

LAW ON TELECOMMUNICATIONS

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Chapter I. GENERAL PROVISIONS ➡

Article 1. Purpose and Application of the Law

1. This Law shall establish the telecommunications regulatory framework of the Republic of Lithuania, with due regard to the requirements of the European Union law, regulate relations between the telecommunications operators and the users of their services, the management, use and control of radio communication, as well as the import, manufacturing, use and maintenance of equipment radiating electromagnetic waves, ensure an effective use of radio frequencies, and set forth conditions for promoting competition in the telecommunications sector.

2. This Law shall not regulate licensing activities of radio and television program broadcasters, with the exception of the requirement to submit to the Radio and Television Commission the basic terms and conditions of the activity of co-ordinated radio and television stations frequencies (channels) and of telecommunications networks intended for broadcasting radio and television programmes.

Article 2. Definitions

1. Subscriber - a person who regularly makes use of telecommunications services under a contract concluded with a telecommunications services provider.

2. Call-back service - an international telephone communication service whereby with the help of additional technical devices the calling subscriber becomes the called subscriber.

3. Equipment and devices - radio electronic equipment and electric facilities that radiate or can radiate radio waves when in operation.

4. Persons - natural and legal persons as well as enterprises without the status of a legal person.

5. Voice telephony service - transmission of a real-time voice signal between terminals connected to the terminal points of the public telecommunications network, i.e. transmission of speech information between the users of such terminals.

6. Public telecommunications network - a telecommunications network intended to provide all or a part of telecommunications services.

7. Fixed public telephone services - local, long distance and international telephone communication services provided to the users via a public fixed telephone network.

8. Fixed public telephone network - a telecommunications network which, in addition to other services is used to provide voice telephony services between network termination points at a fixed location. It includes switching and transmission equipment and other infrastructure intended for interconnection with public telecommunications networks outside the boundaries of Lithuania.

9. Dominant telecommunications operator or dominant telecommunications services provider - a person holding a dominant position in the market under the criteria set forth by the Law on Competition of the Republic of Lithuania.

10. Data transmission services - telecommunications services including the transmission of signs, signals, written information, images and sound or other information via wire, radio, optical or other electromagnetic systems, with the exception of voice telephony services.

11. Terminal equipment - telephone, telegraph, fax, modem and other devices of telecommunications services users, intended for the connection to appropriate terminal points of a telecommunications network.

12. National Radio Frequency Allocation Table - an official document establishing distribution of radio frequencies for radio communication, industry, science, medicine and other needs.

13. Number resources - telephone numbers that can be used in the Republic of Lithuania.

14. Main fixed public telephone operator - the public company "Lietuvos telekomas" or any other successor company to the public company "Lietuvos telekomas", until the liberalisation of the telecommunications market.

15. Alarm and rescue radio signal - a radio signal aimed at relaying a message about threat to life or property .

16. Radio equipment - equipment used for transmitting and receiving radio signals.

17. Radio waves - electromagnetic waves that can travel across space unrestrictedly, in the frequency spectrum from 9 kHz to 3,000 GHz.

18. Assignment of radio frequency (channel) - an authorisation issued by the

Communications Regulatory Authority to use a radio frequency or a radio channel subject to prescribed terms and conditions.

19. Radio monitoring - a permanent control of parameters of the radio waves environment.

20. Radio channels - a group of radio frequencies intended for the transmission and reception of certain information.

21. Radio communication - transmission and receiving of information by means of radio waves.

22. Radio Regulations - an official publication of the International Telecommunication Union, establishing the management of radio communication.

23. Radio interference - the unwanted electromagnetic oscillations of various origin obstructing the reception of the wanted radio signal and reproduction of the information.

24. Transmission - part of broadcasting of television programmes, belonging to the sphere of telecommunications activities and covering transmission and radiation of radio and television programmes via telecommunications networks.

25. Interconnection of telecommunications networks - physical and logical interconnection of telecommunications networks, used by the same or another operator, enabling the users of services of one operator to intercommunicate or communicate with the users of services of another operator or to use telecommunications services provided by another operator.

26. Telecommunications - transmission, sending, receiving of signs, signals, written texts, images and sounds or other information via wire, radio, optical, and other electromagnetic systems .

