

# LAW

## ON TELECOMMUNICATIONS

### I. GENERAL PROVISIONS

#### Article 1

##### *(Contents of the Law)*

This Law specifies the telecommunications services of public interest, assured by the Republic of Slovenia, and regulates the modes and conditions for the provision of the telecommunications services, the rights and obligations of service providers and users, the use of telecommunications networks, radio stations and terminal equipment, the radio frequency spectrum management, and the uniformity of the telecommunications network.

#### Article 2

##### *(Terms)*

The terms used in this Law have the following meanings:

1. **Telecommunications** means any transmission, emission or reception of signs, signals, writing, images, sounds or intelligence by wire, radio, optical or other electromagnetic systems.
2. **Public Telecommunications Network** means the public telecommunications infrastructure which enables the conveyance of signals between defined network termination points by wire, by microwave, by optical or other electromagnetic means.
3. **Closed Telecommunications Network** means a telecommunications infrastructure which is as a closed user system used for providing of telecommunications required to assure carrying out its own activities, as a complement or a substitute to the public telecommunications network.
4. **Network Termination Point** means all physical connections and their technical access specification which form part of the public telecommunications network and are necessary for access to, and efficient communication through that public network.
5. **Telecommunications Equipment** means the equipment that enables transmission, emission or reception of signs, signals, writing, picture, sound or intelligence by wire, radio, optical or other electromagnetic systems that, when connected to the telecommunications network, forms a telecommunications system.
6. **Terminal Equipment** means the equipment intended to be connected to the public telecommunications network, i.e. to be connected directly to its termination point to interwork with a public telecommunications network by being connected directly or indirectly to its termination point, in order to send, process or receive information by wire, radio, optical or other electromagnetic system.
7. **Telecommunications Services** means the services, the provision of which consists wholly or partly in the transmission and routing of signals on the telecommunications network by means of telecommunications processes.
8. **Public Voice Telephony Services** means the public provision of direct transport and switching of real-time voice between network termination points of the public switched telecommunications network, whereby any user can use the equipment connected to such network termination point, in order to communicate with another network termination point; this term does not include the mobile voice telephony services.
9. **Connection Fee** means the amount paid by the subscriber to public telecommunications services for the acquisition of a subscriber line when establishing the subscriber's relation.
10. **Subscription Fee** means the uniform charge paid by the subscriber to a public telecommunications service every month or at other specifically defined time intervals.

11. **Telecommunications Services Provider** is a legal or physical person that provides telecommunications services in accordance with the conditions of this Law.
12. **Telecommunications Services User** is a legal or physical person that uses the services of the telecommunications services providers.
13. **Subscriber** is a legal or physical person that concludes a subscription contract with the provider of public telecommunications services.
14. **Data Telecommunications Services** means the commercial provision of packet- and line-switched data services for direct transport of data between network termination points of switched telecommunications network whereby any user can use the equipment connected to such network termination point in order to communicate with another network termination point.
15. **Mobile and Satellite Communications Services** means radiocommunications services providing the transport of messages by radio stations either directly or indirectly, among the users of the radio stations or among them and a user who is connected to a network termination point of the telecommunications services provider; these services do not include the radio broadcasting services that are the telecommunications services that provide transmission, emission and/or reception of radio waves, propagated through open space.
16. **Paging Services** means a type of radiocommunications services that enable the subscribers, having special portable receivers for the given geographic area, to receive spoken or visually coded radio messages that are initiated by any unit of voice telecommunications equipment in the public telecommunications network or generated within this network.
17. **Cable Distribution Services** means the telecommunications services consisting of the transmission, from a given central point, of radio and television programme signals and related information to users that are individually connected by cable or other electromagnetic systems.
18. **Cable Communication Services** means telecommunication services that together with the cable distribution services provide the users also with other telecommunications services.
19. **Public Payphone Booth Services** means the commercial provision of telecommunications services for the public consisting of speech and data transport, that are carried out by means of publicly accessible telecommunication equipment, placed in telephone booths on public premises and are billed by means of tokens or prepaid telephone cards or by other means, used for activating the payphones.
20. **Emergency Services** means the telecommunications services intended for undisturbed operation of defence, security, protection and rescue bodies and organizations.
21. **Call-back services** means all those services that provide, upon the request from a user in the Republic of Slovenia, in whatever way, an automatic call-back service from abroad to the user's telecommunications number in the Republic of Slovenia, the international calls established in this way being charged at prices different from those in the Republic of Slovenia.
22. **VSAT (Very Small Aperture Terminal) Services** means the transmission of electromagnetic signals, provided by small earth stations using small satellite aerials, which can be installed at user's premises and used for one-way or two-way communications.
23. **Telecommunications Connection** means an established connection for the transport of electromagnetic signals by wire or optical system or radio, using frequencies up to 3000 GHz.
24. **International Telecommunications Connection** means a telecommunications connection for interconnection of the telecommunications network of our country with a corresponding network of another country, as well as a connection, that interconnects other countries by means of telecommunications networks of our country, except the communications that are used exclusively for direct public reception of radio and television signals.
25. **Radiocommunications** are telecommunications by means of radio waves.

26. **Radio Broadcasting** means sending and propagation - in open space - of sound and/or television programmes or other specific signals, intended for direct public reception.

27. **Radio Frequency** means a physical quantity that determines radio waves. Radio waves are electromagnetic waves with frequencies up to 3000 GHz, that are propagated through space without support of an artificial guide.

28. **Radio Frequency Spectrum** is public goods and means the array of all radio frequencies, the use of which is possible in the way and under the conditions stipulated by this Law.

29. **Radio Frequency Spectrum Management** means a set of technical, legal and administrative activities that determine efficient utilization of the frequency spectrum within the state and between the Republic of Slovenia and other states and assure harmful-interference-free operation of radiocommunications systems and equipment.

30. **Monitoring of Radio Frequency Spectrum** means monitoring of the entire radio frequency spectrum and checking whether radio stations operationally comply with specific predetermined characteristics.

31. **Radio Frequency Band** means a part of the radio frequency spectrum that is limited by two specified limit radio frequencies.

32. **Radio Frequency Band Allocation** means the act of entering a given radio frequency band in the table of frequency allocations for the purpose of its use by one or more terrestrial or space radiocommunications services or the radio astronomy service under specified conditions.

33. **Radio Station** means one or more transmitters or receivers or a combination of transmitters and receivers with one or more aerials, including the accessory equipment, necessary at one location for carrying out radiocommunication or radio astronomy services; receivers intended exclusively for the reception of sound or television programmes are not regarded as radio stations.

34. **Amateur Radio Station** means a radio station for amateur radio activities, that is used for self-training, intercommunication and technical investigations carried out by amateurs, solely with a personal aim and without pecuniary interest, provided these amateurs have passed the prescribed examination.

35. **Harmful Interference** means electromagnetic disturbance that endangers the operation of radio navigation services or of other security services or seriously deteriorates and frequently disturbs or interrupts the radio service that is operating in accordance with the recognized international agreements, with this Law or with the regulations that have been issued according to this Law.

36. **Electromagnetic Disturbance** means any electromagnetic phenomenon which may degrade the performance of a device, unit of equipment or system; an electromagnetic disturbance may be electromagnetic noise, an unwanted signal or a change in the propagation medium itself.

37. **Electromagnetic Compatibility (EMC)** means the ability of a device, unit of equipment or system to function satisfactorily in its electromagnetic environment without introducing intolerable electromagnetic disturbances to anything in that environment.

38. **Electromagnetic Immunity (EMI)** means the ability of an electric device, unit of equipment or system to perform without degradation of quality in the presence of an electromagnetic disturbance.

