



This project is funded by the European Union

CONSULTATION DOCUMENT

on

Proposal of the amendments to Secondary Legislation of Georgia on Electronic Communications

1. BASIC PROJECT INFORMATION

1.1. Twinning Number: GE/15/ENI/TE/01/16 (GE/27)

1.2. Title: “Supporting the Georgian National Communication Commission (GNCC) in developing of its electronic communications regulatory framework and operational capacities in line with EU regulatory framework”

1.3. Beneficiary Country: Georgia

1.4. Member State: Lithuania/Germany/Poland

1.5. Activity No and Title: 1.2.2. Preparation of the consultation document.

2. GENERAL INFORMATION

2.1. Objective	Consulting the Georgian electronic communications sector stakeholders on the Proposal of the amendments to Secondary Legislation of Georgia on Electronic Communications
2.2. Target group	Georgian electronic communications sector stakeholders: - providers of electronic communications networks and/or services; - providers of transit of broadcasting; - consumer associations; - electronic communications industry associations; - end users of electronic communication services, broadcasting services, users of radio frequencies for non-electronic communication activities; - governmental authorities.
2.3. Consultation period	13 May 2019 – 13 June 2019

2.4. Workshops	<p>1. Informative stakeholder workshop was organized on 27 March 2019.</p> <p>Objective: to explain the contents of the consultation document.</p> <p>2. Consultative stakeholder workshop will be organized after the consultation period.</p> <p>Objective: to discuss the relevant comments provided by stakeholders during the public consultation period.</p>
2.5. Language	English
2.6. How to submit your contribution	Comments to be sent to GNCC, email: consultation@gncc.ge
2.7. Other relevant information	<p>The public consultation will be supported by the consultative stakeholder workshop on 29 May.</p> <p>Stakeholder workshops will be organized at the GNCC premises (50/18 Ketevan Tsamebuli Ave/ Bochorma Str., 0144, Tbilisi, Georgia).</p> <p>Submission of comments can be made in writing all throughout the consultation period. All comments should be in English. The opinions expressed during the workshops will also be taken into account.</p>

3. LIST OF ABBREVIATIONS

ECA	Law of Georgia on Electronic Communications
EU	European Union
GAC	General Administrative Code of Georgia
GNCC	Georgian National Communications Commission
MSs	Member States
NRA	National Regulatory Authority
NRAs	National Regulatory Authorities

4. EXPLANATORY NOTES

The EU's regulatory framework for electronic communications is a series of rules which apply throughout the EU Member States. It encourages competition, improves the functioning of the market and guarantees basic user rights. The framework is made of a package of 5 Directives, i.e. the

Framework Directive¹ and the Specific Directives (Access Directive², Authorisation Directive³, Universal Service Directive⁴, Directive on privacy and electronic communications⁵).

EU-Georgia Association Agreement⁶, among other issues, stipulates⁷ that Georgia undertakes to gradually approximate its legislation to the Framework Directive and the Specific Directives, particularly to implement a regulation providing for general authorisations and restricting the need for individual licences to specific, duly justified cases, establishing public consultations procedures for new regulatory measures, ensuring the respect of users' interests and rights.

During the Twinning project current legislative framework (secondary legislation) of Georgia on electronic communications was assessed in order to identify gaps and the need for a new regulation or regulation improvement, as well as to propose improvements of current secondary legislation that are required to ensure that Georgian legal framework in the field of electronic communications would come in line with EU *acquis communautaire*.

4.1. General permission regime for engagement in electronic communications activities

The main EU legal act establishing the basis for general permission regime is Authorisation directive (including annex)⁸.

Draft ECA enacts grounds⁹ for carrying out activities in the field of electronic communications, stating that activities in the field of electronic communications shall be carried out on the basis of an authorisation and the applicable general permission.

Since there is an absence of secondary legislation on general permission in Georgia, there is proposed to identify main aspects which should be described in the legal act adopted by GNCC on general permission.

The core structure of the document should form the skeleton of general permission regulation and shall cover at least (but not limiting to) the rules on preparation and performance of electronic communication activity including the procedure for the submission of notification on the start of

¹ **Directive 2002/21/EC** of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services (**Framework Directive**), as last amended by Directive 2009/140/EC of the European Parliament and of the Council of 25 November 2009; <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02002L0021-20091219>.

² **Directive 2002/19/EC** of the European Parliament and of the Council of 7 March 2002 on access to, and interconnection of, electronic communications networks and associated facilities (**Access Directive**), as last amended by Directive 2009/140/EC of the European Parliament and of the Council of 25 November 2009; <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02002L0019-20091219>.

³ **Directive 2002/20/EC** of the European Parliament and of the Council of 7 March 2002 on the authorisation of electronic communications networks and services (**Authorisation Directive**), as last amended by Directive 2009/140/EC of the European Parliament and of the Council of 25 November 2009, as last amended by Directive 2009/140/EC of the European Parliament and of the Council of 25 November 2009; <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02002L0020-20091219>.

⁴ **Directive 2002/22/EC** of the European Parliament and of the Council of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services (**Universal Service Directive**), as last amended by Directive 2009/136/EC of the European Parliament and of the Council of 25 November 2009; <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02002L0022-20091219>.

⁵ **Directive 2002/58/EC** of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (**Directive on privacy and electronic communications**), as last amended by Directive 2009/136/EC of the European Parliament and of the Council of 25 November 2009; <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02002L0058-20091219>.

⁶ [https://eur-lex.europa.eu/legal-content/en/TXT/PDF/?uri=CELEX:22014A0830\(02\)](https://eur-lex.europa.eu/legal-content/en/TXT/PDF/?uri=CELEX:22014A0830(02)).

⁷ Annex XV-B "Rules Applicable to Telecommunications Services".

⁸ 2002/21/EC <https://eur-lex.europa.eu/legal-content/en/ALL/?uri=CELEX%3A32002L0020>

⁹ Article 14, Paragraph 1.

electronic communications activity (provision of networks/services); main conditions for the performance of electronic communications activity (provision of networks/services); information on the number, location of installation and ownership of terminal equipment; connection of terminal equipment and provision of information on technical specifications of interfaces; on prohibition of termination of access.

Under Authorisation Directive¹⁰, specific obligations which may be imposed on providers of electronic communications networks and services¹¹ or on those designated to provide universal service under the said Directive shall be legally separate from the rights and obligations under the general authorisation. In order to achieve transparency for undertakings, the criteria and procedures for imposing such specific obligations on individual undertakings shall be referred to in the general authorisation. For the purpose of the implementation of latter provision the reference to other legal acts regulating universal services and significant market power should be made, stating that the persons having significant market power on the relevant market or obligated to provide universal services shall comply with the obligations prescribed for them under the ECA and other legal acts governing the electronic communications activities.

Moreover, the European Commission has adopted so called soft legal act in the form of recommendation¹² stating that Member States should report to the Communications Committee on a regular basis on the deployment and operations of powerline communications systems in their territory. Such reports should include any relevant data about disturbance levels (including measurement data, related injected signal levels and other data useful for the drafting of a harmonised European standard), interference problems and any enforcement measures related to powerline communications systems. Despite the fact that power line communications technological solution is not popular in electronic communications markets the national regulatory authorities are expected to monitor the market situation in respect to power line communication systems, therefore general requirement to notify NRA upon planning any power line communications activities would benefit to the transparency of the sector.

The Draft Rules Regulating General Permission presented in Annex 1 to this Consultation Document.

4.2. Use of radio spectrum under general permission

During the project it was discovered that ECA establishes general principles for assignment of radio frequency spectrum using individual licensing, including comparative selection procedures. Nevertheless, the existing provisions are not sufficient in terms of establishing a general legal basis for every natural and legal person to use radio frequencies without individual permission.

It was indicated that from the perspective of the construction of legal system, the general provisions for use of radio frequencies under general permission may be introduced as a separate resolution of the GNCC, also as a chapter in the draft Resolution Concerning the Approval of Rules Regulating Authorization and General Permission or as a part of the National Table for Allocation of Frequency Spectrum. The legal act establishing general permission to use radio frequencies shall determine all conditions (general, technical and operational) for use of radio frequencies under general permission as well as the list of radio frequencies that may be used under general permission. After thorough analysis it was found that Annexes to draft National Table for Allocation of Frequency

¹⁰ Article 6 Paragraph 2.

¹¹ Under Articles 5(1), 5(2), 6 and 8 of Directive 2002/19/EC (Access Directive) and Article 17 of Directive 2002/22/EC (Universal Service Directive).

¹² Commission Recommendation of 6 April 2005 on broadband electronic communications through powerlines, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32005H0292>

Spectrum¹³ (hereinafter referred to as “the draft RF Allocation Table”) already includes technical conditions for use of radio frequencies under general permission, therefore an option to prepare separate resolution of the GNCC determining all conditions for use of radio spectrum under general permission is not feasible. This leads to the outcome that general provisions for use of radio frequencies under general permission should be incorporated in the draft RF Allocation Table.

Subsequently this incorporation creates the need to include definitions of terms in relevant Annexes to the draft RF Allocation Table, other general provisions concerning use of radio frequencies under general permission incorporate after explanations of content of Annexes to the draft RF Allocation Table.

Answering the question whether definitions of terms are necessary, because devices that may operate on radio frequencies under general permission are already indicated in the Annexes to the draft RF Allocation Table, it should be stressed that it is not enough just to indicate devices (categories of devices) that may operate on radio frequencies under general permission. Radio frequencies referred to in the Annexes may be used under general permission only for operation of devices referred to and only under the conditions of use specified in those Annexes. Accordingly, it is necessary to indicate specific features that allow to attribute devices to specific categories. The common practice is to supplement regulation with definitions of relevant terms. Consequently, the definitions of terms should be incorporated in relevant Annexes to the draft RF Allocation Table while other general provisions concerning use of radio frequencies under general permission should be incorporate after explanations of content of Annexes to the draft RF Allocation Table.