27. Telecommunications line - a physical means of connecting any points of a telecommunications network.

28. Telecommunications operator - a person operating his own or another person's telecommunications network (maintaining, developing, managing its functioning and interconnecting it with other networks).

29. Telecommunications services provider - a person providing telecommunications services through his own or another person's telecommunications network.

30. Telecommunications services - services wholly or partially related to the transmission and switching of signals of radio and television programmes via telecommunications networks, excluding broadcasters' activities.

31. Telecommunications network -equipment and other devices that ensure transmission and switching of signals via wire, radio, optical and other electromagnetic systems, including cable television and public television receiving networks.

32. Termination point - physical connections conforming to the technical requirements and constituting a part of the public telecommunications network, necessary for connecting the terminal equipment to the public telecommunications network and maintaining effective communication via the network

33. Broadcaster - a person having a licence issued by the Radio and Television Commission who produces radio and television programmes for transmission and transmits them or grants a permission to a third party to transmit them completed and unaltered.

34. Universal services - a minimum of telecommunications services approved by the Government that is provided to all customers.

Chapter II. REGULATORY BODIES OF TELECOMMUNICATIONS ACTIVITIES ➡

Article 3. Regulatory Bodies of Telecommunications Activities

1. Telecommunications in the Republic of Lithuania shall be regulated, on behalf of the State, in a manner prescribed by this Law, by:

- 1) the Government or an authority designated by it;
- 2) the Communications Regulatory Authority.

2. Telecommunications for ensuring national defence, security, protection of state borders, civil aviation, safety of railway traffic and the uninterrupted and sound functioning of the energy sector shall be regulated by the relevant public authorities within the limits of their competence.

Article 4. Functions of the Government or an Authority Designated by It in the

Telecommunications Sector

The Government or an authority designated by it shall perform the following functions:

- 1) develop and implement state policy in the telecommunications sector;
- 2) co-operate with telecommunications agencies in foreign countries and, within the limits of its competence, represent the Republic of Lithuania in international organisations;
- 3) approve the list of universal services;
- 4) in cases set out by this Law, issue licences for establishing and operating telecommunications networks, with the exception of the networks established and operated under the licences issued to broadcasters by the Radio and Television Commission;
- 5) in cases set out by this Law, issue licences to provide telecommunications services, with the exception of services provided under the licences issued to broadcasters by the Radio and Television Commission;
- 6) after declaration of a state of war or an emergency, or in the event of imminent war, natural disasters or other cases, regulate, within the limits of its powers, telecommunications activities, issue orders mandatory to all the owners of telecommunications networks and facilities and to telecommunications operators.
- 7) perform other functions set forth by the laws and other legal acts of the Republic of

Lithuania.

Article 5. The Communications Regulatory Authority

1. The Communications Regulatory Authority shall be an independent institution of the Government regulating communications activities and implementing provisions of this Law, acting in accordance with this Law, other laws of the Republic of Lithuania, and its own regulations. The Agency shall be financed from the State budget.

2. Regulations of the Communications Regulatory Authority shall be approved by the Government.

3. The Communications Regulatory Authority shall be a legal entity, having a state seal, and able, in its own name, to acquire property and individual non-property rights and obligations.

4. The Communications Regulatory Authority shall be headed by Director. Director and the Agency board, its regulations subject to the approval of the Government, shall be appointed for a period of five years and dismissed by the President of the Republic at the recommendation of the Prime Minister.

Article 6. Tasks, Functions and Rights of the Communications Regulatory

Agency

1. The Communications Regulatory Authority shall have the following tasks:

1) to ensure that there is no discrimination against telecommunications operators and that they enjoy equal opportunities to enter into agreements on the interconnection of telecommunications networks;

2) to ensure that equipment and devices used in the Republic of Lithuania conform to the technical standards valid in the Republic of Lithuania;

3) to ensure that there is no discrimination against the consumers, that they enjoy equal opportunities of access to public telecommunications networks and telecommunications services;

4) to ensure that operators of public telecommunications network and telecommunications service providers discharge their obligations that may be set in the interests of national defence, national security, the maintenance of public order as well as during emergencies;

5) to ensure electromagnetic interoperability of equipment and facilities.

