

Telecommunications Act

I. GENERAL PROVISIONS

Article 1 (Content of the act)

The present act shall govern the transfer of information through telecommunications networks and the conditions for providing public telecommunications services and operating public telecommunications networks, shall govern the issue of licences for the performance of telecommunications services, shall set out the conditions and procedure for using the radio frequency spectrum and the conditions for network interconnection and connection of users, shall govern the provision of universal telecommunication services, shall specify conditions for using telecommunications numbers and the conditions for using radio and telecommunications terminal equipment, shall govern the founding, organisational structure and operation of the Telecommunications and Broadcasting Agency of the Republic of Slovenia (hereinafter: the Agency) as an independent regulatory authority and the competencies of authorities that perform other administrative tasks under the present act, shall stipulate the tasks of the Telecommunications Council, shall determine the rights and obligations of operators of telecommunications services and users thereof, and shall regulate other issues related to telecommunications.

Article 2 (Purpose of the act)

The purpose of the present act is:

1. To provide for competition on the market of telecommunications services and to assure reliable telecommunications services, the provision of which is to be coordinated with the expectations and needs of users.
2. To ensure universal telecommunications services at an affordable price for all, including the requirements for emergency services.
3. To protect the interests of users of telecommunications services including the protection of confidentiality in telecommunications.
4. To ensure and promote efficiency and competition among operators.
5. To ensure efficient usage of the radio frequency spectrum and telecommunications numbering system.
6. To exploit emerging technologies.
7. To protect the interests of national security and defence of the state.

Article 3 (Terms)

The terms used in this act have the following meanings:

1. **Electromagnetic compatibility (EMC)** means the ability of a device, unit of equipment or system to function satisfactorily in its electromagnetic environment without introducing intolerable electromagnetic disturbances to anything in that environment.
2. **Electronic media** means mass media that disseminate their programming in an electronic manner.
3. **Fixed public telephony services** means the provision of publicly available commercial services of direct transport of real-time speech via the public switched telephony network or networks, whereby any user can use terminal equipment connected to a network termination point at a fixed location in order to communicate with another user of terminal equipment connected to another network termination point.
4. **Fixed public telephony network** means the public switched telephony network that is partly or entirely used for the provision of fixed public voice telephony services between fixed network termination points.
5. **Geographical number** means a number, part of which has geographical significance that is used for routing calls to a network termination point of the subscriber that had been assigned this number.
6. **Public satellite services** means public telecommunications services that are provided by the satellite radio equipment.
7. **Public telecommunications services** means telecommunications services that are publicly available.
8. **Public telecommunications networks** means telecommunications networks used partly or entirely for the provision of public telecommunications services.
9. **Local sub-loop** is part of a local loop connecting the network termination point at the subscriber's premises to a concentrator or a specific intermediate access point in the fixed telephony network.
10. **Local loop** means the physical twisted metallic pair circuit connecting the network termination point at the subscriber's premises to the main distribution frame or equivalent facility in the fixed public telephony network.
11. **Network interconnection** means a type of network access that facilitates the physical and logical linking of telecommunications networks such that users connected to different telecommunications networks can interactively communicate either directly or indirectly and/or gain access to services provided by these networks.
12. **Mobile public radio network** means a public telecommunications network used for the provision of mobile public radio services.
13. **Mobile public radio services** means public telecommunications services that are partly or entirely provided by radiocommunications services to mobile users, which for this reason partly or entirely use a mobile public radio network.
14. **Subscriber** means any natural person or legal entity who or which are party to a contract (subscription contract) with the provider of publicly available electronic communications services for the supply of such services.
15. **Network access** is a physical and logical link from terminal or other equipment to a telecommunications network or a part thereof, or a physical and logical link from one telecommunications network to another or a part thereof for the purpose of obtaining access to the functions of the telecommunications network or to telecommunications services that the network provides.
16. **Network termination point** means all physical connections and their technical access specification, which form part of the public telecommunications network and are necessary for access to, and efficient communication through, that public network.

17. **Operator** means a legal or natural person that conducts *de jure* and *de facto* monitoring of all the functions necessary to the provision of adequate telecommunications services.

18. **Broadcasting** means the transmission and dissemination of radio or television channels /programmes/ intended for direct public reception in open space. The term "channel" shall apply as defined in the act governing mass media.

19. **Radiocommunications** means telecommunications by means of radio waves.

20. **Radio frequency** means a part of the radio frequency spectrum used for radiocommunications that is defined by a central frequency and bandwidth of a radio frequency channel, the upper and lower frequency limits of a radio frequency channel or indication of individual carrier frequencies (analogue broadcasting).

21. **Radio equipment** means a device or appropriate part thereof that is capable of communicating through the transmission and/or reception of radio waves and that makes use of the radio frequency spectrum allocated to terrestrial/space radio communications.

22. **Shared use of facilities and/or installations** under the present act means that on the basis of an agreement and the appropriate remuneration the owner of facilities or installations must allow the use of these facilities or installations in the manner stipulated by the present act.

23. **Number** means a series of signs, digits, letters or other symbols, including combinations thereof, intended for the network access or for the identification of network, operator, network termination point or any other network element.

24. **Telecommunications** means any transmission, emission, reception and routing of all kinds of intelligence in the form of signals, voice, pictures or sounds by suitable technical means.

25. **Telecommunications network** means transmission systems, including switching centres and other equipment, that facilitate the transfer of signals between specific network termination points by wire, radio, 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.

26. **Telecommunications services** means services whose provision consists wholly or partly in the transmission and/or routing of signals on a telecommunications network.

27. **Terminal equipment** is a device or an appropriate part thereof that facilitates communication and that is intended for direct or indirect connection by any means to interfaces of a public telecommunications network.

28. **Universal service** means the minimum set of telecommunications services of specified quality, which is available at an affordable price to all users at their request regardless of their geographical or operational location.

29. **Users** means legal or natural persons that use or request telecommunications services as end users, or telecommunications operators as users of the telecommunications services provided by others.

30. **Interface** means the network termination point serving as a physical connection point to enable the user to access the public telecommunications network, or a radio relay station that specifies the radio path through radio equipment.

31. **Leased lines** means the telecommunications facilities which provide the user for transparent transmission capacity between network termination points without switching function that would be available to the user as part of the leased line provision.

II. PROCESS PROVISIONS

General Provisions

Article 4 (*procedure*)

The Agency shall issue licences and other individual acts in accordance with the act governing general administrative procedure, insofar as is not stipulated otherwise by the present act.

Article 5 (*public tender*)

If the present act stipulates that a licence or other individual act be issued following a public tender the Agency shall carry out a public tender procedure under the present act before the introduction of an administrative procedure.

1. Public Tender Procedure

1. Public Tender

Article 6 (*application of provisions*)

(1) The provisions of the act governing general administrative procedure shall not apply in the public tender procedure, with the exception of the provisions on exclusion.

(2) Public tenders shall be conducted by an authorised official at the Agency, unless the director of the Agency appoints a three-member commission to conduct a particular public tender.

(3) The provisions on exclusion of an official shall also apply to members of the commission if such persons are not officials at the Agency.

Article 7 (*decision on introduction of a public tender*)

(1) When all the conditions stipulated for the introduction of a public tender procedure are in place the Agency shall decide on the introduction of a public tender procedure.

(2) The decision on the introduction of a public tender procedure shall contain:

1. a precise specification of the subject of the public tender, which must comprise a clear description of the telecommunications services, the radio frequencies and/or the broadcasting activities that are the subject of the tender, and the area or location where these activities are to be performed;

2. the conditions and requirements and qualifications that the bidder must fulfil regarding the performance of telecommunications services in accordance with the Agency's regulations and general acts;

3. the minimum fee for the award of exclusive right for the provision of mobile public radio services in accordance with the fifth paragraph of Article 35 of the present act and the payment mode (single amount, annual payment);

4. criteria for selection of the most favourable bid and the manner of application thereof, and any restrictions to be taken into consideration in the evaluation of bids;
5. the period in which bidders may submit bids, and the method for submitting bids (date, time, address, labelling);
6. the address, premises, date and time of the public opening of bids;
7. the place, time and name of official where parties interested in bidding can pick up the tender documentation, the price for it and method of payment thereof.

(3) When the subject of the public tender is the assignment of radio frequencies for performing broadcasting the decision shall also contain the conditions, requirements and qualifications that must be fulfilled by the bidder regarding program contents.

(4) When the subject of the public tender is the assignment of radio frequencies for performing broadcasting the decision on the introduction of a public tender procedure shall be adopted by the Agency upon the consensus of the Broadcasting Council.

(5) Decision on the introduction of a public tender procedure shall be published in the Official Journal of the Republic of Slovenia.

(6) After the publication of the public tender the decision on the introduction of the public tender procedure shall not be amended or supplemented.

Article 8 *(deadline for submitting bids)*

(1) The deadline for submitting bids must allow bidders to prepare bids of relevant quality and may be neither shorter than 30 days nor longer than 90 days.

(2) The time limit shall run from the day after the public tender is published in the Official Journal of the Republic of Slovenia.

(3) A bid submitted to the Agency within the period stipulated in the public tender shall be deemed to have been submitted in due time.

(4) The Agency may not accept a bid, amendments to a bid, additions to a bid or a replacement of a bid sent to a public tender after the deadline for submission. In case such bid was mailed by post, the Agency must return it to the bidder.

(5) The Agency must keep the list of bidders and the bids submitted as a commercial secret until the end of the period for submission of bids.

Article 9 *(tender documentation)*

(1) In the tender documentation the Agency must specify the conditions defined in the present act that the bid must fulfil, including the required information on the bidder, and which evidence on fulfilment of the conditions that must be submitted in order for the bid to be deemed complete.

(2) The tender documentation must contain all the necessary information required for the bidder to be able to prepare a complete bid based thereon.

Article 10 *(special provisions on public opening of bids)*

(1) A public tender shall be deemed to have been successful if at least one bid is submitted on time.

(2) In the decision on the introduction of a public tender the Agency may decide to deem a public tender successful if a different minimum number of bids is submitted.

Article 11
(examination and evaluation of bids)

(1) After the public opening of bids is completed the Agency shall determine whether the bids fulfil the tender conditions and evaluate the bids submitted in accordance with the tender criteria.

(2) In the procedure for selecting among the bidders the Agency shall above all consider the efficient use of the radio frequency spectrum and the promotion and protection of competition as criteria for selection.

(3) After examination and evaluation of the bids submitted the Agency shall compile a report in which it evaluates the adequacy and quality of the bids and state which bid best complies with the criteria published for selection of a bid.

(4) If the subject of the public tender is the assignment of radio frequencies for the performance of broadcasting the Agency shall send the complete bids and the report on the evaluation thereof to the Broadcasting Council, which shall evaluate the bids submitted in terms of their programming in accordance with the criteria stipulated in the decision on the introduction of a public tender, and on the basis thereof shall send details of the proposed selection and an explanation thereof to the Agency within thirty days of receiving the bids and the report.

(5) The Agency or the Broadcasting Council may request clarifications from bidders to help them in examining, evaluating and comparing bids, but in so doing may not request, allow or offer any changes to the content of the bid that would make an otherwise inadequate bid adequate.

(6) In examining and evaluating bids the Agency or Broadcasting Council must consider only the criteria for selecting the most favourable bidder defined by law and tender documentation.

(7) The Agency and/or Broadcasting Council may not select a bidder that would otherwise be the most favourable according to the criteria defined in the tender documentation if such a selection entails the restriction of competition.

2. Public Auction

Article 12
(public tender for preparation of a public auction)

(1) Following a prior opinion from the government it may be stipulated in the decision on the introduction of a public tender that a public auction be held after the public tender is accomplished.

(2) In the case specified in the preceding paragraph the decision on the introduction of a public tender must also contain:

1. the number of licences to be awarded under the public tender procedure;
2. the conditions and requirements that must be fulfilled by individual bidders that qualify for the public auction;
3. the minimum number of bidders, this number being at least for one higher than the number of licences specified in the point 1 of this paragraph;
4. the criteria for selecting bidders that qualify for the public auction;
5. the minimum fee for the provision of mobile public radio services in accordance with the fifth paragraph of Article 35 of the present act paid in a single amount (the reserve-price);

6. a clear provision stating that bidders may not offer a higher fee in the bid than that specified in the previous point;

7. detailed rules for the procedure of holding a public auction in accordance with the present act.

(3) A public tender that will be followed by a public auction shall be deemed successful if the number of bidders (auction bidders) that qualify is at least one higher than the number of licences to be awarded in the public tender. Several legal and/or natural persons may make a joint bid and act as a single auction bidder.

(4) In the decision on the selection of auction bidders the Agency shall stipulate the time and location of the public auction. The public auction shall be held no sooner than fourteen days after and no later than thirty days after the issue of the decision on the selection of auction bidders. The time and location of the public auction shall be published in daily newspapers and on the Agency's website.

Article 13 (failed public auction)

(1) If the public auction is not attended by the authorised representatives of all the auction bidders it shall not be held.

(2) In the case specified in the preceding paragraph the decision on the selection of auction bidders shall be published again in accordance with the fourth paragraph of Article 12 of the present act.

(3) The public tender shall be again repeated if the repeated public auction is not attended by the authorised representatives of all the auction bidders.

(4) The provisions of this article shall also apply if the public auction is attended by the representatives of all the auction bidders but no person bids a fee higher than the reserve price.

Article 14 (method for holding public auction)

(1) Public auction shall be conducted by an authorised official from the Agency.

(2) Public auction shall be held, as a rule, using direct verbal bidding in the Agency's premises on a working day.

(3) Public auction may also be held in another appropriate manner that allows the official from the Agency conducting the public auction and each of the auction bidders to constantly and directly monitor the progress of the public auction, particularly the bids by other auction bidders, and to directly make without hindrance their own bids to the official.

(4) Before the start of the public auction the official shall set the minimum raise in fee bidding, which may not be more than three per cent of the reserve price.

(5) In conducting the public auction the official from the Agency must accept bids from auction bidders and invite other auction bidders to raise their bids. Before the highest bid(s) is/are determined the official must thrice invite auction bidders to raise their bids, and in so doing indicate in the final invitation that the bid or bids of specific auction bidders will be stated to be the highest.

(6) If there is no higher bid after the third invitation the official shall state the amount of the highest bid or bids, depending on the number of licences to be awarded under the public tender, and the auction bidder(s) that made it/them, and proclaim such in a decision. After the proclamation of the decision it shall not be possible to make any new bids.

(7) A written decision on the determination of the highest bid including indication of the deadline by which the fee, or with regard to the manner of payment the first instalment thereof, must be paid, shall be issued to the auction bidder(s) with the highest bid.

(8) While conducting the public auction and maintaining order thereat the official from the Agency conducting the public auction shall hold the authorisation of an official in an administrative procedure in connection with the conduct of public proceedings.

(9) If during the public auction the official finds in respect of the progress of the bidding that two or more auction bidders have agreed upon a method of bidding or the result thereof, i.e. are bidding in a coordinated manner, the official shall exclude such auction bidders from the public auction. If after such an exclusion the conditions for holding a public auction are no longer fulfilled the official shall act according to Article 13 of the present act.

(10) It shall be possible to separately challenge a decision on a public auction not being held (first paragraph of Article 13) and a decision on a public auction being repeated (third paragraph of Article 13) in an administrative dispute. It shall be possible to challenge other acts in the public auction procedure in an administrative dispute against the licence for performing mobile public radio services.

(11) If a public auction is held then the auction bidder(s) that succeeded in the public auction shall be deemed to have been selected in the public tender.

3. Administrative Procedure

Article 15

(introduction of an administrative procedure)

(1) An administrative procedure shall be initiated by the adoption of the report on evaluation of bids or of the proposal by the Broadcasting Council if the tender subject is the assignment of radio frequencies for the performance of broadcasting.

(2) If in the decision to carry out a public tender it is stipulated that a public auction be held following the public tender for the performance of mobile public radio services the administrative procedure shall only be introduced when the auction bidder(s) that succeeded at the public auction has/have paid the fee or, with regard to the manner of payment, the instalments thereof that in accordance with the decision on the determination of the highest bid must be paid prior to the issue of the licence for performing mobile public radio services.

(3) All bidders shall hold the position of a party in a procedure initiated following a public tender.

Article 16

(restriction on citation of evidence)

In an administrative procedure initiated following a public tender it shall not be permissible to submit or produce evidence that should have been a constituent part of a complete, adequate bid or that would change the bid in any way.

Article 17

(licence and assignment order)

(1) The Agency shall be obliged to decide on bids within six weeks of the end of the period for submitting bids.

(2) The Agency shall via the decision issued after the public tender:

1. decide on selection in the public tender;

2. grant the right to use a radio frequency in accordance with the present act if such was the subject of the public tender;
3. issue a licence for the performance of telecommunications services in accordance with the present act if such was the subject of the public tender.

(3) If the subject of the public tender is the assignment of radio frequencies for the performance of broadcasting the Agency shall not select a bidder that was not proposed by the Broadcasting Council.

Article 18
(termination of a procedure)

(1) The Agency may terminate the procedure for issuing or amending a licence and a assignment order if additional adjustments, investigations or activities are required in accordance with international legal acts valid in the Republic of Slovenia.

(2) The Agency shall issue a decision on the termination of a procedure.

4. Revocations, Amendment and Expiry of Licences and Assignment Orders

Article 19
(revocation and amendment of a licence)

(1) In cases in which the present act so stipulates the Agency may via a decision partially or entirely revoke a licence.

(2) In cases in which the present act stipulates that a licence may be amended the Agency shall issue a new licence by which it entirely revokes the issued licence and sets out new content.

(3) If the present act stipulates that a licence may be amended or revoked as an official duty the Agency shall be obliged to first carry out a procedure to amend the licence.

(4) The provisions governing the revocation and amendment of a licence shall also apply to the revocation and amendment of an assignment order.

Article 20
(amendment of a licence)

(1) A licence may be amended at any time at the proposal of the licence holder.

(2) If the present act so stipulates a licence may also be amended as an official duty.

(3) A new licence issued at the proposal of a licence holder may stipulate different rights and obligations only for the licence holder that made the proposal.

(4) A licence issued in accordance with the present act on the basis of a public tender may be amended as an official duty or at the proposal of the licence holder within the framework of the conditions stipulated in the public tender.

Article 21
(initiation of the procedure to amend a licence)

(1) A proposal by the licence holder to amend a licence shall also contain a proposal of the changes in addition to other components required for the application for the issue of the licence.

(2) If the procedure to amend a licence is initiated as an official duty the Agency shall be obliged to notify the licence holder of such and of the reasons for the initiation of the procedure without delay.

Article 22
(procedure to amend a licence)

(1) Regarding the procedure to amend a licence, the provisions required for the issue of the licence shall apply. In the amendment of a licence through the issue of a new licence it shall not be necessary to carry out a public tender.

(2) In the formulation of a new licence it shall be stipulated which licence is being revoked and whether it is revoked partially or completely.

(3) It shall not be possible to extend the validity of a licence by amending it unless the law for the particular case expressly stipulates such extension.

Article 23
(revocation of a licence)

(1) A decision via which a licence is revoked shall be issued by the Agency as an official duty or at the proposal of the licence holder.

(2) If the procedure to revoke a licence is initiated as an official duty the Agency shall be obliged to notify the licence holder of such and of the reasons for the initiation of the procedure without delay.

