

Telecommunications Act

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Chapter 1. General Provisions ➡

§ 1. Purpose and scope of application of Act

(1) The purpose of this Act is to create favourable conditions for the development of telecommunications and to guarantee the protection of the users of telecommunications services by promoting free competition.

(2) This Act establishes the requirements for telecommunications networks, for the operation of telecommunications networks and for the provision of telecommunications services, and the procedure for state supervision of compliance with the established requirements.

(3) This Act guarantees the purposeful and just planning, allocation and use of telecommunications limited resources.

(4) The provisions of the Administrative Procedure Act (RT I 2001, 58, 354; 2002, 53, 336; 61, 375; 2003, 20, 117) apply to administrative proceedings prescribed in this Act, taking account of the specifications provided for in this Act.

(19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

§ 2. Telecommunications services

(1) Telecommunication service is the transmission or routing of signals on telecommunications network or telecommunications networks and the establishment of connections between termination points of a telecommunications network or telecommunications networks. Telecommunications services do not include broadcasting.

(2) For the purposes of this Act, a telecommunications service is public if it is accessible to all users on equal basis.

(3) The user of a telecommunications service is a person who, being the end user (hereinafter subscriber) or telecommunications service provider has entered into an agreement with a telecommunications service provider for the use of a public telecommunications service.

(4) The provision of telecommunication services is an activity consisting in the establishment, development and offering of telecommunications services or related organisational activities.

(5) A telecommunications service provider is a person providing telecommunications services.

(6) For the purposes of this Act, an interconnection service is a telecommunication service which consists of interconnection of two telecommunications networks and the routing, switching or transmission of signals between such telecommunications networks.

(7) For the purposes of this Act, interoperability means the technical and logical compatibility of interconnected telecommunications networks and similar public telecommunications services provided by means of such networks, or of elements thereof.

§ 3. Telecommunications network

(1) A telecommunications network is a transmission system including switching equipment and other support systems and facilities which enable the transmission of electrical or electromagnetic signals between the defined network termination points or interconnection points by way of a cable, by radio, optical or other means. The types of a telecommunications network are a telephone network, mobile telephone network, radio network, leased line network and switched wide-band network.

(13.02.2001 entered into force 07.03.2001 - RT I 2001, 23, 125)

(2) For the purposes of this Act, a telecommunications network is public if it is used wholly or partly for the provision of public telecommunications services.

(3) For the purposes of this Act, a termination point of a telecommunications network (hereinafter termination point) is a physically defined telecommunications network point where users of telecommunications services have or may have access to the telecommunications network

(4) For the purposes of this Act, a telecommunications network connection point (hereinafter connection point) means the point where terminal equipment of the user of a telecommunications service is connected to a telecommunications network.

(5) For the purposes of this Act, an access network means the part of a telecommunications network between a termination point and the closest exchange.

(6) For the purposes of this Act, an exchange is a set of technical facilities, which enables the routing, switching and transmission of internal signals of one telecommunications network to a telecommunications network interconnected with such telecommunications network and reception of signals from an interconnected telecommunications network.

(7) For the purposes of this Act, a line means a set of technical facilities which connects the termination point with the connection point of terminal equipment.

(8) For the purposes of this Act, a transmission network means the part of a telecommunications network which connects the exchanges or access networks.

(9) For the purposes of this Act, terminal equipment is technical equipment or a part thereof which, connected to a public telecommunications network at the connection point, allows to send, process or receive signals.

(10) For the purposes of this Act, an apparatus of a telecommunications network (hereinafter apparatus) means terminal equipment and telecommunications equipment used for radiocommunication. The apparatus class is a common denominator for apparatuses determined and defined by specific typical and standard technical specifications, and by the purpose, manner and possibilities of use.

(11) For the purposes of this Act, a number series is a certain series of numbers in sequence order for the operation of a telecommunications network and provision of telecommunications services.

(12) For the purposes of this Act, an identification code is a combination of location numbers which is used for the organisation of use of a telecommunications network or part

thereof and identification of an operator in the provision of a telecommunications service or operation of a telecommunications network.

(13) A short code is a number consisting of up to five figures which enables the subscribers to use simplified dialling when accessing a telecommunications network operator or telecommunications service provider or other addressees including the police, emergency medical aid and rescue service.

(14) For the purposes of this Act, reservation of a number series, identification code or short code is an activity which guarantees the telecommunications network operator or telecommunications service provider the use of such number series, identification code or short code.

(15) A line facility is a part of a telecommunications network permanently attached to the land or the bottom of a body of water which is a cable conduit or duct, a set of cables or wires installed on posts. A radio mast is also a line facility.

(16) A leased line is a connection which allows non-switched transmission of signals between two network points but may include subsystems to allow efficient use of the leased line technical parameters and routing management capabilities.

(17) Interconnection of telecommunications networks (hereinafter interconnection) means a technical and logical connection of two telecommunications networks to allow the provision of telecommunications services to users who have access to interconnected telecommunications networks.

(18) For the purposes of this Act, a telecommunications network interconnection line (hereinafter interconnection line) is a leased line which passes through the interconnection point.

(19) For the purposes of this Act, an interconnection point is a point of a telecommunications network used for interconnection and which ensures interoperability of telecommunications networks and provided telecommunications services.

(20) The operation of a telecommunications network is the organisation of establishment, development and use of a telecommunications network.

(21) The operator of a telecommunications network is a person who operates a telecommunications network.

(22) For the purposes of this Act, traffic is the amount of signals transmitted in a telecommunications network or between telecommunications networks.

(221) For the purposes of this Act, transmission of speech is the transmission of signals which carry the message in a telecommunications network.

(13.02.2001 entered into force 07.03.2001 - RT I 2001, 23, 125)

(222) The types of transmission of speech are:

- 1) a telephone call, where the message is voice-created;
- 2) the Internet dial-up call, where the message is created by a corresponding modem;

3) a facsimile call, where the message is created by facsimile equipment.

(13.02.2001 entered into force 07.03.2001 - RT I 2001, 23, 125)

(23) The Minister of Transport and Communications shall establish the requirements for telecommunications networks.

§ 4. Telephone service and telephone network

(1) A telephone service is a telecommunications service enabling subscribers to have connection to a telephone network or through interconnection to other telecommunications networks, and the transmission of speech between the termination points.

(2) A telephone network is a public telecommunications network with stationary termination points which allows the transmission of speech between stationary termination points and interconnection points and is in compliance with the requirements established for telephone networks.

(3) For the purposes of this Act, a mobile telephone service is a telecommunications service which consists in the establishment of partial or complete radio communications with mobile subscribers and which includes in part or in whole a mobile telephone network.

(4) For the purposes of this Act, a mobile telephone network means a public telecommunications network without stationary terminal points which allows the transmission of speech and which conforms with the requirements established for mobile telephone networks.

(5) The Minister of Transport and Communications shall establish the requirements for telephone networks and mobile telephone networks.

§ 5. Universal service

(1) A universal service is a set of telecommunications services which conforms with the technical and quality requirements established by the Government of the Republic and which ensures, within an area determined in the licence of a public telephone operator, that all customers who wish to have access to the public telephone network shall have such access for a uniform and reasonable consideration.

(2) The set of telecommunications services specified in subsection (1) of this section comprises:

1) telephone services provided on the channel of bandwidth 3.1 kHz which is universally available to all subscribers regardless of their geographical location, at a uniform price,

2) Internet service which universally available to all subscribers regardless of their geographical location, at a uniform price;

3) the services of public phones for which money or payment cards are used as a means of payment;

4) opportunity to have free connection to the short codes of the police, emergency medical aid and rescue service.

(3) The Minister of Transport and Communications shall establish the requirements for the provision of universal services.

§ 6. Radiocommunication and radio network

(1) Radiocommunication means the establishment of a connection and the transmission of signals by means of a telecommunications network in which electromagnetic waves travelling through open space are used as the information carrier.

(2) A radio network is a set of radio equipment which operates as a joint system in a defined radio frequency band or channels and territory.

(3) For the purposes of this Act, radio equipment is telecommunications equipment intended for radiocommunication which forms part of a telecommunications network. Radio equipment is deemed to be installed if it may be used for radiocommunications after the connection of an antenna and the switching on the power.

(4) For the purposes of this Act, radio equipment of specific purposes is equipment intended for scientific, industrial, medical, everyday or other purposes, which operates by using electromagnetic waves for purposes other than radiocommunication.

(5) For the purposes of this Act, radio transmission equipment is radio equipment intended for radiation of electromagnetic waves for the purpose of radiocommunications. Radio receiving equipment is radio equipment intended for receiving electromagnetic waves radiated by radio transmission equipment for the purpose of radiocommunications.

(6) For the purposes of this Act, a radio frequency means the oscillation frequency of an electromagnetic wave freely travelling in open space in the frequency bands from 9 kHz to 3000 GHz.

(7) A radio frequency band is a part of a radio frequency spectrum which is necessary for the transmission of signals by means of radio transmission equipment and which is defined by the centre frequency and bandwidth.

(8) The Minister of Transport and Communications shall establish the requirements for radiocommunication and radiocommunication networks.

Chapter 2. Requirements for operation of telecommunications network and provision of telecommunications services ➔

§ 7. Requirements for operation of telecommunications network and provision of telecommunications services

(1) Upon establishment of general and justified requirements for the operation of a telecommunications network and provision of telecommunications services, the following principles shall, inter alia, be observed:

- 1) ensurance of the security of network operations;
- 2) preservation of network integrity;

- 3) ensurance of the protection of transmitted or stored information;
- 4) ensurance of the interoperability of telecommunications networks and services;
- 5) compliance with the health and environmental requirements;
- 6) compliance with the planning and land readjustment requirements;
- 7) effective use of radio frequencies, number series and short codes;
- 8) avoidance of harmful interference between radio networks and other space based or terrestrial technical systems;
- 9) ensurance of public order and national security;
- 10) monitoring of compliance with the established requirements, provision of data and organisation of statistics;
- 11) avoidance of activities prejudicing free competition on the telecommunications services market.

(11) Upon the provision of cable distribution services through telecommunications network, an undertaking shall comply with the requirements provided for in the Cable Distribution Act.

(31.05.2001 entered into force 20.07.2001 - RT I 2001, 53, 310)

(2) The Government of the Republic may, if necessary, establish requirements pursuant to the principles of subsection (1) of this section for the operation of a public telecommunications network or provision of public telecommunications services:

- 1) for the protection of telecommunications service users;
- 2) for the publication of information concerning the subscribers in a directory or public information bureau of numbers;
- 3) for ensuring connection to the police, emergency medical aid and rescue service;
- 4) for the provision of telecommunications services to disabled persons, or;
- 5) for the interconnection of telecommunications networks and ensuring of interoperability and determining of the location of interconnection points.

§ 8. Undertaking with significant market power

(1) The Estonian National Estonian National Communications Board shall declare the public telecommunications network operator or public telecommunications service provider as the undertaking with significant market power in the relevant market of telecommunications services and in the area:

- 1) who enjoys the exclusive right (for the purposes of this Act exclusive right) granted by the state or local government to operate specific public telecommunications network or provide

specific public telecommunications services or develop any other activity relating to telecommunications in a defined territory;

2) whose market share together with the parent undertaking or subsidiary is at least 25 per cent of the turnover of the specific public telecommunications service market or at least 25 per cent of the traffic in the case of the interconnection service market and who does not prove that the holding of such market share does not prejudice free competition.

(2) The Estonian National Communications Board may declare a public telecommunications network operator or public telecommunications service provider whose market share is less than 25 per cent of the turnover of the specific public telecommunications service market to be the undertaking with significant market power if this is justified by concrete competition conditions in such telecommunications market.

(3) The Estonian National Communications Board shall decide each year the declaration of the undertaking with significant market power in the telecommunications service market no later than by 1 December of the previous year. The directive of the Director General of the Estonian National Communications Board shall specify a list of undertakings with significant market power in the telecommunications service market together with the information concerning the telecommunications service market and area in which such undertakings are declared to have significant market power.

(4) The Estonian National Communications Board shall send, by post or electronic means, a reasoned written notice to the corresponding public telecommunications network operator or public telecommunications service provider concerning its intention to declare the undertaking as an undertaking with significant market power specified in clause (1) 2) and subsection (2) of this section at least two months before the deciding to declare such person as the undertaking with significant market power.

(19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

(5) A public telecommunications network operator or public telecommunications service provider may submit a written opinion to the Estonian National Communications Board on the intention to declare the operator or service provider as the undertaking with significant market power within the term specified in subsection (4) of this section unless the Estonian National Communications Board has provided a longer term for submitting an opinion.

(6) An extract of the directive of the Estonian National Communications Board on the declaration of an undertaking as the undertaking with significant market power shall be sent to the Competitions Board.

(7) The undertaking with significant market power shall be notified of the directive specified in subsection (3) of this section by post or electronic means. The list of undertakings with significant market power shall be published in the official publication *Ametlikud Teadaanded*.

(19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

(8) A public telecommunications network operators or public telecommunications service provider who has been declared as the undertaking with significant market power shall make its activities to comply with the requirements established for undertakings with significant market power in this Act within one month after publication, in a manner established in subsection (7) of this section, of the extract of the directive concerning the declaration as the undertaking with significant market power.

(9) If the market share of a public telecommunications network operator or public telecommunications service provider is at least 40 per cent of the turnover of the specific public telecommunications service market, the activities of the operator or service provider as the undertaking with significant market power shall be governed by the Competition Act (RT I 1998, 30, 410; 1999, 89, 813), in addition to this Act. The provisions of this Act concerning the undertaking with significant market power apply to an undertaking dominating the market.

(10) The Minister of Transport and Communications shall establish the procedure for estimating competition conditions and specifying telecommunications service markets for the assignment of undertakings with significant market power.

Chapter 3. Commencement of Activities, Licences and Technical Authorisations ➔

§ 9. Notification of commencement of activities

(1) A person who wishes to operate a public telecommunications network or a telecommunications network connected with it or with a telecommunications network located in a foreign country, or who wishes to provide a public telecommunications service shall notify the Estonian National Communications Board of the person's decision to commence such activity in writing.

(2) A notice specified in subsection (1) of this section shall contain the following information:

- 1) name and personal identification code or register code;
- 2) the address and contact numbers;
- 3) a description of the operated telecommunications network or provided telecommunications services together with the conditions for use of the telecommunications network or provision of telecommunications services and the commencement date of the activity;
- 4) the geographical area of the activity;
- 5) certification that the activities of the notifier conform to the requirements established to such activities;

(3) The notice specified in subsection (1) of this section shall include:

- 1) in the case of a legal person being founded, a notarised copy of the memorandum of association entered into upon foundation;

(19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

- 2) for a legal person, the list of shareholders, partners or members who have at least a 10 per cent holding in the share capital;

- 3) the application for an licence or technical authorisation application if it is necessary pursuant to this Act;

4) (Repealed - 19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

(4) The person shall pay the state fees before submission of the notice specified in subsection (1) of this section.

(19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

§ 10. Registration of notices of commencement of activities

(1) The Estonian National Communications Board shall register a notice specified in subsection 9 (1) of this Act and shall communicate a corresponding directive of the Director of the Estonian National Communications Board to the notifier by post or electronic means within four weeks after the receipt of a correctly completed application and of all necessary documents at the Estonian National Communications Board. If an application for a licence or a technical authorisation application is submitted together with the notice of commencement of activities, the commencement of activities shall be registered and an extract of the corresponding directive of the Estonian National Communications Board shall be issued according to the term of issue of the licence or technical authorisation.

(19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

(11) If the notifier is an operating legal person or sole proprietor, the Estonian National Telecommunications Board shall verify, before deciding on registration, the data concerning the notifier in the register where the person is registered.

(19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

(2) The Estonian National Communications Board may refuse to register a notice specified in subsection 9 (1) of this Act if:

- 1) compliance with the requirements is not ensured;
- 2) it is impossible to issue a licence;
- 3) it is impossible to issue a technical authorisation, or

4) (Repealed - 19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

(3) A directive concerning refusal to register a notice specified in subsection 9 (1) shall be communicated to the notifier by post or electronic means. If the grounds for the refusal of registration cease to exist, the person may submit a new notice of commencement of activities pursuant to the procedure provided for in § 9 of this Act.

(19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

(4) The persons specified in subsection 9 (1) of this Act may commence activities specified in the notice after the notice has been registered in the Estonian National Communications Board.

§ 11. Right to operate telecommunications networks and provide telecommunications services

(1) Every person has the right to operate a telecommunications network and provide telecommunications services under the conditions and pursuant to the procedure provided by this Act.

(2) Undertakings have the right to operate public telecommunications networks and provide public telecommunications services.

(3) For the purposes of this Act, an undertaking means a natural or legal person who has been entered in a register under the established procedure and who operates a public telecommunications network or provides public telecommunications services, and the operation of the public telecommunications network and provision of public telecommunications services is a permanent activity for the undertaking.

