

Electronic Communications Act

Promulgated, SG No. 41/22.05.2007, amended and supplemented, SG No. 109/20.12.2007, effective 1.01.2008, amended, SG No. 36/4.04.2008, amended and supplemented, SG No. 43/29.04.2008, amended, SG No. 69/5.08.2008, amended and supplemented, SG No. 17/6.03.2009, SG No. 35/12.05.2009, effective 12.05.2009, SG No. 37/19.05.2009, effective 19.05.2009, SG No. 42/5.06.2009; Decision No. 3 of the Constitutional Court of the Republic of Bulgaria of 4.06.2009 - SG No. 45/16.06.2009; amended, SG No. 82/16.10.2009, effective 16.10.2009, SG No. 89/10.11.2009, effective 10.11.2009, amended and supplemented, SG No. 93/24.11.2009, SG No. 12/12.02.2010, SG No. 17/2.03.2010, effective 10.05.2010, SG No. 27/9.04.2010, effective 9.04.2010, amended, SG No. 97/10.12.2010, effective 10.12.2010, amended and supplemented, SG No. 105/29.12.2011, effective 29.12.2011, SG No. 38/18.05.2012, effective 1.07.2012, amended, SG No. 44/12.06.2012, effective 1.07.2012, SG No. 82/26.10.2012, effective 26.11.2012, SG No. 15/15.02.2013, effective 1.01.2014, supplemented, SG No. 27/15.03.2013, SG No. 28/19.03.2013, amended, SG No. 52/14.06.2013, effective 14.06.2013, SG No. 66/26.07.2013, effective 26.07.2013, SG No. 70/9.08.2013, effective 9.08.2013, supplemented, SG No. 11/7.02.2014, effective 7.02.2014, amended, SG No. 53/27.06.2014, SG No. 61/25.07.2014, effective 25.07.2014, SG No. 98/28.11.2014, effective 28.11.2014, SG No. 14/20.02.2015; Judgment No. 2/12.03.2015 of the Constitutional Court of the Republic of Bulgaria - SG No. 23/27.03.2015; amended and supplemented, SG No. 24/31.03.2015, effective 31.03.2015, SG No. 29/21.04.2015, amended, SG No. 61/11.08.2015, effective 1.11.2015, SG No. 79/13.10.2015, effective 1.11.2015, SG No. 50/1.07.2016, effective 1.07.2016

Text in Bulgarian: Закон за електронните съобщения

Chapter One GENERAL DISPOSITIONS

Article 1. (1) This Act regulates the social relations pertaining to the implementation of electronic communications.

(2) Electronic communications shall be implemented by conveyance, emission, transmission or reception of signs, signals, written text, image, sound or message of any nature by wire, radio waves, optical or other electromagnetic medium.

Article 2. This Act shall not apply in respect of the content of the electronic messages conveyed.

Article 3. This Act shall not apply upon implementation of electronic communications:

1. (supplemented, SG No. 109/2007, amended, SG No. 79/2015, effective 1.11.2015) by the Ministry of Defence, by the Ministry of Interior, by the State Agency for National Security, by the National Bodyguard Service and by the State Intelligence Agency for their own needs, as well as in respect of the internal radio-frequency allocation and the determination of the call signs for the service radio communications of the said ministries and services;

2. (amended, SG No. 89/2009, effective 10.11.2009) by the state bodies and the administrations thereof in connection with national security.

Chapter Two PURPOSES AND PRINCIPLES

Article 4. (1) The purposes of this Act are:

1. creation of the conditions necessary for the promotion of competition in the implementation of electronic communications by:

(a) (amended, SG No. 105/2011, effective 29.12.2011) ensuring that users, including persons with

disabilities, elderly persons and persons with special social needs, derive maximum benefit from the choice, price and quality of electronic communications;

(b) (amended and supplemented, SG No. 105/2011, effective 29.12.2011) preventing the distortion or restriction of competition in the electronic communications sector, including in the transmission of content;

(c) encouraging investment in infrastructure, and promoting innovation;

(d) (amended, SG No. 105/2011, effective 29.12.2011) encouraging efficient use and ensuring effective management of scarce resources;

2. contribution to the development of the internal market for electronic communications by:

(a) removing possible obstacles to the implementation of electronic communications;

(b) encouraging the establishment and development of trans-European networks, the interoperability of pan-European services, and end-to-end connectivity;

(c) (amended, SG No. 105/2011, effective 29.12.2011) ensuring, in similar circumstances, non-discriminatory treatment of undertakings providing electronic communications networks and/or services;

(d) (amended and supplemented, SG No. 105/2011, effective 29.12.2011) cooperating with the national regulatory authorities of the Member States of the European Union, with the European Commission and with the Body of European Regulators for Electronic Communications in a transparent manner to ensure the development of consistent regulatory practice and the consistent application of the regulatory framework of the European Union on electronic communications;

3. promotion of the interests of citizens by:

(a) ensuring all citizens access to universal service;

(b) ensuring a high level of protection for consumers in their dealings with suppliers, and in particular by ensuring the availability of simple and inexpensive dispute resolution procedures;

(c) contributing to ensuring a high level of protection of personal data and privacy in the sphere of electronic communications;

(d) creating conditions for the provision of clear information, including by setting requirements for transparency of tariffs and of conditions for use of public electronic communications services;

(e) (supplemented, SG No. 105/2011, effective 29.12.2011) supporting the interests of specific social groups, and in particular persons with disabilities, of elderly persons and persons with special social needs;

(f) creating conditions to ensure the maintenance of the integrity and security of public electronic communications networks;

(g) (new, SG No. 105/2011, effective 29.12.2011) respecting the fundamental rights and freedoms of citizens, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms and general principles of European Union law, to access to, and use of, services and applications provided over electronic communications networks; measures to restrict the fundamental rights and freedoms shall be admissible only under terms and according to a procedure established by a law, with respect for the presumption of innocence and the right to privacy;

(h) (new, SG No. 105/2011, effective 29.12.2011) promote the ability of end-users to access and distribute information or to run applications and services of their choice.

(2) The electronic communications management and regulatory authorities:

1. shall take all justified measures to attain the purposes covered under Paragraph (1) to an extent and within time limits proportionate to the relevant purpose;

2. shall take the utmost account of the desirability of technological neutrality.

Article 5. Upon application of this Act, the state bodies shall respect the principles of legal status, predictability, transparency, public openness, consultation, non-discrimination, proportionality, technological neutrality in respect of networks upon provision of electronic communications services by the undertakings, and possible minimization of regulatory intervention.

Chapter Three

STATE MANAGEMENT OF ELECTROINIC COMMUNICATIONS

Section I

General Provisions

Article 6. The State management of electronic communications shall be implemented by the Council of Ministers, by the National Radio Spectrum Council, and by the Minister of Transport, Information Technology and Communications.

Article 7. (1) (Amended, SG No. 105/2011, effective 29.12.2011) Acting on a motion by the Minister of Transport, Information Technology and Communications, the Council of Ministers shall adopt an Electronic Communications Policy and shall promulgate the said policy in the State Gazette.

(2) (Amended, SG No. 105/2011, effective 29.12.2011) The draft referred to in Paragraph (1) shall be presented for public consultation according to the procedure established by Article 18 herein.

(3) (Amended, SG No. 105/2011, effective 29.12.2011) The Electronic Communications Policy shall be updated at least once every four years.

Article 8. (1) Acting on a motion by the National Radio Spectrum Council, the Council of Ministers shall adopt a Radio Spectrum Planning and Allocation Policy and shall promulgate the said policy in the State Gazette.

(2) Acting on a motion by the National Radio Spectrum Council, the Council of Ministers shall adopt a National Radio Spectrum Allocation Plan and shall promulgate the said plan in the State Gazette.

(3) (Repealed, SG No. 105/2011, effective 29.12.2011).

Section II

National Radio Spectrum Council

Article 9. (1) The National Radio Spectrum Council with the Council of Ministers, hereinafter referred to as "the Council", shall draft and submit for adoption by the Council of Ministers a State Policy for Radio Spectrum Planning and Allocation and shall implement the said policy.

(2) The draft of a State Policy referred to in Paragraph (1) shall be presented for public consultation under Article 18 herein.

Article 10. (1) (Supplemented, SG No. 109/2007, SG No. 17/2009, amended, SG No. 82/2009, effective 16.10.2009, SG No. 89/2009, effective 10.11.2009, SG No. 14/2015, SG No. 79/2015, effective 1.11.2015) The Council shall include, as members, representatives of the Ministry of Finance, the Ministry of Economy, the Ministry of Transport, Information Technology and Communications, the Ministry of Defence, the Ministry of Interior, the State Agency for National Security, the Communications Regulation Commission, the National Bodyguard Service, and the State Intelligence Agency.

(2) (Amended, SG No. 89/2009, effective 10.11.2009) The Council shall be chaired by the Minister of Transport, Information Technology and Communications or a person empowered thereby. The state bodies and services covered under Paragraph (1) shall designate the representatives thereof and shall ensure their participation in the work of the Council. The Chairperson of the Council shall designate one of the representatives of the Ministry of Transport, Information Technology and Communications as an Organizing Secretary of the Council.

(3) Acting on a motion by the Chairperson of the Council, the Council of Ministers shall adopt

Rules of Operation of the Council.

(4) (Amended, SG No. 89/2009, effective 10.11.2009) The administrative support to the Council shall be provided by the administration of the Ministry of Transport, Information Technology and Communications.

Article 11. (1) The Council shall prepare a draft of a National Radio Spectrum Allocation Plan.

(2) (Amended and supplemented, SG No. 105/2011, effective 29.12.2011) The plan referred to in Paragraph (1) shall be drafted and updated in accordance with the policy of the European Union, the documents of the international organizations, as well as on motions by the central-government departments and services concerned, for the purpose of harmonized and efficient use of the radio spectrum.

(3) By the plan referred to in Paragraph (1), the radio spectrum shall be allocated into radio frequencies, radio frequency bands and radio services for civilian needs, for the needs of the state bodies and services covered under Article 3 herein in connection with national security, and for shared use between the said bodies and services.

(4) The allocation of the radio spectrum into radio frequencies, radio frequency bands and radio services shall be carried out in accordance with the principles of radio spectrum allocation and use in the European Union and by the International Telecommunication Union.

(5) The specific allocation of radio frequencies and radio frequency bands, assigned for civilian needs or for shared use for civilian needs and for the needs of the state bodies and services covered under Paragraph (3) in connection with national security, shall be carried out after conduct of a public consultation under Article 18 herein, in the part concerning civilian needs.

(6) Within seven days after expiry of the time limit for public consultation, the Minister of Transport, Information Technology and Communications shall transmit the draft as consulted and the opinions as submitted to the National Radio Frequency Council. The Council shall examine the opinions and shall post the opinions as submitted, as well as the reasoning of the accepted and rejected proposals, on the Internet site of the Ministry of Transport, Information Technology and Communications. After an examination of the opinions, the Council shall propose to the Council of Ministers to adopt a decision.

(7) (New, SG No. 17/2009) The Council shall consider and decide matters related to electromagnetic compatibility, and should the members thereof disagree, the matters shall be referred to the Council of Ministers, which shall make a decision.

Article 12. The state bodies and services covered under Article 10 (1) herein shall interact for implementation of the activity of the Council in accordance with the Rules referred to in Article 10 (3) herein.

Article 13. (1) After clearance with the state bodies and services concerned, the Council shall adopt a decision on use of particular radio frequencies and radio frequency bands by radio equipment and the technical parameters thereof, the period and place of use of the said frequencies and bands within the territory of the Republic of Bulgaria by foreign States on a basis of reciprocity, as well as by international organizations, where this arises from international commitments assumed by the Republic of Bulgaria.

(2) Requests for use of radio frequencies and radio frequency bands by embassies of foreign States and/or by missions of international organisations shall be submitted to the Council, which shall pronounce on any such requests within one month after receipt thereof.

(3) Where a provision is made for granting of an authorization for use of an individually assigned scarce resource - radio spectrum, for implementation of electronic communications according to the procedure established by this Act, the Council shall notify the Communications Regulation Commission, which:

1. shall grant the relevant authorization;
2. shall collect the fees as fixed, unless otherwise provided for in an international instrument.

Article 14. (Supplemented, SG No. 35/2009, effective 12.05.2009) The Minister of Defence or an

official empowered thereby shall authorize the use of radio frequencies and radio frequency bands by the Member States of NATO upon conduct of joint exercises and operations within the territory of the Republic of Bulgaria in accordance with the allocation of radio frequencies and radio frequency bands for the needs of the Ministry of Defence in the National Radio Spectrum Allocation Plan.

Section III

Minister of Transport, Information Technology and Communications

(Heading amended, SG No. 89/2009, effective 10.11.2009)

Article 15. (Amended, SG No. 89/2009, effective 10.11.2009) The Minister of Transport, Information Technology and Communications shall be a specialized executive authority who conducts the state policy in the sphere of electronic communications and in the sphere of Information Society.

Article 16. The Minister of Transport, Information Technology and Communications shall:

1. (amended, SG No. 105/2011, effective 29.12.2011) prepare and lay before the Council of Ministers for adoption electronic communications and Information Society policies, strategies, plans and programmes;
2. draft and issue or lay before the Council for Ministers for adoption statutory instruments of secondary legislation related to the implementation of the powers of the said Minister as provided for in this Act;
3. create conditions to ensure the freedom and confidentiality of communications;
4. represent the Republic of Bulgaria in the international organizations in electronic communications and Information Society;
5. (amended, SG No. 105/2011, effective 29.12.2011) assist the development and implementation of standards and standardization deliverables related to electronic communications and Information Society;
6. ensure the honouring of the commitments of the Republic of Bulgaria in the management of electronic communications and Information Society related to the membership of the Republic of Bulgaria in the European Union and in international organizations;
7. (new, SG No. 105/2011, effective 29.12.2011) participate in the preparation and coordination of the policy of the European Union in the field of scarce resources in connection with the provision and efficient use necessary for the creation and functioning of the single market of the European Union in the electronic communications sector and ensuring interoperability of services;
8. (renumbered from Item 7, SG No. 105/2011, effective 29.12.2011) participate in the activity of the international standardization organizations and in the technical standardization committees in the Republic of Bulgaria relevant to electronic communications and Information Society;
9. (renumbered from Item 8, SG No. 105/2011, effective 29.12.2011) effect international registration of radio frequencies and radio frequency bands, as well as of radio equipment using such frequencies and bands;
10. (renumbered from Item 9, SG No. 105/2011, effective 29.12.2011) perform international coordination of radio frequencies and radio frequency bands for all radio services, as well as of the technical characteristics of the radio equipment using such frequencies and bands for the needs of national security;
11. (renumbered from Item 10, SG No. 105/2011, effective 29.12.2011) reach agreement and/or endorse investment programmes and projects in accordance with the priorities in Information Society and communications;
12. (renumbered from Item 11, SG No. 105/2011, effective 29.12.2011) perform inter-departmental coordination upon the drafting of drafts of statutory instruments of the Council of

Ministers in electronic communications and Information Society and upon the submission of the said drafts.

Article 17. (1) (Amended, SG No. 50/2016, effective 1.07.2016) The Chairperson of the Electronic Government State Agency:

1. establish, operate, maintain and develop an electronic communications network and control points in connection with national security, which shall be serviced by personnel occupying specific positions;

2. (amended, SG No. 35/2009, effective 12.05.2009) ensure electronic communications for governance in cases of disasters within the meaning given by the Disaster Protection Act and upon declaration of a state of martial law, a state of war or a state of emergency within the meaning given by the Defence and Armed Forces of the Republic of Bulgaria Act;

3. (new, SG No. 105/2011, effective 29.12.2011) use and develop the network referred to in Item 1 for the needs of State governance.

(2) (Repealed, SG No. 105/2011, effective 29.12.2011).

Article 18. (1) Prior to issuing the instruments of secondary legislation provided for in this Act or prior to laying any such instruments before the Council of Ministers, the Minister of Transport, Information Technology and Communications shall make public the drafts as prepared by insertion of an announcement in a national daily newspaper, as well as by posting an announcement together with the text of the draft on the Internet site of the Ministry of Transport, Information Technology and Communications.

(2) The announcement referred to in Paragraph (1) shall state the place where interested parties may obtain the drafts and a time limit, not shorter than thirty days, wherewithin the said parties may present written opinions on the said drafts.

(3) The Minister of Transport, Information Technology and Communications shall examine the opinions and shall incorporate the accepted proposals.

(4) The public consultation procedure shall be concluded by posting on the Internet site of the Ministry of Transport, Information Technology and Communications of the opinions received, the proposals received, the places and the texts whereby the accepted proposals have been accepted, and the reasoning for the rejected proposals.

Article 19. The resources for facilitation of the activities of the Ministry of Transport, Information Technology and Communications shall accrue to the budget thereof and shall be raised from:

1. twenty-five per cent of the final tender price after conduct of a tender for use of an individually assigned scarce resource;

2. (supplemented, SG No. 11/2014, effective 7.02.2014) twenty-per cent of the lump-sum fee for use of additionally provided radio spectrum, and of the lump sum for extension of the validity of an authorization;

3. thirty-five per cent of the annual fees for use and for temporary use of an individual assigned scarce resource - radio spectrum;

4. twenty-five per cent of the annual fees for use of the geostationary orbital positions allocated to the Republic of Bulgaria according to international agreements;

5. resources for co-financing of projects for the development of communications and Information Society;

6. other revenues.

Article 20. (1) (Amended, SG No. 17/2009) The resources covered under Article 19 herein shall be spent on:

1. projects assisting the development of Information Society, electronic communications and postal services;

2. establishing of a single national and European information space: varied, reliable and compatible broadband services;

3. facilitating research and development in Information Society, electronic communications and postal services;
 4. facilitating the implementation of information technology in small and medium-sized enterprises;
 5. facilitating the development of education and vocational training in information technology;
 6. projects providing affordable electronic communications services;
 7. research and marketing in Information Society, information technology, of electronic communications and of postal services;
 8. participation in European projects, programmes and other initiatives;
 9. projects related to the establishment and modernization of electronic communications networks and of the postal infrastructure;
 10. release of radio spectrum for civilian purposes;
 11. projects for support of the state governance related to information technology, electronic communications and postal services;
 12. (amended, SG No. 109/2007) projects related to national security, subject to clearance with the Ministry of Interior, the Ministry of Defence and the State Agency for National Security;
 13. activities and participation in projects related to NATO and other collective security organizations;
 14. (amended, SG No. 17/2009, SG No. 35/2009, effective 12.05.2009, SG No. 89/2009, effective 10.11.2009, supplemented, SG No. 93/2009, effective 25.12.2009) projects related to the governance of the country in cases of disasters and industrial accidents after clearance with the Ministry of Interior.
- (2) The resources on the activities covered under Paragraph (1), with the exception of Items 10, 12 and 13, shall be spent applying the principles of competitiveness, transparency and non-discrimination.
- (3) In implementing the projects relating to the national security NATO and other organizations for joint security, the procedures applicable to them shall apply.
- (4) The Ministry of Transport, Information Technology and Communications shall prepare an annual report on the spending of the resources referred to in Paragraph (1), which shall be posted on the Internet site of the said Agency not later than the 31st day of March of the next succeeding year.

Chapter Four

REGULATION OF ELECTRONIC COMMUNICATIONS

Section I

Communications Regulation Commission

Article 21. (1) The regulatory and control functions upon implementation of electronic communications shall be performed by the Communications Regulation Commission, hereinafter referred to as "the Commission".

(2) The Commission shall be an independent specialized state body. The Commission shall be a legal entity with a head office in Sofia.

(3) The Commission shall implement the statutory instruments of primary and secondary legislation and the general administrative acts in electronic communications, the electronic communications policy, the radio spectrum planning and allocation policy, and the postal services policy.

(4) The Commission shall regulate and control the implementation of electronic communications in accordance with this Act.

(5) The Commission shall register and control the activity of providing certification services in connection with electronic signatures according to the procedure established by the Electronic

Document and Electronic Signature Act.

Article 22. (1) (Amended, SG No. 17/2009, SG No. 37/2009, effective 1.07.2009, SG No. 27/2010, effective 9.04.2010) The Commission shall be a collective authority, which shall consist of five members, including a Chairperson and a Deputy Chairperson.

(2) To be eligible for membership of the Commission, a person must be a Bulgarian citizen who:

1. possesses professional qualification in the sphere of communications, information technologies, the media, economics or law;

2. have a permanent address within the territory of Bulgaria;

3. have not been sentenced to deprivation of liberty for indictable offences.

(3) The Chairperson of the Commission shall be designated and dismissed by decision of the Council of Ministers and shall be appointed by order of the Prime Minister for a term of five years.

(4) The Deputy Chairperson and two of the members of the Commission shall be elected and dismissed by resolution of the National Assembly for a term of five years.

(5) One of the members of the Commission shall be appointed and dismissed by decree of the President of the Republic for a term of five years.

(6) Each of the members of the commission may not serve more than two full terms under Paragraphs (3), (4) and (5).

(7) The members of the Commission shall enjoy all rights under an employment relationship, except such that are contrary to or incompatible with the legal status thereof.

Article 23. (1) The following shall be ineligible for membership of the Commission: sole traders, owners, partners, shareholders, managing directors, managerial agents, consultants or members of management or supervisory bodies of commercial corporations, state-owned enterprises and not-for-profit legal entities in communications and certification services within the meaning given by the Electronic Document and Electronic Signature Act.

(2) The members of the Commission may not occupy another salaried position, nor receive remuneration under a civil-law contract, except in the cases where they practise a research or lecturing activity.

Article 24. (1) The credentials of a members of the Commission shall be terminated upon death or by the relevant authorities prior to expiry of the term of office in the following cases:

1. at the written request of the members within one month after receipt of the request;

2. upon ascertainment of incompatibility with the requirements of this Act;

3. where the Member is sentenced to deprivation of liberty for a premeditated offence at public law;

4. where the Member is unable to discharge the duties thereof for more than three consecutive months;

5. (new, SG No. 42/2009) upon entry into effect of an act whereby a conflict of interest under the Conflict of Interest Prevention and Ascertainment Act has been ascertained.

(2) (New, SG No. 105/2011, effective 29.12.2011) The act on early termination of the credentials of a member of the Commission shall be made publicly available on the day of adoption of the said act. The reasoning for termination of the credentials may be published at the request of the party concerned.

(3) (Renumbered from Paragraph (2), SG No. 105/2011, effective 29.12.2011) Within one month after the date of early termination of the credentials of a member of the Commission, the competent authority shall designate or elect and appoint, as the case may be, a new member to serve the remainder of the respective term of office.

(4) (Renumbered from Paragraph (3), SG No. 105/2011, effective 29.12.2011) Upon expiry of the term of office of a member of the Commission, the said member shall continue to exercise the powers thereof until entry into effect of the act on designation or election and appointment of a new member.

Article 25. The remunerations of the members of the Commission shall be established as follows:

1. of the Chairperson: at 90 per cent of the basic remuneration of a National Representative;

2. of the Deputy Chairperson: at 95 per cent of the basic remuneration of a National Representative;

3. of the rest of the members: at 90 per cent of the basic remuneration of a National Representative.

Article 26. (1) (Amended, SG No. 42/2009) Each member of the Commission shall be obligated to declare any private interest under the Conflict of Interest Prevention and Ascertainment Act which the said member has upon the adoption of a specific decision and shall be obligated not to participate in the deliberation and voting of the said decision.

(2) (Amended and supplemented, SG No. 42/2009) A private interest shall always exist where the persons referred to in Paragraph (1), any lineal relatives thereof up to any degree of consanguinity, any collateral relatives thereof up to the fourth degree of consanguinity and any affines thereof up to the second degree of affinity, as well as any parties economically related thereto, provide electronic communications networks and/or services.

(3) (Repealed, SG No. 42/2009).

(4) (Repealed, SG No. 42/2009).

(5) Within one year after the termination or expiry of the term of office, the members of the Commission may not be owners, shareholders, partners, managing directors, managerial agents or members of management or supervisory bodies of commercial corporations providing public electronic communications networks and/or services, may not submit a notification under Article 68 herein, nor may obtain any authorizations under this Act, and/or any authorizations and/or any licences under the Electronic Document and Electronic Signature Act and under the Postal Services Act.

(6) Any person who or which has standing may petition the court for a revocation of any decisions adopted in breach of Paragraph (1).

Article 27. (1) The Chairperson of the Commission shall perform the following functions:

1. represent the Commission or empower persons to represent it;

2. organize and direct the activity of the Commission;

3. schedule, move a draft of an agenda and preside over the meetings of the Commission;

4. (amended, SG No. 38/2012, effective 1.07.2012) shall act as the appointing body in respect of the civil servants and as an employer in respect of the employees working under an employment relationship within the Council's administration;

5. organize and be responsible for the implementation of the budget of the Commission.

(2) (Repealed, SG No. 17/2009, new, SG No. 105/2011, effective 29.12.2011) The activities referred to in Items 4 and 5 of Paragraph (1) shall be carried out according to rules adopted by decision of the Commission.

Article 28. (1) (Supplemented, SG No. 38/2012, effective 1.07.2012) In its activities, the Commission shall be assisted by an administration, which shall be subject to the Administration Act, insofar as not otherwise provided for in this Act.

(2) (New, SG No. 38/2012, effective 1.07.2012) The administration's activities shall be performed by civil servants and by persons working under an employment relationship. The provisions of Article 107a of the Labour Code shall apply to those working under an employment relationship.

(3) (Supplemented, SG No. 105/2011, effective 29.12.2011, repealed, renumbered from Paragraph 2, SG No. 38/2012, effective 1.07.2012) Acting on a motion by the Chairperson and/or by a member of the Commission, the Commission shall deliberate and adopt Rules determining the system, the operation, the organization of work, the staff size and the structure of the administration thereof, which shall be promulgated in the State Gazette.

(4) (Repealed, SG No. 38/2012, effective 1.07.2012).

(5) (Repealed, SG No. 38/2012, effective 1.07.2012).

(6) (Repealed, SG No. 38/2012, effective 1.07.2012).

Section II

Powers

Article 29. The Commission shall exercise the powers, functions and tasks thereof for attainment of the purposes covered under Article 4 herein and in accordance with the principles covered under Article 5 herein.

Article 30. The Commission shall be vested with the following powers:

1. to define the relevant markets for electronic communications networks and/or services subject to regulation under this Act;

2. to study, analyze and prepare an assessment regarding the degree of competition on the relevant markets for electronic communications networks and/or services;

3. to designate the undertakings which have significant market power on the relevant market;

4. (amended, SG No. 105/2011, effective 29.12.2011) to impose, maintain, amend or withdraw specific obligations on the undertakings designated as undertakings with significant market power on the market, for attainment of the purposes of this Act;

5. as an exception, to impose justified and proportionate provisional specific obligations in the cases provided for in this Act;

6. to assign the provision of universal service;

7. to prepare, adopt and update a regulatory policy for the use of numbers, addresses and names for the implementation of electronic communications;

8. to prepare and adopt general and statutory administrative acts related to the powers vested in the Commission, in the cases provided in this Act;

9. (amended, SG No. 17/2009) to prepare, to adopt, or to make available for adoption by the competent state bodies of the statutory instruments of secondary legislation in the cases provided for in this Act;

10. to grant, modify, supplement, transfer, suspend, terminate or withdraw authorizations for use of an individually assigned scarce resource;

11. to grant and discontinue the validity of provisional authorizations for use of an individually assigned scarce resource;

12. to grant, modify, supplement, transfer, suspend, terminate or withdraw the authorizations for use of an individually assigned scarce resource for implementation of electronic communications over existing and/or new electronic communications networks for analogue terrestrial broadcasting, after a decision of the Council for Electronic Media;

13. to study and provide information to the Council for Electronic Media on the technical parameters needed for analogue terrestrial broadcasting of radio and television programme services, for a nucleated settlement, region or the entire territory of the Republic of Bulgaria as specified by the Council for Electronic Media, including available radio frequencies, admissible power of emission, possible points of emission, as well as other requisite technical information;

14. to prepare, adopt and update the National Numbering Plan;

15. to provide for use, reserve and withdraw numbers, addresses and names;

16. (new, SG No. 17/2009) to control the effective use of the numbers of the National Numbering Plan;

17. (renumbered from Item 16, SG No. 17/2009) to facilitate the provision by international organizations of numbers, addresses and names for electronic communications in the Republic of Bulgaria;

18. (new, SG No. 105/2011, effective 29.12.2011) contribute to the harmonization of specific numbers or numbering ranges within the European Union for the promotion of the functioning of the internal market and the development of pan-European electronic communications services;

19. (renumbered from Item 17, SG No. 17/2009, renumbered from Item 18, SG No. 105/2011, effective 29.12.2011) to represent the Republic of Bulgaria in the international organizations of

regulatory authorities in electronic communications;

20. (new, SG No. 105/2011, effective 29.12.2011) participate in the Body of European Regulators for Electronic Communications and contribute to coordinated and consistent regulation;

21. (new, SG No. 105/2011, effective 29.12.2011) consider cases of non-compliance with the requirements to ensure the security and integrity of the public electronic communications networks and/or services;

22. (renumbered from Item 18, SG No. 17/2009, renumbered from Item 19, SG No. 105/2011, effective 29.12.2011) to perform the functions of a national standardization organization in dealings with the European Telecommunications Standardisation Institute (ETSI) and to participate in the work of the technical committees on standardization in the Republic of Bulgaria concerned with electronic communications;

23. (renumbered from Item 19, SG No. 17/2009, renumbered from Item 20, SG No. 105/2011, effective 29.12.2011) to keep the registers provided for in this Act;

24. (renumbered from Item 20, SG No. 17/2009, renumbered from Item 21, SG No. 105/2011, effective 29.12.2011) to consult the public, experts and officials, and the nation in the cases and according to the procedures provided for in this Act;

25. (renumbered from Item 21, SG No. 17/2009, renumbered from Item 22, SG No. 105/2011, effective 29.12.2011) to resolve disputes between undertakings;

26. (renumbered from Item 22, SG No. 17/2009, renumbered from Item 23, SG No. 105/2011, effective 29.12.2011) to consider complaints by end-users in the cases provided for in this Act.

Article 31. (Amended, SG No. 105/2011, effective 29.12.2011) The Commission shall promote the development of the market in electronic communications networks and services, by means of:

1. applying regulatory measures to restrict the possible barriers to competition;

2. removing obstacles and barriers to competition within its competence;

3. (new, SG No. 105/2011, effective 29.12.2011) promoting investment and innovation in new and enhanced infrastructures, including by ensuring that any access obligation takes account of the risk incurred by the investing undertakings and by permitting various cooperative arrangements between investors and parties seeking access to diversify the risk of investment, whilst ensuring that competition in the market is preserved and the principle of non-discrimination is respected;

4. (new, SG No. 105/2011, effective 29.12.2011) safeguarding competition to the benefit of consumers and promoting, where appropriate, infrastructure-based competition;

5. (new, SG No. 105/2011, effective 29.12.2011) taking account of the variety of conditions relating to competition and consumers that exist in the various geographic areas;

6. (renumbered from Item 3, SG No. 105/2011, effective 29.12.2011) extending non-discriminatory treatment to all undertakings providing electronic communications networks and/or services in similar circumstances;

7. (renumbered from Item 4 and amended, SG No. 105/2011, effective 29.12.2011) maintaining mutual cooperation with the other regulatory authorities and the European Commission for development of consistent regulatory practice and implementation of European Union law;

8. (new, SG No. 105/2011, effective 29.12.2011) imposing ex-ante specific regulatory obligations only where there is no effective and sustainable competition on a relevant market and amending or lifting such obligations where that condition is fulfilled;

9. (new, SG No. 105/2011, effective 29.12.2011) promoting regulatory predictability by ensuring a consistent regulatory approach over the periods covered under Article 157a herein.

Article 32. (Supplemented, SG No. 105/2011, effective 29.12.2011) The Commission shall be vested with the following powers related to radio spectrum management for civilian needs and the geostationary orbital positions allocated to the Republic of Bulgaria by international agreements:

1. manage the radio spectrum and, to this end:

(a) prepare the radio frequency management regulatory policy and promulgate the said policy in

the State Gazette;

(b) provide radio frequencies and radio frequency bands for use for implementation of electronic communications;

2. determine the particular technical requirements for the functioning of the electronic communications networks and the relevant facilities;

3. perform the international coordination of radio frequencies and radio frequency bands, as well as of radio equipment which uses such frequencies and bands, for all radio services with the exception of the aeronautical mobile radio service, aeronautical mobile-satellite radio service, aeronautical radio navigation service, aeronautical radio navigation-satellite service, maritime mobile radio service, maritime mobile-satellite radio service, maritime radio navigation service and maritime radio navigation-satellite service;

4. perform national coordination of radio frequencies and radio frequency bands with all state bodies, central-government departments and services concerned for the purpose of ensuring the safety of aeronautical and maritime navigation and protection of national security and defence;

5. prepare documents for registration in international electronic communications organizations of the coordinated radio frequencies and radio frequency bands and the radio equipment which uses such frequencies and bands; such documents shall be prepared for all radio services with the exception of the aeronautical mobile radio service, aeronautical mobile-satellite radio service, aeronautical radio navigation service, aeronautical radio navigation-satellite service, maritime mobile radio service, maritime mobile-satellite radio service, maritime radio navigation service and maritime radio navigation-satellite service; the registration documents shall be submitted to the Ministry of Transport, Information Technology and Communications for the effecting of international registration;

6. conduct examinations and issue licensed competence certificates to amateur radio operators;

7. control the efficient use of the radio spectrum and/or the sources of interference in the radio spectrum for civilian needs;

8. control the observance of the established international rules of procedure for the radio services;

9. provide for use the allocated call signs of the radio transmission equipment of the amateur radio service and listeners' call signs;

10. ensure conditions for the implementation of electronic communications for the purposes of maritime and aeronautical search and rescue, as well as for dissemination of current information for ensuring the safety of maritime and aeronautical navigation and of land transport;

11. participate, jointly with the Minister of Transport, Information Technology and Communications, in the work of the international organisations related to radio spectrum management;

12. with regard to public interest, acting on its own initiative or on the initiative of a concerned undertaking implementing electronic communications, may re-allocate the available scarce resource - radio spectrum and the geostationary orbital positions allocated to the Republic of Bulgaria according to international agreements - which shall be used for the provision of electronic communications networks and/or services for public or private needs;

13. (new, SG No. 105/2011, effective 29.12.2011) distribute the geostationary orbital positions allocated to the Republic of Bulgaria by international agreements.

Article 33. (1) The Commission shall establish and keep public registers of the undertakings:

1. which have notified the Commission of their intention to implement electronic communications;

2. which hold authorizations for use of an individually assigned scarce resource;

3. (new, SG No. 105/2011, effective 29.12.2011) which are designated as undertakings with significant market power on a relevant market.

(2) (Supplemented, SG No. 105/2011, effective 29.12.2011) The registers covered under Items 1 and 2 of Paragraph (1) shall contain the following information:

1. identification data on the person implementing public electronic communications after submission of a notification:

(a) in respect of natural persons: forename, patronymic and surname and permanent address;
(b) (supplemented, SG No. 105/2011, effective 29.12.2011) in respect of legal persons and sole traders: designation (business name), registered office and address of the place of management and the relevant unified identification code;

2. manner of implementation of the electronic communications;
3. public electronic communications networks and/or services provided;
4. territorial range, where applicable;
5. (supplemented, SG No. 105/2011, effective 29.12.2011) telephone (telefax, electronic mail address), address and contact person details and the Internet site of the undertaking;
6. (new, SG No. 29/2015) number of subscribers of the undertaking differentiated by the services offered by the undertaking, on the basis of the data from the annual activity report provided by the undertaking in connection with Article 38, Paragraph 1.

(3) (New, SG No. 105/2011, effective 29.12.2011) The register referred to in Item 3 of Paragraph (1) shall contain the following information:

1. identification data on the undertaking;
2. the relevant market;
3. specific obligations imposed.

(4) (Renumbered from Paragraph (3), SG No. 105/2011, effective 29.12.2011) The Commission shall post the registers covered under Paragraph (1) on the Internet site thereof.

Article 34. The Commission shall control the application of:

1. the statutory instruments on electronic communications;
2. the pricing principles and rules provided for in this Act;
3. the quality of service parameters and requirements;
4. the specific conditions and parameters for use of a scarce resource as provided for in the authorizations;
5. (amended, SG No. 105/2011, effective 29.12.2011) the applicable requirements under Article 73 herein and the imposed obligations for implementation of electronic communications;
6. the requirements for universal service provision.

Article 35. (1) Upon exercise of the powers vested therein, the Commission shall pronounce by reasoned decisions.

(2) The decisions referred to in Paragraph (1) shall be individual or general administrative acts and shall be appealable according to the procedure established by the Administrative Procedure Code before the Supreme Administrative Court.

(3) By decisions the Commission may furthermore adopt statutory administrative acts within its competence.

(4) The general and legislative administrative acts shall be promulgated in the State Gazette.

(5) Decisions shall be adopted by a simple majority of the members of the Commission.

(6) (Amended, SG No. 105/2011, effective 29.12.2011) The Commission shall include a direction on the anticipatory enforcement, under the terms established by Article 60 of the Administrative Procedure Code, upon the issuing of the following individual administrative acts:

1. any decisions whereby information required for an analysis of the relevant markets is demanded from undertakings;
2. (supplemented, SG No. 105/2011, effective 29.12.2011) any decisions on definition and analysis of relevant markets, on designation of undertakings with significant market power on a relevant market, on imposition of specific obligations on undertakings with significant market power on a relevant market and on imposition of provisional obligations;
3. any decisions concerning the fulfilment of specific obligations imposed on undertakings with significant market power on a relevant market;
4. any decisions on disputes between undertakings;

5. (new, SG No. 17/2009) any decisions whereby the Commission grants an authorization to the candidate, who or which has won the contest for use of an individually assigned scarce resource - radio spectrum, for implementation of electronic communications over electronic communications networks for digital terrestrial broadcasting.