2. The Communications Regulatory Authority shall be charged with the following functions:

1) to establish the procedure and terms and conditions for granting authorisations to engage in unlicensable telecommunications activities and to issue the authorisations;

2) to monitor compliance with the licence terms and conditions;

3) to grant authorisations for manufacturing and use of equipment and devices and their

sale, for the import and use of radio transmission and radio monitoring equipment and devices;

4) to draft the obligatory requirements for equipment and devices, terminal equipment, for the connection of terminal equipment to the public telecommunications network and for the interconnection of telecommunications networks;

5) to draft and approve regulations for the construction, use and protection of telecommunications networks, general terms and conditions of agreements on the interconnection of telecommunications networks, the procedure for the settlement of disputes between telecommunications operators concerning interconnection of telecommunications networks, as well as rules and regulations establishing the procedure for a joint use of conduits, cable ducts, collectors, towers and poles by telecommunications operators;

6) to establish the maximum limit of telecommunication services prices and tariffs in cases prescribed by this Law;

7) to represent the Republic of Lithuania in international organisations on the issues of Radio Regulations, to prepare plans for the development of radio communication and statutory acts on the regulation of radio communication, to carry out international radio frequency co-ordination;

8) to prepare and submit to the Government for its approval the National Radio Frequency Allocation Table, develop and implement the strategy for the use of radio frequencies in Lithuania;

9) to prepare, together with the Radio and Television Commission, and submit to the Government for its approval the strategy and the strategic plan of allocation of radio frequencies for broadcasting and transmitting radio and television programmes (hereinafter - the strategic plan). This plan shall also include the development of telecommunications networks intended for broadcasting of radio and television programmes;

10) to prepare, control and supervise the National Telecommunications Numbering Plan;

11) to approve the regulations for provision of telecommunications services, and a model agreement between telecommunications services providers and users;

12) to settle disputes between telecommunications operators concerning the interconnection of telecommunications networks and a joint use of conduits, cable ducts, collectors, towers and poles;

13) to discharge other functions provided by the laws and other legal acts of the Republic of Lithuania.

3. The Communications Regulatory Authority shall have a right:

1) to control compliance with this Law, telecommunications rules and other legal acts on telecommunications activities;

2) to certificate the equipment, devices and terminal equipment used in the Republic of Lithuania;

- 3) to control the equipment and devices according to the parameters of radio radiation;
- 4) to undertake radio monitoring;
- 5) to assign radio frequencies (channels);
- 6) to allocate telephone numbers for telecommunications networks;
- 7) under an obligation of confidentiality, to receive from telecommunications operators all the necessary information related to the fulfilment of the tasks entrusted to it, including financial information;
- 8) to establish advisory commissions from among officials of the B category and to approve their working regulations;
- 9) to have other rights provided by legal acts.

Article 7. Inspector of the Communications Regulatory Authority

1. Control functions of the Communications Regulatory Authority shall be performed by the Inspector of the Communications Regulatory Authority. He shall be appointed and dismissed by the Director of the Communications Regulatory Authority.
2. The Communications Regulatory Authority Inspector shall monitor compliance with legal acts regulating telecommunications networks, the use of radio communication, and terms and conditions attached to licences, provision of licensable and unlicensable telecommunications services, examine certificates for equipment, facilities and terminals, authorisations for their manufacturing, sale, and use, draw up a statement of an administrative violation, and seize the equipment and devices in cases prescribed by law.

Chapter III. REGULATION OF TELECOMMUNICATIONS SERVICES ➡

Article 8. Regulation of Competition in the Telecommunications Sector

1. The Lithuanian market of operation of fixed public telephone networks and provision of telecommunications services via fixed public telephone networks must be free as of December 31, 2002. Until this date, the main fixed public telephone operator has a right to remain the sole operator of fixed public telephone and the sole provider of fixed public telephone services.
2. Until the date specified in paragraph 1 of this Article, no additional licences or authorisations may be granted that might alter the conditions for the activities of the main operator of fixed public telephone operator.
3. Persons shall be prohibited from providing, organising, advertising or taking part in any other way in establishing call-back services.
4. The Government or an authority designated by it, guided by this Law and in accordance with the terms and conditions attached to the issued licences, shall make decisions on a gradual liberalisation of the telecommunications sector, taking into account:

- 1) tariffs of the main operator of fixed public telephone showing basic costs of the operation of telecommunications networks and provision of telecommunications services;
- 2) the international standards requirements for the main fixed public telephone operator and other providers of telecommunications services to develop the public telecommunications network;
- 3) the principles and policies of the European Union and international obligations of the Republic of Lithuania.