§ 12. Licence

(1) A licence grants a given undertaking the right to operate a telecommunications network and determines the duties, conditions and requirements in the operation of such telecommunications network.

(2) A licence is required for the operation of a public telecommunications network if the operation is based on:

1) use of allocations of radio frequency bands from the national radio frequency allocation plan, or

2) use of allocations of number series from the national numbering plan.

(3) A licence is also required if a telecommunications network is interconnected with a public telecommunications network or a telecommunications network located on the territory of a foreign country.

(4) The Estonian National Communications Board shall issue a licence pursuant to the procedure provided by this Act for a term of ten years unless the applicant for licence requests a shorter term.

(5) A licence is not transferable.

§ 13. Issue of licence

(1) A person who wishes to operate a telecommunications network corresponding to subsections 12 (2) and (3) of this Act shall submit an application for a licence to the Estonian National Communications Board.

(2) An application for the issue of a licence shall include the information and documents set out in subsections 9 (2) and (3) of this Act concerning the applicant. Before submission of an application for the issue of a licence, the applicant shall pay a state fee.

(19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

(21) If the applicant for the licence is an operating legal person or sole proprietor, the Estonian National Telecommunications Board shall verify, before deciding on issue of the licence, the data concerning the applicant in the register where the person is registered.

(19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

(3) The licence shall be issued not later than within six weeks after the receipt of a correctly completed application at the Estonian National Communications Board.

(4) If a technical authorisation application is submitted together with the application for a licence, the licence shall be issued according to the term of issue of the technical authorisation.

(5) The Minister of Transport and Communications shall establish the form of licences and of applications for licences.

§ 14. Refusal to issue licence

(1) The Estonian National Communications Board shall refuse to issue a licence, if:

1) it is impossible to issue a technical authorisation necessary for the operation of a telecommunications network;

2) the applicant is unable to ensure compliance with the requirements established for the activity pursuant to this Act;

3) (Repealed - 19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

4) (Repealed - 19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

5) the information or documents submitted in the application or in documents annexed thereto are incorrect.

(19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

(2) Prior to deciding to refuse to issue a licence, the Estonian National Communications Board may grant to the applicant a term for eliminating the circumstances preventing the issue of the licence. The Estonian National Communications Board shall notify the applicant of the grant of a term by post or electronic means and shall indicate the basis for granting the term and the period during which deficiencies must be eliminated.

(19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

§ 15. Renewal of licences

(1) To renew a licence, the undertaking shall file a corresponding application with the Estonian National Communications Board three months before the expiry of the validity of the licence and enclose a receipt concerning the payment of the state fee.

(2) The Director General of the Estonian National Communications Board shall renew the licence if the licence is not revoked before the expiry of the validity of the licence on the basis and pursuant to the procedure provided for in this Act.

(3) Upon renewal of a licence, the Director General shall determine the new period of validity of the licence.

(4) Upon renewal of a licence, all conditions for the operation of the telecommunications network effective at the time of expiry of the validity of the licence shall remain in force.

§ 16. Amendment of licence conditions

(1) The Estonian National Communications Board may amend the conditions of a licence on the basis of a written request of the undertaking, provided that the principles of equal treatment and free competition are not prejudiced thereby.

(2) The Estonian National Communications Board has the right to unilaterally amend the conditions of a licence in the following cases:

1) bringing the conditions of the licence into compliance with the provisions of other legislation, or

2) telecommunications technology development.

(3) The amendment of licence conditions must be objectively justified and non-discriminatory.

(4) The Estonian National Communications Board shall send, by post or electronic means, a reasoned notice to the owner of a licence concerning its intention to amend the conditions of the licence and shall enable the owner to present the owner's positions in the matter in writing within at least four months.

(19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

(5) The Estonian National Communications Board shall notify the undertaking who has the licence of amendment of the conditions of the licence at least six months in advance.

(6) The Estonian National Communications Board shall review the written positions within such term and make a decision on the submitted positions and concerning the amendment of the conditions of the licence within three months after the receipt of the positions.

(19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

(7) An undertaking who for some reason is unable to comply with the conditions determined by a licence proposes to the Estonian National Communications Board to amend such terms.

(8) The Estonian National Communications Board is required to make a decision concerning the proposal specified in subsection (7) of this section within one month and notify the undertaking concerned thereof.

(9) The Estonian National Communications Board applies the provisions of subsection (1) or (2) of this section in respect of a proposal to amend licence conditions as specified in subsection (7) of this section.

§ 17. Validity and revocation of licences

(1) A licence terminates:

1) upon expiry of the validity of a licence, if the licence has not been renewed before the expiry of its validity;

2) upon the death of a natural person who is the holder of the licence, or divestment of active legal capacity of the natural person;

3) upon the expiry of the licence of a legal person who is the holder of the licence;

4) upon revocation of the licence, or

5) on the basis of an application of the holder of the licence if the owner does wish to continue activity in the field of activity determined by the licence.

(2) The Estonian National Communications Board shall revoke a licence, if:

1) the activity of the holder of the licence is not in conformity with the requirements established by legislation or the conditions of the licence;

(19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

2) incorrect information has been submitted upon application for the issue or renewal of the licence, or information has repeatedly not been submitted at the required time;

3) the holder of the licence fails to commence to exercise the rights arising from the licence within twelve consecutive months;

4) the holder of the licence does not comply with the precept of the Estonian National Communications Board by the prescribed date or to the prescribed extent.

(3) In addition to the provisions of subsection (2) of this section, a licence shall be revoked if a punishment has been imposed by a court judgment which has entered into force in respect of the holder of the activity licence and a proposal has been made to the Estonian National Communications Board to revoke the licence.

(4) Prior to deciding to revoke an licence pursuant to subsection (2) of this section, the Estonian National Communications Board shall grant a reasonable term to the holder of the licence to eliminate the circumstances underlying the revocation. Written notice shall be given to the holder of the licence of the grant of the term, and the basis for granting the term and the period during which deficiencies must be eliminated shall be indicated.

(19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

(5) The directive of the Director General of the Estonian National Communications Board revoking a licence shall be communicated to the holder of the licence by post or electronic means not less than ten days prior to the entry into force of the directive.

(19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

§ 18. Technical authorisation

(1) For the purposes of this Act, a technical authorisation is authorisation to use limited resources of telecommunication in which corresponding technical conditions are

established.

(2) The types of technical authorisation are:

1) permits for the installation of radio transmission equipment together with the reservation of corresponding radio frequency bands;

2) permits for the use of radio transmission equipment;

3) permits for the use of number series, identification codes or short codes together with the reservation of corresponding number series, identification codes or short codes;

(3) The following conditions shall be established by a technical authorisation the purpose of which is:

1) to use radio frequencies efficiently and to ensure control thereof;

2) to use number series, identification codes or short codes;

3) to comply with the requirements for environment, health protection and planning;

4) to ensure the quality, availability and reliability of telecommunications network.

(4) The conditions of a technical authorisation shall be reasoned and in accordance with the requirements established by this Act or legislation established on the basis of this Act; upon the establishment of such conditions the principles of equal treatment and free competition are observed.

(5) A technical authorisation is not transferable.

(6) A technical authorisation is granted for a specified term.

(7) The Minister of Transport and Communications may establish a list of radio transmission equipment belonging to a specified class and conforming with the requirements for the installation or use of which no technical authorisation is required.

§ 19. Issue of technical authorisation

(1) An application for the issue of a technical authorisation is submitted to the Estonian National Communications Board together with the notice specified in subsection 9 (1) of this Act prior to the commencement of activities if the person wishes to operate a public telecommunications network or provide a public telecommunications service.

(2) If the issue of a technical authorisation is applied for after the registration of the notice of commencement of activities, a separate application shall be submitted to the Estonian National Communications Board and the applicant shall prove that there are no changes in the information submitted to the Estonian National Communications Board earlier.

(3) If a person who applies for the issue of a technical authorisation does not operate a public telecommunications network or provide a public telecommunications service pursuant to subsection 9 (1) of this Act, the person shall submit an application to the Estonian National Communications Board which must at least contain the information

specified in clauses 9 (2) 1) – 5) of this Act and shall include the documents specified in clause 9 (3) 1) of this Act.

(4) The Estonian National Communications Board may require the applicants specified in subsections (1) – (3) of this section to submit additional information which is necessary in order to establish whether the person is able to comply with the conditions of the technical authorisation.

(41) If the person specified in subsections (1) – (3) of this section is an operating legal person or sole proprietor, the Estonian National Telecommunications Board shall verify, before deciding on issue of the licence, the data concerning the applicant in the register where the person is registered.

(19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

(5) The Estonian National Communications Board shall issue a technical authorisation and organise the grant of use of radio frequency bands used in connection with such radiocommunication and of number series or short codes in compliance with the principle of equal treatment. The Estonian National Communications Board shall decide the issue of or refusal to issue a technical authorisation within six weeks after the submission of the correctly completed application and all necessary documents to the Estonian National Communications Board, unless other term is provided by law.

(6) The directive of the Director General of the Estonian National Communications Board on the issue of or refusal to issue a technical authorisation shall be communicated to the applicant by post or electronic means within three working days after the issue of the directive.

(19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

(7) A technical authorisation shall be issued after payment of the state fee. The commencement of activities on the basis of a technical authorisation is permitted as of the day of issue of the technical authorisation.

(8) On the grounds of telecommunications technology development, the Estonian National Communications Board may announce a public competition for the reservation of certain radio frequency bands, short codes and number series. A public competition is not announced if the radio frequency band, short code or number series is used in the public interest pursuant to the resolution of the Government of the Republic.

(9) If the Estonian National Communications Board receives at the same time technical authorisation applications which concern the use of the same radio frequency band, short code or number series and which cannot be granted for joint use, the Estonian National Communications Board shall organise a public competition for the issue of the technical authorisation and shall issue the authorisation to the winner of the competition.

(10) Applications are deemed to be submitted at the same time if they are submitted within the time limit specified in subsection (5) of this section after the submission of such first application to the Estonian National Communications Board. In the case of submission of several competing application, the processing of the applications shall be stayed for six weeks after the date of submission of the first application.

(11) If the Estonian National Communications Board organises a public competition for the issue of a technical authorisation, the technical authorisation together with the conditions

shall be prepared within six weeks. The technical authorisation shall be issued to the winner of the competition within ten days after approval of the results of the competition and payment of the state fee and charge specified subsection (12) of this section.

(12) The person who is willing to pay a higher charge for the right to use the radio frequency band, number series or short code in addition to the state fee before the issue of the technical authorisation is deemed to be the winner of the competition provided for in subsections (8) and (9) of this section.

(13) The Minister of Transport and Communications shall establish the procedure for the issue of technical authorisations and organisation of competitions provided for in subsections (8) and (9) of this section.

§ 20. Refusal to issue technical authorisation

(1) The Estonian National Communications Board may refuse to issue a technical authorisation, if:

- 1) it is impossible to issue a technical authorisation due to the lack of vacant radio frequency bands, number series or short codes;
- 2) the activity for which the technical authorisation is applied for harms the health of people or the environment;
- 3) the provisions of clauses 14 (1) 2)-5) of this Act are the grounds for refusal;
- 4) the applicant did not win the competition set out in subsections 19 (8) and (9) of this Act;
- 5) the state fee is not paid;
- 6) the charge set out in subsection 19 (12) of this Act is not paid;

(2) Prior to deciding to refuse to issue a technical authorisation, the Estonian National Communications Board may grant the applicant a term for eliminating the circumstances preventing the issue of the authorisation, including for submission of additional information or documents. The Estonian National Communications Board shall notify the applicant of the grant of a term by post or electronic means and shall indicate the basis for granting the term and the period during which deficiencies must be eliminated.

(19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

§ 21. Renewal of technical authorisation

(1) For the renewal of a technical authorisation, the holder of the authorisation shall submit an application to the Estonian National Communications Board not later than three months before the expiry of the term of the authorisation. The application shall include an activity report concerning the activities during the validity of the technical authorisation and on compliance with the conditions of the authorisation; it shall also include the certification by the holder of the authorisation that the information and documents submitted to the Estonian National Communications Board are correct and valid and describe the actual situation as of the time of submission of the application.

(2) The Estonian National Communications Board may request more specific information

and documents on the data to be submitted upon renewal of the technical authorisation.

(3) The Estonian National Communications Board shall decide the renewal of or refusal to renew a technical authorisation within one month after submission of the correctly completed application and necessary documents to the Estonian National Communications Board.

(4) The Estonian National Communications Board may refuse to renew a technical authorisation in the cases provided for in clauses 20 (1) 2), 3) and 5) if the conditions of the technical authorisation are not complied with.

(5) Upon renewal of a technical authorisation, all conditions effective at the time of expiry of the validity of the technical authorisation shall remain in force.

§ 22. Amendment of conditions of technical authorisation

(1) The Estonian National Communications Board may amend the conditions of a technical authorisation if this does not result in violation of the principles of equal treatment and free competition and the amendments are due to:

1) insufficient compliance with the conditions of the technical authorisation by the holder of the authorisation;

2) bringing the conditions of the technical authorisation into compliance with the provisions of other legislation, or

3) telecommunications technology development.

(2) The Estonian National Communications Board shall communicate, by post or electronic means, its intention to amend the conditions of a technical authorisation to the holder of the technical authorisation at least four months before making the decision on amendment, unless other term is specified by law.

(19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

(3) The holder of a technical authorisation may submit a written opinion concerning the planned amendments to the Estonian National Communications Board within four months unless the Estonian National Communications Board has specified a longer term therefor. The Estonian National Communications Board shall review the opinion received in time and shall communicate the decree of the Director General of the Estonian National Communications Board concerning the submitted opinion and amendment of the technical authorisation to the person who presented the opinion of its position thereon by post or electronic means within two months after presentation of the opinion.

(19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

(4) The period between the notification of the holder of a technical authorisation of the decision to amend the conditions of the technical authorisation and the entry into force of the amendments shall be not less than two years unless another term is provided by this Act.

(5) The holder of a technical authorisation may file an application with the Estonian National Communications Board for the amendment of the conditions of the authorisation. The

Communications Board is required to decide the amendment of or refusal to amend the conditions and communicate the corresponding directive of the Director General of the Communications Board to the applicant by post or electronic means within one month after the filing of the application. If the holder of a technical authorisation applies for the amendment of the conditions for the use of radio frequency bands, the Estonian National Communications Board shall decide on the amendment of or refusal to amend the conditions of the technical authorisation within the term provided for in subsection 69 (2) of this Act.

(19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

§ 23. Termination of validity and revocation of technical authorisation

(1) A technical authorisation terminates:

- 1) upon expiry of the validity of the technical authorisation, if the technical authorisation has not been renewed before the expiry of its validity;
- 2) upon the death of a natural person who is the holder of the technical authorisation, or divestment of active legal capacity of the natural person;
- 3) upon termination of the holder of the technical authorisation who is a legal person;
- 4) upon revocation of the technical authorisation;
- 5) changing of the number series, identification code or short code reservation;
- 6) upon revocation of the licence.

(2) The Estonian National Communications Board shall revoke a technical authorisation on the basis provided for in § 17 of this Act concerning revocation of licences.

Chapter 4. Availability of Telecommunications Services to Public ➔

§ 24. Obligation to provide public telecommunications service

(1) A provider of public telecommunications services must, on the basis of an application of a subscriber, provide a public telecommunications service and enter into a subscription contract with the applicant if the connection of the terminal equipment to the public telecommunications network in the area and in the manner requested by the subscriber is technically possible.

(2) It is permitted to refuse to enter into a subscription contract if:

1) at the time of filing an application, there are no technical conditions for connection to the public telecommunications network allowing the provision of the requested telecommunications services;

2) the applicant fails to present information necessary for his or her identification or for communication with him or her, or the address of the location of connection to the public telecommunications network allowing the provision of requested telecommunications

services;

3) upon filing an application or entering into a subscription contract, the applicant presents incorrect information;

4) the applicant has outstanding charges for telecommunication services provided by the same service provider to the applicant, or;

5) the applicant is bankrupt or in liquidation.

(3) A person who submits an application for connection to a public telecommunications network may withdraw the application before the subscription contract is entered into in writing. This does not restrict the person's right to submit a new application for the conclusion of a subscription contract under the general procedure.

§ 25. Entry into subscription contract

(1) The provider of a public telecommunications service shall notify a person who has filed a subscription application of the possibilities of and terms for the provision of telecommunications services within thirty days after the filing of the application.

(2) If it is technically impossible to connect a customer to the public telecommunications network which allows provision of the telecommunications service applied for by the customer on the basis of an application set out in subsection 24 (1) of this Act, the provider of the public telecommunications service shall ensure registration of the application and send a written notice thereof to the applicant.