(7) (New, SG No. 105/2011, effective 29.12.2011) The meetings of the Commission shall be open to the public. In respect of specific items on the agenda, the Commission may hold a meeting behind closed doors where adoption of a decision requires any information protected by a law.

(8) (New, SG No. 105/2011, effective 29.12.2011) Prior to holding the meetings, the Commission shall publish the drafts of an agenda on the Internet site thereof.

(9) (New, SG No. 105/2011, effective 29.12.2011) The minutes of proceedings at the meetings and the decisions of the Commission shall be published on the Internet site thereof, with the exception of the information protected by a law.

Article 36. (1) Upon preparing drafts of any general and statutory administrative acts provided for in this Act, the Commission shall conduct a public consultation procedure by announcing the draft as prepared and the reasoning for the preparation of the said draft through insertion in a national daily newspaper and posting on the Internet site of the Commission.

(2) The announcement referred to in Paragraph (1) shall state the place where interested parties may obtain the draft and a time limit, not shorter than thirty days, wherewithin the said parties may present written opinions on the said drafts.

(3) The Commission shall examine the opinions and shall incorporate the accepted proposals.

(4) (Supplemented, SG No. 105/2011, effective 29.12.2011) The public consultation procedure shall be concluded by posting on the Internet site of the Commission of the opinions received, with the exception of the parts constituting a business secret, the proposals received, the places and the texts whereby the accepted proposals have been accepted, and the reasoning for the rejected proposals.

Article 37. (1) Before adopting a decision on important matters of public relevance to the development of electronic communications, the Commission shall consult the public.

(2) The procedure referred to in Paragraph (1) shall commence by publication of an announcement on the forthcoming consultations with the public through insertion in a national daily newspaper as well as through posting on the Internet site of the Commission.

(3) The announcement referred to in Paragraph (2) shall mandatorily specify the matter raised for consultation, the place where interested parties may obtain the position of the Commission on the matter raised for consultation, the reasons underlying the position of the Commission, as well as a time limit, not shorter than fourteen days, wherewithin written opinion may be presented.

(4) The Commission shall examine all opinions and shall post on the Internet site thereof the reasoning justifying the decision adopted.

Article 37a. (New, SG No. 105/2011, effective 29.12.2011) The Commission shall inform the Commission for Consumer Protection and consumer associations of the initiation of any procedures under Articles 36 and 37 herein where the said procedures involve matters related to the rights of end-users of electronic communications services, as well as the Commission for Personal Data Protection where the said matters are related to processing of personal data.

Article 38. (1) The Commission shall prepare an annual report and shall provide the said report, not later than the end of the second quarter of the next succeeding year, to the National Assembly, the President of the Republic and the Council of Ministers. Any such report shall contain:

1. an analysis of the universal service provision, including the degree of satisfaction and quality;
2. allocation of the individually assigned scarce resource as provided for use and the mechanisms applied for the effective use of the said resource;
3. (repealed, SG No. 105/2011, effective 29.12.2011);
4. assessment of the development of competition on the markets for electronic communication networks and/or services, application of the pricing principles and development prospects;

5. financial position and institutional development of the Commission and of the administration thereof;

6. a report on the performance of the activities during the preceding year.

(2) (Amended, SG No. 105/2011, effective 29.12.2011) Upon preparation of the assessment referred to in Item 4 of Paragraph (1), the Commission on Protection of Competition shall express an opinion within fourteen days.

(3) The Commission shall publish the report referred to in Paragraph (1) and shall post the said report on the Internet site thereof.

Article 39. (1) The Commission may establish advisory structures in connection with the exercise of the powers vested therein.

(2) The decision on establishment of any structures under Paragraph (1) shall designate the head and composition of the said structures, the procedure for performance of the activity thereof, and the functions and tasks thereof.

Section III

Provision of Information

Article 40. (1) (Amended, SG No. 105/2011, effective 29.12.2011) The Commission may approach the undertakings which implement electronic communications with reasoned written requests for provision of information in an appropriate volume, time limit and details, as shall be necessary for the performance of the regulatory functions of the Commission, including: financial information; information concerning future network or service developments that could have an impact on the wholesale services that they make available to competitors; accounting data on the retail markets that are associated with those wholesale markets, from undertakings with significant market power on the wholesale market. The Commission shall state the reasons and the purposes for which the information is requested in the reasoning to the request for information. The request must be proportionate to and objectively justified by the following purposes:

1. systematic or case-by-case verification in connection with:

(a) the financing of universal service;

(b) the payment of administrative fees and/or fees for use of a scarce resource;

(c) the effective and efficient use of a scarce resource;

(d) the compliance with the obligations imposed according to the procedure established by this Act;

2. case-by-case verification of compliance with the requirements of Article 73 herein and the obligations under Articles 106 and 107, where a complaint has been received or on the initiative of the Commission;

3. conduct of procedures for consideration and evaluation of a request for granting of an authorization for use of a scarce resource;

4. publication of comparative reviews of the quality and prices of services for the benefit of consumers;

5. clearly defined statistical purposes;

6. analysis of the relevant market;

7. ensuring the efficient use and effective management of the radio spectrum;

8. assessment of future network or service developments that could have an impact on the wholesale services made available to competitors.

(2) (New, SG No. 105/2011, effective 29.12.2011) The information referred to in Items 1, 2, 4 to 8 of Paragraph (1) may not be required prior to, or as a condition for, market access.

(3) (Amended and supplemented, SG No. 109/2007, amended, SG No. 35/2009, effective 12.05.2009, renumbered from Paragraph (2), SG No. 105/2011, effective 29.12.2011) After a reasoned

written request from the Ministry of Transport, Information Technology and Communications, the Ministry of Defence, the Ministry of Interior, and/or the State Agency for National Security, the Commission shall provide the information referred to in Paragraph (1) for the needs of state policy, planning, protection of national security and defence.

(4) (Renumbered from Paragraph (3), SG No. 105/2011, effective 29.12.2011) When requesting the information referred to in Paragraph (1), the Commission shall require from the undertakings which provide the said information to designate, for each particular case, expressly and in writing the part of the information provided which constitutes a business secret.

(5) (Renumbered from Paragraph (4), SG No. 105/2011, effective 29.12.2011) The members of the Commission and the employees of the administration thereof shall be obligated not to disseminate the information obtained under Paragraph (1) in case the said information has been designated as constituting a business secret.

(6) (Renumbered from Paragraph (5), SG No. 105/2011, effective 29.12.2011) Upon a reasoned request on the part of the European Commission or of a regulatory authority of a Member State of the European Union, the Commission shall provide the information as is necessary for the exercise of the powers vested therein.

(7) (Renumbered from Paragraph (6) and amended, SG No. 105/2011, effective 29.12.2011) If the information referred to in Paragraph (1) is provided to the Ministry of Transport, Information Technology and Communications, the European Commission, or to regulatory authorities of Member States of the European Union, the Commission shall require from the recipients to safeguard the business secret in conformity with Paragraph 4.

(8) (Renumbered from Paragraph (7), SG No. 105/2011, effective 29.12.2011) The undertakings referred to in Paragraph (1) may, by a reasoned written request, state that the information provided thereby to the Commission must not be provided by the European Commission to regulatory authorities of Member States of the European Union.

(9) (Renumbered from Paragraph (8), SG No. 105/2011, effective 29.12.2011) Upon provision of information referred to in Paragraph (1) to the European Commission or to regulatory authorities of Member States of the European Union, the Commission shall notify the said provision to the undertakings which have provided the said information.

Article 41. (1) In accordance with the provisions of the Access to Public Information Act, the Commission shall provide, upon request, information received from the undertakings implementing electronic communications.

(2) (Supplemented, SG No. 105/2011, effective 29.12.2011) The terms and procedure for access to the information referred to in Paragraph (1) shall be established by the Commission by a statutory administrative act which shall be promulgated in the State Gazette.

Section IV

Interaction and Consultations with European Commission, with Body of European Regulators for Electronic Communications and with National Regulatory Authorities of Member States of European Union

(Heading amended, SG No. 105/2011, effective 29.12.2011)

Article 41a. (New, SG No. 105/2011, effective 29.12.2011) The Commission shall interact with the European Commission, with the Body of European Regulators for Electronic Communications and with the regulatory authorities of the Member States of the European Union in a transparent manner for the development of the single market of the European Union and the regulatory means and the

obligations which are most appropriate on a case-by-case basis.

Article 42. (Amended, SG No. 105/2011, effective 29.12.2011) (1) After conduct of a public consultation according to the procedure established by Article 36 herein, the Commission shall transmit the draft of a decision and the reasoning thereto to the European Commission, to the Body of European Regulators for Electronic Communications and to the regulatory authorities of the Member States of the European Union where:

1. the draft of a decision is related to the powers of the Commission referred to in Items 1 to 4 of Article 30 herein or falls within the scope of Articles 160, 163 and Article 166 (3) herein, and

2. affects trade between the Member States of the European Union.

(2) In case no opinions are received from the European Commission, from the Body of European Regulators for Electronic Communications and from the regulatory authorities of the Member States of the European Union within one month after the date of transmittal of the draft of a decision referred to in Paragraph (1), the Commission shall adopt a final decision.

(3) In adopting the decision referred to in Paragraph (1), the Commission shall take the utmost account of the opinions of the European Commission, of the Body of European Regulators for Electronic Communications and of the regulatory authorities of the Member States of the European Union.

(4) The Commission shall transmit all final decisions to the European Commission and to the Body of European Regulators for Electronic Communications.

Article 42a. (New, SG No. 105/2011, effective 29.12.2011) (1) By the draft of a decision referred to in Article 42 (1) herein, the Commission may furthermore:

1. define a relevant market which differs from the markets defined in an applicable act of the European Commission, or

2. designate an undertaking which, either individually or jointly with other undertakings, has significant market power on a relevant market.

(2) In the cases under Paragraph (1), where the European Commission adopts an opinion according to which the draft of a decision would affect trade between the Member States of the European Union, would create barriers to the single market of the European Union, or if the European Commission has serious doubts as to the compatibility of the draft of a decision with European Union law, the adoption of the draft of a decision shall be postponed for a further two months.

(3) In case the European Commission lifts its reservations on the draft of a decision within the time limit referred to in Paragraph (2), the Commission shall adopt a final decision and shall transmit the said decision to the European Commission and to the Body of European Regulators for Electronic Communications.

(4) In case the European Commission requires the Commission to withdraw the draft of a decision within the time limit referred to in Paragraph (2), the Commission shall amend or withdraw the draft of a decision within six months after the date of adoption of the decision by the European Commission.

(5) In case the Commission amends the draft of a decision, the procedures referred to in Articles 36 and 42 herein shall be conducted anew.

Article 42b. (New, SG No. 105/2011, effective 29.12.2011) (1) By the draft of a decision referred to in Article 42 (1) herein, the Commission may impose obligations provided for in this Act or maintain, amend or withdraw obligations already imposed.

(2) In case no opinions are received from the European Commission, from the Body of European Regulators for Electronic Communications and from the regulatory authorities of the Member States of the European Union within one month after the date of transmittal of the draft of a decision referred to in Paragraph (1), the Commission shall adopt a final decision.

(3) In adopting the decision referred to in Paragraph (1), the Commission shall take the utmost account of the opinions of the European Commission, of the Body of European Regulators for Electronic Communications and of the regulatory authorities of the Member States of the European Union.

Union.

(4) In the cases under Paragraph (1), where the European Commission adopts an opinion according to which the measures proposed by the draft of a decision would affect trade between the Member States of the European Union, would create barriers to the single market of the European Union, or if the European Commission has serious doubts as to the compatibility of the draft of a decision with European Union law, the adoption of the draft of a decision shall be postponed for three months.

(5) Within the time limit referred to in Paragraph (4), the Commission shall interact with the European Commission and with the Body of European Regulators for Electronic Communications for the purpose of identifying the most appropriate obligations for attainment of the purposes covered under Article 4 herein and taking account of the views of interested parties and the need to ensure the development of consistent regulatory practice.

(6) In case the Body of European Regulators for Electronic Communications shares the doubts of the European Commission within six weeks after the beginning of the time limit referred to in Paragraph (4), the Commission may, within the time limit referred to in Paragraph (4), amend the draft of a decision, taking utmost account of the opinions and proposals of the European Commission and the Body of European Regulators for Electronic Communications to withdraw the draft or a decision or to maintain the draft of a decision.

(7) In case the Body of European Regulators for Electronic Communications does not share the doubts of the European Commission within six weeks after the beginning of the time limit referred to in Paragraph (4) or if the Commission amends or maintains the draft of a decision, the European Commission may, within one month after the expiry of the time limit referred to in Paragraph (4), take a decision to lift its reservations or issue a recommendation requiring the Commission to amend or withdraw the draft of a decision.

(8) Within one month of the European Commission issuing the recommendation or lifting its reservations, the Commission shall notify the European Commission and the Body of European Regulators for Electronic Communications of the adopted final measures. The time limit of one month may be extended for conduct of a public consultation according to the procedure established by Article 36 herein.

(9) The Commission may decide not to amend or withdraw the draft of a decision, providing a reasoned justification for this.

(10) The Commission may withdraw the draft of a decision at any stage of the procedure.

Article 42c. (New, SG No. 105/2011, effective 29.12.2011) (1) In exceptional cases, where the Commission determines that there is an urgent need to act in order to safeguard competition and protect the interests of users, the Commission shall impose reasoned proportionate provisional obligations.

(2) After adoption of the decision referred to in Paragraph (1), the Commission shall notify the European Commission, the Body of European Regulators for Electronic Communications and the regulatory authorities of the Member States of the European Union of the provisional obligations imposed, stating the reasons for the imposition thereof.

(3) The decision referred to in Paragraph (1) may be adopted without conduct of public discussion and public consultation.

(4) The Commission may extend the time for which the provisional obligations are applicable or to render such obligations permanent after conduct of the procedure under Article 42 herein in conjunction with Chapter Nine herein.

Article 43. The Commission shall comply with the requirements of confidentiality of the information received from the European Commission and the regulatory authorities of other Member States of the European Union.

Article 43a. (New, SG No. 105/2011, effective 29.12.2011) (1) The Commission shall follow the recommendations of the European Commission where it is found that there is a divergence in the implementation of the regulatory functions which may create a barrier to the internal market of the

European Union, with the exception of the cases related to the management of scarce resources - radio spectrum.

(2) In case the Commission does not follow the recommendations referred to in Paragraph (1), the Commission shall notify the European Commission, giving the reasons or the position thereof.

Article 43b. (New, SG No. 105/2011, effective 29.12.2011) (1) The Commission shall collect and maintain information on the general subject matter of appeals against decisions of the Commission, the number of such appeals, the duration of the appeal procedures and the number of acts of the competent court suspending the effect of decisions of the Commission.

(2) The Commission shall provide the information referred to in Paragraph (1) to the European Commission and to the Body of European Regulators for Electronic Communications after receiving a reasoned request.

Section V

Interaction with Commission on Protection of Competition

Article 44. (1) The Communications Regulation Commission and the Commission on Protection of Competition shall interact and act in coordination for attainment of the purposes covered under Article 4 herein in accordance with this Act and on the basis of rules adopted by decisions of the two commissions.

(2) The rules referred to in Paragraph (1) shall be posted on the Internet site of each one of the commissions.

Article 45. The interaction between the Commission and the Commission on Protection of Competition shall be implemented in forms such as:

1. consultations;
2. exchange of information;
3. provision of opinions;
4. joint working groups.

Section VI

Interaction with Council for Electronic Media

(Heading amended, SG No. 105/2011, effective 29.12.2011)

Article 46. The Commission shall interact with the Council for Electronic Media under the terms and according to the procedure established by this Act and by the Radio and Television Act.

Article 47. (Amended, SG No. 17/2009) (1) According to the procedure established by the Radio and Television Act, the Council for Electronic Media shall issue licences on the basis of which radio or television programme services shall be distributed over electronic communications networks for digital terrestrial broadcasting.

(2) The licences referred to in Paragraph (1) shall grant the right to distribution of the programme services by an undertaking which has been granted an authorization by the Commission for use of an individually assigned scarce resource - radio spectrum, for implementation of electronic communications over electronic communications networks for digital terrestrial broadcasting in the territorial range indicated in the licence.

(3) The radio or television programme services shall be distributed by the undertaking referred to in Paragraph (2) on the basis of a written contract between the said undertaking and the radio or television broadcaster, unless otherwise provided for in a law.

(4) The undertaking implementing electronic communications over electronic communications networks for digital terrestrial broadcasting shall distribute licensed television programme services whereof the kind has been determined and whereof the type has been cleared with the Council for

Electronic Media according to the procedure established by the Radio and Television Act.

Article 47a. (New, SG No. 17/2009) (1) (Supplemented, SG No. 105/2011, effective 29.12.2011) A radio and television broadcaster under the jurisdiction of the Republic of Bulgaria shall not be eligible to obtain an authorization from the Commission for use of an individually assigned scarce resource - radio spectrum, for implementation of electronic communications over electronic communications networks for digital terrestrial broadcasting.

(2) The restriction under Paragraph (1) shall furthermore apply in respect of any persons related to a broadcaster referred to in Paragraph (1) within the meaning given by the Commerce Act.

Article 48. (Amended, SG No. 17/2009) (1) In compliance with the requirements of the procedure provided for in Chapter Five herein, the Commission shall initiate a contest procedure for selection of an undertaking eligible to obtain an authorization for use of an individually assigned scarce resource - radio spectrum, for implementation of electronic communications over electronic communications networks for digital terrestrial broadcasting.

(2) The expert committee for conduct of the contest shall include two representatives of the Council for Electronic Media, designated by decision of the said Council.

(3) (Amended and supplemented, SG No. 105/2011, effective 29.12.2011) Any undertaking or any person related thereto within the meaning given by the Commerce Act, which has been granted the authorization for use of an individually assigned scarce resource - radio spectrum, for implementation of electronic communications over electronic communications networks for digital terrestrial broadcasting, may not be a radio or television broadcaster under the jurisdiction of the Republic of Bulgaria.

(4) The undertaking which has obtained an authorization under Paragraph (1) shall distribute radio or television programme services according to the requirements of the Radio and Television Act.

(5) (Declared unconstitutional by the Constitutional Court of the Republic of Bulgaria - SG No. 45/2009)

Any undertaking or any person related thereto within the meaning given by the Commerce Act, which has been granted an authorization for use of an individually assigned scarce resource - radio spectrum, for implementation of electronic communications over electronic communications networks for digital terrestrial broadcasting, shall not have the right to establish an electronic communications network for conveyance of radio and television programme services.

Article 48a. (New, SG No. 17/2009, repealed, SG No. 12/2010).

Article 49. (1) The Commission shall adopt statutory administrative acts whereby it shall establish a procedure for ensuring of access to electronic communications services over the networks for digital terrestrial broadcasting and for provision of electronic communications services intended for users with hearing and sight impairments.

(2) Before the adoption of the acts referred to in Paragraph (1), the Commission shall conduct a public consultation according to the procedure established by Article 36 herein and shall request an opinion from the Council for Electronic Media.

(3) The Council for Electronic Media shall adopt the opinions referred to in Paragraph (2) within thirty days after receipt of the drafts of acts from the Commission.

Article 49a. (New, SG No. 105/2011, effective 29.12.2011) (1) The Council for Electronic Media shall register, according to the procedure established by the Radio and Television Act, radio and television broadcasters who or which create programme services intended for distribution over electronic communications networks for terrestrial or satellite broadcasting, where the signal emitted is intended for reception outside the territory of the Republic of Bulgaria.

(2) Registration under Paragraph (1) shall grant the right that the programme services be

distributed by an undertaking whereto the Commission has granted an authorization for use of an individually assigned scarce resource - radio spectrum, for implementation of electronic communications over electronic communications networks for terrestrial or satellite broadcasting.

(3) The radio or television programme services shall be distributed by the undertaking referred to in Paragraph (2) on the basis of a written contract between the undertaking and the radio or television broadcaster.

Article 49b. (New, SG No. 105/2011, effective 29.12.2011) (1) In compliance with the requirements of the procedure provided for in Chapter Five herein, the Commission shall initiate a contest procedure for selection of an undertaking eligible to obtain an authorization for use of an individually assigned scarce resource - radio spectrum, for implementation of electronic communications over electronic communications networks for terrestrial or satellite broadcasting, which distribute the programme services referred to in Article 49a herein.

(2) The expert committee for conduct of the contest shall include two representatives of the Council for Electronic Media, designated by decision of the said Council.

(3) The undertaking, which has obtained an authorization under Paragraph (1), shall distribute radio or television programme services according to the requirements of the Radio and Television Act.

Article 49c. (New, SG No. 105/2011, effective 29.12.2011) (1) The Commission may impose conveyance obligations on undertakings providing electronic communications networks for distribution of radio and television programme services in case the said networks are used by a significant number of end-users, including end-users with disabilities, as their principal means to receive radio and television programme services.

(2) The radio and television programme services referred to in Paragraph (1) shall be designated by the Council for Electronic Media according to the procedure established by the Radio and Television Act.

(3) The Commission shall impose the obligation referred to in Paragraph (1) on the basis of the decision of the Council for Electronic Media on designation of the programme services referred to in Paragraph (2) after conduct of consultations according to the procedure established by Article 37 herein.

(4) The undertakings referred to in Paragraph (1) shall determine prices for distribution of the radio and television programme services referred to in Paragraph (2) respecting the principle of cost orientation.

(5) The Commission shall review the obligations imposed under Paragraph (1) with a view to maintaining, amending or withdrawing the said obligations at least once every five years.

Section VII

Financing

Article 50. (Amended, SG No. 15/2013, effective 1.01.2014) The Commission shall be a budget authoriser by delegation.

Article 51. (1) The Commission shall administrate the following revenue on the budget thereof:

1. administrative fees;
2. forty per cent of the annual fees for use and for temporary use of an individually assigned scarce resource - radio spectrum;
3. (amended, SG No. 17/2009) annual fees for use of an individually assigned scarce resource - numbers;
4. licence fees and registration fees under the Postal Services Act and the Electronic Document and Electronic Signature Act;
5. five per cent of the final tender price after conduct of a tender for use of an individually assigned scarce resource;
6. five per cent of the annual fees for use of the geostationary orbital positions allocated to the

Republic of Bulgaria according to international agreements;

7. five per cent of the lump-sum fee for use of additionally provided radio spectrum;
8. twenty per cent of the fines and pecuniary penalties provided for in this Act;
9. interest on overdue receivables;
10. (repealed, SG No. 17/2009).

(2) (Supplemented, SG No. 105/2011, effective 29.12.2011, amended, SG No. 38/2012, effective 1.07.2012) The resources on the budget of the Commission shall be spent on financing of the activity thereof, including on projects related to market regulation and liberalization for participation in the Body of European Regulators for Electronic Communications, on ensuring effective and active control.

Article 52. The Commission shall compile and annually, not later than the 30th day of May, shall post on the Internet site thereof an estimate of the expected revenue covered under Article 51 herein, with the exception of the revenue from the administrative fee for control and the relevant expenditures to ensure the activity of the Commission for the next succeeding year, which shall be presented to the Minister of Finance for clearance.

Article 53. (1) In case the expected revenue for the relevant year does not cover the expenditures of the Commission, the deficit shall be made up through modifications in the amount of the administrative fee for control.

(2) (Amended, SG No. 105/2011, effective 29.12.2011) Annually, not later than the 30th day of September of the current year, the Commission shall propose to the Council of Ministers to adopt an amendment of the Rate Schedule of the fees which are collected by the Commission. The said fees shall be collected as from the 1st day of January of the next succeeding year.

Section VIII

Resolution of Disputes between Undertakings

Article 54. (1) (Amended, SG No. 105/2011, effective 29.12.2011) The Commission shall render assistance or shall issue binding instructions in case of a dispute arising in connection with existing obligations under this Act between undertakings providing electronic communications networks and/or services or between such undertakings and undertakings benefiting from obligations imposed for access and/or interconnection, where any of the aggrieved parties has submitted a written request.

(2) The request referred to in Paragraph (1) shall mandatorily state the circumstances on which the said request is based and shall be accompanied by certified copies of documents proving the circumstances set forth and documentary proof of payment of an administrative fee in the cases where binding instructions are requested from the Commission.

Article 55. (1) Where the aggrieved party has requested assistance to reaching an agreement, the Commission shall designate a specialized committee by decision within seven days after receipt of the said request.

(2) The specialized committee shall hear the opinions of the parties, shall clarify the reasons for which the request has been made, and shall explain the adverse impact of a failure to reach an agreement.

(3) If the parties fail to reach an agreement, within thirty days after receipt of the request, each of the aggrieved parties may approach the Commission with a request to issue binding instructions within fourteen days.

(4) The procedure for rendering assistance to reach an agreement shall be free of charge.

Article 56. (1) Where the aggrieved parties have requested the issuing of binding instructions, the Commission shall designate a specialized committee including at least one qualified lawyer by decision within seven days after receipt of the request. Outside experts may also be recruited to take part in the work of the specialized committee as members or consultants.

(2) The specialized committee shall consider the request and the documents attached thereto within

seven days after designation of the said committee.

(3) Should any deficiencies or non-conformities be ascertained in the documents, the chairperson of the specialized committee shall notify the person in writing, allowing thereto seven days reckoned from receipt of the notification to cure the deficiencies or non-conformities.

(4) In case of failure to cure the deficiencies or non-conformities within the time limit referred to in Paragraph (3), the committee shall leave the request without consideration.

Article 57. (1) (Amended, SG No. 17/2009) Within three days after the expiry of the time limit referred to in Article 56 (2) or (3) herein, the specialized committee referred to in Article 56 (1) herein shall transmit a copy of the request to the parties concerned, enabling the said parties to present the opinions thereof and to enclose relevant evidence within seven days after receipt.

(2) Within three days after receipt of the opinions referred to in Paragraph (1), the specialized committee shall transmit copies of the said opinions to the party which has submitted the request, enabling the said party to present an opinion and to enclose other relevant evidence within seven days after receipt.

Article 58. (1) The specialized committee shall examine the request as submitted and the opinions of the parties concerned, all evidence attached to the said request and opinions and, if necessary, shall require additional evidence, including the conduct of checks by employees empowered under this Act.

(2) The checks referred to in Paragraph (1) shall be conducted within a time limit and a volume as determined by the specialized committee. Where necessary, the time limit may be extended. In any case, the time limit for conduct of a check referred to in Paragraph (1) may not exceed fourteen days.

(3) After collection of all evidence, the specialized committee shall deliberate the request and the evidence collected in the case in the presence of the parties or of authorized representatives thereof.

(4) The parties concerned shall be notified in writing of the date, time and place of conduct of the meeting at least seven days in advance of the conduct of the said meeting, and the notification shall specify that in case of non appearance of representatives of the said parties, the specialized committee shall examine the request in their absence.

(5) The specialized committee shall draw up a memorandum on the meeting held, which shall state:

1. the composition of the specialized committee and a list of the persons present;
2. presentation of the opinions of the parties;
3. findings of the specialized committee on the meeting held;
4. date on which the memorandum was drawn up.

Article 59. Within two months after receipt of the request referred to in Article 54 herein, the specialized committee shall prepare a report and shall lay the said report before the Commission, attaching thereto the documentation collected in the course of the procedure and a draft of a decision of the Commission regarding the request.

Article 60. The Commission shall consider the report referred to in Article 59 herein at its first meeting after submission of the said report, and in so doing the Commission may:

1. adopt the results of the work of the specialized committee and take a reasoned decision on the request submitted under Article 54 herein;
2. order additional actions to be taken to check the factual situation, its analysis by the specialized committee and preparation of a new draft decision, setting a time limit for this.

Article 61. (1) Within four months after receipt of the request under Article 54 herein, the Commission, by reasoned decision, shall issue binding instructions on the request submitted or shall reject the said request.

(2) Within three days after adoption of the decision referred to in Paragraph (1), the said decision shall be transmitted to the parties concerned and shall be posted on the Internet site of the Commission, with the exception of the information designated by the parties as constituting business secret.

Article 62. (1) (Amended, SG No. 105/2011, effective 29.12.2011) Where a request has been

submitted for resolution of a dispute within the competence of a regulatory authority of another Member State of the European Union as well, the specialized committee referred to in Article 56 herein shall consider the request and the documents attached thereto.

(2) The Commission shall transmit a copy of the request to the competent regulatory authorities for opinion.

(3) (New, SG No. 105/2011, effective 29.12.2011) Before resolving the dispute, the specialized committee, acting through the Commission, may require additional evidence and opinions from the aggrieved parties and from the relevant regulatory authorities.

(4) (Renumbered from Paragraph (3), SG No. 105/2011, effective 29.12.2011) The Commission and the regulatory authorities referred to in Paragraph (1) may jointly decline to resolve a dispute when they decide that other mechanisms exist which would better contribute to resolution of the said dispute in a timely manner, and they shall notify the parties of this within fourteen days.

(5) (Repealed, renumbered from Paragraph (4), SG No. 105/2011, effective 29.12.2011) In case the dispute is not resolved within four months, unless the said dispute be brought before the court by the party seeking redress and unless each of the parties declares that it wishes the said dispute to be resolved by the Commission, the Commission shall make efforts to resolve the dispute.

(6) (New, SG No. 105/2011, effective 29.12.2011) The Commission shall coordinate the position thereof with the competent national regulatory authorities and shall have the right to consult the Body of European Regulators for Electronic Communications with a view resolving the dispute in accordance with the purposes covered under Article 4 herein.

(7) (New, SG No. 105/2011, effective 29.12.2011) The Commission may request the Body of European Regulators for Electronic Communications to adopt an opinion as to the actions to be taken to resolve the dispute.

(8) (New, SG No. 105/2011, effective 29.12.2011) Where a request referred to in Paragraph (7) has been made, the Commission shall take actions to resolve the dispute after receiving the opinion of the Body of European Regulators for Electronic Communications, without being precluded from taking urgent measures where necessary.

(9) (Renumbered from Paragraph (6), SG No. 105/2011, effective 29.12.2011) After collection of all evidence, the specialized committee shall prepare a report and shall lay the said report before the Commission, attaching thereto the documentation collected.

(10) (Renumbered from Paragraph (7) and amended, SG No. 105/2011, effective 29.12.2011) The Commission shall adopt, by decision, an opinion on the request submitted under Paragraph (1), taking the utmost account of the opinion of the Body of European Regulators for Electronic Communications, if any, as well as of the position of the competent national regulatory authorities. The opinion of the Commission shall be transmitted to the relevant competent national regulatory authorities.

(11) (Renumbered from Paragraph (8) and amended, SG No. 105/2011, effective 29.12.2011) Upon receipt of a confirmation from the relevant competent national regulatory authorities on the opinion, the Commission shall adopt a decision in accordance with the opinion, transmitting the said decision to the parties concerned. In adopting the decision on the dispute and imposing obligations on the relevant undertaking, the Commission may impose solely obligations provided for in this Act and according to the procedure provided for therein.

Section IX

Accounting Separation

Article 63. (Amended, SG No. 105/2011, effective 29.12.2011) (1) Undertakings providing public electronic communications networks and/or services, which have special or exclusive rights for the provision of services in other sectors, including in other Member States of the European Union:

1. shall keep separate accounts for the activities associated with the implementation of electronic

communications, under the terms in which such analytical accounts are kept for the activities carried out by legally independent entities, or

2. shall apply structural separation to the activities associated with the implementation of electronic communications.

(2) The obligation referred to in Item 1 of Paragraph (1) shall not apply to any undertakings whose annual turnover in activities associated with the implementation of electronic communications is less than the lev equivalent of EUR 50,000,000 according to the official exchange rate of the lev against the euro.

Chapter Five

IMPLEMENTATION OF ELECTRONIC COMMUNICATIONS

Section I

General Provisions

Article 64. (Supplemented, SG No. 17/2009) Electronic communications shall be implemented freely, after notification and/or after the granting of an authorization for use of an individually assigned scarce resource, complying with the requirements of this Act and of the instruments on the application thereof.

Article 65. (1) Electronic communications for private needs shall be implemented freely in the cases where such communications are provided through:

1. (amended, SG No. 105/2011, effective 29.12.2011) electronic communications networks without use of scarce resource;

2. radio equipment, which uses radio spectrum which does not need to be individually assigned.

(2) (Repealed, SG No. 105/2011, effective 29.12.2011).

(3) (Repealed, SG No. 105/2011, effective 29.12.2011).

Article 65a. (New, SG No. 105/2011, effective 29.12.2011) The implementation of electronic communications through radio equipment which uses radio spectrum which does not have to be individually assigned shall follow rules adopted by the Commission. The said rules shall be promulgated in the State Gazette.

Article 66. (1) (Redesignated from Article 66, SG No. 105/2011, effective 29.12.2011) Public electronic communications shall be implemented after submission of a notification to the Commission.

(2) (New, SG No. 105/2011, effective 29.12.2011) Undertakings providing cross-border electronic communications services to undertakings located in several Member States of the European Union shall submit one notification per Member State concerned.

Article 67. (1) (Redesignated from Article 67, SG No. 105/2011, effective 29.12.2011) Electronic communications shall be implemented after the granting of an authorization in the cases where an individually assigned scarce resource is needed.

(2) (New, SG No. 105/2011, effective 29.12.2011) Electronic communications shall be implemented after the granting of an authorization for use of an individually assigned scarce resource - radio spectrum where this is necessary:

1. to avoid harmful interference;

2. to ensure technical quality of service;

3. to safeguard efficient use of the radio spectrum, or

4. to attain other specific general interest objectives, defined in accordance with European Union law.

Article 68. Electronic communications may be implemented by an unlimited number of persons,

except in the cases of use of an individually assigned scarce resource.

Article 69. Public electronic communications shall be implemented by sole traders and by legal persons.

Article 70. Electronic communications shall be implemented at all points within the national territory, unless an authorization for use of an individually assigned scarce resource or the general requirements for performance of the particular activity designate a limited territorial range.

Article 71. (1) (Redesignated from Article 71 and amended, SG No. 105/2011, effective 29.12.2011) An authorization for use of an individually assigned scarce resource shall be applicable for an initial period of up to twenty years. The period of the authorization shall be extended according to the procedure established by Article 114 (2) herein.

(2) (New, SG No. 105/2011, effective 29.12.2011) In determining the initial period referred to in Paragraph (1), the Commission shall take account of the service concerned and the objectives pursued, and shall also allow for a period for investment amortization.

Article 72. (1) The networks and/or services, over which public electronic communications are implemented in compliance with general requirements, shall be indicated in a list adopted by the Commission after a public consultation under Article 36 herein. The said decision of the Commission together with the list shall be promulgated in the State Gazette.

(2) The List referred to in Paragraph (1) shall be modified on the initiative of the Commission or on a proposal by an interested party after a public consultation under Article 36 herein.

Section II

Implementation of Electronic Communications in Compliance with General Requirements

Article 73. (1) (Amended, SG No. 17/2009, SG No. 105/2011, effective 29.12.2011) Any undertaking, which has submitted a notification on implementation of public electronic communications under Article 66 herein, shall comply with general requirements determined depending on the type of electronic communications network and/or service. The general requirements shall be adopted by decision of the Commission respecting the principles of transparency, non-discrimination and proportionality.

(2) (Amended, SG No. 17/2009) The decision referred to in Paragraph (1) shall be adopted after conduct of a public consultation under Article 36 herein and shall be promulgated in the State Gazette.