39. **Electrical Device or Apparatus** means all electrical and electronic appliances, together with equipment and installations containing electrical and/or electronic components.

### Article 3

#### *(National Programme)*

(1) The national programme for the development of telecommunications shall be adopted by the National Assembly upon the proposal from the Government of the Republic of Slovenia.

(2) The purpose of the national programme is to define the long-term development of the telecommunications network and services, and investments into the public telecommunications network, and economically justifiable technologies to be used for covering the rural and less developed regions with public telecommunications services.

## **II. TELECOMMUNICATIONS SERVICES**

### **II/A) PUBLIC TELECOMMUNICATIONS SERVICES**

#### Article 4

##### *(Public Telecommunications Services)*

(1) Voice telephony and telex services and transmission and emission of programmes of RTV Slovenija over the terrestrial networks and by satellites are public telecommunications services open to any physical or legal person on the entire national territory under equal terms.

(2) Public telecommunications services are provided as an obligatory public trading service.

(3) The mode of carrying out the services referred to in the first paragraph shall be defined by the Government of the Republic of Slovenia in conformity with the provisions of the Law on public trading services (O.G.R.S., no. 32/93).

#### Article 5

##### *(Resources for Financing the Provision of Public Telecommunications Services)*

The resources for financing the investments into the development of the public telecommunications services and into the public telecommunications network are:

- own resources of the public telecommunications services providers,
- resources of investors and resources, obtained by raising loans,
- budget funds,
- other resources.

#### Article 6

##### *(Prices of Public Telecommunications Services)*

(1) When forming the prices of public telecommunications services the following principles shall be considered:

- correlation between the costs incurred by this kind of services and the cost of the individual service,
- equal prices for the whole area of activities and for all users of the same kind,
- such price level that will ensure a part of the necessary financial resources for the development of the telecommunications network,
- price comparability and price competitiveness of the telecommunications services of the same kind in the national and international telecommunications environment.

(2) The prices referred to in the previous paragraph are the connection fee and the subscription fee and the prices of public telecommunications services, the latter being specified by the founder of the public enterprise or by the concedent under the concession act, unless otherwise specified by this Law.

(3) The connection fee for the public voice telephony is equal on the entire territory of the Republic of Slovenia.

## Article 7

### *(Obligations of the Public Telecommunications Services Providers)*

The public telecommunications services providers are obliged:

- in accordance with the national programme referred to in Article 3 of this Law, with the decree on the provision of the obligatory public trading service and with the provisions of the concession act, to provide adequate coverage of their area with the predetermined quality of telecommunications services,
- to assure the connection and technical compatibility with other telecommunications networks within the country as well as with the telecommunications networks in other countries and to enable equal access from these other networks to all users,
- to enable all users to be connected on equal terms to their telecommunications network and to use this network,
- to have such a bookkeeping as to assure separate accounting of public telecommunications services from other services, and to perform annual auditing of bookkeeping reports in accordance with the Law on public trading services (O.G.R.S., no. 32/93),
- to conclude an agreement in writing with the subscriber and/or other telecommunications services provider, for connection to their telecommunications network,
- in order to enable billing of the services, to keep records of the services carried out for their users and to enable them, at their request and within the scope of technical possibilities, to examine the data concerning their services,
- at the request of the Minister in charge of the telecommunications, to provide him with business information that will be considered confidential at the request of the provider and will also be treated as such,
- to report regularly to the Minister in charge of the telecommunications about any interruptions of international telecommunication lines.

## Article 8

### *(Rights of Public Telecommunications Services Providers)*

(1) The public telecommunications services providers have the right:

- to check the technical characteristics of the telecommunications equipment of users and of other providers at the network termination points,
- to temporarily disconnect or otherwise restrict a user in case that the latter, despite prior warning, has not adjusted the telecommunications signals on network termination points to the regulations, issued on the basis of this Law, or in case he does not fulfil the provisions of general conditions referred to in the Article 10 of this Law and of the agreement of the previous Article, or in case he does not adjust the capacity of his equipment to the telecommunications traffic,
- in public interest and according to the national programme to construct and maintain the public telecommunications network on the grounds and/or facilities owned by legal or physical persons, in conformance with the regulations on expropriation,
- to construct and maintain the public telecommunications network in the buildings and on the ground belonging to the railway or road network or to the network of transmitters and repeaters intended for the transmission of sound or TV programmes and on electrical power lines, provided that this does not endanger the lives, safety of traffic and property, and is in consensus with the provider.

(2) The owner and/or beneficiary is entitled to a reimbursement for the damage incurred as a consequence of the acts of the telecommunications services providers referred to in the third and fourth item of the previous paragraph.

## Article 9

### *(Obligations of the Public Telecommunications Services Providers in the Event of Strikes)*

(1) In the event of a strike, the public telecommunications services providers are obliged to provide the services of public voice telephony, telecommunications services for carrying out the emergency services and transmission and broadcasting of the first national radio and first national television programme of the RTV Slovenija.

(2) The telecommunications services provider shall, by decree, appoint the employees that are obliged to enable the provision of the services referred to in the previous paragraph. The employees failing to carry out the given tasks shall be considered to having committed a serious breach of working discipline, with the penalty of being given notice.

## Article 10

### *(General Conditions)*

The Minister in charge of the telecommunications shall issue the general conditions for the provision of public telecommunications services that shall comprise:

- conditions, procedure and terms for the connection of terminal equipment of a subscriber to the telecommunications network,
- conditions for use,
- conditions for establishing and for cancelling the subscriber's contract between the subscriber and the public services provider.

## Article 11

### *(Transparency of Business Operations of the Public Telecommunications Services Providers)*

(1) The public telecommunications services providers shall at least once a year inform the users, in public information media or in the locally traditional way, about the prices of public telecommunications services and about any issues related to their activities that are important to the users.

(2) The general conditions referred to in the previous Article shall be permanently accessible to the users of these services at the premises of the public telecommunications services providers.

## Article 12

### *(Public Telecommunications Services Subscribers' Directories)*

(1) Public telecommunications services providers that carry out public telecommunications services of voice telephony and telex referred to in the first paragraph of Article 4 of this Law, shall provide, under equal and published terms, the information on subscribers and shall publish the directories of the subscribers to their services. For this purpose, they shall collect and register the following data about individual subscribers:

- telecommunication number and/or other characteristic designation, assigned to the subscriber,
- firm name and/or name and surname of the subscriber,
- activity or profession of the subscriber,
- address of the subscriber,

– address of the telecommunication line.

(2) Public telecommunications services providers shall publish and present information to other interested parties only about those subscribers that do not object to publication.

#### Article 13

##### *(Provision of Emergency Services)*

(1) Public telecommunications services providers shall assure corresponding telecommunications services for carrying out the emergency services.

(2) The Minister in charge of the telecommunications, shall determine:

– the cases when the users are to be connected to the public telecommunications network and enabled to use the telecommunications equipment by the priority procedure, for the purpose of national security, safety of lives, preservation of health and protection of property, in order to prevent a major economic damage,

– type and scope of public telecommunications services required for carrying out the emergency services,

– terms and cases in which the public telecommunications services provider shall provide the telephone line for carrying out the services referred to in the previous paragraph,

– modes of connection to the telecommunications network and/or of carrying out these services.

#### Article 14

##### *(Accessibility of Public Telecommunications Services for Disabled Persons)*

(1) Public telecommunications services providers shall provide the accessibility of telecommunications services for disabled persons.

(2) The Government of the Republic of Slovenia shall determine the amounts and types of economic facilities concerning the telecommunications services for disabled persons.

(3) The Minister in charge of the telecommunications shall determine:

– the type and scope of telecommunications services and telecommunications equipment for disabled persons,

– terms and cases in which the public telecommunications services provider shall provide the telephone line for carrying out the services referred to in the previous paragraph.

