grant is unlimited, except by technical limitations related to the efficient use of the radio frequency spectrum, as specified in the frequency spectrum resource plan and approved by the SRSG. In the event of limited radio frequency, as determined by the TRA, the TRA shall select licensees by way of a tender or auction process pursuant to applicable law
- (3) The TRA shall prescribe precise, written, non-discriminatory procedures for the request, processing and issuance of licenses.
- (4) A license shall be issued to an applicant that, in the judgment of the TRA, possesses sufficient financial resources and technical capabilities to fulfill the terms of the license.

- (5) If the TRA finds that Kosovo security or public order issues are raised by a particular license application, it shall refer the matter to the Ministry for resolution.
- (6) As part of the licensing process the TRA is authorized to request such information from the applicant that is reasonably required to verify the information filed and the applicant's compliance with the provisions of this Law.
- (7) Licenses shall be granted subject to compliance with the provisions contained in the general conditions for licenses, which shall include at a minimum:
- (a) the nature, characteristics, service coverage area and network extension schedule;
 - (b) the operating hours, quality and availability of the network and access conditions, particularly for public payphones or their equivalent in the case of mobile services;
 - (c) the conditions of confidentiality and neutrality of the service with regard to the information transmitted;
 - (d) the standards and specifications for networks and services, particularly, where appropriate, European standards;
 - (e) the conditions required for the protection of the environment and for municipal planning objectives, including, where appropriate, conditions governing the occupation of the domain and sharing of facilities;
 - (f) conditions required in the interests of Kosovo defense and emergencies, including fire, police and ambulance;
 - (g) the contribution of the service provider to research and training in the field of telecommunications;
 - (h) the use of radio spectrum, the fees related to such use and the costs of spectrum management and monitoring;
 - (i) the allocation of individual numbers or numbering ranges, fees due for the management and control of the numbering plan;
 - (j) universal service obligations incumbent on the license holder in accordance with this Law;
 - (k) the provision of the information required to establish the subscriber directory in accordance with this Law;
 - (l) the rights and obligations of the service provider with regard to interconnection;
 - (m) the conditions necessary to promote fair competition;
 - (n) the conditions necessary to ensure the equivalent treatment of international service providers;
 - (o) the conditions necessary to ensure the interoperability of services;
 - (p) the obligations incumbent upon the service provider to allow the TRA to enforce the service provider's general conditions;
 - (q) fees payable for the grant, management and control of Licenses; and
 - (r) the equal treatment and provision of information to users, particularly concerning contractual conditions pursuant to which the service is provided, and which provides for compensation to the subscriber in the event that the service provider breaches the quality requirements specified in sub-paragraph (b) of this section.

Section 23

Submission, Approval and Publication of General Conditions and Prices

- (1) Service providers seeking to provide telecommunications services that require a license under this Law shall prepare and deliver to the TRA a description of services and the general conditions, that sets out in detail the prices for such services.
- (2) Prior to the implementation of the general conditions, service providers with significant market strength shall submit a sample contract for users that is to be included as a part of the general conditions and shall obtain written approval therefor from the TRA.
- (3) The TRA shall issue written approval for general conditions and prices not later than seven days after receipt from the service provider unless the TRA determines that additional information and/or calculations are required, in which case, upon notification to the service provider thereof, the period shall be extended to not longer than fourteen (14) days.
- (4) In the event that the TRA fails to issue and deliver its written approval to the service provider during the period specified in paragraph three (3) of this section, the TRA shall be deemed to have given its approval.
- (5) The TRA may order a service provider to make changes to its general conditions, even after the TRA's approval has been given, if it determines that such changes are necessary to protect users or to safeguard competition.

Section 24
Formulation of Prices

- (1) Telecommunications services prices shall be based on the costs of efficiently providing such services, and shall, for the same type of service by the same service provider, be identical throughout Kosovo, or in the service provider's entire area of operation if the service provider does not operate throughout Kosovo.
- (2) Prices for fixed telephone network services and for services provided by service providers with significant market strength shall be comprised of the actual costs of providing such services, based upon applicable accounting standards.
- (3) Prices for fixed telephone network services and for services provided by service providers with significant market strength shall be:
 - (a) sufficiently unbundled to allow customers not to pay for services not being used;
 - (b) transparent, non-discriminatory and unaffected by user application;
 - (c) available for public review; and
 - (d) designed in such a way that discounts are adjusted to ensure that tied services or products do not adversely effect competition.
- (4) Service providers may reduce the pricing provisions of general application as set out in this section to take into consideration the special circumstances of disabled persons or other classes of customers.
- (5) Pursuant to the provisions of this section, the TRA shall develop and implement a detailed pricing policy that conforms to the requirements of this Law.

Section 25
License Content

- (1) A license shall contain, without being limited to, the following:
 - (a) information related to the type of services, the characteristics and/or standards of the network's operation, the area of coverage, and information related to capacities and network expansion;
 - (b) information related to the licensee and all applicable restrictions;
 - (c) term of the license; and,
 - (d) the licensee's obligations under this Law and all other enabling legislation pursuant hereto.

Section 26
Term, Transfer, Amendment, Renewal, Cancellation, Revocation and Expiration

- (1) Each license shall be issued for a specific period not to exceed fifteen (15) years, subject to the payment of an annual renewal fee.
- (2) As a condition to the continuing validity of any issued license, the licensee shall report to the TRA any changes to the legal, civil or tax status of the licensee, or the introduction of any bankruptcy or legal proceedings, voluntary or involuntary, against the licensee not later than thirty days thereafter;
- (3) No license shall be transferred by to any person, including transfers pursuant to a judicially ordered liquidation, without the prior written consent of the TRA.
- (4) The TRA shall amend a license if:
 - (a) instructed to do so by the SRSG or the Ministry in close coordination with the SRSG as a matter of radio frequency spectrum management; or
 - (b) required by international legal acts valid in Kosovo.
- (5) At the end of the period for which a license has been issued, the TRA may, but shall not be obligated to renew it if all the conditions prescribed for the acquisition thereof are fulfilled.
- (6) The TRA shall cancel a license upon the written request of the Licensee.
- (7) The TRA shall revoke a license if:

- (a) the licensee fails to fulfill the license conditions to the satisfaction of the TRA;
 - (b) the license application is found to contain false, inaccurate or misleading information which is substantive in nature;
 - (c) the licensee fails to commence the provision of service within one year of issuance, unless otherwise provided in the license;
 - (d) the license fee has not been paid and notice of nonpayment has been given;
 - (e) when instructed by the SRSG or the Ministry in close coordination with the SRSG, as a matter of radio frequency spectrum management, and/or
 - (f) if the TRA determines that the service provider's failure to perform its obligations under the License would cause major disruption to the market.
- (8) A License shall expire:
- (a) at the end of the period for which it was issued, if not renewed; or
 - (b) if the Licensee ceases to exist and a transfer has not been effected.
- (9) All actions taken by the TRA under this section shall be made public and posted on the official website of the TRA.