(3) In the event of the infringement of obligations stipulated by law, for which a revocation of the licence is required as an official duty, the Agency is obliged prior to issuing a decision to demand in writing from the licence holder to cease the infringements established and to set a deadline for infringements to be cleared by the licence holder. If after the expiry of this deadline the licence holder fails to cease the infringements the Agency shall revoke the licence.

(4) The licence holder shall be liable for compensation in the event of infringements of the licence holder's obligations specified in the preceding paragraph.

Article 24
(consequences of revocation)

(1) Revocation shall be effective from the day when the decision on the licence revocation becomes final.

(2) If so stipulated by law a licence holder whose licence has been revoked shall have the right to compensation to be covered by the Agency. A licence holder whose licence has been revoked through the issue of a new licence shall also have the right to such compensation if the procedure was initiated as an official duty and the law so stipulates.

Article 25
(expiry of a licence)

(1) Licences shall cease to be valid according to the law itself or through a revocation.

(2) Until the expiry of a licence the licence holder shall be obliged to fulfil the licence holder's obligations deriving from the present act or regulations issued pursuant thereto or the licence or subscriber contracts.

(3) In the event of infringement of the obligations specified in the preceding paragraph the licence holder shall be liable for compensation.

(4) The provisions of this article shall also apply to the expiry of an assignment order.

III. TELECOMMUNICATIONS NETWORKS AND TELECOMMUNICATIONS SERVICES

1. Telecommunications Networks

Article 26

(construction and operation of telecommunications network)

(1) The Agency shall be informed in writing on the beginning, change or cessation of construction and operation of a public telecommunications network within one month of their occurrence.

(2) The Agency need not to be informed on the beginning of construction and operation of telecommunications networks intended for and used exclusively for the national security and defence or for the protection against natural and other disasters.

(3) In the construction and operation of telecommunications networks that are envisaged for connection to public telecommunications networks or for the provision of public telecommunications services it shall be necessary to ensure that they comply with the recognised technical regulations and standards regarding the network's operational safety, the network's integrity, the interoperability of services and the conditions for connecting terminal equipment.

(4) The regulations on the construction of building structures shall apply to the construction and reconstruction of facilities and devices that constitute telecommunications networks, unless stipulated otherwise by this article.

(5) Works by which the replacement or upgrading of software and replacement or upgrading or supplementing of existing telecommunications facilities and devices is performed shall not be deemed construction or reconstruction if the purpose of use of the built structures in which they are installed does not thereby change, their size and loading on the base soil does not thereby change, and the impact on the living and natural environment, traffic and neighbouring facilities is not thereby increased. The replacement of underground telecommunications installations in existing (cable) pipelines and the replacement of an overhead telecommunications network, including the replacement of telegraph poles and cable boxes with poles or boxes of the same or smaller size, shall also not be deemed reconstruction.

(6) Works specified in the fourth paragraph of this article must be notified to the competent administrative body in accordance with regulations on planning and construction prior to the beginning of work.

2. Telecommunications Services

Article 27

(providing of telecommunications services)

(1) The Agency shall be notified in writing of the beginning and cessation of the provision of public telecommunications services and any changes thereto.

(2) A licence the provision of fixed public telephone services, broadcasting services or mobile public radio services via the network that the operator manages himself shall be obtained from the Agency before the beginning of these services.

(3) No broadcasting licence is required for the transmission and dissemination of operator's own programming and for public satellite services pursuant to the provisions of the present act.

3. Notification to Agency

Article 28
(written notification)

(1) The notification specified in Articles 26 and 27 of the present act must contain details on the type of network or services, and also technical and operational properties and information and evidence on the fulfilment of the prescribed conditions.

(2) If the Agency establishes on the basis of the notification that an operator fails to fulfil the prescribed conditions, it shall notify the operator of such within four weeks of receiving the notification and shall instruct the operator to meet the conditions within a period that may not be longer than one month.

(3) If the operator clears the deficiencies within the period specified in the preceding paragraph the Agency shall issue a declaratory decision on such within a period that may not be longer than one month from the clearing of the deficiencies.

(4) If the operator fails to clear the deficiencies within the period specified in the second paragraph of this article the Agency shall, via an order and within a period that may not be longer one month from the end of the period specified in the second paragraph of this article, prohibit the operator from constructing or operating the telecommunications network or performing the telecommunications services.

(5) The Agency shall keep list of notifications in accordance with the provisions of the present act.

(6) The conditions that must be fulfilled during construction and operation of a network and provision of telecommunications services for which notification is foreseen under the present act and that relate in particular to a network's operational safety, network integrity, service interoperability and the conditions for connecting terminal equipment shall be prescribed in detail by the minister in charge of telecommunications (hereinafter: the minister).

4. Licence

Article 29
(conditions)

(1) The licence specified in the second paragraph of Article 27 of the present act shall be issued to legal and natural persons that have the appropriate financial, personnel and technical capabilities and that:

1. are registered for the provision of telecommunications services;
2. have employees professionally trained in the provision of the services for which they wish to obtain the licence;
3. have the financial assets at their disposal or can prove that they can acquire such in the extent required for the provision of services;
4. within ten years before applying for the issue of a licence did not have such revoked as an official duty pursuant to points 2 to 7 of the second paragraph of Article 33 of the present act.

(2) The minister shall prescribe detailed conditions for the issue of the licence specified in the preceding paragraph regarding the quality and extent of services, the content of the application for the issue of a licence, and the content of the licence.

(3) The Agency may refuse the issue of a licence only if public order or the issue of a licence would threaten national security or if the legal or natural person fails to fulfil the conditions specified in the preceding paragraphs of this article.

(4) Licences shall be issued for a limited time period of no more than fifteen years.

(5) Within thirty days of the change occurring the licence holder shall be obliged to report to the Agency:

1. a change in the court register or the tax register, legal succession, or the introduction of bankruptcy or liquidation proceedings for legal persons
2. a change in the register at the administrative unit or the tax register for natural persons

(6) After the termination of the period for which a licence has been issued the Agency shall renew it if all the conditions prescribed for the acquisition thereof are fulfilled upon the expiry of the licence.

(7) The number of licences issued is not limited but when such would preclude the efficient use of the radio frequency spectrum.

Article 30 (*content of the licence*)

A licence for the provision of telecommunications services shall contain in particular:

1. information on the type of services, the characteristics of and standards for the operation of the network, the area of coverage, and information on capacities and expansion of the network;
2. information on the licence holder and eventual conditions for a change in ownership;
3. details of the licence validity period;
4. the rights and obligations for the licence holder for the provision of services on the basis of the licence in accordance with the present act (general conditions, prices, emergency services, affordability for disabled persons)

Article 31 (*transfer of a licence*)

(1) The licence holder may only upon the approval of the Agency and through a legal transaction transfer a licence to another legal or natural person that fulfils the prescribed conditions.

(2) If a legal person that is a licence holder ceases to exist, this licence may be transferred only upon the approval of the Agency to another legal or natural person that fulfils the prescribed conditions.

(3) In the cases specified in the preceding paragraphs of this article the Agency shall amend the licence in accordance with the provisions of Article 20 of the present act.

Article 32 (*amendment of a licence*)

(1) The Agency may amend a licence for the provision of telecommunications services as an official duty in accordance with the provisions of Article 20 of the present act if:

1. such is urgently required for the efficient use of the radio frequency spectrum to the public benefit;
2. such is required by international legal acts valid in the Republic of Slovenia.

(2) In the cases specified in the preceding paragraph the Agency may also revoke the licence in accordance with the provisions of Article 23 of the present act.

Article 33
(*revocation of a licence*)

(1) The Agency may revoke a licence at the proposal of the licence holder only if the latter has fulfilled his obligations deriving from law or other regulations, the licence or subscriber contracts.

(2) The Agency shall revoke a licence as an official duty if:

1. the licence holder no longer fulfils the conditions specified in Article 29 of the present act;
2. the application contained false information;
3. the licence holder had failed to clear deficiencies within the period stipulated by a decision, issued by an authorised person of the Agency, containing the order to clear previously established deficiencies;
4. the licence holder fails to start providing the services that are the subject of the licence within one year of the issue of the licence, unless otherwise stipulated in the licence;
5. the licence fee has not been paid despite a warning;
6. the licence holder had acted on the contrary to the provisions of the chapter dealing with the protection of competition and on the open network provision;
7. the licence holder fails to implement the provisions of Article 130 of the present act.

(3) In case specified in the first paragraph of this article the Agency may stipulate for operators with significant market power that the licence be revoked only after a period not longer than nine months, if giving up the provision of activities would cause major disruption to the market.

Article 34
(*expiry of a licence*)

(1) A licence shall expire:

1. at the termination of the period for which it was issued, if it is not renewed;
2. if the licence holder ceases to exist and transfer pursuant to the second paragraph of Article 31 of the present act has not been effected;
3. upon the revocation or amendment of a licence in accordance with the provisions of Articles 32 and 33 of the present act

(2) In the case specified in the second point of the preceding paragraph the Agency shall issue a decision in which the expiry of the licence shall be stated.

Article 35
(*notification fee and licence fee*)

(1) A fee shall be payable for the notification specified in the first paragraph of Article 26 and the first paragraph of Article 27 of the present act.

(2) The licence holder shall pay a fee for the licence specified in the second paragraph of Article 27 of the present act.

(3) The method of calculating the fee specified in the preceding paragraphs of this article shall be prescribed by the minister, whereby he shall consider above all the Agency's operating costs.

(4) The operator shall pay the Agency the notification fee in a single sum, while the licence holder shall pay the licence fee annually.

(5) The operator shall, for a licence for performing mobile public radio services via a network that he operates himself, in addition to the fee specified in the second paragraph of this article pay a fee for the award of exclusive rights, which shall be paid in a single sum or annually, but may be paid also as a single sum and annually. The fee for the award of exclusive rights shall not be deemed a source of financing for the fund specified in Article 116 of the present act.

IV. THE RADIO FREQUENCY SPECTRUM

Article 36

(radio frequency spectrum management)

(1) The radio frequency spectrum is a limited natural resource.

(2) The efficient and undisturbed use of the Republic of Slovenia's radio frequency spectrum and the rights thereof to orbital positions shall be provided by state bodies in accordance with international legal acts valid in the Republic of Slovenia. To this end they shall make a plan for the allocation of radio frequency bands and plans for the use of radio frequencies, shall assign radio frequencies for use, and shall supervise the use thereof.

(3) The Agency shall keep data on the allocation of radio frequency bands, data on the assignment of radio frequencies, and other important information on the management of the radio frequency spectrum.

(4) The information specified in the preceding paragraph shall be public with the exception of information for the needs of national security and defence.

Article 37

(plan for radio frequency band allocation)

(1) The Government of the Republic of Slovenia (hereinafter: the government) shall adopt a plan for the allocation of radio frequency bands, with which it shall define the radio frequencies or radio frequency bands intended for individual radiocommunications and individual groups of users.

(2) Via the act specified in the preceding paragraph the government shall also set out the conditions for using radio frequencies and other matters connected with the use thereof.

(3) The Agency shall prepare a draft plan for the allocation of radio frequency bands in accordance with international legal acts valid in the Republic of Slovenia, taking into account the needs of national security, defence and protection against natural and other disasters, and shall be submitted to the minister.

(4) On the basis of the plan for radio frequency band allocation the Agency must draw up a regional overview of all frequencies and how they are occupied and publish it.

Article 38

(plans of radio frequency usage)

(1) The plans of radio frequency usage shall define in detail the use of radio frequencies within the radio frequency bands envisaged for particular services by the plan for the allocation of radio frequency bands, and shall set out the conditions of usage.

(2) The plans specified in the preceding paragraph shall be adopted by the Agency.

(3) The plans for the use of radio frequencies in radio frequency bands, intended for broadcasting in the plan for the allocation of radio frequency bands, shall be adopted by the Agency in accordance with the Broadcasting Council.

Article 39
(use of radio frequencies)

(1) For the use of radio frequencies it shall be necessary to obtain an assignment order for radio frequencies in accordance with the provisions of the present act.

(2) Notwithstanding the provision of the preceding paragraph it shall not be necessary to obtain an assignment order for radio frequencies for the use of radio frequencies that in the plan for allocation of radio frequencies bands are envisaged exclusively for the needs of national security, national defence, or protection against natural and other disasters.

(3) In accordance with the plan for allocation of radio frequency bands the minister shall prescribe the radio frequencies for which it is not necessary to obtain an assignment order for radio frequencies and the conditions for the use thereof.

Article 40
(procedure for issuing a radio frequencies assignment order)

(1) An assignment order for radio frequencies shall be issued by the Agency, having taken into consideration the provisions of the acts specified in Articles 37 and 38 of the present act, following the procedure regulated by Article 4 of the present act.

(2) After receiving an application for the assignment of a radio frequency for the provision of public telecommunications services the Agency shall publish information stating the application has been received and the purpose for which the applicant will use the application, but may not publish information on the applicant. The publication shall also invite other applicants that wish to obtain the radio frequency to file applications for the assignment of the radio frequency within thirty days of publication.

(3) If during the period specified in the preceding paragraph the Agency receives no additional applications, or receives them and it is possible to assign the radio frequency to all the applicants, it shall continue the procedure under Article 4 of the present act.

(4) If during the period specified in the second paragraph of this article the Agency receives an additional application or additional applications and the radio frequency cannot be assigned to all the applicants, it shall reject all the applications and announce a public tender for the assignment of the radio frequency within thirty days of the end of the period specified in the second paragraph of this article, and shall issue an assignment order for the radio frequency under the procedure specified in Articles 5 to 18 of the present act.

(5) Irrespective of the provisions of the first, second, third and fourth paragraphs of this article an assignment order for a radio frequency for mobile public radio services and broadcasting shall be issued under the procedure regulated by Articles 5 to 18 of the present act.

(6) The content of the application for the initiation of the procedure specified in the first paragraph of this article shall be prescribed by the minister.

Article 41
(assignment order for radio frequencies intended for measurement, testing or public events)

(1) Notwithstanding the provisions of the preceding article an assignment order for radio frequencies, needed for measurements, attestation and other testing of radio equipment shall be issued pursuant to Article 4 of the present act.

(2) The order specified in the preceding paragraph may only be issued for a limited coverage area and for a period not exceeding three months, and may not be extended.

(3) If the radio frequencies are intended to be used at a public event then the assignment order for radio frequencies shall be issued on the basis of the procedure regulated by Article 4 of the present act.

(4) The order specified in the preceding paragraph may only be issued for a period of not exceeding 15 days, and may not be extended.

Article 42

(conditions for issue of an assignment order for radio frequencies and expiry thereof)

(1) An assignment order for radio frequencies may be issued to a legal or natural person which during the last ten years has not had an assignment order for radio frequencies revoked as an official duty pursuant to points 1 and 3 to 6 of the second paragraph of Article 48 of the present act.

(2) The Agency shall refuse the issue of an assignment order for radio frequencies if it establishes that:

1. the applicant's request is not feasible for technical reasons;
2. radio frequency assignment would not be in accordance with the acts specified in Articles 37 and 38 of the present act;
3. the issue of an assignment order for radio frequencies would make the efficient use of the radio frequency spectrum or the operation of other telecommunications equipment impossible;
4. the applicant has on several previous occasions infringed the provisions of the present act or an assignment order for radio frequencies, or has failed to settle fees due for the use of radio frequencies;
5. upon the assignment of radio frequencies the signal from radio equipment would cause unacceptable interference to other radio equipment, receivers or electrical and electronic systems.

(3) The Agency shall issue an assignment order for a limited time period of no more than ten years, with the exception of the assignment of radio frequencies intended for mobile aeronautical and maritime service.

Article 43

(content of the assignment order for radio frequencies)

(1) An assignment order for radio frequencies shall contain in particular:

1. information on the holder of the right to use the radio frequencies
2. specification of the radio frequencies assigned
3. information on the area of coverage
4. the period of validity of the assignment order for radio frequencies
5. conditions to be fulfilled during the use of the radio frequencies

(2) The minister shall be prescribe in detail the content of the assignment order for radio frequencies specified in the preceding paragraph.

Article 44

(assignment of radio frequencies for performance of mobile public radio services)

(1) For the performance of mobile public radio services the use of a frequency shall also be assigned through the licence for the performance of services.

(2) In the case specified in the preceding paragraph the Agency shall assign the use of radio frequencies under the conditions set out for issuing the assignment order specified in Articles 40 to 43 of the present act. In this case and notwithstanding the third paragraph of Article 42 of the present act the use of the radio frequencies shall be assigned until the expiry of the licences specified in the preceding paragraph of this article.

(3) In the assignment of the use of radio frequencies through a licence for the performance of services the provisions of Articles 45 to 48 of the present act shall apply to the extension, transfer, amendment and revocation of the use of the radio frequencies.

(4) The licence for the performance of services specified in the first paragraph of this article shall also expire for the reasons specified in Article 49 of the present act.

Article 45

(validity extension of an assignment order for radio frequencies)

(1) The validity of the assignment order for radio frequencies may be extended at the proposal of the licence holder if all the conditions prescribed for the assignment of the use of the radio frequencies are fulfilled upon the expiry of validity. The provisions regulating amendment of the assignment order for radio frequencies shall apply to the procedure for extending the assignment.

(2) The application for the extension of an assignment order for radio frequencies must be filed with the Agency at least thirty days before the expiry of the order.

Article 46

(transfer of an assignment order for radio frequencies)

A holder of an assignment order for radio frequencies may transfer, via a legal transaction, his rights to use the radio frequencies to other legal and natural persons that fulfil the prescribed conditions only in accordance with the Agency.

Article 47

(amendment of an assignment order for radio frequencies and notification of changes)

(1) The Agency may amend an assignment order for radio frequencies as an official duty in accordance with the provisions of Article 20 of the present act if:

1. the allocation of radio frequency bands has been altered or urgent public needs have arisen that cannot otherwise be met;
2. such is necessary for the efficient use of the radio frequency spectrum to the public benefit;
3. it is not otherwise possible to avoid harmful interference;
4. such is required by international legal acts valid in the Republic of Slovenia;
5. in accordance with the law such is proposed for broadcasting radio frequencies by the Broadcasting Council.

(2) In the case specified in the preceding paragraph the Agency shall issue a new assignment order for radio frequencies in accordance with the provisions of Article 22 of the present act, in which it may also stipulate the extent of adaptation and the deadline therefore.

(3) The Agency may via the order specified in the preceding paragraph exceptionally extend the validity of the assignment order for radio frequencies if the costs for adaptation owing to the adaptation specified in the preceding paragraph disproportionately encroach upon the benefits to the holder of the assignment order for radio frequencies.

(4) In cases specified in the first paragraph of this article the Agency may also revoke the assignment order for radio frequencies in accordance with the provisions of Article 23 of the present act.

(5) In the cases specified in preceding paragraphs of this article the holders of assignment orders for radio frequencies shall have the right to be assigned other equivalent frequencies if the reasons for the amendment or revocation arose through no fault of their own. If the assignment of equivalent frequencies is not possible the holder of an assignment order shall have the right to compensation.

(6) The holder of an assignment order for radio frequencies shall be obliged to notify the Agency within thirty days of the change occurring, of:

1. a change in the court register or the tax register, legal succession, or the introduction of bankruptcy or liquidation proceedings for legal persons;
2. a change in the register at the administrative unit or the tax register and winding-up for sole traders;
3. a change in the address of or the death of a natural person.

Article 48

(revocation of an assignment order for radio frequencies)

(1) The Agency shall revoke an assignment order for radio frequencies at the proposal of the holder of the assignment order for radio frequencies if such has fulfilled all his obligations deriving from the law or other regulations and the licence.

