

# Cable Distribution Act

## Chapter 1

### General Provisions

#### *§ 1. Purpose of Act*

The purpose of this Act is to create conditions for the provision of cable distribution services and for the protection of consumer rights.

#### *§ 11. Application of Administrative Procedure Act*

The provisions of the Administrative Procedure Act (RT I 2001, 58, 354; 2002, 53, 336) 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. Cable distribution services*

For the purposes of this Act, cable distribution services is the transmission of television or radio broadcasts and television or radio programmes (hereinafter programmes) to consumers for a charge or without charge through cable networks or by master antenna systems.

#### *§ 3. Cable network*

(1) For the purposes of this Act, cable network is a set of technical facilities within a defined territory through which programmes are received and transmitted to consumers, and such programmes are:

- 1) emitted by terrestrial broadcasting transmitters;
- 2) emitted by satellites; or
- 3) to be transmitted on authorisation of broadcasters.

(2) In the provision of telecommunication services by cable network, undertakings shall comply with the requirements provided for in the Telecommunication Act (RT I 2000, 18, 116; 78, 495; 2001, 23, 125; 53, 310; 2002, 47, 297; 61, 375; 63, 387).

(3) The use of a cable network shall not interfere with the reception or transmission of programmes through other cable networks, by master antenna systems or individual reception systems constructed on a legal basis, or create radio interference.

(4) The Minister of Transport and Communications shall establish the technical requirements for cable networks on the basis of the following principles:

- 1) ensurance of the security of operations;
- 2) preservation of integrity;
- 3) compliance with health and environmental requirements;
- 4) compliance with planning and land readjustment requirements;
- 5) avoidance of harmful interference between radio networks and other outer space based or terrestrial technical systems;
- 6) ensurance of public order and national security;
- 7) monitoring of compliance with the established requirements;
- 8) avoidance of activities which prejudice free competition.

#### *§ 4. Master antenna system*

(1) For the purposes of this Act, master antenna system is a set of technical facilities through which programmes are received and transmitted to consumers located within the limits of one immovable, building or association, and such programmes are emitted by:

- 1) terrestrial broadcasting transmitters; or
- 2) satellite.

(2) The use of a master antenna system shall not interfere with the reception or transmission of programmes through other cable networks, by master antenna systems or individual reception systems constructed on a legal basis, or create radio interference.

(3) The Minister of Transport and Communications shall establish the technical requirements for master antenna systems on the basis of the principles provided for in subsection 3 (4) of this Act.

#### *§ 5. Individual reception system*

(1) For the purposes of this Act, individual reception system is a set of technical facilities whereby a person receives or several persons jointly receive programmes for their own use within the limits of one immovable, building or association, and such programmes are emitted by:

1) terrestrial broadcasting transmitters; or

2) satellite.

(2) The transmission of programmes to other persons by individual reception systems is not permitted.

(3) The use of an individual reception system shall not interfere with the reception or transmission of programmes through cable networks, by master antenna systems or individual reception systems constructed on a legal basis, or create radio interference.

#### *§ 6. Consumer*

(1) For the purposes of this Act, consumer is a person who has subscribed to a cable network or master antenna system and who has entered into a subscription contract or contract for provision of services with the holder of a cable network licence, owner of an individual reception system or provider of cable distribution services.

(2) Consumers have no right to transmit programmes to other persons.

#### *§ 7. Owner or cable network or individual reception system*

(1) An undertaking entered in the commercial register or a legal person entered in another register pursuant to law, which has been issued a cable network licence pursuant to this Act may be the owner of a cable network.

(2) The owner of a cable network shall not be an undertaking which accounts for more than 40 per cent of the turnover in the market of telephone services which are provided in Estonia or an undertaking which has a holding of more than 10 per cent in such company either directly or through partners, shareholders or third persons.

(3) A sole proprietor or a legal person who has been registered in compliance with the requirements provided for in the law may be the owner of a master antenna system.

(4) The owner of a cable network or a master antenna system organises and is responsible for the creation, development and use of the cable network or master antenna system.

#### *§ 8. Provider of cable distribution services*

(1) A provider of cable distribution services is an undertaking which transmits programs to consumers through cable or telecommunications network or by master antenna system.