Section 27

Shared Use of Facilities and Public Right Away

The TRA shall establish rules for the use of publicly and privately controlled property with respect to telecommunications services and service providers, including, but not limited to transmission towers for wireless services, utility pole attachment for wireline services and other applicable infrastructure forms. The TRA shall also establish rules for minimizing the accidental destruction or damage of network facilities, including, but not limited to underground or aerial transmission cables.

Chapter 6

Grant of Right to Use Radio Frequencies

Section 28

Frequencies Subject to License Requirements

- (1) Radio frequency bands that are allocated for the needs of Kosovo security and defense and emergencies, or protection against natural and other disasters are a reserved power under the SRSG. Accordingly, the TRA has no authority to grant the right to use those frequency bands reserved by the SRSG.
- (2) Service providers seeking to use radio frequencies that have been assigned to the PISG by the SRSG, shall obtain a grant of right to use such frequencies from the TRA prior to the provision of such services. The TRA shall grant the right to use radio frequencies pursuant to this Law and other relevant legislation
- (3) The TRA shall prescribe the radio frequencies for which it shall not be necessary to obtain a grant of right from the TRA and shall make such information publicly available.
- (4) The TRA shall identify certain spectrum resources as reserved for automatic auction procedures and not available on the basis of an individual request, including, but not being limited to, mobile services in GSM standard, and fixed wireless services.

Section 29

Application Process and Standards

- (1) The TRA shall prescribe precise, written, non-discriminatory procedures for the request, processing and issuance of grant of rights to use radio frequencies.
- (2) The TRA shall refuse to grant the right to use radio frequencies in the event that it determines that:
- (a) the applicant's request is not technically feasible;
 - (b) the grant of the right to use radio frequencies would contravene the provisions of this Law ;
 - (c) the grant of the right to use radio frequencies would preclude the efficient use of the radio frequency spectrum or the operation of other telecommunications equipment;
 - (d) the applicant has violated the provisions of this Law or has failed to settle fees due in respect of the use of radio frequencies; or

- (e) if, upon the grant of the right to use radio frequencies, a signal from radio equipment would cause unacceptable interference to other radio equipment, receivers or electrical and electronic systems.

Section 30
Publication Requirements

- (1) After receiving an application to use a radio frequency or frequencies for the delivery of public telecommunications services in Kosovo, the TRA shall publish information stating that an application has been received and the purpose for which the applicant shall use the frequency, but shall not publish information related to the applicant. The publication shall also invite other applicants to file applications for that frequency not later than sixty (60) days after the date of publication.
- (2) If, during the sixty (60) day period described in paragraph one (1) of this section, the TRA receives no additional applications, or if the TRA receives additional applications and it is possible for the TRA to assign the radio frequency to all the applicants simultaneously, the TRA shall grant the right to use the specified frequency pursuant to the terms of this Law.
- (3) If, during the sixty (60) day period described in paragraph one (1) of this section the TRA receives an additional application or applications and the radio frequency cannot be assigned to each applicant simultaneously, the TRA shall reject all applications therefor and announce a public tender for the granting of the right to use the radio frequency not later than thirty (30) days after the date of the original application, and shall grant the right to use the radio frequency under the procedure specified by the TRA pertaining to public tender and auction.

Section 31
Content of a Grant of Right to Use Radio Frequencies

- (1) A grant of the right to use one or more radio frequencies shall be comprised of *inter alia*, the following components:
 - (a) information related to the grantee;
 - (b) information related to the radio frequencies granted;
 - (c) information related to the area of coverage granted;
 - (d) information related to the period of validity of the grant; or
 - (e) any additional information or conditions as required by the TRA.

Section 32
Term, Extension, and Expiration

- (1) A grant of the right to use of radio frequencies shall be issued by the TRA for a specific period not to exceed fifteen (15) years, subject to the payment of an annual renewal fee and the certification of compliance with the general conditions of the grant.
- (2) At the request of the grantee of the right to use radio frequencies, the TRA shall grant an extension thereof, and all conditions of the original grant shall also be extended. Applications for the extension of a grant of the right to use radio frequencies shall be filed with the TRA not less than thirty (30) days prior to the expiration of the grant.
- (3) A grant of the right to use radio frequencies shall expire:
 - (a) at the end of the period for which the right of use was granted, unless it is renewed;
 - (b) if the grantee ceases to exist;
 - (c) if the grantee fails to begin using the radio frequencies not later than one (1) year of receiving the grant;
 - (d) upon the revocation of the grant of the right to use radio frequencies pursuant to the provisions of this Law.
- (4) Actions taken by the TRA with respect to extensions and expiration shall be made publicly available.
- (5) As a condition to the continuing validity of any grant of the right to use radio frequencies, the grantee shall report to the TRA any changes to the legal, civil or tax status of the grantee, or the introduction of any bankruptcy or legal proceedings, voluntary or involuntary, against the grantee not later than thirty (30) days thereof.

Section 33
Radio Frequencies for the Provision of Mobile Public Radio Services

- (1) The TRA may include a grant of the right to use a radio frequency in the license for the provision of mobile public radio services, in accordance with the policy set by the Ministry.
- (2) In the event that a grant of the right to use a radio frequency is included with a license to provide services, all other conditions pertaining to transfer, amendment, revocation and expiration under this Chapter shall apply.

Section 34
Transfer, Amendment and Revocation

- (1) Grantees of rights to use radio frequencies may transfer such rights to other legal and natural persons, provided that the conditions prescribed in the original grant are fulfilled and provided further, that the TRA grants written approval thereof.
- (2) The TRA may amend a grant of the right to use radio frequencies if:
 - (a) the allocation of radio frequency bands has been altered or urgent public needs have arisen that cannot otherwise be satisfied;
 - (b) such allocation is necessary for the efficient use of the radio frequency spectrum and for the benefit of the public;
 - (c) it is not otherwise possible to avoid harmful radio interference; or
 - (d) such allocation is required by international legal acts binding in Kosovo.
- (3) In those cases set out in paragraph two (2) of this section, the TRA shall grant a new right to use radio frequencies.
- (4) In cases specified in paragraph two (2) of this section, the TRA may revoke a grant of the right to use radio frequencies.
- (5) In those cases where the TRA has amended or revoked a grant of the right to use radio frequencies, grantees may apply for equivalent frequencies, so long as the amendment or revocation arose through no fault of their own. In the event that it is not possible to grant the right to use equivalent frequencies, the grantee shall be entitled to claim compensation therefor.
- (6) The TRA shall revoke a grant of the right to use radio frequencies at the request the grantee, provided that the grantee has fulfilled the obligations of the grant and any other relevant legal obligations.
- (7) The TRA shall revoke a grant of the right to use radio frequencies if it determines that:
 - (a) the application for the grant of the right to use radio frequencies contained false, misleading or inaccurate information;
 - (b) the holder no longer fulfills the conditions of the grant;
 - (c) the fee for use of the radio frequencies has not been paid and notices has been given; or
 - (d) if a signal from radio equipment causes unacceptable interference to other radio equipment, receivers or electrical and electronic systems.
- (8) Actions taken by the TRA with respect to transfers, amendments and revocations shall be made publicly available.