(2) The Agency shall revoke an assignment order for radio frequencies as an official duty if it determines that:

1. the application for the assignment order for radio frequencies contained false information;
2. the holder of the assignment order for radio frequencies no longer fulfils the conditions specified in Article 42 of the present act;
3. the holder of the assignment order for radio frequencies fails to clear deficiencies within the period stipulated by an Agency decision via which the clearing of deficiencies established has been ordered;
4. the fee for use of the radio frequencies has not been paid despite the prior warning;
5. the conditions prescribed for broadcasting radio frequencies are not fulfilled;
6. the assigned radio frequencies are not used in accordance with the conditions specified in the present act or in the assignment order for radio frequencies;
7. upon the assignment of radio frequencies a signal from radio equipment causes unacceptable interference to other radio equipment, receivers or electrical and/or electronic systems;
8. at the proposal of the Broadcasting Council.

Article 49

(expiry of an assignment order for radio frequencies)

(1) The validity of an assignment order for radio frequencies shall expire:

1. at the termination of the period for which the assignment order for radio frequencies was issued, unless it is renewed;
2. if the holder of an assignment order for radio frequencies ceases to exist;
3. if the holder of an assignment order for radio frequencies fails to start using the radio frequencies within one year of the order being issued or did not use the assigned radio frequency for more than one year;
4. upon the revocation of the assignment order for radio frequencies in accordance with the provisions of the preceding article of the present act.

(2) In the cases specified in points 2 and 3 of the preceding paragraph the Agency shall issue a decision stating the expiry of the assignment order for radio frequencies.

Article 50
(payment for assignment – fee)

(1) An annual fee shall be paid for assigned radio frequencies.

(2) Notwithstanding the provisions of the preceding paragraph a fee shall not be paid for the use of radio frequencies in cases specified in the second and third paragraphs of Article 39 of the present act and for the use of radio frequencies intended exclusively for the radio amateur activities in accordance with the provisions in Articles 37 and 38 of the present act.

(3) The amount of the fee referred to in the first paragraph of the present article shall depend on the coverage area or the population density in the coverage area, the number of assigned radio frequencies or the width of the radio frequency band used or the type of radiocommunications or a combination of the aforementioned. The minister shall prescribe the method for calculating the amount of the fee.

Article 51
(antenna facilities sharing)

(1) Holders of assignment orders for radio frequencies must in accordance with the technical possibilities reach agreement on the sharing of antenna facilities, devices and installations.

(2) If the agreement specified in the preceding paragraph is not reached the Agency shall decide thereon in accordance with Article 113 of the present act.

V. RESTRICTIONS ON OWNERSHIP RIGHTS

Article 52
(restriction of interventions in private property)

(1) The construction, installation, operation and maintenance of public telecommunications networks in accordance with regulations is in the public interest

(2) It shall be necessary to design a public telecommunications network in such a way that interventions in private property are kept to a minimum.

(3) Ownership rights and other real rights on real estate may be deprived or restricted in the public interest if such is necessary for the construction of new facilities and devices that constitute a telecommunications network.

(4) Ownership rights and other real rights shall be deprived or restricted under the procedure and in the manner set out by the act governing expropriation of real estate, unless stipulated otherwise by the present act.

Article 53
(acquisition of rights on land of others)

(1) The operator that is forced to build or reconstruct facilities and devices that constitute a telecommunications network on a real estate of another person and for which a construction permit is required in accordance with the regulations on spatial planning and on construction of buildings may appear in the expropriation procedure as the expropriation beneficiary.

(2) The operator who must carry out works specified in the fifth paragraph of Article 26 of the present act on the real estate of another person or that must interconnect already constructed facilities and devices that constitute a telecommunications network and must therefore on the real estate of another person set up underground or overhead installations and install specific facilities and devices in connection with such installations (hereinafter: a secondary telecommunications network) must for the construction, installation, operation and/or maintenance of a secondary telecommunications network acquire servitude on installations without time limits if such a right is needed or may merely acquire the right to an installation if such a right is required only for a specific time period, i.e. for the time needed to carry out the works.

(3) The government shall via a decree define in detail the facilities, devices and installations that constitute a secondary telecommunications network.

Article 54
(servitude on installations and the right to an installation)

(1) Servitude on installations is a real right that covers the following entitlements:

1. to construct or install a secondary telecommunications network;
2. to have access to facilities needed for the maintenance and operation of the entire telecommunications network;
3. to remove branches, roots and other natural obstacles during construction, maintenance and operation of the entire telecommunications network.

(2) The provisions on real servitudes, specified in the act governing real rights, shall be *mutatis mutandis* applied to servitude on installations (hereinafter: servitude).

(3) In exercising the entitlements specified in the first paragraph of this article operators must act in such a way that they disturb the owner of the real estate (hereinafter: the owner) in the latter's exercise of ownership rights only in the extent absolutely necessary, i.e. such that they minimally hinder the ordinary use of the land specified in Article 61 of the present act for the purpose stipulated in the spatial planning and/or other act.

(4) The operator shall be obliged to reimburse any material damages incurred by the owner during work specified in this article.

(5) The right to an installation is an obligational right that covers the entitlements specified in the first paragraph of this article.

Article 55
(offer)

(1) The operator must propose to the owner the conclusion of a contract on the right to an installation or on the establishment of servitude, whereby the operator must offer the owner an appropriate remuneration.

(2) Appropriate remuneration shall comprise payment for the equivalent servitude right or obligational right that could be obtained in ordinary commercial transactions in respect of the type and extent of the right and the characteristics of the real estate without considering unusual or personal circumstances.

Article 55
(compulsory restriction of ownership rights)

If within thirty days of receiving a written contract the owner fails to agree to the conclusion thereof the operator may propose to the Agency the establishment of servitude or the right to an installation.

Article 57
(conditions)

(1) The Agency shall grant a request for the establishment of servitude or the right to an installation if:

1. the acquisition of such a right by the operator is a necessary condition for the construction of a public telecommunications network;
2. in the planning of a public telecommunications network the principle specified in the second paragraph of Article 52 has been taken into consideration, and
3. the exercise of servitude or the right to an installation would not significantly hinder the owner in exercising ownership rights.

(2) The owner being prevented from accessing the land or facilities thereon or from performing commercial activities, or the rendering of such substantially more difficult, or the value of the land or facilities thereon being substantially reduced shall be deemed significant hindrance in the exercise of ownership rights.

(3) Servitude or the right to an installation shall be established in such an extent and for such a period as is absolutely necessary for the construction or installation, maintenance and operation of the public telecommunications network.

(4) The Agency shall decide on the establishment of servitude or the right to an installation via a decision in an administrative procedure. The decision shall also set the compensation in accordance with the act governing obligational relationships. The servitude or the right to an installation thus established may begin to be exercised when the decision becomes final.

Article 58
(beginning of exercise)

(1) If the operator no longer requires the servitude or the right to an installation for the construction, installation, maintenance and operation of the public telecommunications network as an absolute necessity the Agency shall at the request of the owner or operator revoke the decision on the establishment of such a right.

(2) The Agency shall also revoke the decision on establishment of servitude or the right to an installation at the request of the owner if within three years of acquiring this right the operator fails to carry out the action for which the right was established. The Agency may at the request of the operator extend this period if the operator demonstrates well-founded reasons the existence of which is not his fault.

Article 59
(legal remedies)

The ministry shall decide on appeals against the decision on establishment of servitude or the right to an installation.

Article 60
(land in public property and land intended for public use)

(1) If an operator intends to construct a public telecommunications network on land that is owned by the state, a municipality or another person under public law, or on land that is intended for public use or the provision of public services or other public functions must propose to the owner or manager of the land the conclusion of a contract on establishment of servitude or the right to an installation.

(2) The authority or holder of a public authorisation in charge of ensuring the public interest in relation to the land specified in the preceding paragraph may set for the operator technical and other conditions with the intention to prevent hindrance of the ordinary use of the land for the purpose envisaged for the land by the spatial planning act or any other act.

Article 61
(establishment of servitude or the right to an installation on public land)

(1) If within thirty days of receiving a written offer the manager referred to in the first paragraph of Article 60 of the present act does not accept the offer for the conclusion of a contract the operator may request from the Agency the establishment of servitude or the right to an installation.

(2) The Agency shall establish servitude or the right to an installation if it determines that the exercise of such a right would not hinder the ordinary use of the land for the purpose envisaged for the land. If the operator agrees, the Agency may, at the proposal of the manager or relevant authority or holder of the public authorisation, by the decision impose on the operator to take measures to ensure the ordinary use of the land; if the operator does not consent to such measures the Agency may reject the operator's request for the establishment of servitude or the right to an installation.

(3) If the decision specified in the preceding paragraph becomes final and then it is determined that the construction, maintenance or operation hinders the ordinary use of the land the Agency may at the proposal of the manager or relevant authority or holder of the public authorisation revoke the decision or impose on the operator to take measures in accordance with the preceding paragraph. In making a decision the Agency must weigh up the public interest, represented by the manager or relevant authority or holder of the public authorisation, the public interest to keep the telecommunications network in the existing location and the interest of the operator.

(4) The manager shall be obliged to reimburse any material damages incurred by the operator in the case specified in the preceding paragraph. In the event of a dispute a non-litigious court shall set the compensation.

(5) The manager is the person or body that on the basis of regulations, a contract or any other act has the competency of arranging matters in relation with the land owned by the state or municipality.

Article 62
(relocation of other installations and subsequent construction)

(1) In cases involving land that is the property of the state, a municipality, a public institute or another person under public law in which no private capital participates the operator may in his request for the establishment of servitude or the right to an installation ask for the relocation or alteration of other existing installations, but only if the telecommunications network could not otherwise be constructed and other installations can be located elsewhere without negative consequences for the use thereof.

(2) If a restriction on ownership rights is required for the relocation of other existing installations the operator may appear as the proposer of a restriction on ownership rights in accordance with the law.

(3) The operator shall cover all the costs for relocation.

(4) Subsequent constructions of other installations shall be carried out such that they do not interfere with existing telecommunications lines.

(5) If the shared use of the installations specified in the first paragraph of this article is possible the operator and the owner of the installations shall agree on the shared use thereof in accordance with the operator's technical capacities. If no agreement is reached the Agency shall decide thereon in accordance with Article 113 of the present act.

Article 63
(subsidiary application of the act)

The provisions of the present act on matters in connection with public telecommunications networks installations on land under public ownership or on land that serves public use, the provision of public services or other public functions shall not apply to national highways and other types of land for which the coordination of different types of use is governed by another act.

Article 64
(application of provisions of regulations on expropriation)

With regard to matters in connection with compulsory restriction of ownership rights that are not specifically regulated by the present act, the provisions of the act governing expropriation shall apply *mutatis mutandis*.

Article 65
(shared use of facilities)

(1) Operators must reach agreement on the shared use of facilities and installations. It shall be necessary to pay appropriate reimbursement for shared use.

(2) If the agreement specified in the preceding paragraph is not reached between operators the Agency shall decide thereon. The burden of proof shall lie with the operator that refused shared use.

(3) Operators of a fixed public telephone network with significant market power shall publish and update a sample offer for unbundled access to their local loops and associated installations. The Agency shall set out the elements such an offer must contain.

(4) Operators of a fixed public telephone network with significant market power must meet all reasonable requests for unbundled access to their local loops and associated installations under transparent conditions identical to those they guarantee for themselves or affiliated organisations.

(5) An operator may refuse or unilaterally suspend, terminate or appreciably reduce the shared use of facilities and installations specified in the first paragraph of this article and the access to local loops specified in the third paragraph of this article only if such is necessary for reason of essential requirements relating to:

1. the operational safety of the network;
2. the providing of the network integrity;
3. interoperability of services;

(6) The operator must communicate to the Agency and the legal or natural person requesting access to the network or to services, the essential requirements for which access to local loops and the associated installations was refused or rejected within ten days of the refusal or restriction.

(7) The Agency shall, via a general act published in the Official Journal of the Republic of Slovenia, regulate in detail the essential requirements specified in the fifth paragraph of this article.

(8) The Agency may in order to fulfil the obligations specified in this article via a decision instruct the operator referred to in the third paragraph of this article to carry out actions and measures, such as a change in the general conditions regarding access to local loops and associated equipment, or prohibit the operator from carrying out such actions and measures, and may order or prohibit access in an individual case.

VI. COMPETITION AND OPEN NETWORK PROVISION

Article 66 (general provisions)

The Agency and state bodies shall be obliged to provide effective competition on the market of telecommunications services and in particular:

1. ensure equal opportunities for market participants;
2. encourage new providers in entering the market;
3. provide open telecommunications networks;
4. monitor and promote the development of competition and settle disputes between market players in accordance with the present act;
5. prevent the exploitation of significant market power and other abuses on the market;
6. promote the introduction of new technologies.

Article 67 (operators with significant market power)

(1) Operators shall be deemed to have significant market power under the present act if in the Republic of Slovenia their share in commercial activities of the same type exceeds twenty-five per cent for a particular service sector of the market, whereby the market shares of operators that are subsidiary or controlling companies in the sense of the act governing protection of competition shall be considered together and in their entirety for all such operators.

(2) The Agency may decide that also the operator or operators with a market share of less than twenty-five per cent on a specific market has/have significant market power or that also the operator or operators with a market share of more than twenty-five per cent on a specific market does/do not have significant market power.

(3) When assessing whether an operator has significant market power the Agency shall take into consideration the operator's capacity to influence market conditions, the extent of the operator's operations in comparison to the size of the market, the operator's control of resources for access to end users, the operator's access to financial resources and the operator's experience in providing products and services.

(4) The Agency shall decide on a particular operator having significant market power via a ruling as an official duty or at the proposal of the operator.

(5) The Agency shall publish in the Official Journal of the Republic of Slovenia, at least once a year or more often as appropriate, the company names or names of sole traders or the titles of operators with significant market power, classified by the individual telecommunications services.

Article 68

(open access to networks and/or services)

(1) Operators of public telecommunications networks and services with significant market power must allow access to their networks or services on the basis of cost-oriented, published, objective and transparent conditions that cover all activities related to the implementation of access such as giving information, coordination the procedure, specifying access implementation deadlines and etc.

(2) The conditions referred to in the preceding paragraph shall be similar for similar services in similar circumstances, and must be the same as guaranteed by the operator to himself or to a subsidiary company for the same services (condition of non-discrimination).

(3) Operators referred to in the first paragraph of this article must provide legal and natural persons that require access to a network and/or services with any necessary information, including details of changes planned for next six months.

(4) Operators may refuse, unilaterally suspend and terminate, or appreciably reduce access to network and/or services specified in the first paragraph of this article only if such is absolutely necessary for reason of essential requirements relating to:

1. safe network operation;
2. providing of network's integrity;
3. interoperability of services;
4. protection of data;
5. application of regulations on environmental protection;
6. efficient use of the radio frequency spectrum.

(5) The operator must report to the Agency and the legal or natural person requesting access to the network and/or services regarding the essential requirements for which access to the network and/or services was refused or rejected within ten days of the refusal or restriction.

(6) The Agency shall via a general act published in the Official Journal of the Republic of Slovenia regulate in detail the essential requirements that apply in accordance with the fourth paragraph of this article.

(7) For the fulfilment of the obligations specified in this article the Agency may via a decision instruct the operator specified in the first paragraph of this article to carry out actions or measures, such as alteration of the general conditions for access to the network and/or services, or prohibit the operator from carrying out such actions and measures, and may order or prohibit access to the network in an individual case.

(8) Contracts and agreements concluded by the operator specified in the first paragraph of this article contrary to the provisions of this article shall be null and void.

Article 69

(interfaces)

(1) Operators of public telecommunications networks and/or services with significant market power must provide interfaces, specified by standards, for which references for individual types of network

and/or service shall be stipulated by the Agency via a general act published in the Official Journal of the Republic of Slovenia, but they may additionally provide also other types of interfaces.

(2) When a user requests a special interface and/or special access, operators with significant market power must meet the request if such is reasonable and does not lead to discrimination among users.

(3) The request specified in the preceding paragraph may be refused within thirty days of being received, but only if there is an alternative possibility for access and the request is inappropriate in terms of the availability of the funds required for the implementation of access.

(4) Before the request specified in the second paragraph of this article is refused the operator must provide the reasons for rejection, for each case separately, in writing to the Agency.

(5) The parties shall reach agreement on technical and commercial matters concerning special access or interface themselves, whereby the prices of operators with significant market power must be cost-oriented and the operators must respond to requests thoroughly and promptly.

(6) Operators of public telecommunications networks and/or services with significant market power must publish in the Official Journal of the Republic of Slovenia information on the types of interfaces available, instructions on where the precise technical specifications of the interfaces can be obtained and details of any intended alterations to such interfaces six months before the implementation thereof, and must report such to the Agency.

(7) For the fulfilment of the obligations specified in this article the Agency may order the operator specified in the first paragraph of this article via a decision to carry out actions or measures, such as the provision of standard interfaces, the use of a special interface or special access, or the stipulation of conditions for such access, or prohibit specific action.

(8) The Agency shall publish the measures and prohibitions specified in the preceding paragraph in accordance with Article 111 the present act.

Article 70 *(leased lines)*

(1) The leased lines provider with significant market power shall be obliged either alone or together with other operators to provide sufficient line capacity in his/their market section, including all the interfaces envisaged in the standards specified in the preceding article.

(2) Eventual agreement between operators on joint provision of capacity or interfaces shall be valid only if the operators notify the Agency of such agreement.

Article 71 *(fixed public telephone services)*

(1) Operators that provide fixed public telephone services must provide their subscribers access to a directory enquiry service and to a switchboard operator for making calls, and access free of charge to numbers 112 and 113, and must conclude a contract with the subscriber that shall state the type of service the operator is providing and the conditions under which this service will be provided, and that shall contain at least the deadline for the first connection, the method of maintenance, compensation for interruptions, a level of service quality and essential provisions on appellate procedure.

(2) The Agency may at the request of representatives of consumer organisations or at its own initiative order an operator to alter the general conditions in the contract or the compensation for interruptions if such are not in accordance with the provisions of the present act.

(3) Operators that provide access to a fixed public telephone network shall be obliged to provide in their market section the types of interfaces with the technical specifications envisaged in Article 69 of the present act.

(4) The Agency may set targets for the operators of a fixed public network and/or services regarding quality and the relevant definitions, the method of quality monitoring and/or measuring, and the method for reporting the results, and publish such in accordance with Article 111 of the present act.

(5) Operators that provide access to a fixed public network or services shall be obliged to provide, in accordance with the standards implemented or standards whose references are stipulated by the Agency in a general act and published in the Official Journal of the Republic of Slovenia, at least the functions stipulated by the Agency in the general act.

(6) In the general act specified in the preceding paragraph of this article the Agency shall stipulate the functions for which operators may not charge separately.

(7) The Agency may decide that for economic or technical reasons it is temporarily not necessary for operators that do not have significant market power to meet the requirements specified in the fifth paragraph of this article.

Article 72
(mobile public radio services)

(1) The first and second paragraph of the preceding article shall also apply to operators of mobile public radio services.

(2) The provisions of the preceding paragraph shall not apply to operators of mobile public radio services that do not provide the transmission of speech as a constituent part of the service.

Article 73
(network interconnection)

(1) Operators must provide and improve communications among users of different public telecommunications networks and to reach agreements on network interconnection with other operators of public telecommunications services, and shall at their request provide them with an offer on network interconnection and make it possible for their users to communicate with other users.