On radio frequencies for radio amateur radio stations.

The draft RF Allocation Table indicates radio frequencies that may be used for operation of radio amateur radio stations while technical conditions for use of such radio frequencies are stipulated in Chapter VII¹ of the Rules Regulating the Activities of the Georgian National Communications Commission¹⁴ (hereinafter referred to as “the Rules on GNCC Activities”). In order to ensure coherent regulation of use of radio frequencies under general permission, it was suggested to move technical and operational conditions for radio amateur radio stations from the Rules on GNCC Activities to additional Annex 4 to the draft RF Allocation Table.

GNCC experts commented that Chapter VII¹ of the Rules on GNCC Activities includes not only technical and operational conditions for radio amateur radio stations but also a full set of other conditions for engagement into radio amateur activities (procedures for awarding call signs for radio amateurs, requirements for carrying out of radio amateur radio communications, responsibilities of radio amateurs, etc.). In order to keep regulation of radio amateur activities consistent, therefore it is preferable to leave regulation of radio amateur activities (including technical and operational conditions for radio amateur radio stations) in the Rules on GNCC Activities.

Taking into account that draft general provisions for use of radio frequencies under general permission include statement that “additional conditions for use of radio frequencies under general permission to those already provided for in the Annexes to the National Table for Allocation of Frequency Spectrum may be determined in normative administrative acts adopted by the Commission” it was suggested to amend general provisions for use of radio frequencies under general permission concerning radio amateur activities and to make reference to the Rules on GNCC Activities.

¹³ <https://www.gncc.ge/ge/regulation/sixshiruli-da-numeraciis-resursi/spectrum-sakonsultacio-dokumentebi-da-sxva-masalebi/zogadi-nebartvit-gansazgvrul-radiosixshirul-speqtrshi-gamoyenebuli-mowyobilobebis-mimart-motxovnebi.page>

¹⁴ Approved by the resolution No 1 of the Georgian National Communications Commission of 27 June 2003.

On registration of radio stations.

In line with above mentioned suggestion concerning additional Annex 4 to the draft RF Allocation Table, draft general provisions for use of radio frequencies under general permission included some conditions concerning registration of radio stations as the Rules on GNCC Activities provides that GNCC carries out registration of radio amateur radio stations¹⁵. It is not relevant to include those conditions in the general provisions for use of radio frequencies under general permission as it is addressed in the Rules on GNCC Activities. However, registration of radio stations may be introduced for use of other radio frequencies under general permission in the future. Therefore, those provisions will remain in the final version of the draft general provisions for use of radio frequencies under general permission for future consideration.

The Draft General Provisions for Use of Radio Frequencies under General Permission presented in Annex 2 to this Consultation Document.

4.3. Public consultations

One of the main principles of activities in the field of electronic communications, applicable not only to the providers of electronic communications networks and/or services but also to the NRAs, is publicity. This principle, among other measures, is implemented by NRAs through public consultations – a process of ensuring publicity of activities of the NRA during which market players and other interested parties may submit their observations, proposals, opinions, comments regarding draft administrative acts, draft normative acts and other documents prepared by the NRA.

The Framework Directive lays down tasks of NRAs and establishes a set of procedures to ensure the harmonised application of the regulatory framework throughout the EU. The Framework Directive¹⁶ stresses the importance that “NRAs consult all interested parties on proposed decisions and take account of their comments before adopting a final decision. <...> The cases where the procedures referred to in Articles 6 <...> apply are defined in this Directive and in the Specific Directives.”

The Framework Directive establishes¹⁷ consultation and transparency mechanism. It stipulates that:

- Except in cases falling within Articles 7(9)¹⁸, 20¹⁹, or 21²⁰, MSs must ensure that, where NRAs intend to take measures in accordance with the Framework Directive or the Specific Directives, or where they intend to provide for restrictions in accordance with Article 9(3) and 9(4)²¹, which have a significant impact on the relevant market, *they give interested parties the opportunity to comment on the draft measure within a reasonable period.*

- NRAs shall publish their national consultation procedures. MSs shall ensure the establishment of a single information point through which all current consultations can be accessed.

- The results of the consultation procedure must be made publicly available by the NRAs, except in the case of confidential information in accordance with EU and national law on business confidentiality.

¹⁵ Paragraph 2 of Article 51(2).

¹⁶ Recital 15 of the Framework Directive.

¹⁷ Article 6 of the Framework Directive.

¹⁸ In exceptional circumstances, where an NRA considers that there is an urgent need to act, in order to safeguard competition and protect the interests of users, by way of derogation from the procedure set out in paragraphs 3 and 4, it may immediately adopt proportionate and provisional measures. <...> (Framework Directive, Article 7 paragraph 9).

¹⁹ Framework Directive, Article 20 “Dispute resolution between undertakings”.

²⁰ Framework Directive, Article 21 “Resolution of cross-border disputes”.

²¹ Framework Directive, Article 9 “Management of radio frequencies for electronic communications services”.

ECA²² does not require public consultations prior to issuing decisions or other administrative acts concerning regulation of electronic communications. However, publicity of activities and decision-making process of NRAs and other public administrative bodies are determined in horizontal legal acts, such as the Law of Georgia on National Regulatory Bodies, the Law of Georgia on Broadcasting, the Law of Georgia on Normative Acts, GAC.

According to provisions of GAC²³, interested parties are (or may be) involved in the decision-making process. In some cases, public administrative bodies (including NRAs) are obliged to make their draft administrative acts publicly available and interested parties may comment on them within a given period. However, GAC does not require to review/take into consideration the opinions of interested parties (except opinions presented by other administrative bodies on the draft normative administrative acts) and to make publicly available results of the consultations as the Framework Directive requires. Besides, existing regulation of procedures of public consultations is scattered among various legal acts throughout national legislation. Lack of harmonised procedural approach for performance of public consultations creates a barrier for the relevant stakeholders in understanding the objects and structure of public consultation process, as well as the stakeholder's rights in it and therefore might diminish their active participation and contribution to the consulted draft documents. Lack of uniform procedural documentation may also complicate implementation of public consultations concerning electronic communications.

Ongoing legislative process concerning amendments to ECA²⁴ proposes to supplement ECA with a new article 9(1) concerning public consultations. The proposed article establishes the main provisions for public consultations in the field of electronic communications and stipulates that GNCC “*issues more detailed rules and procedures for carrying out public consultations under this Article 9(1).*” Despite positive effect towards fluent public consultation procedure in electronic communications being introduced in primary legislation, more precise public consultation procedure in secondary legislation for electronic communications is needed.

Considering that the Framework Directive requires NRAs to make publicly available the results of the consultation procedure, that NRAs must publish their national consultation procedures, that there is an absence of secondary legislation on public consultation procedure in electronic communications in Georgia proposal of draft Rules on Public Consultation presented in Annex 3 of this Consultation Document.

4.4. End users' interests and rights protection

Within the Framework Directive, the Universal Service Directive concerns the provision of electronic communications networks and services to end users. The aim is to ensure the availability throughout the Community of good-quality publicly available electronic communications services through effective competition and choice and to deal with circumstances in which the needs of end users are not satisfactorily met by the market. The Universal Service Directive also includes provisions intended to facilitate access for disabled end users.

Main provisions related to end users' interests and rights protection are laid down in the Universal Service Directive²⁵ and cover such aspects as the requirements for detailed content of contracts, duration of contracts, transparency and publication of information, quality of service, ensuring equivalence in access and choice for disabled end users, etc. Furthermore, on 25 November

²² <https://matsne.gov.ge/ka/document/view/29620?publication=33>

²³ <https://matsne.gov.ge/ka/document/view/16270?publication=28>

²⁴ <http://www.gncc.ge/ge/legal-acts/sxva-aqtebi/projects>

²⁵ Chapter IV of the Universal Service Directive.

2015 the Regulation 2015/2120²⁶ was adopted that *inter alia* amended the Universal Service Directive, in particular the provisions on requirements for content of contracts, information that should be delivered to end users by providers of internet access services.

Georgian normative act regulating the rules on provision of electronic communications services and protection of users' rights is approved by GNCC Resolution No. 3 concerning the Approval of the Regulations in respect to the Provision of Services and Protection of Consumer Rights in the Sphere of Electronic Communications (17.03.2006) (hereinafter referred to as the Regulations on the Protection of Users' Rights). The Regulations on the Protection of Users' Rights define the main terms in the field of electronic communications, establish terms and conditions for the provision of electronic communications services, requirements for content of contracts, identify duties and rights of electronic communications service providers and users, the institution and role of Public Defender for Consumers Interests Protection operating at GNCC, procedure for resolving disputes between the electronic communications service providers and users, etc.

During the Twinning project the Regulations on the Protection of Users' Rights were reviewed in the context of EU legislation (Framework Directive, Universal Service Directive, Regulation 2015/2120 amending Universal Service Directive), also practical issues that require improvements were taken into account.

I. *Improvements of definitions.* The main terms related to EU electronic communications regulatory framework are defined in the Framework Directive. The basic one is the term of electronic communications service. According to the Framework Directive, *electronic communications service*²⁷ means "a service normally provided for remuneration which consists wholly or mainly in the conveyance of signals on electronic communications networks, including telecommunications services and transmission services in networks used for broadcasting, but exclude services providing, or exercising editorial control over, content transmitted using electronic communications networks and services; it does not include information society services, as defined in Article 1 of Directive 98/34/EC, which do not consist wholly or mainly in the conveyance of signals on electronic communications networks". This definition shows that the principal feature of electronic communications service is the conveyance of signals by means of an electronic communications network (traditional electronic communications services are voice telephony, text messages (SMS), fax, data transmission, internet access services). It does not include information society services and other services related to content.