(3) (Amended, SG No. 17/2009) Depending on the type of electronic communications network and/or service, the applicable general requirements, as approved by the decision referred to in Paragraph (1), may contain all or some of the following requirements:

1. to negotiate and to provide access to and interconnection of the network of the undertaking with the networks of other undertakings implementing electronic communications, including:

(a) to ensure interoperability of the services of the undertaking with the services of the other undertakings;

(b) to maintain the integrity and to guarantee the security of the network of the undertaking;

(c) (new, SG No. 105/2011, effective 29.12.2011) to ensure protection of the public network against unauthorized access to personal data;

(d) (renumbered from Littera (c), SG No. 105/2011, effective 29.12.2011) if possible, to provide shared use of premises and co-location of premises and facilities of the network of the undertaking to the other undertakings providing public electronic communications networks and/or services;

(e) (new, SG No. 105/2011, effective 29.12.2011) to create conditions to prevent electromagnetic interference between electronic communications networks and/or services;

2. (new, SG No. 105/2011, effective 29.12.2011) to comply with environmental, spatial-development and technical requirements upon the establishment and operation of electronic communications networks;

3. (renumbered from Item 2, SG No. 105/2011, effective 29.12.2011) requirements and conditions related to granting of a right of way;

4. (renumbered from Item 3 and amended, SG No. 105/2011, effective 29.12.2011) to provide to the Commission the information covered under Article 40;

5. (renumbered from Item 4 and amended, SG No. 105/2011, effective 29.12.2011) to provide for use numbers from the National Numbering Plan to end-users, where the provision of public electronic communications services is related to the use of such numbers;

6. (new, SG No. 105/2011, effective 29.12.2011) to ensure end-users access to numbers from the European Telephony Numbering Space, the Universal International Freephone Numbers and, where technically and economically feasible, to numbers from the numbering plans of other Member States of the European Union, and the conditions for this, where the undertaking provides public telephone services;

7. (renumbered from Item 5 and amended, SG No. 105/2011, effective 29.12.2011) to guarantee personal data and privacy protection of users;

8. (renumbered from Item 6, SG No. 105/2011, effective 29.12.2011) to ensure:

(a) compliance with the conditions to prevent harmful electromagnetic fields and radiation;

(b) compliance with the requirements for electromagnetic compatibility;

(c) use in the network of only technically serviceable facilities assessed for conformity according to the procedure established by the Technical Requirements for Products Act;

(d) conformity with conditions related to the efficient use of the radio spectrum and avoidance of harmful interference, where this use is not subject to the granting of an authorization;

(e) (supplemented, SG No. 105/2011, effective 29.12.2011) application of the effective standards and/or standardization deliverables in electronic communications networks and/or services;

9. (renumbered from Item 7, SG No. 105/2011, effective 29.12.2011) to facilitate safeguarding the public interest, the protection of national security, and to ensure electronic communications for the needs of defence and in crises and, to this end:

(a) to ensure conditions for the restriction and discontinuance of the transmission of information of a content conflicting with effective legislation;

(b) not to implement electronic communications which contain misleading signs and/or signals for help, disaster, emergency, accident, or alarm;

(c) make possible a legally conforming tracing of traffic on its network by the competent state bodies;

(d) create, for its own account, conditions for interception of electronic communications, ensuring interfaces for the needs of national security and public order;

(e) (amended, SG No. 35/2009, effective 12.05.2009) ensure a possibility for the use of the network thereof and of the facilities of the said network in cases of disasters within the meaning given by the Disaster Protection Act, upon declaration of a state of martial law, a state of war or a state of emergency within the meaning given by the Defence and Armed Forces of the Republic of Bulgaria Act;

10. (renumbered from Item 8, SG No. 105/2011, effective 29.12.2011) to pay the administrative fees according to Chapter Eight herein;

11. (renumbered from Item 9, SG No. 105/2011, effective 29.12.2011) to make pecuniary contributions to the Universal Service Recovery Fund;

12. (renumbered from Item 10 and supplemented, SG No. 105/2011, effective 29.12.2011) to convey radio and/or television programme services of public significance in unencoded form;

13. (new, SG No. 17/2009, renumbered from Item 11 and amended, SG No. 105/2011, effective 29.12.2011) conditions for protection of the interests of users of electronic communications services and

conditions on accessibility for users with disabilities;

14. (new, SG No. 105/2011, effective 29.12.2011) transparency obligations to ensure end-to-end connectivity in accordance with Article 4 herein, disclosure regarding any conditions limiting access to and/or use of services and applications, where this is allowed by a law or in conformity with European Union law [and], where necessary and proportionate, to ensure the Commission access to the information needed to verify the accuracy of the limitations disclosed.

(4) (Repealed, SG No. 17/2000).

Article 73a. (New, SG No. 17/2009, repealed, SG No. 105/2011, effective 29.12.2011).

Article 74. (Amended and supplemented, SG No. 105/2011, effective 29.12.2011) (1) (Previous text of Article 74, SG No. 29/2015) An undertaking which notifies the Commission of its intention to implement public electronic communications shall have at least the following rights:

1. to provide electronic communications networks and/or services, reckoned from the date of submission to the Commission of a notification completed in a standard form, unless the granting of an authorization for use of an individually assigned scarce resource is required;

2. to establish, use and dispose of electronic communications networks and facilities;

3. (new, SG No. 105/2011, effective 29.12.2011) to obtain approval of development-project designs, including integrated development-project initiative designs and building permits for electronic communications networks, facilities and the related infrastructure according to the procedure and within the time limits under Article 281 (4) herein;

4. (renumbered from Item 3, SG No. 105/2011, effective 29.12.2011) to negotiate and obtain access to and interconnection with networks of other undertakings providing public electronic communications networks and/or services, complying with the requirements of effective legislation;

5. (renumbered from Item 4, SG No. 105/2011, effective 29.12.2011) to provide any or all services within the scope of universal service, where designated for the provision of any or all services within the scope of universal services at all points within the national territory or within part of the said territory according to the procedure established by Chapter Eleven herein.

(2) (New, SG No. 29/2015) The undertaking shall publish the information under Article 33, Paragraph 2, Item 6 on its web page.

Article 75. (1) (Amended, SG No. 29/2015) The rights covered under Article 74(1) herein shall accrue as from the date of a duly submitted notification completed in a standard form to the Commission, except in the cases where the granting of an authorization for use of an individually assigned scarce resource is required.

(2) Any such notification shall contain:

1. identification data on the person who or which will implement electronic communications: designation (business name), registered office, address of the place of management and the relevant single identification code;

2. brief description and basic parameters of the public electronic communications network and/or service;

3. (supplemented, SG No. 105/2011, effective 29.12.2011) territorial range, where applicable;

4. contact person and details;

5. estimated starting date for provision of public electronic communications.

(3) Any such notification shall be submitted in the Bulgarian language.

(4) In case of a deficiency of the notification, the Commission shall notify the person in writing within seven days after receipt of the said notification to cure the deficiencies.

(5) (Supplemented, SG No. 105/2011, effective 29.12.2011) In case it is ascertained on the basis of a notification as submitted that use of an individually assigned scarce resource is required for the implementation of public electronic communications, the Commission shall notify the person in writing of the need to submit an application for the granting of an authorization for use of an individually assigned scarce resource within seven days after the date of receipt of the notification or after curing the

deficiencies, as the case may be.

(6) The Commission shall enter the person in the register referred to in Item 1 of Article 33 (1) herein within fourteen days after the date of receipt of the notification or of curing of the deficiencies.

(7) The undertaking implementing public electronic communications shall notify the Commission of any change in the data contained in the notification under Paragraph (1) within fourteen days after the occurrence of any such change.

Article 76. The undertaking may suspend the provision of electronic communications networks and/or services, of which the undertaking shall notify the Commission.

Article 77. (1) The undertaking implementing electronic communications under general requirements may approach the Commission with a request in writing for the issuing of a certificate on entry in the register referred to in Item 1 of Article 33 (1) herein.

(2) (Amended, SG No. 29/2015) The Commission shall issue the certificate referred to in Paragraph (1) within seven days after receipt of the request. The said certificate shall indicate the rights covered under Article 74(1) herein in connection with the provision of electronic communications networks and/or services, establishment of an electronic communications infrastructure, including a right of way, negotiation of access to and interconnection with networks.

(3) An administrative fee of an amount fixed in the Rate Schedule of Fees Collected by the Commission under this Act shall be paid for the issuing of a certificate referred to in Paragraph (1). Documentary proof of payment of the said fee shall accompany the request.

(4) A certificate referred to in Paragraph (1) shall not be issued unless documentary proof of payment of an administrative fee is attached.

Article 78. (1) (Amended, SG No. 29/2015) In case the Commission ascertains non-compliance with the obligations stemming from the applicable general requirements, with the terms of the issued permits for use of a scarce resource and/or with imposed specific obligations, the Commission:

1. shall notify the undertaking implementing electronic communications of the non-compliance ascertained, within seven days after the ascertainment, while specifying an appropriate time limit for expressing an opinion; after the expiration of the time limit for expressing an opinion, the Commission shall require by a decision that the non-compliance be terminated and/or its consequences be remedied and/or the activity of the undertaking be brought in compliance with the specified acts within a reasonable time limit specified by the Commission;

2. shall require by a decision, after the expiration of the time limit for expressing an opinion under Item 1, that the non-compliance be immediately terminated, while providing obligatory instructions for termination of the non-compliance and/or for remedy of its consequences and for bringing the activity of the undertaking in compliance with the specified acts.

(2) (Repealed, SG No. 29/2015).

(3) The Commission may adopt a decision on cessation of the implementation of public electronic communications by the undertaking under Article 75 herein in case any of the following circumstances exists:

1. ascertained systematic non-compliance with applicable requirements under Article 73 herein and/or with specific obligations;

2. ascertained material violation of this Act;

3. withdrawn authorization for use of an individually assigned scarce resource.

(4) The undertaking referred to in Paragraph (3) may submit a notification on provision of the same electronic communications services not earlier than six months after the date of entry into effect of the decision on cessation.

(5) (New, SG No. 29/2015) The repealing of the decision of the commission under Paragraph 1 shall not stop its implementation unless the court rules otherwise.

(6) (New, SG No. 29/2015) The procedure under Paragraphs 1 – 4 shall be applied regardless of the administrative penal responsibility of the undertaking which shall be realized according to the

general procedure.

Article 78a. (New, SG No. 105/2011, effective 29.12.2011) (1) In case the applicable general requirements or obligations under the authorizations and/or specific obligations imposed are not complied with, the Commission may, by decision, impose urgent measures to remedy any breaches that represent:

1. an immediate and serious threat to public safety, public security or public health, or
2. serious economic or operational problems for other providers or users of electronic communications networks or services or for other users of the radio spectrum.

(2) The Commission shall give the undertaking an opportunity to state its views and to propose any remedies for the breach. The Commission shall pronounce within fourteen days on the views and the measures proposed by the undertaking.

(3) The measures referred to in Paragraph (1) shall be imposed for a maximum period of three months. In case the procedures for remedying the breach have not been completed, this period may be extended by not more than three months.

(4) In case the undertaking implementing electronic communications fails to cease the non-compliance within the period referred to in Paragraph (3), the Commission shall impose a sanction according to this Act.

Section III

Granting of Authorization: General Provisions

Article 79. An authorization shall be required for use of an individually assigned scarce resource for implementation of electronic communications.

Article 80. (1) The requirements for the granting of an authorization shall be the same for all persons wishing to implement electronic communications of one and the same type through use of an individually assigned scarce resource.

(2) Authorizations shall be granted respecting the principles of objectivity, proportionality, non-discrimination and transparency.

Article 81. (1) (Supplemented, SG No. 17/2009) The Commission shall grant an authorization for use of an individually assigned scarce resource - radio spectrum after conduct of a contest or tender in the cases where the number of candidate is greater than the number of persons who or which are eligible to obtain an authorization for the relevant available scarce resource.

(2) (Supplemented, SG No. 17/2009) The Commission shall grant an authorization without conduct of a contest of tender for use of an individually assigned scarce resource - radio spectrum in the following cases:

1. for own needs of the state bodies in connection with the functions thereof, and to diplomatic missions or other organizations enjoying the status of diplomatic missions;

2. for implementation of electronic communications for private needs;

3. where the number of candidates is smaller than or equal to the number of persons who or which are eligible to obtain an authorization for the relevant available scarce resource;

4. (supplemented, SG No. 105/2011, effective 29.12.2011) for implementation of electronic communications through use of existing and/or new analogue electronic communications networks for analogue terrestrial broadcasting, after a decision by the Council for Electronic Media with the exception of the cases referred to in Articles 49a and 49b herein;

5. where a provisional authorization under Article 109 herein is granted.

(3) The subject, scope and period of applicability of an authorization referred to in Item 4 of Paragraph (2) may not differ from the subject, scope and term of validity of the radio or television broadcasting licence.

(4) (New, SG No. 17/2009) The Commission shall grant an authorization for use of an individually

assigned scarce resource - numbers without conduct of a contest or tender.

Article 82. (1) The applications for use of an individually assigned scarce resource - radio spectrum, for implementation of electronic communications for private needs shall be granted without conduct of a contest or tender, and the resource shall be assigned for use to the applicant who or which was the earliest to submit an application.

(2) The provision of Paragraph (1) shall furthermore apply in the cases where the scarce resource is required to ensure a conveyance medium in the networks of undertakings implementing public electronic communications.

Article 83. (1) The procedure for the granting of an authorization shall start after submission of an application for use of an individually assigned scarce resource, completed in a standard form endorsed by the Commission. Any such application shall contain:

1. identification data on the person requesting the granting of an authorization:

(a) in respect of natural persons: forename, patronymic and surname, Standard Public Registry Personal Number and personal address, and in respect of foreigners: Personal Number;

(b) in respect of legal persons and sole traders: designation (business name), registered office, address of the place of management and the relevant identification code;

2. indication of the individually assigned scarce resource required: radio spectrum and/or number, and/or the geostationary orbital position;

3. brief description of the type of electronic communications which require the use of an individually assigned scarce resource;

4. description of the technical characteristics of the electronic communications network and facilities;

5. description of the service or services to be provided by the person through the individually assigned scarce resource, in case the said resource is designated for implementation of public electronic communications;

6. time period for use of the individually assigned scarce resource;

7. (repealed, SG No. 17/2009);

8. initial territorial range;

9. contact person and details.

(2) The application shall be accompanied by:

1. (supplemented, SG No. 105/2011, effective 29.12.2011) a current certificate on entry in the Commercial Register, issued not earlier than one month prior to the date of submission of the application, if the person is not registered or re-registered after the 1st day of January 2008 according to the procedure established by the Commercial Register Act, and in respect of non-resident persons: a respective document, where applicable;

2. documentary proof of payment of a fee for administrative services;

3. (supplemented, SG No. 105/2011, effective 29.12.2011) a document certifying that the undertaking is not adjudicated bankrupt if the person is not registered or re-registered after the 1st day of January 2008 according to the procedure established by the Commercial Register Act, or is not subject to pending bankruptcy proceedings;

4. a declaration to the effect that the sole trader is not subject to a pending expungement procedure;

5. a document, issued by a competent authority, certifying that the natural or legal person does not incur any pecuniary obligations to the State within the meaning given by the Tax and Social-Insurance Procedure Code, established by an effective act of a competent authority, save as where a rescheduling or deferral of the said obligations has been allowed;

6. (new, SG No. 17/2009) a declaration by the managing director and the members of the management bodies of the person to the effect that they are not disqualified from carrying on commercial business.

(3) The application and the accompanying documents shall be submitted in the Bulgarian language.

(4) Should any documents covered under Paragraphs (1) and (2) be missing and/or non-conforming, the Commission shall notify the applicant in writing to cure the deficiencies or non-conformities within seven days after receipt of the notification. In case of a failure to cure the deficiencies or non-conformities within the time limit as allowed, the application shall not be considered.

Article 84. (1) The Commission shall refuse to grant an authorization by reasoned decision where:

1. (supplemented, SG No. 105/2011, effective 29.12.2011) a scarce resource is not available, including where not coordinated at national level or, where necessary, at international level;

2. the use of the scarce resource would jeopardize national security or is contrary to international obligations arising from an effective international treaty whereto the Republic of Bulgaria is a party;

3. the person who or which applies for an authorization:

(a) is adjudicated bankrupt or is subject to pending bankruptcy proceedings or is being wound up;

(b) is disqualified from carrying on commercial business;

(c) (amended, SG No. 17/2009) incurs any public obligations to the State, including to the Commission and to social insurance funds, established by an effective act of a competent authority, save as where a rescheduling or deferral of the said obligations has been allowed;

(d) has had an authorization for use of an individually assigned scarce resource for the same type of electronic communications for the period determined by the Commission withdrawn therefrom.

(2) The circumstances referred to in Item 3 (a) and (c) of Paragraph (1) shall be certified by a document issued by the relevant competent authority, and the circumstances referred to in Item 3 (b) shall be certified by a declaration by the natural person.

(3) The provision of Item 3 (b) of Paragraph (3) shall furthermore apply to managing directors or members of management bodies of the undertaking.

Article 85. The undertakings implementing public electronic communications shall be obligated to notify the Commission of any changes in the circumstances recordable in the Commercial Register within fourteen days after occurrence of any such changes.

Section IV

Granting of Authorization for Use of Individually Assigned Scarce Resource

Article 86. (1) The Commission shall adopt a decision on the granting of an authorization for use of an individually assigned scarce resource - radio spectrum, within six weeks after receipt of the application or after curing of the deficiencies in case no international coordination is required of the radio frequencies and the radio frequency bands, as well as of the technical characteristics of the radio equipment which will use the said frequencies and bands.

(2) Where an application has been submitted for use of an individually assigned scarce resource, which requires international coordination of the radio frequencies and the radio frequency bands, as well as of the technical characteristics of the radio equipment which will use the said frequencies and bands, the Commission shall perform the said coordination within eight months after the date of submission of the application and shall notify the applicant of the need of coordination within seven days after submission of the application.

(3) In case an international instrument, whereto the Republic of Bulgaria is a party, establishes a time limit for coordination under Paragraph (2) and the said time limit is longer than eight months, the coordination procedure shall be conducted within the time limit established by the international

instrument.

(4) The Commission shall notify the applicant of the result of the coordination procedure under Paragraph (2) within three days after conclusion of the said procedure.

(5) The applicant must confirm in writing the wish thereof to obtain the authorization for use of an individually assigned scarce resource within fourteen days after receipt of the notification.

(6) (Supplemented, SG No. 105/2011, effective 29.12.2011) In case the applicant confirms the wish thereof within the time limit referred to in Paragraph (5), within fourteen days the Commission shall adopt a decision on the granting of an authorization for use of an individually assigned scarce resource - radio spectrum.

Article 87. (1) The Commission shall notify the applicant in writing within three days after adoption of the decision on the granting of an authorization for use of an individually assigned scarce resource - radio spectrum.

(2) Within fourteen days after receipt of the notification referred to in Paragraph (1), the applicant shall remit the fees due to an account of the Commission.

Article 88. (1) The Commission shall adopt a decision on the granting of an authorization for use of an individually assigned scarce resource - numbers within three weeks after the date of receipt of the application or curing of the deficiencies.

(2) The Commission shall notify the applicant in writing within three days after adoption of the decision referred to in Paragraph (1).

(3) Within fourteen days after receipt of the notification referred to in Paragraph (2), the applicant shall remit the fees due to an account of the Commission.

Section V

Granting of Authorization for Use of Individually Assigned Scarce Resource - Radio Spectrum or Geostationary Orbital Positions Allocated to Republic of Bulgaria according to International Agreements after Conduct of Contest or Tender (Heading amended, SG No. 17/2009, SG No. 105/2011, effective 29.12.2011)

Article 89. (Amended, SG No. 105/2011, effective 29.12.2011) (1) Acting on its own initiative, the Commission may announce an intention to conduct a contest or a tender for use of a particular radio spectrum or a particular geostationary orbital position in case of a need to limit the number of authorizations granted.

(2) Alternatively, the Commission shall announce an intention to conduct a contest or a tender on the initiative of an interested party.

Article 90. (1) (Amended, SG No. 105/2011, effective 29.12.2011) The number of authorizations granted for use of a particular radio spectrum or geostationary orbital position may be limited on considerations of effective use of the spectrum, maximizing the benefit of users, and promotion of competition.

(2) (Amended, SG No. 17/2009, SG No. 105/2011, effective 29.12.2011) The Commission shall consult the public regarding the announced intention under Article 89 herein to limit the number of authorizations granted for use of a particular radio spectrum or geostationary orbital position by an announcement of the reasons which necessitate the limitation which the Commission shall insert in at

least one national daily newspaper and shall post on the Internet site of the Commission. The said announcement shall contain:

1. (amended and supplemented, SG No. 105/2011, effective 29.12.2011) the radio spectrum or the geostationary orbital position in respect of which the limitations are necessitated;

2. (amended, SG No. 105/2011, effective 29.12.2011) the expected number of authorizations which may be granted;

3. (supplemented, SG No. 105/2011, effective 29.12.2011) the conditions which the Commission intends to impose in respect of the authorization for use of the spectrum or a geostationary orbital position;

4. (new, SG No. 17/2009, supplemented, SG No. 105/2011, effective 29.12.2011) an invitation to submit an intention to use the individually assigned scarce resource - radio spectrum or a geostationary orbital position, to be submitted within a time limit allowed by the Commission, which may not be shorter than the time limit for consulting the public.

(3) (Amended, SG No. 17/2009, SG No. 105/2011, effective 29.12.2011) The Commission shall make public the results of consulting the public and the decision thereof on the Internet site thereof. Depending on the decision, the Commission shall:

1. announce a contest or tender according to the procedure established by Article 93 herein, in case the number of intentions submitted under Paragraph (2) is greater than the number of authorizations which may be granted by the Commission;

2. (supplemented, SG No. 105/2011, effective 29.12.2011) take action for the granting of an authorization for use of an individually assigned scarce resource - radio spectrum or a geostationary orbital position, after submission of an application under Article 83 herein within the time limit allowed by the Commission, in case the number of intentions submitted under Paragraph (2) is smaller than or equal to the number of authorizations which may be granted by the Commission.

(4) (Supplemented, SG No. 105/2011, effective 29.12.2011) The Commission must, at reasonable intervals or acting on requests received from affected persons, review the topical relevance of the reasons which have necessitated the limitation of the number of authorizations for use of radio spectrum or a geostationary orbital position.

(5) The Commission shall consult interested parties regarding the review.

(6) (Supplemented, SG No. 105/2011, effective 29.12.2011) In case it is established as a result of the consultations that the reasons for the limitation as imposed have ceased to exist or that it is necessary to lift the limitation imposed on use of the radio spectrum or a geostationary orbital position in the interest of users and promotion of competition, the Commission shall lift the limitation on the number of authorizations.

Article 91. (1) After submission of an application under Article 83 herein for provision of an individually assigned scarce resource - radio spectrum or a geostationary orbital position, for implementation of public electronic communications and after completion of the international coordination, where such is required, the Commission shall post an announcement in the Internet site thereof and shall insert an announcement in at least one national daily within five days. Where the scarce resource applied for is within a national range, the Commission shall furthermore publish the announcement in the State Gazette within ten days. The announcement shall contain:

1. information on the scarce resource applied for;

2. an invitation of other applications for use of the same scarce resource to be submitted within twenty-one days after the date of publication of the announcement in a national daily newspaper.

(2) If no other application for use of the same individually assigned scarce resource is received at the Commission within the time limit referred to in Item 2 of Paragraph (1), the Commission shall adopt a decision on the granting of an authorization for use of an individually assigned scarce resource within ten days.

(3) The Commission shall notify the applicant in writing within three days after adoption of the

decision referred to in Paragraph (2).

(4) Within fourteen days after receipt of the notification referred to in Paragraph (3), the applicant shall remit the fees due to an account of the Commission.

(5) (Amended, SG No. 17/2009) The undertaking shall receive the authorization after payment of the fees due.

Article 92. (Repealed, SG No. 17/2009).

Article 93. (1) (Amended, SG No. 17/2009, supplemented, SG No. 105/2011, effective 29.12.2011) In case the available scarce resource - radio spectrum or a geostationary orbital position is insufficient for use by all persons who or which have submitted an intention within the time limit referred to in Item 4 of Article 90 (2) herein or an application within the time limit referred to in Item 2 of Article 91 (1) herein, the Commission shall notify all applicants of the intentions or applications submitted and of the number thereof and shall announce, by decision, a contest or tender.

(2) The decision referred to in Paragraph (1) shall contain:

1. subject and type of the contest or tender;
2. specific requirements to the persons who or which are eligible to enter, regarding technical or financial conditions or other conditions for compliance with competition;
3. place, period and procedure for purchase of the contest or tender documents;
4. time limit and place for submission of an application for entry;
5. amount and manner of payment of a deposit for entry;
6. initial tender price and bidding increment upon announcement of a tender;
7. date, place and time of conduct of the contest or tender;
8. other specific requirements related to the contest or tender procedure.

(3) (Amended and supplemented, SG No. 17/2009) The decision referred to in Paragraph (1) shall be posted on the Internet site of the Commission and shall be promulgated in the State Gazette not later than twenty-one days after the expiry of the time limit for submission of intentions or applications for use of an individually assigned scarce resource - radio spectrum or geostationary orbital positions.

(4) (Repealed, SG No. 17/2009).

Article 94. (1) A contest shall be held where an integral evaluation is needed for the granting of an authorization.

(2) A tender shall be held in the cases where, considering the nature of the implementation of public electronic communications, the amount of the tender price offered is of substantial importance.

Article 95. (1) (Amended, SG No. 17/2009) The initial tender price upon conduct of a tender shall be determined by the Commission by the decision referred to in Article 93 (2) herein.

(2) The bidding increment upon conduct of a tender shall be determined by the Commission in the tender documents.

(3) The amount reached in the bidding shall be paid by the winning bidder within a time limit determined by the decision referred to in Paragraph (1).

Article 96. (1) The contest documents shall be adopted by decision of the Commission and shall contain:

1. information in the scarce resource which is subject of the contest;
2. a list of the required attachments to the application for entry in the contest;
3. (amended, SG No. 105/2011, effective 29.12.2011) requirements for implementation of public electronic communications which is subject of the contest, such as: pace of development and/of service, quality of service, applicable technologies, obligations related to national security;
4. (amended, SG No. 105/2011, effective 29.12.2011) objective, transparent, non-discriminatory and proportionate evaluation criteria, the relative weight of the said criteria and a mechanism of evaluation, respecting the principles of management of the radio spectrum with a view to attaining the purposes covered under Article 4 herein;
5. rules for conduct of the contest;

6. rules of procedure of the expert committee for conduct of the contest;
7. amount of the deposit for entry in the contest.

(2) The contest documents shall furthermore contain conditions for entry in the contest and a draft of an authorization for use of an individually assigned scarce resource, and proposals containing the relevant technical parameters for the authorizations.

Article 97. The tender documents shall be adopted by decision of the Commission and shall contain:

1. information in the scarce resource which is subject of the tender;
2. a list of the required attachments to the application for entry in the tender;
3. rules for conduct of the tender;
4. rules of procedure of the expert committee for conduct of the tender;
5. (amended, SG No. 105/2011, effective 29.12.2011) objective, transparent, non-discriminatory and proportionate criteria for non-admission to entry in and removal from the tender complying with the requirements related to the management of the radio spectrum, with a view to attaining the purposes covered under Article 4 herein;
6. a draft of an authorization for use of an individually assigned scarce resource and proposals containing the relevant technical parameters for the authorizations;
7. amount of the deposit for entry in the tender, which may not be larger than 5 per cent of the fixed initial tender price, as well as conditions related to the deposit for entry in the tender;
8. place, date and time of conduct of the tender.

Article 98. (1) The contest or tender for provision of an individually assigned scarce resource - radio spectrum or geostationary orbital positions, shall be held not earlier than thirty days after promulgation of the decision referred to in Article 93 (3) herein in the State Gazette. In case several contests or tenders are announced, depending on the available scarce resource, the Commission shall determine the sequence of the conduct thereof. The Commission may alternatively conduct a single tender or contest, granting thereby multiple authorizations depending on the available scarce resource.

(2) (Repealed, SG No. 17/2009).

Article 99. (1) (Supplemented, SG No. 17/2009) The Commission shall appoint an expert committee for conduct of a contest or a tender, whereof at least one of the members shall be a qualified lawyer. Representatives of the interested central-government departments and of the Commission may participate as members of the expert committee. The expert committee shall mandatorily include a representative of the State Agency for National Security.

(2) A person who has a material commercial, financial or other business interest may not participate as a member of the expert committee.

(3) A material commercial, financial or other business interest shall always exist where the members of the expert committee or family members thereof, including spouses, any lineal relatives thereof up to any degree of consanguinity, any collateral relatives thereof up to the fourth degree of consanguinity and any affines thereof up to the second degree of affinity, as well as parties economically related thereto, are granted an authorization under this Act.

(4) Each member of the expert committee shall be obligated to declare in writing to the Commission the non-existence of a material commercial, financial or other business interest, which the said member and/or any parties economically related thereto or to any family members thereof have in the selection of a particular candidate and that they will not be appointed to management bodies of the candidate winning the contest or the tender within one year after the granting of the authorization.

(5) The declarations referred to in Paragraph (4) shall be kept in a special public register with the Commission.

(6) The members of the expert committee shall be obligated not to disseminate to third parties any information received in the course of a procedure for conduct of a contest or a tender. Prior to commencement of the procedure, each member of the expert committee shall sign a declaration

pledging observance of this obligation.

Article 100. (1) Persons wishing to enter a contest or a tender announced by the Commission shall submit a written application for entry, attaching thereto:

1. (amended, SG No. 17/2009) a document attesting to the existence and the current legal status of the person: in the cases where the applicant does not hold a Unified Identification Code under Article 23 of the Commercial Register Act;

2. proof of financial capabilities, such as an annual financial statement and a profit-and-loss account, annual tax returns, bank references, documents on acquisition of fixed assets;

3. a technical project and a business plan in accordance with the requirements of Item 3 of Article 96 (1) herein;

4. documentary proof of remittance of a deposit or a bank guarantee to the amount of the deposit;

5. documents certifying the non-existence of the circumstances referred to in Item 3 of Article 84 (1) herein;

6. a declaration on safeguarding the confidentiality of the information contained in the contest or tender documents;

7. documentary proof of payment for contest or tender documents;

8. other documents related to the subject of the contest or tender.

(2) All documents shall be submitted in the Bulgarian language.

(3) Should any documents covered under Paragraph (1), excluding those under Item 3 of Paragraph (1), be missing and/or non-conforming, the candidate shall be notified in writing to cure the deficiencies or non-conformities, for which the said candidate shall be allowed seven days after receipt of the notification. In case of a failure to cure the deficiencies or non-conformities within the time limit as allowed, the candidate shall not be admitted to entry.

(4) A person wishing to enter a contest or tender announced by the Commission shall not be admitted to entry where the said person:

1. is adjudicated bankrupt or is subject to pending bankruptcy proceedings or is being wound up;

2. is disqualified from carrying on commercial business;

3. incurs public pecuniary obligations to the State, established by an effective act of a competent authority, or an obligation to social insurance funds, save as where a rescheduling or deferral of the said obligations has been allowed;

4. has had an authorization for use of an individually assigned scarce resource for the same type of electronic communications for the period determined by the Commission withdrawn therefrom.

(5) (New, SG No. 17/2009) In case the number of applications submitted is smaller than or equal to the number of authorizations which are subject to the decision referred to in Article 93 (2) herein, the Commission declares the procedure concluded by a decision and within ten days shall grant an authorization for use of an individually assigned scarce resource - radio spectrum. Within three days after adoption of the decision declaring the procedure concluded, the Commission shall transmit the said decision to the State Gazette for promulgation within five days after receipt of the said decision.

(6) (New, SG No. 17/2009) In case not a single application has been received within the time limit referred to in Item 4 of Article 93 (2) herein, the Commission shall terminate the procedure as announced by decision. Within three days after adoption of the decision on termination of the procedure as announced, the Commission shall transmit the said decision to the State Gazette for promulgation within five days after receipt of the said decision.

Article 101. (1) In a contest, the offers shall be ranked on the basis of an integral evaluation of satisfaction of the contest requirements.

(2) In a tender, the candidates shall be ranked according to the amount of the tender price offered.

Article 102. (1) Within seven days after completion of the work thereof, the expert committee shall present to the Commission a report on the work done and on the results of the ranking, as well as the entire documentation on the contest or tender held.

(2) Within fourteen days after receipt of the documents covered under Paragraph (1), the Commission shall adopt a decision on:

1. granting of an authorization to the candidate who or which has won the contest or tender;
2. termination of the contest or tender without determining a winning candidate, where the results of the rankings do not indicate a candidate who or which satisfies the requirements of the contest or tender held.

(3) Within three days after adoption of the decision referred to in Paragraph (2), the Commission shall transmit the said decision to the State Gazette for promulgation within five days after receipt of the said decision.

Article 103. (1) (Supplemented, SG No. 105/2011, effective 29.12.2011) The Commission shall have the right to retain the deposits of the candidates who or which have lodged appeals against the decision referred to in Article 102 (2) herein and/or Article 104 (1) herein until settlement of the dispute by the court.

(2) (Amended, SG No. 105/2011, effective 29.12.2011) The deposits of the candidates who or which have not won shall be released within up to seven working days after expiry of the time limit for lodgement of an appeal against the decision referred to in Article 104 (1) herein. The deposits of all candidates shall be released within the same time limit upon termination of the procedure.

(3) (Amended and supplemented, SG No. 105/2011, effective 29.12.2011) The deposits of the winning candidate and of the candidate ranked second shall be released within up to seven working days after the entry into effect of the decisions referred to in Item 1 of Article 102 (2) herein and Article 104 (1) herein.

Article 104. (1) The Commission shall grant an authorization to the candidate who or which has won the contest or tender within fourteen days after the entry into effect of the decision referred to in Item 1 of Article 102 (2) herein.

(2) The winning candidate shall be bound by the offers made in the contest or tender.

(3) (New, SG No. 17/2009) Upon granting of the authorization under Item 2 of Article 90 (3) and Article 100 (1) and (5) herein, the undertaking shall be entered in the register referred to in Item 1 of Article 33 (1) herein.

Article 105. (1) In case the winning candidate declines the granting of an authorization or fails to pay the final tender price offered thereby within the time limit and in the manner specified in the tender or contest documents, the authorization shall be offered to the second ranked candidate.

(2) Should the second ranked candidate decline as well, the procedure shall be terminated without the granting of an authorization.

(3) In the cases where two or more authorizations are the subject of a tender and a ranked candidate declines the granting of an authorization or fails to pay the final tender price offered thereby within the time limit and in the manner specified in the tender documents, the said authorization shall be offered to the candidate ranked next. In case the said candidate declines as well, the procedure shall be terminated without the granting of an authorization.

(4) The deposits of the persons referred to in Paragraphs (1), (2) and (3) shall not be returned.

Section VI

Content of Authorization

Article 106. (Amended, SG No. 105/2011, effective 29.12.2011) The authorizations for use of an individually assigned scarce resource - radio frequency spectrum and/or geostationary orbital positions shall include all or part of the following conditions:

1. (amended, SG No. 105/2011, effective 29.12.2011) obligation to provide a service or to use a type of technology for which the rights of use of radio spectrum has been granted, including, where appropriate, coverage and quality requirements;

2. the radio spectrum and/or the geostationary orbital positions provided;
3. the territorial range, where applicable;
4. (amended, SG No. 105/2011, effective 29.12.2011) the possibility to transfer the rights under the authorization;
5. (amended, SG No. 105/2011, effective 29.12.2011) conditions to ensure effective and efficient use of the radio spectrum;
6. (amended, SG No. 105/2011, effective 29.12.2011) the technical and operational conditions necessary for the avoidance of harmful interference and for limitation of the exposure of the public to harmful electromagnetic fields, where such conditions are different from those, in compliance with the requirements under Item 8 (d) of Article 73 (3) herein;
7. (amended, SG No. 105/2011, effective 29.12.2011) the period of applicability of the authorization, which may be modified conforming to the National Radio Spectrum Allocation Plan;
8. the fee for use of an individually assigned scarce resource - radio spectrum;
9. the obligations assumed by the undertakings providing public electronic communications networks and/or services, in case of a contest or tender procedure held;
10. the undertakings arising from international agreements which regulate the use of the radio spectrum, where applicable;
11. (amended, SG No. 17/2009, repealed, SG No. 105/2011, effective 29.12.2011);
12. (amended, SG No. 35/2009, effective 12.05.2009, repealed, SG No. 105/2011, effective 29.12.2011);
13. (repealed, SG No. 105/2011, effective 29.12.2011);
14. the date of granting of the authorization;
15. identification data;
16. (new, SG No. 105/2011, effective 29.12.2011) obligations related to the experimental use of radio frequencies.

Article 107. (Amended, SG No. 105/2011, effective 29.12/2011) An authorization for use of an individually assigned scarce resource - numbers and addresses shall include all or part of the following conditions:

1. (amended, SG No. 105/2011, effective 29.12.2011) the service for which the undertakings have obtained an authorization for use of numbers, including requirements linked to the provision of that service, as well as requirements for transparency of tariff principles and maximum prices that can apply in the specific number range with a view to ensuring consumer protection;
2. (supplemented, SG No. 17/2009) the numbers and addresses provided;
3. (supplemented, SG No. 105/2011, effective 29.12.2011) the requirements for effective and efficient use of the numbers;
4. the number portability requirements;
5. the obligations to provide public directory information on the telephone number of the subscribers of public telephone services for the purposes of universal service according to Chapter Eleven herein and provided the subscribers have given their express consent;
6. (amended, SG No. 105/2011, effective 29.12.2011) the period of applicability of the authorization;
7. (repealed, SG No. 105/2011, effective 29.12.2011);
8. (amended and supplemented, SG No. 105/2011, effective 29.12.2011) possibility and conditions for transfer of rights under the authorization;
9. (amended, SG No. 17/2009, supplemented, SG No. 105/2011, effective 29.12.2011) the fee for use of an individually assigned scarce resource - numbers and addresses;
10. (repealed, SG No. 105/2011, effective 29.12.2011);
11. (amended, SG No. 17/2009) the obligations arising from international agreements which regulate the use of the numbers and addresses, where applicable;

12. (repealed, SG No. 105/2011, effective 29.12.2011);
13. (repealed, SG No. 105/2011, effective 29.12.2011);
- 13a. (new, SG No. 17/2010, effective 10.05.2010, repealed, SG No. 105/2011, effective 29.12.2011);
14. the date of granting of the authorization;
15. identification data.

Article 108. (Amended, SG No. 105/2011, effective 29.12.2011) Apart from the obligations covered under Article 106 or 107 herein, the undertakings which have obtained an authorization for use of an individually assigned scarce resource shall furthermore be obligated to comply with the applicable requirements established under Article 73 herein.

Section VII

Provisional Authorizations

Article 109. (1) The Commission shall grant provisional authorizations for use of an individually assigned scarce resource - radio spectrum, for a period of validity not longer than six months in the following cases:

1. where the use of an individually assigned scarce resource is necessary to test new technical methods and/or technologies for implementation of electronic communications, or
2. where the use of an individually assigned scarce resource is necessary for testing new technical facilities or newly established electronic communications networks prior to the commissioning thereof, or
3. for advertising of electronic communications facilities and/or equipment, or
4. where the use of an individually assigned scarce resource is required for short-term events.

(2) A provisional authorization shall be granted without a contest or a tender.

(3) A provisional authorization shall not be granted for an already provided individually assigned scarce resource or for a scarce resource for which an application for the granting of an authorization has been submitted and the procedure for granting of the authorization has not been concluded.

(4) (New, SG No. 105/2011, effective 29.12.2011) A provisional authorization for each of the cases referred to in Items 1 to 3 of Paragraph (1) shall be granted on a single occasion within one year.