Section 35
Grant Fee and Payment

- (1) An annual fee shall be paid by the grantee to the TRA for the grant of the right to use radio frequencies.
- (2) A fee shall not be required for the grant of the right to use radio frequencies related to Kosovo security and defense or protection against natural and other disasters and for amateur radio users under this Law.
- (3) The TRA shall determine the fee to be charged under this section taking into consideration *inter alia*, the following:

- (a) the area of coverage;
- (b) the population density in the area of coverage;
- (c) the radio frequencies or the width of the radio frequency band; or
- (d) the type of radio communications covered by the grant.

Section 36
Additional Mobile Tender

Notwithstanding any other provisions of this Section, the TRA, in close coordination with the SRSG, shall issue a grant of right to use a radio frequency for GSM900 mobile public radio services pursuant to the procedures pertaining to public tender and auction. The Ministry shall prepare tendering documents and the tender shall be approved by TRA. Not later than six (6) months after the entry into force of this Law, the TRA, at the direction of the Ministry, shall offer a further License to any mobile service provider not currently providing mobile services in Kosovo market, by way of international competitive tender, pursuant to the terms of this Law and other applicable laws.

Chapter 7
Assignment of Numbers

Section 37
Assignment of Numbers

- (1) The TRA shall prepare a numbering plan, assign numbers and number blocks and administer them in a non-discriminatory way as more fully set forth in section 66 of this Law.
- (2) No service provider shall use a number or numbers unless and until the TRA assigns such number or numbers.
- (3) The TRA shall prescribe precise, written, non-discriminatory procedures for the request, processing and assignment of numbers.
- (4) The TRA shall assign numbers and blocks of numbers pursuant to this Law and other relevant legislation.
- (5) Applications for the assignment of numbers shall contain evidence of the applicant's fulfillment of the conditions specified in the assignment, a projection of needs for the subsequent three (3) year period and reasoning which demonstrates that the quantity of numbers assigned were used during such three (3) year period.
- (6) The service provider may allocate numbers that it has been assigned to it to subscribers that shall be the end users.
- (7) The TRA shall also publish procedures pursuant to which allocated numbers may be assigned.
- (8) The TRA shall make the official records related to the assignment, revocation and expiration of number assignments publicly available.

Section 38
Term, Amendment, Validity, Revocation and Expiration

- (1) The TRA's assignment of numbers shall be for an indefinite period of time.
- (2) The TRA shall, as it deems appropriate, amend the assignment of numbers.
- (3) The assignment of numbers shall become invalid if the assignee breaches the conditions of the assignment or if the assignee fails to settle fees due for the use of the assigned numbers.
- (4) As a condition to the continuing validity of any number assignments, the assignee shall report to the TRA any changes to the legal, civil or tax status of the assignee, or the introduction of any bankruptcy or legal proceedings, voluntary or involuntary, against the assignee not later than thirty (30) days after such change has become effective.
- (5) The TRA shall revoke an assignment of numbers if it determines that:

- (a) the application for the assignment of numbers contained false, misleading or inaccurate information;
 - (b) the assignee no longer fulfils the conditions specified in this Law;
 - (c) the fee for assigned numbers or number blocks has not been paid and notice has been given; or,
 - (d) the numbers assigned are not being used pursuant to the conditions specified in this Law or in the assignment.
- (6) An assignment of numbers shall expire:
- (a) if the assignee so requests;
 - (b) if the assignee ceases to exist; or,
 - (c) upon the revocation of the assignment of numbers pursuant to the provisions of this Law.
- (7) If the assignee of assigned numbers fails to use any of its assigned numbers during the three (3) year period subsequent to the assignment thereof, or fails to use any of its assigned number blocks for more than one (1) year, the assignment of those numbers or number blocks that have not been used during such time shall expire.

Section 39

Transferability of Assignment of Numbers

- (1) The assignment of numbers by a service provider is not transferable, except as specified in this section.
- (2) When subscribers in a fixed public telephone network elect to change service providers, they may retain the geographical numbers assigned, provided they remain within the same geographical location.
- (3) When subscribers in a fixed public telephone network holding non-geographical numbers elect to change service providers, they may retain the number originally assigned, whether or not the subscriber stays in the same geographical location.
- (4) Subscribers identified in paragraphs (1) and (2) of this section that elect to change service providers may be charged a fee therefor by their original service provider, but only for those costs directly associated with the subscription change.

Chapter 8 Service Providers

Section 40

Essential Requirements

- (1) In addition to all other applicable provisions set forth in this Law, all public telecommunications service providers shall meet the requirements of this Chapter including essential requirements for:
 - (a) safety of the network operation;
 - (b) maintenance and integrity of the network;
 - (c) non-discriminatory access and pricing;
 - (d) interconnection among networks; and,
 - (e) consumer and data protection.
- (2) All service providers shall pay the fees levied upon them under this Law.
- (3) All service providers shall be validly registered under UNMIK Regulation 2001/6 of 8 February 2001, "On Business Organizations."
- (4) Not later than (2) months after the entry into force of this Law, all existing persons providing telecommunication services in Kosovo, that intend to continue providing such services, shall apply for the appropriate authorization, license, grant of power, and/or assignment of numbers as required by the present law.

Section 41

Reporting

- (1) All service providers shall deliver annual reports, including financial information based on an independent audit in conformity with applicable Kosovo law, to the TRA that shall include, as applicable:

- (a) the amount of any capital stock issued and outstanding;
- (b) the amount and privileges of each class of stock;
- (c) the amounts paid therefor and the manner of payment;
- (d) the dividends paid, if any;
- (e) the number of stockholders (and the names of the thirty largest holders of (f) each class of stock and the amount held by each);
- (g) the funded and floating debts and the interest paid thereon;
- (h) the cost and value of the service provider's property, franchises, and equipment;
- (i) the number of employees and the salaries paid each class;
- (j) the names of all officers and directors, and the amount of salary, bonus, and all other compensation paid to each;
- (k) the amount expended for capital improvements each year;
- (l) the earnings and receipts from each branch of business and from all sources;
- (m) the operating and other expenses;
- (n) the balances of profit and loss; and,
- (o) a complete exhibit of the financial operations of the service provider each year, including an annual balance sheet.