(2) The owner of a cable network or an undertaking which has entered into a corresponding contract with a holder of a cable network licence may act as a provider of cable distribution services.

(3) A provider of cable distribution services shall not be an undertaking which accounts for more than 40 per cent of the turnover in the market of telephone services which are provided in Estonia or an undertaking which has a holding of more than 10 per cent in such company either directly or through partners, shareholders or third persons.

#### *§ 9. Package of programmes distributed by cable and basic package of programmes distributed by cable*

(1) Package of programmes distributed by cable is a collection of programmes transmitted to consumers through a cable network.

(2) Basic package of programmes distributed by cable is a package of programmes distributed by cable which the owner of a cable network must transmit to consumers who have entered into a subscription contract with the owner.

(3) In order to transmit programmes which are not included in the basic package of programmes, a separate contract for provision of services shall be entered into with a consumer or an annex to the subscription contract is signed.

## **Chapter 2**

### Cable Network Licence

#### *§ 10. Cable network licence*

(1) Cable network licence is an activity licence issued by the Communications Board which entitles the person indicated therein to create, develop and use a cable network under the conditions specified in the licence.

(2) A cable network licence is issued for a term of ten years unless the applicant requests a shorter term.

(3) A cable network licence is not transferable.

(4) If a cable network or a part thereof is transferred to a third person and the new owner submits an application for a cable network licence to the Communications Board within two weeks as of the transfer of the ownership, the rights and obligations arising

from the cable network licence issued to the former owner remain valid with regard to the new owner until the application of the new owner is reviewed by the Communications Board.

#### *§ 11. Conditions specified by cable network licence*

A cable network licence shall specify:

- 1) the geographical area of the activity;
- 2) technical requirements for cable network;
- 3) commencement date of activity;
- 4) other requirements provided by this Act.

#### *§ 12. Application for cable network licence*

(1) A person who wishes to create, develop and use a cable network shall submit a standard format application for the issue of a cable network licence to the Communications Board.

(2) The application for a cable network licence shall contain the following information concerning the applicant:

- 1) name and registry code;
- 2) address and other details;
- 3) commencement date of activity;
- 4) geographical area of activity.

(3) The following shall be appended to an application for a cable network licence:

- 1) description of the cable network and the cable distribution service provided;
- 2) in case of a legal person being founded, a certified copy of the memorandum of association;

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

- 3) in case of a legal person, the list of shareholders or partners who have at least a 10 per cent holding in the share capital;
- 4) (Repealed - 19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

(31) Before submitting an application, a person who wishes to create, develop and use a cable network shall pay a state fee.

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

(4) The format of the cable network licences and application shall be established by the Minister of Transport and Communications.

#### *§ 13. Issue of cable network licence*

(1) The Communications Board shall issue a cable network licence together with requirements for the cable network.

(2) A cable network licence shall be issued not later than within eight weeks after the receipt of a correctly completed application and all required documents at the Communications Board.

(3) Before issuing a cable network licence, the Communications Board shall verify the information on the legal person or sole proprietor in the register in which the person is registered.

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

#### *§ 14. Refusal to issue cable network licence*

(1) The Communications Board shall refuse to issue a cable network licence, if:

1) the applicant is unable to ensure compliance with the requirements established pursuant to this Act;

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

3) the information submitted in the application or annexed thereto is incorrect.

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

(2) The Communications Board may grant a term to an applicant for the elimination of the circumstances which impede the issue of a cable network licence. The Communications Board shall notify the applicant in writing of the grant of a term and shall indicate the basis for granting the term and the period during which deficiencies must be eliminated.

#### *§ 15. Extension of cable network licence*

(1) For the extension of a cable network licence, the owner of a cable network shall, not later than three months before the expiry of the validity of the licence, submit a written application prepared in a free format for the extension of the cable network licence. Before submitting an application, the owner of the cable network shall pay a state fee.

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

(2) The Communications Board shall extend a cable network licence within one month after the date of receipt of the documents specified in subsection (1) of this section.

(3) Upon the extension of a cable network licence, all conditions specified in the licence remain valid.