Article 9. General Principles of Licensing of Telecommunications Activities

1. Telecommunications activities shall be either licensable or nonlicensable;
2. Only such telecommunications activities for which limited resources - radio frequencies and telephone numbers -are available shall be licensable.
3. The list of telecommunications activities subject to licensing and the conditions attached to licensing shall be approved by the Government.
4. A licence to engage in telecommunications activity shall be awarded by tender in a manner prescribed by the Government. In certain cases, the terms of the tender may stipulate that licences may contain a requirement providing that under certain conditions, any other telecommunications operator is allowed to jointly use conduits, cable ducts, collectors, towers, poles and other facilities.
5. A licence shall be a public document.
6. A licence may be suspended or revoked in cases stipulated by the licensing regulations of telecommunications activities approved by the Government.
7. If a telecommunications activity is not on the list of licensable telecommunications activities, an authorisation to engage in said activity shall be granted. Such authorisation shall be granted to every legal entity or an enterprise without the status of a legal entity which has submitted documents listed in the regulations of authorisation of nonlicensable telecommunications activities. The authorisation shall be granted no later than within a month from the date when the documents were submitted to the Communications Regulatory Authority. The authorisation holder must comply with the requirements stipulated in the conditions of authorisation, the prescribed technical standards, and provision of services standards.
8. A stamp duty shall be collected for award of licences and authorisations to engage in nonlicensable telecommunications activities, in a manner prescribed by the Law of the Republic of Lithuania on Stamp Duty.

Article 10. Licences to Radio and Television Programmes Broadcasters and

Providers of Transmission Services

1. A licence for provision of transmission services shall be issued by the Government or an authority designated by it.
2. The broadcaster using the transmission services provided by a third party must have a

licence issued by the Radio and Television Commission, while its conditions and terms must be co-ordinated with the telecommunications operator providing transmission services.

3. The broadcaster who has been awarded a licence by the Radio and Television Commission, granting him the right to establish and operate his own telecommunications networks, must obtain authorisations from the Communications Regulatory Authority to establish and operate telecommunications networks. The terms and conditions of these authorisations must comply with the basic conditions for the activities of telecommunications networks submitted by the Communications Regulatory Authority for the tenders organised by the Radio and Television Commission.

Article 11. Regulation of Prices for Telecommunications Services

1. The prices for telecommunications services established by all the providers of telecommunications services shall be monitored by the State Agency of Competition and Consumer Rights within the limits of its competence.

2. The maximum price for a telecommunications service of a specific category of telecommunications activity may be specified in the licences and authorisations issued to all the providers of this service.

3. The maximum price for fixed telephone communication and universal service shall be established by the Government. The maximum rate of fees and tariffs for other telecommunications services shall be established by the Government in the following cases:

- 1) where there is only one provider of a certain type of a telecommunications service;
 - 2) where the provider of a telecommunications service holds a dominant position in the market of a specific telecommunications service;
 - 3) when a sole and dominant telecommunications operator or a provider of telecommunications services cross-subsidises another network belonging to him, used for providing services offered on a competitive basis.
4. In discharging international obligations, the resolutions adopted by the Government on telecommunications services prices shall be mandatory to all the providers of telecommunications services.

Article 12. Interconnection of Telecommunications Services

1. In the cases provided by this Law, operators of public communications networks must comply with the requests of other licensed telecommunications operators to interconnect public and internal telecommunications networks. Telecommunications networks must be interconnected not later than within 3 months after the day of receiving the request.