## **II/B) COMMERCIAL TELECOMMUNICATIONS SERVICES**

#### Article 15

##### *(Commercial Telecommunications Services)*

(1) Commercial telecommunications services may be carried out on the basis of a preliminary notification, on the basis of a license or on the basis of a concession for the use of radio frequency spectrum.

(2) Unless otherwise specified by the provisions of this Law, telecommunications services may be provided on the basis of a notification submitted to the Telecommunications Administration of the Republic of Slovenia, which may within 15 days after the receipt of this notification reject it by a written order stating that such a service cannot be provided on the basis of notification.

(3) The notification referred to in the previous paragraph shall state the following:

- company name and/or name and surname and the address of the applicant,
- telecommunication service to be carried out,
- technical characteristics of telecommunications network,
- telecommunications equipment to be used,
- region where the telecommunications service is planned to be carried out,
- other data, necessary for determination of the kind and nature of the telecommunications service.

## Article 16

### *(Services on the Basis of a License)*

(1) The following telecommunications services may be provided on the basis of a license:

- data telecommunications,
- leasing of telecommunication lines,
- cable communication and/or cable distribution systems,
- public payphone boxes,
- VSAT communications,
- global wideband and multimedia telecommunications.

(2) The license for the provision of telecommunications services shall specify:

- conditions to be fulfilled by the licensee,
- conditions for the connection of the telecommunications network of the licensee with foreign telecommunications networks,
- quality and accessibility of telecommunications services,
- special conditions for the provision of emergency services and services for disabled persons,
- mode of keeping the records of the services,
- other important requirements, necessary for the provision of telecommunications services,
- reasons for cancellation of the license.

(3) The conditions to be fulfilled by the telecommunications services provider shall be objective and defined in such a way as to assure equal chances to all service providers. These conditions shall be prescribed by the Minister in charge of the telecommunications.

(4) The Telecommunications Administration of the Republic of Slovenia grants the license for the provision of telecommunications services, referred to in the first paragraph of this Article.

(5) The Telecommunications Administration of the Republic of Slovenia shall, by order, cancel a license for the provision of telecommunications services if:

- the application for the license comprised untrue data,
- license conditions are not fulfilled any more,
- the licensee has infringed the regulations on the basis of which the license had been granted,
- the licensee has ceased to exist.

(6) For the use of a cable communications system for the provision of public telecommunications services of voice telephony and telex, the service provider shall win a concession in accordance with the Law on public trading services (O.G.R.S., no. 32/93).

(7) Telecommunications services providers that carry out the services of establishing the telecommunications connections from public payphone booths, are obliged to issue telephone tokens or cards or other means for activating the payphones, in unique design for the whole state.

#### Article 17

*(telecommunications services depending upon adequate use of radio frequency spectrum)*

(1) Telecommunications services of:

- mobile and satellite communications except radio broadcasting,
- transmission and emission of radio broadcasting programmes by terrestrial networks and by satellites except the transmission and emission of programmes of RTV Slovenija,
- paging

may be carried out by the service provider, that has been granted the concession for the use of radio frequency spectrum.

(2) The Government of the Republic of Slovenia shall, by the concession act, determine the conditions for granting the concession referred to in the previous paragraph. In the concession act, the Government of the Republic of Slovenia shall determine:

- terms to be fulfilled by the concessionaire,
- quality and size of the area to be covered by telecommunications services,
- technical characteristics and conditions for the connectability of telecommunications networks,
- special terms for the provision of emergency services and of services for disabled persons,
- the duration of the concession,
- supervision, obligations and reasons for cancellation of the concession,
- the amount and mode of payment of the compensation for the concession,
- adequate use of general conditions referred to in the Article 10 of this Law when arranging relations with users,
- conditions and procedure for the selection of a concessionaire on the basis of a public invitation to tender.

(3) The Government of the Republic of Slovenia is entitled to decide that the share of foreign legal or physical persons in the basic capital of the concessionaire shall not exceed 49 %, if such a decision were not in breach with the actual international agreements.

(4) The Government of the Republic of Slovenia shall decide upon the selection of the concessionaire by issuing of an administrative decree. Mutual relations between the Government and the concessionaire shall be regulated by a contract.

## **II/C) OBLIGATIONS AND RIGHTS OF TELECOMMUNICATIONS SERVICES PROVIDERS**

### **AND USERS**

#### Article 18

##### *(Confidentiality of Transmitted Messages)*

(1) Telecommunications services providers shall, within the frame of the telecommunications system in use, guarantee the confidentiality of transmitted messages and of personal and non-personal data known only to them.

(2) The telecommunications services providers shall be allowed not to conform with the provisions of the previous paragraph only upon the decision of the court of justice.

#### Article 19

##### *(Forbidden Activities of the Telecommunications Services Providers)*

The telecommunications services providers are forbidden:

- to intentionally transmit false or deceptive distress, urgency, safety or identification signals,
- to hold back or conceal telecommunications messages,
- to intentionally receive or transmit the signals and messages that are not addressed to them or are not intended for general reception,
- to provide call back services or activities that make this service possible.

#### Article 20

##### *(Obligations of the Telecommunications Services Providers During the Force Majeure Events)*

(1) Providers and users of telecommunications services and other owners of telecommunications equipment shall give priority to transmission of messages related to safety of human lives, national security and those that warn about hazard to a property of greater value.

(2) Danger and distress signals, messages and announcements - transmitted in case a ship or some other navigable vessel, either at sea or in inland waters, or an aeroplane are in danger, or in the event of a natural or other catastrophe, as well as during human life salvage actions - have message transfer priority through all kinds of radio stations and other telecommunications equipment.

(3) In the events referred to in the previous paragraph, it is permitted to use, besides the assigned frequencies and specified conditions for radio stations, also other frequencies and different conditions.

#### Article 21

##### *(Obligations of Telecommunications Services Providers during the State of War and the State of Emergency and in Extraordinary Circumstances)*

In the event of the state of war or the state of emergency and natural and other catastrophes, or in the event of economical troubles, that are stated by the Government, the Minister in charge of the telecommunications shall determine the priority of telecommunications services and shall be authorized to forbid the application of telecommunications equipment unless otherwise determined by the Law. The ban does not apply to the radio and television receivers that can be used only for the reception of radio broadcasting emissions.

#### Article 22

##### *(Obligations of Closed Telecommunications Networks Owners)*

In the event of major failures that prevent the provision of public telecommunications services, the owners of closed telecommunications networks are, upon the request of the Minister in charge of the telecommunications and providing this should not endanger safe and reliable operation of their networks, obliged to establish communications with the telecommunications network of the public telecommunications services provider.

#### Article 23

##### *(Duties of Telecommunications Services Providers and Users)*

(1) Providers of telecommunications services and their users are obliged to take part in measurements, elimination of faults and other works, that are carried out by persons authorized by the telecommunications services providers and are necessary for untroubled operation of telecommunications network, and to enable such works.

(2) In order to avoid harmful disturbance in the telecommunications network, the telecommunications services providers and the users shall protect their devices against damage and misuse.

(3) The users may be connected to the public telecommunications network under the general conditions referred to in the Article 10 of this Law or under the terms specified by the telecommunications services providers.

(4) The users are entitled to lodge a complaint with the Telecommunications Administration of the Republic of Slovenia against the decisions of telecommunications services providers, regarding the connections referred to in the previous paragraph.

### **III. TELECOMMUNICATIONS NETWORKS AND TERMINAL EQUIPMENT**

#### Article 24

##### *(Public Telecommunications Network)*

(1) The public telecommunications network of the Republic of Slovenia shall be technically and technologically uniform and shall be compatible with telecommunications networks of other countries.