(3) Upon possibility to provide the telecommunications service, subscription contracts shall be entered into in the order of receipt of the applications, unless otherwise provided by law. The date of submission of an application shall be the basis for satisfaction of the application also in the case if the person submitting the application waives the rights arising from the application to another person or if the place of connection to a public telecommunications network which enables provision of the telecommunications service as indicated in the application by the subscriber is changed.

(4) If two or more applications are received at the same time, priority, in the entry into a subscription contract for the provision of a telecommunications service in the place of residence of a disabled person, shall be given to an application submitted by a person with a profound or severe disability as defined by the Social Benefits Act (RT I 1999, 16, 273; 2002, 39, 245; 61, 375) or by his or her caregiver. The priority right cannot be waived in favour of another person.

§ 26. Terms of subscription contract

(1) A subscription contract is entered into in writing, except if payment for the provision of a telecommunications service is effected by a payment card.

(2) A subscription contract shall set out the following:

1) the description of the telecommunication services provided to the customer under the subscription contract and availability of other related services;

2) the part of the line belonging to the subscriber and the location of the termination point of

the telecommunications network and the connection point of subscriber's terminal equipment, except for mobile telephone services;

3) the number allocated to the subscriber;

4) the procedure for settlement of accounts;

5) time and conditions for connection of the terminal equipment to the telecommunications network;

6) if the subscriber who is a natural person so requests, information concerning the person who, after the death of the subscriber, has a preferential right to enter into a new subscription contract under the same conditions upon submission of a corresponding written application;

7) the quality requirements established for the telecommunications service provided for the subscriber;

8) maintenance services offered by the provider of the telecommunications service to the subscriber;

9) procedure for submission of complaints and resolution of disputes;

10) consent or refusal of the subscriber to publish, transmit or process the information concerning the subscriber pursuant to subsection 35 (1) and subsections 36 (2)-(5) of this Act.

§ 27. Connection of terminal equipment with telecommunications network

The provider of a public telecommunications service shall enable connection of a terminal equipment with a public telecommunications network within ten working days after the entry into force of the subscription contract and payment of the charge for conclusion of the subscription contract, unless the parties to the contract have agreed otherwise.

§ 28. Conditions for the use of terminal equipment

(1) An operator of a public telecommunications network and a provider of public telecommunications services shall enable a subscriber to use a terminal equipment within 24 hours unless the parties to the contract have agreed otherwise.

(2) The operator of a public telecommunications network shall organise the operation of a telecommunications network such that free connection to the short codes of the police, emergency medical aid and rescue service is guaranteed through all terminal equipment connected to the telecommunications network provided that the establishment of such connection is technically possible and based on the operating principle of the telecommunications network and terminal equipment.

(3) Subject to the possibilities of a public telecommunications network, a subscriber of a telecommunications service shall allow the use of terminal equipment to call the police, emergency medical aid, fire fighting service and other emergency services or shall transmit an emergency message himself.

Chapter 5. Provision of Telecommunications Services ➔

§ 29. Restriction and suspension of provision of telecommunications services

(1) An operator of a public telecommunications network may restrict or suspend the provision of telecommunications services for a subscriber if:

- 1) the subscriber has failed to pay for the provided services in a timely manner;
- 2) the subscriber has connected terminal equipment which is not in compliance with the requirements or is not in working order to the telecommunications network;
- 3) the subscriber interferes with the operation of the telecommunications network or other users of telecommunications services by using the terminal equipment, or;
- 4) the restriction or suspension of the provision of a public telecommunications service is necessary for the installation, repair, exchange or maintenance of the equipment or line facilities of the telecommunications network;
- 5) the subscriber breaches the conditions of the subscription contract;
- 6) the subscriber has submitted incorrect data upon entry into the subscription contract.

(2) The provider of a public telecommunications service may restrict or suspend the provision of a telecommunications service only if the provider has informed the subscriber thereof by means of a public telecommunications network, or if this is not possible, in writing at least five working days before the restriction or suspension of the telecommunications service, and shall notify the duration of and reasons for the restriction or suspension, except if the immediate restriction or suspension of the telecommunications service is necessary in the cases provided for in clauses (1) 2) and 3) of this section.

(3) The provision of telecommunication services shall not be restricted or suspended if a subscriber eliminates the circumstances underlying the restriction or suspension prior to the application of the planned restriction or suspension of the provision of telecommunications services.

(4) Upon restriction of the provision of a telecommunications service, the possibility to call the police, emergency medical aid and rescue service shall be retained until the suspension of the telecommunications service, if technically possible.

(5) A public telecommunications service provider shall not restrict or suspend the provision of telecommunications services if a subscriber contests the telecommunications service charge notified in writing, prior to the payment term, and makes a timely payment for the part of the telecommunications services the charge for which he or she does not contest.

(6) A public telecommunications service provider shall restore the provision of telecommunications services for a subscriber to the former extent within two working days after the elimination of the circumstances underlying the suspension or restriction.

§ 30. Suspension and termination of subscription contract

(1) The subscriber of a telecommunications service has the right to suspend the subscription contract for a period of one month up to one year at his or her discretion and shall notify thereof at least ten days in advance provided that the subscriber has performed all obligations arising from the subscription contract in respect of the telecommunications service provider.

(2) A public telecommunications service provider shall suspend a subscription contract if the subscriber wishes to change the location of connection of the subscriber's terminal equipment or number specified in the contract if it is not possible to perform this by the date requested by the subscriber due to the absence of technical conditions.

(3) Upon suspension of subscription contract:

1) the provision of telecommunications services is suspended;

2) the terminal equipment or line shall be disconnected from the telecommunications network;

3) the subscriber of the telecommunications service does not have to pay for the provision of the telecommunication service;

4) the public telecommunications service provider may give the equipment necessary for connection to the terminal point and belonging to the telecommunications service provider, and the number for use to another subscriber.

(4) Upon termination of suspension of a subscription contract, the public telecommunications service provider shall resume provision of the telecommunications service on the basis of the application of the telecommunications service subscriber.

(5) The subscriber has the right to terminate the subscription contract without prior notice.

(6) The public telecommunications service provider has the right to terminate a subscription contract if:

1) the term specified in subsection (1) of this section has expired, or:

2) the provision of a telecommunications service is restricted or suspended pursuant to clauses 29 (1) 1) - 3), 5) and 6) of this Act and the grounds for the restriction or suspension continue to exist after one month has passed.

§ 31. Transfer of rights and obligations under subscription contract and rights of subscribers upon change of public telecommunications service provider

(1) The subscriber may transfer the rights and obligations under the subscription contract to another person if the subscriber has performed the existing obligations arising from the subscription contract in respect of the public telecommunications service provider.

(2) Unless otherwise agreed in the subscription contract, the person residing together in one dwelling with the subscriber who is a natural person has, upon the death of the subscriber, the right to assume the rights and obligations arising from the subscription contract.

(3) An operator of a public telephone network shall:

1) at the request of a subscriber and if technically possible, allow the subscriber to retain its number if the subscriber wishes to change for another provider of telephone services;

2) ensure that a subscriber may choose, including by choosing a short code, the appropriate provider of public telecommunications services from among all providers of telecommunications services which have access to the said telecommunications network.

(4) Technical requirements for performance of the obligations provided for in subsection (3) of this section shall be established by the Minister of Transport and Communications.

§ 32. Repair of and elimination of breakdowns in telecommunications network

(1) A user of telecommunications services shall notify the repair service of the operator of a public telecommunications network or the provider of public telecommunications services of a breakdown in the telecommunications network. Operators of public telecommunications network and providers of public telecommunications services shall organise receipt of information concerning breakdowns from the users of telecommunications services, inform the telecommunications service users of the procedure and time for receipt of such information and of the term for elimination of such breakdown.

(2) In the case of a breakdown of a public telecommunications network, a user of telecommunications services shall provide access for the representative of a public telecommunications network operator or public telecommunications service provider to the equipment, which form part of the telecommunications network, to terminal equipment and the terminal equipment which are connected to the public telecommunications network through such terminal equipment for inspection and for determination of the location of the breakdown.

(3) Upon receiving notification of a breakdown, the operator of a public telecommunications network shall arrange for the elimination of a breakdown in the telecommunications network or a breakdown of the line of a user of telecommunications services during the working day following the date of notification of the breakdown.

(4) Expenses incurred in the elimination of breakdowns in lines, terminal equipment and other terminal equipment of the user of telecommunications services connected to a public telecommunications network by means of it shall be borne by the user of the telecommunications service, except if the public telecommunications network operator or public telecommunications service provider has caused the breakdown.

§ 33. Conditions for provision of and obligation to provide leased line service

(1) A public telecommunications network operator which provides a leased line service shall not establish conditions for a user of the leased line service concerning the purpose of using the leased line.

(2) The conditions for the provision of the leased line service shall set out:

1) the technical conditions;

2) the term for opening the leased line service after receipt of a corresponding application;

3) possible geographical areas or locations for the leased line termination points and the volume of the service;

- 4) the procedure and conditions for maintenance work;
- 5) the procedure and term for notification and elimination of breakdowns;
- 6) charge levied for the service;
- 7) the procedure for payment for the service.

(3) A public telecommunications network operator shall present the conditions set out in subsection (2) of this section to the Estonian National Communications Board in writing and make the conditions available to the public.

(4) The operator of a public telecommunications network who is an undertaking with significant market power is required to provide the leased line service by means of its telecommunications network pursuant to the procedure and under the conditions provided by this Act.

(5) In the case of the leased line service provided by the operator of a public telecommunications network who is an undertaking with significant market power, the conditions set out in clauses (2) 1), 2) and 5) of this section shall be determined by the Estonian National Communications Board.

(6) The operator of a public telecommunications network who is an undertaking with significant market power shall present to the Estonian National Communications Board by 1 March each year a report on compliance of the leased line service provided by such operator with the conditions set out in subsection (2) of this section.

(7) Contracts for the provision of the leased line service shall be concluded in writing.

(8) The Minister of Transport and Communications shall establish the requirements for provision of the leased line service.

§ 34. Restriction of provision of leased line service and termination of contract for provision of leased line service

(1) A public telecommunications network operator may restrict the provision of leased line service if:

- 1) a user fails to comply with the terms of the contract for the provision of the leased line service, or
- 2) the provision of the leased line service is not possible due to an emergency situation, a state of emergency or a state of war.

(2) A provider of the leased line service shall notify the user and the Estonian National Communications Board in writing of the restriction of the provision of the leased line service not later than within ten days before the suspension and shall indicate the reason for the restriction.

(3) A public telecommunications network operator may terminate the provision of leased line service unilaterally if:

- 1) in the case of a breach of the contract by a user of the leased line service; or
- 2) if the legal bases for the restrictions on the provision of the service imposed by the operator due to a breach of the contract have not ceased to exist within six months after the imposition thereof.
- (4) A user of the leased line service may terminate the contract for the provision of the leased line service at any time by notifying the other party thereof in writing not later than thirty days prior to the termination of the contract.

§ 35. Publication of data concerning subscribers

- (1) A provider of public telephone and mobile telephone services shall ensure the publication of the name and address of a subscriber of the services and data concerning at least one number of the subscriber in at least one directory and by a public directory information services free of charge unless the subscriber prohibits this.
- (2) A provider of public telephone and mobile telephone services shall organise the publication of the data specified in subsection (1) of this section in the directory and the public directory information services at least once every two years.

§ 36. Protection of information relating to provision of telecommunications services

- (1) A telecommunications network operator and a telecommunications service provider shall not disclose any data on users which becomes known to them during provision of telecommunications services, including the fact of using the telecommunications service.
- (2) A telecommunications network operator and a telecommunications service provider may disclose data concerning the content and form of messages transmitted via the telecommunications network, as well as data concerning the sender and recipient of the messages, and the time and manner of transmission or receipt of the messages only to the sender and recipient of the messages. Data on the transmitted message may be communicated to third persons only with the consent of the sender and recipient of the message unless otherwise provided by law
- (3) For the purpose of calculating the charge for the use of telecommunications services or access network connection and monthly charges, a telecommunications service provider may, without the consent of a subscriber, store and process data which contain:
 - 1) information unequivocally identifying the user or terminal equipment;
 - 2) user's address;
 - 3) units on the basis which the charge for public telecommunications services payable by the user is calculated;
 - 4) the addressee or number of the messages or calls transmitted by the user;
 - 5) the time of transmission, duration and amount of messages or calls transmitted by the user;
 - 6) information concerning advance payments or payments by instalment made by the user to the telecommunications service provider;

7) information concerning the restriction of access to telecommunications services and warnings given to the telecommunications services provider.

(4) A telecommunications services provider shall delete the data specified in subsection (2) of this section one year after the provision of the telecommunications service.

(5) A telecommunications network operator and a telecommunications service provider shall ensure that third persons have no access without a legal basis to the data set out in subsections (1)-(3) of this section and shall promptly notify users of telecommunications service of any possibility of such risk.

(6) If a user has given consent to the preservation and processing of data specified in subsection (2) of this section and the subscription contract does not provide a longer term, the telecommunications services provider shall retain the data specified in subsection (3) of this section for the time of contestation of the charge and shall make the information available to the user if the user so wishes.

§ 37. Obligation to provide information to surveillance authorities

(1) Upon a written request or an oral request confirmed by a password from a surveillance authority specified in the Surveillance Act (RT I 1994, 16, 290; 1995, 15, 173; 1996, 49, 955; 1997, 81, 1361; 93, 1557; 1998, 47, 698; 50, 753; 51, 756; 61, 981; 98/99, 1575; 101, 1663; 1999, 16, 271; 31, 425; 95, 845; 2000, 35, 222; 40, 251; 102, 671; 2001, 3, 9; 7, 17; 58, 353; 68, 407; 2002, 56, 350; 61, 375) the telecommunications network operator and telecommunications service provider shall provide the surveillance authorities with information for the performance of special or exceptional surveillance activities:

- 1) information on the personal data concerning the sender and receiver of messages;
- 2) information on the location of the sender and recipient of messages;
- 3) information on the fact of transmitting messages and data describing the transmission;
- 4) information on the uniform databases and the data contained therein which describe the transmission of messages and is formed in the process of transmission of messages;
- 5) information on the form of messages.

(2) A telecommunications network operator and telecommunications service provider shall provide access to the telecommunications network for the surveillance authorities to perform exceptional surveillance activities pursuant to the Surveillance Act.

(3) The Government of the Republic shall establish technical requirements for the operation of telecommunications network and provision of telecommunications services if it is necessary for the national security or in order to allow the surveillance authorities to perform exceptional surveillance activities.

(4) The procedure for reimbursement of costs arising in provision of information set out in subsection (1) of this section to the surveillance authorities shall be established by the Government of the Republic.

Chapter 6. Provision of Universal Service ➔

§ 38. Obligation to provide universal service

(1) For the purposes of this Act, obligation to provide the universal service is the obligation of a public telephone network operator to establish access network and ensure provision of the universal service.

(2) The telephone network operator specified in subsection (1) of this section shall ensure provision of the universal service to all persons who wish so via a corresponding public telecommunications network in the area determined by a licence.

(3) The Estonian National Communications Board may, at the request of a public telephone network operator, release the operator from the obligation to provide the universal service in the area determined by the licence for a period of one up to three years if:

1) there are two or more public telephone network operators in the area for which release is requested;

2) the public telephone network operator who submits the request needs to make more additional investments and bear costs in connection with performance of the obligation of provision of the universal service than other public telephone network operators operating in the corresponding area.

(4) A public telephone network operator who operates in the area specified in subsection (2) of this section shall prepare a budget for the additional investments and costs necessary to perform the universal service obligation and a description of the telephone network, which the operator shall submit to the Estonian National Communications Board for the term established by the Estonian National Communications Board.

(5) The Estonian National Communications Board shall verify the correctness of the budget for the additional investments and costs necessary to perform the obligation to provide the universal service and its compliance with the principles of this section and shall decide on release of the public telephone network operator from the obligation to provide the universal service within four weeks after submission of the required information.

(6) Upon examination of the budget specified in subsection (4) of this section, the Estonian National Communications Board shall take guidance from the following principles:

1) only such additional investments and costs are taken into account in the preparation of the budget for performance of the obligation to provide the universal service which are necessary for performance of such obligation;

2) such investments and costs of the public telephone network operator which the operator would undertake in the area specified in subsection (2) of this section regardless of the obligation to provide the universal service shall not be taken into account in the budget for additional investments and costs necessary to perform the obligation to provide the universal service;

3) such investments and costs of the public telephone network operator which the operator has already undertaken in the area specified in subsection (2) of this section shall not be taken into account in the budget for additional investments and costs necessary for fulfilling

the obligation to provide the universal service.

(7) The budget on the basis of which a public telephone network operator is released from the obligation to provide the universal service is not deemed to be a business secret. The Estonian National Communications Board shall ensure the availability of such budgets to the public.