(5) (Renumbered from Paragraph (4), SG No. 105/2011, effective 29.12.2011) For the granting of a provisional authorization, an application shall be submitted, containing the particulars covered under Article 83 (1) herein and data on the intended purpose of the scarce resource applied for in the cases specified in Paragraph (1). The documents referred to in Items 1 and 2 of Article 83 (2) herein shall be attached to the application. The application must be submitted not later than thirty-one days prior to the starting date of use of the scarce resource as stated in the application. If the application is deficient, the rules under Article 83 (4) herein shall apply.

(6) (Renumbered from Paragraph (5), SG No. 105/2011, effective 29.12.2011) In case the scarce resource applied for is subject to international co-ordination, the Commission shall offer the applicant another usable scarce resource which is not subject to international coordination, conforming to:

1. the data presented in the application for the cases indicated in Paragraph (1), and
2. the technical characteristics of the electronic communications network and the facilities for which the scarce resource will be used.

(7) (Renumbered from Paragraph (6) and amended, SG No. 105/2011, effective 29.12.2011) The Commission shall grant the provisional authorization not later than seventeen days prior to the starting date of use the scarce resource as stated in the application under Paragraph (5).

(8) (Renumbered from Paragraph (7) and amended, SG No. 105/2011, effective 29.12.2011) Within three days after the granting of a provisional authorization, the Commission shall notify the applicant of the said authorization, indicating also the amount of the fee due by the applicant for

temporary use of an individually assigned scarce resource and a lump-sum fee for the granting of an authorization. The applicant shall be obligated to remit the fees within seven days after receipt of the notification.

(9) (Renumbered from Paragraph (8) and amended, SG No. 105/2011, effective 29.12.2011) The Commission shall deliver the authorization to the applicant within three days after remittance of the fees referred to in Paragraph (8).

Article 110. (1) (Amended, SG No. 105/2011, effective 29.12.2011) The provisional authorization shall contain the data stated in the application referred to in Article 109 (5) herein.

(2) The individually assigned scarce resource may be used only for the intended purpose and in a manner expressly determined by the provisional authorization.

Article 111. (1) The rules for termination, withdrawal or suspension of the validity of authorizations granted under this Act shall not apply to provisional authorizations.

(2) The validity of a provisional authorization shall be terminated by the Commission immediately where it is ascertained that the individually assigned scarce resource provided is not used for the intended purpose and in the manner determined in the provisional authorization.

Article 112. An undertaking whereof the validity of a provisional authorization has been terminated under Article 111 (2) herein may not submit an application for the granting of a new provisional authorization within six months after the date of termination of the previous authorization.

Section VIII

Provision of Supplementary Scarce Resource

Article 113. (1) (Supplemented, SG No. 17/2009) An undertaking implementing public electronic communications, which has been granted an authorization for use of an individually assigned scarce resource - radio spectrum, may apply for use of a supplementary scarce resource - radio spectrum. The said undertaking shall submit an application which, in addition to the data covered under Article 83 herein, shall state:

1. the number and date of granting of the initial authorization;
2. the electronic communications networks and/or services for the provision of which the supplementary individually assigned scarce resource is to be used;
3. indication of the supplementary individually assigned scarce resource for the use whereof a modification and supplementation of the authorization is sought;
4. period of use of the supplementary individually assigned scarce resource, which may not be longer than the period of use of the initial individually assigned scarce resource;
5. (new, SG No. 17/2009) data on effective utilization of the previously provided scarce resource.

(2) The electronic communications networks and/or services referred to in Item 2 of Paragraph (1) may not differ from the electronic communications networks and/or services for which the initial individually assigned scarce resource has been provided.

(3) Documents and data justifying the necessity of using the supplementary individually assigned scarce resource, as well as documentary proof of payment of a fee for administrative services, shall be attached to the application.

(4) The Commission shall provide the supplementary individually assigned scarce resource applied for where:

1. the undertaking has a proven need of such resource for expansion, modernization and development of its own electronic communications network, where implementing public electronic communications thereover, and
2. the undertaking has already efficiently used the individually assigned scarce resource provided, and
3. the electronic communications network of the undertaking allows expansion, modernization and

development.

(5) The supplementary individually assigned scarce resource - radio spectrum, shall be provided without conduct of a contest or tender.

(6) If the conditions under Paragraph (4) are available, the Commission shall provide the supplementary individually assigned scarce resource applied for - radio spectrum, by modifying and supplementing the authorization of the applicant for use of an individually assigned scarce resource within forty-two days after the date of submission of the application.

(7) If the conditions under Paragraph (4) are available, the Commission shall provide the supplementary individually assigned scarce resource applied for - numbers, by modifying and supplementing the authorization of the applicant for use of an individually assigned scarce resource within twenty-one days after the date of submission of the application.

(8) Within fourteen days after receipt of the notification referred to in Paragraph (7), the applicant shall remit to the account of the Commission the fees due for use of the supplementary individually assigned scarce resource as provided in proportion to the time of use during the current year.

Section IX

Authorization, How Modified, Supplemented, Terminated, Withdrawn, Suspended or Transferred

Article 114. (1) An undertaking which has been granted an authorization may, prior to the expiry of the period of validity of the said authorization, make a reasoned request for a reduction of the period of validity of the authorization. The Commission shall examine the reasonableness of the request and shall pronounce by decision within one month after receipt of any such request.

(2) (Amended, SG No. 105/2011, effective 29.12.2011) An undertaking which has been granted an authorization may make a reasoned request for extension of the period of application of the authorization as granted within three months prior to the expiry of the period of validity of the authorization. The Commission shall examine the reasonableness of the request, taking account of:

1. the benefits to consumers;
2. the need to promote competition and the development of new technologies;
3. the regulatory policy for the scarce resource concerned.

(3) (New, SG No. 105/2011, effective 29.12.2011) The Commission shall pronounce by decision within one month after receipt of any request referred to in Paragraph (2), and if the request is granted, the Commission shall enter the new period of validity in the authorization.

(4) (Renumbered from Paragraph (3), SG No. 105/2011, effective 29.12.2011) If, within the time-limit referred to in Paragraph (2), the undertaking which has been granted an authorization fails to request an extension of the validity of the authorization, the individually assigned scarce resource provided shall be presumed available upon the expiry of the period of validity of the authorization.

(5) (Renumbered from Paragraph (4), SG No. 105/2011, effective 29.12.2011) The period of validity of an authorization for use of an individually assigned scarce resource - a radio spectrum, for implementation of electronic communications over existing and/or new electronic communications networks for analogue terrestrial broadcasting shall be extended after extension of the period of validity of the licence within the meaning given by the Radio and Television Act for the same period of time.

Article 115. (1) An authorization may be modified and supplemented by reasoned decision of the Commission by reason of:

1. force majeure;
2. reasons related to national security;
3. changes in the domestic legislation and decisions of international organizations in force for the

Republic of Bulgaria;

4. reasons related to public interest, arising from the efficient use of the scarce resource, protection of the interests of users and universal service provision.

(2) (Amended, SG No. 105/2011, effective 29.12.2011) The authorization shall be modified and supplemented under Item 4 of Paragraph (1) after written notification of the undertaking concerned, which may express an opinion within fourteen days after receipt of the notification.

(3) (New, SG No. 105/2011, effective 29.12.2011) Where the authorization is modified and supplemented materially under Item 4 of Paragraph (1), the Commission shall conduct a public consultation according to the procedure established by Article 37 herein within thirty days.

Article 116. The undertaking which has been granted an authorization may approach the Commission with a reasoned request to amend and supplement the authorization outside the cases covered under Article 115 (1) herein. The Commission shall examine the reasonableness of the request, shall judge the need of modifying and supplementing the authorization, and shall pronounce by decision within thirty days after receipt of any such request.

Article 117. (1) The validity of an authorization for use of an individually assigned scarce resource as granted shall cease after withdrawal of the authorization as granted by the Commission in the following cases:

1. where an undertaking which has been granted an authorization for use of an individually assigned scarce resource - radio spectrum or geostationary orbital positions, has failed to fulfil any or all of the obligations thereof under Item 9 of Article 106 herein;

2. upon ascertainment of systematic violations of one and the same condition of the authorization as granted for use of the individually assigned scarce resource as provided;

3. upon systematic non-payment of the taxes due in connection with the authorization granted;

4. where, upon conduct of a check by the Commission, existence of any of the circumstances referred to in Item 3 (a), (b) and (c) of Article 84 (1) herein has been ascertained;

5. (new, SG No. 105/2011, effective 29.12.2011) an undertaking, which has been granted an authorization for use of an individually assigned scarce resource - radio spectrum, or geostationary orbital positions, has failed to fulfil any or all of the obligations thereof under Item 5 of Article 106 herein and has not submitted a request for transfer or lease of the radio spectrum provided for individual use according to the procedure established by Article 121 herein.

(2) The validity of the authorization for use of an individually assigned scarce resource may be terminated in the following cases:

1. at a reasoned written request from a competent authority upon ascertainment of actions by the undertaking which jeopardize national security upon use of the individually assigned scarce resource as provided thereto by the authorization;

2. where the undertaking which has been granted an authorization declares existence of any of the circumstances referred to in Item 3 (a), (b) and (c) of Article 84 (1) herein;

3. at a reasoned written request from the undertaking which has been granted an authorization;

4. (amended, SG No. 17/2009) upon death of the natural person, upon liquidation or dissolution of the legal person or upon cessation of the activity of the sole trader: in the cases where authorizations have been granted thereto;

5. upon expiry of the period of validity of the authorization;

6. on the grounds of an obligation arising from a ratified international agreement which has entered into force and whereto the Republic of Bulgaria is a party;

7. after notification by the Council for Electronic Media of an effective decision on termination of the relevant radio or television broadcasting licence of the undertaking implementing electronic communications over existing and/or new electronic communications networks for analogue terrestrial broadcasting.

(3) The decisions adopted by the Commission in pursuance of Item 1 of Paragraph (2) shall be

subject to immediate enforcement.

(4) The validity of the authorization granted if the prerequisites covered under Paragraph (1) exist shall cease after advance written notification of the undertaking, with the Commission expressly indicating the specific grounds and reasoning.

(5) By the notification referred to in Paragraph (4), the Commission shall allow the undertaking not less than thirty days to express an opinion.

(6) (Amended, SG No. 17/2009) The Commission may withdraw the authorization only after deliberating the explanations and objections of the undertaking and ascertaining the availability of sufficient evidence of the circumstances covered under Paragraph (1).

Article 118. (1) In the cases referred to in Item 4 of Article 117 (2) herein, the scarce resource shall not be considered available if any or some of the heirs applies in writing to the Commission for use of the individually assigned scarce resource for which the authorization was granted within one month after the death of the natural person. In such case, the Commission shall grant a new authorization for use of the same individually assigned scarce resource without a contest or tender within twenty-one days after submission of the application. The Commission shall notify the applicants in writing within three days after the grant of the authorization.

(2) Within fourteen days after receipt of the notification referred to in Paragraph (1), the applicant shall remit the fees due to the account of the Commission.

(3) The Commission shall deliver the authorization to the applicants after payment of all fees due under this Act.

Article 119. An undertaking of which the validity of an authorization has been terminated in pursuance of Article 117 (1) herein may submit an application for the grant of a new authorization not earlier than twelve months after the date of the decision of the Commission on termination of the validity of the authorization.

Article 120. (1) The validity of an authorization for use of an individually assigned scarce resource as granted may be suspended by the Commission in the following cases:

1. (amended, SG No. 35/2009, effective 12.05.2009) at a request from a competent authority in cases of disasters, upon declaration of a state of martial law, a state of war or a state of emergency;
2. at a reasoned request from the competent authorities if national security is jeopardized;
3. at a reasoned request from the undertaking which has been granted an authorization.

(2) In the cases referred to in Items 1 and 2 of Paragraph (1), suspension shall continue until the lapse of the need of such suspension.

(3) Upon suspension of the validity of an authorization in pursuance of Item 3 of Paragraph (1), the undertaking which has been granted the authorization shall owe contributions towards the annual fees for the time for which the validity of the authorization has been suspended.

(4) In the cases referred to in Item 3 of Paragraph (1), the Commission shall examine the reasonableness of the request made and shall pronounce on the said request within twenty-one days after receipt of the said request. In such cases, suspension may not be for a period longer than three months. The Commission shall refuse a suspension:

1. where the request is by an undertaking with significant market power on the market for electronic communications networks and/or services, in respect of which the said undertaking has been designated as such;

2. where an obligation for provision of universal service has been imposed on the undertaking;

3. to an undertaking holding an authorization for use of an individually assigned scarce resource within a national range, implementing public electronic communications.

(5) The decisions on suspension and subsequent resumption of the validity of an authorization as granted shall be communicated to the parties concerned within three days.

Article 121. (1) (Amended, SG No. 17/2009, SG No. 105/2011, effective 29.12.2011) An undertaking which has been granted an authorization for use of an individually assigned scarce resource

- radio spectrum, may transfer the authorization or part of the rights and the relevant obligations included in an authorization, or lease the individually assigned scarce resource - radio spectrum only after advance authorization by the Commission.

(2) The Commission shall grant an authorization under Paragraph (1) where the following conditions are fulfilled:

1. (supplemented, SG No. 105/2011, effective 29.12.2011) the transfer or lease does not distort competition in the electronic communications sector in the part of use of an individually assigned scarce resource, and

2. (supplemented, SG No. 105/2011, effective 29.12.2011) the transfer or lease does not lead to changes in the conditions for use of the individually assigned scarce resource, or

3. (supplemented, SG No. 105/2011, effective 29.12.2011) the transfer or lease referred to in Paragraph (1) for implementation of electronic communications through use of existing and/or new analogue electronic networks for analogue terrestrial broadcasting does not lead to a change of the radio and television programme services of the public broadcasters governed by public law as distributed by the undertakings licensed by the Council for Electronic Media;

4. (new, SG No. 105/2011, effective 29.12.2011) two years have lapsed since the obtaining of the individually assigned scarce resource through a contest or tender.

(3) Paragraph (1) shall not apply upon universal succession through change of the legal form of the corporation.

Article 122. (1) (Amended, SG No. 17/2009, redesignated from Article 122 and amended, SG No. 105/2011, effective 29.12.2011) The terms and procedure for transfer of authorizations for use of an individually applied scarce resource, as well as of part of the rights and the respective obligations included in the authorization or lease of the individually assigned scarce resource - radio spectrum, shall be established by a statutory administrative act by the Commission after conduct of a public consultation under Article 36 herein, and the said act shall be promulgated in the State Gazette.

(2) (New, SG No. 105/2011, effective 29.12.2011) The terms and procedure for transfer of authorizations for use of an individually assigned scarce resource, as well as of part of the rights and the relevant obligations included in the authorization or lease of the individually assigned scarce resource - radio spectrum, must not distort competition.

Article 123. (Amended, SG No. 105/2011, effective 29.12.2011) On a monthly basis, the Commission shall post on the Internet site thereof information on the rights transferred under authorizations or on the leased individually assigned scarce resource - radio spectrum as granted.

Chapter Six

RADIO SPECTRUM AND GEOSTATIONARY ORBITAL POSITIONS

Article 124. (1) The radio spectrum shall be managed and effectively used avoiding harmful interference in accordance with the State Radio Spectrum Planning and Allocation Policy, the National Radio Spectrum Allocation Plan, the Regulatory Policy for Radio Spectrum Management for Civilian Needs, as well as in accordance with international agreements whereto the Republic of Bulgaria is a party.

(2) The radio spectrum shall be managed and effectively used with a view to safeguarding the public interest, public health and safety, freedom of speech, the cultural, scientific, social and technical aspects of the policy of the European Union, as well as the interests of radio spectrum users.

(3) (New, SG No. 105/2011, effective 29.12.2011) The management of the radio spectrum shall promote the harmonized use thereof in the European Union so as to ensure effective and efficient use of radio frequencies for the purpose of delivering benefits for consumers such as economies of scale and interoperability of services.

Article 125. (1) Where the use of radio frequencies has been harmonized, the conditions and procedures have been agreed, and the undertakings to which the radio frequencies are to be assigned have been selected in accordance with international agreements and Community rules, the Commission shall grant an authorization for use of such radio frequencies.

(2) If all national conditions attached to the right to use the radio frequencies have been satisfied in the case of a common selection procedure, the Commission must not impose any further conditions, additional criteria or procedures which would restrict, alter or delay the correct implementation of the common assignment of such radio frequencies.

Article 126. The radio spectrum in the range from 9 kHz to 3,000 GHz shall be allocated into radio frequencies and radio frequency bands, radio services and users.

Article 127. The geostationary orbital positions for the Republic of Bulgaria shall be assigned by international agreements.

Article 128. The radio spectrum shall be managed and the geostationary orbital positions shall be used for the purpose of the effective use of the radio spectrum avoiding harmful interference, taking into consideration the national security interests and respecting the principles of predictability, non-discrimination and objectivity.

Article 129. (1) The Commission shall provide for use the geostationary orbital positions, the radio frequencies and radio frequency bands, allocated for civilian needs.

(2) (Amended and supplemented, SG No. 105/2011, effective 29.12.2011) The radio frequencies and the radio frequency bands shall be provided by the Commission after national coordination and clearance with all state bodies, central-government departments and services concerned for the purpose of ensuring the safety of aeronautical and maritime navigation and protection of national security.

(3) Should the right to use the radio frequencies and radio frequency bands be withdrawn, due to changes in the legislation, arising upon honouring of an international obligation of the Republic of Bulgaria, a compensation from the state budget must be provided for at an amount determined by reasoned decision of the Commission.

Article 130. (1) (Redesignated from Article 130, SG No. 105/2011, effective 29.12.2011) The right to use radio frequencies and radio frequency bands shall not be related to any restrictions in respect of the type of services provided or technologies used.

(2) (New, SG No. 105/2011, effective 29.12.2011) Restrictions of the rights to use radio frequencies and radio frequency bands in respect of the technologies used shall be admissible solely in the cases where this is necessary to:

1. avoid harmful interference;
2. protect public health against the impact of electromagnetic fields;
3. ensure technical quality of service;
4. ensure maximization of radio frequency sharing;
5. safeguard efficient use of the radio spectrum;
6. ensure the fulfilment of general interest objectives respecting the principle of service neutrality.

(3) (New, SG No. 105/2011, effective 29.12.2011) Restrictions of the rights to use radio frequencies and radio frequency bands in respect of the services provided shall be admissible only with a view to fulfilling general interest objectives, above all concerning:

1. safety of life;
2. the promotion of social, regional or territorial cohesion;
3. the avoidance of inefficient use of radio frequencies;
4. the promotion of cultural and linguistic diversity and media pluralism, including by the provision of radio and television broadcasting services.

(4) (New, SG No. 105/2011, effective 29.12.2011) The provision of other electronic communications services in a specific radio frequency band may be prohibited only where necessary to protect the operation of safety of life radio services. In exceptional cases, such prohibition may also be

extended in order to fulfil other general interest objectives as defined in accordance with European Union law.

Article 130a. (New, SG No. 105/2011, effective 29.12.2011) The Commission shall regularly, at least once every two years, review the necessity of the restrictions referred to in Article 130 (2) to (4) herein and shall make the results of this review public on the Internet site thereof.

Article 131. (Repealed, SG No. 105/2011, effective 29.12.2011).

Chapter Seven

NUMBERS, ADDRESSES AND NAMES

Section I

(New, SG No. 105/2011, effective 29.12.2011)

National Numbering Plan

Article 132. The National Numbering Plan shall constitute an allocation of the numbers used in electronic communications networks for identification, routing and billing by undertakings providing public electronic communications services.

Article 133. (1) The National Numbering Plan shall be prepared by the Commission in accordance with the regulatory policy referred to in Item 7 of Article 30 herein, respecting the principles of objectivity, proportionality, non-discrimination, transparency and timeliness, and taking into consideration national and public interests.

(2) The National Numbering Plan shall be prepared taking into consideration the acts of international organizations and/or competent bodies thereof, relevant to numbers, addresses and names, in order to ensure effective use of the numbering space.

(3) The National Numbering Plan shall be promulgated in the Official Section of the State Gazette.

(4) The Commission shall keep a public register of the numbers, addresses and names provided for use to undertakings.

Article 133a. (New, SG No. 105/2011, effective 29.12.2011) The rules for use, allocation and the procedures of primary and secondary provision for use, reservation and withdrawal of numbers, addresses and names shall be established by the Commission by ordinance after conduct of a public consultation under Article 36 herein, and the said ordinance shall be promulgated in the State Gazette.

Section II

(New, SG No. 105/2011, effective 29.12.2011)

Number Portability

Article 134. (1) (Amended, SG No. 105/2011, effective 29.12.2011) The undertakings providing electronic communications services through use of numbers from the National Numbering Plan shall ensure a possibility to port the numbers, with subscribers being able to retain:

1. (amended, SG No. 105/2011, effective 29.12.2011) their geographic number when changing the undertaking providing the respective service and/or when changing their address within the same geographic national destination code;

2. (amended, SG No. 105/2011, effective 29.12.2011) their non-geographic number when changing the undertaking providing the respective service;

3. (amended, SG No. 105/2011, effective 29.12.2011) their national significant number when changing the undertaking providing a mobile telephone service.

(2) (Amended, SG No. 17/2009, repealed, SG No. 105/2011, effective 29.12.2011).

(3) (Amended, SG No. 105/2011, effective 29.12.2011) The Commission shall adopt functional specifications for number portability under Paragraph (1) after a public consultation under Article 36 herein and shall promulgate the said specifications in the Official Section of the State Gazette.

(4) The functional specifications shall contain:

1. technical conditions for implementation of portability;
2. action that the undertakings which are obligated to ensure portability must take, including time limits for implementation of such actions;
3. method for implementation of portability;
4. requirements regarding the database required to ensure the routing;
5. obligations of the undertakings which ensure the portability, and reasons for a refusal to provide the service to end-users;
6. procedure for implementation of portability;
7. principles of pricing and apportioning the costs among undertakings.

(5) (New, SG No. 105/2011, effective 29.12.2011) The procedure for porting of numbers shall be implemented within the shortest possible time fixed in the functional specifications referred to in Paragraph (3).

(6) (New, SG No. 105/2011, effective 29.12.2011) The period for which the provision of the service to the subscriber is discontinued may not exceed eight hours.

Article 135. (Repealed, SG No. 105/2011, effective 29.12.2011).

Article 136. (1) (Amended, SG No. 17/2009, SG No. 105/2011, effective 29.12.2011) The undertakings providing electronic communications networks and/or services shall determine among themselves prices related to the implementation of number portability as follows:

1. a lump-sum price covering the costs in connection with a verification of the identity of a subscriber or user and for other activities related to administrating the process of porting a number;
2. prices for interconnection associated with the changing of the undertaking referred to in Article 134 (1) herein respecting the principle of cost orientation.

(2) (Repealed, SG No. 105/2011, effective 29.12.2011).

Article 136a. (New, SG No. 105/2011, effective 29.12.2011) In the cases where there are charges to end-users for porting a number, the undertakings referred to in Article 134 (1) herein shall determine the said charges in a manner that does not act as a disincentive against changing the undertaking providing the respective service.

Article 137. (Amended, SG No. 17/2009, repealed, SG No. 105/2011, effective 29.12.2011).

Article 138. (Repealed, SG No. 105/2011, effective 29.12.2011).

Section III

(New, SG No. 105/2011, effective 29.12.2011)

Access to Numbers and Services

Article 138a. (New, SG No. 105/2011, effective 29.12.2011) Any undertaking, which has been granted an authorization for use of a number range from the National Numbering Plan, shall not have the right to set discriminatory conditions to other undertakings providing electronic communications services in connection with the access to services of the said undertakings provided through numbers from the said range.

Article 138b. (New, SG No. 105/2011, effective 29.12.2011) The undertakings providing electronic communications services and ensuring a possibility to make outgoing calls to numbers from the National Numbering Plan shall ensure end-users access without charge to the single European emergency call number "112" and to the national emergency call numbers.

Article 138c. (New, SG No. 105/2011, effective 29.12.2011) (1) The undertakings providing public electronic communications services, where technically and economically feasible, shall ensure all

end-users a possibility for:

1. access to non-geographic numbers and use of services provided through such numbers within the European Union;

2. access to all numbers provided within the European Union, regardless of the technology and devices used by the undertaking, including the numbers in the national numbering plans of Member States, as well as those from the European Telephony Numbering Space and Universal International Freephone Numbers.

(2) In case the called subscriber has for commercial reasons limited access to the subscriber number thereof to calls by parties located in specific geographic areas, Paragraph (1) shall not apply.

(3) The Commission may require the undertakings providing public communications networks and/or services to block, on a case-by-case basis, access to numbers or services where this is justified by reasons of fraud or misuse and to require that in such cases the undertakings providing electronic communications services withhold the relevant interconnection and/or other service revenues.

(4) In case the number referred to in Paragraph (3) is from the numbering plan of another Member State of the European Union or is a number from the European Telephony Numbering Space or a Universal International Freephone Number provided to an undertaking providing public electronic communications services within the territory of that Member State, the Commission shall interact with the relevant regulatory authorities of that Member State for taking the steps referred to in Paragraph (3).

(5) The Commission may also take the steps referred to in Paragraph (3) upon a justified request by a regulatory authority or another state body of a Member State of the European Union.

Chapter Eight

FEES

Article 139. (1) The amount of the administrative fees due from the persons implementing electronic communications in compliance with the requirements of this Act shall correspond to the necessary administrative costs incurred by the Commission for international coordination and cooperation, harmonization and standardization, market analysis and market control, preparation and application of statutory instruments of secondary legislation, and issuing of administrative acts and exercising control over the implementation of the said acts.

(2) There shall be the following administrative fees referred to in Paragraph (1):

1. annual control fee;

2. lump-sum fee for the granting of an authorization for use of an individually assigned scarce resource;

3. (supplemented, SG No. 11/2014, effective 7.02.2014) lump-sum fee for modifying and supplementing the authorization, and for extension of the validity of the authorization;

4. lump-sum fee for administrative services.

Article 140. There shall be the following fees for use of an individually assigned scarce resource:

1. annual fee for use of an individually assigned scarce resource;

2. fee for temporary use of an individually assigned scarce resource.

Article 141. (1) The rate of the annual administrative control fee shall be up to 1.2 per cent of the gross annual income from the provision of electronic communications networks and/or services, exclusive of value added tax, after deduction of transfer payments to other undertakings for interconnection of networks and for access, transit, roaming, value added services, as well as costs of settlement of copyrights and neighbouring rights to radio and television programme services.

(2) The fee referred to in Paragraph (1) shall be paid by the persons implementing public electronic communications, in quarterly instalments, on or before the 15th day of the month next succeeding the relevant quarter. The instalment for the last quarter shall be a balancing instalment and shall be paid within fifteen days after expiry of the time limit, established by the Accountancy Act, for

preparation of the annual financial statement. The instalments paid during the year shall be balanced on the basis of a copy of the annual financial statement provided by the undertaking together with the notes to the said statement.

Article 142. (1) The lump-sum fee for the granting of an authorization for use of an individually assigned scarce resource shall be equal to the administrative costs of the preparation and granting of the authorization and shall include the costs of:

1. labour and materials;
2. proportionally attributed research and consultancy activities, if such activities are needed in connection with the granting of the authorization;
3. frequency planning and national and international coordination.

(2) Upon conduct of a tender for the granting of an authorization for use of an individually assigned scarce resource, the initial tender price shall include the fee referred to in Paragraph (1).

Article 143. (1) (Supplemented, SG No. 105/2011, effective 29.12.2011) The persons implementing electronic communications through use of an individually assigned scarce resource shall pay annual fees for use of an individually assigned scarce resource - numbers, radio spectrum and/or geostationary orbital positions allocated to the Republic of Bulgaria according to international agreements.

(2) (Supplemented, SG No. 11/2014, effective 7.02.2014) Upon provision of a supplementary individually assigned scarce resource - radio spectrum or numbers, the undertakings shall pay an additional lump-sum fee. A lump sum shall be payable upon extension of the validity of an authorisation for use of individually assigned scarce resource - radio spectrum - for Broadband Wireless Access (BWA) networks, Fixed Wireless Access (FWA) networks, public land mobile networks and land networks capable of providing electronic communication services.

(3) The amount of the fees referred to in Paragraphs (1) and (2) shall be determined on the basis of one or more of the following criteria:

1. number of registered residents who could be served by the electronic communications network for which an authorization for use of an individually assigned scarce resource has been granted;
2. territorial range, as provided for in the authorization;
3. output power of the transmitter;
4. frequency band occupied;
5. number of radio stations used;
6. number of radio frequency channels used;
7. type of the radio frequency channel (radio frequency band) - simplex/duplex;
8. type of the electronic communications network for which an authorization for use of an individually assigned scarce resource has been granted;
9. number of electronic communications networks used;
10. intended purpose of the radio stations and the electronic communications networks;
11. period of use of the radio spectrum;
12. (new, SG No. 105/2011, effective 29.12.2011) extent of scarcity of the resource - numbers;
13. (new, SG No. 105/2011, effective 29.12.2011) the economic value of numbers from particular ranges on the basis of published criteria that are established in advance by the Commission.

Article 144. (Repealed, SG No. 105/2011, effective 29.12.2011).

Article 145. (1) (Amended, SG No. 17/2009, SG No. 105/2011, effective 29.12.2011) The fees referred to in Article 143 (1) herein shall be paid in four equal instalments before the end of the month preceding the quarter for which the said fees are due.

(2) (Amended, SG No. 105/2011, effective 29.12.2011) The undertaking can pay the fees covered under Article 143 herein before the end of the first quarter of the current year. In such case, the fee shall be paid with a 5 per cent rebate.

Article 146. (1) Upon the granting of a provisional authorization for use of an individually

assigned scarce resource, with the exception of the geostationary orbital positions, with a period of validity not longer than six months, the persons implementing electronic communications shall pay the following fees:

1. lump-sum fee for the granting of an authorization;
2. fee for temporary use of an individually assigned scarce resource.

(2) The fee referred to in Item 2 of Paragraph (1) shall be proportional to the time for which the authorization is granted.

Article 147. (1) The amount of the fees covered under this Chapter, the time limits and manner of payment of the said fees shall be determined by a Rate Schedule of Fees Collected by the Commission, adopted by the Council of Ministers on a motion by the Commission.

(2) The Rate Schedule referred to in Paragraph (1) shall furthermore determine the amount of the fees for administrative services provided by the Commission.

(3) The fees shall be determined in accordance with the following principles:

1. non-discrimination;
2. proportionality;
3. promotion of competition and of the provision of new services;
4. ensuring effective use of scarce resources;
5. satisfying the interests of users in high-quality electronic communications networks and/or services.

(4) Persons who or which have obtained an authorization for use of one and the same individually assigned scarce resource shall pay one and the same annual fees.

Article 148. (1) The fees under the Rate Schedule, which are collected by the Commission, shall be apportioned according to the procedure established by this Act.

(2) The fees for use of an individually assigned scarce resource shall be apportioned as follows:

1. fees for use and for temporary use of radio spectrum:

- (a) 35 per cent: to ensure the resources covered under Article 19 herein;
- (b) 40 per cent: to the budget of the Commission;

(c) (amended, SG No. 15/2013, effective 1.01.2014) 25 per cent: to state budget revenue;

2. (supplemented, SG No. 11/2014, effective 7.02.2014) fees for use of additionally provided radio spectrum and for extension of the validity of an authorisation - lump-sum fee:

- (a) 25 per cent: to ensure the resources covered under Article 19 herein;
- (b) 5 per cent: to the budget of the Commission;

(c) (amended, SG No. 15/2013, effective 1.01.2014) 70 per cent: to state budget revenue;

3. (amended, SG No. 17/2009, supplemented, SG No. 105/2011, effective 29.12.2011) fees for use of an individually assigned resources - numbers: according to the budget of the Commission;

4. fees for use of the geostationary orbital positions allocated to Bulgaria according to international agreements:

- (a) 25 per cent: to ensure the resources covered under Article 19 herein;
- (b) 5 per cent: to the budget of the Commission;
- (c) (amended, SG No. 15/2013, effective 1.01.2014) 70 per cent: to state budget revenue;

5. fees for use of an individually assigned scarce resource after conduct of a tender:

- (a) 25 per cent: to ensure the resources covered under Article 19 herein;
- (b) 5 per cent: to the budget of the Commission;

(c) (amended, SG No. 15/2013, effective 1.01.2014) 70 per cent: to state budget revenue.

(3) The lump-sum fee for granting of an authorization, the fees for modifying and supplementing an authorization, the annual control fee and the fees for administrative services shall be apportioned to the budget of the Commission.

Article 149. (1) All fees shall accrue to the budget of the Commission and shall be apportioned under Article 148 (2) herein not later than the 15th day of the month next succeeding the month during

which the fees accrued to the budget of the Commission.

(2) Fees according to the procedure established by this Chapter shall not be due from:

1. state bodies which implement electronic communications for their own needs in connection with the functions thereof;

2. diplomatic missions and other organizations enjoying the status of diplomatic missions, where implementing electronic communications for their own needs on a basis of reciprocity.

Chapter Nine

MARKETS FOR ELECTRONIC COMMUNICATIONS NETWORKS AND/OR SERVICES

Article 150. (1) (Amended, SG No. 105/2011, effective 29.12.2011) The Commission shall define, analyze and assess the relevant markets for electronic communications networks and/or services as to whether there is effective competition in accordance with the general principles of competition law and the specific national conditions, shall designate undertakings with significant market power and, after assessment of the need of this, shall impose, maintain, amend and/or withdraw specific obligations on the undertakings providing public electronic communications networks and/or services on the relevant markets for attainment of the purposes of this Act.

(2) The terms and procedure for definition, analysis and assessment of the relevant markets and the criteria for designation of undertakings with significant market power shall be established by a methodology.

(3) (Amended, SG No. 17/2009, amended and supplemented, SG No. 105/2011, effective 29.12.2011) The methodology referred to in Paragraph (2) shall be prepared by the Commission in agreement with the Commission on Protection of Competition in accordance with the general principles of competition law and conforming to Community law. The said methodology shall be adopted by the Commission after conduct of a public consultation under Article 36 herein and shall be promulgated in the State Gazette.

Article 151. (1) (Amended and supplemented, SG No. 105/2011, effective 29.12.2011) Periodically, the Commission shall analyze, define and assess the markets for public electronic communications networks and/or services and shall ascertain the existence or lack of effective competition.

(2) (Amended, SG No. 105/2011, effective 29.12.2011) The draft of a decision of the Commission whereby the relevant market is defined, analyzed and assessed whether there is effective competition, including the designation of an undertaking or undertakings with significant market power on the relevant market and the specific obligations which must be imposed, maintained, amended and/or withdrawn on the said undertakings, shall be provided where necessary to the Commission on Protection of Competition for an opinion and shall be posted on the Internet site of the Commission for public consultation for a period not shorter than thirty days. The Commission on Protection of Competition shall pronounce within thirty days after receipt of the said draft.

(3) Within thirty days after expiry of the time limit referred to in Paragraph (2), the Commission shall consider the opinions and proposals received and shall post the said opinions and proposals on the Internet site thereof, with the exception of the parts constituting a business secret, the accepted proposals and the incorporation thereof in the draft, as well as the reasoning for the rejected proposals.

(4) (Repealed, SG No. 105/2011, effective 29.12.2011).

(5) (Amended, SG No. 105/2011, effective 29.12.2011) Upon completion of the procedure referred to in Paragraphs (2) and (3), the Commission shall coordinate the draft of a decision according to the procedure established by Article 42 herein.

Article 152. (1) (Amended, SG No. 17/2009, SG No. 105/2011, effective 29.12.2011) The Commission shall define relevant markets in accordance with the requirements of European Union law

and national circumstances.

(2) (Amended, SG No. 105/2011, effective 29.12.2011) The Commission shall determine the product scope and the geographical scope of the relevant markets according to the methodology referred to in Article 150 (2) herein.

(3) (Repealed, SG No. 105/2011, effective 29.12.2011).

(4) (Repealed, SG No. 105/2011, effective 29.12.2011).

(5) (Amended, SG No. 17/2009, SG No. 105/2011, effective 29.12.2011) In defining a relevant market which differs from those listed in the applicable act of the European Commission, the Commission shall be guided by the principles of competition law and shall investigate whether the criteria specified in Items 1, 2 and 3 have been met cumulatively:

1. (supplemented, SG No. 105/2011, effective 29.12.2011) presence of high and non-transitory structural, legal or regulatory barriers to market entry, and

2. lack of a possibility to promote and develop competition on the market for a period of up to two years, and

3. insufficient effectiveness of competition law to overcome the barriers referred to in Item 1 and to restore competition on the relevant market.

(6) (New, SG No. 105/2011, effective 29.12.2011) The Commission may decide not to carry out an analysis of a relevant market listed in an applicable act of the European Union where the Commission ascertains that at least one of the criteria covered under Paragraph (5) is not met.

Article 153. (1) The undertakings providing public electronic communications networks and/or services shall provide to the Commission documents and information necessary for conduct of the analysis referred to in Article 151 (1) herein. The said undertakings may not invoke a business secret as a reason for refusal of the provision of documents and information.

(2) The documents and the information referred to in Paragraph (1) shall be specified in the methodology referred to in Article 150 (2) herein.

(3) The members of the Commission and the administration thereof shall be obligated not to disseminate the information received under Paragraph (1), in case the said information constitutes a business secret, and shall sign a declaration to this end, completed in a standard form adopted by decision of the Commission.

Article 154. (1) The Commission shall analyze the effectiveness of competition on the relevant market in accordance with the methods and principles of competition law.

(2) A relevant market shall be considered effectively competitive if no undertaking providing public electronic communications networks and/or services which, whether individually or jointly with other undertakings, has significant market power on the said market.