(2) The public telecommunications network must be accessible for all users on equal terms unless this would endanger:

- secure operation of the telecommunications network,
- technical and technological uniformity of the public telecommunications network,
- interconnection of telecommunications networks, equipment and services,
- data protection.

(3) The access to the public telecommunications network may also be restricted where this would mean a substantial threat to the economic position of the public enterprise which provides the telecommunications services referred to in the Article 4 of this Law. The Minister in charge of the telecommunications shall decide upon this on the basis of a proposal submitted by the said public enterprise.

(4) The Minister in charge of the telecommunications shall determine the technical characteristics of the public telecommunications network, that shall assure:

- technical and technological uniformity of the public telecommunications network on the entire national territory,
- rational use of telecommunications numbering space,
- integration of public telecommunications network into international telecommunications networks on equal terms,
- interconnection and technical compatibility of the telecommunications networks and the telecommunications equipment.

(5) Prior consent, issued by the Telecommunications Administration of the Republic of Slovenia on the basis of conditions set by the Government of the Republic of Slovenia, is requested for the construction and management of the public telecommunications network intended for the provision of public telecommunications services referred to in the Article 4 of this Law and of the public telecommunications network for data telecommunications and for the provision of telecommunications services of global wideband and multimedia telecommunications.

#### Article 25

##### *(Closed Telecommunications Networks)*

The provisions of this Law concerning electromagnetic compatibility, protection of telecommunications networks and radio broadcasting shall be applied for the construction and management of closed telecommunications networks.

#### Article 26

##### *(Telecommunications of the State Bodies)*

(1) The state bodies may construct and use their own telecommunications network and telecommunications equipment in accordance with their own requirements and with the national programme referred to in Article 3 of this Law.

(2) Operating mode of the telecommunications communications for national defence, protection and rescue operations, for internal affairs and other state bodies shall be specified by the Minister in charge of the telecommunications, in consensus with the concerned Minister to whose working scope belong these telecommunications communications.

#### Article 27

##### *(Terminal Equipment and Radio Stations)*

(1) Purchasing, marking, connecting, bringing into service and maintaining the terminal equipment is free provided the provisions of this Law are complied with.

(2) The terminal equipment, intended for connection to the public telecommunications network, and radio stations intended for use in the Republic of Slovenia, shall be in conformance with the provisions of the fifth paragraph of this Article and their conformity shall be proved by the submission of documents and markings, prescribed by the Minister in charge of the telecommunications.

(3) The terminal equipment, sold without documents and markings specified in the fifth paragraph of this Article shall bear the label saying that it is not allowed to be connected to the public telecommunications network in the Republic of Slovenia.

(4) Privately built radio stations used by radio amateurs do not require the documents and markings mentioned in the second paragraph of this Article.

(5) The Minister in charge of the telecommunications shall determine:

- technical specifications for the terminal equipment and radio stations,
- modes of use of terminal equipment and radio stations,
- modes of and procedures for testing and marking of terminal equipment and radio stations,
- contents and form of and procedures for issuing the documents and markings and for the recognition of foreign documents.

#### **IV. ELECTROMAGNETIC COMPATIBILITY AND PROTECTION OF TELECOMMUNICATIONS NETWORKS**

##### Article 28

###### *(Electromagnetic Compatibility)*

(1) Telecommunications equipment and/or electric devices shall be designed, constructed, installed, used and maintained in such a way that:

- electromagnetic disturbances generated by this equipment and/or devices do not exceed the level still allowing radio and telecommunications equipment and other electrical devices to operate as intended,
- they have an adequate level of intrinsic immunity to electromagnetic disturbances that enables them to operate as intended.

(2) Telecommunications equipment and/or electric devices manufactured in the Republic of Slovenia or imported for application in the Republic of Slovenia, shall fulfil the requirements of the previous paragraph and shall be manufactured in accordance with the provisions of the sixth paragraph of this Article. The fulfilment of these requirements shall be proven by documents and markings, prescribed by the Minister in charge of the telecommunications.

(3) Electric power assemblies for transmission, distribution and use of electrical energy, located in the vicinity of the telecommunications network or its part, shall be designed, used or maintained in such a way that their operation does not cause harmful interference with the operation of the telecommunications network or endanger the lives or health of people working on or using the telecommunications network.

(4) When the telecommunications network is constructed or the telecommunications equipment used in the vicinity of electric power assemblies, to be used for transmission, distribution or use of electrical energy, this network or this equipment shall be designed in such a way as to be immune against electromagnetic disturbances, in accordance with the regulations applicable in the environments with intensive electromagnetic disturbances.

(5) When, due to electromagnetic disturbances, an electric device or its part ceases to meet the requirements referred to in the first paragraph of this Article, the owner or the user of the disturbing electric device shall, at his own expense, restore that device to the condition that meets the above mentioned requirements.

(6) The Minister in charge of the telecommunications shall determine:

- requirements concerning electromagnetic compatibility,
- methods and measures for preventing and reducing electromagnetic disturbances,
- methods for testing the telecommunications equipment and electric devices,
- modes of submitting the evidence of compliance with the requirements and markings, referred to in the second paragraph of this Article,

- procedures and restrictions when the devices, as a whole or in part, do not comply with the requirements of this Article,
- standards, to which the telecommunications equipment and other electric devices shall conform,
- criteria to be met by the institutions which issue documents and markings, referred to in the second paragraph of this Article,
- professional qualification criteria for operating certain types of the telecommunications equipment.

#### Article 29

##### *(Conditions for Construction of Buildings)*

- (1) Construction of a residential, business or other type of building object or any other intervention into the space shall be carried out by the investor of such an object in such a way as not to cause degradation of the reception of radio broadcasting signals in this area, and/or in case of a degraded reception of radio broadcasting signals in this area these signals shall be replaced by equivalent signals at the expense of the investor.
- (2) Construction of buildings, growing of plants and/or trees or any other works shall be carried out in such a way as not to disturb the operation of wire or microwave communications.
- (3) In case certain works have to be carried out or a new building constructed in the vicinity of buildings, devices and other technical means of the telecommunications network, then the location, construction or other permit for such an intervention into the space shall be granted only under the condition that the investor of the works has obtained consensus from the owner of the telecommunications network.
- (4) In case the investor has not obtained the consensus for his work mentioned in the previous paragraph or does not comply with the conditions from the consensus and therefore the providers and users of the telecommunications services suffer direct or indirect damage, the investor will be held entirely responsible for such damage.

#### Article 30

##### *(Technical Inspection of Telecommunications Network)*

- (1) Technical inspection of the telecommunications network or its part is carried out pursuant to the regulations concerning land use planning and construction. An expert in telecommunications shall also be nominated as a member of the technical inspection committee.
- (2) The Minister in charge of the telecommunications shall issue a regulation on technical inspection of the telecommunications network and equipment for which such inspection is not foreseen in regulations concerning the land use planning and construction, except for the telecommunications network and equipment referred to in the first paragraph of Article 26 of this Law.

#### Article 31

##### *(Cable Ducts for Public Telecommunications Network)*

- (1) In towns and urbanized settlements the investors in buildings shall construct the cable duct network with corresponding locations of outlets for the termination points of the telecommunications network.
- (2) The construction of the cable duct for the public telecommunications network shall be foreseen and enabled in case of construction or reconstruction of roads, railways, gas pipes or canalization. In case of construction of electrical power transmission lines the possibility for adding or incorporating the telecommunications lines shall be foreseen and enabled.
- (3) The cable duct referred to in the first paragraph of this Article shall form a constituent part of the building site equipment.