#### *§ 16. Amendment of conditions of cable network licence*

(1) The Communications Board may amend the conditions of a cable network licence if such amendments do not result in violation of the principles of equal treatment and free competition and are due to:

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

2) technology development.

(2) The Communications Board shall send a written reasoned notice concerning its intention to amend the conditions of a cable network licence on the basis of subsection (1) of this section to the holder of the cable network licence by post or by electronic means at least three months before making the decision on amendment of the conditions, unless another term is specified by law.

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

(3) The holder of a cable network licence may submit a written opinion concerning the planned amendments to the Communications Board within two months unless the Communications Board has specified a longer term therefor.

(4) The Communications Board shall review an opinion received in time and shall, within one month after presentation of the opinion, send its written reasoned position thereon by post or by electronic means to the person who presented the opinion.

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

(5) The period between the notification of the holder of a cable network licence of the decision to amend the conditions of the cable network licence and the entry into force of the amendments shall be six months unless another term is provided by this Act.

(6) The holder of a cable network licence may file an application with the Communications Board for the amendment of the conditions of the cable network licence. The Communications Board is required to decide to amend or to refuse to amend the conditions and to communicate the corresponding directive of the Director General of the Communications Board to the applicant by post or by electronic means within one month after the application is filed.

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

*§ 17. Termination of validity and revocation of cable network licences*

(1) The validity of a cable network licence shall terminate:

- 1) upon expiry of the validity of a cable network 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 cable network licence, or divestment of active legal capacity of the natural person;
- 3) upon the dissolution of a legal person who is the holder of the cable network licence;
- 4) upon revocation of the cable network licence;
- 5) on the basis of an application of the holder of the cable network licence if the holder of the licence does not wish to continue operation in the field of activity specified in the licence, or
- 6) upon transfer of the cable network to another person with the specifications provided for in subsection 10 (4) of this Act.

(2) The Communications Board may revoke a cable network licence if the person specified in the licence:

- 1) fails to comply with the conditions specified by the cable network licence;
- 2) fails to comply with the requirements arising from this Act in the person's activity;
- 3) has submitted false information to the Communications Board;
- 4) prejudices, by act or omission, the reception or transmission of programmes within the same cable network area through other cable networks, by master antenna systems or individual reception systems constructed on a legal basis; or
- 5) creates radio interference.

(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)

### **Chapter 3**

#### Registration of Master Antenna System

##### *§ 18. Registration of master antenna system*

(1) In order to provide cable distribution services, the owner of a master antenna system shall register the master antenna system at the Communications Board.

(2) In order to register a master antenna system, the owner of a master antenna system shall send a registration notice to the Communications Board and the notice shall include:

- 1) name and personal identification code or register code of the owner;
- 2) the address and other details;
- 3) the address of the location of the master antenna system;
- 4) commencement date of activity.

(3) The following shall be appended to a registration notice of a master antenna system:

1) in case of a legal person being founded, a certified copy of the memorandum of association;

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

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

3) a description of the master antenna system.

(31) Before sending a registration notice, the owner of a master antenna system shall pay a state fee.

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

(32) Before registration of a master antenna system specified in subsection (1) of this section, the Communications Board shall verify the information on the legal person which or sole proprietor who is the owner of the master antenna system in the register in which the person is registered.

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

(4) The Communications Board shall register a master antenna system specified in subsection (1) of this section and shall notify the person who submitted the notice of the corresponding directive of the Director General of the Communications Board by post or by electronic means within four weeks after a correctly completed application and all the necessary documents are received by the Communications Board.

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

(5) The Communications Board may refuse to register a master antenna system specified in subsection (1) of this section, if:

1) compliance with the established requirements is not ensured, or

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

(6) The persons specified in subsection (1) of this section may commence the provision of cable distribution services after the master antenna system has been registered in the Communications Board.

(7) The standard format for registration notices of master antenna systems shall be established by the Minister of Transport and Communications.