Article 155. (1) In the cases where on the basis of an analysis of a relevant market it is ascertained that competition is effective, the Commission shall not impose specific obligations on the undertakings providing public electronic communications networks and/or services on the relevant market.

(2) In case specific obligations have been imposed, the Commission shall withdraw the said obligations in respect of the undertakings providing public electronic communications networks and/or services on the relevant market.

(3) (New, SG No. 105/2011, effective 29.12.2011) In case specific obligations have been imposed on undertakings providing conditional access to digital radio and television programme services, the said obligations may be amended or withdrawn where, on the basis of a market analysis it is ascertained that competition is effective only to the extent that:

1. accessibility for end-users to radio and television broadcasts, broadcasting channels and services, specified as subject to "must carry" obligations, would not be adversely affected by the withdrawal or amendment of the obligations;

2. the prospects for effective competition would not be adversely affected in the markets for:

(a) retail digital television and radio broadcasting services;

(b) conditional access systems and other associated software or hardware facilities.

(4) (New, SG No. 105/2011, effective 29.12.2011) The parties affected by the amendment or withdrawal of obligations under Paragraph (3) shall be given a sufficient period of notice of the forthcoming amendment or withdrawal of the obligations.

Article 156. (1) (Amended, SG No. 105/2011, effective 29.12.2011) In the cases where, on the basis of an analysis of a relevant market, it is ascertained that competition is not effective, the Commission shall identify undertakings which individually or jointly have a significant market power on a relevant market and shall impose specific obligations on any such undertaking or undertakings.

(2) (Amended, SG No. 105/2011, effective 29.12.2011) In case specific obligations have been imposed on the undertaking or undertakings with significant market power, the Commission shall maintain the validity of the said obligations or, where appropriate, shall amend the said obligations.

(3) (Repealed, SG No. 105/2011, effective 29.12.2011).

(4) (Repealed, SG No. 105/2011, effective 29.12.2011).

(5) (New, SG No. 105/2011, effective 29.12.2011) The Commission can determine that two or more undertakings jointly have a significant market power if, even in the absence of structural or other links between them, they operate in a market which is characterized by a lack of effective competition and in which no single undertaking has significant market power.

(6) (New, SG No. 105/2011, effective 29.12.2011) In case an undertaking has significant market power on a specific market, it may also be designated as an undertaking having significant market power on a closely related relevant market where, on the basis of a market analysis, it is ascertained that the links between the two markets allow the market power held by the undertaking in the first market to be leveraged into the second market, thereby strengthening the market power of the undertaking.

(7) (New, SG No. 105/2011, effective 29.12.2011) In the cases referred to in Paragraph (6), the Commission may impose on the undertaking specific obligations according to Items 1, 2, 3 and 5 of Article 166 (2) herein in the second market as well, intended to prevent leverage of the significant market power of the said undertaking to the second market and, where such specific obligations are insufficient, obligations according to Article 221 (3) herein shall be imposed as well.

Article 156a. (New, SG No. 105/2011, effective 29.12.2011) In designating a particular undertaking as an undertaking with significant market power on a relevant market, as well as in designating undertakings which jointly have a significant market power on a relevant market, the Commission shall have regard to the criteria established in the methodology referred to in Article 150 (2) herein.

Article 157. (Amended, SG No. 105/2011, effective 29.12.2011) Upon determination of the specific obligations which the Commission may impose, maintain, amend or withdraw, the Commission must respect the following principles:

1. proportionality of the obligations imposed considering the reason for the ineffective competition ascertained and the result sought;

2. justification;

3. introduction of regulatory intervention on emerging markets, even where the existence of a market entrant or entrants with large market shares has been ascertained.

Article 157a. (New, SG No. 105/2011, effective 29.12.2011) (1) The Commission shall define, analyze and assess relevant markets and shall impose, maintain, amend or withdraw specific obligations on undertakings with significant market power on relevant markets:

1. within three years from determining specific obligations for the undertaking or undertakings with significant market power on the same relevant market; this period may be extended for up to three additional years after the Commission approaches the European Commission with a reasoned proposal for extension, in case the European Commission has not objected to the said proposal within one month after receipt thereof;

2. within two years after amendment of the relevant act of the European Commission defining

relevant markets which have not been previously identified by the European Commission as susceptible to ex ante regulation.

(2) In case the Commission does not complete the analysis of the relevant market within the time limits referred to in Paragraph (1), the Commission may approach the Body of European Regulators for Electronic Communications with a request for assistance in completing the analysis of the relevant market and in determining the specific obligations to be imposed. In such case, the Commission shall make the draft of a decision available to the European Commission within six months after making the request for assistance in compliance with the procedure under Article 42 herein.

Article 157b. (New, SG No. 105/2011, effective 29.12.2011) In the case of transnational markets identified by a decision of the European Commission, the Commission and the national regulatory authorities concerned shall conduct an analysis of the markets in accordance with the applicable act of the European Commission and, in a concerted fashion, shall decide on the imposition, maintenance, amendment or withdrawal of specific obligations.

Chapter Ten

ACCESS AND INTERCONNECTION

Section I

General Dispositions

Article 158. An undertaking providing public electronic communications networks shall have a right and, when requested by another undertaking, an obligation to negotiate interconnection of the networks of the said undertakings for the purpose of provision of public electronic communications services and ensuring interoperability of services.

Article 159. (1) The undertakings providing public electronic communications networks shall be free to negotiate access and/or interconnection and shall conclude contracts in writing.

(2) (New, SG No. 105/2011, effective 29.12.2011) The undertakings shall ensure access and/or interconnection taking into consideration the obligations imposed by the Commission, where any such have been determined.

(3) (Renumbered from Paragraph (2), SG No. 105/2011, effective 29.12.2011) The undertakings shall transmit a copy of the contract or of the amendments thereof to the Commission for information within one month after the signing of the said contract or amendments.

Article 160. (Amended, SG No. 105/2011, effective 29.12.2011) (1) For attainment of the purposes covered under Article 4 herein and respecting the principles referred to in Article 5 herein, the Commission shall encourage and, where appropriate, impose on the undertakings providing public electronic communications networks and/or services, obligations to ensure access and/or interconnection and interoperability of services, with a view to promoting efficiency, sustainable competition, efficient investment and innovation and giving the maximum benefit to end-users.

(2) In addition to the obligations which the Commission may impose on an undertaking with significant market power according to the procedure established by Chapter Nine herein, in connection with Paragraph (1) the Commission may impose obligations such as:

1. to the extent that is necessary to ensure end-to-end connectivity, obligations on undertakings that control access to end-users, including in justified cases obligations to interconnect the networks thereof, where this is not already the case;

2. in justified cases and to the extent that is necessary, obligations on undertakings that control access to end users, to make the services thereof interoperable;

3. to the extent that is necessary to ensure accessibility for end-users to designated digital radio and television broadcasting services, obligations on undertakings providing public electronic

communications networks to ensure access to application program interfaces or access to electronic programme guides on fair, objective and non-discriminatory terms.

Article 161. (1) The undertakings providing public electronic communications networks for distribution of digital television services shall ensure that the networks of the said undertakings are capable of distributing wide-screen television services and programme services.

(2) The undertakings providing public electronic communications networks that receive and redistribute wide-screen television services shall maintain the same wide-screen television format.

Article 162. (1) The undertakings providing public electronic communications network and/or services and the staff thereof shall respect the requirements for confidentiality with regard to the information received in the course of or in connection with negotiations on access and/or interconnection, and shall use the said information solely for the purposes for which it was intended.

(2) The information referred to in Paragraph (1) shall not be provided to any parties whereto such information could ensure competitive advantages.

(3) The undertakings providing public electronic communications network and/or services shall be obligated to provide the information referred to in Paragraph (1) relating to access and/or interconnection to the Commission for exercise of the powers thereof under this Chapter.

Article 163. (Amended, SG No. 105/2011, effective 29.12.2011) The Commission may intervene on matters of access and/or interconnection on its own initiative and where justified, with a view to attaining the purposes covered under Article 4 herein, respecting the principles referred to in Article 5 and complying with the requirements of this Act.

Article 164. The terms and procedure for establishment of access and/or interconnection shall be established by an ordinance adopted by the Commission, which shall be promulgated in the State Gazette.

Article 165. (Supplemented, SG No. 105/2011, effective 29.12.2011) Undertakings providing public electronic communications networks and/or services within the territory of another Member-State of the European Union may request access and/or interconnection according to the procedure established by this Chapter without submitting a notification to the Commission in case they do not provide services and do not maintain networks within the territory of Bulgaria.

Section II

Specific Obligations for Access and Interconnection (Heading amended, SG No. 105/2011, effective 29.12.2011)

Article 166. (1) The Commission may impose, maintain, amend or withdraw specific obligations on undertakings with significant market power on a relevant market to provide efficient access and/or interconnection, and interoperability of services, to the benefit of end-users and to encourage effective competition.

(2) The Commission may impose the following obligations referred to in Paragraph (1) for attainment of the purposes covered under Article 4 herein:

1. transparency;
2. non-discrimination;
3. accounting separation;
4. access to and use of necessary network means and facilities;
5. price controls, including obligations relating to cost orientation.

(3) (New, SG No. 105/2011, effective 29.12.2011) For attainment of the purposes covered under Article 4 herein, the Commission may, in exceptional cases, impose functional separation and other obligations for access and/or interconnection, in addition to the obligations provided for in Paragraph (2), after obtaining consent from the European Commission.

(4) (Renumbered from Paragraph (3), SG No. 105/2011, effective 29.12.2011) In implementing

the functions thereof referred to in Paragraph (1), the Commission shall respect the principles of objectivity, transparency, proportionality, and non-discrimination.

Article 167. (1) (Amended, SG No. 105/2011, effective 29.12.2011) The obligation to ensure transparency shall involve publication of specified information such as: financial statements, technical specifications, network characteristics, terms and procedure for provision of access and/or interconnection, terms of use, prices, conditions limiting access to and/or use of services and applications.

(2) The Commission may specify the content of the information which must be published, the level of detail required, and the manner of publication, taking into consideration the need to safeguard business secrets.

(3) In case where, besides the obligation referred to in Paragraph (1), an obligation of non-discrimination has been imposed on an undertaking referred to in Article 166 (1) herein, the Commission may require that the said undertaking publish a reference offer. The reference offer may include:

1. conditions for interconnection and access:

(a) description of the services related to interconnection and access for each of the networks, conditions and lead times for provision of the said services;

(b) location of the points of interconnection or access, conditions and lead times for opening and/or closing of the said points;

(c) (amended, SG No. 105/2011, effective 29.12.2011) network elements whereto access is offered;

(d) standards and quality requirements;

(e) other relevant information necessary for use of the service;

2. co-location services:

(a) (supplemented, SG No. 105/2011, effective 29.12.2011) information about the sites where co-location is offered and planned changes; availability of this information could be restricted to interested parties only, in order to ensure network security;

(b) co-location options, including physical co-location and, if possible, distant co-location and virtual co-location;

(c) (repealed, SG No. 105/2011, effective 29.12.2011);

(d) characteristics of and technical restrictions on the facilities which can be co-located;

(e) security measures;

(f) access conditions for staff of competitive undertakings;

(g) safety standards;

(h) rules for the allocation of space, where co-location space is limited;

(i) conditions for examination, on the part of competitive undertakings, of sites, where co-location is possible or sites where co-location was refused on grounds of lack of capacity;

3. conditions included in the contracts for access and interconnection:

(a) (supplemented, SG No. 105/2011, effective 29.12.2011) lead time for responding to requests for supply of services, lead time for supply of the services, lead time and procedures for fault resolution, service level agreements, procedures to return to a normal level of service and quality of service parameters;

(b) standard contract terms, including, where appropriate, compensation for failure to meet lead times for provision of services;

(c) conditions for provision of the service of carrier selection on a call-to-call basis or by means of pre-selection;

(d) conditions for number portability;

(e) prices and pricing mechanism;

(f) other relevant information necessary for use of the service;

4. (new, SG No. 105/2011, effective 29.12.2011) conditions for access to operational support system, as well as to information systems or databases for pre-ordering, provisioning, ordering, maintaining and repair requests, and billing;

5. (new, SG No. 105/2011, effective 29.12.2011) conditions for unbundled access to the local loop:

(a) the network elements to which access is offered:

(aa) full and shared unbundled access to the local loop, including full access to a local loop which is not active;

(bb) full and shared unbundled access to a local sub-loop, including full access to a local sub-loop which is not active;

(cc) where relevant, access to network elements which are not active for the purpose of roll-out of backhaul networks;

(dd) where relevant, conditions for duct access enabling the roll-out of access networks;

(b) information on the location of sites of physical access to the network, including distribution cabinets and distribution frames, availability of local loops, sub-loops and backhaul in specific parts of the access network and, where relevant, locations of ducts and the availability of space within ducts;

(c) technical conditions related to access to and use of local loops and sub-loops, including technical characteristics of the twisted pair, optical fibre and equivalent, cable distributors and associated facilities and, where relevant, technical conditions related to access to ducts;

(d) lead time and conditions for ordering, provisioning procedures and usage restrictions.

(4) The conditions referred to in Item 3 (c) of Paragraph (3) shall be applicable in respect of undertakings with significant market power on the relevant retail market.

(5) The prices referred to in Item 3 (e) of Paragraph (3) shall have an unbundled structure allowing charging only for the service required from the undertaking providing public electronic communications networks, where the said service can be provided independently.

(6) (Amended, SG No. 105/2011, effective 29.12.2011) Where an obligation referred to in Item 4 of Article 166 (2) herein has been imposed on an undertaking providing public electronic communications networks concerning wholesale network infrastructure access, including unbundled access to the local loop, the Commission shall impose on the said undertaking an obligation to publish a reference offer containing at least the conditions referred to in Item 3 (a), (b) and (e), Items 4 and 5 of Paragraph (3).

(7) By decision adopted according to the procedure established in Article 37 herein respecting the principles covered under Article 5 herein and for attainment of the purposes covered under Article 4 herein, the Commission shall approve without remarks the reference offers or shall obligate the undertakings to amend the reference offers thereof.

(8) The individual agreements concluded between the undertakings may not conflict with the reference offer.

(9) The reference offer may be amended on the initiative of the obligated undertaking or of the Commission according to the procedure established by Paragraph (7).

Article 168. (Amended, SG No. 17/2009, SG No. 105/2011, effective 29.12.2011) The obligation to ensure non-discrimination shall entail application of equivalent conditions in similar circumstances to other undertakings providing equivalent electronic communications services, as well as provision of services and information under the same conditions and of the same quality as those under which the undertaking provides its own services and/or which the undertaking offers to the parties related thereto or to commercial partners.

Article 169. (1) The obligation to ensure accounting separation may be imposed upon provision of access and/or interconnection.

(2) In case an obligation of non-discrimination under Article 168 herein has been imposed, the Commission may oblige a vertically integrated undertaking to ensure transparency of the wholesale

prices of services and of the internal transfer prices.

(3) The Commission may also impose the obligation under Paragraph (2) where it considers that there exists an opportunity for violation of the prohibition of cross-subsidy.

(4) The Commission may, after consultations with the undertaking concerned, specify the format and the accounting methodology to be used in determination of prices.

(5) To ensure implementation of the obligations referred to in Paragraphs (2) and (4), the Commission may require that the undertakings providing public electronic communications networks provide accounting records and information including data on revenues received by third parties.

(6) The Commission may publish the information received where this would contribute to creating conditions for effective competition, while respecting the requirements for safeguarding business secrets.

Article 170. (1) (Amended, SG No. 17/2009, SG No. 105/2011, effective 29.12.2011) The obligation of cost orientation for specified types of access and/or interconnection shall include determination of prices on the basis of costs upon application of a cost accounting system with a view to ensuring effective and sustainable competition and maximizing consumer benefits.

(2) The obligation referred to in Paragraph (1) shall be imposed where the Commission ascertains, on the basis of the analysis under Article 151 herein, a lack of effective competition on the market due to the presence of an undertaking with significant market power which might sustain prices at an excessively high level or apply a price squeeze to the detriment of end-users.

(3) (Amended, SG No. 105/2011, effective 29.12.2011) Upon imposition of the obligation referred to in Paragraph (1), the Commission shall take into consideration the investments made by the undertaking providing public electronic communications networks, including in next generation networks, at a reasonable rate of return on capital employed taking into account any risks specific to a particular new investment network project.

(4) (Amended, SG No. 17/2009) The obligation relating to price controls for the provision of specific types of access and/or interconnection may include applying a price cap, pricing on the basis of a comparative analysis between the prices set by the undertaking and the prices for the same services in comparable competitive markets of other Member States of the European Union, and/or determining a plan for gradual reduction of the prices for a specified period of time after which the level of prices must reach a pre-set level.

Article 171. (1) (Amended, SG No. 105/2011, effective 29.12.2011) Where an obligation for cost orientation has been imposed on an undertaking providing public electronic communications networks, in applying the cost accounting system developed by the said undertaking, the burden of proof that the charges set thereby are derived from costs, including a reasonable rate of return on investment, shall lie with the undertaking concerned.

(2) (Amended, SG No. 105/2011, effective 29.12.2011) For the purpose of calculating the cost of efficient provision of services, the Commission may use cost accounting methods independent of the methods used by the undertaking concerned.

(3) The Commission may require the undertaking referred to in Paragraph (1) to provide full justification of the prices and, where necessary, to adjust the said prices.

Article 172. (1) (Amended, SG No. 105/2011, effective 29.12.2011) An undertaking on which an obligation has been imposed to develop and implement a cost accounting system, shall make a description of the said system publicly available, showing at least the main categories under which costs are grouped and the rules used for the allocation of costs.

(2) The Commission shall order a verification of compliance with the cost accounting system by an independent auditor, and the results of the said verification shall be published annually.

Article 172a. (New, SG No. 105/2011, effective 29.12.2011) (1) The Commission may impose an obligation on a vertically integrated undertaking with significant market power in a relevant market to place activities related to the wholesale provision of access services in an independently operating

undertaking.

(2) The Commission may impose the obligation referred to in Paragraph (1) where it ascertains that the obligations imposed under Article 166 (1) and (2) herein have failed to achieve effective competition and that there are important and persisting competition problems and/or distortion of relevant markets for wholesale access.

(3) The obligation referred to in Paragraph (1) shall be imposed in proportion to the problem which has arisen and in accordance with the purposes covered under Article 4 herein as an exceptional measure.

(4) The separated undertaking referred to in Paragraph (1) shall supply wholesale access services to all undertakings, including to related parties, on the same terms and conditions, including prices and timescales.

(5) The Commission shall impose the obligation referred to in Paragraph (1) after conduct of a public consultation according to the procedure referred to in Article 36 and after authorization by the European Commission.

Article 172b. (New, SG No. 105/2011, effective 29.12.2011) (1) In case the Commission intends to impose an obligation under Article 172a (1) herein for functional separation, it shall transmit a decision to the European Commission which shall include the draft measure accompanied by:

1. evidence justifying the conclusions that the obligations imposed under Article 166 herein have failed to achieve effective competition;

2. a reasoned assessment that there is no or little prospect of effective and sustainable infrastructure-based competition;

3. an analysis of the expected impact on the Commission, on the undertaking whereon the obligation is imposed, on the workforce employed in the separated undertaking, on other interested parties, on incentives to invest in the sector, particularly with regard to the need to ensure social and territorial development, on competition, as well as any potential entailing effects on consumers;

4. an analysis of the reasons justifying that this obligation would be the most efficient means to address the competition problems identified in the relevant market.

(2) The draft of a decision referred to in Article 172a (1) herein shall include:

1. a description of the measure, specifying the level of separation and the legal form of the separated undertaking;

2. a description of the assets of the separated undertaking and of the networks and/or services to be supplied thereby;

3. the governance arrangements to ensure the independence of the separated undertaking, including in respect of the staff employed, as well as independence in decision making;

4. identification of the specific obligations of the separated undertaking, including requirements for compliance with the said obligations;

5. rules for the purpose of ensuring a possibility to monitor compliance with the obligations identified, including requirements to the separated undertaking to publish an annual report.

Article 172c. (New, SG No. 105/2011, effective 29.12.2011) (1) If the European Commission adopts a favourable decision on the draft of a decision referred to in Article 172b herein, the Commission shall conduct a coordinated analysis and assessment of the markets impacted by the development of the access network according to the procedure established by Article 151 herein.

(2) On the basis of the analysis and assessment conducted under Paragraph (1), the Commission shall impose, maintain, amend or withdraw specific obligations according to the procedure established by Article 42 herein.

Article 172d. (New, SG No. 105/2011, effective 29.12.2011) The Commission may impose on an undertaking with an obligation for functional separation all or any of the obligations referred to in Article 166 (1) and (2) herein in a relevant market for which the said undertaking has been designated as an undertaking with significant market power thereon.

Article 172e. (New, SG No. 105/2011, effective 29.12.2011) (1) In case an undertaking with significant market power on one or several relevant markets intends to transfer all or part of the local access network assets thereof to an unrelated legal person or to establish a separate legal entity for provision of access on equivalent terms to all undertakings providing retail services, including to its own retail divisions, the said undertaking shall inform the Commission of the said intent three months in advance.

(2) The undertaking referred to in Paragraph (1) shall notify the Commission of the final outcome, as well as of any change of the intents thereof.

Article 172f. (New, SG No. 105/2011, effective 29.12.2011) (1) The Commission shall assess the effect of the transfer of local access network assets by conducting a coordinated analysis of the different markets related to the local access network according to the procedure established by Article 151 herein.

(2) On the basis of the analysis and the assessment referred to in Paragraph (1), the Commission shall impose, maintain, amend or withdraw obligations imposed according to the procedure established by this Act on the undertaking referred to in Article 172e (1) herein.

(3) The Commission may impose on the undertaking which has acquired local access network assets all or any of the obligations referred to in Article 166 (1) and (2) herein in a relevant market for which the said undertaking has been designated as an undertaking with significant market power thereon.

Section III

Access to and Use of Necessary Network Elements and Facilities (Heading amended, SG No. 105/2011, effective 29.12.2011)

Article 173. (Amended, SG No. 105/2011, effective 29.12.2011) The Commission may decide to impose on an undertaking with significant market power an obligation to provide access to and use of necessary network elements and/or facilities, inter alia in situations where the denial of access, or setting of terms and conditions having a similar effect to denial, would hinder the emergence of a sustainable competitive market of retail services or would be detrimental to end-users.

Article 174. (1) The Commission may impose the obligation referred to in Article 173 herein, requiring the undertaking:

1. (amended, SG No. 105/2011, effective 29.12.2011) to give third parties access to specific network elements and/or facilities, including access to network elements which are not active, for the purpose, inter alia, of ensuring unbundled access to the local loop, to ensure access for the purpose of provision of carrier selection services for each call and/or on subscriber basis, as well as to ensure access for provision of the wholesale subscriber line rental service;

2. to negotiate in good faith with undertakings requesting access;

3. not to withdraw access already granted;

4. to provide specified services on a wholesale basis for resale by third parties;

5. to grant open access to technical interfaces, protocols or other key technologies that are indispensable for the interoperability of services or for provision of virtual network services;

6. (amended, SG No. 105/2011, effective 29.12.2011) to provide co-location or other forms of sharing of associated facilities;

7. to provide specified services needed to ensure interoperability of end-to-end services to users, including means for intelligent network services or roaming on mobile networks;

8. to provide access to operational support systems or similar software systems necessary to ensure effective competition in the provision of services;

9. (amended, SG No. 105/2011, effective 29.12.2011) to interconnect networks or network facilities;

10. (new, SG No. 105/2011, effective 29.12.2011) to give access to associated services.

(2) Upon imposition of the requirements covered under Paragraph (1), the Commission may attach conditions covering fairness, reasonableness and timeliness.

Article 175. (Amended, SG No. 105/2011, effective 29.12.2011) The Commission shall impose the obligation referred to in Article 173 herein for attainment of the purposes covered under Article 4 herein, adhering to the principle of proportionality and taking into consideration:

1. (amended, SG No. 105/2011, effective 29.12.2011) the technical and economic viability of using or installing facilities by competing undertakings providing public electronic communications networks and/or services, in the light of market development and the nature and type of interconnection and access involved;

2. the feasibility of providing access, in relation to the capacity available;

3. (amended, SG No. 105/2011, effective 29.12.2011) the initial investments made by the infrastructure owner, taking account of any public investment made and the risks involved in making the said investment;

4. (amended, SG No. 105/2011, effective 29.12.2011) the need to safeguard competition in the long term, and more specifically economically efficient infrastructure-based competition;

5. the relevant intellectual property rights;

6. the provision of pan-European services;

7. specific obligations imposed on the same undertaking on neighbouring related markets.

Article 175a. (New, SG No. 105/2011, effective 29.12.2011) (1) When imposing the obligation referred to in Article 173 herein, the Commission may lay down technical or operational conditions to be met by the undertaking providing the access and or by the undertaking benefiting from the said access, where necessary to ensure normal operation of the network.

(2) In case the conditions referred to in Paragraph (1) include following technical standards and/or standardization deliverables, the obligations shall be in compliance with the requirements of Section II of Chapter Sixteen herein.

Article 176. (Repealed, SG No. 105/2011, effective 29.12.2011).

Article 177. (Amended and supplemented, SG No. 17/2009, repealed, SG No. 105/2011, effective 29.12.2011).

Section IV

Protected Services and Conditional Access

Article 178. (1) Protected services shall be the following services, provided on the basis of conditional access and against remuneration:

1. radio broadcasting;

2. television broadcasting;

3. Information Society services;

4. provision of conditional access to the services referred to in Items 1, 2 and 3.

(2) Access to a protected service covered under Paragraph (1) shall be allowed by means of a conditional access device provided by the protected service provider.

(3) (New, SG No. 17/2009) It shall be an infringement to carry out an activity including the manufacture, import, distribution, sale, rental, possession, installation, maintenance, replacement or promotion for commercial purposes of illicit devices giving access to a protected service.

Article 179. (1) The systems for conditional access to digital radio and television programme services, irrespective of the means of conveyance, shall ensure the undertakings providing electronic communications networks a technical capability for cost-effective access to the control of protected services provided on the basis of conditional access.

(2) The undertakings referred to in Paragraph (1), controlling conditional access systems, shall offer the radio and television broadcasters and the protected service providers a technical capability

enabling their digitally transmitted services to be received only by listeners or viewers authorized by means of decoders.

(3) The decoders shall be administered by the undertakings providing conditional access services.

(4) The technical capability referred to in Paragraph (2) shall be provided to the radio and television broadcasters and the protected service providers on a fair, reasonable and non-discriminatory basis.

(5) The undertakings providing conditional access shall keep separate accounts regarding the activity referred to in Paragraph (2).

Article 180. (1) The intellectual property rights to production of conditional access products and systems shall be granted on fair, reasonable and non-discriminatory terms.

(2) The granting of the rights referred to in Paragraph (1) shall not be subject to conditions prohibiting, deterring or discouraging the inclusion in the same product of:

1. a common interface allowing connection with several other access systems, or

2. means specific to another access system, provided that the licensee complies with the relevant and reasonable conditions ensuring the security of information exchange with conditional access system operators.

Article 181. The Commission may impose on the undertakings under this Section obligations to provide access to electronic programme guides and access to application program interfaces.

Chapter Eleven

UNIVERSAL SERVICE

Section I

Characteristics and Scope of Universal Service

Article 182. (1) Universal service shall be a set of services of specified quality, which is available to all end-users regardless of their geographical location on the territory of the country, at an affordable price.

(2) Universal service shall include:

1. (amended, SG No. 105/2011, effective 29.12.2011) connection at a fixed location to a public electronic communications network regardless of the technology used;

2. (new, SG No. 105/2011, effective 29.12.2011) provision of public telephone services over the connection referred to in Item 1 that allows for receiving and originating national and international calls;

3. (renumbered from Item 2 and supplemented, SG No. 105/2011, effective 29.12.2011) provision of public pay telephones and/or other public voice telephony access points of specified quality, which ensure the possibility to make emergency calls, free of charge, to national numbers and to the single European emergency call number "112";

4. (renumbered from Item 3, SG No. 105/2011, effective 29.12.2011) provision of a telephone directory for the numbers of all subscribers to public telephone services;

5. (repealed, renumbered from Item 4 and supplemented, SG No. 105/2011, effective 29.12.2011) provision of directory enquiry services accessible to all end-users, including users of public pay telephones and/or other public voice telephony access points;

6. provision of access to public telephone services, including the emergency call services, telephone directory and directory enquiry services, for persons with disabilities, similar to the services enjoyed by other end-users.

(3) (Amended, SG No. 105/2011, effective 29.12.2011) The terms and procedure for provision of the services referred to in Paragraph (1) shall be established in an ordinance of the Minister of Transport, Information Technology and Communications on a motion by the Commission, which shall

be promulgated in the State Gazette.

Section II

Universal Service Provision

Article 183. (1) (Amended, SG No. 105/2011, effective 29.12.2011) The undertakings obligated to provide the service referred to in Item 1 of Article 182 (2) herein shall meet each reasonable request for connection at a fixed location to a public telephone network and for access to a public electronic communications network.

(2) (Amended, SG No. 105/2011, effective 29.12.2011) The connection provided under Paragraph (1) shall be capable of supporting voice, facsimile and data communications at data rates that are sufficient to permit functional Internet access, taking into account prevailing technologies used by the majority of subscribers, as well as technological feasibility.

Article 183a. (New, SG No. 105/2011, effective 29.12.2011) The undertakings which are obligated to provide the service referred to in Item 2 of Article 182 (2) herein shall meet each reasonable request for the provision of a public telephone service over the connection referred to in Item 1 of Article 182 (2) herein that allows for receiving and originating national and international calls.

Article 184. (1) (Amended, SG No. 105/2011, effective 29.12.2011) The undertakings obligated to provide the service referred to in Item 3 of Article 182 (2) herein shall ensure:

1. (amended and supplemented, SG No. 105/2011, effective 29.12.2011) a specified number of public pay telephones and/or other public voice telephony access points in terms of geographical coverage, in order to meet the reasonable needs of end-users;

2. (amended, SG No. 17/2009, SG No. 105/2011, effective 29.12.2011) access to public pay telephones for persons with disabilities;

3. quality of service.

(2) The undertakings referred to in Paragraph (1) shall ensure access to the emergency call services, including the call number "112", from public pay telephones without having to use coins, tokens, phone cards or any other means of payment.

Article 185. (1) (Amended, SG No. 17/2009, amended and supplemented, SG No. 105/2011, effective 29.12.2011) The undertakings which are obligated to provide universal service under Item 4 of Article 182 (2) herein shall publish at least one public telephone directory in accordance with the requirements of this Act, in a printed and/or electronic form approved by the Commission. The telephone directory shall be updated on a regular basis but at least once a year.

(2) The directory referred to in Paragraph (1) shall be universally available.

Article 186. (Amended, SG No. 105/2011, effective 29.12.2011) The undertakings obligated to provide universal service referred to in Items 4 and 5 of Article 182 (2) herein shall respect the principle of non-discrimination in handling the information provided by other undertakings.

Article 187. (1) (Amended, SG No. 105/2011, effective 29.12.2011) The undertakings obligated to provide universal service shall take specific measures in order to ensure persons with disabilities access to and affordability of the services referred to in Item 2 to 4 of Article 186 (2) herein.

(2) (Amended, SG No. 105/2011, effective 29.12.2011) The undertakings referred to in Paragraph (1) shall ensure end-users with disabilities telephone directory, directory enquiry services, contracts and itemized bills in alternative format.

(3) (New, SG No. 105/2011, effective 29.12.2011) The undertakings referred to in Paragraph (1) shall ensure end-users with disabilities a possibility to monitor and control their expenditure by themselves by means similar to the means enjoyed by other end-users.

(4) (Renumbered from Paragraph (3) and supplemented, SG No. 105/2011, effective 29.12.2011) The undertakings referred to in Paragraph (1) shall create conditions for ensuring persons with disabilities access to public pay telephones and other public voice telephony access points.

(5) (Renumbered from Paragraph (4), SG No. 105/2011, effective 29.12.2011) The terms, procedure and means for provision of universal service to persons with disabilities shall be established by the ordinance referred to in Article 182 (3) herein.

(6) (New, SG No. 105/2011, effective 29.12.2011) In substantiated cases, the Commission may specify applicable additional quality of service standards, where relevant parameters have been developed, to assess the performance of undertakings in the provision of services to end-users with disabilities.

Article 188. (1) (Amended, SG No. 105/2011, effective 29.12.2011) The undertakings obliged to provide universal service shall post on the Internet site thereof and shall provide to the Commission up-to-date information on fulfilment of the universal service obligation in accordance with the requirements and the quality of service and customer support parameters as determined in the ordinance referred to in Article 182 (3) herein .

(2) (Amended, SG No. 105/2011, effective 29.12.2011) The Commission may specify the content, form and manner of provision of information referred to in Paragraph (1) in order to ensure that end-users have access to comprehensive, comparable and easily accessible information.

(3) (New, SG No. 105/2011, effective 29.12.2011) The Commission shall set performance targets for the parameters of universal service quality for the undertakings with universal service obligations after conduct of public consultations according to the procedure established by Article 37 herein.

(4) (Renumbered from Paragraph (3) and supplemented, SG No. 105/2011, effective 29.12.2011) Where a persistent failure to fulfil the obligations referred to in Paragraph (1) is ascertained, the Commission may order an independent auditor to conduct a check, paid for by the undertaking concerned, in order to ensure the accuracy and comparability of the data made available by undertakings with universal service obligations.

Article 189. The Commission shall prepare a consolidated annual report on the degree of supply of universal service to the public and shall post the said report on the Internet site thereof. The said report shall be an integral part of the report of the Commission referred to in Article 38 herein.

Section III

Designation of Undertakings with Universal Service Obligation

Article 190. (Supplemented, SG No. 105/2011, effective 29.12.2011) The Commission shall assign to one or more undertakings providing public electronic communications networks and/or services, to provide all or some of the services covered under Article 182 (2) herein in all or in part of the national territory for the purpose of ensuring universal service at all points within the national territory.

Article 191. (1) The Commission shall assign the provision of universal service, inter alia after conduct of a contest procedure, observing accordingly the rules under Chapter Five herein, respecting the principles of objectivity, transparency and non-discrimination and in the interest of end-users, without excluding a priori any undertaking from the opportunity of being assigned the provision of universal service or a part thereof.

(2) Upon designation of the undertakings under Article 190 herein, the Commission shall consider the most expedient economic manner for provision of universal service, which may be used for calculating the net costs of the universal service obligation.

Article 191a. (New, SG No. 105/2011, effective 29.12.2011) When an undertaking referred to in Article 190 herein intends to dispose of a substantial part or all of its local access network assets to a legal person under different ownership, it must inform in advance the Commission in a timely manner, in order to allow the Commission to assess the effect of the intended transaction on the provision of universal service referred to in Items 1 and 2 of Article 182 (2) herein.

Article 192. (Amended, SG No. 105/2011, effective 29.12.2011) The Commission may decide not

to assign the obligations under Article 184 (1) herein in all or part of the national territory if, after consultations with the interested parties according to the procedure established by Article 37 herein, the Commission ascertains that such telephones, facilities and comparable services are widely available.

Article 193. The procedure for selection of the undertakings providing public electronic communications networks and/or services, and for assigning of the universal service obligation shall be established in the ordinance referred to in Article 182 (3) herein.

Article 194. (Supplemented, SG No. 105/2011, effective 29.12.2011) The Commission shall notify the European Commission of the undertakings designated under this Section and of the obligations imposed and of any subsequent amendment to the said obligations.

Section IV

Affordability of Universal Service

Article 194a. (New, SG No. 105/2011, effective 29.12.2011) The Commission shall monitor the evolution and level of retail prices and price packages of the services referred to in Article 182 (2) herein where the said services are provided on the basis of an imposed obligation or are provided under market conditions, if no undertakings with obligations to provide the said services have been designated, in particular in relation to national consumer prices and income.

Article 195. (1) The manner of determining the universal service prices and price packages shall be specified in a methodology elaborated by the Commission and adopted by the Council of Ministers.

(2) The draft of the methodology referred to in Paragraph (1) shall be published for public consultation under Article 36 herein.

Article 196. (1) The undertakings providing public electronic communications networks and/or services shall determine the universal service prices and price packages on the basis of the methodology referred to in Article 195 herein.

(2) The undertakings referred to in Paragraph (1) shall submit for approval by the Commission the prices and price packages referred to in Paragraph (1) together with the pricing documents, at least sixty days prior to the entry into effect of the said prices and packages.

(3) The Commission shall consider the prices and price packages referred to in Paragraph (1) within thirty days after the submission of the said prices and packages and may oblige the undertakings referred to in Paragraph (1) to adjust the prices and price packages in accordance with the requirements of this Act and the methodology referred to in Article 195 herein.

(4) (Supplemented, SG No. 105/2011, effective 29.12.2011) The undertakings referred to in Paragraph (1) shall publish the universal service prices and price packages as approved by the Commission at least fourteen days prior to the entry into effect of the said prices and packages by posting the said information on the Internet site thereof, displaying it in a conspicuous place at the distributive trade establishments thereof or in another appropriate manner.

Article 197. (Amended, SG No. 105/2011, effective 29.12.2011) (1) The Commission may oblige the undertakings providing universal service to offer end-users and in particular persons with disabilities, with special social needs and on low incomes price packages which depart from those offered under normal commercial conditions.

(2) The Commission may oblige the undertakings providing universal service to apply special price packages, prices affordable to all, geographically averaged retail prices throughout the national territory, or to comply with price controls according to the methodology referred to in Article 195 herein.

(3) The undertakings whereon obligations referred to in Paragraphs (1) and (2) have been imposed shall respect the principles of transparency and non-discrimination upon the provision of the services thereof.