In national legislation of Georgia the term "electronic communications services" is defined in the present Regulations on the Protection of Users' Rights²⁸, which covers not only electronic communications services but also other services related to content (such as webhosting, chat service, internet games) and thus is non-compliant with the Framework Directive. Therefore, in order to harmonise abovementioned definition with the Framework Directive, it is proposed to modify definition adjusting it in line with the Framework Directive by removing all services related to content from the scope of electronic communications services definition, as well moving provisions regulating content related services to separate section.

The Universal Service Directive²⁹ establishes the rights of end users and the corresponding obligations of undertakings providing publicly available electronic communications networks and

²⁶ **Regulation (EU) 2015/2120** of the European Parliament and of the Council of 25 November 2015 laying down measures concerning open internet access and amending Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services and Regulation (EU) No 531/2012 on roaming on public mobile communications networks within the Union; <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32015R2120>.

²⁷ Article 2, (c) point of the Framework Directive.

²⁸ Article 3, paragraph (g) of the Regulations on the Protection of Users' Rights.

²⁹ Article 2 of the Universal Service Directive.

services. This Directive³⁰ provides for elements of *consumer* protection, including clear contract terms and dispute resolution, and tariff transparency for consumers. It also encourages the extension of such benefits to other categories of *end users*, in particular small and medium-sized enterprises.

Under the Framework Directive, *end user*³¹ means a *user* not providing public communications networks or publicly available electronic communications services. In this context *user*³² means a legal entity or natural person using or requesting a publicly available electronic communications service. Lastly, *consumer*³³ means any natural person who uses or requests a publicly available electronic communications services for purposes which are outside his or her trade, business or profession. Hence, there is a substantial difference between a consumer and an end user. The definition of the term of end user is broader and covers both consumers (natural persons who use or request publicly available electronic communications services for meeting their personal, family or household needs) and other end users (legal entities or natural persons who use or request publicly available electronic communications services for trade, business or profession and who do not provide such services to others).

According to Georgian legislation, definitions of the terms “user” and “end user” defined under ECA³⁴ are narrower than the definitions in the Framework Directive. This means that all provisions in ECA establishing rule of law on the users and end users is applicable to the narrower group of recipients in comparison to the scope of the group as it is defined in the directive. Thus, it is recommended to align latter definitions with the Framework Directive. As concerns the term of consumer, ECA does not provide a separate definition for it, but it is defined under the Regulations on the Protection of Users’ Rights and the meaning is practically the same as the definition of the term “end user” defined under ECA. This means that Georgian legislation does not make a difference between end user and consumer definitions and thus does not correspond with EU legislation. Seeking to avoid uncertainty due to the use of different terms of end user and consumer, it is proposed in the Regulations on the Protection of Users’ Rights to adjust the definition of the term “consumer” in line with the Framework Directive and specify the use of the terms “end user” and “consumer” through all the text of the Regulations in respect of their appropriate meaning and the purposes of the regulation.

The Framework Directive³⁵ defines the term of *network termination point*. Under the Regulations on the Protection of Users’ Rights the term of demarcation point³⁶ is defined which does not correspond with the Framework Directive. It is proposed to harmonise and adjust the definition of the term of demarcation point accordingly.

Due to technological and market evolution and in accordance to the Universal Service Directive³⁷, it is also proposed to modify the definition of the term of *mobile telephone communications service* in more general technologically neutral manner. Moreover, the term of *internet access service* shall be defined in line with the Regulation 2015/2120³⁸.

II. *Proposals concerning transparency and publication of information.* The availability of transparent, up-to-date and comparable information on offers and services is a key element for end users and consumers of electronic communications services in competitive markets where several providers offer services. According to the Universal Service Directive, end users should have access

³⁰ Recital 49 of the Universal Service Directive.

³¹ Article 2, (n) point of the Framework Directive.

³² Article 2, (h) point of the Framework Directive.

³³ Article 2, (i) point of the Framework Directive.

³⁴ Article 2, (n) and (z¹⁶) paragraphs of ECA.

³⁵ Article 2, (da) point of the Framework Directive.

³⁶ Article 3, paragraph (p) of the Regulations on the Protection of Users’ Rights.

³⁷ Article 2, paragraph (c), where is defined the term of publicly available telephone service.

³⁸ Article 2, paragraph 2 of the Regulation 2015/2120.

to publicly available information on communications services. Such information shall be published in a clear, comprehensive and easily accessible form. The Universal Service Directive³⁹ and the Regulation 2015/2120⁴⁰ specify the list of information that at least has to be published by providers of electronic communications services.

The Regulations on the Protection of Users' Rights⁴¹ lay down the list of information that electronic communications service provider is obliged to deliver to users (in form of the information catalogues, by telephone numbers or at its website). However, this list of information does not cover all the provisions set out in the Universal Service Directive and the Regulation 2015/2120. For instance, under mentioned EU legislation, providers of electronic communications services should be obliged to inform subscribers of any change to access to emergency services or caller location information in the service to which they have subscribed; inform subscribers of their right to determine whether or not to include their personal data in a directory, and of the types of data concerned; regularly inform disabled subscribers of details of products and services designed for them, etc.; additionally, providers of internet access services shall publish the detailed information under the Regulation 2015/2120 about applied traffic management measures and their impact on the quality of the internet access services, end-users' privacy and the protection of personal data; explanation of the minimum, normally available, maximum and advertised download and upload speed of the internet access services, etc. In the light of the above, it is proposed to amend the provisions of the Regulations on the Protection of Users' Rights related to the requirements for transparency and publication of information in line with the Universal Service Directive and the Regulation 2015/2120.

III. *Proposals concerning requirements for the content of contracts.* Contracts are an important tool for users and consumers to ensure a minimum level of transparency of information and legal security. The Universal Service Directive lays down the requirements for detailed content of contracts for the provision of electronic communications services. The Universal Service Directive⁴² and the Regulation 2015/2120⁴³ specify the list of information that at least must be included in the contract. The required information shall be presented in a clear, comprehensive and easily accessible form.

In national legislation of Georgia The requirements for content of contracts are specified in the Regulations on the Protection of Users' Rights⁴⁴, but they do not cover all the requirements set out in the Universal Service Directive and the Regulation 2015/2120 (for instance, the contract shall specify the information whether or not access to emergency services and caller location information is being provided, and any limitations on the provision of emergency services; information on any procedures put in place by the undertaking to measure and shape traffic so as to avoid filling or overfilling a network link, and information on how those procedures could impact on service quality; any restrictions imposed by the provider on the use of terminal equipment supplied; the subscriber's options as to whether or not to include his or her personal data in a directory, and the data concerned; the duration of the contract and the conditions for renewal and termination of services and of the contract also shall include the information about any minimum usage or duration required to benefit from promotional terms, any charges related to portability of numbers and other identifiers, any charges due on termination of the contract, including any cost recovery with respect to terminal equipment; the type of action that might be taken by the undertaking in reaction to security or integrity incidents or threats and vulnerabilities; additionally, providers of internet access services shall ensure that any contract which includes internet access services specifies at least the information stipulated

³⁹ Article 21 and Annex II of the Universal Service Directive.

⁴⁰ Article 4, paragraph 1 of the Regulation 2015/2120.

⁴¹ Article 4, paragraphs 1, 2 and 7 of the Regulations on the Protection of Users' Rights.

⁴² Article 20 of the Universal Service Directive.

⁴³ Article 4, paragraph 1 of the Regulation 2015/2120.

⁴⁴ Articles 10⁹ and 12 of the Regulations on the Protection of Users' Rights.

in the Regulation 2015/2120 about applied traffic management measures and their impact on the quality of the internet access services, end-users' privacy and the protection of personal data; explanation of the minimum, normally available, maximum and advertised download and upload speed of the internet access services; the remedies available to the consumer in the event of incompatible quality of internet access services; etc.). Hence, it is proposed to amend the provisions of the Regulations on the Protection of Users' Rights related to the requirements for the content of contracts in line with the Universal Service Directive and the Regulation 2015/2120 amending this Directive.

In general, because the regulation of electronic communications activities is based on the principle of technological neutrality, it is proposed in the Regulations on the Protection of Users' Rights to establish general requirements for the content of contracts and the provision of all kind of electronic communications services. Additional requirements may be established for the contracts and provision of particular electronic communications services (for example, internet access services, public mobile telephone communications services).

IV. Introduction of the duration of contracts. The Universal Service Directive⁴⁵ sets the requirements for the duration of contracts. It requires that the first contract for a finite period of time between electronic communications service providers and consumers may not be entered into for a period longer than 24 months. In addition to the 24-month period mandated for consumers when concluding their first contract, the electronic communications service provider must offer at least one contract for a period of maximum 12 months for all end users. As the Regulations on the Protection of Users' Rights does not regulate the duration of contracts, it is proposed to make an appropriate amendments by introducing the duration of contracts to the Regulations on the Protection of Users' Rights.

V. Improvements concerning changes of the conditions of contracts. According to the Universal Service Directive⁴⁶, subscribers have a right to withdraw from their contract without penalty upon notice of modification to the contractual conditions proposed by the undertakings providing electronic communications networks and/or services. Subscribers shall be given adequate notice, not shorter than one month, of any such modification, and shall be informed at the same time of their right to withdraw, without penalty, from their contract if they do not accept the new conditions.

The Regulations on the Protection of Users' Rights set various terms for notices of electronic communications service providers concerning changes of the conditions of contracts (for example, 10 working days, 10 days, 1 month)⁴⁷. Thus, because shorter than one month terms do not correspond to the requirement of the Universal Service Directive and there are no provisions on subscribers' right to terminate the contract upon notice, it is proposed to adjust the Regulations on the Protection of Users' Rights in order to ensure proper term for adequate notices of modification to the contractual conditions proposed by electronic communications service providers as well as to stipulate the right of subscribers to terminate the contract without penalty if they do not accept new conditions.