2. In cases when interconnection of telecommunications networks is refused or when telecommunications operators cannot reach an agreement on interconnection to be completed within three months after receiving the first request, each of the parties to a dispute shall be entitled to apply to the Communications Regulatory Authority for the settlement of the dispute. The Communications Regulatory Authority shall consider the dispute within two months and shall make a decision. If the parties to the dispute disagree

with the decision of the Communications Regulatory Authority, they have a right to appeal to court in a manner prescribed by law.

3. Interconnection of telecommunications networks may not be refused if the request is reasonable and technically feasible. A refusal to provide interconnection must be motivated, and the arguments shall be submitted in writing to the telecommunications operator who made a request and to the Communications Regulatory Authority within one month after the day of receiving the request.

4. Agreements on the interconnection of telecommunications networks made by telecommunications operators may not contravene the general terms of interconnection of telecommunications networks.

5. Agreements on interconnection of telecommunications networks shall be registered at the Communications Regulatory Authority. All technical and financial conditions must be stipulated in the agreement.

6. Agreements on interconnection of telecommunications networks shall be public, excluding the information which is a commercial secret.

Article 13. Provision and Financing of Universal Services

1. A list of universal services, rules for providing them and the procedure of compensation for universal services working at a loss shall be approved by the Government.

2. Universal services must be supplied by all the operators authorised to provide this type of telecommunications service.

Article 14. Duties and Rights of Providers and Users of Telecommunications

Services

1. The provider and the user of telecommunications services shall enter into an agreement on the provision of telecommunications services.

2. The telecommunications service provider must consider the request, suggestions and complaints with regard to telecommunications services provided by him and reply to them within one month from the day of receiving them.

3. If the subscriber is in arrears to the provider of telecommunications services for the services provided, the provider of telecommunications services shall have a right to demand from the subscriber an advance payment for telecommunications services.

4. The provider of telecommunications services shall have a right not to provide telecommunications services to the subscriber if the latter is in breach of the agreement on the provision of telecommunications services.

5. A discontinued provision of telecommunications services must be renewed in accordance with the procedure and terms stipulated in the agreement.

6. The provider of telecommunications services must inform the subscriber about the provided services, as well as about each separate service provided if the subscriber requests so.

7. The provider of telecommunications services must pay an indemnity for a damage to the subscriber in a manner prescribed by the laws of the Republic of Lithuania.

8. The agreement on the provision of telecommunications services must provide for the procedure of establishing and paying an indemnity where the consumer through no fault of his could not make use of a service provided by the service provider.

9. Telecommunications operators and providers of telecommunications services, at the request of subscribers, shall not provide information to third persons about the number of terminal equipment, the place of its installation and its owner, except cases provided by the laws of the Republic of Lithuania.

10. The dominant telecommunications operator shall manage the expense accounts of the provided telecommunications services according to their types, including those telecommunications services the rates for which are not regulated.

Article 15. Managing and Assignment of Number Resources

1. Number resources shall be managed and numbers shall be assigned in accordance with the National Numbering Plan of Telephone Communication approved by the Government.

2. The National Numbering Plan of Telephone Communication shall regulate telephone numbers of public telecommunications networks intended for providing voice telephony services.

Chapter IV. CONSTRUCTION, MAINTENANCE, SECURITY OF TELECOMMUNICATIONS NETWORKS AND JOINT USE OF TELECOMMUNICATIONS FACILITIES ➡

Article 16. Construction and Joint Use of Telecommunications Lines and

Telecommunications Facilities

1. Telecommunications operators shall have a right to lay telecommunications lines and construct telecommunications facilities on land which, under statutory acts, is subject to easement, without changing the intended use of the land. Only having obtained an authorisation under a procedure prescribed by law to change the intended use of the land, telecommunications operators shall have a right to lay communications lines and construct telecommunications facilities on land which, under statutory acts, is subject to easement.

2. During the construction or reconstruction of buildings, bridges or other structures, the removal of telecommunications lines and telecommunications facilities must be carried out by construction clients, subject to a prior consent of the owners of telecommunications facilities.

3. During the laying of new lines or construction of telecommunications facilities, the Law of the Republic of Lithuania on Territorial Planning and the requirements of the Law on the Assessment of Impact of Projected Economic Activity on the Environment shall be complied with.