(4) The Commission may amend or withdraw the obligations referred to in Paragraphs (1) and (2).

Article 198. (1) (Amended, SG No. 105/2011, effective 29.12.2011) The undertakings obligated to provide universal service shall ensure end-users a possibility to monitor and control their expenditure by themselves and to avoid unwarranted disconnection of service by means of:

1. free-of-charge provision of itemized bills;
2. free-of-charge selective barring for outgoing calls, Short Message Service and Multimedia Messaging Service messages and premium messages and, where technically feasible, of other similar applications;
3. provision of possibilities to pay for access to public communications networks and use of public telephone services on pre-paid terms;
4. allowing consumers to pay the fees for connection to public communications networks on the basis of payments phased over time;
5. warning beforehand of a possible consequent service interruption or disconnection upon non-payment of bills; any interruption shall be confined to the service concerned, as far as this is technically feasible, except in cases of fraud, persistent late payment or non-payment of bills; within one month prior to disconnection, only calls that do not incur a charge to the subscriber shall be permitted;
6. provision of information regarding alternative lower-cost tariffs, if available;
7. free-of-charge alerts in case of abnormal or excessive consumer patterns.

(2) The manner of enjoyment of the facilities covered under Paragraph (1) shall be specified in the General Conditions for Relationships between the Undertaking and End-Users.

(3) (Amended and supplemented, SG No. 105/2011, effective 29.12.2011) The Commission may not impose the obligations under Paragraph (1) or withdraw the said obligations, in case such have already been imposed, in all or part of the national territory if the Commission ascertains that the respective facilities are widely available.

Article 199. No charges shall be due by end-users for any services and facilities offered by the undertakings providing universal service, which are not necessary for or inherent to the service provision.

Section V

Recovery of Net Costs of Universal Service Provision

Article 200. (1) (Amended, SG No. 105/2011, effective 29.12.2011) The undertakings designated to provide universal service may request to be compensated for the proven net costs where the provision of universal service represents an unfair burden on the said undertakings.

(2) (Amended, SG No. 17/2009, SG No. 27/2010, effective 9.04.2010, SG No. 105/2011, effective 29.12.2011) The existence of an unfair burden shall be determined on the basis of the net costs and taking into consideration the intangible advantages for the undertaking referred to in Paragraph (1) associated with provision of universal service or of part thereof, provided that the service can only be provided at a loss or at prices below the reasonable margin of profit.

Article 201. (1) The Commission shall prepare and adopt rules for calculation of the net costs of universal service provision.

(2) (Amended, SG No. 17/2009, SG No. 105/2011, effective 29.12.2011) The undertakings obligated to provide universal service referred to in Item 2 of Article 182 (2) herein shall calculate the net costs of universal service provision according to the rules referred to in Paragraph (1).

(3) (Repealed, SG No. 105/2011, effective 29.12.2011).

(4) (Repealed, SG No. 105/2011, effective 29.12.2011).

Article 202. (1) (Amended, SG No. 105/2011, effective 29.12.2011) The resources for recovery of the net costs of universal service provision shall be raised in a Universal Service Recovery Fund, hereinafter referred to as "the Fund". The resources for recovery of the net costs of universal service provision shall be raised from undertakings providing public telephone services and from other sources.

(2) The Fund shall be a legal person with a registered office in Sofia.

(3) The National Audit Office shall exercise control over the activity of the Fund.

(4) The Fund shall be exempt from payment of central-government and local taxes and fees only for the operations related to recovery of the net costs of universal service. The resources of the Fund shall be held at the Bulgarian National Bank.

(5) The transformation, dissolution and liquidation of the Fund shall be regulated by a law.

Article 203. (1) The Fund shall be managed by a Managing Board which shall consist of seven members, including a Chairperson and a Deputy Chairperson, who shall be designated as follows:

1. the Chairperson: by the Communications Regulation Commission;

2. the Deputy Chairperson: by the Minister of Transport, Information Technology and Communications;

3. one member: by the Governor of the Bulgarian National Bank;

4. one member: by the Minister of Labour and Social Policy;

5. one member: by the Minister of Finance;

6. one member: by the Commission on Protection of Competition;

7. one member: by the Commission for Consumer Protection.

(2) Annually, not later than the 31st day of May, the Managing Board of the Fund shall prepare a report on the preceding year, addressed to the Minister of Transport, Information Technology and Communications, the Minister of Finance, the Minister of Labour and Social Policy, the Governor of the Bulgarian National Bank, the Communications Regulation Commission, the Commission for Consumer Protection and the Commission on Protection of Competition, which shall include:

1. the amount of the net costs incurred by universal service provision;

2. evaluation of the intangible advantages of undertakings associated with universal service provision;

3. the amount of the contributions of the undertakings to the Fund;

4. the amount of the resources spent.

(3) The report referred to in Paragraph (2) shall be posted on the Internet site of the Communications Regulation Commission.

Article 204. (1) The decisions of the Managing Board shall be adopted by a simple majority. The said decisions shall be accessible to the general public.

(2) The Managing Board shall elaborate and adopt Rules of Operation of the Fund.

(3) The administrative support to the Fund shall be ensured by the administration of the Commission.

Article 205. The resources of the Fund shall be spent only on recovery of net costs incurred by universal service provision according to the procedure established by this Section.

Article 205a. (New, SG No. 105/2011, effective 29.12.2011) Recovery of the net costs shall be undertaken in an objective, transparent, proportionate and non-discriminatory manner, without distorting competition and user demand.

Article 206. (1) (Supplemented, SG No. 27/2010, effective 9.04.2010) The undertakings providing public voice telephone services shall pay contributions to the Fund under the terms and according to the procedure established by this Section. Undertakings with gross annual revenues not exceeding BGN 100,000 shall be exempt from the payment.

(2) The amount of the contributions referred to in Paragraph (1) for the respective year may not exceed 0.8 per cent of the gross revenue from the provision of a public telephone service, exclusive of value added tax, after deduction of the transfer payments to other undertakings for network interconnection and for access, transit, roaming, value added services.

(3) The undertakings referred to in Paragraph (1) shall pay the contributions within one year after the entry into effect of the decision referred to in Article 208 (2) herein. A failure to pay the contributions when due shall constitute a material violation of this Act. Upon delay of payment, legal

interest shall be charged on the contributions.

(4) The contributions of the undertakings under Paragraph (1) shall be accounted for as imputed costs.

(5) (New, SG No. 105/2011, effective 29.12.2011) Undertakings which do not provide public telephone services within the national territory shall not owe contributions under Paragraph (1).

Article 207. (1) Applications for recovery of net costs of universal service provision for the last preceding calendar year, accompanied by the required evidence, shall be submitted by the undertakings referred to in Article 206 herein to the Commission not later than the 30th day of June of the current year.

(2) (Amended, SG No. 105/2011, effective 29.12.2011) The Commission shall verify the calculations and evidence presented regarding the recovery applied for. The Commission may require additional information and/or evidence from the undertakings.

(3) (Amended, SG No. 105/2011, effective 29.12.2011) The Commission shall order an audit of the accounts and/or other information serving as the basis for the calculation of the net costs of universal service obligations.

(4) (Amended, SG No. 105/2011, effective 29.12.2011) The audit shall be paid for by the undertaking audited, and the costs incurred shall be included upon calculation of the net costs.

(5) (New, SG No. 105/2011, effective 29.12.2011) The results of the cost calculation and the conclusions of the audit shall be publicly available.

(6) (New, SG No. 105/2011, effective 29.12.2011) Within forty-five days after completion of the audit, the Commission shall render an opinion regarding:

1. the existence of an unfair burden for the respective undertaking referred to in Article 206 herein associated with universal service provision;

2. the amount of recovery requested by the respective applicant.

(7) (New, SG No. 105/2011, effective 29.12.2011) The Commission may order the conduct of additional surveys and expert examinations for preparation of an opinion under Paragraph (6).

Article 207a. (New, SG No. 105/2011, effective 29.12.2011) In case the opinion referred to in Article 207 (6) herein confirms the existence of an unfair burden, the Commission shall require from the undertakings referred to in Article 206 (1) herein data on the gross revenue thereof.

Article 207b. (New, SG No. 105/2011, effective 29.12.2011) The Commission shall present to the Managing Board the opinion referred to in Article 207 (6) herein and the accompanying materials, as well as data on the gross revenue of the undertakings referred to in Article 206 (1) herein.

Article 208. (1) (Amended, SG No. 105/2011, effective 29.12.2011) Within seven days after receipt of the opinion referred to in Article 207b herein, the Managing Board shall pronounce by decision on the total amount of the compensation due to all applicants for the last preceding year, as well as regarding the specific amount payable to each one of the said applicants.

(2) (Amended, SG No. 17/2009) By the decision referred to in Paragraph (1), the Managing Board shall determine the percentage of the gross revenue and the amount of the contribution to the Fund for each undertaking referred to in Article 206 (1) herein.

(3) Within thirteen months after the entry into effect of the decision referred to in Paragraph (2), the Fund shall pay the compensations due to the applicants. The financial result of the undertakings referred to in Article 206 herein, providing universal service, shall be debited with the amount of the compensation when the said financial result is adjusted for tax purposes.

(4) The compensations referred to Paragraph (3) shall be paid in equal quarterly instalments.

(5) In case the total amount of the compensation due to all applicants exceeds the amount of the resources in the Fund, allocated for recovery of net costs for the preceding year, the compensations shall be paid in proportion to the ratio between the total amount of the compensation due to all applicants and the total amount of the resources in the Fund for the relevant year. The unpaid balance of the compensation shall be due in the succeeding year.

Chapter Twelve

(Repealed, SG No. 105/2011, effective 29.12.2011)

LEASED LINES

Article 209. (Repealed, SG No. 105/2011, effective 29.12.2011).

Article 210. (Amended, SG No. 17/2009, repealed, SG No. 105/2011, effective 29.12.2011).

Article 211. (Amended, SG No. 17/2009, repealed, SG No. 105/2011, effective 29.12.2011).

Article 212. (Amended, SG No. 17/2009, repealed, SG No. 105/2011, effective 29.12.2011).

Article 213. (Repealed, SG No. 17/2009).

Article 214. (Repealed, SG No. 17/2009).

Article 215. (Repealed, SG No. 17/2009).

Chapter Thirteen

PRICES

Article 216. (1) The undertakings providing public electronic communications networks and/or services shall determine prices according to demand and supply, ensuring non-discrimination of users, categories of end-users, traffic volume and other conditions related to freedom of contract.

(2) The undertakings providing public electronic communications networks and/or services may offer price packages for services, ensuring a right of the user to use services not tied in a price package, outside the price package.

(3) The undertakings providing public electronic communications networks and/or services may offer discounts for the services used under publicly known conditions, where used by anyone who meets the pre-announced conditions for the provision of the said services.

(4) The undertakings providing public electronic communications networks and/or services shall submit the retail prices for information to the Commission within three days prior to the entry into effect of the said prices.

(5) The undertakings providing public electronic communications networks and/or services shall make public the prices by posting on the Internet sites thereof or by publication in a place accessible to users.

Article 217. (Amended, SG No. 105/2011, effective 29.12.2011) (1) The Commission may regulate prices of electronic communications services where an obligation for price controls and/or cost orientation has been imposed for an undertaking with significant market power on a relevant market by a decision adopted according to the procedure established by this Act.

(2) In case this Act provides that the undertakings providing electronic communications networks and/or services shall determine prices respecting the principle of cost orientation or covering the costs and if the said undertakings do not determine the prices between them, the said prices shall be determined by the Commission. The undertakings shall submit to the Commission the proposals with the prices determined thereby together with the relevant pricing documents. In case the prices submitted by the undertakings do not comply with the requirements of this Act, the Commission shall return the prices for adjustment within one month. In case the undertakings fail to adjust the prices or fail to prove the compliance of the said prices with the requirements of this Act within the time limit referred to in the foregoing sentence, the Commission shall impose price controls according to one of the following methods:

1. limiting the growth of the prices to a predetermined price threshold;
2. comparative analysis between the prices determined by the undertakings and the prices for a similar service applied in the Member States of the European Union.

Article 218. The undertakings providing public electronic communications networks and/or

services, whereon a specific obligations relating to cost orientation and a cost accounting system has been imposed, shall submit to the Commission detailed information on the costs of the relevant services annually, within four months after closing of the financial year.

Article 219. (1) (Amended, SG No. 105/2011, effective 29.12.2011) The undertakings referred to in Article 217 (1) herein shall submit the prices of the regulated electronic communications services to the Commission one month prior to the publication of the said prices together with the relevant pricing documents.

(2) (New, SG No. 105/2011, effective 29.12.2011) The undertakings referred to in Article 217 (1) herein shall submit the prices of temporary promotional packages including regulated electronic communications services to the Commission two weeks prior to the publication of the said prices together with the relevant pricing documents.

(3) (Renumbered from Paragraph (2) and amended, SG No. 105/2011, effective 29.12.2011) In case the prices do not correspond to the specific obligations as imposed, the Commission shall return the said prices to the undertakings referred to in Paragraph (1) for adjustment within one month.

(4) (Renumbered from Paragraph (3), SG No. 105/2011, effective 29.12.2011) Once in six months, the Commission may require the undertakings referred to in Article 218 herein to prove the cost orientation of prices, allowing the relevant undertaking one month to comply.

(5) (Renumbered from Paragraph (4) and supplemented, SG No. 105/2011, effective 29.12.2011) In case the undertakings referred to in Paragraph (1) fail to adjust the prices or, respectively, to prove the cost orientation of the said prices, within the one-month time limit referred to in Paragraph (3) or (4), the Commission may impose price controls conforming to the specific obligations as imposed or to the provisions of this Act for a period not exceeding six months.

(6) (Repealed, renumbered from Paragraph (5) and amended, SG No. 105/2011, effective 29.12.2011) The undertakings referred to in Article 217 (1) herein shall determine prices of services which shall comply with the following conditions:

1. the said prices must not contain any pricing elements based solely on the significant market power of the undertaking on the relevant market;

2. the said prices must not contain any discounts which impede the possibilities for competition on the part of other undertakings providing the relevant electronic communications service;

3. the said prices must not create any advantages for particular users of the same or similar electronic communications service;

4. the said prices must not be below the level of the costs of provision of the said services;

5. (new, SG No. 105/2011, effective 29.12.2011) the said prices must not apply a price squeeze.

Article 220. (1) The Commission may impose price controls and requirements for cost orientation in respect of the prices for access and interconnection on undertakings with significant market power on the relevant market.

(2) (Amended and supplemented, SG No. 105/2011, effective 29.12.2011) Upon imposition of price controls under Paragraph (1), the Commission may employ methods such as:

1. limiting the growth of the prices of services to a predetermined price threshold;

2. comparative analysis between the prices determined by the undertaking and the prices of the same services in comparable competitive markets of other Member States of the European Union;

3. determining a plan for gradual reduction of prices for a definite period of time, whereafter the level of prices must reach a predetermined level;

4. (new, SG No. 105/2011, effective 29.12.2011) determining wholesale prices on the basis of the prices of services provided on a vertically related wholesale market less the costs relevant to the performance of the services on the retail market.

(3) Cost oriented prices shall be determined by the undertakings in accordance with a cost accounting system where this is provided for according to the procedure established by this Act and is imposed by decision of the Commission.

Article 221. (1) (Amended, SG No. 105/2011, effective 29.12.2011) The Commission may regulate retail prices of electronic communications services offered by undertakings with significant market power on a relevant retail market under the terms and according to the procedure established by this Act, where the Commission determines that the imposition of specific obligations under Chapter Ten herein will not prejudice the attainment of the purposes covered under Article 4 herein.

(2) (Amended, SG No. 105/2011, effective 29.12.2011) The Commission may impose the specific obligations referred to in Items 1, 2, 3 and 5 of Article 166 (2) herein on undertakings with significant market power on the relevant retail market.

(3) (Amended, SG No. 105/2011, effective 29.12.2011) For the purpose of protecting end-users and promoting effective competition, the Commission may impose one or any of the following obligations on the undertakings referred to in Paragraph (1):

1. limiting the growth of the retail prices to a predetermined price threshold;
2. (amended, SG No. 105/2011, effective 29.12.2011) control of individual tariffs;
3. determination of cost oriented retail prices;
4. determination of prices oriented to prices for the same or similar services in comparable relevant markets of the Member States of the European Union.

(4) (Amended, SG No. 105/2011, effective 29.12.2011) The obligations imposed under Paragraph (3) shall be proportionate, justified and be based on the nature of the problem identified, and may include requirements that the undertakings referred to in Paragraph (1):

1. (amended, SG No. 105/2011, effective 29.12.2011) do not charge excessive prices; or
2. (amended, SG No. 105/2011, effective 29.12.2011) do not charge prices which restrict competition or inhibit market entry by other undertakings into the relevant market; or
3. (amended, SG No. 105/2011, effective 29.12.2011) do not show undue preference to specific end-users; or
4. (amended, SG No. 105/2011, effective 29.12.2011) do not unreasonably bundle services.

(5) (Repealed, SG No. 105/2011, effective 29.12.2011).

(6) (Repealed, SG No. 105/2011, effective 29.12.2011).

Article 222. (1) (Amended, SG No. 105/2011, effective 29.12.2011) The Commission may require that the undertakings referred to in Article 217 (1) herein elaborate and apply a cost accounting system, where this is necessary for attainment of the purposes covered under Article 4 herein and respecting the principles covered under Article 5 herein.

(2) Within six months after imposition of the obligations referred to in Paragraph (1), the undertakings referred to in Paragraph (1) shall submit to the commission a draft of a cost accounting system. After consultation with the undertakings, the Commission may require the principles and the main categories under which costs are grouped, and the basic rules used for the allocation of costs.

(3) (Amended, SG No. 17/2009) After consultation with the undertakings referred to in Paragraph (1), the Commission may require that the draft of the cost accounting system be amended and supplemented without jeopardizing the financial viability of the undertaking referred to in Paragraph (1).

(4) (Amended, SG No. 17/2009) The Commission shall approve the cost accounting system within three months after the submission of the said system under Paragraph (2) and may issue binding instructions to the undertakings referred to in Paragraph (1) to amend the cost accounting system.

(5) (Amended, SG No. 17/2009) The undertakings referred to in Paragraph (1) shall ensure that the principles and the main categories under which costs are grouped, and the basic rules used for the allocation of costs, be accessible to the general public, and shall provide the information free of charge upon request.

(6) (Amended, SG No. 17/2009) The undertakings referred to in Paragraph (1) shall publish an annual report with an analysis of compliance with the obligation concerning cost orientation of the public electronic communications networks and/or services.

(7) (Amended, SG No. 17/2009) The undertakings referred to in Paragraph (1) and/or the

Commission may reasonably initiate a change in the cost accounting system according to the procedure established by this Article.

(8) (Amended, SG No. 17/2009) Annually, the Commission shall order verifications of the application of the cost accounting system, which shall be carried out by an independent auditor. The results of the said audit shall be accessible to the general public.

(9) (Repealed, SG No. 17/2009).

(10) (Repealed, SG No. 17/2009).

Article 223. (Repealed, SG No. 105/2011, effective 29.12.2011).

Article 224. The prices of electronic communications services under Chapter Eleven herein shall be determined by the undertakings obligated to provide universal service in accordance with the methodology referred to in Article 195 (1) herein.

Article 224a. (New, SG No. 105/2011, effective 29.12.2011) The undertakings providing public telephone services that allow for originating and receiving international calls shall determine prices for the calls to and from the European Telephony Numbering Space at rates that are not higher than the average price for international calls from and to the Member States of the European Union.

Chapter Fourteen

PROTECTION OF END-USERS' INTERESTS

Article 225. (Amended, SG No. 105/2011, effective 29.12.2011) The undertakings providing electronic communications networks and/or services to end-users shall respect the principles of transparency and non-discrimination conforming to the type of technology used, the categories of subscribers, the traffic volume and the mode of payment, and shall not allow advantages to specific end-users or group of end-users for the same services.

Article 226. (1) (Amended and supplemented, SG No. 105/2011, effective 29.12.2011) The undertakings providing a connection to public electronic communications networks and/or public electronic communications services shall prepare General Conditions of the contract with end-users in the cases where conclusion of individual contracts alone is practically inapplicable.

(2) (Repealed, SG No. 105/2011, effective 29.12.2011).

(3) The General Conditions shall be an integral part of the individual contract between the undertaking and the end-user.

(4) (New, SG No. 105/2011, effective 29.12.2011) The undertakings providing electronic communications services shall offer users a possibility to conclude a contract for an initial duration not longer than two years.

(5) (New, SG No. 105/2011, effective 29.12.2011) The undertakings providing electronic communications services shall offer users a possibility to conclude a contract for a duration of up to one year.

(6) (New, SG No. 105/2011, effective 29.12.2011) Regardless of the duration of the contract, the terms and procedures for termination of the contract between the undertakings providing electronic communications services and the subscribers thereof shall not be an obstacle to changing the undertaking providing the services.

Article 227. (1) (Amended and supplemented, SG No. 105/2011, effective 29.12.2011) The General Conditions of the contract with end-users shall contain at least:

1. (amended, SG No. 105/2011, effective 29.12.2011) identification data on the undertaking;

2. telephone (telefax, electronic mail address), contact address;

3. (amended, SG No. 105/2011, effective 29.12.2011) types, description and quality of services, including:

(a) information on whether access to emergency call services and caller location information is being provided, as well as on the existence of any limitation on the provision of emergency call services;

(b) information on any other conditions limiting access to and/or use of services and applications;
(c) the minimum service quality levels offered, namely the time for the initial connection and, where appropriate, other quality of service parameters, as defined by the Commission under Article 236a herein;

(d) information on any procedures put in place by the undertakings to measure and manage traffic so as to avoid overfilling of particular network links, as well as information on how these procedures could impact on service quality;

(e) maintenance services and customer support services, as well as the means of access to these services;

(f) any restrictions imposed by the undertaking on the use of terminal electronic communications equipment supplied;

4. (amended, SG No. 105/2011, effective 29.12.2011) conditions and time limits for payment for the services offered;

5. (repealed, SG No. 105/2011, effective 29.12.2011);

6. specific measures for persons with disabilities;

7. rights and obligations of the undertaking and the end-users;

8. (amended, SG No. 105/2011, effective 29.12.2011) the means by which up-to-date information on prices of the services offered, all applicable tariffs and maintenance charges may be obtained, the payment methods offered and any differences in costs due to payment method;

9. (supplemented, SG No. 105/2011, effective 29.12.2011) procedures for consideration and pronouncement on complaints, requests and suggestions by end-users, as well as mechanisms for out-of-court resolution of disputes in connection with the contract;

10. liabilities upon non-performance of the contract;

11. terms and procedure for suspension of the provision of the service or services upon non-payment of the amounts due or upon contractual violations on the part of the end-users or the undertaking, related to use of the service or services;

12. (new, SG No. 105/2011, effective 29.12.2011) terms and procedure for termination of the contract on the part of the subscriber;

13. (new, SG No. 105/2011, effective 29.12.2011) terms and procedure for arrangement, determination of the amount and payment of compensations and refunds applicable if contracted service quality levels are not met;

14. (new, SG No. 105/2011, effective 29.12.2011) terms and procedure for arrangement, determination of the amount and payment of compensations, including penalties, due by the undertaking to subscribers, in case the undertaking has ported the number without the consent of the subscriber and/or in breach of the established procedures for implementation of number portability;

15. (new, SG No. 105/2011, effective 29.12.2011) the options and conditions for inclusion of the necessary basic and supplementary data of the subscriber in a telephone directory under Item 4 of Article 182 (1) herein and the provision of the said data to undertakings which compile and publish telephone directories and/or provide directory enquiry services;

16. (new, SG No. 105/2011, effective 29.12.2011) the action that the undertaking may take in reaction to a threat or to incidents related to the security or integrity of the network;

17. (new, SG No. 105/2011, effective 29.12.2011) information related to the use of electronic communications networks and services to engage in unlawful activities or to disseminate harmful content and the means of protection against risks to personal security, privacy and personal data relevant to the service provided by the undertaking.

(2) The General Conditions shall contain obligations of the undertaking to:

1. (supplemented, SG No. 105/2011, effective 29.12.2011) warn in advance about an interruption or deteriorated quality of service upon conduct of maintenance, repair or due to development of the electronic communications network and/or the information systems thereof, as well as about the

duration of the interruption or deterioration of the quality of service;

2. notify the end-users of amendments to the General Conditions at least month before the entry into effect of the said amendments;

3. (new, SG No. 105/2011, effective 29.12.2011) support of services for monitoring and control of expenditure on the part of the subscriber, where such services have been agreed or such obligation has been imposed according to the procedure established by Article 237a herein, including an advance warning prior to reaching a specified financial threshold for consumption;

4. (renumbered from Item 3 and amended, SG No. 105/2011, effective 29.12.2011) give the end-user an advance notification when requiring access to premises of the said end-user;

5. (renumbered from Item 4, SG No. 105/2011, effective 29.12.2011) make publicly available a contact address and/or telephone number in case of breakdowns and for provision of information;

6. (renumbered from Item 5, SG No. 105/2011, effective 29.12.2011) ensure free-of-charge access to the emergency call services upon provision of public telephone services until termination of the contract according to the procedure established by the General Conditions;

7. (renumbered from Item 6, SG No. 105/2011, effective 29.12.2011) provide information about the availability of "calling line identification" and "connected line identification" functions of the electronic communications network upon provision of public telephone services;

8. (renumbered from Item 7, SG No. 105/2011, effective 29.12.2011) retain, for a specified period, the data necessary for billing purposes;

9. (new, SG No. 105/2011, effective 29.12.2011) notifying end-users not later than one month prior to expiry of the duration of the individual contracts therewith.

(3) The undertakings shall elaborate and publish a price list of the services, stating prices of the services offered, price packages or tariffs and conditions for the use thereof.

(4) (New, SG No. 105/2011, effective 29.12.2011) The conditions covered under Paragraphs (1) and (2) must be formulated by the undertakings clearly, comprehensively and in a form easily accessible to subscribers.

(5) (New, SG No. 105/2011, effective 29.12.2011) The Commission may issue binding instructions to the undertakings providing electronic communications services regarding compliance with Paragraph (4).

Article 228. (1) (Redesignated from Article 228 and amended, SG No. 105/2011, effective 29.12.2011) The individual contract under General Conditions between the undertaking providing public electronic communications services and the end-user shall contain at least:

1. identification data on the end-user;

2. telephone (telefax, electronic mail address) and address of the end-user;

3. type and description of services;

4. (amended, SG No. 105/2011, effective 29.12.2011) duration of the contract and conditions for renewal and termination of services and of the contract, including:

(a) any minimum usage or minimum duration required to benefit from promotional terms;

(b) any charges related to portability of the number and other identifiers;

(c) any penalties and compensations due on termination of the contract, including cost recovery with respect to terminal electronic communications equipment;

(d) unilateral withdrawal from the contract on the part of the subscriber on one month's notice;

5. prices, price packages or tariffs, conditions and time limits for payment;

6. (repealed, SG No. 105/2011, effective 29.12.2011).

(2) (New, SG No. 105/2011, effective 29.12.2011) The conditions covered under Paragraph (1) must be formulated clearly, comprehensively and in a form easily accessible to subscribers.

(3) (New, SG No. 105/2011, effective 29.12.2011) The individual contract under General Conditions shall enter into effect within seven days after the conclusion thereof, unless the subscriber had expressly declared a wish in writing that the contract enters into effect immediately.

(4) (New, SG No. 105/2011, effective 29.12.2011) The lack of a declared wish by the subscriber under Paragraph (3) that the contract enter into effect immediately may not be grounds for the undertaking to refuse to conclude a contract. This requirement shall be waived in the cases where terminal equipment is provided as well upon signature of the contract.

(5) (New, SG No. 105/2011, effective 29.12.2011) Within the period referred to in Paragraph (3), where applicable, the subscriber shall have a right to withdraw unilaterally from the contract without penalty.

(6) (New, SG No. 105/2011, effective 29.12.2011) The Commission may issue binding instructions to the undertakings providing electronic communications services regarding compliance with Paragraphs (1) and (2).

Article 229. (1) (Redesignated from Article 229 and amended, SG No. 105/2011, effective 29.12.2011) Where the undertakings provide electronic communications services only on the basis of an individual contract with the end-users, the contract shall contain the conditions covered under Article 227 (1) and (2) and Article 228 herein, which must be formulated clearly, comprehensibly and in a form easily accessible to subscribers.

1. (repealed, SG No. 105/2011, effective 29.12.2011);

2. (repealed, SG No. 105/2011, effective 29.12.2011);

3. (repealed, SG No. 105/2011, effective 29.12.2011);

4. (repealed, SG No. 105/2011, effective 29.12.2011).

(2) (New, SG No. 105/2011, effective 29.12.2011) The Commission may issue binding instructions to the undertakings providing electronic communications services regarding compliance with Paragraph (1).

Article 229a. (New, SG No. 105/2011, effective 29.12.2011) (1) A fixed-term contract may be extended solely with the express written consent of the subscriber regarding the conditions for extension. Where no such consent has been given, after the expiry of the duration of any such contract it shall be transformed into an open-ended contract under the same conditions. The subscriber shall have a right to withdraw from the open-ended contract on one month's notice without penalty.

(2) Any arrangements, which contravene Paragraph (1), shall be null and void.

Article 230. (1) The General Conditions or the amendments thereto shall be published by the undertakings by posting on the Internet sites thereof and being displayed in a conspicuous place at the distributive trade establishments thereof or in another appropriate manner for a period not shorter than thirty days prior to the entry into effect of the said General Conditions or amendments.

(2) (Amended, SG No. 105/2011, effective 29.12.2011) Upon amendment of the General Conditions, the undertaking shall notify the subscriber of the said amendments in an appropriate manner not later than thirty days prior to the entry into effect of the said amendments.

(3) (Amended, SG No. 105/2011, effective 29.12.2011) Upon amendment of the General Conditions on the initiative of the undertaking, each subscriber shall have a right to withdraw from the individual contract without penalty within one month after the entry into effect of the amendments. The provision of the foregoing sentence shall not apply where the amendments do not affect services used by the subscriber.

(4) (New, SG No. 105/2011, effective 29.12.2011) The Commission may determine the manner and form of the notification referred to in Paragraph (2).

Article 231. (Repealed, SG No. 105/2011, effective 29.12.2011, new, SG No. 27/2013)

(1) In case of delivery of TV programmes by enterprises, which provide public electronic communications networks and/or services, a list of the names of the TV programmes, included into the price package, shall be attached to the contract.

(2) The enterprises under Paragraph (1) shall maintain in hard copy and on electronic carrier a register of the complaints, signals and proposals, received from the customers.

(3) In instances of dropping of a TV programme from the list under Paragraph (1) the customer

shall be entitled to terminate the contract without owing any compensation and/or penalty, after serving one month's written notice.

Article 231a. (New, SG No. 105/2011, effective 29.12.2011) (1) The undertakings providing public electronic communications networks and/or services shall be obligated to publish transparent, comparable, adequate and up-to-date information by posting the said information on the Internet site thereof, displaying it in a conspicuous place at the distributive trade establishments thereof or in another appropriate manner at least on:

1. the General Conditions of the contract with end-users, where applicable;
2. designation, address, contact telephone of the undertaking;
3. services offered:
 - (a) type of services offered;
 - (b) standard tariffs, including the services provided and the content of each tariff element, such as charges for access, usage charges, maintenance charges; standard discounts applied, special and targeted tariff schemes, additional charges and costs with respect to terminal electronic communications equipment;
 - (c) compensation and refund policies, including a detailed description of any compensation and refund schemes offered;
 - (d) types of maintenance service offered;
 - (e) standard contract conditions, including any minimum contractual period, termination of the contract and procedures and charges related to the portability of numbers and other identifiers, if relevant;
4. dispute settlement procedures, including those developed by the undertakings;
5. information about rights of end-users as regards universal service, including, where appropriate, the facilities and services in connection with Article 198 (1), Article 257 and Article 134 (1) herein.

(2) The information covered under Paragraph (1) shall be published in a clear, comprehensible and easily accessible form.

(3) The Commission may establish additional requirements in respect of the form in which the information covered under Paragraph (1) is to be published.

Article 231b. (New, SG No. 105/2011, effective 29.12.2011) (1) Acting by itself or through third party procurement, the Commission shall ensure the provision of interactive guides or other similar techniques, where such facilities are not available on the market free of charge or at a reasonable price, which enable end-user to make an independent evaluation of the cost of alternative usage patterns.

(2) In case the Commission has ensured the provision of interactive guides or other similar techniques referred to in Paragraph (1) through third party procurement, the third party shall have a right to use, free of charge, the information published by enterprises providing electronic communications networks and/or services.

Article 231c. (New, SG No. 105/2011, effective 29.12.2011) (1) The Commission may oblige the undertakings providing public electronic communications networks and/or services to post on the Internet site thereof and to notify subscribers in an appropriate manner of:

1. tariffs applicable to the subscriber regarding any number or service subject to particular pricing conditions; with respect to individual categories of services, the Commission may require such information to be provided immediately prior to connecting the call;
2. any changes to access to emergency services or caller location information in connection with the service to which they have subscribed;
3. any changes to conditions limiting the subscriber's use to and/or use of services and applications, where such conditions are permitted under national law;
4. any procedures put in place by the undertaking to measure and manage traffic so as to avoid overfilling of particular network links, as well as information on how those procedures could impact on service quality;

5. the rights of subscribers to determine whether or not to include their personal data in a telephone directory and other supplementary data in accordance with Article 258 herein;

6. products and services designated for subscribers with disabilities.

(2) For attainment of the purposes covered under Article 4 herein, prior to imposing the obligations to notify subscribers in an appropriate manner under Paragraph (1), the Commission may promote self-regulatory or co-regulatory measures agreed among the undertakings.

Article 231d. (New, SG No. 105/2011, effective 29.12.2011) (1) The Commission may oblige the undertakings providing public electronic communications networks and/or services to distribute public interest information free of charge to existing and new subscribers covering, inter alia:

1. the most common uses of electronic communications services to engage in unlawful activities or to disseminate harmful content, particularly where it may prejudice the rights and freedoms of others, including infringements of copyright and related rights, and their legal consequences;

2. the means of protection against risks to personal security, privacy and personal data when using electronic communications services.

(2) The information covered under Paragraph (1) shall be provided by the undertakings to subscribers by the means ordinarily used for communication.

Article 232. (1) (Amended, SG No. 61/2014, effective 25.07.2014) The undertakings providing universal service shall submit the General Conditions of the contracts with end-users of the said service to the Commission for approval at least thirty days before commencement of the provision of the service.

(2) In case the General Conditions do not conform to the requirements of Article 227 herein, within fourteen days after submission of the said conditions the Commission shall notify the undertakings referred to in Paragraph (1), issuing them instructions and allowing them a time limit to cure the non-conformities.

(3) After curing the non-conformities, the undertakings referred to in Paragraph (1) shall lay the General Conditions thereof before the Commission.

(4) (Amended, SG No. 61/2014, effective 25.07.2014) The Commission approved the General Conditions of the undertakings providing universal service within fourteen days after the initial submission of the said conditions or after the said conditions are brought into conformity in accordance with the instructions referred to in Paragraph (2).

(5) (Amended, SG No. 61/2014, effective 25.07.2014) The undertakings referred to in Paragraph (1) shall post on the Internet site thereof and shall display in the distributive trade establishments thereof the General Conditions of the contract with end-users within seven days after approval by the Commission, throughout the period of activity of the said undertakings.

(6) (Repealed, SG No. 105/2011, effective 29.12.2011).

Article 233. (1) The General Conditions may be amended or supplemented on the initiative of the undertaking or of the Commission.

(2) The General Conditions shall be amended or supplemented on the initiative of the undertaking according to the procedure established by Article 232 (2) herein.

(3) The General Conditions may be amended or supplemented on the initiative of the Commission for the purpose of protection of the interests of end-users. In such case, the Commission shall issue binding instructions to the undertakings regarding the relevant amendments.

Article 234. (1) The Commission may elaborate standard General Conditions of the contracts between undertakings and end-users and shall post the said conditions on the Internet site thereof.

(2) The undertakings referred to in Article 226 (1) herein may elaborate the General Conditions thereof in accordance with the standard General Conditions referred to in Paragraph (1).

Article 235. (Repealed, SG No. 105/2011, effective 29.12.2011).

Article 235a. (New, SG No. 105/2011, effective 29.12.2011) (1) The Commission may oblige the undertakings providing electronic communications networks and/or services to publish comparable,

adequate and up-to-date information on the quality of the services thereof and on measures they have taken to ensure equivalence in access for end-users with disabilities.

(2) The Commission shall impose the obligation referred to in Paragraph (1) after conduct of consultations with the interested parties.

(3) Upon request, the undertakings shall supply the information referred to in Paragraph (1) to the Commission in advance of its publication.

Article 236. (Amended, SG No. 105/2011, effective 29.12.2011) The Commission may determine quality of public electronic communications service parameters to be measured, as well as the content, form and manner of the information to be published, including possible quality certification mechanisms, for the purpose of ensuring that end-users, including end-users with disabilities, have access to comprehensive, comparable, reliable and user-friendly information on the quality of the services provided.

Article 236a. (New, SG No. 105/2011, effective 29.12.2011) (1) The Commission may set minimum quality of service requirements for the undertakings providing public electronic communications networks in order to prevent the deterioration of service and the hindering or slowing down of traffic over networks.

(2) Before taking a decision setting minimum quality of service requirements, the Commission shall transmit to the European Commission and the Body of European Regulators for Electronic Communications a draft of a decision which includes the minimum quality of service requirements, a summary of the grounds for the decision and the proposed course of action.

(3) The Commission shall adopt a decision taking the utmost account of the comments and recommendations received from the European Commission.