## **Chapter 4**

### **Creation, Development and Use of Cable Networks and Provision of Cable Distribution Services**

#### *§ 19. Mandatory conditions for use of cable networks and provision of cable distribution services*

(1) The holder of a cable network licence shall ensure the continuous transmission of the following programmes within the basic package of programmes distributed by cable:

1) programmes of Estonian public service broadcasters;

2) television programmes transmitted by terrestrial broadcasting transmitters within an area specified in the cable network licence that are received at a signal intensity compatible with the technical requirements and for the transmission of which the owner requires no charge.

(2) The holder of a cable network licence or the provider of cable distribution services shall ensure the consumers with cable distribution services throughout the twenty-four

hour period or to the extent of the duration of the broadcasting time unless the parties agree otherwise.

(3) To transmit their own programmes, holders of cable network licences and providers of cable distribution services shall hold a broadcasting licence provided for in the Broadcasting Act (RT I 1994, 42, 680; 66, 1145; 1995, 16, 228; 83, 1437; 1996, 49, 953; 1997, 29, 448; 52, 834; 93, 1564; 1998, 2, 42; 44; 1999, 7, 112; 16, 268; 25, 364; 59, 613; 2000, 25, 143; 35, 220; 102, 666; 2001, 53, 310; 2002, 3, 5; 21, 117; 53, 336; 57, 357; 61, 375; 63, 387).

(4) Technical requirements for performance of the obligations provided for in clause (1) 2) of this section shall be established by the Minister of Transport and Communications.

*§ 20. Entry into subscription contracts and contracts for provision of services and subscription to cable network*

(1) The holder of a cable network licence or provider of cable distribution services shall inform a person who has submitted an application of the possibility of subscribing to a cable network and the provision of cable distribution services and of corresponding terms within fifteen days of the date on which the application was submitted.

(2) When a consumer subscribes to a cable network, a written subscription contract is entered into between the consumer and the holder of a cable network licence, which shall provide for the mutual rights and obligations of the parties, including:

- 1) the manner of and the term and charge for connection to the cable network;
- 2) connection maintenance and charge therefor;
- 3) titles of the programs transmitted within the basic package of programmes;
- 4) types of receiving equipment the use of which is permitted;
- 5) the location of the connection point of the cable network;
- 6) the charge for the use of cable distribution services;
- 7) the procedure for the payment of the charge specified in clauses 1), 2) and 6) of this subsection.
- 8) the procedure for amendment of the contract, and the liabilities of the parties;
- 9) procedure for submission of complaints and resolution of disputes.

(3) A written contract for provision of services entered into on application of a consumer for the transmission of programs not included in the basic package of programs shall provide for mutual rights and obligations, including:

- 1) titles of the programs transmitted within the package of programmes;
- 2) the charge for the use of cable distribution services;
- 3) the procedure for amendment of the contract, and the liabilities of the parties;
- 4) the procedure for submission of complaints and resolution of disputes.

*§ 21. Connection of receiving equipment to cable network*

The holder of a cable network licence shall enable connection of receiving equipment with the cable network within ten working days after the entry into the subscription contract unless the parties to the contract have agreed otherwise.

*§ 22. Restriction and suspension of provision of cable distribution services*

(1) The holder of a cable network licence or the provider of a cable distribution service may restrict or suspend the provision of cable distribution services to a consumer; if:

- 1) the consumer has failed to pay for the provided services in a timely manner;
- 2) the consumer has connected to the cable network receiving equipment which is not in compliance with the requirements or is not in working order;
- 3) the consumer interferes with the work of the cable network by his or her use of the receiving equipment;
- 4) the restriction or suspension of the provision of the cable distribution service is necessary for the installation, repair, exchange or maintenance of cable network equipment or facilities;
- 5) the consumer breaches the conditions of the subscription contract or contract for provision of services; or
- 6) the consumer has submitted incorrect information upon entry into the subscription contract or contract for provision of services.

(2) The holder of a cable network licence may restrict or suspend the provision of cable distribution services only if the holder of the licence has informed the consumer thereof at least five working days before the restriction or suspension of the cable distribution services, and shall notify the duration of and reasons for the restriction or suspension,

except if the immediate restriction or suspension of the cable distribution services is necessary in the cases provided for in clauses (1) 2) and 3) of this section.