## Article 32

### *(Elimination of Disturbances of Public Telecommunications)*

In case that plants, trees, buildings or certain activities disturb the operation of the telecommunications, the owner of the site and/or of the building or the activity provider has to take all the appropriate measures to eliminate the disturbances, otherwise these measures will be taken by the telecommunications network operator at the expense of the owner of the site and/or building or of the relevant activity provider.

## V. RADIOCOMMUNICATIONS

## Article 33

### *(Competence of the Republic of Slovenia)*

The Republic of Slovenia manages the radio frequency spectrum and thereby assures its efficient use and fulfilment of the needs for radiocommunications.

## Article 34

### *(Allocation of the Radio Frequency Bands)*

The Government of the Republic of Slovenia shall determine the allocation of radio frequency bands in the Republic of Slovenia with the aim to assure:

- efficient use of the radio frequency spectrum,
- harmonization of the use of the radio frequency spectrum with international recommendations and other international agreements,
- efficient interstate coordination of the use of radio frequencies,
- prevention of interstation interference,
- protection of national security and defence interests.

## Article 35

### *(Use of Radio Frequencies)*

(1) The Telecommunications Administration of the Republic of Slovenia grants the right to use radio frequencies in accordance with the allocation of radio frequency bands referred to in the previous Article and with the radio frequency plans, derived from this allocation.

(2) Notwithstanding the above paragraph, the Telecommunications Administration of the Republic of Slovenia may assign to the users of radio frequencies also other radio frequencies, provided their use does not cause harmful interference to the radiocommunications of the countries to which these frequencies have been assigned by international agreements.

(3) The Minister in charge of the telecommunications shall determine, in accordance with Article 26 of this Law and in consensus with the competent Minister, the use of radio frequencies for the state bodies.

(4) The user is obliged to pay a fee for the use of the radio frequency. The amount of the fee shall be set by a decree of the Government of the Republic of Slovenia, by taking into account the purpose for which the assigned radio frequency band should be used, the radio frequency bandwidth and the population of the area being covered by this frequency.

(5) No fee is charged for the use of the radio frequencies that are in accordance with the allocation of radio frequency bands in the Republic of Slovenia, intended for the defence, security, protection, rescue and radioamateur purposes.

#### Article 36

##### *(Notification of the Assigned Radio Frequencies)*

When so required by the ratified international agreements or regulations, the Telecommunications Administration of the Republic of Slovenia shall notify the competent body of the International Telecommunications Union of having granted the right to use the radio frequencies for a certain type of radio stations.

#### Article 37

##### *(Radio License)*

(1) Within the territory of the Republic of Slovenia, radio frequencies and/or radio frequency bands may be used and radio stations purchased only on the basis of a radio license.

(2) A granted radio license cannot be transferred or ceded to others.

(3) The Minister in charge of the telecommunications shall determine:

- the procedure of granting, the time limits for processing and for issuing the radio license,
- detailed information to be included in the application for a radio license and the necessary forms,
- conditions for the recognition of radio licenses issued in other countries,
- types of radio stations and/or frequencies for which radio licenses are not required and the conditions to be fulfilled in such case,
- identification and use of prescribed signal sequences and procedures in radiocommunications.

#### Article 38

##### *(Contents of Radio License)*

(1) A radio license shall specify:

- the identification, validity and conditions for renewal of this license,
- the purpose of use of the radio station, by whom and under what circumstances it will be used, information about the radio station, about its installation and location and its radiation characteristics,
- radio frequencies and/or radio frequency bands that may be used according to this license,
- name and kind of radio broadcasting programme, in case the radio broadcasting is concerned,
- a statement that only those radio frequencies and equipment may be used that are specified in this license,
- any restriction regarding the application of planned radio frequencies and/or equipment,
- a condition that, at the request of the competent authorities, the license holder shall submit the information required for management of the radio frequency spectrum,
- a provision that permits supervisory inspection of the equipment and of radio station operation,

– circumstances under which this license can be modified or cancelled.

(2) The physical or legal person that was granted the radio license shall be held responsible for compliance with the conditions specified in the radio license, for such operation of the radio station that will not cause harmful interference to the operation of other radio stations, and for timely elimination of irregularities in operation of this radio station.

#### Article 39

##### *(Application for Radio License)*

(1) Any physical or legal person can apply for a radio license.

(2) The Telecommunications Administration of the Republic of Slovenia shall process every complete application within 30 days after its receipt and shall inform the applicant about the further procedure and the time limits for granting the license.

(3) The Telecommunications Administration of the Republic of Slovenia shall issue a radio license as:

– a license for a radio station,

– a group license for using specific radio frequencies, frequency bands or certain type of radio stations.

(4) In case the application refers to the radio license for radio broadcasting transmitters, the Telecommunications Administration of the Republic of Slovenia shall grant it on the basis of a public invitation for tenders and of a proposal of the Council for Radio Broadcasting, the latter being in conformity with the provisions of the Law on Mass Media (O.G.R.S., no. 18/94) and of this Law.

(5) The Telecommunications Administration of the Republic of Slovenia shall publish, at least twice a year, the public invitation for tender referred to in the previous paragraph, in the Official Gazette of the Republic of Slovenia. The Telecommunications Administration of the Republic of Slovenia must, within 30 days after the expiration of the time limit, specified in this invitation for tender, hand over to the Council for Radio Broadcasting all complete applications that had arrived in due time. The Council for Radio Broadcasting shall, within 60 days after the reception of complete applications, return a corresponding proposal to the Telecommunications Administration of the Republic of Slovenia, on the basis of which the Administration shall, within 30 days, grant a license or refuse the granting.

(6) The public invitation for tender is unnecessary in case of a renewal of a radio license.

#### Article 40

##### *(Refusal of Granting a Radio License)*

(1) Radio license shall not be granted in case the Telecommunications Administration of the Republic of Slovenia has established:

– that the applicant's request is not feasible for technical reasons,

– that, if so required in accordance with the fourth paragraph of the previous Article, there is no adequate proposal from the Council for Radio Broadcasting,

– non-fulfilment of the conditions set by this Law, by the telecommunications services provider,

– that license granting would prevent efficient utilization of radio frequency spectrum or operation of other telecommunications equipment,

– that use of a radio frequency would cause electromagnetic disturbances to radio services in the Republic of Slovenia or in other countries that are using these frequencies in accordance with international regulations.

(2) In case an application for granting a radio license has been refused, the applicant is entitled to lodge a complaint at the Ministry in charge of the telecommunications.

#### Article 41

##### *(Cancellation of Radio License)*

(1) The Telecommunications Administration of the Republic of Slovenia shall cancel a radio license by decree in case:

- the application for license contained untrue data,
- the conditions specified in this Law concerning granting or use of a radio license are not fulfilled any more,
- the cancellation is proposed by the Council for Broadcasting, in conformance with the provisions of the Law on Mass Media (O.G.R.S., no. 18/94),
- of unpaid fee for radio frequency and/or radio station,
- of changed allocation of radio frequency bands or of occurrence of higher-priority public requirements that cannot be solved otherwise,
- a radio station is disturbed or is unintentionally causing harmful disturbances to another telecommunications equipment,
- a radio station is not used in accordance with the conditions specified in the radio license.

(2) It is possible to lodge an appeal to the Minister in charge of the telecommunications, against the decree referred to in the previous paragraph. The appeal shall not delay the execution of the decree.

(3) In case the radio license has been cancelled pursuant to the provisions of the fifth item of the first paragraph of this Article, the concerned license holder is entitled to an appropriate indemnity.

(4) The holder shall return the radio license to the Telecommunications Administration of the Republic of Slovenia within fifteen days after the receipt of the decree mentioned in the first paragraph of this Article.