(2) The annual reports shall be for such twelve (12) month period as the TRA shall designate and shall be filed with the TRA not later than three (3) months after the close of the year for which the report is made, unless additional time is granted by the TRA.

Section 42
Accounting

(1) Service providers of public telecommunications networks and services shall ensure appropriate separation at the organizational and accounting levels to facilitate the division of income, expenditure and costs for the individual telecommunications services they perform, annually audit the financial statements according international accounting standards and as required by applicable Kosovo laws or UNMIK R egulations, publish the audited financial statements and submit an annual report to the TRA.

(2) Service providers that provide public telecommunications services in addition to their broadcasting services shall maintain separate financial records for the individual activities pursuant to paragraph one (1) of this section.

(3) The TRA shall have the right to inspect the financial records of all service providers.

(4) The TRA may require service providers to adopt specific accounting standards to prevent cross-subsidization of services and achieve other objectives of this Law.

Section 43
Security Measures

(1) Service providers of public telecommunications services shall take appropriate technical and organizational measures, to protect the security of their services.

(2) These protective measures shall ensure a level of security and protection which is proportional to the anticipated risk and costs, and which is commensurate with the level of technical development of the system.

(3) If there is a likelihood of the security of a network being penetrated, the service provider shall warn the user of this risk and notify the user regarding possible security measures.

(4) Service providers of public telecommunications services and networks shall submit to the TRA, at its request, details related to the system of measures for guaranteeing security, together with a declaration that technical preventive measures and other security measures cited therein have been implemented or are to be implemented within a specific time frame.

(5) In the event that the TRA finds any deficiencies in the proposed system of protective measures under this section or in its implementation, the service provider shall remove such deficiencies upon written order from the TRA.

Section 44
Service Providers with Significant Market Strength

- (1) For the purposes of this Law, service providers shall be deemed to have significant market strength if they have a share in commercial activities of the same type of more than twenty-five per cent (25%) for a particular service sector of the market in Kosovo. For the purposes of this section, the market shares of service providers that are subsidiaries of other companies working in the same sector, or companies which themselves control other companies working in the same sector shall be considered together and in their entirety.
- (2) The TRA shall determine whether a service provider possesses significant market strength at the request of any service provider, or on its own motion.
- (3) In determining whether a service provider has significant market strength, the TRA shall take into consideration the relative size of the service provider as compared to the size of the market, the service provider's ability to influence market conditions, the service provider's control of access to end users, and the service provider's financial resources.

Section 45
Prohibition of Subsidization

- (1) Service providers conducting other commercial activities in which they hold a significant market strength within the meaning of this Law or other relevant competition rules in force in Kosovo, or which have special or exclusive rights to perform a specific commercial activities or to use a natural resource or other limited resource that is not available to other service providers shall be required to deliver its telecommunications-related services through a separate legal entity.
- (2) No service provider of public telecommunications services with significant market strength may cross-subsidize different telecommunications services.
- (3) Service providers of public telecommunications services with significant market strength shall clearly separate the organizational structures and the financial records of its various activities in order to accurately account for the profits and losses of each individual commercial activity.

Section 46
Monitoring of Telecommunications Traffic

- (1) If so required, pursuant to the applicable rules of criminal procedure or any other relevant law or UNMIK Regulation, for the introduction or progress of criminal proceedings or for Kosovo security, service providers shall be required to:
- (a) report to the relevant authority information related to participants, messages and the facts and circumstances of telecommunications traffic in individual cases, in the manner, in the extent and for the duration stipulated by a court order from a competent court;
 - (b) upon a written request, report to the relevant authority information on the owners and users of telecommunications services, by which the telecommunications traffic that is the subject of the court order specified in sub-paragraph (a) of this paragraph is conducted; or
 - (c) provide a suitable interface in their network to carry out surveillance of telecommunications traffic in the manner, in the extent and for the duration stipulated by a court order from the relevant authority.
- (2) Prior to executing the acts specified under such order, the relevant authority shall be required to deliver to the service provider a transcript of the section of the court order citing the telecommunications connection and the duration of the execution. The body that issued the order shall make the transcript of the relevant section of the order.

Section 47
Display of Identity of the Caller or Person Called

The TRA shall develop and publish the terms and conditions of network automatic number identification and its provision to the public as a service offering.

Section 48
Re-Routing of Calls and Automatic Calls

The TRA shall develop and publish the terms and conditions of automated re-routing of calls and the provision of this network capability to the public as a service offering.

Chapter 9
Universal Service

Section 49
Universal Service Principles

- (1) The TRA shall be governed by this Law and take into account public opinion regarding the definition, requirements and support mechanisms of Universal Service in Kosovo.
- (2) Universal Service is an evolving level of telecommunications services that the TRA shall periodically define, taking into account advances in telecommunications and information technologies and services.
- (3) The TRA shall promote Universal Service on the following principles:
 - (a) **Quality and Rates:** The quality of services should be provided at reasonable and affordable rates.
 - (b) **Basic Services:** At a minimum, all subscribers shall have access to the following services throughout Kosovo:
 - (i) Voice telephony, including by individual subscription and public payphones;
 - (ii) Subscriber directory assistance; and
 - (iii) Free calls to emergency services including fire, police and ambulance.
 - (c) **Access to Advanced Services:** Access to advanced Telecommunications and information services should be provided throughout Kosovo.
 - (d) **Access in Rural and High Cost Areas:** Consumers in all regions of Kosovo, including low-income consumers and those in rural, insular, and high cost areas, should have access to Telecommunications and information services, including advanced Telecommunications and information services, that are reasonably comparable to those services provided in urban areas and that are available at rates that are reasonably comparable to rates charged for similar services in urban areas.
 - (e) **Equitable and Non-discriminatory Contributions:** All providers of Telecommunications Services shall make an equitable and nondiscriminatory contribution to the preservation and advancement of Universal Service.
 - (f) **Specific and Predictable Mechanisms:** There should be specific, predictable and sufficient financial mechanisms to preserve and advance Universal Service.
 - (g) **Community Access to Advanced Telecommunications Services:** Schools and universities, health care providers, and libraries should have access to advanced Telecommunications Services to facilitate the broadest public access to advanced Telecommunications Services such as broadband internet.
 - (h) **Additional Principles:** The TRA and the Ministry may determine additional principles of Universal Service appropriate for the protection of the public interest, convenience, and necessity that are consistent with this Law.
- (4) The Ministry in recommending, and the TRA in defining, those services that are universal service support shall consider the extent to which such telecommunications services:
 - (a) are essential to education, public health, or public safety;
 - (b) have, through the operation of market choices by customers, been subscribed to by a substantial majority of residential customers;
 - (c) are being provided in public telecommunications networks by service providers; and
 - (d) are consistent with the public interest, convenience, and necessity.
- (5) As it considers appropriate, the Ministry may recommend modifications to the definition of the services that are universal services to the TRA.