(3) The provision of cable network services shall not be restricted or suspended if a consumer eliminates the circumstances underlying the restriction or suspension prior to the application of the planned restriction or suspension of the provision of cable network services and informs the holder of the cable network licence or provider of cable distribution services thereof.

(4) The holder of a cable network licence or provider of cable distribution services shall not restrict or suspend the provision of cable distribution services if a consumer contests the cable distribution service charge notified in writing, prior to the payment term, and makes a timely payment for the part of the cable network services the charge for which he or she does not contest.

(5) If the contestation by a subscriber of the charge specified in subsection (4) of this section and of the amount thereof, and the fact that the consumer has not paid for the contested part of is found to be without legal basis, the consumer shall pay the unpaid amount not later than by the following due date for payment.

(6) If the provision of cable distribution services is restricted or suspended on the basis of clause (1) 4) of this section, a charge is not collected from the consumers for such period.

### *§ 23. Suspension and termination of subscription contracts and contracts for provision of services*

(1) The consumer has the right to suspend the subscription contract or contract for provision of services for a period of one month up to one year at his or her discretion by notifying thereof at least ten days in advance provided that the consumer has performed all obligations arising from the subscription contract or contract for provision of services in respect of the holder of a cable network licence or provider of cable distribution services.

(2) Upon suspension of subscription contract:

- 1) the provision of cable distribution services is suspended;
- 2) receiving equipment or its connection is disconnected from the cable network;
- 3) the consumer is not required to pay for the provision of the cable distribution services for the time during which the contract is suspended;

4) the holder of a cable network licence or provider of cable distribution services may give the equipment necessary for connection to the receiving equipment or provision of services belonging to the holder of a cable network licence or provider of cable distribution services to another consumer for use.

(3) Upon suspension of contract for provision of services:

1) the provision of cable distribution services is suspended;

2) the consumer is not required to pay for the provision of the cable distribution services for the time during which the contract is suspended.

(4) If the suspension of a subscription contract or contract for provision of services is terminated, the holder of a cable network licence or provider of cable distribution services shall, on the basis of a corresponding application, continue the provision of the cable distribution services within five working days.

(5) A consumer has the right to terminate a subscription contract or contract for provision of services by notifying the holder of a cable network licence or provider of cable distribution services thereof ten days in advance.

(6) The holder of a cable network licence or provider of cable distribution services has the right to terminate a subscription contract or contract for provision of services, if:

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

2) the provision of cable distribution services is restricted or suspended pursuant to clauses 22 (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.

#### *§ 24. Transfer of rights and obligations arising from subscription contract upon change of owner of cable network*

Upon the transfer of the right of ownership in a cable network from one person to another, the subscription contract shall remain in force with regard to the new owner, unless the new owner of the cable network and consumer agree otherwise.

#### *§ 25. Elimination of breakdowns in cable network*

(1) The holder of a cable network licence shall organise receipt of information concerning breakdowns from consumers, inform the consumers of the procedure and time for receipt of such information and of the term for elimination of the breakdown.

(2) In the case of a breakdown of the cable network, a consumer shall allow representatives of the holder of the cable network licence access to equipment which

forms a part of the cable network and to receiving equipment in order to carry out checks and to locate the breakdown.

(3) Upon receiving notification of a breakdown, the holder of the cable network licence shall arrange for the elimination of a breakdown of the connection between the cable network and the receiving equipment of a consumer during the working day following the date of notification of the breakdown.

(4) Expenses incurred in the elimination of breakdowns in receiving equipment and connections to receiving equipment shall be borne by the consumer, except if the holder of a cable network licence has caused the breakdown.

## **Chapter 5**

### Supervision

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

#### *§ 26. State supervision over compliance with law*

(1) State supervision over compliance with this Act and legislation arising therefrom shall be exercised by the Communications Board.

(2) For the purposes of this Act, officials exercising state supervision are the Director General of the Communications Board and the officials authorised to exercise supervision by the Director General (hereinafter officials).

(3) In the process of exercising supervision, the Communications Board shall:

1) monitor the compatibility of cable networks and master antenna systems with the technical requirements established by legislation;

2) monitor the compliance of the provision of cable distribution services with this Act.