(2) The parties shall reach agreements on technical and commercial issues of network interconnection themselves, whereby the prices of operators with significant market power must be cost-oriented and the operators must respond to requests thoroughly and promptly.

(3) Operators shall be obliged to use information that they obtain in connection with network interconnections exclusively for the purposes for which it was obtained.

(4) The Agency may in individual cases partially or entirely absolve an individual operator for a specific period, via a decision, from the obligation specified in the first paragraph of this article, if there are feasible technical and commercial alternatives and if the network interconnection requested is inappropriate in terms of the resources available.

(5) After the releasing of the network interconnection obligation with foreign operators pursuant to the preceding paragraph the Agency shall take into consideration the provisions of international legal acts valid in the Republic of Slovenia, reciprocity in interconnections and eventual negative consequences for the functioning of competition.

(6) Operators of public telecommunications networks with significant market power shall be obliged to meet all reasonable requests for network interconnection, including requests for special interfaces.

(7) Operators specified in the preceding paragraph must deliver copies of contracts on network interconnection and details of any amendments thereto to the Agency at the latest by the time the contract enters into force.

(8) The Agency shall see that the content of the contracts specified in the preceding paragraph is available to interested parties, including at least the details on the prices of network interconnection, the conditions and deadlines with the exception of the section that represents business strategy.

(9) If operators fail to reach agreement within six weeks of a request for network interconnection being made, the Agency shall, via a decision, at the request of any of the parties or as an official duty set out the procedures, deadlines and conditions (including capacity) according to which the operators must set up network interconnection. The Agency may order network interconnection in the interest of users even if the operators have no interest in establishing it.

(10) The decision specified in the preceding paragraph shall replace the agreement on network interconnection, insofar as and as long as the parties fail to conclude an agreement thereon that complies with the present act and the decision.

(11) Contracts on network interconnection that operators conclude in contrary to the provisions of this article shall be null and void.

(12) Operators of fixed public telephone networks and/or services and leased line operators with significant market power must publish in the Official Journal of the Republic of Slovenia a sample (reference) offer on network interconnection, properly formulated by market components. The prices, conditions and deadlines may for different categories of user differ only owing to the type of network interconnection, and may not restrict competition.

(13) If the Agency determines that a sample offer does not contain all the elements or has not been compiled according to the principles of objectivity, not being tied, transparency, non-discrimination and cost-orientation, hinders competition, or does not comply with other provisions of the present act or with adopted international legal acts valid in the Republic of Slovenia, it shall order the operator via a decision to amend the offer in the manner stipulated in the decision within the period stipulated.

VII. GENERAL CONDITIONS AND PRICES

Article 74

(submission, approval and publication of general conditions and prices)

(1) For the performance of telecommunications services for which it is necessary under the present act to obtain a licence operators must prepare a description of services and the general conditions (hereinafter: general conditions), stipulate in detail the prices for such services and deliver such to the Agency.

(2) A sample contract for users must also be a constituent part of the general conditions of operators of a fixed public telephone network and/or services, mobile public radio services and leased lines with significant market power.

(3) Operators shall be obliged to publish the general conditions and prices specified in the first paragraph of this article in their entirety, in a clear and appropriate form in the Official Journal of the Republic of Slovenia at least seven days before the implementation thereof.

(4) Operators of mobile public radio services with significant market power must prior to the implementation of the general conditions obtain appropriate approval from the Agency and operators of leased lines with significant market power and operators of a fixed public telephone network and/or services shall additionally obtain approval for the prices of services.

(5) The Agency shall issue approval for general conditions and prices within seven days of receiving them, whereby it may following prior notification of the party involved extend this period by two weeks if additional information and calculations are required.

(6) If the Agency fails to issue approval and deliver it to the party within the period specified in the preceding paragraph approval shall be deemed to have been given.

(7) The Agency may under the procedure stipulated in the present act order changes to general conditions and prices if such are necessary for the protection of users or the protection of competition, even after approval has been given.

(8) The Agency may prohibit an operator from providing telecommunications services under different conditions or at a different price from those for which approval was given, irrespective of any other contractual relations of the operator, unless for leased line services and for an individual case the Agency did not give prior approval via a decision for the deviation from the general conditions and prices.

(9) If after submission but before publication of general conditions or service prices for which under this article it is not necessary to seek approval, the Agency communicates its comments and suggestions to an operator and the latter fails to take the comments and suggestions into consideration, the operator must report the reasons for such to the Agency in writing before publication.

Article 75
(formulation of prices)

(1) The prices of telecommunications services must be based on the costs of efficient service provision and must be identical for the same type of service by the same operator throughout the country, or in the operator's entire area of operation if the operator does not operate nationwide.

(2) The prices and their related elements of fixed telephone network services and service prices of operators with significant market power must reflect actual costs of performing individual services, in accordance with current accounting standards.

(3) The prices and their related elements, including eventual discounts, of fixed telephone network services and the services of operators with significant market power shall be:

1. sufficiently unbundled so that users do not have to pay for functions that they are not using;
2. transparent, published in the daily press and the Official Journal of the Republic of Slovenia, and non-discriminatory so that equal treatment for all users is enabled;
3. based on objective criteria;
4. such that any discounts are adjusted so that in the case of bound services or products the functioning of competition is not hindered.

(4) The prices and their related elements of fixed telephone network services, the services of operators with significant market power and the leased line services of operators with significant market power must be independent from the type of user application if the application does not require additional functions or devices in the public network provided by the operator.

(5) The prices and their related elements of leased line services by operators with significant market power must comprise:

1. a connection charge;
2. a periodic line leasing charge;
3. other charges.

(6) Notwithstanding the provisions of this article prices for persons with special requirements (disabled persons) may deviate from these criteria.

(7) Based on the provisions of this article the government shall, via regulations and in coordination with a proposal from the ministry in charge of prices and the ministry in charge of telecommunications,

set out the methodology for formulating prices, whereby it shall regulate in detail the method of implementing the requirements of the present act regarding formulation of prices.

Article 76
(*general conditions*)

(1) The minister shall issue a regulation on mandatory components and other elements of the general conditions for providing fixed public telephone network and/or services and mobile public radio network services, in particular:

1. the conditions of supply and use;
2. the technical characteristics of interfaces including connection requirements for terminal equipment;
3. the capacity, quality and characteristics of supply;
4. the method of providing information for users;
5. the method for settling users' complaints.

(2) The regulation specified in the preceding paragraph may also contain conditions for ensuring effective competition, technical conditions, conditions regarding standards and essential requirements, environmental protection and quality of lines.

Article 77
(*prohibition of subsidisation*)

(1) Operators providing other commercial activities in which they hold a market dominant position in the sense of the act governing protection of competition or have the right to carry out a specific commercial activity or use a natural resource or other limited resource that under general conditions is not available to all (special or exclusive rights) must provide telecommunications services through a legally independent company.

(2) No operator of public telecommunications services with significant market power may cross-subsidise different telecommunications services.

(3) In cases specified in the preceding paragraph operators must have appropriate separation at the organisational and accounting level between different commercial activities in order to provide accounting information.

(4) The obligation on the prohibition of subsidisation specified in this article shall apply to operators that in the telecommunications market reach a total revenue of two billion Slovenian tolar.

Article 78
(*accounting*)

(1) Operators of public telecommunications networks and services must for the implementation of provisions of cost-oriented prices ensure appropriate separation at the organisational and accounting levels to facilitate the separation of income, expenditure and costs per individual telecommunications services they perform, carry out annual audits of financial statements, publish the audited financial statements in daily newspapers, and draw up an annual report.

(2) Organisations that along the broadcasting activity provide also other telecommunications services must keep separate accounting for the two activities as envisaged in the preceding paragraph.

(3) The Agency shall supervise the implementation of the provisions of the present act on the prohibition of subsidisation, on the method of keeping accounting and on cost-orientation using the manner and the authorisations provided by the present act for the conduct of supervision.

(4) The Agency may in a general act set out the detailed method of keeping accounting as defined by regulations governing accounting and the implementation of the requirements of the present act on the prohibition of subsidisation.

VIII. UNIVERSAL SERVICES

Article 79 (scope of universal services)

(1) Universal services shall comprise:

1. for any person that so requests, the possibility of access to a fixed public telephone network, including the possibility of making and receiving national and international calls, transferring sound information and, as appropriate to the bandwidth, transmitting facsimile messages and sending data by modem;
2. unlimited, free-of-charge access to telephony numbers 112 and 113 and access to these numbers from public telephone boxes without means for activating the telephone box;
3. access to an operator for help in establishing calls and to a directory enquiry service;
4. appropriate coverage by public telephone boxes.

(2) The Agency shall via a general act set the level of affordable prices for services specified in the preceding paragraph.

(3) The government may via regulations expand the scope of universal services depending on the development of telecommunications and telecommunications technology and demand.

(4) The minister shall prescribe the quality level of universal services, and within this framework prescribe transmission and traffic parameters, supply deadlines, availability, coverage by public telephone boxes and deadlines for clearing of faults.

Article 80 (provision of universal services)

If the Agency establishes that universal services are not being provided in a specific area in accordance with the provisions referred to in the preceding article or there is a justifiable expectation that they will not be provided, or the provision of universal services imposes a disproportionate burden on an individual operator, it shall ensure the provision thereof on the basis of a public tender.

Article 81 (public tender)

(1) On the basis of the public tender the Agency shall via a decision add the obligation to provide universal services to a licence specified in Article 27 of the present act.

(2) For the execution of the public tender specified in the preceding paragraph shall apply *mutatis mutandis* the provisions of Articles 5 to 18 of the present.

(3) In selecting an operator the Agency shall consider as selection criteria primarily the level of the subsidy to the operator for providing universal services and the level to which users' needs are satisfied.

Article 82
(*imposing of obligations*)

(1) If it is not possible to ensure the provision of universal services in the manner and under the procedure specified in the preceding article the Agency shall as an official duty and via a decision impose the obligation of providing universal services on an operator of public telecommunications services with significant market power.

(2) In the case specified in the preceding paragraph the operator shall be entitled to a subsidy for providing universal services if the costs incurred by the provision of universal services exceed the revenues from such services.

Article 83
(*subsidy for providing universal services*)

(1) An operator of a fixed public telecommunications network and/or services that provides universal services in accordance with the provisions of Articles 81 and 82 of the present act shall be entitled to a subsidy.

(2) The subsidy to an operator that provides universal services in accordance with the provision of Article 82 of the present act shall comprise reimbursement of the difference between the actual long-term additional costs, including a return on the capital invested, and the revenues from such services. The subsidy to an operator that provides universal services in accordance with Article 81 of the present act shall be set on the basis of the results of the public tender.

(3) The operator of fixed telephone network and/or services that holds a market share of more than eighty per cent in terms of total revenue in the country shall be obliged to provide universal services without the right to a subsidy.

(4) The Agency may via a general act stipulate the types of costs and method of calculating the subsidy.

Article 84
(*special services*)

(1) An operator of telecommunications services for which it is necessary to obtain a licence in accordance with Article 27 of the present act shall be obliged, at the request of state bodies in charge of social affairs or regional development, to provide additional telecommunications services, lower prices for certain user groups, and similar services for specific persons or in a specific area at the expense of the person that made the request.

(2) The provision of telecommunications services for the needs of national security at the request of the competent authority shall also be deemed a special service.

(3) The minister shall prescribe the method of providing and charging for the telecommunications services referred to in the preceding paragraphs of this article taking into account the approval of the minister in charge of social affairs or regional development, the minister in charge of internal affairs, the minister in charge of defence and the director of the agency in charge of national intelligence and security.

Article 85
(*funding of universal services*)

(1) The costs for providing universal services specified in Article 83 of the present act shall be covered by operators of telecommunications services, for the provision of which it is necessary to obtain a licence in accordance with the provisions of the present act.

(2) The proportion of the contribution made by an individual operator and the payment deadline shall be set by the Agency with regard to the proportion that his revenue from the provision of telecommunications services represents within the total revenues made by all licensed operators from the provision of telecommunications services.

(3) The operator referred to in the preceding paragraph shall pay his contributions directly to the universal services provider, and by the payment deadline stipulated in the Agency's act specified in the preceding paragraph.

(4) Operators specified in the first paragraph of this article shall each year notify the Agency on revenues from the provision of telecommunications services.

(5) Should an operator specified in the first paragraph of this article fail to act in accordance with the provisions of the preceding paragraph the Agency may at the operator's expense review information and assess revenues following the procedure applying to the determination of tax liabilities.

(6) Information on subsidising the costs for the provision of universal services, the method of their allocation and use, and the works that were funded shall be public. The Agency shall to this end each year publish an annual report on subsidising the costs for the provision of universal services and on all the contributions for the coverage thereof.

Article 86
(*strike*)

(1) During a strike operators that are obliged to provide universal services specified in Article 79 of the present act and services for the needs of national security, national defence and protection against natural and other disasters must ensure the undisturbed provision thereof.

(2) Operators specified in the preceding paragraph shall be obliged in the time of a strike via an order to designate the employees who must enable during the strike the execution of the tasks specified in the preceding paragraph. Failure to fulfil these tasks shall be deemed a serious breach of work obligations, for which the measure of termination of employment shall be pronounced.

IX. RADIO AND TELECOMMUNICATIONS TERMINAL EQUIPMENT

Article 87
(*radio and telecommunications terminal equipment*)

(1) Radio and telecommunications terminal equipment that conforms with the provisions of the present act may be freely marketed, freely carried and used in the Republic of Slovenia provided it is correctly installed and maintained.

(2) The provisions of the preceding paragraph shall also apply to medical equipment and to the equipment of motor vehicles that have radio or telecommunications terminal equipment installed as a constituent part or supplement.

(3) The provisions of this chapter shall not apply to:

1. receivers designed to receive only audio and/or television channels, and cable and wire installations;
2. radio and telecommunications terminal equipment that is covered by special regulations and intended for civil aviation, air traffic control and maritime transport;
3. radio and telecommunications terminal equipment used exclusively for the needs of national security, national defence and protection against natural and other disasters.

(4) In addition to the cases specified in the preceding paragraph the provisions of this chapter shall not apply to self-built radio equipment used by radio amateurs, with the exception of the equipment that is freely sold on the market. Self assembly kits intended for radio amateurs and factory-made radio equipment modified and used by radio amateurs shall not be deemed to be equipment freely sold on the market.

Article 88

(essential requirements for radio and telecommunications terminal equipment)

(1) Radio and telecommunications terminal equipment must comply with:

1. the requirements to protect the health and safety of the user and other persons through the application of the regulations governing low voltage devices, without voltage restrictions;
2. the requirements for electromagnetic compatibility specified in Article 93 of the present act.

(2) Radio equipment must be built such that assures efficient use of the radio frequency spectrum for terrestrial, space and orbital radio communications and avoids harmful interference.

(3) Radio and telecommunications terminal equipment must comply with the regulations issued by the minister. The minister may via regulations stipulate that radio and telecommunications terminal equipment shall be assumed to be in accordance with the requirements of the regulations if it complies with the requirements in the standards to which the regulations refer. The minister shall publish a list of such standards in the Official Journal of the Republic of Slovenia with the approval of the minister in charge of the market.

Article 89

(use and marketing)

(1) Radio and telecommunications terminal equipment that does not comply with the provisions of the present act, regulations issued pursuant thereto or general acts for the implementation of public authorisations may not be marketed or used.

(2) Inspector may in accordance with Article 137 of the present act prohibit the use or marketing of equipment specified in the preceding paragraph or take other measures to prevent the marketing or use thereof.

(3) Operators may not for technical reasons refuse the connection of telecommunications terminal equipment to applicable interfaces if this equipment complies with the requirements of the present act.

(4) If radio and telecommunications terminal equipment that is marked and declared in accordance with the present act causes serious damage to the network or harmful radio interference or damage to the operation of the network, an operator of a public telecommunications network may refuse to connect it to the network or later disconnect or remove it from use. The operator must notify the user and the Agency of such without delay and the Agency may confirm or overrule such a measure.

(5) If a radio equipment threatens the operation of radionavigation services, services for national security and national defence, or services for protection against natural and other disasters, or causes serious deterioration or frequent interference or interruption of radiocommunications service that operate in accordance with international legal acts valid in the Republic of Slovenia, the present act, or regulations issued pursuant thereto, the Agency may prohibit or restrict the marketing thereof or order its exclusion from use.

(6) If a radio station is intended for the use of radio frequencies that are not envisaged for such use in the allocation of frequency bands the supplier thereof must notify the Agency of such at least four weeks before the start of supply.

(7) In the notification specified in the preceding paragraph of this article the supplier must also cite the properties of the radio equipment such as radio frequencies, channel allocation, type of modulation, output power etc.

(8) Radio and telecommunications terminal equipment that fails to comply with the requirements of the present act may be exhibited at fairs, exhibitions, demonstrations and similar but it must bear a clearly visible warning that the use of such equipment in Slovenia is prohibited.

Article 90
(verification and marking)

(1) Prior to placing equipment on the market or the equipment being used the manufacturer of radio or telecommunications terminal equipment or the person responsible for the marketing thereof shall provide:

1. the execution of procedures for assessing compliance with the essential requirements specified in Article 88 of the present act;
2. or issue a declaration on conformity with the essential requirements and provide information on the prospective use of the equipment;
3. marking with the prescribed markings of compliance;
4. any other documents prescribed.

(2) The minister shall prescribe:

1. the methods and procedures for assessing compliance with the essential requirements and marking of equipment;
2. the content and form of documents and markings of compliance and the procedure for the issue thereof;
3. the conditions for bodies and organisations that participate in assessment of compliance;
4. the manner of providing information on envisaged use.

X. ELECTROMAGNETIC COMPATIBILITY (EMC)

Article 91
(requirements for electrical devices)

(1) All electrical and electronic devices including equipment and installations that contain electrical or electronic components (hereinafter: electrical devices) must be designed, constructed, installed, used and maintained in such a way that:

1. the electromagnetic disturbances generated by these devices do not exceed the level still allowing radio and telecommunications equipment and other electrical devices to operate as intended;
2. they have an adequate level of intrinsic immunity to electromagnetic disturbances that enables them to operate as intended.

(2) The provisions of this chapter shall not apply to:

1. the network for the generation, transmission and distribution of electrical energy, or to electrical energy itself;

2. components or combinations thereof that are used in electrical devices but do not facilitate direct applicable functions and are not intended for free sale on the market to the end user;
3. the useful signal from radio transmitters

(3) In addition to the cases specified in the preceding paragraph the provisions of this chapter shall not apply to radio equipment self-built and used by radio amateurs, with the exception of equipment that is freely sold on the market. Assembly-kits intended for assembly by radio amateurs and factory-made radio equipment modified and used by radio amateurs shall not be deemed to be equipment freely sold on the market.

(4) Electrical devices manufactured in accordance with standards whose application gives rise to an assumption of compliance shall be deemed to be in accordance with the regulations issued by the minister. A list of such standards shall be published in the Official Journal of the Republic of Slovenia by the minister with the approval of the minister in charge of the market.

Article 92 *(marketing and use of electrical devices)*

(1) Electrical devices manufactured in the Republic of Slovenia or imported for use and used in the Republic of Slovenia must fulfil the requirements of the present act. Fulfilment of the requirements shall be proved using the documents and markings specified in Article 93 of the present act.