(6) In addition to the services included in the definition of Universal Service under paragraph one (1) of this section, the TRA may designate additional services for such support mechanisms for schools, libraries, and health care providers.

Section 50 Fixed Service Tender

(1) Notwithstanding any other provisions of Section 47 (Definition of Universal Service), the TRA shall issue a concession for fixed telecommunications services pursuant to the procedures pertaining to public tender and auction. The tender documents shall be prepared by the Ministry and all aspects of the tender shall be conducted in a transparent manner.

(2) Not later than six (6) months after the entry into force of this Law, the TRA, at the direction of the Ministry, shall conduct an international competitive tender for a minimum of one hundred and fifty thousand (150,000) new access lines, with particular emphasis on the provision of service in rural and underserved areas. The Ministry shall establish specific access line deployment requirements for each of the thirty (30) municipal jurisdictions that shall be accomplished by the winning concessionaire during the three (3) year construction phase of the contract, with the goal of achieving a ten (10) percent penetration rate of basic telephone services.

(3) The concession shall contain incentives for rapid deployment and financial penalties for failure to meet contractual deployment requirements.

(4) The winning concessionaire shall provide all of its users with access to subscriber directories and tariff-free access to emergency services, including police, fire and medical ambulance dispatch.

(5) As part of the concession contract, the TRA shall make suitable spectrum resources available to the winning concessionaire for the provision of wireless local loop to the user as well as digital microwave for network interconnection; the standard right to use fees for such spectrum allocations but shall be exempt from the separate frequency auction provisions.

(6) The winning concessionaire shall operate pursuant to the terms of this Law and other applicable law in Kosovo.

Section 51 Fiberoptics Tender

Not later than six (6) months after the entry into force of this Law, the TRA, at the direction of the Ministry, shall conduct an international competitive tender for the establishment of an optimized connection from Kosovo with one or more of the regional fiberoptic systems. The Ministry shall identify the specific public right of way paths in the tender documents.

Chapter 10 **Telecommunications Networks and Services**

Section 52 Telecommunications Networks

(1) Public telecommunications networks shall be established to provide telecommunications services to all users on a non-discriminatory basis throughout Kosovo.

(2) All public telecommunications networks shall interconnect with each other and with international networks in conformity with international standards.

(3) Construction and maintenance of independent public telecommunications Networks shall be performed by licensed service providers to meet needs of public and private legal entities.

Section 53 Interfaces

(1) Public telecommunications service providers with significant market strength shall provide interfaces specified by standards designated by the TRA.

- (2) If a user or service provider requests a special interface or special access from a service provider with significant market strength, such provider shall grant such request if it is reasonable and does not lead to discrimination by or and among users. Any denial by a service provider under this section shall be delivered to the user not later than thirty (30) days after the request has been filed, and shall be accompanied by written reasons therefor.
- (3) Service providers with significant market strength that provide special access or interfaces shall do so on a cost-oriented basis. The TRA may review the fees and stipulate the financial formula for cost allocation or impose limits on the fees.
- (4) Public telecommunications service providers that possess significant market strength shall publish and provide to the TRA information regarding the types of interfaces that are available, their location and technical specifications thereof.
- (5) The TRA may order any service provider to provide standard interfaces, special interfaces or special access, or stipulate the conditions for such access.
- (6) The TRA shall publish guidelines for the provision of interfaces under this section.

Section 54

Line Leasing

- (1) Service providers with significant market strength in the provision of leased lines shall provide sufficient line capacity that shall include all interfaces specified in section 24 (Interfaces) of this Law in all geographic areas in which they offer line leasing services.
- (2) Any agreement between service providers related to the joint provision of capacity or interfaces shall be made available to the TRA upon request.

Section 55

Fixed and Mobile Public Telephone Services

- (1) All public telephone service providers shall provide access to:
- (a) directory assistance or other information services related to telephone subscribers;
 - (b) operator assistance, including assistance in establishing connections; and
 - (c) free of charge access to emergency numbers, including fire, police, ambulance and others pursuant to CEPT recommendations.
- (2) All public telephone service providers shall provide their subscribers with a statement of the services that it provides, and the conditions under which such services are provided, containing at a minimum, the time frame for initial connection, the provision of maintenance, compensation for service interruptions, the level of service quality and complaint procedures.
- (3) The TRA may order a service provider to modify the terms of its general conditions if they are not in compliance with this Law.
- (4) All public telephone service providers shall comply with the interface requirements of section 24 (Interfaces).
- (5) Public telephone service providers shall comply with any service quality targets established by the TRA.
- (6) The requirements of this section shall not be applicable to service providers of mobile public radio services of data services including *inter alia*, SMS (Short Messaging Service), GPRS (Global Packet Radio Service) and paging.

Section 56

Open Access to Network Interconnection

- (1) All service providers shall facilitate and improve communications among users of different public telecommunications networks.

- (2) Service providers shall provide mutual network interconnection based upon the requirements of this Law.
- (3) Confidential information obtained by service providers through the process of defining network interconnection standards and interfaces shall be protected.
- (4) Upon the service provider's request the TRA may provide a partial or complete exemption to a service providers' network interconnection obligation on the grounds of special, technical or commercial circumstances, and/or limited resources. Information concerning any partial or complete exemption granted under this section shall be provided to any persons that the TRA determines has a legitimate interest, free of charge.
- (5) In determining whether to relax obligations to interconnect with foreign service providers, the TRA shall take into consideration the provisions of international legal acts valid in Kosovo, reciprocity for mutual connections and any negative effects on competition that may arise there from.
- (6) Service providers shall negotiate the financial terms and technical conditions of network interconnection that shall be finalized in a written contract. This contract shall reflect all of the requirements set forth in this Law. Upon the written request of the TRA, the service provider shall supply any contracts for interconnection so requested. The interconnection contracts obtained by the TRA shall be made publicly available, except for specific information deemed to be business confidential as identified and agreed by the parties.
- (7) In the event that service providers fail to reach an agreement on interconnection, the TRA shall, not later than six (6) weeks after the request of either of the parties, establish the procedures, deadlines and conditions, including capacity, pursuant to which the service providers shall provide interconnection. Service providers shall comply with the terms of the written order of the TRA within thirty (30) days.
- (8) Service providers may vary *inter alia*, the prices, conditions and deadlines applicable for different categories of users, provided that such variations are rationally related to the type of network interconnection. The service provider shall not be entitled to use different categories of users in a way that would unreasonably restrict competition.