(4) The Communications Board shall exercise supervision over the creation, development and use of cable networks and the provision of cable distribution services pursuant to law and the procedure established by the Minister of Transport and Communications.

#### *§ 27. Precepts*

(1) Officials have the right to issue mandatory precepts to the holders of cable network licences and owners of master antenna systems or individual reception systems for the termination of an offence, for the performance of certain acts or suspension of activities.

(2) The precept specified in subsection (1) of this section shall include:

- 1) the name and position of the official who prepared the precept;
- 2) the date of issue of the precept;
- 3) business name or name of the holder of a cable network licence or owner of a master antenna system or individual reception system.
- 4) the place of the offence;
- 5) the legal bases for issue of the precept, and the circumstances underlying the issue of the precept;
- 6) the term for compliance with the precept;
- 7) a reference to the sanctions to be applied in the case of failure to comply with the precept.

(3) The precept shall be delivered directly to the holder of a cable network licence or owner of a master antenna system or individual reception system, or to a representative thereof against signature, or shall be delivered by post with a notice of delivery.

(4) The Communications Board has the right to amend or revoke a precept if circumstances underlying the issue of the precept have changed.

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

#### *§ 28. Monitoring of compliance with requirements arising from law*

(1) In order to monitor compliance with requirements arising from this Act and legislation established on the basis thereof, officials have the right to inspect the technical conditions of cable networks, master antenna systems and individual reception systems and to make extracts from and copies of documents.

(2) In order to establish or eliminate radio interference, the holder of a cable network licence or owner of a master antenna system or individual reception system or a representative thereof is required to allow the official access to the cable network, master antenna system or individual reception system at the first request of the official.

(3) An official is required to maintain confidential information related to cable networks or master antenna systems which become known to him or her in the course of monitoring, and to use obtained information only in the exercise of state supervision.

#### *§ 29. Notification obligation*

(1) The holder of a cable network licence or owner of a master antenna system is required to notify the Communications Board within one month in writing of any changes in the information pertaining to them as compared to the information communicated to the Communications Board by them pursuant to law.

(2) The holder of a cable network licence is required to notify the Communications Board by 1 February each year of any changes involving the cable network during the previous calendar year and of the number of customers who entered into or terminated subscription contracts with the holder of the licence during the previous calendar year.

(3) At the request of the Communications Board, the holder of a cable network licence or owner of a master antenna system or individual reception system or a representative thereof is required to:

1) appear at the Communications Board to provide explanations;

2) submit to the Communications Board technical designs and subscription contracts and other documents in its possession concerning the cable network, master antenna system or individual reception system which pertain to the activities related to cable distribution services.

(4) Upon failure to comply with the requirements specified in subsections (1)-(3) of this section, the Communications Board may impose penalty payment pursuant to the procedure provided for in the Substitutive Enforcement and Penalty Payment Act (RT I 2001, 50, 283; 94, 580).

(5) The maximum rate of penalty payment specified in subsection (4) of this section is 10 000 kroons.

## **51. Chapter 51**

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

### **Liability**

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

#### *§ 291. Violation of notification obligation*

(1) Violation of the notification obligation provided for in § 29 of this Act 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)

*§ 292. Creation of radio interference by use of cable network, master antenna system or individual reception system*

(1) The creation of radio interference by use of a cable network, master antenna system or individual reception system if the interference 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)

*§ 293. Violation of other requirements of Cable Distribution Act*

(1) Violation of requirements not provided for in §§ 291 and 292 of this Act 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 20 000 kroons.

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

*§ 294. Proceedings*

(1) The provisions of the General Part of the Penal Code (RT I 2001, 61, 364; 2002, 44, 284; 56, 350) and of the Code of Misdemeanour Procedure (RT I 2002, 50, 313) apply to the misdemeanours provided for in §§ 291-293 of this Act.

(2) The Communications Board is the extra-judicial body which conducts proceedings in matters of misdemeanours provided for in §§ 291-293 of this Act.