§ 39. Connection charges and monthly charges of universal service

(1) A public telephone network operator who has the obligation to provide the universal service shall establish cost-oriented connection charges and monthly charges which are reasonable and uniform for the whole territory of Estonia, and shall make the charges public.

(2) A public telephone network operator who has the obligation to provide the universal service shall take guidance from the following principles in establishing the connection and monthly charges specified in subsection (1) of this section:

1) the connection and monthly charges may cover only the minimum required investments and operation costs of establishing an access network which enables the provision of the universal service;

2) in establishing the connection and monthly charges, the investments made and costs incurred hitherto by the operator providing the universal service and costs incurred in the provision of other telecommunications services shall not be taken into account;

3) the connection and monthly charges as the calculated mean shall be uniform for all areas where the public telecommunications network operator with the obligation to provide the universal service or its parent company or subsidiary has the obligation to provide the universal service.

(3) In order for the Estonian National Communications Board to be able to estimate whether the connection charge and the monthly charge specified in subsection (1) of this section are reasonable, the public telephone network operator who has the obligation to provide the universal service shall submit the audited financial statement for calculation of the connection charge and the monthly charge to the Estonian National Communications Board upon establishment or amendment of the charges.

Chapter 7. Interconnection and Access to Telecommunications Networks ➔

§ 39.1. Provision of interconnection services and levels of interconnection

(1) Call origination is an interconnection service which means transmission of signals from the telecommunications network terminal point to the interconnection point.

(2) Call termination is an interconnection service which means transmission of signals from the interconnection point to the telecommunications network terminal point.

(3) Call transit is an interconnection service which means transmission of signals between interconnection points.

(4) Remote subscriber stage is a separate part of the exchange which is used for concentrating traffic.

(5) Local call rate area is a geographical area in one specific telecommunications network for provision of telephone or mobile telephone services for the same charge rate and in which both the person originating the call and the person receiving the call are situated.

(6) Local level interconnection means interconnection of telephone or mobile telephone networks at the interconnection point which is connected to the exchange of the telephone or mobile telephone network operator who offers interconnection or is required to provide interconnection and through which there is access to the telecommunications service users of one local call rate area of the telephone or mobile telephone network operator who offers interconnection or is required to provide interconnection.

(7) Single transit interconnection, regional level means interconnection of telephone or mobile telephone networks at the interconnection point which is connected to the exchange of the telephone or mobile telephone network operator who offers interconnection or is required to provide interconnection and through which there is access to the telecommunications service users of at least two local call rate areas of the telephone or mobile telephone network operator who offers interconnection or is required to provide interconnection.

(8) Double transit interconnection, national level means interconnection of telephone or mobile telephone networks at the interconnection point which is connected to the exchange of the telephone or mobile telephone network operator who offers interconnection or is required to provide interconnection and through which there is access to all telecommunications service users of the telephone or mobile telephone network operator.

(9) The public telephone or mobile telephone network operator may provide interconnection or the interconnection service in one or several interconnection levels specified in subsections 6-8 of this section.

(10) The public telephone network operator with significant market power shall provide interconnection and interconnection services in all interconnection levels specified in subsections 6-8 of this section using the corresponding interconnection service charge rates, except for in such case as provided for in subsection (11) of this section.

(11) If the public telephone network operator who offers interconnection or is required to provide interconnection does not provide interconnection or interconnection services on the local level, the remote subscriber stage of the exchange shall be considered equal to the exchange interconnected on the local level when calculating the charges for the interconnection service.

(13.02.2001 entered into force 07.03.2001 - RT I 2001, 23, 125)

§ 40. Interconnection agreement

(1) Telecommunications network operators may interconnect telecommunications networks entering into an agreement for interconnecting their networks (hereinafter interconnection agreement).

(2) An interconnection agreement is an agreement in writing which is entered into by telecommunications network operators having agreed to interconnect telecommunications networks and which regulates the technical, commercial and other arrangements of

interconnection of their telecommunications networks.

(3) An interconnection agreement shall set out at least the following:

- 1) the term of validity of the interconnection agreement which shall not exceed the validity of the licences of the parties;
- 2) specification of the interconnection service and extra services;
- 3) the use of a telecommunications service at the request of one party to the agreement;
- 4) procedure for ordering interconnection lines and their capacity;
- 5) prognosis of traffic and traffic management procedures;
- 6) ensurance of the security of network operations;
- 7) technical requirements and standards of interconnection;
- 8) location of the interconnection point and conditions for use of number series and the interconnection point;
- 9) action in the case of one party to the agreement wishing to change the configuration of the telecommunications network which may affect interconnection, interoperability of telecommunications networks or the interconnection service provided;
- 10) joint use of telecommunications network equipment and line facilities;
- 11) the quality requirements of telecommunications networks and services, and ensurance thereof;
- 12) the procedure for settling accounts and payment conditions;
- 13) the testing of interconnection and interoperability of telecommunications networks;
- 14) the description of and procedure for amendment of the interconnection service charges;
- 15) the conditions and charges for use of interconnection lines;
- 16) the procedure for amending interconnection agreement terms;
- 17) the procedure for receipt of information concerning breakdowns and elimination of breakdowns;
- 18) performance of repair and maintenance work;
- 19) liability of the parties to the agreement, restriction thereof and compensation of damage;
- 20) procedure for resolution of disputes;

21) breach, suspension and termination of the interconnection agreement.

(4) The Estonian National Communications Board has the right to demand, on its own initiative or at the request of one party to the agreement, compliance with the provisions specified in subsection (3) of this section which must be included in an interconnection agreement.

§ 41. Obligation of interconnection

(1) A public telecommunications network operator with significant market power shall conclude an interconnection agreement and interconnect its telecommunications network to another telecommunications network at requested interconnection point within two months after receipt of such request and shall provide the requested interconnection services at all interconnection points.

(13.02.2001 entered into force 07.03.2001 - RT I 2001, 23, 125)

(2) If the public telecommunications network operator with significant market power and the telecommunications network operator who requests interconnection cannot agree on conclusion of the interconnection agreement within the term specified in subsection (1) of this Act, the Estonian National Communications Board shall resolve the dispute pursuant to the provisions of § 43 of this Act.

(3) A public telecommunications network operator with significant market power shall draft a reference interconnection agreement containing the provision of subsection (3) of this Act, shall make it public and submit it to the Estonian National Communications Board.

(4) The Estonian National Communications Board has the right to demand amendment of the reference interconnection agreement specified in subsection (3) of this Act if it is justified pursuant to this Act.

(5) Upon interconnection, operators of public telecommunications networks with significant market power shall not discriminate against anyone and are required to conform with the following requirements in provision of the interconnection service:

1) to enable use of telecommunications network equipment, buildings, facilities and line facilities under equal conditions;

2) to enable access to information necessary for interconnection for the person who requests interconnection;

3) use received information concerning the interconnection only for the purpose of interconnection, and not to disclose such information to third persons, unless otherwise provided by law;

4) to submit copies of all interconnection agreements to the Estonian National Communications Board;

5) to ensure the provision of the interconnection service under equal conditions and with equal quality as compared to the provision of the service by the operator to its parent company or subsidiaries.

§ 42. Charges for interconnection and interconnection services

(1) Charges for interconnection and interconnection services are:

- 1) single charge which covers the costs of interconnecting telecommunications networks;
- 2) charge for the rental of telecommunications network equipment, buildings and facilities and line facilities unless parties to the interconnection agreement have agreed otherwise;
- 3) charges to ensure on-going integral interoperability of interconnected telecommunications networks;
- 4) charges relating to the mutual routing of traffic, switching, and transmission of signals between interconnected telecommunications networks;
- 5) charge for extra services provided.

(2) The transmission to other telecommunications network of calls made to the short codes of the police, emergency medical aid and rescue service is free of charge.

(3) The charges for interconnection and interconnection services established by the public telecommunications network operator with significant market power shall be transparent and public. The elements of the charges shall be clearly distinct and the method of calculation of costs shall be made public.

(4) Charges for interconnection and interconnection services shall be calculated proportionally from:

- 1) joint and common costs;
- 2) the costs incurred in ensuring equal interconnection possibilities;
- 3) costs resulting from performance of the requirements established for interconnection of telecommunications networks;
- 4) reasonable profit;

(5) The charges for the interconnection services of the public telecommunications network operator with significant market power shall not depend on the type of the network in which a call originates or terminates, or the type of transmission of speech through the interconnection point.

(13.02.2001 entered into force 07.03.2001 - RT I 2001, 23, 125)

(6) The obligation to prove compliance of the interconnection and interconnection service charges with the requirements of this section rests with the public telecommunications network operator with significant market power.

§ 43. Contesting interconnection

(1) The Director General of the Estonian National Communications Board or an official authorised by him or her may participate in the resolution of a dispute arising at any time between persons involved in interconnection on the basis of a written application of either party.

(2) The telecommunications network operator requesting interconnection or having entered into an interconnection agreement, who finds that the conditions, including the interconnection charge, applied by the public telecommunications network operator with significant market power are contrary to this Act may contest the interconnection conditions at the Estonian National Communications Board by filing a reasoned complaint in writing.

(3) The Estonian National Communications Board shall notify the public telecommunications network operator with significant market power within ten days of the filing of the complaint specified in subsection (2) of this section and shall demand an explanation on the conditions applied by the operator. The public telecommunications network operator with significant market power against whose activity the complaint was filed shall present a written explanation within one month after receiving the corresponding request of the Estonian National Communications Board.

(4) The Estonian National Communications Board shall, within two months after receiving a complaint specified in subsection (2) of this section, decide to satisfy or refuse to satisfy it and send an extract of the corresponding directive of the Director General of the Estonian National Communications Board to the public telecommunications network operator with significant market power and to the person who filed the complaint.

(5) Upon satisfying a complaint specified in subsection (2) of this section, the Estonian National Communications Board shall issue a precept to the public telecommunications network operator with significant market power to amend the interconnection conditions promptly, including with regard to interconnection of other telecommunications networks which conform with similar conditions. The precept is subject to prompt implementation and contesting of the precept shall not suspend the implementation thereof.

(13.02.2001 entered into force 07.03.2001 - RT I 2001, 23, 125)

§ 44. Access to public telecommunications network

(1) A public telephone or mobile telephone network operator with significant market power or leased line service provider shall guarantee access to its telecommunications network for the telecommunications service provider if the telecommunications service provider has submitted a reasoned request therefor.

(2) A public telephone network operator with significant market power shall provide access to its telephone network through a connection point other than the terminal point used for access (hereinafter special access) pursuant to the procedure set out in § 45 of this Act.

(3) A telecommunications network operator specified in subsection (1) of this section shall guarantee availability of information necessary for conclusion of an agreement for access to the telecommunications network to telecommunications service providers who apply for such access.

(4) In providing access to a telecommunications network, the telecommunications network operator specified in subsection (1) of this section shall observe the principle of equal treatment, and shall:

1) apply equal conditions to all telecommunications service providers where all the circumstances are similar;

2) provide access to the telecommunications network under similar conditions and of similar quality as compared to the telecommunications services provided by itself or offered to

parent or subsidiary undertaking;

3) not restrict access of its telecommunications service subscribers to the telecommunications services provided by other public telecommunications network operators.

(5) Agreements for access to telecommunications networks shall be in writing and copies thereof shall be filed with the Estonian National Communications Board.

(6) The conditions for access to a telecommunications network may be contested with the Estonian National Communications Board pursuant to the procedure provided for in § 43 of this Act.

§ 45. Special access to public telephone network

(1) A public telecommunications network operator with significant market power shall provide special access for a telecommunications service provider at the request thereof as soon as possible. If a public telephone network operator considers an application for special access to be unjustified, the operator may refuse to provide access only with the consent of the Estonian National Communications Board.

(2) If a telephone network operator specified in subsection (1) of this section finds that the technical and economic conditions for the requested special access are lacking, the operator shall within one month notify the applicant and the Estonian National Communications Board thereof in writing and in a reasoned manner.

(3) In the case specified in subsection (2) of this section, the Estonian National Communications Board shall, within one month, make a reasoned decision on restriction of or refusal to provide special access to a telephone network. An extract from the corresponding directive of the Director General of the Estonian National Communications Board shall be sent to the public telephone network operator and the person who submitted the request for access.

(4) If in the case specified in subsection (3) of this section the Estonian National Communications Board finds that the request for access to a telephone network by way of special access is justified, it shall issue a precept to the public telephone network operator for the provision of access to such telephone network.

§ 46. Charge for access to public telecommunications network

(1) Charge for access to public telecommunications network is:

- 1) single charge for creating access to a telecommunications network;
- 2) charge for the functioning of access to a telecommunications network;
- 3) charge for the traffic transmitted via a telecommunications network
- 4) charge for extra services provided by the telecommunications network operator.

(2) Upon providing access to a telecommunications network, a charge may be demanded only for providing access to the telecommunications network or for creating conditions which enable access. Charges for access to a telecommunications network shall be based

on the provision of access to the telecommunications network and additional charges distributed over a longer period of time, and the volume and duration of information transmitted by way of access shall be taken into account.

(3) A person who requests access to a public telecommunications network or who has entered into an agreement for access to a public telecommunications network may contest the access charge pursuant to the procedure provided for in § 43 of this Act.

§ 47. Restrictions on access to public telecommunications network for telecommunications service providers

(1) A public telecommunications network operator may restrict a telecommunications service provider's access to a public telecommunications network if:

1) the service provider has failed to pay for the services provided to the service provider in a timely manner;

2) the service provider has connected terminal equipment which is not in compliance with the requirements or is not in working order to the telecommunications network;

3) the service provider, using terminal equipment, interferes with the operation of the telecommunications network or other users of telecommunications services;

4) the restriction or suspension of the public telecommunications service is necessary for the installation, repair, exchange or maintenance of the equipment or communications facilities of the telecommunications network;

5) a public telecommunications network connected or interconnected to the public telecommunications network which enables provision of a telecommunications service does not conform with the access or interconnection requirements and no interoperability of such networks without disturbance is ensured;

6) the integral operation of the public telecommunications network is endangered;

7) restriction of access is necessary to ensure the protection of personal data and other data to the extent prescribed by law, or

8) restriction of access is necessary due to an emergency situation, a state of emergency or state of war.

(2) Upon restricting the access to a telecommunications network, a public telecommunications network operator shall observe that the restrictions be based on an objective assessment of the situation and that the extent of such restrictions be minimum in order to ensure the normal operation of the telecommunications network or to eliminate the reason for the application of the restrictions.

(3) The restrictions specified in clauses (1) 7) an 8) of this section shall not be applied in respect of state agencies responsible for responding to an emergency situation, state of emergency or a state of war. The Government of the Republic shall establish the list of telecommunications network numbers allocated to the use of the specified state agencies in order to allow public telecommunications network operators and telecommunications service providers to apply, within a reasonable period, measures to ensure that the telecommunications terminal equipment of such agencies has uninterrupted access to the public telecommunications network without disturbance.

(4) A public telecommunications network operator or public telecommunications service provider is required to notify, directly or through media, persons affected by the application of a particular restriction specified in subsection (1) of this section of the reason for, nature, extent and duration of the application of such restriction as soon as possible, and shall perform all obligations to ensure restoration of the availability of telecommunication services.

§ 48. Contesting restrictions established on access to public telecommunications network

(1) A telecommunications service user in respect of which the restrictions specified in subsection 47 (1) of this Act are applied or whose access to a leased line service is restricted may file a complaint with the Estonian National Communications Board concerning the activity of the public telecommunications network operator.

(2) Upon receipt of a complaint specified in subsection (1) of this section, the Estonian National Communications Board shall demand explanations and justification from the public telecommunications network operator or public telecommunications service provider concerning the restrictions applied by the operator or service provider. The person against whose activity the complaint was filed shall present a written explanation on the restrictions within five days after receiving the corresponding request of the Estonian National Communications Board.

(3) The Estonian National Communications Board shall, within ten days after receiving a complaint, decide whether the complaint specified in subsection 47 (1) of this Act is lawful and justified and shall send an extract of the corresponding directive of the Director General of the Estonian National Communications Board to the public telecommunications network operator and the person who filed the complaint.

(4) Upon satisfying the complaint, the Estonian National Communications Board shall issue a precept to the public telecommunications network operator to stop the violation. The precept is subject to prompt implementation and contesting of the precept shall not suspend the implementation thereof.

Chapter 8. Charge for Use of Telecommunications Service ➔

§ 49. Obligation to provide information on tariffs

A public telecommunications network operator or a provider of public telecommunications services shall inform the public of the tariffs charged for the use of the telecommunications network or for the telecommunications services provided and shall ensure the reasonable availability of the services to all persons.

§ 50. Calculation of charges

(1) Charges applied by public telecommunications network operator with significant market power for interconnection, telecommunications network access, leased line service and universal service shall be based on the efficiency of the provision of the service and be calculated on the basis of reasoned costs.