⁴⁵ Article 30, paragraph 5 of the Universal Service Directive.

⁴⁶ Article 20, paragraph 2 of the Universal Service Directive.

⁴⁷ According to Article 4, paragraph 4 of the Regulations on the Protection of Users' Rights, a service provider shall give a consumer the prior notice of at least 10 working days concerning any changes in the terms and conditions of service provision; under Article 10, paragraph 11, (b) point, a service provider, in the case of change of tariffs for services, shall send this information in the form of individual notification to a consumer no later than 10 working days before the services start with new tariffs; according to Article 10⁹, paragraph 7, a service provider, in the case of change of service tariffs, shall ensure via an individual notification the timely information of a consumer 1 month before the services start with new tariffs, and in case of changing service package provided to a consumer or making changes in the package, 10 days before the services start with new package.

VI. *Proposals on ensuring equivalence in access and choice for disabled end users.* The intention of the Universal Service Directive⁴⁸ provisions on ensuring equivalence in access and choice for disabled end users is to ensure that end users with disabilities can more fully participate in and benefit from technological advances and developments in electronic communications that are available to other end users. It is important to ensure that disabled end users have access to electronic communications services equivalent to that enjoyed by the majority of end users and benefit from the choice of undertakings and services available to the majority of end users. According to that, it is proposed to amend the provisions of the Regulations on the Protection of Users' Rights establishing the corresponding obligations of electronic communications service providers.

VII. *Improvements concerning control of expenditure.* According to the Universal Service Directive⁴⁹, it shall be ensured facilities and services in order that subscribers can monitor and control expenditure and avoid unwarranted disconnection of service. Such facilities and services are itemised billing, pre-payment systems (the possibility of consumers to pay for connection to the public communications networks and use of publicly available telephone services on pre-paid terms), phased payment of connection fees, other means of cost control (free of charge alerts to subscribers in case of abnormal or excessive consumption patterns), etc. As regards itemised bills, NRAs may lay down the basic level of itemised bill which are to be provided by providers to subscribers free of charge. Itemised bill is a measure which ensure subscriber the possibility to verify and control of the charges incurred in using services offered and adequately monitor their usage and expenditure and thereby exercise a reasonable degree of control over their bills. Where appropriate, additional levels of detail may be offered to subscribers at reasonable tariffs or no charge. Calls which are free of charge to the calling subscriber, including calls to helplines, are not to be identified in the calling subscriber's itemised bill. In the light of the above, it is proposed to make appropriate amendments to the Regulations on the Protection of Users' Rights concerning billing information and related issues.

VIII. *Restriction and termination of services.* The Universal Service Directive⁵⁰ requires that MSs shall authorise specified measures, which are to be proportionate, non-discriminatory and published, to cover non-payment of bills issued by providers. Those measures are to ensure that due warning of any consequent service interruption or disconnection is given to the subscriber beforehand. Except in cases of fraud, persistent late payment or non-payment, those measures shall ensure, as far as is technically feasible, that any service interruption is confined to the service concerned. Disconnection for non-payment of bills should take place only after due warning is given to the subscriber. MSs may allow a period of limited service prior to complete disconnection, during which only calls that do not incur a charge to the subscriber (e.g. "112" calls) are permitted. In accordance to that, it is proposed to stipulate corresponding amendments to the Regulations on the Protection of Users' Rights concerning terms and conditions of restriction and termination of services in order to make regulation more clear and comprehensive.

IX. *Other proposals.* During the Twinning project some practical issues that require improvements were also indicated. Seeking to ensure end users' rights and interests it is proposed in the Regulations on the Protection of Users' Rights to stipulate the following provisions:

- obligation of the electronic communications services providers to submit to GNCC typical contracts of each offered service or bundle of services and their further amendments, as well as to amend the conditions of the contracts in case of requirements by GNCC;

⁴⁸ Article 23a of the Universal Service Directive.

⁴⁹ Articles 10 and 29 (1), Annex 1, Part A of the Universal Service Directive.

⁵⁰ Annex I, Part A of the Universal Service Directive.

- right of GNCC to set the average length of the response time of the electronic communications services provider through its permanent 24 hour hotline⁵¹ (the reason of such amendment is that in practice abovementioned hotline (Customer Assistance Service of the Services provider) services are often unavailable, i.e. the employee/representative of the services provider does not respond to the calling end user);

- requirement for minimum font size of the text of contracts (the reason of such amendment is that in practice the text of contracts sometimes is written in very small font size);

- more detailed provisions concerning termination of contracts;

- additional requirements for the provision of public mobile telephone communications services and internet access services (for example, to foresee measures/possibilities for consumers to monitor and control the usage of internet access services, verify the download and upload speed of the internet access services, also be informed about a reached level of consumption of internet access services);

- other provisions.

The draft proposal of amendments to the Regulations on the Protection of Users' Rights is presented in Annex 4 to this Consultation Document.

5. Notice for public comments

Commentators views are requested on the Draft Rules Regulating General Permission, the Draft General Provisions for Use of Radio Frequencies under General Permission, draft Rules on Public Consultation, Draft proposal of amendments to the Regulations on the Protection of Users' Rights.

⁵¹ Operating under Article 4, paragraph 2 of the Regulations on the Protection of Users' Rights.

Draft Resolution
Concerning the Approval of General Permission

In conformity with Article 14, 16, 18 of the Draft Law on Electronic Communications, the Commission **resolves**:

1. To approve the rules regulating general permission;
2. The Resolution shall take effect from the moment of publication.
3. To assign the Legal Affairs unit to record the present resolution in the State registry of Normative acts of Georgia.

Chairman of the Commission

Rules
Regulating General Permission
Chapter 1. General provisions

Article 1. Purpose and Objective

1. The purpose of adoption of these rules is to define rights and obligations of authorised persons taking into account the principles of effective management and use of limited resources, technological neutrality, functional equivalence, proportionality, minimal necessary regulation, legal certainty in a dynamic market, economic development, ensuring effective competition, consumer rights protection, objectivity of regulatory criteria, conditions, and procedures, transparency, and non-discrimination, lay down the main conditions relating to networks, services, facilities or to the use of radio frequency spectrum without individual right of use, applicable to authorised persons as well as to persons carrying out activities without an authorization, also requirements of furnishing information on the number of terminal equipment, location of installation and ownership of terminal equipment, requirements for provision of information on technical specifications of interfaces and connection of terminal equipment, including telecommunications terminal equipment and earth station equipment, provision of information on the pursued electronic communications activity to the Commission.
2. The conditions under those Rules shall be applied to undertakings that carrying out activities or intend to carry out the activities in the field of electronic communications, in particular, the activities, related to electronic communication networks or electronic communication services or facilities and for the use of radio frequency spectrum and numbering resources.

Article 2. Definition of Terms

The terms used in these rules have the following meaning:

- a) location of installing terminal equipment – location of presence of a network termination point which the terminal equipment is connected to, address of installing the network termination point, number of the base station, and cell quantity;
- b) number of terminal equipment – sequence of digits or its symbolic equivalent (including the telephone communications number, international mobile equipment identity code (IMEI),

international mobile subscriber identity code (IMSI), internet protocol (IP) number, email address) identifying the terminal equipment or the network termination point which the terminal equipment is connected to so that it would be possible to direct data to this terminal equipment or a respective network termination point;

c) powerline communications system – apparatuses and/or installations for conveyance of signals by electricity cable systems in providing public electronic communications services, also electricity cable systems to the extent they are used for such conveyance of signals;

d) communications line – a wire or radio communication line for transmitting, sending, and/or receiving information;

e) transit – forwarding of calls originated in the network of one provider of public communications networks and/or electronic communications services through the network of third provider of the public communications networks and/or electronic communications services when a call is not terminated in the network of the third provider of public communications networks and/or electronic communications services;

f) telecommunication terminal equipment – equipment allowing maintaining communication, or its appropriate part intended to be connected directly or indirectly by any means to the public telecommunications networks (that is, networks which are fully or partially intended for the provision of public telecommunication services);

g) public satellite networks – a public communications network consisting of the radio communication states in the artificial Earth satellite (satellites) and radio stations connected with them located in the territory of the Republic of Georgia;

h) public satellite services – public electronic communications services provided by the public satellite network;

i) earth station equipment – terminal equipment that may be used for transmission and/or reception of radio communication signals using satellites or other space systems.

Chapter 2. Commencement and performance of electronic communication activity

Article 3. Commencement of electronic communications activity

1. A person interested to obtain authorisation to provide electronic communication networks and facilities and/or electronic communication services, shall send a notification to the Commission in the form, which shall be approved by the Commission.

2. The person, providing public and commercial telecommunication services publicly and/or on commercial basis, irrespective of the technology or networks (including the internet) used for provision of services, in case the services are offered as an alternative to the public telecommunication services existing on the market shall submit a notification of the start of provision of public fixed or public mobile telecommunication services under the procedure set out by the Commission.

3. If it is not clear whether the electronic communications activity falls under activity to be notified to the Commission under Paragraph 1 of this Article, the person is entitled to appeal to the Commission for clarification that shall be provided within 30 days from the receipt of the enquiry by the Commission.

4. The person shall indicate one or several electronic communications activities it intends to pursue in the notification.

6. The Commission shall adopt the procedure and forms of notifications to be provided and publish them on its website at www.gncc.ge.

7. The Commission shall provide information to persons whether a specific person has submitted a valid notification of the start of electronic communications activities. The Commission shall announce the list of providers of the electronic communications services and/or networks which have

notified of the start of engagement in the electronic communications activities on its website at www.gncc.ge.