(2) When an electrical device or a part thereof, due to electromagnetic disturbances, ceases to meet the requirements referred to in the preceding paragraph the owner or user must at his own expense return such a device to a state where it meets the requirements cited or must exclude it from the market.

(3) If an electrical device fails to comply with the requirements of the present act an inspector may prohibit the use thereof or initiate other measures to prevent the marketing or use thereof.

(4) Electrical devices intended for educational or testing purposes may exceed the permissible level for generated electromagnetic disturbances if they are designed for the study of electromagnetic phenomena provided all measures to ensure that these devices do not interfere with other electrical devices in the vicinity have been taken into consideration.

(5) For complex electrical devices that fail to fulfil the requirements regarding electromagnetic compatibility the Agency may issue an operating licence that is limited in terms of time and place, provided all measures to ensure that the devices do not interfere with other electrical devices in the vicinity have been taken into consideration.

(6) Electrical devices that fail to comply with the requirements of the present act may be exhibited at fairs, exhibitions, demonstrations and similar, but they must have a clearly visible warning that the use of such devices in Slovenia is prohibited.

Article 93 *(verification and marking of electrical devices)*

(1) Prior to placing an electrical device on the market or prior its first use the manufacturer or the legal or natural person authorised by the manufacturer that markets such a device shall provide:

1. the execution of procedures for the assessment of conformity with the requirements specified in Article 91 of the present act;
2. or issue a declaration of conformity and provide information on the prospective use of the device;
3. that it is marked with the prescribed conformity markings;

4. any other documents prescribed.

(2) The minister shall prescribe:

1. the methods and procedures for assessment of conformity with the requirements specified in Article 91 of the present act;
2. the form and content of documents, the conformity marking and the procedure for the issue thereof;
3. the conditions for bodies and organisations that participate in conformity assessment;
4. the procedures and restrictions for cases when devices entirely or partly fail to comply with the requirements specified in this article

XI. NUMBERING

Article 94 (objectives and management)

(1) The national numbering space for telecommunications numbers in the Republic of Slovenia shall be managed by the Agency with the objective of providing its efficient structuring and meeting the needs of operators and other users in a fair and non-discriminatory manner. To this end the Agency shall prepare a draft numbering plan, assign numbers and number blocks and supervise the use thereof.

(2) The Agency shall administer information on the numbering plan, information from the decision on the assignment of numbers and other information on numbering.

Article 95 (numbering plan)

(1) The minister shall adopt the numbering plan at the proposal of the Agency.

(2) The plan specified in the preceding paragraph must ensure equal opportunities and equal treatment for all operators and other users of public telecommunications services.

(3) The plan specified in the first paragraph of this article shall stipulate the structure, length, capacity and purpose of use of numbers for the needs of telecommunications networks and services.

(4) The numbering plan must allow the introduction of new national and international services, ensure the number portability, define prefixes and short numbers, numbers with geographical significance and non-geographical numbers.

(5) The minister may at the proposal of the Agency amend the numbering plan, thereby amending already assigned numbers, too, if such is required by the implementation of international legal acts valid in the Republic of Slovenia or the assurance of sufficient number availability.

(6) When amending the plan specified in the preceding paragraph the interests of those affected shall be taken into consideration, particularly the costs to operators and other users resulting from amendments. The planned amendments shall be published at least one year before they are implemented.

(7) Operators and other users shall not have the right to compensation for the amendments specified in the fifth paragraph of this article.

Article 96
(assignment of numbers)

In order to use numbers a decision on number assignment in accordance with the provisions of the present act shall be obtained.

Article 97
(procedure for issuing decision on the assignment of numbers)

(1) A decision on the assignment of numbers shall be issued by the Agency on the basis of the numbering plan and other regulations and on the basis of the procedure defined by Article 4 of the present act.

(2) A decision on the assignment of numbers may be obtained by an operator or any other legal or natural person that can demonstrate an urgent need to perform his activities for the public interest, if such is envisaged in the numbering plan.

(3) Applications for the assignment of numbers must contain evidence on the fulfilment of the condition specified in the preceding paragraph, a projection that contains the assessment of needs for the three years ahead and reasoning to show that the quantity of numbers assigned will be used in three years.

(4) The operator that holds the decision on the assignment of numbers may in accordance with this decision on the assignment of numbers and other regulations assign numbers to other legal and natural persons that use public telecommunications services (hereinafter: other users) in return for payment and on the basis of a contract, whereby the holder of the decision on assignment of numbers must take the actual costs into consideration. The operator must forward contracts concluded with other users to the Agency for information. The operator in the projection specified in the preceding paragraph must envisage assignment to other users.

(5) Other users specified in the preceding paragraph may not further assign their assigned numbers.

(6) The Agency shall in the decision on the assignment of numbers set out the conditions for the assignment specified in the fourth paragraph of this article.

(7) The Agency shall via a general act set out in detail the method of the assignment specified in the fourth paragraph of this article.

(8) The minister shall prescribe detailed conditions for the issue of a decision on the assignment of numbers.

Article 98
(validity and amendment of the decision on the assignment of numbers)

(1) A decision on the assignment of numbers shall be issued by the Agency for an indefinite period.

(2) The Agency shall for reason of harmonisation with amendments of the numbering plan, if necessary as an official duty, issue a decision on changes to the decision on the assignment of numbers within thirty days of the day the amendments take effect.

(3) Within thirty days of the change occurring the holder of a decision on the assignment of numbers shall be obliged to report to the Agency:

1. a change in the court register or the tax register, legal succession, or the introduction of bankruptcy or liquidation proceedings for legal persons;
2. a change in the register at the administrative unit or the tax register and winding-up for sole traders;

3. a change in the address of or the death of a natural person.

Article 99
(refusal of assignment of numbers)

The Agency shall refuse the issue of a decision on the assignment of numbers if it establishes that:

1. the applicant is not a person entitled to assignment pursuant to the first paragraph of the preceding article of this article;
2. the assignment would be in contravention of the provisions of the present act and regulations adopted pursuant thereto;
3. the intended use does not justify assignment of the quantity or type of numbers requested;
4. the applicant has previously infringed the provisions of the present act or has failed to settle fees due for the use of assigned numbers.

Article 100
(transfer)

The decision on the assignment of numbers is not transferable.

Article 101
(number portability)

(1) In a fixed public telephone network subscribers must be able to retain the geographical numbers they were assigned when they switch operators if they remain in the same location. The previous operator may charge for only those one-off costs that arise in switching the subscriber.

(2) Subscribers that use non-geographical numbers shall be able when switching operators to retain the numbers they were assigned, even if in so doing they change location.

Article 102
(revocation of decision on the assignment of numbers)

The Agency shall revoke a decision on the assignment of numbers as an official duty if it establishes that:

1. the application for the assignment of numbers contained false information;
2. the holder no longer fulfils the conditions specified in Article 97 of the present act;
3. the holder has failed to clear deficiencies within the period stipulated in the Agency's decision ordering the elimination of deficiencies established;
4. the fee for assigned numbers or number blocks has not been paid despite a warning;
5. the numbers assigned are not being used in accordance with the conditions specified in the present act or in the decision on assignment of numbers.

Article 103
(expiry of decision on the assignment of numbers)

(1) A decision on the assignment of numbers shall expire:

1. if its holder so requests;
2. if its holder ceases to exist;
3. upon its revocation in accordance with the provisions of the preceding article.

(2) If the holder of a decision on the assignment of numbers does not use the assigned numbers within three years of the issue of the decision on the assignment of numbers or fails to use the assigned numbers for more than one year the decision shall cease to be valid for those numbers that have not been used during such time.

(3) In the cases specified in points 1 and 2 of the first paragraph and in the second paragraph of this article the Agency shall issue a decision stating the expiry of the licence.

Article 104 (*fee*)

(1) An operator that holds a decision on the assignment of numbers shall pay an annual fee for the numbers or number blocks assigned. The level of the fee shall depend on the quantity, length and type of the numbers.

(2) The minister shall prescribe in detail the method for setting and charging the fee.

Article 105 (*operator selection and operator pre-selection*)

(1) Operators with significant market power must ensure that each subscriber can freely choose operators for long distance and international calls. This selection possibility must provide the availability of a continuing pre-selection that may be changed for every call through an operator selection prefix.

(2) The Agency shall via a general act regulate in detail the implementation of the provisions of this article.

XII. THE AGENCY

Article 106 (*the Agency*)

(1) The Agency shall be founded by the present act as an organisation for regulating the telecommunications market and electronic media. The Agency shall carry out the tasks stipulated by the present act and regulations adopted pursuant thereto with the purpose of ensuring, primarily in the interest of users, the transparent and non-discriminatory functioning of the telecommunications market and electronic media.

(2) The Agency shall be a legal person under public law. The Agency's founding act shall be adopted by the government.

Article 107 (*director and deputy directors of the Agency*)

(1) The Agency shall be headed, and represented in legal and in public matters, by a director, who shall be appointed for a five years term by the government on the basis of a public tender. Candidate's professional and international experience shall be taken into primary consideration during selection.

(2) The government shall for a term of five years appoint a deputy director for telecommunications and a deputy director for broadcasting, who shall head and represent the Agency in legal and public matters in the absence of the director and on the basis of the authorisation thereof.

(3) The director and the deputy directors may not in the last three years have been employed or have worked in organisations that perform any activities within the Agency's jurisdiction, and may not hold any function in such organisations.

(4) The director and the deputy directors, the spouses or partners thereof, and people related thereto in a line of direct descent to within two generations inclusive may not hold ownership stakes in an organisation that performs activities within the Agency's jurisdiction, or in an organisation that holds an ownership stake in such an organisation.

(5) The government shall dismiss the director or a deputy director:

1. at the director's or deputy director's own proposal;
2. if his/her occupational capability is revoked, or becomes medically incapable of working;
3. if the grounds specified in the second or third paragraphs of this article arise, unless the director or deputy director was unable to influence the behaviour of the spouse, partner or relative and at the same time it could be expected that such would not influence the independence of his/her decision-making;
4. if the he/she receives a legally binding custodial sentence for a criminal offence;
5. if the he/she infringes the provisions of the present act or regulations adopted pursuant thereto in performing the functions of director or deputy director.

(6) If the Telecommunications Council or the Broadcasting Council establish the existence of the grounds specified in the preceding paragraph they may propose to the government the dismissal of the director or deputy director.

Article 108
(operating of the Agency)

(1) The organisational structure and operating of the Agency's shall be regulated by a statute, which shall be issued by the director of the Agency and approved by the government following a prior positive opinions from the Telecommunications Council and the Broadcasting Council.

(2) The director shall issue general acts and shall decide on individual matters within the Agency's competencies.

(3) The director may authorise a person within the Agency who fulfils the conditions for deciding in an administrative procedure to decide on individual matters.

(4) The Agency's statute, the Agency's general acts issued for the implementation of public authorisations and the information envisaged by the present act shall be published in the Official Journal of the Republic of Slovenia.

(5) A decision or another individual Agency's act shall be final in an administrative procedure, unless stipulated otherwise by the present act.

(6) Irrespective of the provision of the second paragraph of Article 289 of the General Administrative Procedure Act (*zakon o splošnem upravnem postopku*; OJ RS, No. 80/99) the Agency may itself conduct administrative execution of its own decisions, and carry out measures under the first paragraph of Article 318 of the General Administrative Procedure Act.

Article 109
(funding of the Agency)

(1) The Agency shall be funded from the national budget. To this end the financial assets shall be drawn from the Telecommunications Fund.

(2) The Agency may charge the actual costs that arise in the provision of information in accordance with its statute, unless stipulated otherwise by the present act.

Article 110
(the Agency's functions)

(1) The Agency's functions under the present act shall primarily be:

1. providing the conditions for an appropriate development level of the telecommunications market and electronic media, good business relations therein and the promotion of sound competition therein;
2. ensuring satisfactory communications between users of the same network or between different networks;
3. ensuring the provision of universal services;
4. promoting network interconnection and ensuring the implementation of rules for network interconnection;
5. ensuring equal access to telecommunications networks and/or services in the most economical and effective manner for users and operators;
6. ensuring that telecommunications operators operate according to the principle of non-discriminatory treatment and principle of proportionality;
7. managing the radio frequency spectrum and the telecommunications numbering system, charging fees for the use thereof, and ensuring the number portability;
8. monitoring development in the area of telecommunications, obtaining information from operators and providing information to users, operators, state bodies and international organisations;
9. monitoring development of standardisation and technical regulations in telecommunications, and adopting measures for the enactment and implementation thereof;
10. issuing licences for services, assigning radio frequencies, and assigning numbers and/or number blocks to users and operators;
11. supervising the implementation of the present act and the fulfilment of the conditions in licences and other documents issued by the Agency;
12. monitoring the moving of prices, preventing irregularities in connection with prices and approving prices and general conditions of operation if so stipulated by the present act;
13. monitoring and sanctioning the administering of accounting at operators in accordance with the present act;
14. co-operating with the relevant authorities in other countries and with the bodies of international organisations, and introducing the experiences thereof into practice;
15. supervising the exercise of the rights of users and the organisation thereof, monitoring and settling users' and operators' complaints, and taking appropriate action thereon;

16. publishing statistics on telecommunications not part of the programme of statistical research, and an annual report on the progress of liberalisation, and indicators on the quality of services provided by individual operators, and submitting an annual report on the situation in the field of broadcasting to the National Assembly;
 17. issuing approval for a significant change to the programme concept of the vocal section of a television programme;
 18. issuing approval for the purchase or acquisition of twenty per cent or more in an ownership stake or share in the management or voting rights in the assets of a publisher of a radio or television station;
 19. settling listeners' and viewers' complaints in connection with radio and television programme;
 20. deciding on the granting or revoking the status of a local, regional or student radio or television station.
- (2) The Agency shall have the right to demand information and relevant material relating to the dissemination of radio and television programmes and the operations of the publishers thereof, including the right to inspect the registers of shareholders. State bodies, local community bodies, publishers of radio and television programmes, advertising organisations and operators must comply with the demand within thirty days of receiving it.
- (3) The Agency may not perform any activities or functions except those it is charged with by law or by regulations adopted pursuant to law.
- (4) Within the framework of the functions specified in the first paragraph of this article the Agency shall adopt general acts to regulate such matters in detail even if such a general act is not specifically stipulated by the present act.

Article 111
(public nature of work and provision of information)

- (1) The operation of the Agency shall be public.
- (2) In procedures for adopting general acts and decisions the Agency must proceed in accordance with Article 124 of the present act, for which it must be properly organised.
- (3) The following shall be set out in detail in the Agency's statute:
 1. the form in which proposed solutions are presented and the procedures for treating comments specified in Article 124 of the present act;
 2. the manner of access to the information specified in the fourth paragraph of this article and to other public information;
 3. the form of cooperation with representatives of telecommunications user organisations and assistance in the formation and operation thereof.
- (4) At the request of interested persons the Agency shall provide them, free of charge, with information on:
 1. exemptions specified in the fourth paragraph of Article 73 of the present act that have been adopted;
 2. contracts on network interconnection specified in the seventh paragraph of Article 73 of the present act;
 3. its decisions in connection with the sample offer specified in the thirteenth paragraph of Article 73 of the present act;

4. calculations of the subsidy for providing universal services specified in Article 83 of the present act;
5. calculations of subsidies for the costs of covering universal services specified in the first paragraph of Article 85 of the present act.

(5) The Agency shall publish in the Official Journal of the Republic of Slovenia details of the time, the place and the method for obtaining information specified in the preceding paragraph and information on the method and place for publishing information on:

1. the measures specified in the seventh paragraph of Article 69 of the present act;
2. the implementation of the fourth paragraph of Article 71 of the present act;
3. sample (reference) offers for network interconnection specified in the twelfth paragraph of Article 73 of the present act.

(6) The report on its work published by the Agency in the Official Journal of the Republic of Slovenia and the Agency's business report shall be approved by the government, which shall brief the National Assembly thereon.

Article 112

(collecting and providing of data, information and opinions)

(1) All operators shall on the basis of its request be obliged to provide the Agency with data, information, financial reports and/or other reports that it needs in order to fulfil its responsibilities or to report to international organisations in accordance with international legal acts valid in the Republic of Slovenia in the extent or in the details that it requires.

(2) Operators shall be obliged to report personal and other data only if this is expressly stipulated by law.

(3) The Agency shall publish a report on the situation within the Agency's areas of responsibility, including statistics and financial and other information from organisations that operate in such areas, whereby in accordance with the present act it shall be obliged to safeguard business secrets and other business sensitive information.

(4) The Agency shall be obliged to report the processed information specified in the first paragraph of this article to the minister in charge.

(5) The Agency shall be obliged to report to international organisations data and information that the Republic of Slovenia is obliged to supply in accordance with international legal acts valid in the Republic of Slovenia.

(6) The minister shall prescribe in detail the collecting and providing of information.

Article 113

(settling of disputes)

(1) Where so stipulated by the present act the Agency shall in an administrative procedure settle disputes between players in telecommunications activities, such as disputes between operators, between operators and users, between operators and the owners of land and facilities, and between operators and the managers of public land.

(2) The Agency shall initiate the procedure as an official duty or at the request of any of the parties to the dispute.

(3) The deadline for issuing a decision in the procedure for settling a dispute shall be six weeks after reception of the proposal for the introduction of the procedure, or ten weeks if such is required due to the scope of the investigation procedure.

(4) The Agency must decide on the basis of the law, executive acts and general acts and in accordance with the principles of protecting the interests of users of telecommunications services, promoting innovation and development in the field of telecommunications, and protecting competition.

Article 114
(the Agency's official records)

(1) The Agency shall keep an official record (register) of:

1. operators;
2. legal and natural persons that have been assigned radio frequencies;
3. legal and natural persons that have been assigned numbers and/or number blocks.

(2) The registers specified in the preceding paragraph shall be kept as an interlinked computerised database.

(3) The following data shall be kept in the register of operators:

1. the business name or name of the sole trader and/or the title of the operator, and the full name and personal identity number of the responsible officer;
2. the registration number from the Business Register of Slovenia, the tax number and address or head office address of the natural or legal person respectively;
3. information on the licence issued, the type of telecommunications services, other information in the licence and/or information on expiry of the licence validity;
4. information on notification and the type of telecommunications service and on eventual decision on a prohibition from providing the notified activity;
5. information on a decision stating that the operator has significant market power;
6. information on settlement of operators' liabilities deriving from the present act;
7. information on punishment because of a violation specified in the present act.

(4) The following data shall be kept in the register of natural and legal persons that have been assigned radio frequencies:

1. the business name or name of the sole trader and/or the title of the holder of the right to use the radio frequency, and the full name and personal identity number of the responsible officer;
2. the registration number from the Business Register of Slovenia, the tax number and address or head office address of the natural or legal person, respectively;
3. information on the act through which the right to use the radio frequency was obtained, the type of telecommunications services, other information from the act, and information on the expiry of the validity of this act and/or right;
4. information on the settlement of the liabilities of the holder of the right to use a radio frequency deriving from the present act.

(5) The following data shall be kept in the register of legal and natural persons that have been assigned number blocks:

1. the business name or name of the sole trader and/or the title of the holder of the right to use the number block, and the full name and personal identity number of the responsible officer;
2. the registration number, the tax number and address or head office address of the legal or natural person, respectively;
3. information on the act through which the right to use the number block was obtained, the type of telecommunications services, other information from the act, and information on the expiry of the validity of this act and/or right.