(2) The public telecommunications network operator with significant market power which provides the leased line service, provides access to a telecommunications network,

provides the universal service or interconnects its telecommunications network to another telecommunications network shall arrange the calculation of costs in a manner which allows to distinguish the expenses incurred in the operation of the telecommunications network and the expenses incurred in the provision of telecommunications services.

(3) The costs of providing the universal service shall not include the calls to the short codes of the police, emergency medical aid and rescue service.

(4) The procedure for submission of the data which is the basis for calculating the costs of operators specified in subsection (2) of this section shall be established by the Minister of Transport and Communications.

§ 51. Requirements for charges

(1) The compositions of telecommunications service charges shall be clearly specified. The composition of a charge shall indicate the nature of the service, units used in the calculation of the charge and tariffs.

(2) The composition of a public telecommunications service charge shall separately indicate at least:

1) the charge levied for the possibility of use of the public telecommunications service or equipment;

2) the charge levied for the actual use of the public telecommunications service or equipment.

(3) The composition of a public telecommunications service charge shall not include the expenses or cost of the equipment which are not necessary for the provision of the telecommunications service requested by a telecommunications service user.

(4) An undertaking with significant market power shall not include in the telecommunications service charge:

1) discounts which would prejudice the competitiveness of other undertakings in the relevant telecommunications service market or which fail to comply with the principles provided for in subsection 50 (1) of this Act, unless otherwise provided by law;

2) extra charges resulting from abuse of the position of the undertaking with significant market power in a telecommunications service market.

(5) A public telecommunications network operator with significant market power in the leased line or interconnection service market is prohibited from using cross-subsidising in calculating the charges for leased line or interconnection services for the provided telecommunications services.

(6) A public telecommunications network operator specified in subsection (5) of this section shall, at the request of the Estonian National Communications Board, submit a report concerning the bases for establishing telecommunications service charges which shall contain the provisions of clauses 53 (4) 2) and 3) of this Act.

(7) A public telecommunications network operator specified in subsection (5) of this section who provides a leased line or interconnection service shall take the methodology deriving

from the forward-looking long run average incremental costs and established by the Government of the Republic in compliance with the principles of the relevant European Union regulation as the basis for calculating the charges.

(8) The requirements established for leased line and interconnection service charges apply to a mobile telephone network operator who is, together with the parent company and subsidiary, an enterprise with significant market power in the market of leased line and interconnection services of telephone and mobile telephone network.

§ 52. Permissibility of discounts

Public telecommunications service providers are allowed to apply equal discounts for connections or for particular numbers subject to the duration of the connections, frequency of use and time of the connections or for telecommunications service users who belong to a particular social group. Such discounts shall be applied equally in respect of all persons who meet the discount conditions and the application of discounts shall not be made dependent on the obligation to use a particular telecommunications service

§ 53. Additional requirements for cost accounting system of public telecommunications network operator with significant market power

(1) For cost accounting purposes, a public telecommunications network operator with significant market power in the telephone, leased line or interconnection service market who provides a telephone, leased line or interconnection service shall apply an accounting system which allows to show that the charges for such telecommunications services are cost based. Such cost-accounting system shall allow specification of costs to all telecommunications services specified in this subsection and enable to compare actual costs and costs distributed over a longer period of time.

(2) The cost-accounting of a public telecommunications network operator with significant market power provided for in subsection (1) of this section must be separate to the extent that would be required if telecommunications services specified in subsection (1) of this section were provided by different undertakings independent of each other, with the possibility of determining income and expense items related to their telecommunications services, including a breakdown of fixed assets.

(3) A public telecommunications network operator with significant market power shall, at the request of the Estonian National Communications Board, submit an audited statement concerning the cost accounting of telecommunications services.

(4) The statement specified in subsection (3) of this section shall include:

- 1) the auditor's report on compliance of the cost accounting with the provisions of this Act;
- 2) expense items of a telecommunications service for each network part through which such service is provided;
- 3) basis for attribution of joint and general expenses of the undertaking to a telecommunications service.

(5) The Estonian National Communications Board shall examine compliance of the bases for the cost accounting of telecommunications services and for the determining of telecommunications service charges of a public telecommunications network operator with

significant market power with the requirements set out in this section on the basis of the statement specified in subsection (3) of this section.

(6) The Government of the Republic shall establish the methods for attributing the costs provided for in subsection (1) of this section and the method of cost accounting specified in subsection (2) of this section.

§ 54. Application of tariffs

(1) A public telecommunications network operator or public telecommunications service provider shall inform in a reasonable manner subscribers of the application of tariffs not later than one month before the entry into force of the tariffs.

(2) An undertaking with significant market power shall inform the Estonian National Communications Board in writing of the application of tariffs and inform the public thereof at least one month in advance.

(3) The Estonian National Communications Board has the right to issue a precept to suspend the application of tariffs if the tariffs to be applied or the procedure for the application thereof fail to comply with the requirements of law.

Chapter 9. Telecommunications Network Terminal Equipment ➔

§ 55. Requirements for supply and putting into service of terminal equipment

Terminal equipment which does not conform with the requirements of this Act or legislation established on the basis of this Act shall not be imported, released to the market (hereinafter supply) or put into service within the meaning of the Product Conformity Attestation Act (RT I 1999, 92, 825; 2002, 6, 20; 44, 282) or connected to a telecommunications network.

§ 56. Requirements for terminal equipment

(1) The Minister of Transport and Communications shall establish the requirements for terminal equipment with the purpose of ensuring:

- 1) the safety of the user and subscriber;
- 2) the protection and safety of the health of workers servicing the telecommunications network;
- 3) electromagnetic compatibility of the telecommunications network and terminal equipment;
- 4) absence of harmful influence on the telecommunications network;
- 5) effective use of the radio frequency spectrum or satellite orbital positions;
- 6) interoperability of terminal equipment and telecommunications network, or
- 7) interoperability of terminal equipment and terminal equipment of other

telecommunications networks.

(2) The provisions of subsection 65 (2) this Act apply upon amendment of the requirements specified in subsection (1) of this section.

(3) Upon supply, each terminal equipment shall have an operating manual which shall set out the technical specifications of the terminal equipment and provide a complete and unequivocal explanation of the area, manner, procedure and purpose of its use.

§ 57. Conformity assessment of terminal equipment

(1) Conformity of supplied terminal equipment is assessed:

1) in the case of terminal equipment, by the supplier with a producer's declaration of conformity or producer's declaration of conformity and certificate of conformity within the meaning of the Product Conformity Attestation Act issued by the approved body;

2) in the case of terminal equipment for the installation and use of which general requirements for use have been established pursuant to clause 65 (1) 3) of this Act, the producer's declaration of conformity or certificate of conformity issued by the approved body which shall be accompanied by a written confirmation of the producer concerning the fact that the radio equipment has passed relevant radio technical measurements ordered by the approved body chosen by the producer and meets the requirements;

3) in the case of terminal equipment, except for terminal equipment specified in clauses 1) and 2) of this subsection, the producer's declaration of conformity which shall be accompanied by a written confirmation of the producer concerning the fact that the radio equipment has passed relevant radio technical measurements ordered by the approved body chosen by the producer and meets the requirements, and approval issued by the Estonian National Communications Board concerning use in compliance with the radio frequency area requirements.

(2) The producer or supplier of terminal equipment specified in subsection (1) of this section shall inform the Estonian National Communications Board of the supplied equipment and the conformity thereof at least four weeks before the supply, except in the cases provided in subsection (3) of this section.

(3) The Minister of Transport and Communications shall establish a list of classes of terminal equipment of the supply and putting into use of which the Estonian National Communications Board need not be informed.

(4) The Minister of Transport and Communications shall establish the procedure for conformity assessment of terminal equipment, for approval of documents issued in a foreign state for conformity assessment of terminal equipment, and the procedure for the issue of approval of conformity of the use of radio frequency area by the Estonian National Communications Board.

§ 58. Marking of terminal equipment

(1) Terminal equipment which is in conformity with the requirements shall be marked in accordance with the established procedure.

(2) The producer or supplier of the terminal equipment shall provide the marking of the

inal equipment.

(3) If conformity is certified by an approved body, the marking shall include the indication or identification number of the approved body.

(4) No marking, indication, symbol or other inscription which is misleading shall be attached to terminal equipment.

(5) The Minister of Transport and Communications shall establish the procedure for marking terminal equipment.

§ 59. Approved body

(1) An approved body is a person who meets the requirements established in the Product Conformity Attestation Act.

(2) An approved body acts in accordance with the provisions of the Product Conformity Attestation Act.

(3) An approved body shall notify the Estonian National Communications Board of the issue of a certificate of conformity.

§ 60. Telecommunications terminal equipment not intended for connection to public telecommunications network

(1) The supplier or telecommunications service provider or user shall ensure that a terminal equipment which can be connected to a public telecommunications network but which is not meant for such purpose shall have the producer's declaration of conformity or the certificate of conformity concerning the requirements established by the Minister of Transport and Communications pursuant to criteria set out in subsections 56 (1) and (2) of this Act, and shall also have a user manual and be marked pursuant to the procedure established by the Minister of Transport and Communications.

(2) The user manual of terminal equipment specified in subsection (1) of this section shall clearly indicate that the equipment is not intended for connection to a public telecommunications network.

(3) The supplier or telecommunications service provider specified in subsection (1) of this section shall retain the original copies of the producer's declaration of conformity or certificate of conformity supplied by the supplier or service provider for ten years after the last supply or putting into use in the provision of telecommunications service.

(4) A supplier of the terminal equipment specified in subsection (1) of this section which terminated its activity prior to the term provided for in subsection (3) of this section shall deliver the original copies of producer's declaration of conformity or certificate of conformity and the user manual to the Estonian National Communications Board for storage.

§ 61. Right of operator of telecommunications network to disconnect terminal equipment from telecommunications network

(1) A telecommunications network operator has the right to disconnect, from the telecommunications network, terminal equipment which does not conform to the established requirements, affects the integrity of the telecommunications network or presents a threat to human health. In the case of disconnection of terminal equipment, the

telecommunications network operator may suspend the provision of a telecommunications service to the telecommunications service user until the grounds for disconnection have ceased to exist.

(2) Prior to disconnecting telecommunications network terminal equipment from the telecommunications network, the operator of the telecommunications network is required to notify the telecommunications service user in writing of the reasons for the disconnection and suspension of the service provision.

(3) If a telecommunications service user disconnects the terminal equipment specified in subsection (1) of this section from the telecommunications network and connects terminal equipment which is in conformity with the established requirements to the telecommunications network, the operator of the telecommunications network is required to restore the service provision as quickly as possible.

§ 62. Radio equipment for specific purposes

(1) The producer or supplier shall ensure that radio equipment for specific purposes shall have a declaration of conformity of the producer or a certificate of conformity in accordance with subsections 56 (1) and (2) of this Act, and also a user manual, and shall be marked pursuant to the procedure established by the Minister of Transport and Communications.

(2) The operating manual for equipment specified in subsection (1) of this section shall set out the technical specifications of the radio frequency equipment for specific purposes, provide an explanation of the area, manner and purpose of its use.

(3) A producer or supplier shall retain the original copies of declaration of conformity or certificate of conformity of radio frequency equipment for specific purposes supplied by the producer or supplier and the original user manual for ten years after the last supply. If the producer or supplier of equipment terminates activities before the term lapses, the producer or supplier shall deliver the original copies of the declaration of conformity or certificate of conformity to the Estonian National Communications Board for storage.

§ 63. Supervision of conformity with requirements

(1) The Estonian National Communications Board shall exercise supervision over the conformity of terminal equipment and radio frequency equipment for specific purposes supplied to or used in Estonia.

(2) The Estonian National Communications Board shall prohibit the supply and use of terminal equipment, telecommunications equipment not intended for connection to telecommunications network and radio frequency equipment for specific purposes which have not been presented for conformity assessment or have been declared not to conform to the requirements.

(3) For the performance of the duties set out in subsection (2) of this section, the Estonian National Communications Board has the right to:

1) inspect all documents which verify the assessment of conformity of terminal equipment, and require submission of copies thereof;

2) request access to terminal equipment, telecommunications equipment which is not intended for connection to the telecommunications network and radio frequency equipment

for specific purposes, and inspect the conformity of such equipment;

3) to check whether the terminal equipment, telecommunications equipment which is not intended for connection to the telecommunications network and the radio frequency equipment for specific purposes is marked as required.

Chapter 10. Radiocommunication ➔

§ 64. The Estonian radio frequency allocation plan

(1) The Estonian radio frequency allocation plan provides for the general manner, purpose and regime of using radio frequency bands in the Republic of Estonia in accordance with the Radio Regulations annexed to the Constitution and Convention of the International Telecommunications Union.

(2) The Minister of Transport and Communications shall approve the Estonian radio frequency allocation plan and amendments thereto. The Estonian National Communications Board shall propose to amend Estonian radio frequency plan at least once a year to the extent necessary.

(3) The Estonian radio frequency allocation plan determines the radio frequency bands intended for use exclusively by the Defence Forces and the Minister of Defence may organise the use thereof independently in accordance with the Radio Regulations annexed to the Constitution and Convention of the International Telecommunications Union; the plan determines also the radio frequency channels intended for general use by the Defence Forces.

(4) The Minister of Defence shall establish the technical requirements for the use of radio frequency bands allocated to the use of the Defence Forces in accordance with the Radio Regulations annexed to the Constitution and Convention of the International Telecommunications Union.

§ 65. Requirements for radio equipment

(1) The following shall be established for radio equipment:

- 1) the technical requirements of radio equipment;
- 2) the technical requirements for installation of radio equipment;
- 3) general requirements for the use of radio transmission equipment which grants every person the right to install and use radio transmission equipment of certain classes under the same general conditions for the purpose of radiocommunication, sets the technical specifications, area, manner and purpose of use of the radio transmission equipment, the used radio frequency band and the conditions for the use of the radio transmission equipment.

(2) The requirements established on the basis of clause (1) 3) of this section shall not be amended before three years have passed the establishment thereof. Such requirements shall be amended if:

- 1) it is necessary as a result of an amendment to the Estonian radio frequency allocation

plan or for the increase of the efficiency of use of radio frequencies;

2) it is necessary to bring the requirements into compliance with other legislation or;

3) it is due to the development of technology and change of technical standards.

(3) The Minister of Transport and Communications shall establish the requirements specified in subsection (1) of this section.

§ 66. Radio call sign

(1) Radio call sign is a combination of numbers or letters used for the identification of messages or radio transmission equipment.

(2) The use of false or incorrect radio call signals is prohibited.

(3) Radio call signs are determined in the permit for the use of radio transmission equipment.

(4) The Minister of Transport and Communications shall establish the procedure for the creation and emission of radio call signals in accordance with the Radio Regulations annexed to the Constitution and Convention of the International Telecommunications Union.

§ 67. Incorrect or misleading messages and illegal interception of messages

(1) It is prohibited to send, by means of radio transmission equipment, inaccurate or misleading messages which may endanger the safety of aircraft, ships or vehicles on land or of natural persons, or prejudice the functioning of any rescue service.

(2) It is prohibited for third persons who are not engaged in radiocommunication to obtain and use, by means of radio transmission equipment, information concerning persons engaged in radiocommunication and information transmitted by them (hereinafter illegal interception of messages), except in the cases and pursuant to the procedure prescribed by law.

§ 68. Permits for installation of radio transmission equipment

(1) Permits for installations of radio transmission equipment are the basis for:

1) designing radio transmission equipment or radiocommunication network;

2) purchase, construction and preparation for use of the radio transmission equipment,

3) issue of permits for the use of radio transmission equipment;

4) for the issue of special licences for carriage of radio transmission equipment over the customs border of Estonia if the permit for the installation of radio transmission equipment specifies the type of the equipment.

(2) A permit for the installation of radio transmission equipment shall specify at least the following information on the radio transmission equipment:

- 1) the purpose, possibilities and conditions of use;
- 2) the technical characteristics;
- 3) the area or place of use;
- 4) method and purpose of use;
- 5) the regime of use;
- 6) the time of commencing use;
- 7) the radio frequency bands used and mandatory conditions of the use of radio frequencies, including the common use of radio frequency bands and the type of the radio transmission equipment, if necessary.

(3) One general permit for the installation of radio transmission equipment may be issued for radio transmission equipment intended for the operation in one radiocommunications network.

(4) As of the date of issue of a permit for the installation of the radio transmission equipment, the radio frequency band shall be reserved for the person to whom the permit for the installation of the radio transmission equipment is issued. A radio frequency band shall remain reserved for the holder of a permit for the installation of radio transmission equipment in the case of extension of the permit.

(5) A permit for the installation of a radio transmission equipment shall be issued with a term of up to ten years unless the applicant requests a shorter term, but for not longer than the validity of the licence.

(6) The Minister of Transport and Communications shall establish the form of the permit for installation of radio transmission equipment.