Article 4. Main conditions for the performance of electronic communications activity

1. The person by providing a public communications network and/or public electronic network services must comply with requirements of legal acts governing the electronic communications activity.
2. The person intending to engage or pursuing the electronic communications activity in the performance whereof numbering resources and/or radio frequencies (channels) are used shall have the right:
 - a) to use radio frequencies (channels) in the cases referred to in legal acts without individual right;
 - b) to apply to the Commission for the granting of numbering resources and/or radio frequencies (channels);
 - c) to participate in auction if radio frequencies (channels) are granted by the auction.
3. The persons using radio frequencies allocated for use without individual right to use (license) shall comply with general provisions for use of radio frequencies under general permission established in the National Table for Allocation of Frequency Spectrum.

Article 5. Information on the number, location of installation and ownership of terminal equipment

1. The providers of public electronic communications networks and/or public electronic communications services shall furnish the Commission with current and previous information on the number, location of installation, and ownership of terminal equipment and other information, indicated by the Commission, for the purposes of Commission performing radio monitoring, observance of the provisions of the technical requirements for radio equipment and electronic communications terminal equipment, and supervision of usage of radio frequencies/channels functions.
2. The providers of public electronic communications networks and/or public electronic communications services shall furnish the information indicated in Paragraph 1 of this Article in the form specified by the Commissions and if the form of furnishing the information is not specified in the request, in the form in which the request has been submitted.

Article 6. Connection of terminal equipment and provision of information on technical specifications of interfaces

1. The providers of public electronic communications networks and/or public electronic communications services shall approve and publish precise technical specifications of interfaces used for the provision of their services to the persons requesting this information on their websites, published information shall be fee-free accessible.
2. The following information shall be indicated in technical specifications of interfaces used by the providers of public communications networks and/or public electronic communications:
 - a) comprehensive data of technical specifications of interfaces necessary for manufacturing terminal equipment used for public electronic communications services provided using appropriate interfaces;
 - b) comprehensive information on amendments to technical specifications of interfaces, including information on new characteristics of the public communications networks that may have an effect on operation of terminal equipment.

3. The providers of public electronic communications networks and/or public electronic communications services shall have the right:

- a) to refuse to connect earth station equipment to their public communications networks or operate it if it does not meet technical requirements established for radio equipment;
- b) to refuse to connect the terminal equipment that is radio communications equipment to their public communications networks if it does not meet technical requirements established for radio equipment;
- c) to refuse to connect the terminal equipment that is not radio communications equipment to their public communications networks if it does not meet electromagnetic compatibility or product safety requirements.

Article 7. Conditions on access

1. In case the operators, negotiating on the issue of networks interconnection do not reach agreement and/or in case the corresponding obligations, imposed by the Commission do not provide otherwise:

- a) the operator (or the third party, chosen by the operator), whose price of installation and/or provision of the communication line, interconnecting the operators' networks, is lower must install and provide the communication line, interconnecting the operators' networks;
- b) when setting the prices for provision of the communication line, interconnecting the operators' networks the total of the expenses for the one-off communication line, interconnecting the operators' networks (i. e. installation, testing, etc., expenses) must be divided each month for the entire life cycle of the communication line. The operators must agree regarding the life cycle of the communication line before providing their offers for provision of the communication line. When evaluating the life cycle of the communication line, such factors as the expected time period of existence of the networks interconnection between the operators, the possibility to use the specific communication line for own purposes, for interconnection of networks with other operators or for provision of other services upon the expiry of the networks interconnection agreement might be taken into consideration;
- c) the prices of delivery and provision of the communication line, interconnecting the operators' networks must be covered in proportion to the usage of the line, i. e. the share of costs of the communication line, covered by each operator during the corresponding reporting period must be equal to the share of wholesale services, obtained/purchased from the other operator in the total amount of services, provided over the communication line during the corresponding reporting period (for instance, in case a communication line is used only for provision of calls termination services, the share of the price of the communication line, covered by each operator is going to correspond to the share of calls, forwarded by the operator to the other operator's network in the total amount of calls, forwarded over the communication line);
- d) it is held that the operator has obtained/purchased the corresponding service from another operator, in case the former operator performs a certain action in regard to the latter operator for the service (for instance, pays for the provided service).

2. The operator must observe the provisions of the Regulations on National Numbering System of Electronic Communications Networks of Georgia, approved by the Governmental Resolution No. 355 of November 18, 2010, also Rules of Issuance Use and Payment of Numbering Resources, approved by Ordinance of the Commission No. 2 of 21 February 2012.

3. The operator must observe the following requirements, relating to numbering resources:

- a) to implement the National Numbering System in its operated network. All the network changes and other works, relating to implementation of numbering resources, must be performed at own expense not later than within the time period of 2 months from the date of receipt of the other operator's request to ensure functioning of numbering resources;

b) in case of provision of transit services, not later than within the time period of 2 months from the date of receipt of the other operator's request to ensure the functioning of numbering resources – to inform all the operators, with whom networks interconnection agreements have been concluded on all the changes, performed in the network and on the other works, relating to implementation of numbering resources;

c) to ensure that when forwarding calls from one network to another the numbers of network termination points are transmitted. The format of the numbers must be compliant with the international telephone number format, established in the Recommendation E.164 “The International Public Telecommunication Numbering Plan” of the International Telecommunications Union's Telecommunications Standardization Sector (ITU-T);

d) to transmit the unchanged number of the network termination point, when the calls are forwarded by transit.

**DRAFT GENERAL PROVISIONS FOR USE OF RADIO FREQUENCIES UNDER
GENERAL PERMISSION**

- **It is suggested to introduce general provisions for use of radio frequencies under general permission as a part of draft National Table for Allocation of Frequency Spectrum⁵².**
- **It is suggested to incorporate definitions of the following terms in the relevant Annexes to the draft National Table for Allocation of Frequency Spectrum:**

Short-range devices – radio transmitters which provide either unidirectional or bidirectional communication and which transmit over a short distance at low power compliant with the conditions referred to in the Annex 1 to the National Table for Allocation of Frequency Spectrum.

Non-specific short-range devices – short-range devices, regardless of the application or the purpose, which fulfil the technical conditions as specified for a given radio frequency band as referred to in the Table 1 of Annex 1 to the National Table for Allocation of Frequency Spectrum (typical use include telemetry, telecommand, alarms, data transmissions and other applications).

Broadband data transmission devices – radio devices that use wideband modulation techniques to access the spectrum (typical uses include wireless access systems such as radio local area networks (WAS/RLANs)).

Road transport and traffic telematics devices – short-range devices that are used in the fields of transport (road, rail, water or air, depending on the relevant technical restrictions), traffic management, navigation, mobility management and in intelligent transport systems (ITS) (typical applications are used for interfaces between different modes of transport, communication between vehicles (e. g. car to car), between vehicles and fixed locations (e.g. car to infrastructure) as well as communication from and to users).

Radio determination devices – short-range devices that are used for measurements of different kinds – determining the position, velocity and/or other characteristics of an object, or for obtaining information relating to these parameters. Any kind of point-to-point or point-to-multipoint radio communications is outside of this definition.

Tank level measuring radar – is a specific type of radio determination device, which is used for tank level measurements and is installed in metallic or reinforced concrete tanks, or similar structures made of material with comparable attenuation characteristics.

Alarm device – radio communications system that allow reliable communication for a person in distress in a confined area to initiate a call for assistance (typical uses of social alarm are to assist elderly or disabled people).

⁵² <https://www.gncc.ge/ge/regulation/sixshiruli-da-numeraciis-resursi/spectrum-sakonsultacio-dokumentebi-da-sxva-masalebi/zogadi-nebartvit-gansazgvrul-radiosixshirul-speqtrshi-gamoyenebuli-mowyobilobebis-mimart-motxovnebi.page>

Model control devices – a specific kind of telecommand and telemetry radio equipment that is used to remotely control the movement of models (principally miniature representations of vehicles) in the air, on land or over or under the water surface.

Inductive devices – radio devices that use magnetic fields with inductive loop systems for near field communications (typical uses include devices for car immobilisation, animal identification, alarm systems, cable detection, waste management, personal identification, wireless voice links, access control, proximity sensors, anti-theft systems, including RF anti-theft induction systems, data transfer to hand-held devices, automatic article identification, wireless control systems and automatic road tolling).

Assistive listening devices (ALD) – radio communications systems, which typically include one or more radio transmitters and one or more radio receivers, that allow persons suffering from hearing disability to increase their listening capability.

Low-power frequency modulation (FM) transmitter – a radio transmitter designed to connect personal audio devices, including mobile terminals, and the automotive or home audio systems.

Radio frequency identification devices (RFID) – tag/interrogator based radio communications systems, consisting of radio devices (tags) attached to animate or inanimate items and of transmitter/receiver units (interrogators) which activate the tags and receive data back (typical uses include the tracking and identification of items, such as for electronic article surveillance (EAS), and collecting and transmitting data relating to the items to which tags are attached, which may be either battery-less, battery assisted or battery powered. The responses from a tag are validated by its interrogator and passed to its host system.

Active medical implants – active implantable medical devices (i.e. any medical device relying for its functioning on a source of electrical energy or any source of power other than that directly generated by the human body or gravity which is intended to be totally or partially introduced, surgically or medically, into the human body or by medical intervention into a natural orifice, and which is intended to remain after the procedure) and radio parts of active implantable medical devices that are intended to be totally or partially introduced, surgically or medically, into the human body or that of an animal, and where applicable their peripherals.

Medical data acquisition devices – devices intended for the transmission of non-voice data to and from non-implantable medical devices for the purpose of monitoring, diagnosing and treating patients in healthcare facilities or patient's home.

Wireless audio devices – short-range devices that are typical used for personal wireless audio and multimedia streaming systems, mobile terminals, automotive or home entertainment system, wireless microphones, cordless loudspeakers, cordless headphones, radio devices carried on a person, assistive listening devices, in-ear monitoring, wireless microphones for use at concerts or other stage productions, and low power FM transmitters).