(6) The data referred to in the third, fourth and fifth paragraph of this article may also be obtained by the Agency from the official records of other state bodies while personal data may only be obtained from the following records:

1. personal identity number, full name and address of residence: from the Business Register of Slovenia;
2. full name and head office address of a sole trader: from the Business Register of Slovenia;
3. full name of the responsible officer of a legal person: from the Business Register of Slovenia;
4. tax number;
5. information on punishment due to a violation specified in the present act.

(7) The Agency may also obtain the data specified in the preceding paragraph via a direct computer (electronic) link.

(8) The data specified in the third, fourth and fifth paragraph shall be administered for the whole time that the operator or legal or natural person holds the right to carry out the activity, use the radio frequency or use the number block, and the data shall be stored in the form of an archive for a further five years from the day the right expires.

(9) The Agency shall via a general act regulate in detail the method for keeping and organising the registers specified in this article.

Article 115 *(payment of fees and other financial obligations)*

(1) Persons obliged to pay the licence fees and registration fees referred to in Article 35 of the present act, fees for the use of frequencies referred to in Article 50 of the present act, fees for the use of numbers referred to in Article 104 of the present act and other financial obligations specified in the present act must settle their financial liabilities within the periods stipulated in the decision issued by the Agency. Fees and other payments pursuant to the present act shall be paid into the national budget and used for the purposes of the budget fund referred to in Article 116 of the present act.

(2) If a person liable to pay, referred to in the preceding paragraph fails to settle the liability within the period stipulated, it shall be forcibly collected in the manner and by the procedure that apply to the forcible collection of tax liabilities.

Article 116 *(Telecommunications Fund)*

(1) Pursuant to the present act and for the purpose of funding the Agency, the Republic of Slovenia shall found a budget fund for telecommunications (hereinafter: the fund) as a record account within the framework of the national budget for administering revenues and expenditure.

(2) The fund shall be opened for an indefinite period.

(3) The sources of financing for the fund shall be:

1. licence fees;
2. notification fees;
3. fees for radio frequencies and numbers;
4. other payments pursuant to the present act, such as payments to the Agency for:
 - tender documentation (Article 9 of the present act),
 - information (Article 109 of the present act),
 - deciding in disputes between operators, between operators and users, between operators and the owners of land and facilities, and between operators and the managers of public land (Article 113 of the present act).

(4) Other payments referred to in the fourth point of the preceding paragraph shall be set by the Agency on the basis of actual costs.

(5) The amount of the fees based on regulations shall be set by the Agency via a general act, which shall enter into force when approved by the government following a prior positive opinion from the Telecommunications Council and the Broadcasting Council. The annual fee shall be set such that the total sum of fees collected provides all the funds necessary for funding the Agency.

XIII. TELECOMMUNICATIONS COUNCIL

Article 117 *(Telecommunications Council)*

(1) The Telecommunications Council (hereinafter: the council) is a body for monitoring and providing advice in guiding the telecommunications market.

(2) The council shall have eleven members, who shall be appointed for a term of five years by the National Assembly at the proposal of the National Assembly's commission for elections, appointments and administrative affairs from among the ranks of experts in the field of telecommunications.

(3) The council members shall elect chairman and deputy chairman from among themselves.

(4) Maximum one-third of the council members may be representatives of operators and those employed by operators.

(5) Council members may not be members of the leadership of political parties, parliamentary deputies, or officials and employees who work at state bodies.

(6) Council members shall have the right to be reimbursed for costs and to bonuses for their work, which shall be set by the National Assembly. The council's funds, conditions for work and information shall be provided by the Agency.

Article 118 *(functioning of the council)*

(1) The council shall adopt its own rules of procedure.

(2) The council must convene in session at least twice a year. Sessions shall be convened when the director of the Agency or at least four members make a written request for convening. The chairman may convene a session at any time.

(3) Sessions of the council shall be attended by the director of the Agency or a person authorised thereby, and by the minister or an official in charge of telecommunications.

(4) A session of the council shall be quorate if more than a half of the members are present. Resolutions shall be adopted through an ordinary majority of those present. If the outcome of voting is undecided the proposal shall be rejected.

Article 119
(functions of the council)

(1) The council shall provide opinions, recommendations and proposals regarding telecommunications matters and the application of the present act. The director of the Agency shall be obliged to obtain its opinion regarding:

1. the strategy for providing universal services;
2. the system for settling users' complaints;
3. the report on the work of the Agency and the situation in the field of telecommunications.

(2) The council shall monitor the Agency's operations.

(3) The council may request information, with the exception of personal data, from the Agency, state bodies, operators and other persons, who must submit the information requested within thirty days of receiving the request.

(4) The council's opinions, recommendations and proposals shall be published by the Agency in the manner stipulated in the Agency's statute.

XIV. CONSUMER PROTECTION

Article 120
(rights of use and complaints)

(1) Everyone shall have the right in accordance with the conditions and prices published, to use public telecommunications services, including universal services, throughout the territory of the country.

(2) Every user shall have the right to complain to an appropriate body or authority set up by the operator about a decision by or the behaviour of an operator of public telecommunications network and/or services in relation with access to services or the provision of services, within fifteen days of finding out about the disputed decision or behaviour by the operator.

(3) Operators of public telecommunications services for which under the present act it is necessary to obtain a licence shall be obliged to publish a summary of the procedure for settling users' complaints as a constituent part of the general conditions.

(4) If an operator of public telecommunications services does not comply with the complaint or fails to decide thereon within seven days of receiving it, the person specified in the second paragraph of this article may lodge an appeal with the Agency requesting that it decides on the matter via a decision.

(5) Organisations that may file a suit according to Article 74 of the consumer protection act (*Zakon o varstvu potrošnikov*; OJ RS, Nos. 20/98, 25/98 and 23/99) may lodge a complaint for reason of infringement of the general conditions and prices of operators of public telecommunications services

in transactions with users, consumers or other operators, and may lodge an appeal with the Agency because of such infringements in accordance with the preceding paragraph.

Article 121
(specification of itemised calls)

(1) At the request of subscribers operators of fixed public telephone services and mobile public radio services must supplement the bill with a specification of itemised calls, which must be sufficiently detailed as to enable checking of the bill regarding the use of telephone services or individual calls, but may not cover calls to free-phone numbers and emergency calls.

(2) The subscriber shall have the right to choose among several levels of itemised bills, which must be defined in the operator's general conditions of operation.

(3) The prices for additional itemisation must be in proportion to the operator's actual costs in drawing up the bill.

(4) The Agency shall via a general act regulate in detail the formulation and content and other matters of the itemised bill.

Article 122
(non-payment of bills)

(1) Operators of telecommunications services for which under the present act it is necessary to obtain a licence must publish in the general conditions details of the measures and procedures to be applied in the event of non-payment of bills.

(2) An operator referred to in the preceding paragraph may disconnect a user that is late in making a payment or part of a payment, and if the technical possibilities so allow only from the services that have not been paid for, only after prior notification and according to the procedure that must be published in the general conditions.

(3) An user may within fifteen days of receiving a bill lodge with an operator specified in the first paragraph of this article an objection to the bill, on which the operator must decide within a further fifteen days.

(4) If an operator referred to in the first paragraph of this article does not comply with the objection or fails to decide thereon within fifteen days of receiving it, the person specified in the second paragraph of this article may lodge an appeal with the Agency.

(5) In the event of an objection or appeal being lodged the operator referred to in the first paragraph of this article may not disconnect the user or stop providing services if by the deadline the user settles the undisputed proportion of the bill or a proportion of the receivables from the disputed bill equivalent to the average undisputed payments for the same services in the last three billing periods prior to the issue of the disputed bill.

Article 123
(compensation for inadequate services)

(1) Operators of telecommunications services for which under the present act it is necessary to obtain a licence must in the general conditions stipulate rules on refunds to users in case their services fail to comply with the quality requirements envisaged in the general conditions, particularly with regard to interruption of services or a reduction of their affordability.

(2) Operators must in their contracts with subscribers (subscriber contracts) set the maximum level of the refund for users. The maximum level shall not apply if the level so set is in obvious disproportion to the inadequacy of the service and the damage incurred.

Article 124
(influence of the public)

(1) In formulating telecommunications policy, and adopting regulations and the Agency's general acts pursuant to the present act, state bodies, the Agency and the council shall be obliged acquire and take into consideration public opinion.

(2) Before adopting an act specified in the preceding paragraph state body and the Agency shall be obliged to publish a draft act together with a detailed explanation and invite users, experts, operators, service providers, manufacturers of telecommunications equipment and other persons with a legitimate interest to provide information, comments and/or suggestions within the period stipulated in the publication, which must be suited to the scope, importance and complexity of the act and may not be shorter than thirty days.

(3) During the period specified in the preceding paragraph the state body or the Agency must ensure the availability of the documentation on which the draft act was prepared, with the exception of the sections that represent an official secret, to persons with a legitimate interest for inspection and that the latter at their request and upon payment of costs can copy or photocopy the documentation or sections thereof that are available for inspection.

(4) After the end of the period and before the adoption of the act specified in the first paragraph of this article the state body or the Agency must publish the opinions and comments obtained, and must cite in the publication the manner in which they were taken into consideration or the reasons for which they were not taken into consideration.

XV. STATES OF EMERGENCY

Article 123
(operation during state of war, state of emergency or natural and other disasters)

(1) During a state of war or a state of emergency or in the event of natural and other disasters the minister may order activities and services that must be executed by telecommunications operators for the needs of clearing the conditions incurred, and stipulate the compensation.

(2) The minister shall define the obligations specified in the preceding paragraph equally for all operators that in terms of area and type and scope of network and/or services are in a equivalent position, or distribute such proportionately among such operators.

(3) The compensation specified in the first paragraph of this article shall cover the direct costs that individual operators incur in fulfilling the obligations.

Article 126
(measures)

(1) The minister may prescribe measures for operators of public telecommunications services and users of radio frequencies that they must take regarding preparations for war, extraordinary circumstances, natural and other disasters and disturbances in the economy.

(2) If through the regulation specified in the preceding paragraph specific operators are charged with a special obligation that is appreciably greater than the comparable obligations of other operators, they shall have the right to be compensated in the amount of the difference between their special obligation and the general obligations of other operators.

Article 127
(restrictions and suspensions of operations)

(1) During a state of war or state of emergency the government may order the restriction or suspension of the operation of telecommunications networks or of the providing of services.

(2) Restrictions or suspensions of operations may be stipulated by the government only in the extent and for a period that is absolutely necessary for national security and defence or the withdrawal of the state of emergency.

XVI. CONFIDENTIALITY AND SECRECY OF TELECOMMUNICATIONS

Article 127

(confidentiality and secrecy of telecommunications)

(1) The confidentiality and secrecy of telecommunications shall apply to the content of messages transmitted via telecommunications networks or during use of telecommunications services, to the facts and circumstances under which the messages were transmitted, to the fact that a certain person did or did not participate in this process and to the facts and circumstances of unsuccessful attempts to make calls.

(2) All operators of telecommunications networks and/or services and every person that participates in their activities shall be obliged to safeguard the confidentiality and secrecy of telecommunications, even after the end of the activities that they were obliged to safeguard.

(3) Persons under obligation in accordance with the preceding paragraph may not for themselves or for any other person obtain information on the content, facts or circumstances of messages transmitted that exceed the absolute minimum extent required for the performance of individual telecommunications services, and may use such information only for the provision of such telecommunications services and the implementation of contractual obligations in connection therewith.

(4) Any operator that in accordance with the preceding paragraph must for the provision of telecommunications services obtain information on the content of messages transmitted, or copy or store the messages transferred, must notify the user of such upon the conclusion of a subscriber contract or at the beginning of the provision of telecommunications services and explain the reasons therefor to the user, and must 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.

(5) All forms of monitoring, dissemination, interception and recording of messages that are transmitted via telecommunications networks and/or services shall be prohibited, except if this is permitted in accordance with the preceding paragraph and in with Article 130 of the present act.

(6) The addressee of a message may record the message, but must notify the sender of such or adjust the operation of the recording device (e.g. automatic answering machines) such that the sender of the message is warned regarding its operation, except in telecommunications services in which the recording of messages by the addressee is a component of the telecommunications services or is usual (e.g. facsimile messages, e-mail, SMS).

(7) Notwithstanding the provisions of the fifth and sixth paragraphs of this article organisations that receive 112 and 113 calls may record and trace such calls for the registering purpose or identifying malicious calls.

(8) If a radio system, telecommunication terminal equipment or other technical equipment receives a message that is not intended for this radio system, telecommunication terminal equipment or other technical equipment, the content of such messages may not be recorded or used for any purposes, and must be immediately erased or destroyed in another manner.

Article 129
(*protective measures*)

- (1) Operators of public telecommunications services must take appropriate technical and organisational measures, in conjunction with the operator of a public network, as appropriate, to ensure the security of their services.
- (2) The measures must ensure a level of security and protection in proportion to the anticipated risk and costs, and in accordance with the level of technical development.
- (3) If there is likelihood of an intrusion into the network's security the operator must warn the user of such danger and inform him of possible security measures and the means required for such.
- (4) An operator of public telecommunications network and/or services must submit to the Agency, at its request, details on the system of measures for guaranteeing security tied to a declaration that technical preventive measures and other security measures cited therein have been implemented or are to be implemented by a specific time.
- (5) If the Agency finds deficiencies in the proposed system of measures specified in the preceding paragraph or in the implementation thereof the operator must clear them at the Agency's request.

Article 130
(*monitoring of telecommunications traffic*)

- (1) If so required in accordance with the criminal procedure act or with the Slovenian intelligence and security agency act, for the introduction or progress of criminal proceedings or for national security, operators shall be obliged to:
 1. report to the competent authority information on 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 an order from the competent court (injunction);
 2. report to the competent authority upon its written request, information on the owner and user of a telecommunication facility by which the telecommunications traffic that is the subject of the order referred to in the previous point is performed;
 3. provide the appropriate software and adequate interface in their network for carrying out the interception of the telecommunications traffic in the manner, in the extent and for the duration stipulated by an order from the competent authority.
- (2) Prior to executing the actions specified in the preceding paragraph, the competent authority shall be obliged to hand over to the operator a transcript of the section of the injunction citing the telecommunications line and the duration of these actions. The body that issued the order shall make the transcript of the section thereof.
- (3) Operators must at their own expense provide the appropriate software and suitable interfaces for the needs of carrying out the interception specified in the first paragraph of this article.
- (4) For the needs of legal and independent interception operators must provide for an inerasable registration of interception interventions in telecommunications traffic and safeguard the data as an official secret.
- (5) Operator must ensure that for the needs of the competent authority to which an injunction from the competent court was issued for the actions specified in the preceding paragraphs of this article, an interception of telecommunications of individual subscribers is carried out in the extent and for the duration stipulated by this order.
- (6) The minister shall prescribe the software and specify the adequate interfaces for the needs of executing the interception specified in this article upon the approval of the minister in charge of internal affairs and the director of the Slovenian intelligence and security agency.

Article 131
(*traffic data*)

(1) Traffic data relating to the subscriber and the user required for establishing a call may be kept and processed by an operator as long as the call lasts. After the call is terminated the operator must erase them or alter them in such a way that they cannot be linked to a specific legal or natural person.

(2) For the needs of accounting/billing for services operators may, irrespective of the provision of the preceding paragraph, until the services are paid for, until the expiry of the legal period of limitations or until the final decision on the claim in the event of a dispute or until an injunction, keep and process the following traffic data:

1. the number and identity of the calling and called party;
2. the subscriber's address and the type of terminal;
3. the type (code) of charging;
4. the total number of accounting units in an accounting period;
5. the type, date, time and duration of the call and/or the quantity of data transmitted;
6. other information regarding payment or payment classification such as payment in advance, payment in instalments, a reminder for the user, an objection by the user and decision thereon, and disconnection of the user.

(3) The operator shall be obliged to process the data specified in the preceding paragraph in accordance with the act governing personal data protection.

(4) In the case of disputes the data specified in the second paragraph of this article must be in an unabbreviated form available to the body deciding on the dispute for at least three years.

(5) Traffic data needed for accounting, traffic management, information for users, exposure of fraud and for the operator's own marketing may be processed only by personnel under the supervision of the operator, whereby their access to the traffic data must be restricted to the minimum extent necessary for such work.

(6) The operator may use only data specified in the second paragraph of this article that relate to a specific legal or natural person for marketing their own services if such person consents thereto.

Article 132
(*information about subscribers*)

(1) Operators of public telecommunications networks and/or services shall collect the following information about their subscribers:

1. the full name of the subscriber and/or his business name or the name of its organisational unit;
2. the subscriber's activity at his request;
3. the subscriber's address;
4. the subscriber's number;
5. the academic title in front of and profession after the subscriber's name at his request;
6. upon additional payment also additional data at the subscriber's request and if the third persons are not affected thereby;

7. the tax number of a natural person or the tax number and registration number of a legal person.

(2) Operators may use collected data specified in the preceding paragraph that only for:

1. concluding, implementing, amending and cancelling contracts with the subscriber;
2. charging for services;
3. preparing and publishing subscriber directories in accordance with the present act.

(3) Upon cessation of subscription contracts an operator must store the information specified in the first paragraph of this article until the subscribers settle their liabilities or until judicial proceedings are concluded, while he must store the bills in accordance with the act regulating value added tax.

Article 133

(calling or connected line identification presentation /CLIP/)

(1) Where presentation of calling line identification is offered, the operator must offer the calling user the possibility, using simple means and free of charge, with exception of calling 112 and 113, of preventing the presentation of the calling line identification on per-call basis. The subscriber may request such of the operator automatically and free of charge for all calls but for 112 and 113 calls.

(2) Where presentation of calling line identification is offered, the operator must offer the called subscriber the possibility, using a simple means and free of charge, of preventing the presentation of the calling line identification of incoming calls.

(3) Where presentation of calling line identification is offered and where the calling line identification is presented prior to the call being established, the operator must offer the called subscriber the possibility, using a simple means, of rejecting incoming calls where the presentation of the calling line identification has been prevented by the calling user.

(4) Where presentation of connected line identification is offered, the operator must offer the called subscriber the possibility, using a simple means and free of charge, of preventing the presentation of the connected line identification to the calling user.

(5) Where presentation of calling and/or connected line identification is offered by an operator he shall be obliged to publish in his general conditions details of the possibilities of the presentation and prevention of the calling and/or connected line identification.

Article 134

(tracing of calls)

(1) Operators of public telecommunications networks and/or services may in the case of malicious or nuisance calls to a subscriber identify the caller, irrespective of the latter's consent.

(2) If a subscriber requests the tracing of malicious or nuisance calls, the operator of the public telecommunications network and/or services shall organise call tracing, or for new calls temporarily eliminate prevention of the of calling line identification presentation.

(3) The operator shall store information on tracing and shall forward it to the subscriber, under the conditions and in the manner specified in Article 130 of the present act, and to state bodies in connection with preliminary and criminal proceedings or the safeguarding of national security.

(4) Operators of public telecommunications networks and/or services shall disable prevention of calling line identification presentation for individual lines at the request of the ministry in charge of internal affairs, the ministry in charge of defence or the agency in charge of national intelligence and security (Slovenian intelligence and security agency) for the needs of national security and defence.

Article 135
(*call forwarding and automatic calls*)

- (1) In the implementations of service that enables the call forwarding subscribers must have the possibility to prevent, free of charge and autonomously, the third persons to forward calls to their terminal on per-call or per-line basis.
- (2) Automatic call systems, including facsimile devices, may be used for direct marketing only if the subscriber concerned gives prior consent.
- (3) The subscriber may at any time withdraw the consent specified in the preceding paragraph.