§ 69. Issue of permits for installation of radio transmission equipment

(1) An application for a permit for the installation of radio transmission equipment shall contain, in addition to information specified in subsection 19 (3) of this Act, information which is sufficient for the determination of the provisions of a permit for installation of radio transmission equipment specified in subsection 68 (2) of this Act. The permit for the installation of radio transmission equipment shall be approved by the Health Inspectorate before submission to the Estonian National Communications Board pursuant to the procedure established by the Minister Social Affairs.

(2) The Estonian National Communications Board shall decide issue of or refusal to issue a permit for the installation of radio transmission equipment, if:

- 1) within three months after submission of the application and all necessary documents as required to the Estonian National Communications Board, if the use of the radio frequency band does not need international co-ordination;
- 2) within twelve months after submission of the application and all necessary documents as required to the Estonian National Communications Board, if the use of the radio frequency band needs international co-ordination.

(21) If the applicant for the permit for the installation of radio transmission equipment is an operating legal person or sole proprietor, the Estonian National Telecommunications Board shall verify, before deciding on issue of the permit, the data concerning the applicant in the register where the person is registered.

(19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

(3) The issue of a permit for the installation of radio transmission equipment may be refused, in addition to the grounds provided for in § 20 of this Act, if the planned use of the radio transmission equipment is not in accordance with Estonian radio frequency plan, or if it does not ensure effective use of the radio frequency band.

(4) In addition to the provisions of subsection (3) of this section, the issue of a permit for the installation of radio transmission equipment may be refused if the equipment is planned to be used in the area of the Estonian National Communications Board containing fixed equipment used for the purposes of technical supervision.

(19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

(5) The Minister of Transport and Communications shall establish the requirements for determining areas specified in subsection (4) of this section.

§ 70. Amendment of conditions of permits for installation of radio transmission equipment

(1) The Estonian National Communications Board may amend the conditions of a permit for the installation of radio transmission equipment in addition to the grounds specified in subsection 22 (1) of this Act if:

- 1) the Estonian radio frequency allocation plan is amended;
- 2) the use of radio frequency bands is to be changed based on international agreements;
- 3) if the use of radio frequency bands is ineffective;
- 4) the use radio transmission equipment causes radio interference and is due from the incorrect conditions of the permit for the installation of radio transmission equipment;
- 5) the use of radio frequency bands is to be changed based on changes in established standards and telecommunications technology.

(2) The Estonian National Telecommunications Board shall send, by post or electronic means, a reasoned notice to the holder of the permit concerning its intention to amend the conditions of a permit for the installation of radio transmission equipment at least four months prior to making a decision on amendment of conditions if the conditions are amended on the bases provided for in subsection 22 (1) of this section, and at least two years prior to making such decision if the conditions are amended on the bases provided for in clauses (1) 1)-3) and 5) of this section, and at least one month prior to making such decision if the conditions are amended on the bases provided for in clauses (4) 1) of this section.

(19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

(3) Upon the amendment of a permit for the installation of radio transmission equipment on the basis provided for in subsection (1) of this section, except in the case specified in clause 4) thereto, the Estonian National Communications Board shall allow the holder of the permit to submit the holder's opinion with regard to the planned amendments in writing within one month after the receipt of a notice.

The Estonian National Communications Board shall review an opinion received in a timely manner and shall communicate, by post or electronic means, its decision on the presented opinions and amendment of conditions to the holder of the permit within two months.

(19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

(4) Upon the amendment of a permit for the use of radio transmission equipment on the basis provided for in clause (1) 4) of this section, the Estonian National Communications Board shall issue the permit for the use of radio transmission equipment including amended conditions as soon as possible but not later than within the term specified in subsection 69 (2) of this Act. Costs relating to the fulfilment of new conditions for the installation of radio transmission equipment and directly caused by changes in the use of radio frequency bands shall be reimbursed to the holder of the permit by the state through the Estonian National Communications Board pursuant to the procedure established by the Minister of Transport and Communication.

§ 71. Revocation of permits for installation of radio transmission equipment

(1) The Estonian National Communications Board may revoke a permit for the installation of radio transmission equipment in addition to the bases and pursuant to the procedure provided for in §§ 17 and 23 if:

- 1) the further validity of the permit for the installation of radio transmission equipment is not possible due to the reason specified in subsection 70 (1) of this Act;
- 2) the person who has been issued the permit for the installation of radio transmission equipment fails to pay the state fee established for the reservation of a radio frequency band for use within three months after the due date specified by law;
- 3) radio transmission equipment has become a hazard to the health or the environment;
- 4) permit for use of radio transmission equipment is revoked.

(2) As of the date of revocation of a permit for the installation of radio transmission equipment, the reservation of the corresponding radio frequency band for use shall also be revoked.

(3) The decision of the Estonian National Communications Board revoking a permit for the installation of radio transmission equipment shall be communicated to the holder of the permit by post or electronic means not less than ten days prior to the entry into force of the decision.

(19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

§ 72. Guarantee against interference

(1) For the purposes of this Act, interference control guarantee is a set of technical

requirements which ensures a person with the possibility to receive certain radio signals with concrete radio receiving equipment without interference if the conditions which are the basis for the guarantee have been met.

(2) Interference control guarantees shall determine at least the following information concerning the radio receiving equipment used by a person:

- 1) the technical characteristics;
- 2) the area or place of use;
- 3) method and purpose of use;
- 4) the regime of use;
- 5) the radio frequency band used;
- 6) conditions for the use of a radio frequency;
- 7) the type of the radio receiving equipment, if necessary.

(3) The Estonian National Communications Board shall issue, extend and amend the conditions of the interference control guarantee and shall revoke the interference control guarantee on the similar bases, conditions and procedure as established for the permit for installation for radio transmission equipment.

§ 73. Permits for use of radio transmission equipment

(1) A permit for the use of radio transmission equipment grants a person the right to use a radio transmission equipment for radio communication.

(2) A permit for the use of a radio transmission equipment shall specify at least the following information on the radio transmission equipment:

- 1) the type of a radio transmission equipment corresponding to the conditions of the permit for the installation of the radio transmission equipment;
- 2) the technical characteristics;
- 3) the area or place of use;
- 4) method and purpose of use;
- 5) the regime of use;
- 6) the conditions for the used radio frequency band and the use of radio transmission equipment;
- 7) radio call sign, if necessary.

(3) A joint permit for the use of radio transmission equipment is issued for radio

transmission equipment operating in the radiocommunications network for use by one person under the joint permit for the installation of the radio transmission equipment, and such permit shall specify the information concerning every radio transmission equipment.

(4) Permits for the use of radio transmission equipment on board of watercraft or aircraft shall be issued as radio permits for watercraft or aircraft. Such radio permits shall include all radio transmission equipment permitted to be used on board of a vehicle.

§ 74. Issue and extension of permits for use of radio transmission equipment

(1) Persons who have complied or comply with the conditions of a permit for the installation of radio transmission equipment issued to the person may apply for a permit for the use of radio transmission equipment.

(2) An application for a permit for the use of radio transmission equipment shall include information concerning all conditions of the permit for the installation of the radio transmission equipment and concerning installed radio transmission equipment, and the installation design of the radio transmission equipment shall be annexed.

(3) An application for a radio permit of water or aircraft specified in subsection 73 (4) of this Act shall contain, in addition to the information specified in subsection 19 (3) of this Act, information which is necessary for the determination of the conditions specified in subsection 73 (2) of this Act.

(4) The Estonian National Communications Board shall organise within twenty days after receipt of the application for the permit of use of radio transmission equipment the initial inspection of a fixed radio transmission equipment or one radio transmission equipment of each class of nonfixed radio transmission equipment; upon the inspection, the conformity of the radio transmission equipment with the conditions of the permit for the installation of such radio transmission equipment shall be examined and the actual technical specifications shall be measured and determined. The equipment specified in subsection 73 (4) of this Act is not subjected to initial inspection.

(41) If the applicant for a radio permit of water or aircraft specified in subsections subsection 73 (4) of this section is an operating legal person or sole proprietor, the Estonian National Telecommunications Board shall verify, before deciding on issue of the radio permit, the data concerning the applicant in the register where the person is registered.

(19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

(5) The Estonian National Communications Board shall decide the issue of a permit for the use of radio transmission equipment to the person who submitted the application within one month after the submission of the correctly completed application and all necessary documents to the Estonian National Communications Board and elimination of violations discovered during the initial inspection.

(6) The issue of permits for use of radio transmission equipment may be refused in addition to the provision of § 20 of this Act if:

1) the radio transmission equipment or the use thereof does not conform with the conditions of the permit for the installation of the radio transmission equipment;

2) the radio transmission equipment does not conform with the requirements of an Act or

egislation established on the basis thereof;

3) the occurrence or creation of radio interference is possible;

4) the state fee for the issue of the permit for the installation of the radio transmission equipment has not been paid, or

5) compliance with the health protection requirements is not ensured.

(7) A permit for the use of radio transmission equipment is issued for one year or for the term specified by the permit for the installation of the radio transmission equipment if this term is less than one year.

(8) If a new permit for the use of radio transmission equipment is issued during the validity of an earlier issued permit for installation and under the same conditions, the initial inspection provided for in subsection (4) of this section is not performed.

(9) A permit for the use of radio transmission equipment is extended for one year at a time in accordance with § 21 of this Act.

(10) The Minister of Transport and Communications shall establish the procedure for initial inspection specified in subsection (4) of this section.

§ 75. Amendment of conditions of permits for use of radio transmission equipment

(1) The conditions of permits for the use of radio transmission equipment shall be amended pursuant to the procedure specified in § 70 of this Act and during the terms specified in subsection 69 (2) of this Act together with amendment of the conditions of the permit for the installation of radio transmission equipment if the amendment is objectively justified pursuant to the provisions of subsection 70 (1) of this Act.

(2) The Estonian National Communications Board shall organise the initial inspection of a radio transmission equipment within twenty days after the entry into force of the amendments of the conditions of the permit for the use of the radio transmission equipment pursuant to the procedure provided for in subsection 74 (4) of this Act.

§ 76. Suspension of permits for use of radio transmission equipment

(1) The Estonian National Communications Board shall suspend the permit for use of radio transmission equipment if:

1) the conditions determined by the permit for the use of the radio transmission equipment are not complied with in the use of the radio transmission equipment;

2) the person who has been issued a permit for the use of the radio transmission equipment fails to pay the state fee in time and in full;

3) the use of the radio transmission equipment causes radio interference, or

4) the use of the radio transmission equipment causes danger to human health.

(2) The Estonian National Communications Board shall communicate, by post or electronic means, the suspension of the use of radio transmission equipment on the basis specified in

clause (1) 2) of this section to the user of the radio transmission equipment ten days before the entry into force of the decision on the suspension of the use unless otherwise provided by law.

(19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

(3) The Estonian National Communications Board shall organise initial inspection of radio transmission equipment pursuant to the procedure provided for in subsection 74 (4) of this Act within twenty days after the grounds for suspension of the permit for the use of the radio transmission equipment specified in clause (1) 1) or 3) of this section cease to exist.

(4) The Director General shall decide on permitting continuation of the use of radio transmission equipment or refusal to permit continuation of use within five days after receipt of the results of the inspection specified in subsection (3) of this section.

(5) Upon the expiry of a permit for the use of radio transmission equipment the Estonian National Communications Board shall refuse to extend the permit if the use of the permit has been suspended and the grounds for suspension have not been eliminated at least one month before the validity of the permit expires.

§ 77. Revocation of permits for use of radio transmission equipment

(1) The Estonian National Communications Board may revoke a permit for the use of radio transmission equipment in addition to the grounds for revocation provided for in §§ 17 and 23 of this Act if the permit for the installation of the radio transmission equipment has been revoked or if the user of the radio transmission equipment fails to eliminate the grounds for the revocation of the permit during the term of the permit after the suspension of the use of the radio transmission equipment.

(2) A permit for the installation of radio transmission equipment shall be revoked upon revocation of the permit for the use of the radio transmission equipment if the permit for installation has not already been revoked.

§ 78. Carriage of radio transmission equipment over the customs border of Estonia

(1) Carriage of radio transmission equipment over the customs border of Estonia shall be effected on the basis of a special licence. Special licence is not necessary for radio equipment on board of watercraft or aircraft entering into the territory of Estonia and which has been registered in the radio permit of the watercraft or aircraft.

(2) The Estonian National Communications Board shall issue special licence for the carriage of radio transmission equipment over the customs border of Estonia. A special licence shall be issued on the working day following the date of submission of a corresponding application if the equipment has received approval of its conformity with the requirements of telecommunications network terminal equipment pursuant to § 57 of this Act and has been marked pursuant to the procedure provided for in § 58 of this Act.

(3) The special licence for carriage of radio transmission equipment over the customs border of Estonia is single and is valid for thirty days after the issue thereof.

(4) The special licence for the carriage of radio transmission equipment over the customs border of Estonia shall be presented to the customs authorities upon entry into the customs territory of Estonia.

(5) The Minister of Transport and Communications shall establish a list of the radio transmission equipment which do need a special licence for their importation into the customs territory of Estonia.

§ 79. Causing radio interference

(1) It is prohibited to cause interference which prejudices the operation of the radio navigation service or other safety systems, or distorts, interrupts or prevents other legitimate radiocommunication (radio interference).

(2) A person who becomes aware of the fact that, as a result of his or her action or inaction, radio interference is caused is required to take all measures available as soon as possible to eliminate the interference.

(3) The Estonian National Communications Board shall suspend or restrict the use of equipment causing radio interference if it is necessary for the elimination of the causing of radio interference. In a situation where it is necessary to immediately suspend or restrict the use of an equipment which causes radio interference, an official of the Estonian National Communications Board authorised to exercise supervision shall make a precept to that effect.

(4) If radio interference is caused by non-conformity of radio receiving equipment with the established requirements, the possessor of the radio receiving equipment shall eliminate the cause of radio interference.

(5) The officials of the Estonian National Communications Board who are authorised to exercise supervision have the right, in order to prevent violation of law, to enter the premises, territory, production area and other objects of the person who causes radio interference, and to eliminate the radio interference caused to international radio channels or radio navigation services which are intended for notifying of accidents. In order to eliminate such interference, the official of the Estonian National Communications Board authorised to exercise supervision has the right to switch off electrical and radio equipment which cause interference.

(6) The Minister of Transport and Communications has the right to establish general requirements the compliance with which prevents the occurrence or creation of technical conditions for causing radio interference.

§ 80. Amateur radiocommunication

(1) Amateur radiocommunications which involves radio amateurs and the purpose of which is to carry out communications for non-profit making purposes (amateur radiocommunications) may only be used for the transmission of information directly relating to the purpose of amateur radiocommunications and information which is directly related to a threat to the human life or prevention of an accident or elimination of the consequences of accidents.

(2) Amateur radiocommunications shall not be used for broadcasting.

(3) The procedure for the issue of operating licences for, registration, installation and use of amateur radio stations shall be established by the Minister of Transport and Communications.

(4) The Minister of Transport and Communications shall establish qualifications requirements for radio amateurs and the procedure for awarding or recognising the award of qualifications of radio amateurs.

§ 81. Competence of Estonian National Communications Board in organisation of radiocommunication

(1) The Estonian National Communications Board has the following duties with respect to radiocommunication:

- 1) to arrange for the efficient and purposeful use of radio frequencies;
- 2) to arrange for the preparation and implementation of the Estonian radio frequency allocation plan;
- 3) to plan and co-ordinate the use of radio frequencies;
- 4) to issue permits for the installation and use of radio transmission equipment, and interference control guarantees, and to organise supervision over the use of radio transmission equipment, and to define the radio call signs;
- 5) to approve the conformity of terminal equipment used in radio frequency bands with the requirements of use for radio frequency bands;
- 6) to organise the issue of special licences for the carriage of radio transmission equipment over the customs border of Estonia;
- 7) to investigate the reasons for radio interference and take measures for elimination thereof;
- 8) to take measures for the termination of unauthorised radiocommunication;
- 9) to organise the registration of the use of radio transmission equipment and radio frequencies in the state register of telecommunications systems.

(2) For the performance of the duties set out in subsection (1) of this section, the Estonian National Communications Board has the right to:

- 1) to inspect the legality of use of each radio transmission equipment and the technical condition of radio frequency equipment for specific purposes;
- 2) to request from a person using radio equipment or radio frequency equipment for specific purposes immediate access to the radio transmission equipment or radio frequency equipment for specific purposes, the possibility to inspect the technical condition thereof and the submission of documents certifying the legality of use of the radio transmission equipment;
- 3) to demand from a person who has been granted an individual permit for the use of radio transmission equipment the implementation, at the person's expense, of such technical solutions which allow the measurement and inspection of the conformity of the technical specifications of the radio transmission equipment with the obligatory technical specifications set out in the permit for the use of the radio transmission equipment;

4) to demand immediate suspension or termination of the use of an equipment which causes radio interference;

5) the right to use the equipment of technical supervision which register the occurrence of radiocommunication.