#### Article 42

##### *(Cessation of a Radio License Validity)*

(1) A license ceases to be valid by virtue of the Law in case:

- the holder of the radio license did not apply for the renewal of its validity in due time,
- the radio station did not start operating within a year after the license had been granted and the license holder did not ask for the prolongation of the term for starting the operation,
- the holder of the radio license has ceased to exist.

(2) The Telecommunications Administration of the Republic of Slovenia shall, on the basis of the previous paragraph, issue a decree on the cessation of the validity of the radio license.

#### Article 43

##### *(Validity of Radio License)*

(1) A radio license is, as a rule, valid for 10 years, except the radio licenses for radio stations on board of planes or ships that are valid as long as the plane is commissioned to fly or a ship to sail.

(2) The Telecommunications Administration of the Republic of Slovenia is obliged, 60 days before the expiration of the radio license validity, to remind of that fact its holder, whose obligation is to apply for the renewal of the radio license within 30 days after the receipt of the said reminder.

(3) A provisional radio license, with the expiration period no longer than one year, may be granted for the radio station which operates temporarily or whose quality is under test, research or being demonstrated, or if the applicant asks for it.

#### Article 44

##### *(Identification of Radio Stations)*

(1) The provider of radiocommunications services and/or the owner or the user of the radio station is obliged to assure, during transmission of signals and messages, the identification of this station in accordance with the radio license.

(2) Notwithstanding the previous paragraph identification is not required for:

- radio relay stations,
- earth satellite stations,
- radio stations on the rescue equipment in case of their automatic emission of the specific warning signal,
- radiobeacon stations denoting the location of the accident,
- radio stations with such specification in the radio license.

## **VI. COMPETENCE OF THE TELECOMMUNICATIONS ADMINISTRATION OF THE REPUBLIC OF SLOVENIA**

#### Article 45

##### *(Competence of the Telecommunications Administration of the Republic of Slovenia)*

Expert technical, development, organizational and administrative tasks in the field of telecommunications shall be carried out by the Telecommunications Administration of the Republic of Slovenia; it shall:

- issue decrees on the basis of the second paragraph of the Article 15 of this Law,
- grant licenses for the provision of telecommunications services, in conformity with the Article 16 of this Law,
- grant, modify or cancel radio licenses,
- plan and manage the radio frequency spectrum, carry out all kinds of monitoring of the radio frequency spectrum, establish monitoring/measuring centres and take care of the monitoring/measuring system,
- issue consents referred to in the fifth paragraph of the Article 24,
- regulate, check and supervise conformity of the telecommunications equipment with this Law and with the regulations based upon this Law,

- regulate, check and supervise the conformity of the telecommunications equipment and electrical devices with the provisions of Article 28 of this Law,
- charge fees for the use of radio frequencies,
- monitor the operation of the telecommunications networks.

#### Article 46

##### *(Harmful Interference)*

The Telecommunications Administration of the Republic of Slovenia is obliged, in case of harmful interference to radio navigation or radio broadcasting services caused by radiocommunication or radio broadcasting stations in foreign countries, to act, within 30 days, in conformance with the provisions of the Convention and Administrative Regulations of the International Telecommunications Union.

#### Article 47

##### *(Advisory Obligation of the Telecommunications Administration of the Republic of Slovenia)*

(1) The Telecommunications Administration of the Republic of Slovenia shall provide, on the request by an applicant that is planning a development of his radiocommunications, the relevant information and instructions in relation to the radio frequency band allocation in the Republic of Slovenia, the radio frequencies to be used for his expected activities, the valid regulations and the licenses required for the radiocommunications equipment and any other information he needs to prepare his application for a radio license or to eliminate the disturbances on the already existing radiocommunications.

(2) The Minister in charge of the telecommunications shall determine the fees for the services referred to in the previous paragraph.

#### Article 48

##### *(Records of the Telecommunications Administration of the Republic of Slovenia)*

The Telecommunications Administration of the Republic of Slovenia shall keep records of:

- radio frequency planning and monitoring,
- assigned radio frequencies and radio frequencies that have been notified and registered at the International Telecommunications Union,
- radio licenses, comprising data on physical or legal persons, that are holders of radio licenses,
- coordination of the use of radio frequencies with the neighbouring and other countries,
- issued documents and markings related to the verification of electromagnetic compatibility of the telecommunications equipment and radio stations, and to the prevention and/or suppression of electromagnetic disturbance,
- valid documents and markings related to the use of the telecommunications equipment.

## VII. SUPERVISORY INSPECTION

### Article 49

#### *(Supervisory Inspection)*

The implementation of this Law and of the regulations based upon this Law shall be supervised by the Communications Inspectorate of the Republic of Slovenia (in further text: Inspector).

### Article 50

#### *(Rights and Obligations of the Inspector)*

During the supervisory inspection, the Inspector has the following rights and obligations:

- to check the compliance of operation and use of the telecommunications equipment with the provisions of this Law and with the regulations based on this Law,
- to check the implementation of the regulations concerning telecommunications,
- to check whether all users receive equivalent treatment and adequacy of the measures taken during the connection of the users to the public telecommunications network and during the interconnection with other telecommunications networks.

### Article 51

#### *(Electromagnetic Disturbances)*

When persons or property are exposed to danger because a vital part of the telecommunications equipment has been damaged due to electromagnetic disturbances, the Inspector may immediately prohibit further operation of the disturbing electric device and take the appropriate measures to assure that this device really stops operating. For this purpose he can even order physical guarding of the disturbing electric device and demand that the urgent repairs be made at the expense of its user.

### Article 52

#### *(Prohibition of Use of Disturbing Electric Devices)*

The Inspector may restrict or prohibit the use of electric devices that cause electromagnetic disturbances or prohibit the construction of buildings and associated infrastructure in case they would endanger the operation of the telecommunications equipment or electric devices.

### Article 53

#### *(The Sealing up of Devices)*

In case the Inspector has reasonable grounds to estimate that the telecommunications services provider or the holder of a radio license will continue the forbidden activities in spite of the measures taken pursuant to the previous Article, he is entitled to seal up the disturbing devices or to take any appropriate measure to prevent further carrying out of forbidden activities. The court of justice shall decide what to do with the sealed devices and about their possible confiscation.

### Article 54

#### *(Appeal Against the Inspector's Decision)*

(1) An appeal to the Ministry in charge of the telecommunications against the decision of the Inspector is possible within fifteen days from its delivery.

(2) The appeal against the Inspector's decision does not withhold its execution.

## VIII. PENALTY CLAUSES

### Article 55

(1) A legal person, for the infringement of regulations or an individual, having infringed the regulations during independent carrying out of activities, shall be fined min. SIT 500,000.00, in case he/she:

- provides, without authorization, the services referred to in the first paragraph of Article 4,
- provides telecommunications services without a concession for the use of the radio frequency spectrum (first paragraph of Article 17),
- provides call-back services and international telecommunications services (Article 19),
- without authorization constructs or operates the public telecommunications network referred to in the fifth paragraph of Article 24.

(2) The person in charge of the legal person shall also be fined min. SIT 50,000.00 for the infringement of the regulations mentioned in the previous paragraph.