4. Telecommunications operators who are constructing joint telecommunications networks

shall have a right, without violating the statutory acts effective in the Republic of Lithuania, to make use of the roofs and technical premises of multi-occupancy dwellings for installing aerials and the necessary equipment.

5. Telecommunications operators shall have a right to install telecommunications equipment in premises owned by them, while in residential premises of which they are tenants, only subject to a permission granted by the owner of the premises. If telecommunications equipment is to be installed in multi-occupancy dwellings (of three or more flats), a notarised consent in writing of the owners of all residential and non-residential premises on the same landing, on the landing above and below, also of the premises with shared walls, and of the tenants of non-privatised flats shall be required.

6. In the event a telecommunications operator cannot exercise his right to lay new additional telecommunications lines and install telecommunications facilities or if the costs for exercising this right are disproportionately high, the Communications Regulatory Authority may request any other telecommunications operator to allow the former operator to jointly use, on a non-discriminatory basis, the existing conduits, cable ducts, collectors, towers, poles and other facilities or to install telecommunications facilities when this is economically expedient and does not require any additional cardinal work.

7. The terms and conditions of using the conduits, ducts, collectors, towers, poles and other equipment belonging to another operator shall be established by a contract. The telecommunications operator, who owns the telecommunications equipment referred to in this paragraph, may not refuse to conclude such a contract with another telecommunications operator, request its amendment, and termination if the obligations stipulated in the contract are fulfilled.

8. A telecommunications operator shall pay, under the agreement of the parties, an appropriate fee to another operator for using his conduits, ducts, collectors, towers, poles and other devices/facilities.

9. In a manner prescribed by the Government of the Republic of Lithuania, the company Lietuvos Telekomas shall buy out the telecommunications networks installed at the users' expense.

10. The Communications Regulatory Authority shall hear disputes relating to the terms and conditions of contracts on a joint use of conduits, cable ducts, collectors, towers and poles, and on the rate of the fee. If the parties to a dispute disagree with the decision of the Communications Regulatory Authority, they shall have a right to apply to court in a manner prescribed by law.

Article 17. Laying and Maintenance of Telecommunications Lines on Roads

or Their Sanitary Zones

1. Construction, security, joint use of telecommunications networks, lines and facilities, laying of telecommunications lines and their maintenance on a strip of a roads or its sanitary zone shall be regulated by the Rules of Construction, Use and Safety of Telecommunications Networks, the Law of the Republic of Lithuania on Roads and other legal acts.

2. Persons who have been authorised in a prescribed manner to lay lines of telecommunications networks and who have obtained the approval of the state and local authorities shall have a right to use, free of charge, state and local roads, squares,

conduits, water bodies and their banks, bridges, viaducts, tunnels and other structures.

3. When laying new and maintaining the existing telecommunications lines extended on a strip of a road or its sanitary zone, a telecommunications operator must act in accordance with the provisions of the Law on Roads and other legal acts.

4. Before laying or reconstructing telecommunications lines on a strip of a road or its sanitary security zone, the approval of the owner of the road an/or land must be obtained; and if the works interfere with the traffic - the consent of the public road traffic regulatory authority.

5. After completion of the laying or reconstruction of telecommunications lines, the telecommunications operator shall repair the roads and/or structures on them in a manner prescribed by legal acts.

6. During the building, repairs or reconstruction of roads, the removal of telecommunications lines shall be carried out by the client of the construction work at his own expense, in accordance with the technical terms and conditions of the owners of telecommunications lines.

Article 18. Terms and Conditions of Connecting Telecommunications

Termination Equipment

1. Telecommunications terminals may be connected to public telecommunications networks only by the employees authorised by telecommunications operators.

2. It is prohibited to connect to telecommunications lines and facilities without the consent of a telecommunications operator or a provider of telecommunications services.

Chapter V. MANAGEMENT OF RADIO COMMUNICATION ➡

Article 19. Assignment of Radio Frequencies (Channels)

1. Radio frequencies (channels) shall be assigned by the Communications Regulatory Authority in accordance with the international commitments of the Republic of Lithuania, the Radio Regulation, the National Radio Frequency Allocation Table and other radio communication regulatory enactments.