Chapter 11. Number Series, Identification Codes and Short Codes ➡

§ 82. Estonian Numbering Plan

(1) The Estonian numbering plan provides, in accordance with the international requirements, the general manner, purpose and regime of using number series, identification codes and short codes for the telecommunications in Estonia.

(2) The Estonian numbering plan shall determine the location of number series, identification codes and short codes necessary for the provision of telecommunications services in the joint numbering area.

(3) Identification codes are:

1) the international code of the telecommunications network which identifies an international exchange in the exchange of technical signals (International Signalling Point Code);

2) the international code of the telecommunications network which identifies a national exchange in the exchange of technical signals (International Signalling Point Code);

3) mobile telephone network code which identifies the mobile exchange in the national telecommunications network (Mobile Network Code);

4) the code of a telecommunications service provider which is used in the provision of telecommunications services and accounting (Issuer Identifier Number).

(4) The Estonian numbering plan does not regulate the use of world-wide and internal addresses of international data communication networks.

(5) The Minister of Transport and Communications shall approve the Estonian numbering plan and amendments thereto. The Estonian National Communications Board shall propose to the Minister of Transport and Communications to review and, if necessary, amend Estonian numbering plan at least once a year.

§ 83. Requirements for number series, identification codes and short codes

(1) The Minister of Transport and Communications shall establish the requirements for the way of and procedure for use of number series, identification codes and short codes for telecommunications purposes.

(2) The requirements specified in subsection (1) of this section may be amended:

1) to make the requirements to conform with the international agreements, or

2) to make the number series, identification code or short code to conform with the

development of telecommunications technology.

(3) The period between publication of the amendment of the requirements specified in subsection (1) of this section and entry into force of such amendments shall be at least two years.

§ 84. Reservation of number series, identification codes or short codes

(1) A corresponding application shall be submitted to the Estonian National Communications Board for the reservation of number series, identification codes and short codes.

(2) An application for the reservation of a number series, identification code or short code shall, in addition to the provisions of subsections 19 (1) and (2) of this Act, contain information which is necessary for the reservation of the number series, identification code or short code.

(3) The Estonian National Communications Board shall reserve the number series, identification code or short code for the person who submitted the application:

1) within three months after submission of the application and all necessary documents as required to the Estonian National Communications Board, if the number series, identification code or short code is vacant and the use thereof does not need co-ordination with international organisations;

2) within twelve months after submission of the application and all necessary documents as required, if co-ordination with international organisations is necessary.

(31) If the applicant for the reservation of the number series, identification code or short code is an operating legal person or sole proprietor, the Estonian National Telecommunications Board shall verify, before deciding on reservation, the data concerning the applicant in the register where the person is registered.

(19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

(4) The reservation of a number series, identification code or short code may be refused in addition to provisions of § 20 of this Act if:

1) the number series, identification code or short code has been reserved for another person:

2) the number series, identification code or short code has been reserved for other purposes by international agreements;

3) the planned use does not conform with the Estonian numbering plan, or

4) the applicant fails to ensure effective use of the number series, identification code or short code.

(5) A number series, identification code or short code shall be reserved for a term of up to ten years unless the applicant requests a shorter term, but for not longer than the period of validity of the licence.

(6) The Minister of Transport and Communications shall establish the procedure for the reservation and use of number series, identification codes and short codes.

§ 85. Amendment and revocation of number series, identification code and short code reservations

(1) The Estonian National Communications Board may, in addition to the grounds specified in § 22 of this Act, change number series, identification codes and short codes if:

1) the Estonian numbering plan has been amended or

2) the use of number series or short codes is not efficient.

(2) The Estonian National Communications Board shall notify the corresponding person of amendment of the reservation of the number series, identification codes and short codes two years in advance.

(3) The Estonian National Communications Board shall revoke the reservation of a number series, identification code or short code if:

1) the use of the number series, identification code and short code has not commenced within one year after the reservation and the Estonian National Communications Board has not received documents certifying commencement of use of the reserved number series, identification code or short code within the next twelve months;

2) the use of the number series, identification code or short code is not in compliance with the Estonian numbering plan, or

3) the person for whom the number series, identification code or short code has been reserved submits an application concerning refusal to commence use thereof.

§ 86. Permit for use of number series, identification codes or short codes

(1) A permit for the use of a number series, identification code and short code shall entitle the telecommunications network operator or telecommunications service provider to use such number series, identification code and short code for the purposes of telecommunications and to organise such use.

(2) Permits for use of number series, identification codes or short codes shall set out at least the following:

1) the allocated number series, identification codes or short codes;

2) the mandatory conditions, aim, manner and purpose of the use of the number series, identification codes or short codes;

3) the requirements provided for in subsection 31 (3) of this Act.

§ 87. Issue and extension of permits for use of number series, identification codes or short codes

(1) A permit for the use of number series, identification codes or short codes shall be issued

within ten days after the reservation of the corresponding number series, identification codes or short codes or amendment of the conditions of the reservation.

(2) A permit for the use of number series, identification codes or short codes shall be issued for a term of one year.

(3) A permit for the use of number series, identification codes or short codes is extended for one year at a time in accordance with § 21 of this Act but for not longer than the period of reservation of the number series, identification code or short code.

(4) The issue of a permit for the use of a number series, identification code or short code may be refused on the grounds provided for in § 20 of this Act.

§ 88. Suspension and revocation of permits for use of number series, identification codes or short codes

(1) The Estonian National Communications Board may suspend the permit for the use of a number series, identification code or short code if the holder of the permit fails to comply with the conditions provided for in legislation or the permit.

(19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

(2) The decision of the Estonian National Communications Board suspending a permit for the use of a number series, identification code or short code shall be communicated to the holder of the permit by post or electronic means not less than ten days prior to the entry into force of the decision on suspension of permit.

(19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

(3) Upon the expiry of a permit for the use of a number series, identification code or short code, the Estonian National Communications Board shall refuse to extend the permit if the use of the permit has been suspended and the grounds for suspension have not been eliminated at least one month before the validity of the permit expires.

(4) The Estonian National Communications Board shall revoke the authorisation to use a number series, identification code or short code if the reservation of the number series, identification code or short code has been revoked.

§ 89. Competence of Estonian National Communications Board in organisation of use of number series, identification codes and short codes

The Estonian National Communications Board shall, in the organisation of the use of number series, identification codes and short codes:

1) observe the obligations assumed by Estonia by international agreements and the tendencies in the use of number series, identification codes and short codes and take into account the needs for the use of number series, identification codes and short codes in Estonia upon preparing the Estonian numbering plan and plans for granting number series, identification codes and short codes for use by undertakings and making amendments to such plans;

2) inform corresponding international organisations involved in the regulation of the particular area of Estonia's plans for the use of number series, identification codes and

short codes;

3) provide persons providing public telecommunications services with appropriate number series, identification codes and short codes;

4) observe compliance with the Estonian numbering plan;

5) inform undertakings of developments and amendments to the use of number series, identification codes and short codes for telecommunication.

Chapter 12. Line Facilities ➔

§ 90. Planning, designing, construction and maintenance of line facilities

(1) Line facilities are planned under the conditions and pursuant to the procedure provided for in the Planning Act. Line facilities are built under the conditions and pursuant to the procedure provided for in the Building Act.

(15.05.2002 entered into force 01.01.2003 - RT I 2002, 47, 297)

(2) Upon the designing and construction of a line facility, it is prohibited to establish a parallel line facility to an existing installation, except if the capacity of the existing line facility is exhausted and it is technically not possible to expand the line facility until the necessary capacity is reached or, for technical reasons, its use is not possible in the desired manner.

§ 91. Obligation to grant line facility for use

(1) The public telecommunications network operator with significant market power which owns a line facility shall allow another operator of a public telecommunications network to use the capacity of the line facility which is not exhausted or is not planned to be exhausted within the nearest three years, or shall allow to expand the facility to the necessary capacity and shall disclose information concerning the location and possibilities of use of its line facility.

(2) In order to enter into a contract for the use or expansion of a line facility, a telecommunications network operator shall file a corresponding application with the telecommunications network operator who owns the line facility. A public telecommunications network operator with significant market power who owns the line facility shall give a written explanation to the applicant within one month concerning the possibility of use of the line facility.

(3) A public telecommunications network operator with significant market power which owns a line facility may refuse to grant the line facility for use by another person if:

1) the line facility have no available capacity to the requested extent;

2) the cable contained in the line facility would be damaged if additional cable is installed;

3) the line facility cannot be expanded for technical reasons;

4) the electromagnetic compatibility is not ensured.

(4) A public telecommunications network operator with significant market power which owns a line facility shall grant equal treatment for all users of the line facility and shall ensure that the same conditions apply under the same circumstances of use of the line facility. The conditions and requirements for the use of a line facility by other persons shall be the same as the public telecommunications network operator with significant market power owning the line facility applies to itself and to the parent company and subsidiaries.

(5) The charge levied for the use of line facility shall be proportionate to the costs in the building and maintenance of the line facility by the public telecommunications network operator with significant market power who owns the line facility.

(6) A public telecommunications network operator with significant market power which owns a line facility shall not impose restrictive conditions on persons requesting the use of the line facility concerning the objective, purpose and manner of using radio equipment or telecommunications cables installed in the line facility.

(7) A public telecommunications network operator with significant market power who owns a line facility shall allow the Estonian National Communications Board and any person entitled to operate a public telecommunications network to examine the contracts for the use of the line facilities, free of charge.

§ 92. Resolution of disputes arising in use of line facilities

(1) A person applying for the use of a line facility or a person who has entered into a contract for the use of a line facility who finds that the person is not being granted the use of the line facility to the requested extent or that unfair charges are being levied for the use of the line facility or other discriminatory claims are made may file a complaint with the Estonian National Communications Board on the activities of the public telecommunications network operator with significant market power.

(2) The Estonian National Communications Board shall notify the telecommunications network operator with significant market power within ten days of the filing of the complaint specified in subsection (1) of this section and shall demand an explanation from the operator, if necessary, on the circumstances which are the bases for the complaint.

(3) The Estonian National Communications Board shall undertake all measures for the conciliation of the parties within three months after the filing of the complaint.

(4) Upon satisfying the complaint, the Estonian National Communications Board shall issue a precept to the public telecommunications network operator with significant market power to stop the violation.

§ 93. Protective zone of line facility

(1) For the purposes of this Act, the protective zone of a line facility means an area which is determined from the central line of the line facility and the conceptual line parallel to the line facility situated on both sides of the central line at a defined distance, or from the central point of a radio mast and a conceptual circle line with a defined diameter, and where any activity which may prejudice the line facility is permitted pursuant to the procedure and under the conditions provided for in § 95 of this Act.

(2) The measurements of the protective zone of line facilities specified in subsection (1) of this section are:

1) on land – two metres from the central line of the line facility or, in case of radio mast, the radius thereof on land in metres equivalent to its height;

2) on internal bodies of water – 100 metres;

3) at sea, 0.25 nautical miles.

§ 94. Marking of line facilities

(1) In order to facilitate determination of the location of a line facility, the owner of the line facility shall mark the location thereof pursuant to the Planning and Building Act and Law of Property Act.

(2) Incorrect marking of the line facility shall not release the person operating in the protective zone of the line facility from liability.

§ 95. Organisation of activities in protective zone of line facility

(1) Without the permission of the owner of a line facility, any activity which may prejudice the line facility is prohibited in the protective zone of the line facility.

(2) The owner of a line facility has the right to demand that a person operating in the protective zone of the line facility operate under the direct supervision of a representative authorised by the owner and demand, in the organisation of the activities, implementation of measures and operation in a manner to prevent damage to or injury of the line facility.

(3) The requirements specified in subsection (2) of this section shall be formalised in writing and signed by the person making such requirements and the person who performs the work.

(4) If a person operating in the protective zone of a line facility finds that the requirements made by the owner of the line facility pursuant to the provisions of subsection (2) of this section are unjustified, the person has the right to present his or her diverging written opinion to the person making the requirements and operate in a manner and implement such measures which, in the opinion of the person, prevent damage to or injury of the line facility.

(5) A person liquidating an accident in the protective zone of a line facility has the right to demand that the owner of the line facility send a representative of the owner to the site within two hours in order to liquidate the accident.

(6) If the owner of a line facility refuses to send an authorised representative of the owner to the site or fails to send a representative of the owner to the site within two hours, the person liquidating the accident has the right to commence liquidation of the accident but shall organise the activity such that damage to or injury of the line facility would be prevented.

(7) A person operating in the protective zone of a line facility shall bear all costs of implementing measures necessary for the protection of the line facility due to the person's activities in the protective zone of the line facility.

(8) The obligation to cut branches of trees growing in the protective zone of the line facility rests with the land owner on whose land the trees grow. All costs relating thereto shall be borne by the owner of the line facility unless the owner of the line facility of the land owner

have agreed otherwise.

(9) If a land owner fails to perform the obligation established in subsection (8) of this section and does not perform the obligation within three months after the owner of the line facility has submitted a corresponding written request, the owner of the line facility has the right to perform the obligation.

(10) Costs relating to the liquidation of damage to or injury of line facility shall be borne by the person who caused the damage or injury.

(11) A person who operates in the protective zone of a line facility without the permission of the owner of the line facility or has exercised the right provided for in subsection (4) of this section, and if his or her activities result in damage to or injury of the line facility, the person shall compensate for all costs relating to the liquidation of damage to or injury of the line facility.

(12) The Minister of Transport and Communications shall establish technical rules for the operation in the protective zone of a line facility which shall specify the technical measures applied for the protection of the line facility and the requirements for marking the line facility.

Chapter 13. State Organisation of Telecommunications Sector ➔

§ 96. Co-operation of Estonian National Communications Board with international and other organisations

(1) The Estonian National Communications Board shall organise performance of the obligations assumed by the Republic of Estonia by international agreements in the field of telecommunications.

(2) The Estonian National Communications Board shall submit the Estonian telecommunications standard within the meaning of the Technical Regulations and Standards Act (RT I 1999, 29, 398; 2000, 29, 169; 78, 495; 2002, 32, 186; 99, 580) to the Estonian national standards body for approval.

(26.09.2000 entered into force 13.10.2000 - RT I 2000, 78, 495)

(3) The Estonian National Communications Board shall represent Estonia in international telecommunications organisations and relevant standards organisations.

§ 97. Specifications of organisation of work of officials of Estonian National Communications Board exercising state supervision

(1) The officials of the Estonian National Communications Board exercising or organising supervision shall be available at agreed times and places in order to perform urgent supervision activities, also during the rest time (on-call time)

(2) For the purposes of this Act, on-call time is the time during which an official exercising or organising supervision shall be available for the performance of urgent supervision activities during the rest time.

(3) Officials of the Estonian National Communications Board exercising or organising supervision may be required to have up to 150 hours of on-call time which shall be

remunerated by additional remuneration of ten per cent of the hourly wage rate of the official.

§ 98. Precepts

(1) The Director General of the Estonian National Communications Board, or his or her deputy and an authorised official of the Estonian National Communications Board exercising supervision has the right to make mandatory precepts for elimination of violations or performance of certain acts if upon exercise of supervision violations of this Act, other legislation or the conditions of technical authorisations have been discovered.

(19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

(2) The precept of the Estonian National Communications Board shall set out the following:

- 1) the time and place of its preparation;
- 2) the address of the Estonian National Communications Board;
- 3) the title, given name and surname of the official who prepared the precept;
- 4) the person to whom the precept is addressed;
- 5) the circumstances of the making of the precept;
- 6) the provisions which prescribe liability for the offence;
- 7) the order to stop the offence;
- 8) the term for compliance with the precept;

(3) An precept shall be delivered to a person or the representative of the person on signature at a specified date an time or shall be sent by post with advice of delivery.

(4) Upon implementation of precepts, undertakings with significant market power are not required to comply with the notification requirement provided for in subsections 54 (1) and (2) of this Act.

(13.02.2001 entered into force 07.03.2001 - RT I 2001, 23, 125)

§ 99. Obligation to provide information to Estonian National Communications Board

(1) Each undertaking which operates a telecommunications network or provides telecommunications service or is involved in such activities shall provide information and documents necessary for the performance of the duties and obligations under this Act to the Estonian National Communications Board, except information on the content of messages or data concerning the users of the telecommunication service.

(2) The Estonian National Communications Board shall submit the request for information or documents in writing and shall specify the term for submission of the information or documents which shall not be less than ten days.

(19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

(3) Within one month, a telecommunications network operator or telecommunications service provider is required to notify the Estonian National Communications Board in writing or by electronic means of any changes in the information pertaining to the operator or service provider as compared to the information communicated to the Estonian National Communications Board by the operator or service provider pursuant to law, and also of any changes in the registry data of the register where the legal person or sole proprietor is registered.