Article 237. (1) (Amended, SG No. 105/2011, effective 29.12.2011) The undertakings shall take all necessary measures to ensure the fullest possible availability of public telephone services provided over public electronic communications networks in the event of significant network breakdown or in cases of force majeure.

(2) (Amended, SG No. 105/2011, effective 29.12.2011) The undertakings providing public telephone services shall take all appropriate measures to secure uninterrupted access to emergency call services.

Article 237a. (New, SG No. 105/2011, effective 29.12.2011) (1) The Commission may oblige the undertakings providing public telephone services and/or access to public electronic communications networks to make available to end-users all or part of the additional facilities covered under Article 198 (1) and/or Article 257 (1) herein, subject to technical feasibility and economic viability. In analyzing the technical feasibility and the economic viability, the Commission shall take account of the expected impact on the undertaking on which the obligation is imposed.

(2) The manner of enjoyment of the facilities referred to in Paragraph (1) shall be specified in the General Conditions for Relationships between the Undertaking and End-Users.

(3) Taking account of the ensured access of end-users to the facilities covered under Article 198 (1) and/or Article 257 (1) herein and after conduct of consultations under Article 37 herein, the Commission may decide not to impose obligations under Paragraph (1) or to withdraw the obligations in all or part of the national territory if the Commission ascertains that access to such facilities is ensured.

Article 237b. (New, SG No. 105/2011, effective 29.12.2011) The Commission may set requirements to the undertakings providing public electronic communications services to ensure to end-users with disabilities:

1. access to electronic communications services, including emergency call services and services of social value accessible under the "116" numbering range, equivalent to the access provided to the majority of end-users, and

2. taking advantage of the choice of undertaking and services available to the majority of end-users.

Article 237c. (New, SG No. 105/2011, effective 29.12.2011) The undertakings which have obtained authorizations for use of numbers in the numbering range for harmonized numbers for harmonized services of social value, shall take measures to popularize these numbers in order to encourage the provision of the services for which such numbers are reserved.

Article 238. (1) In case an undertaking providing public electronic communications services fails to fulfil any obligations thereof under this Chapter, the affected end-users may, within two months, lodge a complaint in writing with the Commission to consider and resolve the case.

(2) Persons who are permanently resident in another Member State of the European Union and who use the services of an undertaking referred to in Paragraph (1), established within the territory of the Republic of Bulgaria, shall also be considered as end-users.

(3) The complaint referred to in Paragraph (1) must contain an accurate description of all circumstances which have given rise to the complaint, and must be signed by the person.

Article 239. (1) Within seven days after receipt of a complaint, the Commission shall order examination of the circumstances described in the said complaint.

(2) The Commission shall mandatorily require a written opinion from the undertaking referred to in Article 238 (1) herein regarding the circumstances indicated in the complaint.

(3) The Commission may require the complainant to provide additional evidence.

(4) The Commission may refer the complaint and the related case file to independent experts for an expert opinion.

Article 240. The Commission shall pronounce by decision on the complaint within two months after receipt of the said complaint.

Article 241. (1) By the decision referred to in Article 240 herein, the Commission shall issue the undertaking binding instructions to redress the violation committed within a time limit set by the Commission.

(2) The decision of the Commission shall be transmitted to the undertaking referred to in Article 238 (1) herein and to the complainant.

(3) (New, SG No. 105/2011, effective 29.12.2011) The end-user, regardless of the action taken according to the procedure established by Articles 238 and 239 herein, may approach the competent court at any point of the procedure for settlement of the dispute by judicial process or according to the procedure established by the Mediation Act.

Article 242. (1) The Commission shall prepare an annual analysis of the complaints under this Section, in which the Commission shall ascertain the causes of the said complaints.

(2) The analysis shall be included in the annual report of the Commission.

Chapter Fifteen

ELECTRONIC COMMUNICATIONS NETWORK AND SERVICES SECURITY AND INTEGRITY, CONFIDENTIALITY OF COMMUNICATIONS AND PROTECTION OF DATA ON USERS

(Heading supplemented, SG No. 105/2011, effective 29.12.2011)

Section I

Electronic Communications Network and Services Security and Integrity

(Heading supplemented, SG No. 105/2011, effective 29.12.2011)

Article 243. (Amended, SG No. 105/2011, effective 29.12.2011) (1) The undertakings providing public electronic communications networks and/or services shall take appropriate technical and organisational measures to manage the risk posed to security of networks and services. The measures shall ensure a level of security appropriate to the risk presented, taking account of the nature of the problems and the costs of implementing the said measures.

(2) The measures referred to in Paragraph (1) shall be taken to prevent and minimize the impact of security incidents on users and interconnected networks.

Article 243a. (New, SG No. 105/2011, effective 29.12.2011) The undertakings providing public electronic communications networks shall take all steps necessary to guarantee the integrity of the networks thereof and thus to ensure the continuity of supply of services provided over those networks.

Article 243b. (New, SG No. 105/2011, effective 29.12.2011) (1) The undertakings providing public electronic communications networks and/or services shall immediately notify the Commission of any breach of security or impairment of integrity that has had a significant impact on the operation of networks or services.

(2) The Commission may inform the public or require the undertakings to do so, where the Commission determines that disclosure of the breach is in the public interest.

(3) The Commission may, at its own discretion, inform the competent national regulatory authorities of the affected Member States of the European Union and the European Network and Information Security Agency of the cases referred to in Paragraph (1).

(4) The Commission shall inform the Minister of Transport, Information Technology and Communications of the cases referred to in Paragraph (1).

(5) Once a year, the Commission shall submit a summary report on the notifications received under Paragraph (1) and on the action taken to the European Commission and to the European Network and Information Security Agency.

Article 243c. (New, SG No. 105/2011, effective 29.12.2011) (1) The Commission may require the undertakings providing public electronic communications networks and/or services:

1. to provide information needed to assess the security and/or integrity of the services and networks thereof, including documented security policies, and

2. to submit the security to an audit carried out by a qualified independent body, and to make the results of the said audit available to the Commission; the cost of the audit shall be paid by the undertaking.

(2) The Commission may issue binding instructions, including time limits for compliance, to the undertakings referred to in Paragraph (1) to take specific measures for ensuring the security of the networks and the services provided over the said networks.

Article 244. (Supplemented, SG No. 105/2011, effective 29.12.2011) If there is a risk of a breach of the security of the electronic communications networks, the undertaking providing electronic communications services shall inform the subscribers thereof in an appropriate manner concerning the said risk, of the necessary remedies, as well as of the costs involved.

Section II

Confidentiality of Communications

Article 245. (1) The undertakings providing public electronic communications networks and/or services shall be obligated not to disclose and disseminate the communications and the related traffic data, location data, as well as the data necessary to identify the user, which have come to the knowledge of the said undertakings in the course of provision of electronic communications networks and/or services.

(2) The obligations covered under Paragraph (1) shall furthermore apply to the employees of the

undertakings referred to in Paragraph (1), who have or could obtain access to the communications and the data covered under Paragraph (1).

Article 246. (1) For the purpose of protecting the confidentiality of communications and the related traffic data, the listening, recording, storage or other kinds of interception or surveillance of communications by others than the sender and recipient of the communication without the express consent of the sender and recipient shall be prohibited, with the exception of the cases where this is provided for in a law.

(2) The prohibition referred to in Paragraph (1) shall not apply in respect of any undertakings providing electronic communications networks and/or services where:

1. the storage is required for technical reasons or is an essential part of the provision of the service;
2. the technical parameters of the technical parameters of the service are checked by persons empowered under this Act.

(3) In the cases covered under Paragraph (2), the undertakings providing public electronic communications networks and/or services shall be obligated to erase the communications as soon as the reason for the storage of the said communications is no longer valid.

Article 247. (1) In addition to the exceptions covered under Article 246 (2) herein, the restrictions shall furthermore not apply regarding the storage of communications and the related traffic data under the following conditions:

1. the recording is necessary and is provided for in a law for the purpose of providing evidence of the conclusion of commercial transactions, and

2. the sender and recipient of the communications have been informed prior to the recording about the recording, the purposes thereof and the duration of the storage, as well as of the right to refuse such recording.

(2) The recorded communications and related traffic data shall be stored for a period not longer than the period during which the said communications and data can be used according to Item 1 of Paragraph (1).

Section III

Protection of Data on Users

Article 248. (1) (Amended and supplemented, SG No. 105/2011, effective 29.12.2011) The undertakings providing public electronic communications networks and/or services, including networks supporting data collection and identification devices, may process data on users where such data are designated directly for the provision of electronic communications services.

(2) The data on users shall include:

1. traffic data: data necessary for the provision of electronic communications services, for billing, for the formation of the subscriber bills, as well as for proving their reliability:

(a) number of the calling end-user and number of the called end-user, card number if electronic pre-payment cards are used;

(b) start and end of the call, specified by date and time, with accuracy up to the second, to the extent technically feasible, and/or, in case of data transfer, volume of the transferred data, for billing purposes;

(c) type of the service provided;

(d) points of interconnection upon establishment of the call, start and end of the use of the said points, specified by date and hour, with accuracy up to the second, to the extent technically feasible;

(e) data on the type of connection or time zones and geographical areas, necessary for billing purposes;

(f) location of a user of a service provided over a mobile network, including where a roaming service is provided;

2. data necessary for the formation of subscriber bills, as well as for proving the reliability of the said bills, including the following data:

(a) data on the subscriber: in respect of natural persons: forename, patronymic and surname, Standard Public Registry Personal Number and in respect of non-resident persons, Personal Number, in respect of legal persons and of sole trader natural persons: business name, registered office, address of the place of management and relevant identification code;

(b) type of electronic communications services used;

(c) total number of price units charged for the period of formation of the bill in case of periodic payment;

(d) price of the services used for the relevant period;

(e) information related to the option for payment chosen by the subscriber and the payments made and payments due;

(f) information regarding changes in the use of the service: restriction of use, lapse of a restriction;

3. location data: data processed in electronic communications networks giving the geographic position of the electronic communications terminal equipment of the user.

Article 249. (1) The undertakings providing public electronic communications services may not request from a user further data than those covered under Item 2 (a) of Article 248 (2) herein for provision of services. The data on the Standard Public Registry Personal Number may be used solely for the purpose of collection of obligations by a court procedure, and any such data may also be processed where the natural person whereto the said data refer has given his or her express consent.

(2) The undertakings providing public electronic communications services may not make the provision of the services contingent on the consent of the user that the data thereon be used for other purposes.

Article 250. (1) (Supplemented, SG No. 105/2011, effective 29.12.2011) The undertakings providing public electronic communications networks or public electronic communications services, which collect, process and use traffic data for the purpose of a specific call or the establishment of a connection, must erase the said data or make them anonymous upon termination of the said call or connection, unless the said data are directly necessary for the establishment of a new call or connection or in the cases provided for in this Act.

(2) (Amended, SG No. 105/2011, effective 29.12.2011) The undertakings providing public electronic communications services must provide to the users accurate and full information about the type of traffic data which are processed for billing purposes and for interconnection payments, and about the duration of such processing.

(3) The undertakings referred to in Paragraph (1) shall store and process traffic data for the purposes of billing subscribers and for interconnection payment until the payment is effected, except in the cases where they are challenged or payment is pursued according to the procedure established by this Act.

(4) The undertakings referred to in Paragraph (1) shall provide information about traffic data to the Commission at its request, in connection with settlement of disputes on access, interconnection and billing.

(5) The undertakings referred to in Paragraph (1) may use the data covered under Paragraph (1) for the purpose of market research, including the extent to which the electronic communications services provided by the said undertakings satisfy the requirements of users, or for the provision of value added services, requiring a further processing of traffic data or location data other than the traffic data necessary for conveyance of the communication or for the billing of the communication, solely where the said undertakings have obtained the consent of users. The personal data on end-users, received in connection with the research, shall be made anonymous.

(6) After obtaining the prior consent of users, the undertakings referred to in Paragraph (1) may process the information about the types of traffic data for the purpose of market research.

(7) The undertakings referred to in Paragraph (1) shall provide to users accurate and full information about the type of traffic data which are processed, as well as about the duration of such processing.

(8) After obtaining the consent of users, the undertakings referred to in Paragraph (1) shall have a right to provide traffic data related to the users for the purpose of provision of value added services requiring a further processing of traffic data or location data other than the traffic data necessary for conveyance of the communication or for the billing of the communication.

(9) The undertakings referred to in Paragraph (1) shall include a mechanism in their relations with the users, making it possible for user to withdraw the consent thereof given under Paragraph (5) at any time.

Article 250a. (New, SG No. 17/2010, effective 10.05.2010; declared unconstitutional by the Constitutional Court of the Republic of Bulgaria - SG No. 23/2015)

(1) The undertakings providing public electronic communications networks and/or services shall retain, for a period of twelve months, data generated or processed in the process of the activity thereof, which are necessary:

1. to trace and identify the source of the communication;
2. to identify the destination of the communication;
3. to identify the date, time and duration of the communication;
4. to identify the type of the communication;

5. to identify the communications terminal equipment of the user or what purports to be a communications terminal equipment of the user;

6. to identify the location label (Cell ID).

(2) The data covered under Paragraph (1) shall be retained for the needs of the detection and investigation of serious criminal offences and criminal offences covered under Articles 319a to 319f of the Criminal Code, as well as for the tracing of persons.

(3) Other data, including data disclosing the content of the communications, may not be retained according to this procedure.

(4) The undertakings providing public electronic communications networks and/or services shall be obligated to destroy the data after expiry of the period referred to in Paragraph (1).

(5) In respect of data which have been accessed and retained, the head of the authority which submitted a request for access may approach the undertaking which has made the said data available with a request to store the said data for a period not longer than six months reckoned from the date on which the said data were made available.

(6) The data referred to in Paragraph (1) shall be processed and retained in accordance with the requirements of the Personal Data Protection Act.

Article 250b. (New, SG No. 17/2010, effective 10.05.2010; declared unconstitutional by the Constitutional Court of the Republic of Bulgaria - SG No. 23/2015)

(1) The heads of the following authorities shall have the right to request information about the data covered under Article 250a (1) herein, each acting within their competence thereof:

1. the specialized directorates, the territorial directorates and the stand-alone territorial departments of the State Agency for National Security;

2. (amended, SG No. 44/2012, effective 1.07.2012, SG No. 52/2013, effective 14.06.2013, SG No. 53/2014, SG No. 14/2015) the National Police Directorate General, the Combat Against Organised

Crime Directorate General and its territorial units, the Border Police and its territorial units, the Interior Security Directorate, the Sofia MoI Directorate and the regional directorates of the Ministry of Interior;

3. the Defence Information Service and the Military Police Service under the Minister of Defence;
4. the National Intelligence Service.

(2) The respective head of the authorities covered under Paragraph (1) shall prepare a reasoned written request for access to the data covered under Article 250a (1) herein, stating:

1. the legal basis and the purpose for which the access is necessary;
2. the registration number of the case file for which generation of the information is necessary;
3. the data which must be entered in the information;
4. the period of time which the information should cover;
5. the designated official whereto the data are to be made available.

(3) The authorities covered under Paragraph (1) shall keep a special register, which shall not be open to public inspection, in respect of the requests made.

Article 250c. (New, SG No. 17/2010, effective 10.05.2010; declared unconstitutional by the Constitutional Court of the Republic of Bulgaria - SG No. 23/2015)

(1) The data covered under Article 250a (1) herein shall be accessed after permission by the president of the regional court or by a judge empowered thereby exercising jurisdiction over the head office of the authority which requested access, whereupon an order to provide access to the data shall be issued.

(2) The order referred to in Paragraph (1) shall mandatorily contain:

1. the data which must be entered in the information;
2. the period of time which the information should cover;
3. the designated official whereto the data are to be made available;
4. name, position and signature of the judge.

(3) A special register, which shall not be open to public inspection, shall be kept at the regional courts in respect of the permissions as granted or refused.

(4) For the needs of criminal proceedings, the data covered under Article 250a (1) herein shall be made available to the court and to the pre-trial proceedings authorities under the terms and according to the procedure established by the Criminal Procedure Code.

(5) Data covered under Article 250a (1) herein, which concern a president of a regional court, an ascendant, descendant, sibling, spouse or de facto cohabitee thereof, shall be accessed after permission by the president of the competent district court.

Article 250d. (New, SG No. 17/2010, effective 10.05.2010; declared unconstitutional by the Constitutional Court of the Republic of Bulgaria - SG No. 23/2015)

(1) The undertakings providing public electronic communications networks and/or services shall be obligated to ensure receivability of the order referred to in Article 250c (1) and in Article 251 (2) herein 24 hours a day, seven days a week.

(2) The heads of the undertakings providing public electronic communications networks and/or services shall transmit to the Communications Regulation Commission a list, stating therein:

1. a current address for receipt of the order referred to in Article 250c (1) and in Article 251 (2) herein;

2. forename, patronymic, surname and position of the officials empowered to receive the orders referred to in Article 250c (1) and in Article 251 (2) herein, as well as telephones for contact with the said officials; upon any change in the data, the Communications Regulation Commission shall be notified in writing within 24 hours, and the Chairperson of the said Commission shall make the lists immediately available to the heads of the authorities covered under Article 250b (1) herein.

Article 250e. (New, SG No. 17/2010, effective 10.05.2010; declared unconstitutional by the Constitutional Court of the Republic of Bulgaria - SG No. 23/2015)

(1) The undertakings providing public electronic communications networks and/or services shall generate information on the data covered under Article 250a (1) herein after receipt of an order to provide access. Any order to provide access as received shall be recorded in a special register which shall not be open to public inspection.

(2) The undertakings providing public electronic communications networks and/or services shall transmit the data to the official referred to in Item 3 of Article 250c (2) herein within the shortest possible period of time but in any case not later than 72 hours after receipt at the undertaking of the order to provide access referred to in Article 250c (1) and in Article 251 (2) herein. The Minister of the Interior or officials empowered thereby in writing may determine a specific time limit within which the data are to be transmitted.

(3) Solely officials empowered in writing by the competent head of the undertaking may generate information on the data covered under Article 250a (1) herein at the undertakings providing public electronic communications networks and/or services.

(4) After generation, the information shall be signed by the manager of the relevant undertaking providing public electronic communications networks and/or services or by an official empowered thereby in writing. The information shall be recorded in a special register and shall be transmitted to the official whereto the data are to be made available as designated in the order.

(5) If possible, the order of the judge and the order referred to in Paragraph (4) shall be transmitted by electronic means in compliance with the requirements of the Electronic Governance Act and the Electronic Document and Electronic Signature Act.

Article 250f. (New, SG No. 17/2010, effective 10.05.2010; declared unconstitutional by the Constitutional Court of the Republic of Bulgaria - SG No. 23/2015)

The information referred to in Article 250e (4) herein, which is not used in the institution of a pre-trial proceeding, regardless of whether the said information constitutes classified information, shall be destroyed within six months after the date of receipt thereof by a three-member commission whereof the composition shall be determined by the competent head of the authorities covered under Article 250b (1), whereupon a memorandum shall be drawn up.

Article 251. (Amended, SG No. 17/2009, SG No. 17/2010, effective 10.05.2010; declared unconstitutional by the Constitutional Court of the Republic of Bulgaria - SG No. 23/2015)

(1) The data covered under Article 250a (1) herein may furthermore be made available at the

request of a competent authority of another State, where so provided for in an international treaty in force for the Republic of Bulgaria.

(2) The data covered under Article 250a (1) herein shall be accessed upon receipt of a request from a head of a chief or specialized directorate referred to in Items 1 and 2 of Article 250b (1) herein, after written permission by the president of the Sofia City Court or by a judge empowered thereby, whereupon an order to provide access to the data shall be issued. A special register, which shall not be open to public inspection, shall be kept at the Sofia City Court in respect of the permissions as granted or refused.

(3) The competent authority of the other State shall be informed of the result of the information generated on the data covered under Article 250a (1) herein according to the procedure provided for in the international treaty.

Article 251a. (New, SG No. 17/2009; declared unconstitutional by the Constitutional Court of the Republic of Bulgaria - SG No. 23/2015)

(1) (Amended, SG No. 17/2010, effective 10.05.2010) The data referred to in Item 1 of Article 250a (1) herein shall be:

1. concerning a public telephone service: the calling telephone number and data necessary to identify the subscriber or user;

2. concerning Internet access, Internet electronic mail and Internet telephony: the user ID as allocated, the user ID and telephone number as allocated to any communication entering the public telephone network; data necessary to identify the subscriber or user to whom an Internet Protocol (IP) address, user ID or telephone number was allocated at the time of the communication.

(2) (Amended, SG No. 17/2010, effective 10.05.2010) The data referred to in Item 2 of Article 250a (1) herein shall be:

1. concerning a public telephone service: the telephone number dialled (the telephone number called) and, in cases involving supplementary services such as call forwarding or call transfer, the number or number to which the call is routed and data necessary to identify the subscriber or user;

2. concerning Internet electronic mail and Internet telephony: the user ID or telephone number of the intended recipient(s) of an Internet telephony call, data necessary to identify the intended recipient of the communication.

(3) (Amended, SG No. 17/2010, effective 10.05.2010) The data referred to in Item 3 of Article 250a (1) herein shall be:

1. concerning a public telephone service: the date and time of the start and end of the communication;

2. concerning Internet access; Internet electronic mail and Internet telephony: the date and time of the log-in and log-off of the Internet access service, based on a certain time zone, together with the IP address, whether dynamic or static, allocated by the Internet access service provider to a communication, and the user ID of the subscriber or register, the date and time of the log-in and log-off of the Internet electronic mail service or Internet telephony service, based on a certain time zone.

(4) (Amended, SG No. 17/2010, effective 10.05.2010) The data referred to in Item 4 of Article 250a (1) herein shall be:

1. the type of the public telephone service used;

2. concerning Internet electronic mail or Internet telephony: the Internet service used.

(5) (Amended, SG No. 17/2010, effective 10.05.2010) The data referred to in Item 5 of Article 250a (1) herein shall be:

1. concerning a fixed telephone service: the calling and the called telephone numbers;

2. concerning a public telephone service provided through a terrestrial mobile network: the calling and called telephone number, the International Mobile Subscriber Identity (IMSI) of the calling party, the International Mobile Subscriber Identity (IMSI) of the called party, the International Mobile Equipment Identity (IMEI) of the mobile electronic communications terminal equipment of the calling party, the International Mobile Equipment Identity (IMEI) of the mobile electronic communications terminal equipment of the called party; in the case of pre-paid services: the date and time of the initial activation of the service and the location label (Cell ID) from which the service was activated, and data necessary to identify the subscriber or user;

3. concerning Internet access, Internet electronic mail and Internet telephony: the calling telephone number of dial-up access, the digital subscriber line (DSL) or other end point of the originator of the communication.

(6) (Amended, SG No. 17/2010, effective 10.05.2010) Data referred to in Item 6 of Article 250a (1) herein shall be administrative addresses of a terrestrial mobile electronic communications network in which a call originated or terminated.

Article 251b. (New, SG No. 24/2015, effective 31.03.2015) (1) The undertakings providing public electronic communication networks and/or services shall store for a period of 6 months data created or processed in the process of their activity which is necessary for:

1. tracing and identifying the connection source;
2. identifying the direction of the connection;
3. identifying the date, time and duration of the connection;
4. identifying the type of the connection;
5. identifying the terminal electronic communication device of the consumer or of the device which purports to be the terminal device of the consumer;
6. establishing an identifier of the cells used.

(2) The data under Paragraph 1 shall be stored for the needs of national security and for prevention, detection and investigation of serious crimes.

(3) Other data, including the data disclosing the content of the communications cannot be stored according to this procedure.

(4) The data under Paragraph 1 shall be processed and stored in accordance with the requirements of the Personal Data Protection Act.

Article 251c. (New, SG No. 24/2015, effective 31.03.2015) (1) The following persons and entities shall have the right to request information query about the data under Article 251b, Paragraph 1 when the data is needed for implementation of their powers:

1. the specialized directorates, the territorial directorates and the independent territorial departments of the State Agency for National Security;
2. Chief Directorate "National Police", Chief Directorate "Combating Organized Crime" and its territorial units, Chief Directorate "Border Police" and its territorial units, Directorate "Internal Security", the Sofia (Capital City) Directorate of the Interior and the regional directorates of the Ministry of Interior;
3. the Military Information and the Military Police Services at the Ministry of Defence;
4. (amended, SG No. 79/2015, effective 1.11.2015) the State Intelligence Agency.

(2) In order to gain access to the data under Article 251b, Paragraph 1, a reasoned written request shall be prepared by the relevant head of the bodies referred to in Paragraph 1 or by a person authorized thereby, containing:

1. the legal grounds and purpose for which the access is needed;
2. the registration number of the file, under which the information query has to be made and data on the user, when known;

3. the data which must be reflected in the reply to the information query;
4. the time period covered by the information query;
5. the full and comprehensive statements of the facts and circumstances entailing the purpose under Article 251b, Paragraph 2;
6. the designated official whom the data is to be provided to.

(3) The bodies under Paragraph 1 shall keep a special non-public register of the requests made.

Article 251d. (New, SG No. 24/2015, effective 31.03.2015) (1) The access to the data under Article 251b, Paragraph 1 shall be implemented after permission by the chairperson of the district court or by a judge authorized thereby at the whereabouts of the seat of the body that requested access, for which an order for provision of access to the data shall be issued.

(2) The access to data under Article 251b, Paragraph 1, which pertains to a chairman of a district court, to his/her brother or sister, spouse or a person with whom he/she is in factual cohabitation of an ascending or descending order, shall be implemented after permission by the chairman of the relevant regional court.

(3) The order under Paragraphs 1 and 2 shall be properly reasoned and shall obligatorily contain:

1. the data that must be reflected in the reply to the information query;
2. the time period covered by the information query;
3. the designated official whom the data is to be provided to;
4. the name, position and signature of the judge.

(4) A special non-public register shall be kept for the reasoned permissions or refusals decreed at the respective district courts.

(5) For the needs of the penal procedure, the data under Article 251b, Paragraph 1 shall be provided to the court and to the bodies of the pre-judicial procedure under the terms and according to the procedure of the Penal Procedures Code.

Article 251e. (New, SG No. 24/2015, effective 31.03.2015) (1) The undertakings providing public electronic communication networks and/or services shall be obligated to ensure 24-hours-a-day, 7-days-a-week opportunity for receiving the order under Article 251d, Paragraph 1 and under Article 251h, Paragraph 2.

(2) The heads of the undertakings providing public electronic communication networks and/or services shall send to the Communications Regulation Commission a list, in which the following shall be stated:

1. current address for receiving the order under Article 251d, Paragraph 1 and under Article 251h, Paragraph 2;

2. the full names and positions of the empowered officials, who shall receive the orders under Article 251d, Paragraph 1 and under Article 251h, Paragraph 2, as well as telephone numbers for liaising with them. In the case of a change in the data, the Communications Regulation Commission shall be notified within a time limit of 24 hours and its chairman shall immediately provide the lists to the heads of the bodies under Article 251b, Paragraph 1.

Article 251f. (New, SG No. 24/2015, effective 31.03.2015) (1) The undertakings providing public electronic communication networks and/or services shall make an information query about the data under Article 251b, Paragraph 1 after receiving a reasoned order for access. The order for access received shall be registered into a special register which shall not be public.

(2) The undertakings providing public electronic communication networks and/or services shall, within the shortest time limit possible but not later than 72 hours after the receipt by the undertaking of the order for access under Article 251d, Paragraph 1 and under Article 251h, Paragraph 2, send the data to the official under Article 251d, Paragraph 3, Item 3. The Minister of Interior and the Chairman of the State Agency for National Security or officials authorized thereby may specify a particular deadline within which the data is to be sent.

(3) An information query about the data under Article 251b, Paragraph 1 at the undertakings

providing public electronic communication networks and/or services, can be made only by officials authorized in writing by the respective head of the undertaking.

(4) After its preparation, the information shall be signed by the head of the respective undertaking providing public electronic communication networks and/or services or by an official authorized in writing thereby. The information shall be registered in a special register and shall be sent to the official designated in the order whom the data is to be provided to.

(5) If there is an opportunity to do so, the order of the judge and the information under Paragraph 4 shall be sent by electronic means in strict compliance with the requirements of the Electronic Government Act and the Electronic Document and Electronic Signature Act.

(6) The data to which access was gained and which was stored can be preserved by the undertaking which provided it, for a time period not longer than three months from the date of provision to the body which made the request for access, upon its request and after permission issued according to the procedure of Article 251d.

Article 251g. (New, SG No. 24/2015, effective 31.03.2015) (1) The undertakings providing public electronic communication networks and/or service shall be obligated to destroy the data after the expiration of the time limits under Article 251b, Paragraphs 1 and 4 and to provide to the Personal Data Protection Commission a record of the data destroyed during the previous month by the 5th of the present month. The Personal Data Protection Commission shall establish and keep a register of the records provided, which shall not be public in nature. The Personal Data Protection Commission shall perform checks of the legitimacy of the storage and destruction of the data by the undertakings according to the procedure of Article 261a.

(2) The information under Article 251f, Paragraph 1, which is not used in initiating the pre-judicial procedure, regardless of whether it is classified information or not, shall be destroyed within a 3-month time limit from the date of its receipt, by a 3-member commission consisting of members designated by the respective head of the bodies under Article 251b, Paragraph 1, regarding which a record shall be prepared. The record shall be sent immediately to the chairman of the respective court that granted the permission and shall be registered into the register under Article 251d, Paragraph 4.

Article 251h. (New, SG No. 24/2015, effective 31.03.2015) (1) The data under Article 251b, Paragraph 1 can be provided also at the request of a competent body of another country when this is provided for in an international treaty which is in effect in the Republic of Bulgaria.

(2) The access to the data under Article 251b, Paragraph 1 shall be implemented upon a received request by a head of a chief directorate or a specialized directorate under Article 251b, Paragraph 1, Items 1 and 2, after written permission by the chairman of the Sofia City Court or by a judge authorized thereby, regarding which an order to providing access to the data shall be issued. A special non-public register shall be kept at the Sofia City Court for the permissions or refusals decreed.

(3) The competent body of the other country shall be notified according to the procedure provided for in the international treaty of the result of the information generated about the data under Article 251b, Paragraph 1.

Article 251i. (New, SG No. 24/2015, effective 31.03.2015) (1) The data under Article 251b, Paragraph 1, Item 1 shall be:

1. in the case of a public telephone service – the caller telephone number and data for identification of the subscriber or user;

2. in the case of internet access, internet electronic mail and internet telephony – an identifier assigned to the user, an identifier of the user and a telephone number determined for each communication entering the public telephone network, data for identification of the subscriber or user, for whom an IP address, an identifier of the user or a telephone number have been determined at the time of the connection.

(2) The data under Article 251b, Paragraph 1, Item 2 shall be:

1. in the case of a public telephone service – dialled number (called telephone number) and in the

cases of supplementary services such as re-routing or transfer of the call, a number or numbers to which the call is routed and data for identification of the subscriber or user;

2. in the case of internet electronic mail and internet telephony – an identifier of the user or a telephone number of the recipient(s) of an internet telephony call, data for identification of the subscriber or user and an identifier of the recipient for whom the communication is intended.

(3) The data under Article 251b, Paragraph 1, Item 3 shall be:

1. in the case of public telephone service – the date and time of the start and end of the connection;

2. in the case of internet access, internet electronic mail and internet telephony – the date and time of the log-in and log-off the internet access service, based on a certain time zone, together with the IP address, be it dynamic or static, determined for the connection by the internet access service provider and the identifier of the subscriber or user, the date and time of the log-in and log-off the internet electronic mail service or the internet telephony service, based on a certain time zone.

(4) The data under Article 251b, Paragraph 1, Item 4 shall be:

1. the type of the public telephone service used;

2. the internet service used in the case of internet electronic mail or internet telephony.

(5) The data under Article 251b, Paragraph 1, Item 5 shall be:

1. in the case of fixed-line telephony service – the data about the calling phone number and the called telephone number;

2. in the case of a public telephone service, provided via a mobile terrestrial network – data about the calling and the called telephone number; an International Mobile Subscriber Identity (IMSI) of the calling party; an International Mobile Subscriber Identity (IMSI) of the called party; an International Mobile Equipment Identity (IMEI) of the mobile electronic communications terminal equipment of the calling party; an International Mobile Equipment Identity (IMEI) of the mobile electronic communication terminal equipment of the called party; in the case of prepaid services – the date and time of the initial activation of the service and a location label – an identifier of the cell from which the service is activated and an identifier for identification of the subscriber or user;

3. in the case of internet access, internet electronic mail and internet telephony – the calling telephone number for dial-up access, digital subscriber line (DSL) or other end point of the originator of the connection.

(6) The data under Article 251b, Paragraph 1, Item 6 shall be: administrative addresses of cells of a mobile terrestrial electronic communication network from which a call was generated or in which a call was terminated.

Article 252. (1) Traffic data shall be processed by officials designated by the undertakings providing public electronic communications services who shall be responsible for:

1. management of traffic data and of data referred to in Item 2 of Article 248 (2) herein;

2. user enquiries;

3. fraud detection;

4. marketing electronic communications services;

5. providing value added services requiring further processing of traffic data or of location data other than the traffic data necessary for conveyance of the communication or for billing of the communication.

(2) The access of officials shall be restricted to the data necessary for the relevant activity.

Article 253. (1) After receiving a prior written consent, the undertakings providing electronic communications services may process location data on users and subscribers subject to the condition that:

1. the data are made anonymous, or

2. the data are necessary for the purposes and duration of provision of value added services requiring further processing of traffic data or location data other than the traffic data necessary for conveyance of the communication or for billing of the communication.

(2) The undertakings referred to in Paragraph (1) shall inform the end-users thereof in advance of the type of location data referred to in Paragraph (1), which will be processed, of the duration and purposes of such processing, and of the possibility to transmit the data to a third party in connection with the provision of value added services requiring further processing of traffic data or location data other than the traffic data necessary for conveyance of the communication or for billing of the communication.

(3) The undertakings referred to in Paragraph (1) shall ensure to users the possibility, free of charge, of:

1. withdrawing at any time the prior consent given consent given thereby to processing of location data thereof;

2. temporarily refusing the processing of location data thereof for each connection to the electronic communications network or for each transmission of a communication.

Article 254. Location data shall be processed by officials designated by the undertakings referred to in Article 252 (1) herein or by persons empowered by a third party providing value added services and must be restricted to what is necessary for the provision of value added services.

Article 255. (1) (Supplemented, SG No. 17/2009, amended, SG No. 105/2011, effective 29.12.2011) The undertakings referred to in Article 252 (1) herein shall process and provide, for their own account, location data on end-users in case of emergency calls, even where no prior consent to the processing of such data has been obtained or where such processing has been refused under Article 253 (3) herein. The data shall be provided only to the relevant centres for reception of calls to the single European emergency call number "112" as soon as the call reaches the said centres.

(2) (Supplemented, SG No. 17/2009) The undertakings referred to in Article 252 (1) herein shall ensure, for their own account, the hardware and software necessary for routing and transfer of calls to the emergency call centres.

(3) (Amended, SG No. 17/2009) The procedure and terms for provision of location data on end-users and of subscriber data in emergency calls by the undertakings providing public telephone services to the emergency call centres shall be established by rules adopted by the Commission.

Article 256. (1) The undertakings providing public electronic communications services may furthermore collect, process and use the data under covered under Article 248 (2) herein for:

1. detecting, locating and eliminating defects and software errors in the electronic communications networks;

2. detection and cessation of unauthorized use of electronic communications networks and facilities, where there is reason to consider that such actions are performed and this has been claimed in writing by the affected party or by a competent authority;

3. detecting and tracing of nuisance calls, upon a request by the affected subscriber requesting that the undertaking providing the service take measures.

(2) Upon taking the actions covered under Paragraph (1), the undertakings providing public electronic communications services shall inform the persons concerned within the shortest possible period of time, unless this will prevent the achievement of the objectives of this provision.

(3) The data collected according to the procedure established by this Article shall be used only for the purposes indicated in Paragraph (1).

Article 257. (1) (Amended and supplemented, SG No. 29/2015) The undertakings providing public telephone services shall be obligated to ensure the "tone dialling", "calling line identification" and "connected line identification" functions of the electronic communications network. An exception to the obligation referred to in sentence one can be permitted by the commission only in the absence of a technical possibility for a time period of not more than three months.

(2) The undertakings referred to in Paragraph (1), which support the "calling line identification" function of the electronic communications network, shall offer, free of charge, the service of "presentation of calling line identification," giving end-users the possibility, free of charge, to activate or

deactivate the service of "elimination of calling line identification" via a simple means for each particular call or permanently for their respective line.

(3) The undertakings referred to in Paragraph (1), which support the "connected line identification" function of the electronic communications network, shall offer, free of charge, the service of "presentation of connected line identification," giving end-users the possibility, free of charge, to activate or deactivate the service of "elimination of connected line identification" via a simple means for each particular call or permanently for their respective line.

(4) The undertakings referred to in Paragraph (1), which support the "calling line identification" function of the electronic communications network, shall offer the called end-user the possibility, free of charge, via a simple means, to reject incoming calls where the service of "elimination of calling line identification" has been activated on the part of the calling end-user.

(5) Where providing emergency call services, as well as in cases of calls to the services responsible for security, defence and internal order, the undertakings referred to in Paragraph (1) shall guarantee that the service of "elimination of calling line identification" function cannot be activated.

(6) The undertakings referred to in Paragraph (1), which support the "calling line identification" function of the electronic communications network, shall offer the end-users thereof, free of charge, the service of "stopping automatic call forwarding to the terminal equipment of the said end-users."

(7) Where a technical possibility under Paragraph (1) is not available, the Commission, jointly with the undertakings referred to in Paragraph (1) and conforming to the investment policy of the said undertakings, shall establish a procedure and a time limit for making operational these functions of the electronic communications network.