Article 136
(*directories of subscribers and directory enquiry services*)

- (1) Directories of subscribers, whether printed or on electronic media, shall publish all the information specified in the first and fourth point of the first paragraph of Article 132 of the present act about those subscribers that are not opposed to such. Other information specified in the first paragraph of Article 132 of the present act may be published if the subscriber clearly consents thereto.
- (2) Subscribers may request correction, alteration, deletion or re-entry of all or some of their information.
- (3) All services regarding entry, refusal or correction of entry, alteration, deletion or re-entry shall be free of charge.
- (4) Operators shall upon their own assessment issue a directory of subscribers to their service and organise a directory enquiry service (subscriber information).
- (5) The Agency may order operators of public telecommunications services to issue a directory of subscribers and organise a directory enquiry service if there is not at least one directory of all subscribers to fixed public telephone services and mobile public radio services that did not oppose entry in the directory and at least one directory enquiry service that operates twenty-four hours a day and seven days a week available to users.
- (6) At the request of a person that wishes to publish a directory operators must solely for such purpose supply information on subscribers that did not oppose publication in a directory.
- (7) Operators of public telecommunications networks and/or services shall be obliged to provide information about subscribers to the Agency free of charge, and to other persons at cost-oriented prices and under non-discriminatory conditions.
- (8) Information in directories must be up-to-date taking into account the method of editing and publication, and information at directory enquiry services must be updated at least once a week.

XVII. SUPERVISION

Article 137
(*supervisory competence*)

Supervision of the implementation of the present act, regulations and general acts issued pursuant thereto, and individual acts issued on the basis of the present act and regulations and/or general acts shall be carried out by persons employed at the Agency and dully authorised by the director (hereinafter: authorised persons at the Agency), and inspectors in charge of the supervision of goods on the market and inspectors in charge of telecommunications (hereinafter: inspectors) as follows:

1. authorised persons at the Agency shall conduct supervision in respect of the provisions of the present act on the use of the radio frequency spectrum, on competition and open network provision, on general conditions and prices, on prohibition of subsidisation, on accounting, on conditions for the providing of telecommunications services, on the provision of universal services, on confidentiality and on protection for users;
2. inspectors in charge of the supervision of goods on the market shall conduct supervision of radio and telecommunications terminal equipment on the market and supervision of the electromagnetic compatibility of devices on the market;
3. inspectors in charge of telecommunications shall conduct supervision in respect of the provisions the acts on the construction of telecommunications networks, on radio and telecommunications terminal equipment in operation, on the electromagnetic compatibility of devices in operation and on extraordinary circumstances:

Article 138
(authorisations)

- (1) Authorised persons at the Agency must fulfil the conditions the law prescribes for inspectors.
- (2) Authorised persons at the Agency shall in conducting the supervision specified in the preceding article hold the authorisations the law prescribes for inspectors.

Article 139
(measures)

- (1) In addition to the general measures the law stipulates for inspectors, authorised persons at the Agency and inspectors may in their respective fields take the following measures:
 1. to immediately prohibit the operation of an interfering electrical device or interfering radio equipment if it presents a threat to people or property because of electromagnetic interference, and/or fails to hold the valid decision on the assignment of radio frequencies referred to in Article 39 of the present act;
 2. to order the physical protection of an interfering electrical device or interfering radio equipment and the execution of urgent tasks at the expense of the user thereof in the case specified in the first point of this paragraph;
 3. to restrict or prohibit the use of electrical devices that cause electromagnetic interference, if the operation of telecommunications networks or devices is threatened thereby;
 4. to prohibit the construction of buildings and appurtenant infrastructure, if the operation of telecommunications networks or devices is threatened thereby;
 5. to issue a decision on the elimination of deficiencies or irregularities determined.

- (2) An authorised person at the Agency or an inspector who has justifiable grounds to believe that an operator of telecommunications services or a holder of the right to use a radio frequency is going to continue with prohibited activities despite measures issued in accordance with the preceding paragraph shall have the right to seal up the interfering device or order everything necessary to prevent the continuation of the prohibited activities.

Article 140
(appeal)

- (1) It shall be permissible to appeal to the ministry in charge of telecommunications against a decision by the Agency regarding the conduct of supervision under Article 137 of the present act within fifteen days of the decision being delivered.

(2) An appeal against a decision by the Agency regarding the conduct of supervision under Article 137 of the present act shall not withhold its implementation.

XVIII. PENALTY PROVISIONS

Article 141

(1) A fine of between 5,000,000 and 10,000,000 Slovenian tolar for an infringement shall be imposed upon a legal person that:

1. fails to register in writing the beginning or cessation of the construction and operation of public telecommunications networks and any changes thereto with the Agency (first paragraph of Article 26 of the present act);
2. fails to register in writing the beginning or cessation of the provision of public telecommunications services or any change thereto (first paragraph of Article 27 of the present act);
3. performs the services specified in the second paragraph of Article 27 of the present act without a licence;
4. continues with his activities despite a decision on prohibition of activities (third paragraph of Article 28 of the present act);
5. operates a radio station that uses radio frequencies without a decision on the assignment of radio frequencies (first paragraph of Article 39 of the present act);
6. fails to grant access to local loops or network and/or services under objective, transparent published conditions (third paragraph of Article 65 and first paragraph of Article 68 of the present act);
7. as operators with significant market power fails to have cost-oriented prices (fifth paragraph of Article 69);
8. fails to offer sufficient line capacities (first paragraph of Article 70 of the present act);
9. fails to reach agreement with other operators of public telecommunications services or at their request to provide them with an offer on network interconnection, or fails to make it possible for their users to communicate with other users (first paragraph of Article 73 of the present act);
10. fails to meet all reasonable requests for access to the network (sixth paragraph of Article 73 of the present act);
11. fails to deliver copies of contracts on network interconnection and details of any amendments or additions thereto to the Agency (seventh paragraph of Article 73 of the present act);
12. fails to publish a sample reference offer on network interconnection (twelfth paragraph of Article 73 of the present act);
13. fails to formulate prices of telecommunications services in accordance with the provisions of Article 75 of the present act;
14. subsidises telecommunications prices from activities for which he holds exclusive or special rights (first paragraph of Article 77 of the present act) or under the conditions stipulated fails to provide services within a legally independent company;
15. cross-subsidises different telecommunications services in contravention of the second paragraph of Article 77 of the present act;

16. markets or uses radio and telecommunications terminal equipment that fails to comply with the requirements of the present act (first paragraph of Article 89 of the present act);
 17. places equipment on the market without fulfilling the conditions specified in Article 90 of the present act;
 18. fails to return to an appropriate state or exclude electrical devices that are not designed, built, installed, used or maintained in accordance with the first paragraph of Article 91 of the present act or fails to return them to an appropriate state in accordance with the first and second paragraphs of Article 92 of the present act
 19. places an electrical device on the market before the conditions specified in the first paragraph of Article 93 of the present act are fulfilled;
 20. fails to carry out activities ordered by the minister pursuant to Article 125 of the present act;
 21. fails to carry out measures ordered by the minister pursuant to Article 126 of the present act;
 22. prevents the conduct of supervision by the authorised persons at the Agency and inspectors (Article 138 of the present act).
- (2) A fine of between 250,000 and 1,500,000 Slovenian tolar for an infringement shall be imposed upon a natural person who independently performs activities or the responsible officer of a legal person that commits an offence specified in the preceding paragraph.

Article 142

- (1) A fine of between 2,000,000 and 10,000,000 Slovenian tolar for an infringement shall be imposed upon a legal person that:
1. cedes or transfers the right to use radio frequencies to other legal or natural persons in contravention of Article 46 of the present act;
 2. fails to reach agreement on the shared use of antenna facilities (first paragraph of Article 51 of the present act);
 3. fails to execute the Agency decision specified in the second paragraph of Article 65;
 4. despite a prohibition by the Agency markets or uses radio equipment that threatens the operation of radio-navigation services or other safety services, or causes serious deterioration or frequent interference or interruption of radiocommunications services (fifth paragraph of Article 89 of the present act)
 5. fails to notify the Agency on time regarding the use of a radio station in a radio frequency band specified in the sixth paragraph of Article 89 of the present act;
 6. fails to ensure that subscribers that switch operators (but remain in the same location) can retain the numbers they were assigned (first paragraph of Article 101 of the present act);
 7. fails to ensure the number portability irrespective of location (second paragraph of Article 101 of the present act);
 8. fails to ensure a free choice of operators for long distance and international calls (Article 105 of the present act);
 9. fails to supply information to the Agency at its request (first paragraph of Article 112 of the present act);
 10. infringes the provisions of the third, fourth, fifth and sixth paragraph of Article 128 of the present act relating to confidentiality and secrecy of telecommunications information;

11. stores the content of messages transmitted that are not an essential part of the telecommunications services (third paragraph of Article 128 of the present act), or fails to take measures to ensure that the content of messages transmitted is not stored or is stored for the minimum period (fourth paragraph of Article 128 of the present act);
 12. fails to take appropriate technical and organisational measures to ensure the security of his services (first paragraph of Article 129 of the present act);
 13. fails to warn the subscriber of the possibility of the security of a network being intruded or to notify the subscriber concerning possible security measures and the means required for such (third paragraph of Article 129 of the present act);
 14. at the Agency's request fails to supply details on the system of measures for guaranteeing security (fourth paragraph of Article 129 of the present act);
 15. at the Agency's request fails to clear deficiencies in the security system or the implementation thereof (fifth paragraph of Article 129 of the present act);
 16. fails to supply information as specified in point 1 of the first paragraph of Article 130 of the present act;
 17. fails to allow monitoring of telecommunications traffic on their network or terminal equipment and in their premises, in the manner, in the extent and for the duration stipulated by an injunction from the competent court (point 3 of the first paragraph of Article 130 of the present act);
 18. fails to erase traffic data after the call is terminated, or adapts it such that it does not make reference to a specific legal or natural person (first paragraph of Article 131 of the present act);
 19. fails to have traffic data processed by personnel under the supervision of the operator of a public telecommunications network or public telecommunications services (fifth paragraph of Article 131 of the present act);
 20. uses data specified in the first paragraph of Article 131 of the present act for marketing purposes without the subscriber's consent (sixth paragraph of Article 131 of the present act);
 21. fails to publish in the general conditions details of the possibility of presenting or preventing the calling or called line identification if such a possibility is offered, or fails to facilitate such autonomously and free of charge as a permanent function for each call (Article 133 of the present act);
 22. fails to trace malicious calls at the subscriber's request or fails to disable prevention of the calling line identification presentation (second paragraph of Article 134 of the present act);
 23. fails to disable prevention of the calling line identification presentation for individual calls at emergency services after prior approval by the Agency (fourth paragraph of Article 134 of the present act);
- (2) A fine of between 50,000 and 300,000 Slovenian tolar for an infringement shall be imposed upon a natural person who independently performs activities or the responsible officer of a legal person that commits an offence specified in the preceding paragraph.

Article 143

- (1) A fine of between 500,000 and 1,000,000 Slovenian tolar for an infringement shall be imposed upon a legal person that:
1. fails to observe the rights and obligations stipulated in the licence specified in Article 30 of the present act;

2. transfers a licence to another legal or natural person without the approval of the Agency (first paragraph of Article 31 of the present act);
 3. fails to pay a fee (Article 35 of the present act);
 4. fails to acquire servitude on installations or a suitable obligational right for the construction, installation, operation and maintenance of devices of a public telecommunications network on the land of others (Article 53 of the present act);
 5. relocates or alters (other) existing installations in contravention of Article 62 of the present act;
 6. as operator of public telecommunications networks fails to meet all reasonable requests for network interconnection, including a request for special interfaces (sixth paragraph of Article 73 of the present act);
 7. fails to have general conditions that contain the mandatory components and the other prescribed elements specified in Article 76 of the present act;
 8. fails to administer financial statements for telecommunications activities according to the fourth paragraph of Article 78 of the present act;
 9. fails to have appropriate separation at the organisational and accounting levels as defined in the first paragraph of Article 78 of the present act;
 10. fails to provide universal services as ordered (first paragraph of Article 82 of the present act);
 11. fails to provide telephones for simple calling in the event of an emergency, lower prices and similar at the request of the relevant bodies (Article 84 of the present act);
 12. fails to settle the costs of the subsidy for providing universal services (first paragraph of Article 85 of the present act);
 13. fails to notify the Agency regarding revenues from the provision of telecommunications services (fourth paragraph of Article 85 of the present act);
 14. for technical reasons refuses to connect telecommunications terminal equipment to appropriate interfaces if the equipment complies with the requirements of the present act (third paragraph of Article 89 of the present act);
 15. as holder of a decision on the assignment of numbers transfers the decision on the assignment of numbers (Article 100 of the present act);
- (2) A fine of 50,000 to 300,000 Slovenian tolar for an infringement shall be imposed upon a natural person who independently performs activities or the responsible officer of a legal person that commits an offence specified in the first paragraph.

Article 144

- (1) A fine of between 350,000 and 500,000 tolar for an infringement shall be imposed upon a legal person that:
1. fails to fulfil the requirements of the Agency (sixth paragraph of Article 68 of the present act);
 2. fails to offer (harmonised) interfaces (first paragraph of Article 69 of the present act);
 3. refuses a user's request for a special interface despite the assessment of the Agency (fourth paragraph of Article 69 of the present act);

4. fails to publish information on the types of interfaces or details of any intended alterations to such one month before the implementation thereof (sixth paragraph of Article 69 of the present act);
5. fails to fulfil the requirements stipulated in the fifth paragraph of Article 71 of the present act;
6. fails to allow his subscribers free-of-charge access to numbers 112 and 113, to an information service on subscribers or to an operator for establishing calls (first paragraph of Article 71 of the present act);
7. at the Agency's request fails to amend or add to an offer within the period stipulated (thirteenth paragraph of Article 73 of the present act);
8. fails to submit to the Agency a description of services and the general conditions for the provision of telecommunications services (first paragraph of Article 74 of the present act)
9. implements general conditions without the Agency's approval according to the fourth paragraph of Article 74 of the present act;
10. fails to publish the general conditions and prices specified in the first paragraph of Article 74 of the present act one month before the implementation thereof (third paragraph of Article 74 of the present act);
11. fails to explain the reasons specified in the ninth paragraph of Article 74 of the present act to the Agency in writing;
12. exhibits equipment that fails to comply with the requirements of the present act at fairs, exhibitions, demonstrations and similar without it having a clearly visible warning that such equipment may not be used in Slovenia (eighth paragraph of Article 89 of the present act);
13. fails to publish a summary of the procedure for complying with users' complaints as a constituent part of the general conditions (third paragraph of Article 120 of the present act);
14. at the request of users of fixed public telephone services fails to issue them with a bill in itemised form according to the first paragraph of Article 121 of the present act;
15. fails to publish in the general conditions details of the measures and procedures to be applied in the event of non-payment of bills (first paragraph of Article 122 of the present act);
16. in response to a user's objection fails to check the facts on which a bill is based (third paragraph of Article 122 of the present act);
17. fails to stipulate decisions on refunds to users in the general conditions according to Article 123 of the present act;
18. fails to act in accordance with the third paragraph of Article 132 of the present act upon cessation of the subscription contract;
19. fails to facilitate the call forwarding for a subscriber free-of-charge (first paragraph of Article 135 of the present act);
20. uses automatic call systems without the subscriber's consent (second paragraph of Article 135 of the present act);
21. publishes in a directory information on a subscriber against the latter's will, or uses such information for purposes not permitted (first paragraph of Article 136 of the present act);
22. fails to grant all reasonable requests for access to information on subscribers (sixth paragraph of Article 136 of the present act);

23. at the Agency's request fails to issue a directory or organise a directory enquiry service according to the fifth paragraph of Article 136 of the present act.

(2) A fine of 30,000 to 100,000 tolar for an infringement shall be imposed upon a natural person who independently performs activities or the responsible officer of a legal person that commits an offence specified in the preceding paragraph.

XIX. TRANSITIONAL PROVISIONS

1. Adaptation of Provision of Telecommunications Services to Provisions of Present Act

Article 145 (existing radio licences)

(1) Radio licences issued pursuant to Article 37 of the Law on telecommunications (*zakon o telekomunikacijah*; OJ RS, Nos. 35/97, 45/97—constitutional court ruling, 13/98—constitutional court ruling, 59/99—constitutional court ruling and 36/2000—constitutional court ruling) shall expire at latest one year of the entry into force of the present act.

(2) The Agency shall as an official duty issue owners of radio licences specified in the preceding paragraph whose radio licences will not be replaced with a licence for providing mobile public radio services with a decision on the assignment of radio frequencies in the extent and under the conditions of the radio licence specified in the preceding paragraph within the time period specified in the preceding paragraph. The Agency shall via the decision on the assignment of radio frequencies revoke the previous licence.

(3) The present act and regulations adopted pursuant thereto shall apply to the setting of the fee for the use of radio frequencies.

Article 146 (existing operators of commercial telecommunications services)

Legal and natural persons that on the day the present act enters into force provide commercial telecommunications services in accordance with the Law on telecommunications (*zakon o telekomunikacijah*; OJ RS, Nos. 35/97, 45/97—constitutional court ruling, 13/98—constitutional court ruling, 59/99—constitutional court ruling and 36/2000—constitutional court ruling) shall continue their work in accordance with the provisions of the present act.

Article 147 (adaptation of the provision of commercial telecommunications services for which notification with the Agency is required)

(1) The preliminary notification for the provision of commercial telecommunications services specified in Article 15 of the Law on telecommunications (*zakon o telekomunikacijah*; OJ RS, Nos. 35/97, 45/97—constitutional court ruling, 13/98—constitutional court ruling, 59/99—constitutional court ruling and 36/2000—constitutional court ruling) shall be deemed to be a written notification with the Agency of the provision of public telecommunications services in accordance with Article 28 of the present act.

(2) Legal or natural persons that provide commercial telecommunications services on the basis of the preliminary notification specified in the preceding paragraph shall continue to provide their activities in the extent, in the manner and under the conditions stipulated in the acts specified in the preceding paragraph.

(3) Legal or natural persons specified in the preceding paragraphs of this article must harmonise the execution of their activities with the provisions of the present act at latest one year of its entry into force.

Article 148

*(adaptation of the provision of commercial telecommunications services
for which a licence is necessary)*

(1) The licence for the provision of commercial telecommunications services specified in Article 16 of the Law on telecommunications (*zakon o telekomunikacijah*; OJ RS, Nos. 35/97, 45/97—constitutional court ruling, 13/98—constitutional court ruling, 59/99—constitutional court ruling and 36/2000—constitutional court ruling) shall be deemed to be a licence for the provision of public telecommunications services in accordance with Articles 27 and 29 of the present act.

(2) Legal or natural persons that provide commercial telecommunications services on the basis of the licence specified in the preceding paragraph shall continue to provide their activities in the extent, in the manner and under the conditions stipulated in the acts specified in the preceding paragraph.

(3) Legal or natural persons referred to in the preceding paragraphs of this article must harmonise the execution of their activities with the provisions of the present act at latest one year of its entry into force.

(4) If in the case specified in the first paragraph of this article it is necessary to amend a licence for adaptation of the provision of telecommunications services to the provisions of the present act, the Agency shall amend it as an official duty in accordance with the provisions of the present act at latest one year of its entry into force.