(19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

(4) Officials of the Estonian National Communications Board are required to maintain state or business secrets which has become known to them in the course of performing their duties and have the right to use such information only to perform their duties.

§ 100. Review of complaints

(1) Every person may file a complaint with the Estonian National Communications Board concerning the activities of the telecommunications network operator or telecommunications service provider which are contrary to law.

(2) The Estonian National Communications Board shall review the complaint specified in subsection (1) of this section and, within two months after receipt thereof, make a decision with regard to the complaint, unless other term is specified by law.

(3) The Estonian National Communications Board may request the person filing the complaint and the person with regard to whose activities the complaint is filed to submit additional information which is necessary for making a decision specified in subsection (2) of this section, and to request expert assessment. The term specified in subsection (2) of this section shall stop as of the submission of a corresponding request by the Director General of the Estonian National Communications Board until the submission of requested additional information or receipt of the results of expert assessment but for no longer than four months.

(4) The Estonian National Communications Board shall immediately communicate an extract of the directive of the Director General of the Estonian National Communications Board issued concerning the complaint specified in subsection (1) of this section to the person filing the complaint and to the person with regard to whose activities the complaint is filed.

§ 101. State register of telecommunications systems

(1) The state register of telecommunications systems shall be established and the statutes of the register shall be approved by the Government of the Republic pursuant to the Databases act (RT I 1997, 28, 423; 1998, 36/37, 552; 1999, 10, 155; 2000, 50, 317; 57, 373; 92, 597; 2001, 7, 17; 17, 77; 24, 133; 2002, 61, 375; 63, 387; 2003, 18, 107).

(2) The chief processor of the register of telecommunications systems is the Estonian National Communications Board.

(3) The following information shall be entered in the state register of telecommunications systems:

- 1) information concerning on registered notices on commencement of activities, issued licences and technical authorisations;
- 2) information concerning on conformity of supplied terminal equipment:
- 3) information on certificates of terminal equipment issued by the approved body;
- 4) information concerning on guarantee against interference;
- 5) information on the issue of radio amateur qualifications.

§ 102. Supervisory control over Estonian National Communications Board

Supervisory control over the Estonian National Communications Board is exercised by the Minister of Transport and Communications pursuant to the procedure established in the Government of the Republic Act (RT I 1995, 94, 1628; 1996, 49, 953; 88, 1560; 1997, 29, 447; 40, 622; 52, 833; 73, 1200; 81, 1361; 1362; 87, 1468; 1998, 28, 356; 36/37, 552; 40, 614; 71, 1201; 107, 1762; 111, 1833; 1999, 10, 155; 16, 271; 274; 27, 391; 29, 398; 401; 58, 608; 95, 843; 845; 2000, 49, 302; 51, 319; 320; 54, 352; 58, 378; 95, 613; 102, 677; 2001, 7, 16; 24, 133; 52, 303; 53, 305; 59, 358; 94, 578; 100, 646; 102, 677; 2002, 13, 79; 57, 354; 87, 505; 90, 520; 96, 563; 2003, 4, 22; 21, 122). Supervisory control shall not restrict the independence of the Estonian National Communications Board upon performance of the duties pursuant to this Act.

Chapter 14. Liability ➔

§ 102.1. Illegal installation and use of radio transmission equipment

(1) Installation or use of a radio transmission equipment without technical authorisation, or violation of the conditions of a permit for installation or use of a radio transmission equipment is punishable by a fine of 200 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 50 000 kroons.

(19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

§ 102.2. Illegal use of number series, identification codes or short codes

(1) Use of a number series, an identification code or a short code without technical authorisation, or violation of the conditions of a permit for use of a number series, an identification code or a short code is punishable by a fine of 200 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 50 000 kroons.

(19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

§ 102.3. Violation of requirements established for terminal units of telecommunication network and radio frequency equipment for special purposes

(1) Supply or use of non-conforming terminal units of telecommunication network, failure to comply with the requirements established for radio frequency equipment for special purposes, or supply or use of non-conforming radio frequency equipment for special purposes is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 40 000 kroons.

(19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

§ 102.4. Violation of requirements for grant of access to public telecommunications network

Failure, by a public telecommunications or mobile telephone network operator or a provider of leased line services with significant market power to grant access to a provider of telecommunication services to its telecommunications network is punishable by a fine of up to 50 000 kroons.

(19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

§ 102.5. Violation of requirement for provision of public telecommunication services

(1) Refusal to provide public telecommunication services without legal reason, or illegal restriction, suspension or unsatisfactory provision of public telecommunication services to consumers is punishable by a fine of up to 200 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 50 000 kroons.

(19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

§ 102.6. Violation of requirements for universal service

A fine of up to 50 000 kroons shall be imposed on a legal person for violation of the requirements for provision of universal services.

(19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

§ 102.7. Illegal connection of equipment or line to telecommunication network

(1) Connection with a telecommunications network of a non-conforming telecommunications network terminal unit or equipment or a line not prescribed for connection with a telecommunications network, or unauthorised connection of a telecommunications network terminal unit with a telecommunications network is punishable by a fine of up to 200 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 30 000 kroons.

(19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

§ 102.8. Causing radio interference

(1) Causing of radio interference which prejudices the operation of the radio navigation service or other safety systems, or distorts, interrupts or prevents other legitimate radiocommunication is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 50 000 kroons.

(19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

§ 102.9. Use of incorrect or inaccurate radio call sign

(1) Use of incorrect or inaccurate radio call sign is punishable by a fine of up to 50 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 20 000 kroons.

(19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

§ 102.10. Interference with operation of public telecommunication networks or line facilities and causing damage thereto

(1) Any activity resulting in an interference in the operation of a public telecommunication network, or a damage thereto or to a line facility is punishable by a fine of up to 200 fine units.

(19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

§ 102.11. Refusal to enable use of terminal equipment for forwarding emergency message

(1) Refusal to enable use of terminal equipment in order to call the police, ambulance or rescue service, or refusal to forward a corresponding message is punishable by a fine of up to 100 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 30 000 kroons.

(19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

§ 102.12. Violation of obligation to provide information to surveillance authorities or the obligation to enable access by surveillance authorities to telecommunications network

(1) Violation of the obligation to provide information to surveillance authorities or the obligation to enable access by surveillance authorities to telecommunications network is punishable by a fine of up to 200 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 30 000 kroons.

(19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

§ 102.13. Procedure

(1) The provisions of the General Part of the Penal Code (RT I 2001, 61, 364; 2002, 44, 284; 56, 350; 2002, 86, 504; 105, 612; 2003, 4, 22) and of the Code of Misdemeanour Procedure (RT I 2002, 50, 313; 110, 654) apply to the misdemeanours provided for in §§ 102.1–102.12 of this Act.

(2) The Estonian National Telecommunications Board or a court may, pursuant to the provisions of § 83 of the Penal Code, apply confiscation of an object which was the direct object of the commission of a misdemeanour provided for in §§ 102.1, 102.3 or 102.8.

(3) The Estonian National Telecommunications Board shall conduct extra-judicial proceedings in matters of misdemeanours provided for in §§ 102.1–102.12 of this Act.

(4) Police prefectures and the Security Police Board shall conduct extra-judicial proceedings in the matters of the misdemeanours provided for in § 102.12 of this Act.

(19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

§ 103. (Repealed - 19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

§ 104. (Repealed - 19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

Chapter 15. Implementation of Act ➔

§ 105. Application of notification of commencement of activities and issue of licences

(1) The notification of commencement of activities and issue of licences is implemented from 1 August 2000.

(2) Telecommunications service providers and telecommunications network operators specified in subsection 9 (1) of this Act and operating before the entry into force of this Act shall submit the notice concerning registration of the commencement of activities and application for the grant of a licence to the Estonian National Communications Board pursuant to the procedure prescribed by this Act by no later than 1 September 2000.

(3) The exclusive right to provide domestic or international long-distance call telephone services may be exercised until 31 December 2000 by the undertaking who exercised such exclusive right prior to the entry into force of this Act and who registers the corresponding activity by the term provided for in subsection (2) of this section.

(4) Undertakings, telecommunications service providers and telecommunications network operators operating before the entry into force of this Act who by the time limit specified in subsection (2) of this section have submitted a corresponding application may continue their activities on the currently valid basis and pursuant to the valid procedure until the Estonian National Communications Board makes a decision on the registration of or refusal to register the activity, on the issue of or refusal to issue a licence.

§ 106. Preparation of subscription contracts and interconnection agreements

(1) Public telecommunications service providers shall ensure that the existing subscription contracts be amended to comply with the requirements of this Act within one year after the entry into force of this Act.

(2) Interconnection agreements entered into before the entry into force of this Act shall be brought into compliance with this Act by 1 May 2000.

§ 107. Implementation of obligation to retain subscriber's number

The obligation of a public telephone network operator specified in clause 31 (3) 1) of this Act to retain the number of the subscriber if the subscriber so wishes shall be implemented as of 1 January 2004.

(13.02.2001 entered into force 07.03.2001 - RT I 2001, 23, 125)

§ 108. Implementation of universal service

(1) The duty of a public telephone network operator to provide the universal service shall be implemented as of 1 January 2001.

(2) The requirements provided for in subsections 5 (1) and (3) of this Act shall be implemented as of 1 January 2001.

§ 108.1. Issue of technical licences for third generation mobile telephone networks

(1) The Communications Board issues four technical licences for third generation mobile telephone networks (Universal Mobile Telecommunication System – UMTS) with a term of ten years together with permits for installation of radio transmitting equipment providing national coverage and reservation of corresponding radio frequency channels.

(2) The issue of the licences specified in subsection (1) of this section shall be carried out in two stages:

1) a direct offer is made to the mobile telephone network operators who have operated a national second generation network (Global System for Mobile Communication – GSM) for a period of at least two years, with a single licence charge in the amount of seventy million kroons;

2) a public competition is organised for the licences remaining after the first stage at a base price of seventy million kroons per licence.

(3) The following are the conditions of a licence specified in subsection (1) of this section:

1) to launch, not later than during the seventh year after having been granted the technical licence, a third generation mobile telephone network covering at least 30 per cent of the population of Estonia which, as to its network architecture and planned services, complies with the standards set by the European standardisation bodies for third generation mobile telephone networks;

2) the network specified in clause 1) of this section shall provide a data transfer rate of at least 144 kbit/sec in cities and at least 64 kbit/sec elsewhere.

(4) Three months after making the direct offer, the Communications Board shall announce a public competition for the remaining technical licences for third generation mobile telephone networks, taking into consideration the provisions of § 19 of this Act.

(5) The procedure for making the direct offer specified in clause (2) 1) of this section shall be established by the Minister of Economic Affairs and Communications.

(6) Mobile telephone network operators who have been issued a technical licence on the basis specified in clause (2) 1) of this section shall not participate in the public competition.

(7) In the cases specified in subsection (2) of this section, the Communications Board shall issue an activity licence with a term of 10 years together with the technical licence.

(11.02.2003 entered into force 17.03.2003 - RT I 2003, 23, 136)

§ 109. Application of telecommunications service charges and additional accounting requirements

(1) An undertaking dominating the market specified in subsection 8 (9) of this Act who provides a leased line service, enables access to its telecommunications network or interconnects its telecommunications network and another telecommunications network shall bring the calculation of telecommunications service charges and the corresponding cost-accounting system into compliance with this Act by 1 October 2000.

(13.02.2001 entered into force 07.03.2001 - RT I 2001, 23, 125)

(2) Until 31 December 2001, the charges per minute for the interconnection services of the public telephone network operator with significant market power shall not on average exceed the following:

- 1) 15 per cent of its national call rates per minute in local level interconnection;
- 2) 25 per cent of its national call rates per minute in single transit interconnection;
- 3) 35 per cent of its national call rates per minute in double transit interconnection.

(13.02.2001 entered into force 07.03.2001 - RT I 2001, 23, 125)

(3) A telephone network operator with significant market power in the interconnection services market shall apply the charge rate established in the interconnection contract pursuant to subsection (2) of this section if the interconnection service charge calculated on the basis of the methods specified in subsection 51 (7) of this Act exceeds the charge rate established pursuant to subsection (2) of this section. In this case the discount specified in clause 51 (4) 1) of this Act is taken into account in the interconnection service charge until 31 December 2001.

(13.02.2001 entered into force 07.03.2001 - RT I 2001, 23, 125)

§ 110. Application of attestation of conformity of telecommunications network terminal equipment

(1) The attestation of conformity of supplied terminal equipment and terminal equipment to

be used shall be implemented as of 1 April 2000.

(2) Terminal equipment which, on the basis of a type approval decision made before 1 April 2000, has been approved before the entry into force of this Act shall be marked with a type approval mark until 31 December 2000.

§ 111. (Repealed - 13.11.2002 entered into force 19.12.2002 - RT I 2002, 99, 580)

§ 112. Validity of permits for use of radio frequencies and for installation of radio transmitters

(1) Decisions authorising the use of radio frequencies, issued permits of radio transmitters and radio permits of watercraft and aircraft are valid until expiry of their terms of validity as specified upon the issue of the decisions or permits but for not longer than 31 March 2001.

(2) Upon expiry of the decision specified in subsection (1) of this section concerning permission for use of a radio frequency, the user of the radio frequency shall apply for a permit for the installation of the radio transmission equipment pursuant to the provisions of this Act at least three months before the expiry of the validity of the decision.

(3) Upon expiry of the permit of radio transmitter and radio permits of watercraft or aircraft specified in subsection (1) of this section, the holder of the permit shall apply for a new permit pursuant to the provisions of this Act concerning application for permits for the use of radio transmission equipment at least three months before the expiry of the validity of the permit.

(4) The conditions of the present permits shall be unamended upon the issue of permits specified in subsection (2) and (3) of this section unless the conditions are contrary to this Act.

(5) The operating undertakings who by the time limit specified in subsections (2) and (3) of this section have submitted a corresponding application may continue their activities on the currently valid basis and pursuant to the valid procedure until the Estonian National Communications Board makes a decision on the issue of or refusal to issue a corresponding permit.

(6) Upon issue of permits specified in subsection (2) and (3) of this section before the expiry of the validity of the previous permit, the state fee to be paid shall be set off with the paid state fee for the overlapping period.

§ 113. Amendment of national numbering plan to comply with this Act

(1) The Minister of Transport and Communications shall establish the Estonian numbering plan and technical requirements for number series, identification codes and short codes for the period of 1 April 2000 until 31 October 2002.

(2) The Estonian National Communications Board shall receive applications for number series, identification codes and short codes from 1 August 2000.

(3) Undertakings who used number series, identification codes or short codes prior to the entry into force of this Act and wish to continue such use pursuant to the procedure provided by this Act are required to submit applications for the reservation of the number series, identification codes or short codes to the Estonian National Communications Board

not later than by 1 September 2000 pursuant to the procedure prescribed by this Act.

(4) Undertakings who submitted applications for the reservation of a number series, identification code or short code by the provided for in subsection (3) of this section may use the number series, identification code or short code until the entry into force of this Act to the extent and in the manner used until such time, until the Estonian National Communications Board makes a decision to reserve or refuse to reserve the number series, identification code or short code.

(5) A number series, identification code or short code shall be reserved on the basis of applications specified in subsections (2) and (3) of this section for the period of 1 September 2000 until 31 October 2002 pursuant to the procedure established in this Act.

(6) An application for the reservation of a number series, identification code or short code as of 1 November 2002 shall be submitted at least by 1 September 2002.

(7) The state fee for the permit of use of a number series, identification code or short code issued to an undertaking specified in subsection (4) of this section shall be calculated only on the basis of the actually used numbers for the period specified in subsection (1) of this section.

(8) Upon issue of permits for the use of number series, identification codes and short codes valid as of 1 November 2002 before the expiry of the previous permit, the state fee to be paid shall be set off with the paid state fee.

(9) The Ministry of Transport and Communications shall establish the Estonian numbering plan effective as of 1 November 2002 by 1 December 2000.

(10) The procedure for set-offs specified in subsection 111 (6) this Act and subsection (8) of this section shall be established by the Government of the Republic.

§ 114. Representation of Estonia in international telecommunications standard organisations

A contract entered into on the basis of § 9 of the Technical Regulations and Standards Act shall determine the competency of the Estonian National Communications Board to represent Estonia in international telecommunications standards organisations.

§ 115. Application of state register of telecommunications systems

(1) The Government of the Republic shall establish the state register of telecommunications systems by 1 September 2000.

(2) The procedure for the entry in the register of data subject to entry in the state register of telecommunications systems before the entry into force of this Act shall be established by the Government of the Republic.

§ 116. Partial repeal of the Republic of Estonia Communications Act

Sections 2, 4, 8 -16, 18 and 20 and subsections 3 (2), (3) and (5), and clause 19 (1) 6) of the Communications Act (RT 1991, 3, 49) are repealed.

1 RT = Riigi Teataja = State Gazette

2 Ametlikud Teadaanded = Official Notices