2. Radio frequencies (channels) for broadcasting and transmission of radio and television programmes shall be assigned in accordance with the strategic plan.

3. The information about the frequencies of co-ordinated radio and television stations intended for the broadcasters in accordance with the strategic plan, together with the basic terms and conditions of activities of telecommunications networks shall be submitted to the Radio and Television Commission. The Communications Regulatory Authority shall issue authorisations for the construction and operation of broadcasting transmitters to persons holding licences issued by the Radio and Television Commission.

4. The frequencies (channels) of co-ordinated radio and television stations, intended, in accordance with the strategic plan, for telecommunications operators providing transmission services, for the reconstruction and expansion of telecommunications

networks used for the broadcasting of radio and television programmes shall be assigned by the Communications Regulatory Authority.

Article 20. Import, Manufacturing, Trade and Use of Equipment and Devices

1. The equipment and devices shall be manufactured, sold and used only subject to an authorisation from the Communications Regulatory Authority.
2. The import from abroad and the use of the special purpose equipment and facilities, facilities receiving radio waves and information decoding facilities shall be subject to authorisations issued in a manner prescribed by the Government of the Republic Lithuania.

Article 21. Responsibilities of the Owner or User of the Equipment and Devices

1. The owner or user of the equipment and devices must allow inspectors from the Communications Regulatory Authority to examine the equipment and devices on site in a manner prescribed by the laws of the Republic of Lithuania.
2. In cases specified by Article 27 of this Law, the owner or user of the equipment and devices must comply with the instructions of the Government or a body authorised by it.

Article 22. Confidentiality of Radio Communication

1. It shall be prohibited to disclose, disseminate or use the contents of a non-public radio message and report about its existence, with the exception of cases specified by the Law of the Republic of Lithuania on Operational Activities, the Codes of Criminal Procedure and Civil Procedure. It shall be prohibited to transmit via radio communication channels uncoded information which is a state secret.
2. There shall be no breach of confidentiality of radio communication if the message is received as radio interference and is reported to the Communications Regulatory Authority for the purpose of its identification. Radio monitoring by the Communications Regulatory Authority shall not be regarded as a breach of confidentiality of radio communication either. The staff of the Communications Regulatory Authority shall be prohibited to disclose, disseminate or use the content of received non-public radio messages and report about the existence of such a message.
3. Persons shall be held liable for breach of this Article in a manner prescribed by the laws of the Republic of Lithuania.

Article 23. Radio Monitoring

1. The Communications Regulatory Authority shall control compliance with the requirements of the legal acts regulating radio communication, and shall carry out radio monitoring. By means of radio monitoring, control and analysis shall be carried out to establish to what extent the range of radio frequencies is occupied by radiation of radio stations, whether the radiation spectrums in the used frequency ranges and industrial radio interference are in conformity with the permissible norms, and whether the non-band, secondary and interfering radiation is in conformity with the limit norms.
2. The information obtained by way of radio monitoring shall be used only in the activities of the Communications Regulatory Authority which are subject to this Law.

Article 24. Elimination of Radio Interference

1. Radio interference must be eliminated by the owner or user of the equipment that caused it. If interference occurs due to the alterations of technical parameters of a radio receiver or a receiving facility, the interference must be eliminated by the owner or user of said receiver or facility. The owner or user of the equipment and facilities must eliminate or reduce radio interference and interfering radio phenomena when instructed to do so by the Communications Regulatory Authority. The procedure for elimination of radio interference, where radiation parameters of facilities causing it and receiving it are in conformity with the technical requirements, shall be established by the Communications Regulatory Authority.

2. Persons whose actions as specified in paragraph 1 of this Article cause damage must pay an indemnity in the manner prescribed by the laws of the Republic of Lithuania.

Article 25. Certification of Telecommunications Technical Facilities

The equipment, facilities, and terminals shall be certified in a manner prescribed by the laws and other legal acts of the Republic of Lithuania.

Chapter VI. SECURITY OF INFORMATION TRANSMITTED VIA TELECOMMUNICATIONS NETWORKS ➡

Article 26. Confidentiality of Messages Transmitted via Telecommunications

Networks

1. It shall be prohibited to disclose the content of telephone conversations, messages or other information transmitted via telecommunications networks or to provide conditions for accessing the information which becomes available to the employees of telecommunications enterprises in carrying out their duties, with the exception of cases provided by the laws.