### Article 56

(1) A legal person, for the infringement of regulations or an individual, having infringed the regulations during independent carrying out of activities, shall be fined min. SIT 400,000.00, in case he/she:

- forms prices contrary to the decisions of the founder or the concession act (Article 6),
- in the event of strike does not provide the services of public voice telephony, telecommunications services for carrying out the emergency services, and transmission and broadcasting of the first national television programme of the RTV Slovenija (first paragraph of Article 9),
- does not notify the provision of telecommunications services (second paragraph of Article 15),
- provides telecommunications services without a license ( Article 16),
- interconnects his/ her telecommunications network with foreign telecommunications networks without the license granted by the Minister in charge of the telecommunications (second paragraph of Article 16),
- does not assure confidentiality of transmitted messages and of personal and non-personal data known only to them (first paragraph of Article 18),
- does not establish the interconnection with the telecommunications network of the public telecommunications services provider (Article 22),
- does not assure the technical and technological uniformity and compatibility of the public telecommunications network (first paragraph of Article 24),
- connects terminal equipment to the public telecommunications network or uses, in the Republic of Slovenia, a radio station that bears no documents and markings (second paragraph of Article 27),
- does not design, construct, install, use or maintain the telecommunications equipment and electric devices in accordance with the first paragraph of Article 28,

- does not design, use or maintain the electric power assemblies for transmission, distribution or consumption of electric power, located in the vicinity of the telecommunications network or its part in accordance with the third paragraph of Article 28,
- constructs the telecommunications network or uses the telecommunications equipment in the vicinity of electric power assemblies contrary to the fourth paragraph of Article 28,
- uses radio frequencies and/or radio frequency bands and purchases and uses radio stations without a radio license (first paragraph of Article 37).

(2) The person in charge of the legal person shall also be fined min. SIT 40,000.00 for the infringement of the regulations referred to in the previous paragraph.

#### Article 57

(1) A legal person, for the infringement of regulations, or an individual, having infringed the regulations during independent carrying out of activities, shall be fined min. SIT 300,000.00, in case he/she:

- does not provide, in accordance with the national programme referred to in Article 3, or in accordance with the decree on the mode of the provision of the obligatory public trading service, or with the provisions of the concession act, the adequate coverage of their area with the predetermined quality of the telecommunications network and services (first paragraph of Article 7),
- does not enable all users to be connected under equal terms to their telecommunications network and to use this network (Article 7),
- does not maintain separate bookkeeping in order to assure separate accounting of public telecommunications services from other services, and does not carry out annual audit of bookkeeping reports, in accordance with the Law on public trading services (Article 7),
- does not provide the services required for carrying out the emergency services (Article 13),
- does not provide the accessibility of telecommunications services for disabled persons (Article 14),
- issues tokens or cards or other means for activating the payphones with automatic billing, contrary to the seventh paragraph of Article 16,
- consciously transmits false or deceptive signals and/or acts contrary to the provisions of Article 19,
- does not use his/her telecommunications network or its parts in the predetermined way in the state of war, state of emergency and in extraordinary circumstances (Article 21),
- sells the terminal equipment, which is available without documents and markings, without the inscription saying that it is not allowed to be connected to the public telecommunications network in the Republic of Slovenia (third paragraph of Article 27).

(2) The person in charge of the legal person shall also be fined min. SIT 30,000.00 for the infringement of the regulations referred to in the previous paragraph.

#### Article 58

(1) A legal person, for the infringement of regulations, or individual, having infringed the regulations during independent carrying out of activities, shall be fined min. SIT 100,000.00, in case he/she:

- does not assure transparency of business operations in accordance with the Article 11,
- does not publish the directories of the users of telecommunications services in accordance with the Article 12,

- does not give priority to transmission of messages related to safety of human lives, national security and those that warn about hazard to a property of greater value (Article 20),
- does not enable and does not cooperate in measurements, elimination of faults and other works, that are carried out by authorized persons of the telecommunications services providers (first paragraph of Article 23),
- is constructing a residential, business or other type of building, carries out any other works or grows plants and/or trees contrary to Article 29,
- has not built and/or foreseen and enabled the construction of a cable duct for the telecommunications network (Article 31).

(2) The person in charge of the legal person shall also be fined min. SIT 20,000.00 for the infringement of the regulations referred to in the previous paragraph.

#### Article 59

(1) A legal person, for the infringement of regulations, or individual, having infringed the regulations during independent carrying out of activities, shall be fined min. SIT 80,000.00, in case he/she:

- does not conclude, in writing, an agreement with the user or another telecommunications services provider, for the connection to his/her telecommunications network (Article 7),
- in order to enable billing does not keep records of the services carried out for his/her users and does not enable the latter to examine those data (Article 7),
- transmits signals and messages without the required identification (first paragraph of Article 45).

(2) The person in charge of the legal person shall also be fined min. SIT 16,000.00 for the infringement of the regulations referred to in the previous paragraph.

#### Article 60

(1) A legal person, for the infringement of regulations, or individual, having infringed the regulations during independent carrying out of activities, shall be fined min. SIT 64,000.00, in case he/she:

- at the request of the Minister in charge of the telecommunications, does not provide him with business information (Article 7),
- does not inform the Minister in charge of the telecommunications about any interruptions of international telecommunication lines (Article 7),
- transfers or cedes to others the license granted to him/her (second paragraph of Article 37),
- does not comply with the conditions specified in the radio license when operating a radio station and/or acts contrary to the second paragraph of Article 38.

(2) The person in charge of the legal person shall also be fined min. SIT 12,000.00 for the infringement of the regulations referred to in the previous paragraph.

#### Article 61

An individual having infringed the regulations shall be fined min. SIT 8,000.00, in case he/she:

- does not enable and does not cooperate in measurements, elimination of faults and other works, that are carried out by authorized persons of the telecommunications services providers (first paragraph of Article 23),

- does not design, construct, install, use and maintain the telecommunications equipment and/or electric devices in accordance with the first paragraph of Article 28,
- does not take all necessary measures to eliminate the disturbance of the operation of telecommunications that occurred due to plants or trees or buildings or carrying out of certain activities (Article 32),
- uses radio frequencies and/or radio frequency bands and purchases and uses a radio station without the radio license (first paragraph of Article 37),
- does not comply with the conditions specified in the radio license when operating the radio station and/or acts contrary to the second paragraph of Article 38,
- does not return the radio license to the Telecommunications Administration of the Republic of Slovenia within thirty days after the cancellation (fourth paragraph of Article 41),
- transmits signals and messages without the required identification (first paragraph of Article 44).

## **IX. SUBSIDIARY LEGISLATION ACTS**

### Article 62

*(Regulations Issued by the Government of the Republic of Slovenia)*

The Government of the Republic of Slovenia shall define:

- the mode of carrying out the obligatory public trading service, within one year after coming into force of this Law (Article 4),
- the amount and type of economic relief for the telecommunications services for disabled (Article 14),
- conditions for concession granting, within one year after coming into force of this Law (Article 17),
- conditions for construction and management of the public telecommunications network and of public telecommunications network intended for data telecommunications, within one year after coming into force of this Law (fifth paragraph of Article 24),
- the radio frequency band allocation, within six months after coming into force of this Law (Article 34).

### Article 63

*(Regulations Issued by the Minister)*

The Minister in charge of the telecommunications shall, within two years after coming into force of this Law, issue subsidiary acts to this Law, concerning:

- general conditions for the provision of public telecommunications services (Article 10),
- provision of emergency telecommunications services (Article 13),
- provision of telecommunications services for disabled persons (Article 14),
- conditions for granting licenses in accordance with the third paragraph of Article 16,
- technical and technological uniformity of the public telecommunications network (Article 24),
- the telecommunications of state bodies (Article 26),

- technical characteristics, documents and markings for the use of terminal equipment and radio stations (Article 27),
- electromagnetic compatibility of telecommunications equipment and electric devices (Article 28),
- granting of radio licenses (Article 37).