Section 57

Open Access to Networks and Services

- (1) Public telecommunications service providers with significant market strength shall provide services and access to their networks on the basis of published, cost-oriented, transparent and objective conditions that cover all activities related to the provision of access, including, but not limited to, information required to provide access, the terms of interconnection and time tables for providing such access.
- (2) The conditions specified in paragraph one (1) of this section shall be similar for similar services in similar circumstances, and shall be the same as the conditions provided by the service provider to itself or to its affiliate or subsidiary companies for the same services.
- (3) In the event that a service provider denies or restricts a customer's access to a network or service, the service provider shall inform the TRA of its technical justification therefor not later than ten (10) days thereof.

Chapter 11 Telecommunications Equipment

Section 58

Radio and Terminal Equipment

- (1) Radio and terminal equipment that conform with the provisions of this Law and any regulations or directives issued there under, may be freely marketed, freely transferred and used in Kosovo, provided that such equipment is correctly installed and maintained. .
- (2) Service providers shall permit the interconnection of radio and terminal equipment that conform with the provisions of this Law with appropriate interfaces.
- (3) All radio and terminal equipment manufactured in conforming to applicable standards issued by the European Telecommunications Standards Institute shall be deemed to be acceptable for use in Kosovo.

- (5) Paragraph one (1) of this section shall be equally applicable to medical equipment and motor vehicle equipment that has radio or terminal equipment built-in as a constituent part or accessory.
- (6) The provisions of this Chapter shall not apply to:
- (a) receivers designed exclusively to receive audio or television broadcast channels;
 - (b) cable and wire installations for the reception of broadcast channels;
 - (c) radio and terminal equipment that is covered by its own laws or UNMIK Regulations;
 - (d) radio and terminal equipment used exclusively to provide for Kosovo security, civil emergencies and defense or protection against natural and other disasters; or
 - (e) radio equipment from self-assembly kits, unless such equipment is sold on the market; the TRA shall establish and publish written procedures governing the use of such specialized equipment.

Section 59

Essential Requirements for Radio and Terminal Equipment

- (1) All radio and terminal equipment manufactured, marketed or used in Kosovo shall:
- (a) not harm the environment or the user;
 - (b) not interfere with public health and safety; and
 - (c) make efficient use of the radio frequency spectrum for terrestrial, space and orbital radio communications and avoid harmful interference, including EMC.
- (2) The TRA may prohibit or restrict the marketing, sale or use of a specific item of radio equipment if it threatens:
- (a) the operation of radio-navigation services;
 - (b) services intended to provide for the Kosovo security or Kosovo defense; services intended to protect against natural and other disasters or other emergencies; or
 - (c) serious deterioration, frequent interference or interruption of radio communication services.
- (3) The TRA may publish a list of acceptable radio and terminal equipment standards on its official web site.

Section 60

Marketing and Use of Radio and Terminal Equipment

- (1) Radio and terminal equipment that fail to comply with the provisions of this Law and regulations and/or directive issued there under, shall not be marketed, sold, or used on the territory of Kosovo
- (2) Inspectors specifically appointed by the TRA for that purpose may prohibit the marketing, sale or use of equipment specified in paragraph one (1) of this section or adopt other measures specifically approved by the TRA aimed at preventing the marketing, sale or use thereof on the territory of Kosovo.
- (4) If radio and terminal equipment that is clearly labeled or otherwise declared to be conforming to the requirements of this Law causes serious damage to the network, emits harmful radio interference or inflicts other damage to the operation of the network, a service provider may exclude it or remove it from use. The service provider shall notify the user and the TRA of such exclusion or removal without delay and the TRA may confirm or overrule such a measure.
- (5) The TRA shall describe the procedures for the verification and labeling such radio equipment and terminals in accordance with this section and shall make such information publicly available.

Section 61

Requirements for Electrical Devices

- (1) All telecommunications electrical devices used, marketed or manufactured in Kosovo shall conform to the following:
- (a) not harm the environment or the user;
 - (b) not interfere with public health and safety;

- (c) the electromagnetic interference they cause does not exceed a level that allows radio and telecommunications equipment and other electrical devices to operate in the manner in which they were designed;
 - (d) they have an adequate level of resistance to electromagnetic interference allowing them to operate in the manner in which they were designed.
- (2) The provisions of this section shall not apply to:
- (a) electrical energy or the network for the generation, transmission and distribution thereof;
 - (b) the intended signal from radio transmitters; or
 - (c) radio equipment from self-assembly kits, unless it is sold on the market; the TRA shall establish and publish written procedures governing the use of such specialized equipment.

Section 62
Marketing and Use of Electrical Devices

- (1) Electrical devices manufactured in Kosovo or imported for use in Kosovo shall comply with the requirements of this Law. Compliance shall be demonstrated according to the documents, labeling and symbols specified by the TRA.
- (2) When, as a result of electromagnetic interference, electrical devices or parts thereof cease to comply with the requirements of this section, the owners or users shall, at their own expense, repair the electrical devices and return them to full compliance with the requirements of this Law, or failing to do so, remove them from use in Kosovo.
- (3) Inspectors appointed by the TRA shall prohibit the marketing, sale or use of any electrical device that fails to comply with the requirements of this Law.
- (4) Electrical devices that are designed for educational or testing purposes may exceed the permissible level for generating electromagnetic interference, provided that they are designed for the study of electromagnetic phenomena and provided further, that reasonable measures are taken to ensure that the devices do not interfere with other electrical devices in the vicinity.
- (5) For complicated electrical devices that fail to fulfill the requirements related to electromagnetic compatibility, the TRA may issue an operating License that is of limited scope in time and place, provided that reasonable measures are taken to ensure that the devices do not interfere with other electrical devices in the vicinity.
- (6) The TRA shall prescribe procedures for the verification and labeling of electrical devices pursuant to the provisions of this section and shall make such information publicly available.