2. The information about telecommunications service users needed for telecommunications services billing must be minimal and cannot be disclosed to other persons, with the exception of the services users themselves, persons authorised by them or in cases provided by the laws.

3. Telecommunications operators and providers of telecommunications services who, by their actions specified in paragraphs 1 and 2 of this Article, caused damage to other persons must compensate for it in a manner prescribed by the laws of the Republic of Lithuania.

Article 27. Extraordinary Circumstances

1. In cases of force majeure and in emergency situations, the Government or an institution designated by it may give mandatory instructions to telecommunications operators and providers of telecommunications services, in a manner prescribed by the laws and other legal acts, to protect and maintain strategic telecommunications networks, and, if necessary, limit public access to telecommunications networks.

2. Telecommunications operators must provide a technical possibility for entities of operational activities, under a procedure prescribed by the laws of the Republic of

Lithuania, to monitor the content of the information transmitted via telecommunications networks as well as to provide all available information to said entities about the subscribers. All this shall be reimbursed in a manner prescribed by the Government of the Republic of Lithuania.

3. Monitoring of the information transmitted via telecommunications networks shall be carried out by a body designated by the Government of the Republic of Lithuania - an entity of operational activity. Other entities of operational activity of the Republic of Lithuania shall obtain information transmitted via telecommunications networks, necessary for their work, from said body in a manner prescribed by the Government of the Republic of Lithuania. The software and equipment necessary for monitoring the content of information transmitted via telecommunications networks shall be bought and the activities of the division of the institution monitoring the information shall be financed from the state budget.

Article 28. Liability for Infringement of this Law and Other Statutory Acts

Persons infringing this Law and other statutory acts relating to telecommunications, shall be held liable in a manner prescribed by law.

Chapter VII. FINAL Provisions ➡

Article 29. Entry into Force

1. The Law of the Republic of Lithuania on Telecommunications shall enter into force on August 1, 1998.

2. Following entry into force of this Law, the following shall be held invalid:

1) the Law of the Republic of Lithuania on Radio Communication (Pin., 1995,

No. 102-2278.);

2) Article 1, paragraph 2 of Article 3, Articles 4, 5, 7, 14, 15, 16, 17, 18, 19, 20, 21, paragraphs 1 and 3 of Article 22, and Articles 23 and 24 of the Law of the Republic of Lithuania on Communications (Pin., 1995, No. 102-2280);

3) The Law on the Amendment of Article 5 and 14 of the Law of the Republic of Lithuania on Communications (Pin., 1997, No.64-1506);

4) Article 2 of the Law on the Amendment of the Law of the Republic of Lithuania on State Enterprises not Intended for Corporatisation or Privatisation until the Year 2000 (Pin., 1997, No.32-785);

5) Resolution of the Seimas of the Republic of Lithuania on the Implementation of the Law of the Republic of Lithuania on Communications (Pin., 1995, No.102-2281);

6) Resolution of the Seimas of the Republic of Lithuania on the Implementation of the Law of the Republic of Lithuania on Radio Communication (Pin., 1995, No. 102-2279);

7) Resolution of the Seimas of the Republic of Lithuania on the Resolution of the Seimas on the Amendment of the Law on the Implementation of the Law on Radio Communication

(Pin., 1997, No. 28-667).

Article 30. The Law of the Republic of Lithuania on Telecommunications and

International Agreements

If international agreements ratified by the Seimas of the Republic of Lithuania contain provisions different from this Law, the provisions of the international agreements shall apply.

Article 31. Establishment of the Communications Regulatory Authority

The procedure for establishing, reorganising and liquidating the Communications Regulatory Authority shall be set forth by the Government of the Republic of Lithuania.

Article 32. Continuity of Agreements

In the contracts of privatisation of telecommunications enterprises, the Government shall establish terms and conditions, as well as the procedure for ensuring the continuity of the contractual obligations of said enterprises.

I promulgate this Law passed by the Seimas of the Republic of Lithuania.

President of the Republic VALDAS ADAMKUS