Article 149

(existing concession for the provision of commercial telecommunications services)

(1) The Agency shall (as an official duty) replace a concession awarded in accordance with Article 17 of the Law on telecommunications (*zakon o telekomunikacijah*; OJ RS, Nos. 35/97, 45/97—constitutional court ruling, 13/98—constitutional court ruling, 59/99—constitutional court ruling and 36/2000—constitutional court ruling) with a licence in accordance with Article 44 of the present act without a public tender at latest one year of the entry into force of the present act.

(2) Concessionaires referred to in the preceding paragraph shall until the issue of the licence perform their activities in the extent, in the manner and under the conditions stipulated in their concession act and concession contract.

(3) Upon the issue of the licence specified in the first paragraph of this article the concession act and concession contract shall cease to apply.

(4) Persons referred to in the second paragraph of this article must harmonise the execution of their activities with the provisions of the present act within the period stipulated by the Agency via the act specified in the first paragraph of this article, whereby the period may not be less than one year.

(5) The right to provide UMTS/IMT-2000 services shall be awarded as a concession on the basis of the decree on the award of a concession for the use of the radio frequency spectrum for the provision of UMTS/IMT-2000 services (OJ RS, No. 16/2001). This concession shall be deemed to be a concession specified in the first paragraph of this article and all the provisions of the present act shall apply thereto, whereby the period of one year specified in the first paragraph of this article shall be calculated from the day the concession contract is concluded, if this day is later than the day the present act enters into force.

Article 150

(other instances of adaptation to provisions of the present act)

(1) Notwithstanding the provisions of Article 147 of the present act operators of leased lines that obtained a licence in accordance with Article 16 of the Law on telecommunications (*zakon o telekomunikacijah*; OJ RS, Nos. 35/97, 45/97—constitutional court ruling, 13/98—constitutional court ruling, 59/99—constitutional court ruling and 36/2000—constitutional court ruling) must adapt the provision of their activities to the provisions of the present act at latest six months of its entry into force.

(2) Irrespective of the provisions of Article 147 of the present act operators that are obliged to keep separate accounting according to Article 78 of the present act must adapt their operations to the provisions of Chapter VII of the present act at latest nine months of its entry into force.

(3) All operators of a fixed public telephone network with significant market power must enable the implementation of the third to eighth paragraphs of Article 65 of this act by 1 January 2002.

(4) All operators must facilitate the free choice of operator in accordance with Article 105 of the present act and the number portability in accordance with Article 101 of the present act by 1 July 2002.

2. Adaptation of Provision of Public Telecommunications Services (Commercial Public Services) to Provisions of Present Act

Article 151

(adaptation of performing of public utility)

(1) Legal or natural persons that on the day the present act enters into force provide public telecommunications services as public utility (public trading service) in accordance with Article 4 of the Law on telecommunications (*zakon o telekomunikacijah*; OJ RS, Nos. 35/97, 45/97—constitutional court ruling, 13/98—constitutional court ruling, 59/99—constitutional court ruling and 36/2000—constitutional court ruling) shall continue their work as operators of public telecommunications services in accordance with the provisions of the present act.

(2) Legal or natural persons referred to in the preceding paragraph shall perform their activities in the extent, in the manner and under the conditions stipulated in the decree on the method of providing public telecommunications services of voice telephony and telex and on the management of the public telecommunications network (OJ RS, No. 11/98).

(3) For the harmonisation of the activities of persons referred to in the preceding paragraph with the provisions of the present act the Agency shall, at latest one year of its entry into force, without a public tender and as an official duty, issue to the persons from in the preceding paragraph a licence for the performance of public and universal services in accordance with the provisions of the present act in the same extent of rights as they hold on the day the present act enters into force.

(4) Upon the issue of the licence specified in the preceding paragraph the act specified in the second paragraph of this article shall cease to apply to persons specified in the second paragraph of this article.

(5) Persons specified in the first paragraph of this article must harmonise the execution of their activities with the provisions of the present act within the period stipulated by the Agency via the act specified in the third paragraph of this article, whereby the period may not be less than one year.

Article 152

(adaptation of Telekom Slovenije)

(1) Within one year at latest of the entry into force of the present act the public company Telekom Slovenije d.d. shall lose its status as a public company and shall adapt its acts and register thereto in accordance with law.

(2) For two years after the entry into force of the present act Telekom Slovenije d.d. shall have all the obligations held by operators with significant market power in accordance with the provisions of the present act relating to the shared use of facilities (Article 65 of the present act), open access to networks (Article 68 of the present act), and the provision of interfaces (Article 69 of the present act), leased lines (Article 70 of the present act), fixed public telephone services (Article 71 of the present act) and network interconnection (Article 73 of the present act).

(3) Telekom Slovenije d.d. shall be obliged to provide universal services in accordance with the provisions of the present act without a subsidy until the transfer of the provision of universal services to another operator in accordance with the provisions of Article 80 of the present act, and in any case for at least two years after the entry into force of the present act.

(4) Telekom Slovenije d.d. may drop telex services upon the agreement with all subscribers to such services.

3. Procedures Initiated Prior to Entry into Force of Present Act

Article 153 (procedures)

Procedures for preliminary notification pursuant to Article 15, for acquisition of a licence pursuant to Article 16, for acquisition of a concession pursuant to Article 17 and for acquisition of a radio licence pursuant to Article 37 of the Law on telecommunications (*zakon o telekomunikacijah*; OJ RS, Nos. 35/97, 45/97—constitutional court ruling, 13/98—constitutional court ruling, 59/99—constitutional court ruling and 36/2000—constitutional court ruling) that have not been completed by the entry into force of the present act shall be completed according to the regulations that were applicable upon the lodging of the application for acquisition.

4. Prices of Public and Universal Telecommunications Services

Article 154 (prices of telecommunications services)

(1) Prices of telecommunications services for which a licence is envisaged under the present act may not be raised in the period from the entry into force of the present act until adaptation to the provisions of the present act, with the exception of telecommunications services whose prices may be changed by a government decision, but for no more than one year after the entry into force of the present act.

(2) The affordable prices for universal services shall be set by the government in accordance with regulations until the issue of the regulations specified in the second paragraph of Article 79 of the present act.

5. Existing Networks on Land of Others

Article 155 (servitude)

(1) Owners of land across which telecommunications networks are laid or on which telecommunications networks are constructed or installed must allow further use of their land for the needs of the construction, installation, maintenance and operation of telecommunications networks if they themselves or their legal successors have in writing expressed agreement with such use.

(2) The right of operators deriving from the obligations of landowners specified in the preceding paragraph comprises entitlements covered by servitude on installations under the present act and

operators must implement this servitude in accordance with the provisions of Article 54 of the present act.

(3) The provisions of this article shall not affect the possible acquisition of servitude by prescription according to the regulations governing real rights.

6. Founding of The Agency

Article 156 (the Agency)

(1) The government shall adopt the founding act of the Agency within three months of the entry into force of the present act.

(2) The Agency shall begin to operate according to the present act on the day the founding act is adopted.

(3) On the day the Agency begins its operations employees at the Telecommunications Administration of the Republic of Slovenia shall be transferred to work at the Agency. The director of the Telecommunications Administration shall continue work as the acting director of the Agency until the appointment of the director of the Agency, but for no more than one year.

(4) The director of the Agency shall issue the statute pursuant to the first paragraph of Article 108 of the present act within four months of the entry into force of the present act.

(5) Until the day the Agency begins its operations the Telecommunications Administration of the Republic of Slovenia shall hold the Agency's competencies pursuant to the present act. On the day the Agency begins its operations it shall continue with all procedures initiated by the Telecommunications Administration of the Republic of Slovenia.

(6) The initial funding of Agency's operations shall be provided from the national budget in the item devoted to the operation of the Telecommunications Administration of the Republic of Slovenia.

7. Formation of The Council

Article 157 (founding)

Within two months of the present act becoming valid the National Assembly shall adopt an act on the founding of the Telecommunications Council and shall appoint its members.

Article 158 (manner and conditions for reimbursement of investments)

Investments by individual investors and local communities in the public telecommunications network shall be reimbursed in the manner and under the conditions to be set out by a separate act, which shall be adopted by the National Assembly at the proposal of the government within six months of the entry into force of the present act. Investments in the public telecommunications network shall be reimbursed by debiting the funds acquired by the privatisation of Telekom Slovenije d.d.

8. Government and Ministerial Regulations and The Agency's General Acts

Article 159 (deadlines)

(1) The deadline for the issue of executive regulations (secondary legislation) and the Agency's general acts shall be one year after the present act becomes valid.

(2) Until the issue of the decree specified in the third paragraph of Article 53 of the present act a secondary network and devices with private lines pursuant to the instructions on what is deemed a secondary, primary or trunk network of municipal and other facilities and devices (OJ SRS, No. 27/85) shall be deemed a secondary telecommunications network.

9. Validity of Regulations

Article 160 (validity of regulations)

(1) Until the issue of the relevant executive regulations and the Agency's general acts pursuant to the present act, the following regulations issued pursuant to the Law on telecommunications (*zakon o telekomunikacijah*; OJ RS, Nos. 35/97, 45/97—constitutional court ruling, 13/98—constitutional court ruling, 59/99—constitutional court ruling and 36/2000—constitutional court ruling) and regulations issued pursuant to the Law on communications systems (*zakon o sistemih zvez*; OJ SFRJ, Nos. 41/88, 80/89 and 29/90) and the Law on association of JPTT into community (*zakon o združitvi v skupnost JPTT*; OJ SFRJ, No. 18/78) shall remain valid insofar as they are not in contravention of the present act:

1. the rules on the elimination of interference in amplitude modulation broadcasts (OJ SFRJ, No.12/73); (only Title VII applies: Minimum Technical Characteristics of Broadcast Receivers for Amplitude Modulation Broadcasts)
2. the rules on the bases for combining signs for identifying radio stations (OJ SFRJ, No. 52/75)
3. the rules on the technical-operating conditions of broadcasting stations for amplitude modulation broadcasts (OJ SFRJ, No. 57/75)
4. the rules on the technical and operating conditions under which broadcasting stations may be used for black-and-white and colour television broadcasts (OJ SFRJ, No. 8/78)
5. the rules on the work of radio stations (OJ SFRJ, No. 17/78)
6. the rules on the technical and operating conditions under which broadcasting transducers may be used for frequency modulation broadcasts (OJ SFRJ, No.30/78)
7. the rules on the use of uniform expressions, terms, signs and abbreviations for transferring messages in communications systems (OJ SFRJ, No. 18/91)
8. the order on the connection of mobile satellite radio stations with the INMARSAT A satellite service (OJ RS, No. 5/93)
9. the resolution on the authorisation and designation of the organisation of associated labour for the performance of technical inspections of radio stations (OJ SRS, No. 30/82)
10. the resolution on the authorisation and designation of the limited liability company for the performance of technical inspections of radio stations (OJ SRS, No. 21/90)
11. the rules on the conditions for connecting fixed radio telephone subscribers to the public telecommunications network via the NMT mobile radiotelephone system (OJ RS, No. 57/96)
12. the rules on the ISDN (OJ RS, No 52/95)
13. the general plan of the telephone network (PTT Vestnik, Nos. 14/48, 15/88); (Chapter 11 – Charging of Transfer and Commutation Systems – and the provisions of Point 3.5 of Chapter 3 – the numbering plan – do not apply)

14. the general plan of the telegraph network and the data transfer network (PTT Vestnik, Nos. 23/84 and 3/88)
15. the technical conditions for modems for synchronous transfer of data along lines of the basic 60 to 108 kHz group (PTT Vestnik, No. 3/88)
16. the technical conditions for equipment for linking computers and computer networks to the public telex network (PTT Vestnik, No. 6/88)
17. the general technical conditions for standard interfaces between terminal devices for the transfer of data used in the public data transfer network (PTT Vestnik, No. 6/88)
18. the technical conditions for adapters with independent reception for connection of computers to the telegraph network (PTT Vestnik, No. 6/88)
19. the technical conditions for RR systems – analogue (PTT Vestnik, No. 5/89)
20. the technical conditions for the X.75 inter-network protocol (PTT Vestnik, No. 8/90)
21. the technical conditions for base radio stations in the mobile radio network (PTT Vestnik, No. 8/90)
22. the general technical conditions for the JPTT network of mobile radiotelephone communications (PTT Vestnik, No. 17/82)
23. the technical conditions for mobile radiotelephones in the JPTT mobile radio network (PTT Vestnik, No. 13/89)
24. the technical conditions for the JPTT system of mobile radio telephone communications (PTT Vestnik, No. 21/89)
25. the rules on the technical conditions for telephone devices with automatic billing (OJ RS, No. 53/94)
26. the technical conditions for analogue and digital telephone exchanges (PTT Vestnik, No. 14/91)
27. the technical conditions for subscriber telephone exchanges (PTT Vestnik, No. 11/87)
28. the rules on quality control for telecommunications means and facilities (PTT Vestnik, No. 27/90)
29. the order on foreign radio stations (OJ RS, No. 73/97)
30. the order on radio stations of the telephone system for earth-aircraft connections (OJ RS, No. 73/97)
31. the order on the validity of approvals of the terminal equipment of satellite ground stations with small satellite antennae and satellite stations for journalism (OJ RS, No. 73/97)
32. the order on foreign amateur radio enthusiasts' radio permits (OJ RS, No. 73/97)
33. the order on radio stations for personal calls via satellite (OJ RS, No. 73/97)
34. the order on foreign approvals and the use of PR 37 radio stations (OJ RS, No. 35/99)
35. the order on foreign approvals and the use of digital radio terminal equipment for S-PCS satellite telecommunications services (OJ RS, No. 35/99)
36. the order on foreign approvals and the use of GSM digital radio terminal equipment (OJ RS, Nos. 35/99 and 19/2000)

37. the rules on the technical requirements for terminal equipment with interfaces under CCITT X.21 recommendations and with interfaces under CCITT X.25 recommendations (OJ RS, No. 50/97)
38. the rules on the technical requirements for equipment designed for connection to analogue connections in the public telephone network (OJ RS, No. 50/97)
39. the rules on the technical requirements for radio stations (OJ RS, No. 50/97)
40. the rules on the technical requirements for digital European cordless communications (OJ RS, No. 69/95)
41. the rules on radio permits (OJ RS, Nos. 50/97 and 19/2000)
42. the rules on the determination of compliance and approval of terminal equipment and radio stations (OJ RS, No. 50/97)
43. the rules on electromagnetic compatibility (EMC) (OJ RS, No. 61/2000)
44. the rules on the types of amateur radio stations and technical conditions for the use thereof (OJ RS, No. 41/98)
45. the rules on the conditions for issuing licences for the performance of market telecommunications services (OJ RS, No. 75/98)
46. the rules on the general conditions for the performance of public telecommunications services of voice telephony and telex (OJ RS, No. 75/98)
47. the rules on numbering in public telecommunications networks (OJ RS, No. 57/99)
48. the decree on the method of performing public telecommunications services of voice telephony and telex and on the management of the public telecommunications network (OJ RS, No. 11/98)
49. the decree on the award of a concession for the use of the radio frequency spectrum for GSM mobile telephony services (OJ RS, Nos. 49/97 and 24/2000)
50. the decree on the allocation of radio frequency bands in Slovenia (OJ RS, Nos. 7/98 and 71/2000)
51. the decree on fees for the use of radio frequencies (OJ RS, Nos. 90/98 and 92/99)
52. the decree on the award of a concession for the use of the radio frequency spectrum for the performance of services of satellite personal communications (OJ RS, No. 68/98)
53. the decree on the award of a concession for the use of the radio frequency spectrum for the performance of NMT services (OJ RS, No. 53/99)
54. the decree on the award of a concession for the use of the radio frequency spectrum for the performance of personal call services in the ERMES system (OJ RS, No. 53/99)
55. the decree on the award of a concession for the use of the radio frequency spectrum at 1800 MHz for the performance of mobile telephony services (OJ RS, Nos. 79/99 and 72/2000)
56. the national telecommunications programme (OJ RS, No. 23/2000)
57. the rules on the technical requirements for the GSM 900 and DCS 1800 mobile cell radio systems (OJ RS, No. 32/2000)
58. the rules on the technical conditions for line leasing (OJ RS, No. 91/2000)

59.the decree on the award of a concession for the use of the radio frequency spectrum for the performance of UMTS/IMT-2000 services (OJ RS, No. 16/2001).

(2) The act governing public procurement orders shall not apply to procurement orders issued by operators of public telecommunications services.

XX. FINAL PROVISIONS

Article 161 (cessation of validity)

(1) On the day the present act enters into force the Law on telecommunications (*zakon o telekomunikacijah*; OJ RS, Nos. 35/97, 45/97—constitutional court ruling, 13/98—constitutional court ruling, 59/99—constitutional court ruling and 36/2000—constitutional court ruling) and the following regulations issued pursuant to the Law on communications systems (*zakon o sistemih zvez*; OJ SFRJ, Nos. 41/88, 80/89 and 29/90) and the Law on association of JPTT into community (*zakon o združitvi v skupnost JPTT*; OJ SFRJ, No. 18/78) shall cease to be valid:

1. the rules on the technical and operational conditions under which radio stations in joint radio communications may be used in the territory of a municipality (OJ SFRJ, No. 23/77)
2. the rules on radio stations that may be installed in towns and urban settlements (OJ SFRJ, No. 9/83)
3. the rules on free routes for entry to and exit from radio-relay connections (radio corridors) in towns and urban settlements (OJ SFRJ, No. 72/90)
4. the rules on the size of safety zones in the vicinity of certain radio stations (OJ SFRJ, No. 72/90)
5. the technical regulations on noise permitted in telephone circuits in the design of transmission systems in the telephone network for general purposes (PTT Vestnik, No. 14/68)
6. the technical conditions for teletypewriters in the JPTT network (PTT Vestnik, No. 6/70)
7. the technical conditions for receiving writers (printers) with a modem for use in the JPTT telegraph network (PTT Vestnik, No. 8/75)
8. the technical conditions for teletypewriters and terminals with operating speeds of 110, 134.5 and 200 Bd and CCITT Alphabet No. 5 for use in the JPTT network (PTT Vestnik, No. 9/78)
9. the technical conditions for semi-electronic and electronic teletypewriters in the JPTT network (PTT Vestnik, No. 3/72)
- 10.the technical conditions for electronic teletypewriters in the YU PTT network that work at operating speeds of 50, 70 and 100 Bd and with CCITT International Telegraph Alphabet No. 2 (PTT Vestnik, No. 21/83)
- 11.the technical conditions for connecting a signal transfer device to subscriber lines (PTT Vestnik, Nos. 3/76 and 4/76)
- 12.the instructions on the quality control of services in international telephone traffic (PTT Vestnik, No. 5/78)
- 13.the rules on quality norms for maintenance of telephone cable transmission systems (PTT Vestnik, Nos. 11/86 and 13/86)

(2) On the day the Agency begins its operations the third indent of Article 2.11 and the fourth paragraph of Article 13 of the organisation and competence of ministries act (*zakon o organizaciji in*

delovnem področju ministrstev; OJ RS, Nos. 71/94, 47/97 and 60/99) shall cease to be valid.

Article 162
(*entry into force of present act*)

The present act shall enter into force fifteen days after its publication in the Official Journal of the Republic of Slovenia (OJ RS).

No. 326-08/94-3/26
Ljubljana, 10 April 2001

President
of the National Assembly
of the Republic of Slovenia
Borut Pahor, m.p.