Personal mobile radio devices (PMR 446) – is hand portable short-range devices operating in 446 MHz frequency band (no base station or repeater use) that use integral antennas only in order to maximise sharing and minimise interference. PMR 446 operates in short range peer-to-peer mode.

Non-interference and non-protected basis – mean that no harmful interference may be caused to any radio communications service and that no claim may be made for protection of these devices against harmful interference originating from radio communications services in the same band.

- **It is suggested to incorporate the following general provisions for use of radio frequencies under general permission in the draft National Table for Allocation of Frequency Spectrum after explanations of content of Annexes to the draft National Table for Allocation of Frequency Spectrum:**

1. Radio frequencies referred to in Annexes to the National Table for Allocation of Frequency Spectrum may be used under general permission only for operation of devices referred to and only under the conditions of use specified in relevant tables of those Annexes.

2. Radio frequencies referred to in Annexes to the National Table for Allocation of Frequency Spectrum may be used for purposes other than specified in those Annexes and under conditions of use other than specified only on the bases of individual right of use and under conditions stipulated in it.

3. Radio frequencies planned for radio amateur radio stations may be used under general permission under conditions referred to in the National Table for Allocation of Frequency Spectrum and Chapter VII¹ of the Rules Regulating the Activities of the Georgian National Communications Commission approved by the resolution No 1 of the Georgian National Communications Commission of 27 June 2003.

4. Radio frequencies under general permission shall be used on a non-interference and non-protected basis unless otherwise is stated in Annexes to the National Table for Allocation of Frequency Spectrum.

5. Having determined that devices of any specific type operating on radio frequencies under general permission may cause harmful interference to other radio communication systems, the use of devices of that type may be prohibited by the decision of the Georgian National Communications Commission (hereinafter referred to as “the Commission”) until technical conditions of use of relevant radio frequencies under general permission shall be revised.

6. Additional conditions for use of radio frequencies under general permission to those already provided for in Annexes to the National Table for Allocation of Frequency Spectrum may be determined in normative administrative acts adopted by the Commission.

7. Annexes to the National Table for Allocation of Frequency Spectrum shall not replace the requirements for design, construction, installation and/or operation of radio devices, radio stations, apparatuses and fixed installations, equipment/devices established by other legal acts.

- **If registration of radio stations is introduced as a condition for the use of radio frequencies under general permission in the future, it is suggested to incorporate the following conditions in the general provisions for use of radio frequencies under general permission:**

8. Registration of radio stations:

8.1. The provisions of this paragraph shall apply in the cases when conditions of use of radio frequencies under general permission foresee registration of radio stations.

8.2. A person wishing to use radio frequencies that are subject to the condition of registering radio station shall choose a radio frequency and technical parameters of the radio station which prevent the radio station from causing harmful interference to other lawfully operating radio stations.

8.3. A person wishing to register a radio station shall submit to the Commission completed radio station registration form established by the Commission. The radio station shall be considered registered when the main geographical and technical parameters of the radio station specified by the person wishing to use the radio frequencies subject to the condition of registering the radio station are entered in the List of Registered Radio Stations. The List of Registered Radio Stations shall be published at the website of the Commission.

8.4. The Commission shall have the right to request the radio frequency user to clarify the data indicated in the radio station registration form within a time limit set by the Commission. The Commission shall have the right to refuse to register radio station if radio frequency user fails to clarify the data indicated in the radio station registration form within a time limit set by the Commission.

8.5. Radio frequency users may use only those radio frequencies which are specified when registering the radio station and only where a transmitter of a type specified when registering the radio station and, if applicable, an external antenna of a specified type and height are equipped in the registered radio station, only at the address and coordinates specified when registering the radio station and in line with the radiation parameters specified when registering the radio station.

Draft Rules on Public Consultation

Chapter I. General provisions

Article 1. General provisions

The draft Rules on Public Consultation (hereinafter referred to as “the Rules”) establish cases, rules and procedures for public consultation carried out by the Georgian National Communications Commission (hereinafter referred to as “the Commission”) pursuant to Article 9¹ of the draft Law on Making Changes to the Law of Georgia on Electronic Communications⁵³ (hereinafter referred to as “the Law”).

Article 2. Definition of terms

1. For the purposes of the present Rules, the term “**public consultation**” shall mean a process carried out by the Commission pursuant to Article 9¹ of the Law during which all interested parties within the period set by the Commission shall have the right to submit written comments, opinions, observations, statements and/or proposals (hereinafter referred to as “comments”) regarding draft administrative acts prepared by the Commission.

2. Other terms used in the present Rules shall be understood as they are defined in the Law, General Administrative Code of Georgia (hereinafter referred to as “the General Administrative Code”) and the Law of Georgia on Normative Acts.

Article 3. Principles of public consultation

Public consultation shall be carried out in accordance with the following principles:

a) **Transparency** – meaning that all information, except for the information that contains state, professional, commercial secrets or personal data, related to public consultation, including results of the public consultation, shall be made publicly available and shall be presented in such a way that it is easily understood by all interested parties.

b) **Objectivity** – meaning that all information, including results of the public consultation, provided to interested parties during the public consultation shall be objective and impartial.

c) **Non-discrimination** – meaning that all interested parties shall have equal rights to submit their written comments regarding draft administrative acts submitted for public consultation.

d) **Accountability** – meaning that all written comments submitted by interested parties within the period of public consultation shall be reviewed and the responses to them shall be published, except for the information that contains state, professional, commercial secrets or personal data.

⁵³ <http://www.gncc.ge/ge/legal-acts/sxva-aqtebi/projects>

Article 4. Cases of public consultation

The Commission shall hold public consultation in accordance with the present Rules prior to adopting (issuing) administrative acts stipulated in Article 18, paragraphs 2 and 4 of Article 21, paragraph 1 of Article 22, paragraph 1 of Article 24, paragraph 1 of Article 52 of the Law and in other cases provided by the Law.

Chapter II. Rules and procedures for public consultation

Article 5. Announcement of public consultation

1. By announcing public consultation, the Commission shall publish information specified in paragraphs 2 and 3 of this Article at its website www.gncc.ge.

2. When public consultation is on a draft normative administrative act, the following information shall be published:

a) notice on submitting the draft normative administrative act for public consultation, specifying:

a.a) title of the Commission;

a.b) legal basis of public consultation;

a.c) timeframe for adopting the draft normative administrative act;

a.d) address of the Commission / e-mail address for submitting comments, as well as the details of contact person (name, surname, telephone number, e-mail address);

a.e) period for submitting comments;

b) draft normative administrative act;

c) an explanatory note specifying:

c.a) reasons for adopting the draft normative administrative act;

c.b) basic characteristics of the draft normative administrative act;

c.c) whether the draft normative administrative act transposes and/or implements any legal acts of the European Union; if so, what legal acts specifically;

c.d) whether any new legal acts will have to be adopted or any existing legal acts will have to be amended or repelled after adopting proposed draft normative administrative act;

c.e) author(s) of the draft normative administrative act;

d) in case of the European Union legal act envisaged under subpoint “c.c” of this Article, the table of correspondence provided in the Annex to the Law of Georgia on Normative Acts;

e) other information that the Commission deems necessary.

3. When public consultation is on a draft individual administrative act, the following information shall be published:

a) a notice on submitting the draft individual administrative act for public consultation, specifying:

a.a) title of the Commission;

a.b) brief summary of the Commission’s decision on initiating public consultation;

a.c) timeframe for issuing the draft individual administrative act;

a.d) address of the Commission / e-mail address for submitting comments, as well as the details of contact person (name, surname, telephone number, e-mail address);

- a.e) period for submitting comments;
- b) draft individual administrative act;
- c) other information that the Commission deems necessary.

Article 6. Submission of draft normative administrative acts to administrative bodies and experts

When appropriate, after announcing public consultation the Commission shall submit the draft normative administrative act:

- a) to the administrative bodies that are authorized to regulate legal matters determined by the draft normative administrative act or its parts;
- b) to the public experts.

Article 7. Period for submitting comments

1. The period determined by the Commission for submitting comments on the draft administrative act shall be at least 30 calendar days after the day of publication of information indicated in Article 5 of the present Rules.

2. The Commission shall have the right to prolong the period for submitting comments on the draft administrative act. The information on prolongation of the period for submitting comments shall be published at the Commission website on the same webpage where information indicated in Article 5 of the present Rules has been published.

Article 8. Submission of comments

1. All interested parties shall have the right to submit written comments on the draft administrative act within the period indicated in the notice on submitting the draft administrative act for public consultation.

2. Comments shall be submitted to the address indicated in the notice on submitting the draft administrative act for public consultation.

3. Interested parties submitting comments containing commercial secrets shall be obliged to follow requirements of the General Administrative Code. Such information shall be managed in accordance with the General Administrative Code.

4. When appropriate, the Commission shall forward the comments on the draft normative administrative act submitted by private persons to other respective administrative bodies and public experts within 3 working days after registering the comments.

5. If administrative bodies or public experts fail to submit comments on the draft normative administrative act within the period set in accordance with Article 7 of the present Rules, it may not impede the adoption of normative administrative act by the Commission, unless the opinion of another respective administrative body is required by a law or an act issued under law.

6. If other than indicated in paragraph 5 of this Article interested parties fail to submit comments on the draft administrative act within the period set in accordance with Article 7 of the present Rules, it shall be considered that such interested parties agree with the draft administrative act.

Article 9. Review of comments

1. The Commission within 2 weeks from the expiration of the period for submitting comments on the relevant draft administrative act shall:

a) review all presented comments and publish them, except for the information that contains state, professional, commercial secrets or personal data, together with the review table indicated in paragraph 2 of this Article;

b) when appropriate, provide administrative bodies with the written replies concerning their comments submitted on the draft normative administrative act.