Chapter 12
Radio Communications, Spectrum Resource Allocation, Numbering
Plan for Telecommunication Services

Section 63
Management of the Radio Frequency Spectrum

- (1) The radio frequency spectrum is a limited natural resource. Frequency management is a reserved power by the SRSG, which has made a specific quantum or spectrum resources available to the PISG for re-allocation to users and service providers; all provisions pursuant to the allocation of spectrum resources in this Law pertain solely to those spectrum resources made available to the PISG. The TRA shall reallocate to service providers only those spectrum resources that have been made available to it by the SRSG.
- (2) In order to protect the efficient and non-interfering use of Kosovo's radio spectrum resources and the rights thereof to orbital positions the TRA shall:
- (a) establish a spectrum resource plan to allocate radio frequency bands and/or to assign radio frequencies for use;
 - (b) allocate such radio frequency bands and/or assign radio frequencies for use; and
 - (c) supervise the use thereof.

- (3) The TRA's spectrum resource plan shall become effective after SRSG review and approval in writing. All allocations of spectrum resources by the TRA to service providers must be made available to it by the SRSG.
- (4) The TRA shall maintain all relevant information related to the allocation of spectrum resources, information on the assignment of radio frequencies, and other relevant information required to effectively manage the spectrum resources.
- (5) With the exception of that information which is related to the requirements of Kosovo security and/or defense, the TRA shall make the information specified in this section publicly available.

Section 64

Plan for Allocating Spectrum Resources

- (1) In its plan to allocate spectrum resources and radio frequency bands, the TRA shall define the radio frequencies or radio frequency bands intended for allocation for individual radio communications and among individual groups of users and shall set out the conditions upon which radio frequencies may be used.
- (2) Not later than fifteen (15) days after the approval by the SRSG, the TRA in coordination and with the assistance of the SRSG, shall make publicly available its spectrum resource plan which shall conform to domestic and international laws and UNMIK Regulations binding in Kosovo. The plan shall take into account the requirements of Kosovo security, defense and emergencies, and the need to protect against natural and other disasters.
- (3) On the basis of the spectrum resource plan, the TRA shall report to the SRSG on all regional frequencies and the extent to which they are occupied.

Section 65

Plans of Radio Frequency Use

- (1) The spectrum resource plan shall set out in detail the use of radio frequencies within the radio frequency bands intended for individual services by the plan for allocating radio frequencies and radio frequency bands, and shall set out the conditions of use therefor.
- (2) The TRA shall administer the plan described in this section.

Section 66

Existing Users of Radio Frequencies

- (1) Not later than sixty (60) days after the entry into force of this Law, the TRA shall notify in writing all existing users of spectrum resources whose allocations fall within the spectrum resource plan authorized by the SRSG, of the provisions of this Chapter. All existing holders of frequency spectrum allocation authorization shall retain the right of use granted by UNMIK for the full term, provided that they:
- a) are legal entities properly registered as an individual or business entity in Kosovo;
 - b) comply with all General Terms and Conditions applicable to the right to use spectrum; and,
 - c) pay the applicable spectrum resource right to use fees.

Section 67

Joint Use of Antenna Facilities

- (1) Grantees of rights to use radio frequencies shall agree on the joint use of antenna facilities, devices and installations, taking into consideration all relevant technical parameters.
- (2) In the event that grantees fail to agree on the joint use of antennae facilities pursuant to paragraph one (1) of this section, they may apply to TRA to resolve the dispute pursuant to dispute resolution procedures set forth in this Law.

Section 68

Management of Numbering Plan

- (1) The TRA shall prepare a numbering plan, assign number and number blocks and administer them in a non-discriminatory way.

- (2) The TRA shall make its numbering plan publicly available.
- (3) The numbering plan shall stipulate the structure, length, capacity and purpose of number assigned.
- (4) The numbering plan shall permit the introduction of new domestic and international service, ensure the transferability of numbers, define prefixes, short numbers, and numbers with geographical significance.
- (5) The details of any changes or additions to the number plan shall be published not less than one (1) year prior to implementation.
- (6) Service providers and other uses shall not have the right to compensation for changes in the number plan.

Chapter 13 Consumer Protection and Privacy

Section 69 Consumer Rights

- (1) All persons have the right to the use and access the public telecommunications services on a transparent and non-discriminatory basis in Kosovo.
- (2) Bills, customer contacts, and announcements, whether written, verbal, recorded or broadcast shall be delivered in the official languages that are not discriminatory under the applicable law in Kosovo.
- (3) In addition to the other consumer rights set forth in this Law, all users have the right to access information on telephone numbers, emergency services and other universal services required by this Law.

Section 70 Contractual Relations and Language Requirements

- (1) All relations between a service provider and a customer shall be concluded by a written contract which specifies the initial connection time, the types of maintenance services offered, compensation and/or refund arrangements and a summary of dispute settlement procedures. With respect to prepaid services, the service provider shall make such terms and conditions available to its retail vendors for dissemination to the end user.
- (2) Contract provisions concerning compensation and/or refund arrangements based upon interruption of services or a reduction in access, shall set the maximum level of the refunds for users. The maximum level of refunds for users shall not apply if the level so set is clearly disproportionate as compared to the failure of the services and the damage incurred.
- (3) A service provider shall supply any contracts to the TRA, upon written request. The TRA may review the contract for consistency with the service provider's general conditions and in the event of a dispute.

Section 71 Specification of Itemized Calls

- (1) At the request of subscribers, service providers of fixed public telephone services and mobile public radio services shall itemize the calls on the bill, which shall be sufficiently detailed to enable user of telephone services or individual calls to verify such calls. The service provider may, but shall not be required, to itemize calls to free telephone numbers or emergency numbers.
- (2) A subscriber shall have the right to choose among one or more levels of itemization in bills, which shall be defined by the service provider in its general conditions.
- (3) The prices for additional itemization charged by the service provider for such service shall be based upon the service provider's actual cost of preparation.
- (4) Service providers shall provide samples of itemized bills to the TRA, together with their terms and conditions.

Section 72
Non-payment of Bills

- (1) All service providers providing telecommunication services to the public shall publish in their general conditions details related to measures to be taken and procedures to be applied in the event of non-payment of bills.
- (2) A service provider that is in compliance with paragraph one (1) of this section may disconnect a user that is delinquent making a payment or a part of a payment, provided that prior notification of the non-payment has been delivered by the service provider to the user pursuant to the terms set out in the service provider's general conditions.
- (3) Users may file complaints or objections to a bill, provided that such complaint or objection is filed with the service provider not later than fifteen (15) days after receipt thereof. The complaint shall be handled in accordance with the provision of section 71 of this Law.