## **X. TRANSITIONAL AND FINAL PROVISIONS**

### Article 64

#### *(Restructuring of Telekom Slovenije)*

- (1) The Government of the Republic of Slovenia shall restructure Telekom Slovenije, p.o., within the period of six months after coming into force of this Law, into a public enterprise intended for the provision of the public trading service of public voice telephony and telex, referred to in the first paragraph of Article 4 of this Law.
- (2) The public telecommunications network, the mobile and other means intended for the provision of telecommunications services, that have become the property of the Republic of Slovenia pursuant to the first paragraph of Article 76 of the Law on public trading services (O.G.R.S., no. 32/93) on the day of coming into force of the said Law, are the investment of the Republic of Slovenia into the public enterprise referred to in the previous paragraph.
- (3) The investments of local communities and individual investors into the public telecommunications network will be compensated in the way and under terms stipulated by a special law.
- (4) The ownership transformation of Telekom Slovenije, p.o., as legal successor of PTT podjetje Slovenije, p.o., shall be carried out by taking into account the separation balances prepared for the separation of Pošta Slovenije, d.o.o., on December 31st, 1994, and the share in assets of the Republic of Slovenia in Telekom Slovenije, p.o., which has been established in conformance with Article 76 of the Law on public trading services (O.G.R.S., no. 32/93) and with the Decree on methodology for producing the opening balances of state (O.G.R.S., no. 24/93, 62/93, 72/93, 19/94, 32/94, 45/94, 5/95).
- (5) The employees, that were transferred from PTT podjetje Slovenije, p.o. to Pošta Slovenije, d.o.o. and to Telekom Slovenije, p.o., the former and the retired employees of PTT podjetje Slovenije, p.o. are entitled to participate in the privatization of the socially-owned assets of Telekom Slovenije, p.o. that shall be privatized pursuant to the Law on ownership transformation (O.G.R.S., no. 55/92, 7/93, 31/93, 1/96), in accordance with the ownership transformation programme of Telekom Slovenije, p.o., within six months after coming into force of this Law.
- (6) The public enterprise referred to in the first paragraph will remain until the 31 December 2000, the exclusive provider of voice telephony and telex referred to in Article 4, and of construction and management of the public telecommunications network referred to in the fifth paragraph of Article 24 of this Law. Before the implementation of the liberalization of the telecommunications market in the Republic of Slovenia, the Government of the Republic of Slovenia shall adjust the policy of the development of telecommunications to market conditions, according to the national programme of the development of telecommunications. The public enterprise shall act in conformance with the national programme referred to in Article 3 of this Law which will be submitted by the Government of the Republic of Slovenia to the National Assembly of the Republic of Slovenia for adoption, within six months after the enactment of this Law.
- (7) In the period before the adoption of the National Programme the public enterprise shall construct at least 50 % of new telephone lines in the communities, where the penetration rate is below the average teledensity in the Republic of Slovenia.
- (8) The public enterprise may, along with the services referred to in the first paragraph, by itself or through the companies established for this purpose, provide also other telecommunications services, on the basis of this Law and of the secondary regulations based on it.

### Article 65

*(Local Networks)*

(1) Notwithstanding the provision referred to in the sixth paragraph of the previous Article, the Government of the Republic of Slovenia may, on the basis of a public call for tenders, and taking into account the conditions referred to in the fifth paragraph of Article 24 of this Law, grant a concession for the construction of local telecommunications networks, intended for the provision of public telecommunications services of voice telephony, in the areas where the teledensity is lower than the average teledensity in the Republic of Slovenia.

(2) Public telecommunications services in local networks shall be provided by the provider of these services, referred to in the previous Article.

Article 66

*(Validity of the Present Licenses and Other Documents)*

All licenses, certificates and other documents, relating to the telecommunications equipment and issued pursuant to the Law on the telecommunications systems (O.G.SFRY, no. 41/88, 80/89, 29/90), shall remain valid until the expiration of their term of validity, specified in the license, certificate or other document.

Article 67

*(Continuation of the Provision of Commercial Telecommunications Services)*

(1) Legal and physical persons that, in compliance with the regulations, provide telecommunications services referred to in the second paragraph of Article 15 of this Law on the day of the adoption of this Law, may continue to provide them in the way and on the conditions specified by this Law and secondary regulations based on it, but must notify them within 90 days after the enactment of this Law.

(2) Legal and physical persons that, in compliance with regulations, provide commercial telecommunications services referred to in the first paragraph of Article 16 of this Law on the day of the adoption of this Law, may continue to provide them in the way and on the conditions specified by this Law and secondary regulations based on it, till the acquisition of a license.

(3) The Telecommunications Administration of the Republic of Slovenia shall grant to the persons referred to in the previous paragraph, licenses for the kind and scope of services which they were providing on the day of the adoption of this Law, on condition that they file complete applications for issuing a license within 90 days after the enactment of the regulation referred to in the second paragraph of Article 16 of this Law.

(4) Legal and physical persons that provide telecommunications services referred to in the first paragraph of Article 17 of this Law on the day of the adoption of this Law, may continue to provide them in the way and on the conditions specified by this Law and the secondary regulations based on it, till the acquisition of a concession for the use of radio frequency spectrum.

(5) Legal and physical persons are entitled to acquire a concession under the terms of this Law and of regulations based on it for the kind and scope of services that they were providing on the day of the enactment of this Law, without any public invitation for tender, but have to file a complete application for the acquisition of concession within 90 days after the enactment of the regulation referred to in the second paragraph of Article 17 of this Law, that concerns their services, and to conclude a concession agreement in accordance with that regulation, at the latest within six months after its enactment.

Article 68

*(Validity of Radio Licenses)*

The second paragraph of Article 43 shall be applied for the radio licenses that were issued by the Telecommunications Administration of the Republic of Slovenia after the 1 January 1992.

## Article 69

### *(Prices of Public Telecommunications Services)*

The prices of public telecommunications services will be - during the period when the public enterprise is the exclusive provider of these services - formed in such an amount that will guarantee the implementation of the provisions referred to in the sixth and seventh paragraph of Article 64 of this Law.

## Article 70

### *(Application of the so far valid General Conditions)*

The self-management agreement concerning general conditions for the provision of postal, telegraph and telephone services (O.G.SFRY, no. 35/88 and 40/88) will continue to apply, pursuant the logical sense, until the enactment of general operating conditions of the public telecommunications services providers.

## Article 71

### *(Cessation of Application of the so far valid Regulations)*

The regulations issued on the basis of the Law on telecommunications systems (O.G.SFRY, no. 41/88, 80/89 and 29/90) and the Law on merger into the JPTT Community (O.G.SFRY, no. 18/78) shall apply until the regulations pursuant to this Law have been issued according to the provisions comprised in the Regulations on the application of the provisions in the field of telecommunications (O.G.R.S., no. 66/94).

## Article 72

### *(Provisions that shall stop being used and/or shall stop being valid)*

(1) On the day of coming into force of this Law, the following laws shall stop being used:

- the Law on telecommunications systems (O.G.SFRY, no. 41/88, 80/89 and 29/90),
- the Law on postal and telegraph services (O.G.SFRY, no. 2/86, 26/90) in the section referring to the telecommunications.

(2) The Law on administrative body for carrying out the inspection of PTT traffic and PTT services in the Socialist Republic of Slovenia (O.G.SRS, no. 31/65), in the section referring to the telecommunications, will cease to apply on the day of the enactment of this Law.

(3) The Decree on transformation of PTT podjetje Slovenije, p.o. into Telekom Slovenije, p.o. (O.G.R.S., no. 76/94) will cease to apply on the day of establishment of the enterprise referred to in Article 64 of this Law.

## Article 73

### *(Coming into Force of This Law)*

This Law shall come into force on the fifteenth day after its publication in the Official Gazette of the Republic of Slovenia.

No. 326-08/94-3/4

Ljubljana, 28 May 1997.

President

of the National Assembly of the Republic of Slovenia