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

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

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

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

## **Chapter 6**

Implementing Provisions

*§ 33. Temporary licences for a specified term, cable television network licences and cable television network utilisation licences issued before entry into force of this Act*

(1) The holder of a temporary licence for a specified term, cable television network licence or cable television network utilisation licence which was issued by the Communications Board before the entry into force of this Act may continue to operate a cable network on the basis of such licence until the holder of such licence is granted a cable network licence on condition that the holder of the licence applies for the issue of a cable network licence within three months after the entry into force of this Act. The Communications Board shall issue a cable network licence not later than six months after the date of application.

(2) If the holder of a temporary licence for a specified term, cable television network licence or cable television network utilisation licence does not apply for the issue of a cable network licence within three months after the entry into force of this Act, the temporary licence for a specified term, cable television network licence or cable television network utilisation licence becomes invalid within three months after the entry into force of this Act.

*§ 34. Master antenna system utilisation licences issued before entry into force of this Act*

(1) The Communications Board shall register master antenna systems on the basis of the master antenna system utilisation licences issued before entry into force of this Act within four weeks after the entry into force of this Act.

(2) A master antenna utilisation licence specified in subsection (1) of this section is revoked by a directive specified in subsection 18 (4) of this Act.

*§ 35. Public competitions for cable television network licences requested by local governments before entry into force of this Act*

(1) Public competitions for cable television network licences requested by local governments before the entry into force of this Act which have not been announced by the date of entry into force of this Act shall be revoked.

(2) Public competitions for cable television network licences requested by local governments before the entry into force of this Act which have been announced but not terminated by the date of entry into force of this Act shall be revoked. The notice concerning the revoking of a competition shall be published in the same publications as the notice by which the competition was announced.

*§ 36. Contracts for provision of cable distribution services entered into with consumers before entry into force of this Act*

Contracts for provision of cable distribution services entered into with consumers before the entry into force of this Act shall be brought into compliance with the requirements of this Act within one year after the entry into force of this Act.

#### *§ 37. Amendment of State Fees Act*

The State Fees Act (RT I 1997, 80, 1344; 2001, 55, 331; 56, 332; 64, 367; 65, 377; 85, 512; 88, 531; 91, 543; 93, 565; 2002, 1, 1; 9, 45; 13, 78; 79; 81; 18, 97; 23, 131; 24, 135; 27, 151; 153; 30, 178; 35, 214; 44, 281; 47, 297; 51, 316; 57, 358; 58, 361; 61, 375; 62, 377) is amended as follows:

1) subsection 183 (34) is amended and worded as follows:

“(34) A state fee of 1000 kroons shall be paid for the issue of a cable network licence or amendment of a cable network licence on the basis of a corresponding application by the holder of a cable network licence.”;

2) subsection 183 (35) is repealed;

3) subsections 183 (36) and (37) are amended and worded as follows:

“(36) A state fee of 300 kroons shall be paid for the registration of a master antenna system.

(37) A state fee of 500 kroons shall be paid for the extension of a cable network licence.”;

4) section 1973 is repealed.

#### *§ 38. Amendment of Telecommunications Act*

Subsection 7 (11) is added to the Telecommunications Act (RT I 2000, 18, 116; 78, 495; 2001, 23, 125; 53, 310; 2002, 47, 297; 61, 375; 63, 387) worded as follows:

“(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.”

#### *§ 39. Amendment of Broadcasting Act*

Clause 37 (3) 6) of the Broadcasting Act (RT I 1994, 42, 680; 66, 1145; 1995, 16, 228; 83, 1437; 1996, 49, 953; 1997, 29, 448; 52, 834; 93, 1564; 1998, 2, 42; 44; 1999, 7, 112; 16, 268; 25, 364; 59, 613; 2000, 25, 143; 35, 220; 102, 666; 2001, 53, 310; 2002, 3, 5; 21, 117; 53, 336; 57, 357; 61, 375; 63, 387) is amended and worded as follows:

“6) broadcasting licence, for cable networks.”

*§ 40. Repeal of Cable Distribution Act*

The Cable Distribution Act (RT I 1999, 25, 364) is repealed.

*§ 41. Entry into force of Act*

This Act enters into force one month after the date of its publication in the *Riigi Teataja*.

1 RT = *Riigi Teataja* = *State Gazette*