2. After reviewing all presented comments the Commission shall prepare review table which is provided in Annex to the present Rules. The review table shall specify:

a) administrative bodies and private persons who submitted comments and, when appropriate, date and number of the document containing relevant comments;

b) comments;

c) responses of the Commission to the comments:

c.a) justification for not taking into account or taking into account partially relevant comment
or

c.b) reference to the provisions of the draft administrative act that have been amended considering relevant comment.

3. The Commission shall have the right not to review comments that have been submitted not to the address indicated in the notice on submitting the draft administrative act for public consultation or after expiration of the period for submitting comments.

4. The Commission shall have the right to clarify with interested parties on the received comments in the cases when essential comments on the draft administrative act have been submitted or there are substantive contradictions among comments submitted by different interested parties and in other cases when the Commission deems necessary.

5. The information indicated in subparagraph “a” of paragraph 1 and paragraph 2 of this Article shall be published at the Commission website on the same webpage where information indicated in Article 5 of the present Rules has been published.

6. The Commission shall modify or leave without modifications the draft administrative act after reviewing all comments submitted within the period set by the Commission. The Commission may change the proposal only within the subject of the consultation. Other changes require new public consultation.

**Annex
to the Rules on Public Consultation**

Review Table

concerning the comments submitted to the draft _____
(title of the draft administrative act)

Administrative body / private person and, when appropriate, date and number of the document containing comments	Comments	Responses of the Georgian National Communications Commission to the comments
<i>Title of administrative body, date and number of the document</i>	<i>Comment 1</i>	<i>Response to comment 1</i>
	<i>Comment....</i>	<i>Response to comment ...</i>
<i>Title of undertaking, date and number of the document</i>	<i>Comment 1</i>	<i>Response to comment 1</i>
	<i>Comment....</i>	<i>Response to comment ...</i>
<i>Name and surname (initials) of natural person, date and number of the document</i>	<i>Comment 1</i>	<i>Response to comment 1</i>
	<i>Comment....</i>	<i>Response to comment ...</i>

Draft proposal of amendments to the Regulations on the Provision of Services and on the Protection of End Users' Rights in the Field of Electronic Communications⁵⁴

I. Definition of Terms

(g) **“Electronic-communication service”** means service which is normally provided for remuneration and which consists wholly or mainly in the conveyance of signals via electronic communications networks, including telecommunications services and transmission services over networks used for broadcasting (re-broadcasting). Electronic communications services shall exclude services of providing, or exercising editorial control over the content of information transmitted using electronic communications networks or services; it does not include information society services which do not consist wholly or mainly of the conveyance of signals over electronic communications networks;

(k) **“Consumer”** means any natural person who uses or requests a publicly available electronic communications services for purposes which are outside his or her trade, business or profession;

(p) **“Network termination point”** means the physical point at which a subscriber is provided with access to a public electronic communications network, and which, in the case of networks involving switching or routing, is identified by means of a specific network address, which may be linked to a subscriber's number or name;

(yy) **“Mobile telephone communications service”** means publicly available telephone services for originating and receiving, directly or indirectly, national or national and international calls and related communications services (for instance, short message service) using the appropriate telephone number or numbers indicated in the national telephone numbering plan, which are provided over the public mobile communications network (public electronic communications network with non-fixed termination points);

(nnn) **“Internet access service”** means a publicly available electronic communications service that provides access to the internet, and thereby connectivity to virtually all end points of the internet, irrespective of the network technology and terminal equipment used.

Other terms used in these Regulations shall be interpreted in the manner they are defined in the Law of Georgia on Electronic Communications, Law of Georgia on Personal Data Protection.

II. Obligation of the Service Provider to Provide Informational Support to the Commission

1. Services providers shall submit to the Commission and the Public Defender of Consumers Interests, upon their request, typical Contracts for provision of each offered Service or bundle of Services and their further amendments.

⁵⁴ Approved by Resolution No 3 of Georgian National Communications Commission of 17 March 2006.

2. The Commission shall have the right to require to amend the conditions of Service Contracts in conformity with the applicable legislation.

3. In case of requirements by the Commission, the Services provider shall within a reasonable time limit set by the Commission amend the conditions of the Service Contract.

III. Transparency and publication of information

1. The Services providers shall publish the following transparent, comparable, adequate and up to date information (to the extent that that information relates to Services they provide):

- a) identification information of the Services provider;
- b) the publicly provided Services:
 - b.a) the description of the Services;
 - b.b) the tariffs indicating the Services offered and the content of each tariff element, including information on communications volumes (such as restrictions of data usage, numbers of voice minutes, numbers of messages) of specific tariff plans and the applicable tariffs for additional communication units, numbers or services subject to particular pricing conditions, charges for access to the public electronic communications network and technical maintenance, all types of usage charges, special and targeted tariff schemes and any additional charges, as well as costs with respect to terminal equipment (in case the Services provider provides terminal equipment according to the Service Contract);
 - b.c) the conditions on establishment and payment of compensation/refund amounts for non-received or poor quality Services, including specific details of the compensation/refund schemes, in case they are applicable;
 - b.d) the offered types of the technical maintenance services (including elimination of damages);
 - b.e) the standard conditions of the Service Contract, including the Service Contract duration, the procedure and conditions for termination of the Service Contract and charges due on early termination of the Service Contract, as well as procedures related to the portability of numbers;
 - b.f) the minimum ensured quality of the offered Services;
 - b.g) list of channels offered by providers of transit broadcasting service;
- c) the ways for resolution of disputes between the Services provider and the end user, including the conditions and procedure for initiation of resolution of disputes;
- d) the information on the rights and obligations of subscribers, including:
 - d.a) the right to receive an itemised bill and additional details, associated with the bill;
 - d.b) the right to block calls of a certain type or calls to telephone numbers of a certain type, where such service is provided by the Services provider, free of charge;
 - d.c) the right to pay for the Services in advance;
 - d.d) the right to pay the charge for access/connection to the public telephone communications network in installments, where such service is provided by the Services provider;
 - d.e) the right to receive information regarding alternative lower-cost Services tariffs, if available;
 - d.f) the right to, free of charge, receive information on abnormal or excessive use of the Services;
- e) typical Service Contracts for each offered Service or bundle of Services;

- f) the information to subscribers on the possibilities to access to emergency services;
- g) the information to subscribers on the procedures applied by the Services provider to measure and manage traffic in the public electronic communications network in order to avoid network overloads, as well as the information on how those procedures or any other factors could impact on the quality of Services;
- h) the information to subscribers on their right to choose whether or not to include their personal data in the public printed and/or electronic directory and on the types of data concerned;
- i) the information concerning the measures to which the Services provider resorts in case of the violation on the part of a subscriber of the rules of consumption;
- j) the information concerning the benefit systems (if any);
- k) the information on the measures, taken in order to ensure equal possibilities to disabled end users to use the Services;
- l) the providers of internet access service shall additionally publish the information referred to in the Regulations which is required to be specified in the Service Contract for provision of internet access services.

2. The information mentioned in paragraph 1 shall be published in a clear, comprehensive and easily accessible form at Customer service centers, accessible to any end user, and at the website of the Services provider.

3. In order to adequately provide end users with relevant information, service provider shall make available for end users the information catalogues with the indication of toll-free telephone numbers for the communication of complaints and claim applications and ensure the operation of permanent 24-hour hotline (Customer Assistance Service of the Services provider). The Commission may set the average length of the response time of the Customer Assistance Service of the Services provider, if there is a need for it.

4. Information furnished to the end users must be accurate, reliable, comprehensive and intelligible, such as would not be of misleading or fraudulent nature.

5. The Services provider at the request and/or consent of disabled end user, shall regularly provide him with the information on the products and Services intended for disabled end users in the form and by means, suitable for such disabled end user.

IV. Service Contract

1. The Services shall be provided and a contract on the provision of Services shall be concluded in accordance with the Regulations.

2. Services shall be provided to end user upon concluding a written (electronic) contract or/and distant agreement, or in the cases defined by the Regulations – on the basis of verbal arrangement.

3. In the Service Contract the Services Providers shall clearly specify the following information to the extent that that information relates to Services they provide:

- a) identification information of the Services Provider;
- b) identity and address of the subscriber;
- c) the Services provided, terms and conditions of their provision, including:
 - c.a) the information on the subscriber's possibilities to access to emergency services;

c.b) the minimum quality of the offered Services, including the time of initial connection and, where appropriate, other parameters of Services quality, established by the Commission;

c.c) the information on the procedures applied by the Services provider to measure and manage traffic in the public electronic communications network in order to avoid network overloads, as well as the information on how those procedures could impact on the quality of Services;

c.d) the information on the customer assistance services and the technical maintenance services, offered by the Services provider, including the terms and conditions, as well as time limits for elimination of damages, and means to obtain the services, mentioned in the present paragraph;

c.e) the information on any restrictions imposed by the Services provider on the use of terminal equipment supplied;

c.f) the package of transit broadcasting service (list of channels);

c.g) the information on communications volumes (such as restrictions of data usage (MB), numbers of voice minutes, numbers of messages) included per billing period;

d) the information on the subscriber's right to be entered on the public printed and/or electronic directory and the information on the subscriber's data, provided in such directory;

e) the prices of the Services, valid at the time of the conclusion of the Service Contract, including charges for initial access, Services activation charges, periodical charges and any additional charges, benefits (if any), payment methods offered and any differences of tariffs due to payment method, as well as the conditions and procedure for changes of tariffs;

f) the means by which up to date information on all applicable tariffs of the Services and technical maintenance charges may be obtained;

g) the Service Contract duration, the procedure and conditions for amendment, supplement and termination of the Service Contract, including the following:

g.a) the minimum time period for usage of the Services, offered by the Services provider according to the special or targeted tariff plans;

g.b) any charges due on termination of the Service Contract, including the cost recovery with respect to terminal equipment (in case the Services provider provided the terminal equipment according to the Service Contract);

g.c) procedures related to the portability of numbers;

h) the terms and conditions for restriction and termination of provision of Services;

i) the procedure for establishment and payment of the compensation/refund amounts for non-received or poor quality Services, where the subscriber has not been able to use Services not due to its fault or the quality of Services failed to comply with the level of quality, specified in the Service Contract;

j) the ways for resolution of disputes between the Services provider and the end user and the procedure and conditions for initiation of resolution of disputes;

k) the type of actions that might be taken by the Services provider in reaction to security incidents or threats and vulnerabilities;

l) the rights and obligations of subscribers.