Section 73
Complaint and Dispute Resolution

- (1) All users shall have the right to file complaints with the appropriate authority or body established by the service provider of public telecommunications services or networks regarding any decision or behavior.
- (2) All service providers providing telecommunication services to the public shall publish as a constituent part of the service provider's general conditions a summary of the procedures to be followed in addressing users' complaints.
- (3) Complaints or objections to a bill must be filed not later than fifteen (15) days after receipt thereof, while all other complaints must be filed not later than thirty (30) days after the service provider's act, omission to act, or decision giving rise to such complaint.
- (4) The service provider shall make a determination as to the validity of the complaint or objection not later than fifteen (15) days of the receipt thereof.
- (5) In the event that the service provider fails to uphold the complaint or objection, or fails to make a determination thereon during the fifteen (15) day period, the complaining or objecting party may file an appeal with the TRA within fifteen (15) days thereafter.
- (6) In the event that a user files an objection or an appeal with the TRA under this section, the service provider shall not be entitled to disconnect or cease delivering services to the user. This prohibition shall remain in force until the conclusion of the appeals process.

Section 74
Confidentiality of Telecommunications

- (1) All service providers of telecommunications networks/services and every person that participates in the delivery of such services shall safeguard the confidentiality of telecommunications, and this obligation shall remain, after the conclusion of the activities that they were obliged to safeguard.
- (2) Persons subject to the provisions of this section shall not obtain information related to the content, facts or circumstances of messages transmitted exceeding the absolute minimum required for the performance of individual telecommunications services. Such persons shall only be entitled to use such information for the provision of telecommunications services and the implementation of contractual obligations in connection therewith.
- (3) All service providers which, in the conduct of delivering telecommunications services, obtain information regarding the content of messages transmitted, or copy or store the messages transferred, shall notify the user of such upon the conclusion of a contract or at the start of the provision of telecommunications services and shall explain the reasons therefor to the user, and shall delete the information on the content of the message or the message itself as soon as is technically feasible and as soon as it is no longer required for the provision of a particular service.
- (4) All forms of monitoring, disseminating, intercepting and recording messages that are transmitted using telecommunications networks and services shall be prohibited, except insofar as is permitted pursuant to this section.

(5) The addressee of a message may record the message, but shall notify the sender of such or adjust the operation of the recording device in such a way that the sender of the message is notified of its operation, except regarding telecommunications services in which the recording of messages by the addressee is a component or the purpose of the telecommunications services, including facsimile messages, e-mail or SMS services.

(6) Notwithstanding any other provisions of this section, organizations that receive emergency calls may record and trace such calls for the purpose of registering emergency calls or identifying nuisance calls.

(7) If a radio system, terminal equipment or other technical equipment receives messages that are not intended for the radio system, terminal equipment or other technical equipment the content of such messages shall not be recorded or used for any purposes, and shall be immediately erased or destroyed.

Section 75 Traffic Data

(1) For the purpose of maintaining accurate billing records, service providers may keep and process the following traffic data until the services are paid for, until the expiration of the statute of limitations or until a ruling on the claim in the event of a dispute or a court order becomes legally binding:

- (a) the number and identity of the caller and person called;
- (b) the subscriber's address and type of terminal;
- (c) the applicable schedule of charges;
- (d) the total minutes of use or other metered standard;
- (e) the type, date, time and duration of the call and/or the quantity of data transmitted; or
- (f) other information in connection with payment or classification of payment, such as payment in advance, payment in installments, a reminder for the user, an objection by the user and response thereto, and disconnection of the user.

(2) All traffic and billing data shall be processed in accordance with the confidentiality requirements of section 72 (Confidentiality) of this Law or other applicable laws and UNMIK Regulations.

(3) In the event of a dispute, the data specified in paragraph one (1) of this section shall be accessible in an unabbreviated form for at least three (3) years to the body ruling on the dispute.

(4) Traffic data required for billing, management of traffic, information for users, exposure of fraud and the service provider's own marketing may be processed only by personnel under the supervision of the service provider, and their access to such traffic data shall be limited to the minimum extent necessary to conduct such work.

(5) Service providers marketing their own services shall obtain the consent of any person whose data shall be used therefor.

Section 76

Limitations on Collection and Use of Subscriber Information

(1) Service providers of public telecommunications networks and services may collect the following personal information about their subscribers:

- (a) the subscriber's full name, including and academic or professional title used by the subscriber, if the subscriber so desires;
- (b) the subscriber's business name and/or name of organizational unit;
- (c) the subscriber's activities, if the subscriber so desires;
- (d) the subscriber's address;
- (e) the subscriber's number;
- (f) additional information if the subscriber so agrees and third persons are not affected thereby; and
- (g) the tax number for a natural person and the tax number and registration number for a legal person.

(2) Service providers may use information about their subscribers to service contract negotiations, charging for services, preparing and publishing directories of subscribers and providing directory services. .

- (3) Directories of subscribers, whether printed or on electronic media, may contain all the subscriber information specified in this section, provided that the subscriber consents in writing to its publication. Other information specified in this section may be published provided the subscriber consents to its use in writing.
- (4) Service providers shall correct, alter, delete or re-enter information contained in a directory, upon the request of the subscriber, free of charge. Information in directories shall be up-to-date, considering the method of publication, and information at directory enquiries services shall be updated at least once a month.
- (5) At the request of a person or firm that wishes to publish a directory, a service providers shall, solely for such a purpose, supply information on subscribers that did not oppose publication in a directory.
- (6) Service providers of public telecommunications services and networks shall provide information about subscribers to the TRA free of charge, and to other persons at reasonable prices and under non-discriminatory conditions.
- (7) Upon termination of the subscription relationship service providers shall store the information specified in paragraph one (1) of this section until the subscribers settle their liabilities or until judicial proceedings are concluded, and shall store the bills pursuant to applicable law.

Section 77
Tracing of Calls

- (1) Service providers of public telecommunications networks/services may, in the event of nuisance or damaging calls to a subscriber, identify the caller, notwithstanding the latter's consent.
- (2) If a subscriber requests the tracing of nuisance or damaging calls, the service provider of the public telecommunications network/services shall organize tracing, or for new calls temporarily disable prevention of the display of the caller's identity.
- (3) The service provider shall store information on tracing and shall forward it to the subscriber, under the conditions and in the manner specified under this Law, and to Kosovo authorities in connection with preliminary and criminal proceedings or the safeguarding of security in Kosovo.
- (4) Service providers of public telecommunications networks/services shall disable prevention of the display of the caller's identity for individual connections at the request of appropriate Kosovo authorities.

CHAPTER 14
FINAL PROVISIONS

Section 78
Implementation

The Government shall have the authority to issue the normative acts needed to implement the present law.

Section 79
Applicable Law

The present law shall supersede any provision of any other existing regulation or applicable law that is inconsistent with it.

Section 80
Entry into Force

The present law enters into force after it is approved by the Assembly of Kosovo, signed by the President, and signed by the Special Representative of the Secretary -General.