4. In addition to the requirements set out in paragraph 3, the providers of internet access services shall specify the following information in the Service Contract:

a) the information on how traffic management measures applied by that Services provider could impact on the quality of the internet access services, on the privacy of end users and on the protection of their personal data;

b) a clear and comprehensible explanation as to how any volume limitation, speed and other quality of service parameters may in practice have an impact on internet access services, and in particular on the use of content, applications and services;

c) a clear and comprehensible explanation of parameters of internet access service in accordance with the Rules on Determination and Inspection of the Quality of Internet Access Service Provision, approved by Resolution No. 4 of the Commission of 23 May 2018, and how significant deviations from the respective advertised parameters could impact the exercise of the end users' right to access and distribute information and content, use and provide applications and services, and use terminal equipment of their choice, irrespective of the end user's or provider's location or the location, origin or destination of the information, content, application or service, via their internet access service;

d) a clear and comprehensible explanation of the remedies available to the consumer in accordance with legal acts in the event of any discrepancy between the actual performance of the internet access service regarding speed or other quality of service parameters and the performance indicated in accordance with subparagraphs (a) to (c) of this paragraph.

5. The Services provider, prior to concluding the Service Contract shall give the end user the possibility to get familiarized with the conditions of the Service Contract and other information which bears influence on the determination of the end user to enter into a Service Contract.

6. The font size of the text of the Service Contract shall be not less than 10 points.

V. The duration, amendment and termination of the Service Contract

1. The Services provider shall ensure that the initial duration of a Service Contract, concluded with the consumer for a fixed-term, does not exceed 24 months. The Services provider also shall ensure to end users the possibility to subscribe to a Service Contract with a maximum duration of 12 months.

2. The Services provider may unilaterally terminate the Service Contract provided the subscriber has essentially breached the Service Contract, as specified in the Service Contract. In this case the Services provider must notify the subscriber in advance but not later than five business days before such termination of the Service Contract.

3. The subscriber shall have the right to unilaterally terminate the Service Contract even though the provision of the Services by the Services provider is already in progress. In this case the subscriber is bound to pay to the Services provider part of the agreed price in proportion to the Services rendered and to pay other reasonable expenses made by the Services provider for the purpose of the performance of the Service Contract before the date of receipt of the notice of termination of the Service Contract from the subscriber.

4. The subscriber shall have the right to unilaterally terminate the Service Contract prior to its expiry without incurring any further costs in case the Services provider performs an essential breach of the Service Contract or changes the conditions of the Service Contract, including the

increase of the prices of the Services, specified in the Service Contract, unless the proposed changes are exclusively to the benefit of the subscriber, are of a purely administrative nature and have no negative effect on the subscriber. Where the subscriber terminates the Service Contract in the case, specified in this paragraph, the Services provider shall not have the right to apply any penalty to the subscriber due on early termination of the Service Contract.

5. The Services provider shall notify the subscriber at least one month in advance on any amendments to the conditions of the Service Contract, including the increase of the prices of Services, and shall simultaneously inform him/her of his/her right to terminate the Service Contract without incurring any further costs if the subscriber does not accept the new conditions.

6. Any notification concerning the amendments referred to in paragraph 5 of this Article shall be made in the form of individual notification.

7. Indefinite Service Contract may be terminated at the initiative of the subscriber by notifying the Services provider in advance, but not later than two business days before such termination of the Service Contract.

VI. Terms and conditions of the provision of Services

1. The Services provider shall be responsible for the quality of the Services provided and eliminate faults up to the network termination point, specified in the Service Contract.

2. The Services Provider, when changing the technologies of the provision of Services, equipment, the Services provision conditions and procedure of payment, shall not worsen the quality of Services and reduce the volume of Services, worsen the conditions, established in regard to the subscriber at the moment of conclusion of the Service Contract, where the parties do not reach another agreement in this regard.

3. The Services provider, upon establishing that it has violated the provisions of these Regulations with respect to a specific consumer or a group of consumers and/or end users, must take measures in order to remedy such violation with respect to both the specific consumer or the group of consumers and/or end users and other consumers and/or end users of the same category.

4. Services providers shall ensure disabled end users' access to Services, that are used by the majority of end users, as well as ensure that disabled end users be able to use benefits of the Services providers and their services chosen by the majority of end users. The Commission may impose requirements on Services providers related to ensuring access for disabled end users to Services.

VII. Additional requirements for the Provision of public Mobile Telephone Communications Services

1. A service provider shall give end users the possibility to get comprehensive knowledge of the coverage area of the public mobile communications network of the Services provider.

2. In the Services Contract the Services Provider shall specify the ways and time limits for blocking of the provision of the Services to be employed in case the subscriber loses the terminal device. The Services provider shall not be entitled to charge for the provision of the service of blocking of Services.

VIII. Additional requirements for the provision of internet access services

1. Where internet access services are billed on the basis of volume consumption, their providers shall offer consumers the facility, free of charge, to monitor and control the usage of those services. Providers shall notify consumers before consumption limit, included in their tariff plan, reached 80 % and when a Service included in their tariff plan is fully consumed.

IX. Terms and Conditions of Restriction of Services

1. The Services provider shall not have the right to restrict the provision of Services with the exception of the cases, where the subscriber violates the conditions of the Service Contract.

2. Having restricted the provision of Services, the Services provider shall immediately inform the subscriber on the reasons for the restriction of Services.

3. Upon restriction of the provision of the Services, a subscriber of public telephone communications services shall be given the possibility to make calls to all free telephone numbers (emergency numbers, other numbers) and to receive free telephone calls.

4. In case the subscriber disputes a bill for the Services, the Services Provider shall not have the right to restrict the provision of the Services in the way, hindering the subscriber to receive incoming telephone communication and use other Services, provided free of charge, and, to the extent it is feasible technically, to receive the Services, paid for and not disputed by the subscriber.

5. Provision of the Services shall be renewed not later than within the time period of one business day from the date of receipt of the information on the full payment by the subscriber to the Services provider. The date of receipt of the information on the full payment to the Services provider shall be the day on which the subscriber presents to the Services provider the document, evidencing the payment, or on the day of crediting of the amounts, payable by the subscriber into the account of the Services provider.

6. The Services provider shall have the right not to observe the provisions, prescribed in paragraph 1 and a provider of public telephone communications services shall have the right not to observe the provisions of paragraph 3 in case the subscriber's actions raise threat to functioning, integrity or security of the public electronic communications network of the Services provider or restrict other subscribers' possibilities to use Services, provided by the Services provider.

X. Termination of Services

1. Provision of the Services can be terminated only upon a restriction of the provision of the Services and upon an advance notification of the subscriber, in case the subscriber fails to eliminate the violation of the Service Contract within the time period, specified in the Service Contract, and such time period shall not be shorter than the time period referred to in the Regulations. The provisions of the present paragraph shall not be applicable where the provision of the Services is terminated upon expiry of the time period of validity of the fixed-term Service Contract.

2. A provider of public telephone communications services shall have the right not to observe the provisions of paragraph 1 in case the subscriber's actions raise threat to functioning, integrity or security of the public electronic communications network of the Services provider or restrict other subscribers' possibilities to use Services, provided by the Services provider.

XI. Bills and itemised bills

1. Bills for the provided Services shall be provided to subscribers free of charge. The following shall be specified in the bill:

a) the applicable payment method (for instance, indication of bank account(s), etc.);

b) the tariff plan/plans, selected by the subscriber;

c) the type and price/tariff of each provided Service, distinguished according to each tariff plan, selected by the subscriber;

d) the total amount and price of the Services, provided according to each price/tariff of each plan, chosen by the subscriber and during the reporting period, specifying the duration of the provided Services or the amount of transferred data, the number of calls or internet connections according to the price/tariff, the subscriber charge and all the other charges, excessive payment or debt (if any) and the total amount payable.

2. In case of a request from a subscriber the Services provider shall, free of charge for the reporting period and free of charge or for a cost based fee for the non-reporting period, present to the subscriber an itemised bill on all the Services provided, for which the subscriber is to pay, specifying the following separately:

a) the telephone number of incoming and/or outgoing communication in regard to each Service provided (in case the subscriber uses public telephone communications services), or type of connection to an internet access server (in case the subscriber uses internet access services);

b) the date and time of commencement of provision of each Service;

c) according to the tariff plan, selected by the subscriber – the duration of each provided Service or the amount of the transferred data and the applicable tariff;

d) the total price of all the Services, provided during the reporting period.

3. The Services provider may also present other information, which bears influence on charging for the Services. The Services provided to the calling subscriber free of charge, including the calls to emergency numbers, shall not be identified in the itemised bill of the calling subscriber.

4. In case of a request from a subscriber the Services provider shall, free of charge or for a cost based fee, present to the subscriber additional details of the bill on the Services provided.

5. The Services provider shall ensure to the consumer the possibility to pay for the Services in advance.

6. In case the subscriber disputes the debt under the procedure, established by legal acts, the Services provider shall not have the right to cover a debt by payments from the subscriber, till the dispute is resolved.

XII. Other Provisions

In case Services Contracts establish more favorable conditions for provision of Services to a subscriber than those established in the Regulations, the corresponding provisions of such Services Contracts shall be applicable.