(8) (Repealed, SG No. 105/2011, effective 29.12.2011).

(9) (Amended, SG No. 105/2011, effective 29.12.2011) The undertakings referred to in Paragraph (1) shall provide the networks thereof for establishment of calls, transmission of communications or electronic mail for direct marketing and advertising solely after an express written consent of the subscribers thereof.

(10) The terms and procedure for provision and use of the services referred to in Paragraphs (1), (4) and (6) shall be established by rules adopted by decision of the Commission, which shall be promulgated in the Official Section of the State Gazette.

Article 258. (1) The undertakings providing public electronic communications services, which prepare and publish telephone directories in a printed or electronic form, shall list the name or business name, address and telephone number of the subscriber in the telephone directories free of charge. The telephone directory may also include additional data requested by the subscriber.

(2) (Amended, SG No. 17/2009) The undertakings providing electronic communications services, which assign telephone numbers to the subscribers thereof, shall be obligated to inform their subscribers, in advance and free of charge, of the purposes of the telephone directory in which their data are to be listed, as well as of any further possibility to use the said data via search functions, in the case of electronic telephone directories, enabling users to find a name or business name and an address of the subscribers only on the basis of a telephone number.

(3) The undertakings referred to in Paragraph (1), which publish electronic telephone directories used, inter alia, via the Internet or another electronic communications network, shall be obligated to ensure access to the respective telephone number only where a minimum amount of data has been entered fully and accurately. The undertakings referred to in Paragraph (1) shall be obligated to take appropriate technical and organizational measures to prevent the possibility of copying text from electronic directories.

(4) A subscriber shall have, free of charge, a right to:

1. apply for the listing of all or part of the data thereof in a telephone directory;
2. request verification, a correction or a deletion of all or part of the data thereon in a telephone directory; the data shall be deleted or modified upon publication of a new telephone directory or upon

updating of an existing telephone directory.

(5) The subscriber may request that additional information be included in the telephone directory concerning other persons using jointly the local loop, provided that the said persons have given their prior written consent to such inclusion.

(6) The subscriber must be informed of the possibilities to search the electronic telephone directories, enabling users to obtain information about the name and address of the subscriber only on the basis of the telephone number.

(7) (New, SG No. 17/2009) The undertakings providing electronic communications services, which assign telephone numbers to the subscribers thereof, shall be obligated, when approached with a reasoned request, to make the relevant information and database available to the undertakings which prepare and publish telephone directories in a printed or electronic form, as well as to the undertakings providing directory enquiry services, in an agreed format on terms which are fair, objective, cost-oriented and non-discriminatory. The information and the databases shall be made available provided the subscribers have given their express consent.

(8) (Renumbered from Paragraph (7), SG No. 17/2009) The terms and the procedure for the publication of telephone directories, including the handling of the databases, the transfer and use thereof, shall be established by an ordinance of the Minister of Transport, Information Technology and Communications, which shall be promulgated in the State Gazette.

Article 259. (1) (Amended, SG No. 105/2011, effective 29.12.2011) The undertakings providing public telephone services shall ensure access to directory enquiry services in accordance with the data published in a printed or electronic telephone directory.

(2) (New, SG No. 105/2011, effective 29.12.2011) The Commission may impose obligations on the undertakings that control access to end-users for the provision of directory enquiry services according to the procedure established by Article 160 herein. The said obligations shall be objective, equitable, non-discriminatory and transparent.

(3) (New, SG No. 105/2011, effective 29.12.2011) The Commission shall not impose any regulatory restrictions which prevent end-users from accessing directly the directory enquiry services in other Member States of the European Union by voice call or Short Message Service message.

(4) (Renumbered from Paragraph (2), SG No. 105/2011, effective 29.12.2011) The undertakings referred to in Paragraph (1) shall provide information about the relevant telephone number solely where a minimum amount of data has been provided accurately.

(5) (Amended, SG No. 17/2009, renumbered from Paragraph (3), SG No. 105/2011, effective 29.12.2011) The terms and procedure for provision of directory enquiry services shall be established by the ordinance referred to in Article 258 (8) herein.

Article 260. (1) Subscribers shall have the right not to receive itemized bills after an express request.

(2) (Amended, SG No. 17/2009, supplemented, SG No. 105/2011, effective 29.12.2011) The undertakings providing public telephone services shall provide subscribers, free of charge, with an itemized bill for the services used together with a tax invoice, and shall provide, free of charge, access to information in an electronic form regarding the monthly bills for the services used. The itemized bill shall be provided within month reckoned from the issuing thereof.

(3) An itemized bill shall contain at least the following information:

1. all types of services used by the subscriber within the payment period;
2. number of services used;
3. total price per type of service used;
4. total amount of the bill;
5. amount of taxes charged on the bill, expressed both as per cent of the amount of the bill and as an absolute value;
6. amount of the deductions as may be due to the subscriber, conforming to the manner of use of

the services agreed between the subscriber and the undertaking providing the services;

7. total amount payable;
8. time limit for payment;
9. possible means of remote payment of the bill, with the data necessary for this;
10. identification data on the undertaking providing the services;
11. addresses, telephone numbers and other contact details of the undertaking providing the services.

(4) (Amended, SG No. 105/2011, effective 29.12.2011) The undertakings referred to in Paragraph (2) shall provide, upon request, an itemized bill for the telephone services used which shall contain information at least about:

1. (amended, SG No. 105/2011, effective 29.12.2011) the type of the service used for each call established;

2. the price of each call established;

3. the date, time and duration of each call established;

4. (new, SG No. 105/2011, effective 29.12.2011) number of the calling and called end-user.

(5) (Amended and supplemented, SG No. 105/2011, effective 29.12.2011) The undertakings providing the services shall ensure for subscribers a possibility to receive bills on a paper-based data storage medium or in electronic format.

Article 260a. (New, SG No. 11/2014, effective 8.04.2014) (1) The undertakings providing public electronic communications services through electronic communications networks other than those referred to in Art. 260, shall provide monthly and free of charge to their subscribers detailed written information about the services used, along with a primary accounting document.

(2) The written information shall contain at least the following:

1. Name of subscriber;

2. Type and number of the electronic communications services used by the subscriber;

3. Name of the services or packet service packets provided;

4. Accounting period of the service used ;

5. Total amount due, which shall include the amount due for:

a) Each service when it is not used bundled in a packet of services;

b) Packet of services;

c) Each service used above the packet of services;

d) Each additional service purchased outside the packet or the services;

6. Amount of deductions that may be due to a subscriber according to the manner of usage of the services agreed between the subscriber and the undertaking offering the services;

7. Total amount due on the account;

8. Amount of tax charged on the bill expressed both as a percentage on the amount of the bill, and in absolute figures;

9. Payment deadline;

10. Identification data of the undertaking providing the service, including address and phone.

(3) The undertakings providing the services under Paragraph (1), shall provide the possibility to the subscribers to receive the written information on paper or in electronic form.

(4) The written information under Paragraph (2) shall be stored, by the undertakings under Paragraph (1), within the time limits for storing of the primary accounting document to which it has been provided.

Article 261. (1) (Amended, SG No. 105/2011, effective 29.12.2011) The establishment of calls, messages or electronic mail with or without human intervention for the purposes of direct marketing and advertising shall be allowed only in respect of consumers who have given their prior consent. The consent may be withdrawn at any time.

(2) (Amended, SG No. 105/2011, effective 29.12.2011) Any person who or which, in the context

of a commercial transaction for the provision of products or services, has obtained data through which electronic contact can be established with the consumer, may use the said data for the dispatch of a marketing message and advertising for its own similar products or services provided that the said person gives each consumer the opportunity, free of charge and in an easy manner:

1. to object at the time of conclusion of the transaction;
2. to refuse to receive such communications in future in case the consumer has not done so at the time of conclusion of the transaction.

(3) (Repealed, SG No. 105/2011, effective 29.12.2011).

(4) (Amended, SG No. 105/2011, effective 29.12.2011) The person referred to in Paragraph (2) shall be obligated to comply with each refusal to receive communications for marketing purposes.

(5) (Amended, SG No. 105/2011, effective 29.12.2011) Sending communications for marketing and advertising purposes shall be prohibited even where the requirements under Paragraphs (1) to (3) are fulfilled, if:

1. the party sending such communications cannot be identified, or
2. the communication does not include a valid address whereto the recipient may send a request that such communications cease, or

3. the communication does not satisfy the requirements of Items 1 to 4 of Article 5 (3) of the Electronic Commerce Act, or

4. the communication encourages recipients to visit websites which do not satisfy the requirements of Items 1 to 4 of Article 5 (3) of the Electronic Commerce Act.

Article 261a. (New, SG No. 17/2010, effective 10.05.2010) (1) (Amended, SG No. 24/2015, effective 31.03.2015) The Commission for Personal Data Protection shall be a supervisory authority reserving the security of the data stored according to Article 251b (1) herein.

(2) (Amended, SG No. 24/2015, effective 31.03.2015) In its capacity as supervisory authority, the Commission for Personal Data Protection shall exercise supervision over the activity of the undertakings providing public electronic communications networks and/or services so as to ensure that the said undertakings respect the following rules in the retention of the data covered under Article 251b (1) herein for guaranteeing the protection and security of the said data:

1. the retained data shall be of the same quality and subject to the same security and protection as those data on the network;

2. ensuring appropriate technical and organizational measures to protect the data against accidental or unlawful destruction, accidental loss or alteration, or unauthorized or unlawful storage, processing, access or disclosure;

3. ensuring appropriate technical and organisational measures to ensure that the data can be accessed by specially authorized personnel only;

4. the data, except those that have been made available to the competent authorities and have been preserved thereby, shall be destroyed at the end of the period of retention, except in the cases expressly provided for by the law.

(3) For implementation of the activity thereof under Paragraph (2), the Commission for Personal Data Protection shall have the right to:

1. acting within the competence thereof, require information from the undertakings providing public electronic communications networks and/or services;

2. issue binding instructions, which shall be subject to immediate execution.

(4) Annually, not later than the 31st day of March, the undertakings providing public electronic communications networks and/or services shall provide the Commission for Personal Data Protection, in its capacity as supervisory authority, with statistical information on:

1. (amended, SG No. 24/2015, effective 31.03.2015) the cases in which data have been provided to the competent authorities under Article 251c (1) and Article 251d (5) herein;

2. the time elapsed between the initial date on which the data were retained and the date on which

the competent authorities requested the transmission of the data;

3. the cases where requests for data could not be met.

(5) Annually, the Commission for Personal Data Protection shall provide the National Assembly and the European Commission with the summarized information referred to in Paragraph (4) within two months after receipt of the said information.

(6) The summarized statistical information referred to in Paragraphs (4) and (5) shall not contain personal data.

Article 261b. (New, SG No. 17/2010, effective 10.05.2010) (1) (Amended, SG No. 24/2015, effective 31.03.2015) The National Assembly, acting through a committee designated by the Rules of Organization and Procedure thereof, shall exercise parliamentary oversight and monitoring of the procedures for permission and implementation of access to the data covered under Article 251b (1) herein, as well as for protection of citizens' rights and freedoms against legally non-conforming access to any such data.

(2) For implementation of the activity thereof, the committee referred to in Paragraph (1) shall have the right:

1. (amended, SG No. 24/2015, effective 31.03.2015) to act within the competence thereof, to require information from the authorities covered under Article 251c (1) herein, the undertakings providing public electronic communications networks and/or services, and the Commission for Personal Data Protection;

2. (amended, SG No. 24/2015, effective 31.03.2015) to check the procedure and manner for retention of the data covered under Article 251b (1) herein, the requests and the orders, as well as the procedure for destruction of the data covered under Article 251b (1) and Article 251g herein;

3. (amended, SG No. 24/2015, effective 31.03.2015) to access to the premises of the authorities covered under Article 251c (1) herein and the undertakings providing public electronic communications networks and/or services;

4. (amended, SG No. 24/2015, effective 31.03.2015) to prepare annual reports on the checks conducted and to propose improvement of the procedures for retention and processing of the data covered under Article 251b (1) herein.

(3) (Amended, SG No. 24/2015, effective 31.03.2015, SG No. 79/2015, effective 1.11.2015) Annually, not later than the 31st day of March, the Ministry of Interior, the Ministry of Defence, the State Agency for National Security, the State Intelligence Agency and the Prosecutor General shall prepare summarized statistical information on the requests made, the court orders issued, the information on the data covered under Article 251b (1) herein received and destroyed, and shall make the said statistical information available to the committee referred to in Paragraph (1).

(4) (Amended, SG No. 24/2015, effective 31.03.2015) Upon ascertainment of any wrongful use, storage or destruction of the data covered under Article 251b (1) herein, the committee shall notify the competent prosecuting authorities, as well as the heads of the authorities referred to in Article 251c (1) herein and of the undertakings providing public electronic communications networks and/or services, of the violations committed. The heads of the said authorities and undertakings shall be obligated to inform the committee in due time of the measures taken to redress the violations committed.

(5) (Amended, SG No. 24/2015, effective 31.03.2015) Acting ex officio, the committee referred to in Paragraph (1) shall inform the citizens where any data covered under Article 251b (1) herein in respect of them has been wrongfully requested or accessed.

(6) (Amended, SG No. 24/2015, effective 31.03.2015) Citizens shall not be informed where this will pose a risk to the attainment of the objectives referred to in Article 251b (2) or Article 251d (5) herein.

Article 261c. (New, SG No. 105/2011, effective 29.12.2011) (1) In case of a personal data breach, the undertaking providing public electronic communications services shall notify the Commission for Personal Data Protection within three days after detection of the breach.

(2) Where the breach referred to in Paragraph (1) is likely to adversely affect the personal data or privacy of a subscriber or another person, the undertaking shall also simultaneously notify the subscriber or person concerned of the breach detected.

(3) Notification of the breach referred to in Paragraph (1) to the subscriber or the person referred to in Paragraph (2) shall not be required where the undertaking has demonstrated to the Commission for Personal Data Protection that the said undertaking has undertaken appropriate technological measures for protection of the personal data concerned by the breach. Such technological protection measures shall render the data unintelligible to any person who is not authorised to access it.

(4) In case the undertaking has failed to notify the subscriber or the person referred to in Paragraph (2) of the personal data breach, the Commission for Personal Data Protection, having considered the likely adverse effects of the said breach, may require the undertaking to notify the person concerned.

(5) The notification to the subscriber or the person shall at least describe:

1. the nature of the consumer's personal data breach;
2. the contact points where more information can be obtained;
3. recommended measures to mitigate the possible adverse effects of the subscriber's or natural person's personal data breach.

(6) In addition to the information covered under Paragraph (5), the undertaking providing public electronic communications services shall furthermore indicate the following in the notification of a personal data breach to the Commission on Personal Data Protection:

1. description of the consequences of the personal data breach;
2. the measures proposed or taken by the undertaking to address the breach.

Article 261d. (New, SG No. 105/2011, effective 29.12.2011) (1) The Commission for Personal Data Protection shall issue instructions concerning the circumstances in which the undertakings providing public electronic communications services notify consumers of their personal data breaches, the format and the manner of such notification. The said instructions shall be promulgated in the Official Section of the State Gazette.

(2) The Commission for Personal Data Protection may audit whether the undertakings have complied with the notification obligation thereof under Paragraph (1) and to impose sanctions upon non-compliance.

(3) The Commission for Personal Data Protection may audit the technical and organisational measures taken by the undertakings providing public electronic communications networks and/or services and may issue recommendations about the best practices concerning the level of security which should be achieved.

Article 261e. (New, SG No. 105/2011, effective 29.12.2011) The undertakings shall maintain an inventory of consumers' personal data breaches. The facts surrounding the breach, the effect thereof and the remedial action taken shall be entered into the said inventory.

Article 262. The provisions of the Personal Data Protection Act shall apply to the matters regarding natural persons, which are not regulated in this Chapter.

Chapter Sixteen

RADIO EQUIPMENT AND ELECTRONIC COMMUNICATIONS TERMINAL EQUIPMENT, EQUIPMENT FOR DIGITAL INTERACTIVE TELEVISION SERVICES AND STANDARDS IN THE FIELD OF ELECTRONIC COMMUNICATIONS NETWORKS AND/OR SERVICES

Section I

Radio Equipment and Electronic Communications Terminal Equipment and Equipment for Digital Interactive Television Services

Article 263. (1) Placing on the market and putting into service of electronic communications terminal equipment and equipment for digital interactive television services assessed for conformity according to the procedure established by the Technical Requirements to Products Act shall be free.

(2) Placing on the market of radio equipment assessed for conformity according to the procedure established by the Technical Requirements to Products Act shall be free.

Article 264. Putting into service of radio equipment assessed for conformity according to the procedure established by the Technical Requirements to Products Act and using radio frequency bands harmonized within the European Union shall be free.

Article 265. (1) (Amended, SG No. 105/2011, effective 29.12.2011) The Commission shall prepare and update at least once a year a list of the radio equipment referred to in Article 264 herein and the electronic communications terminal equipment.

(2) The said list shall be adopted by decision of the Commission and shall be promulgated in the Official Section of the State Gazette.

(3) The list referred to in Paragraph (1) shall contain the required technical parameters of the radio equipment, as well as requirements related to avoidance of interference upon use of the radio spectrum.

Article 266. Putting into service of radio equipment may be restricted only for reasons related to:

1. effective and uninterfered use of the radio spectrum, allocated according to the National Radio Spectrum Allocation Plan;

2. protection of human life and health;

3. protection of national security and defence.

Article 267. The following radio equipment may not be put into service within the territory of the Republic of Bulgaria:

1. using radio frequency bands which are allocated for the needs of national security in the National Radio Spectrum Allocation Plan;

2. using radio frequency bands which, according to the National Radio Spectrum Allocation Plan, are not allocated for the relevant type of radio services in the Republic of Bulgaria;

3. (amended, SG No. 105/2011, effective 29.12.2011) whose technical characteristics do not conform to the requirements of the rules referred to in Article 65a herein.

Article 268. (1) The radio equipment, which uses radio frequency bands unharmonized within the European Union, and/or which may not be put into service within the territory of the Republic of Bulgaria, or which may be put into service after the issuing of an authorization for use of an individually assigned scarce resource, must bear a specific identification marking.

(2) The procedure and manner of application of the specific marking referred to in Paragraph (1) shall be established by ordinance of the Council of Ministers on a motion by the Minister of Transport, Information Technology and Communications.

Article 269. (1) Any person who or which places any radio equipment referred to in Article 268 (1) herein on the market shall notify the Commission at least thirty days before the placing of the said equipment on the market.

(2) The notification referred to in Paragraph (1) shall be submitted in a standard form endorsed by the Commission and shall state:

1. name, business name and address of the person;

2. designation of the radio equipment and the technical characteristics thereof;

3. identification number of the person who assessed the conformity of the radio equipment with the essential requirements according to the procedure established by the Technical Requirements to Products Act;

4. date of submission of the notification.

(3) (New, SG No. 105/2011, effective 29.12.2011) The notification referred to in Paragraph (1) may alternatively be submitted through the European One-Stop Notification Portal.

Article 270. (1) The Commission may prohibit, by reasoned decision, the placing on the market of any radio equipment referred to in Article 268 (1) herein which may cause interference and shall communicate the decision taken to the State Agency for Metrological and Technical Surveillance and the European Commission.

(2) In the cases referred to in Paragraph (1), the Commission shall pronounce by decision within thirty days after submission of the notification referred to in Article 269 herein.

(3) The Commission may request, by reasoned decision, the State Agency for Metrological and Technical Surveillance, to withdraw any radio equipment placed on the market which causes interference.

Article 271. (1) The undertakings providing public electronic communications services by public electronic communications networks may not refuse connection of the electronic communications terminal equipment assessed for conformity on technical grounds.

(2) (Amended and supplemented, SG No. 105/2011, effective 29.12.2011) Where any electronic communications terminal equipment assessed for conformity causes damage to the electronic communications network, causes interference, or interfere with the functioning of the network or are not used for its intended purpose, the undertakings under Paragraph (1) shall have the right to refuse connection of the said equipment, to disconnect the said equipment or to discontinue the provision of services through the said equipment, after performing all necessary technical tests. In such cases, the undertakings shall immediately notify the Commission and the State Agency for Metrological and Technical Surveillance. The Commission shall notify the European Commission of each particular case.

(3) In an emergency, the undertakings referred to in Paragraph (1) may disconnect electronic communications terminal equipment, if protection of the security of the electronic communications network requires immediate disconnection of the said equipment and if the user can be offered an alternative solution for connection to the network without delay and without costs for the user.

(4) In the cases referred to in Paragraph (3), the undertakings shall immediately notify the Commission.

Article 272. (1) Prior to offering their services, the undertakings providing public electronic communications networks and/or services shall post on the Internet site thereof the technical specifications of the interfaces for connection of electronic communications terminal equipment to the networks of the said undertakings, shall update the said specifications and shall transmit to the Commission information on the technical specifications of the interfaces.

(2) The technical specifications referred to in Paragraph (1) shall include all necessary data allowing manufacturers to carry out, by their choice, tests for the essential requirements applicable to the electronic communications terminal equipment and design the said equipment in such a way as to be able to provide all services through the respective interface.

Article 273. The Commission shall monitor the fulfilment of the obligations referred to in Article 272 herein of the undertakings, shall post information on the interfaces of the undertakings on the Internet site thereof, and shall inform the European Commission of the types of interfaces for connection of electronic communications terminal equipment, applied in the public electronic communications networks.

Article 274. (1) (Amended, SG No. 43/2008, SG No. 93/2009) Radio equipment and/or electronic communications terminal equipment, including hardware accessories to the facilities or terminal equipment for encryption of electronic communications and using a cryptographic key longer than 56

bits, shall be manufactured or imported after registration at the Directorate for Technical Operations of the State Agency for National Security.

(2) Cryptographic devices for protection of bank transactions, smart cards, scramblers for scrambling of television signals, mobile telephones without a built-in additional cryptographic module and cryptographic devices used by representations or other organizations enjoying the status of diplomatic missions shall not be subject to registration under Paragraph (1).

(3) (Amended, SG No. 43/2008) A public register shall be kept of the radio equipment and electronic communications terminal equipment referred to in Paragraph (1). The said register shall be published on the Internet site of the State Agency for National Security.

(4) The register referred to in Paragraph (3) shall contain the following information:

1. identification data on the manufacturer or importer:

(a) in respect of natural persons: forename, patronymic and surname and permanent address;

(b) in respect of legal persons and sole trader natural persons: designation (business name), registered office, address of the place of management;

2. designation and type of the terminal equipment referred to in Paragraph (1).

Article 275. (1) (Amended, SG No. 43/2008, SG No. 93/2009) For registration of radio equipment and/or electronic communications terminal equipment under Article 274 herein, the manufacturer or importer shall submit an application to the Directorate for Technical Operations of the State Agency for National Security.

(2) The application referred to in Paragraph (1) shall contain:

1. identification data on the manufacturer or the importer, as the case may be (the importer shall state data on the manufacturer as well):

(a) in respect of natural persons: forename, patronymic and surname, Standard Public Registry Personal Number and permanent address, and in respect of foreigners: Personal Number;

(b) in respect of legal persons and sole trader natural persons: designation (business name), registered office, address of the place of management and single identification code under BULSTAT and, in respect of non-resident persons: the respective identification code;

2. full designation of the radio equipment or the electronic communications terminal equipment;

3. short description of the radio equipment or the electronic communications terminal equipment, including the type of the cryptographic algorithms used and the length of the cryptographic keys.

(3) The following shall be attached to the application referred to in Paragraph (1):

1. a copy of the technical documentation of the radio equipment or the electronic communications terminal equipment;

2. a description of the cryptographic algorithms, if they are not publicly accessible, the methods of their initialization, operating modes and formats of input and output data.

(4) The application and the documents attached thereto shall be submitted in the Bulgarian language.

(5) In case of a deficiency of the application or of missing or deficient attachments thereto, the manufacturer or the importer, as the case may be, shall be notified in writing to cure the non-conformities. If the non-conformities are not cured within thirty days after the date of the notification, the procedure shall be terminated.

(6) (Amended, SG No. 43/2008, SG No. 93/2009) The Directorate for Technical Operations of the State Agency for National Security shall enter the radio equipment or the terminal equipment in the register referred to in Article 274 (3) herein within thirty days after the date of receipt of the application and the attachments thereto or after the non-conformities under Paragraph (5) are rectified.

Article 276. (1) (Amended, SG No. 43/2008, SG No. 93/2009) The Directorate for Technical Operations of the State Agency for National Security shall issue a certificate of entry in the register under Article 274 (3) herein to the person who or which imports and manufactures radio equipment and/or electronic communications terminal equipment under Article 274 (1) herein.

(2) (Amended, SG No. 43/2008) A fee to an amount fixed in the Rate Schedule of Fees Collected by the State Agency for National Security shall be paid for the issuance of the certificate referred to in Paragraph (1).

Article 277. (Supplemented, SG No. 109/2007, amended, SG No. 52/2013, effective 14.06.2013) Any persons who or which transact in radio equipment and/or electronic communications terminal equipment under Article 274 (1) herein, shall provide written information to the State Agency for National Security regarding each transaction in such radio equipment or terminal equipment: name, type, serial number and identification data under Item 1 of Article 274 (4) herein on the person wherewith the transaction was effected, periodically at least once every three months.

Article 278. (1) (Redesignated from Article 278 and supplemented, SG No. 105/2011, effective 29.12.2011) Any persons, who or which place on the market digital television equipment intended for the reception of digital interactive television services on digital interactive television platforms, shall be obligated to ensure that the said television equipment have open application program interfaces (API) meeting the minimum requirements of the relevant standards or specifications or standardization deliverables.

(2) (New, SG No. 105/2011, effective 29.12.2011) The undertakings providing public digital interactive television services on digital interactive television platforms shall be obligated to use an open application program interface.

(3) (New, SG No. 105/2011, effective 29.12.2011) The persons referred to in Paragraph (1) and the undertakings referred to in Paragraph (2) shall be obligated to cooperate in the provision of interoperable television services for end-users with disabilities.

(4) (New, SG No. 105/2011, effective 29.12.2011) The rights holders of application programs shall make available all information as is necessary for the provision of digital interactive television services supported by the said interfaces in a fully functional form to the undertakings referred to in Paragraph (2) against appropriate remuneration, on fair, reasonable and non-discriminatory terms.

Article 279. The requirements of this Section shall not apply to any electronic communications devices which are permanently installed on board vessels and aircraft and/or serve to coordinate traffic and ensure safety and/or in search and rescue, as well as such facilities installed and used on shore, serving the same purposes and recognized as such by the Minister of Transport, Information Technology and Communications.

Article 279a. (New, SG No. 105/2011, effective 29.12.2011) The Commission shall determine by decision technical requirements ensuring interoperability of the consumer equipment used for digital television.

Section II

Standards in the Field of Electronic Communications Networks and/or Services

Article 280. (Amended, SG No. 17/2009) (1) (Supplemented, SG No. 105/2011, effective 29.12.2011) The undertakings which provide public electronic communications networks and/or services may implement: for users of electronic communications services.

1. in respect of radio equipment and electronic communications terminal equipment: the Bulgarian standards introducing the harmonized European standards, as published in the official bulletin of the Bulgarian Institute for Standardization, corresponding to the standards published in the Official Journal of the European Union;

2. (amended, SG No. 105/2011, effective 29.12.2011) to the extent necessary to ensure interoperability of electronic communications services and to improve freedom of choice for users of

electronic communications services: the standards and/or standardization deliverables recommended by the European Commission included in a list published in the Official Journal of the European Union.

(2) (Amended and supplemented, SG No. 105/2011, effective 29.12.2011) In the absence of published standards and/or standardization deliverables under Item 2 of Paragraph (1), standards and/or standardization deliverables of the European Standardisation Organisations (the European Telecommunications Standards Institute, the European Committee for Standardization and the European Committee for Electrotechnical Standardization) may be implemented.

(3) (Amended, SG No. 105/2011, effective 29.12.2011) In the absence of published standards and/or standardization deliverables under Item 2 of Paragraph (1) and Paragraph (2), international standards or recommendations adopted by the International Telecommunication Union, the European Conference of Postal and Telecommunications Administrations, the International Organisation for Standardisation and the International Electrotechnical Commission shall be implemented.

(4) The European and international standards shall be introduced as Bulgarian standards and shall be implemented according to the provisions of the National Standardization Act.

(5) (Amended, SG No. 105/2011, effective 29.12.2011) The undertakings which provide electronic communications networks and/or services shall compulsorily implement the standards and/or standardization deliverables referred to as compulsory in the Official Journal of the European Union. in the Official Journal of the European Union.

(6) (New, SG No. 105/2011, effective 29.12.2011) In establishing the requirements to the undertakings which provide public electronic communications networks and/or services, the Commission shall take account of the applicable European and international standards and/or standardization deliverables.

Chapter Seventeen

ESTABLISHMENT AND MAINTENANCE OF ELECTRONIC COMMUNICATIONS NETWORKS AND INFRASTRUCTURE. RIGHT OF WAY

(Heading amended, SG No. 105/2011, effective 29.12.2011)

Section I

Establishment of Electronic Communications Networks and Infrastructure

(Heading amended, SG No. 105/2011, effective 29.12.2011)

Article 281. (Amended, SG No. 105/2011, effective 29.12.2011) (1) (Supplemented, SG No. 28/2013) Electronic communications networks, facilities and the related infrastructure shall be established according to the procedure established by this Act and the Spatial Development Act. In the course of design, construction or extension and operation of underwater linear electronic communication facilities, positioned on the seabed or beneath it within the lines of internal sea waters, the territorial sea, the Bulgarian section and the coastal flooded strip of the Danube river, the special provisions of the Maritime Space, Inland Waterways and Ports of the Republic of Bulgaria Act shall also apply.

(2) (Amended, SG No. 82/2012, effective 26.11.2012) The contracts for design, construction and conformity assessment of the development projects and/or exercise of construction supervision shall be signed by the contracting authority referred to in Article 283 (3) herein with persons registered under the Chambers of Architects and Engineers in Investment Design Act, the Chamber of Developers in the Republic of Bulgaria Act, and persons registered under the Spatial Development Act, with suppliers of

machinery, plant and process equipment according to Article 160 (1) and (2) of the Spatial Development Act.

(3) Control over the design, construction and commissioning of the projects referred to in Paragraph (1) shall be implemented under the terms and according to the procedure established by the Spatial Development Act.

(4) The time limit for approval of a development-project design, including an integrated development-project initiative design, and for the issuance of a building permit for public electronic communications networks, facilities and the related infrastructure shall be set according to the Spatial Development Act but may not be longer than six months reckoned from the date of submission of a development-project intention by the undertaking providing public electronic communications networks and/or facilities.

(5) A duly submitted application for the granting of rights to install facilities and the related infrastructure of the public electronic communications networks shall be considered by the competent authority within one month after submission of the application.

(6) Upon exercise of powers of the municipal authorities in connection with the design, establishment, commissioning and maintenance of electronic communications networks and facilities, the said authorities may not set additional requirements which are not in conformity with this Act, the Spatial Development Act or with other special law or instruments of subordinate legislation on the application thereof.

(7) Electronic communications networks, facilities and the related infrastructure in a co-owned building or in common parts of a condominium-project building shall be established on the basis of a contract in writing and the consent of the owners owing at least one-half of the property in the building.

Section II

(New, SG No. 105/2011, effective 29.12.2011)

Right of Way. Co-location and Shared Use

Article 281a. (New, SG No. 105/2011, effective 29.12.2011) (1) The undertakings providing public electronic communications networks and/or services shall have a right to establish electronic communications facilities and the related infrastructure after conclusion of a written contract with the owner on, over or under corporeal immovables constituting:

1. public or private state property;
2. public or private municipal property;
3. private property of natural or legal persons.

(2) The undertakings implementing electronic communications for private needs shall have a right to establish electronic communications facilities and the related infrastructure after conclusion of a written contract with the owner on, over or under corporeal immovables constituting:

1. public state property;
2. public municipal property;
3. private property of natural or legal persons.

Article 281b. (New, SG No. 105/2011, effective 29.12.2011) (1) The Commission, respecting the principle of proportionality, may impose on the undertakings providing public electronic communications networks and/or services co-location and/or shared use of electronic communications infrastructure facilities, including in buildings, common premises in buildings or building access points, electricity distribution networks, building electric wiring systems, cabling inside building and up to the first concentration or distribution point in case this is located outside the building, masts, antennae, towers and other supporting constructions or bearing structures, ducts, cabinets, distribution frames on, over or under the immovables covered under Article 281a (1) herein.

(2) The obligation referred to in Paragraph (1) may be imposed on considerations related to

protection of the environment, protection of public health and public security, or to meet town and country planning objectives.

(3) Prior to adopting a decision on imposition of an obligation for co-location and/or shared use of electronic communications network facilities, the Commission shall notify the interested parties, allowing them an appropriate period of time which may not be longer than one month to express a view.

(4) When imposing the obligations referred to in Paragraph (1), the Commission may issue instructions on apportioning the costs of sharing.

Article 281c. (New, SG No. 105/2011, effective 29.12.2011) The Commission may require the undertakings providing public electronic communications networks and/or services to provide the necessary information for establishment of a detailed inventory of the nature, availability and geographical location of the electronic communications infrastructure of the said undertakings, where the Commission cannot gather such information *ex officio*.

Article 281d. (New, SG No. 105/2011, effective 29.12.2011) When imposing an obligation referred to in Paragraph (1), the Commission shall be guided by the principles of objectivity, proportionality, non-discrimination and transparency.

Article 282. (1) The undertakings implementing electronic communications shall create selective maps, registers and, to the extent feasible, information systems within the meaning given by the Cadastre and Property Register Act, in respect of the electronic communications networks and facilities established by the said undertakings and the related infrastructure.

(2) (Repealed, SG No. 105/2011, effective 29.12.2011).

Article 283. (1) The undertakings providing public electronic communications networks and/or services shall be owners of the electronic communications networks, equipment and the related infrastructure established by the said undertakings, as well as of such networks, equipment and infrastructure included as a fixed asset and/or acquired under a law or a legal transaction.

(2) The transactions for disposition of established electronic communications networks, facilities and the related infrastructure shall be executed with notarization of signatures and shall not be subject to entry. The established electronic communications networks, equipment and the related infrastructure may be subject of a registered pledge within the meaning given by the Registered Pledges Act.

(3) (Amended, SG No. 82/2012, effective 26.11.2012) The undertakings referred to in Paragraph (1) shall be contracting authorities for the construction of electronic communications networks, facilities and the related infrastructure within the meaning given by Article 161 (1) of the Spatial Development Act, as well as interested parties within the meaning given by Article 124a (5) of the Spatial Development Act.

(4) (Repealed, SG No. 105/2011, effective 29.12.2011).

(5) (Repealed, SG No. 105/2011, effective 29.12.2011).

Article 284. (1) Where building works are forthcoming, electronic communications networks and facilities shall be relocated according to the procedure established by the Spatial Development Act on the basis of an agreement between the interested parties.

(2) The relocation referred to in Paragraph (1) shall be for the account of the person at the request whereof the building works are performed, unless the parties have agreed otherwise.

(3) If electronic communications networks and facilities need additional protection, the costs shall be for the account of the owner of the said networks and equipment, unless the parties have agreed otherwise.

Article 285. (Amended, SG No. 105/2011, effective 29.12.2011) The central executive authorities and the bodies of local self-government, exercising the rights of the State or of the municipality in undertakings providing public electronic communications networks and/or services, shall separate the powers thereof for management and control of the said undertakings from the powers related to approval of development-project designs and issuance of building permits, in separate structural units.

Article 286. (1) Cable electronic communications networks shall be constructed underground.

(2) Cable electronic communications networks may be constructed overhead solely outside the boundaries of the urbanized areas and in urbanized territories of a population not exceeding 10,000 residents and/or with low-rise residential development.

(3) Overhead construction of cable electronic communications networks shall be inadmissible in resort nucleated settlements and in dispersed settlements, as well as in nucleated settlements or parts thereof which have been designated reserves of historic, archaeological, ethnographic or architectural importance.

(4) (New, SG No. 17/2009, repealed, SG No. 105/2011, effective 29.12.2011).

(5) (New, SG No. 105/2011, effective 29.12.2011, amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) The rules and standard specifications for design, establishment and commissioning of cable electronic communications networks and the associated infrastructure shall be determined by a joint ordinance of the Minister of Transport, Information Technology and Communications and the Minister of Regional Development and Public Works.

Section III

(Renumbered from Section II, SG No. 105/2011, effective 29.12.2011)

Servitudes

Article 287. (1) Upon establishment of new and/or extension of existing overhead and underground electronic communications networks and facilities, for attainment of the purposes covered under Article 4 herein and in the public interest, servitudes shall arise in favour of undertakings providing public electronic communications networks and/or services. The servitudes under this Act shall be plotted on the cadastre and shall be entered under the terms and according to the procedure established by the Cadastre and Property Register Act.

(2) (Amended, SG No. 105/2011, effective 29.12.2011) The servitudes referred to in Paragraph (1) in respect of all corporeal immovables constituting public and private property, with the exception of corporeal immovables specified in Section IV of this Chapter.

(3) The servitudes referred to in Paragraph (1) shall arise where:

1. there is an effective detailed plan whereby the location of the relevant corporeal immovables is determined; and

2. (amended, SG No. 17/2009) solely applicable to corporeal immovables constituting private property, the servitude holder has paid the owner of the immovable a lump-sum compensation.

(4) (Amended, SG No. 17/2009) The amount of compensations under Item 2 of Paragraph (3) shall be determined by mutual consent of the parties or on the basis of a valuation by a licensed appraiser, and in respect of corporeal immovables constituting public property, compensations shall not be due.

(5) The mode of payment of the compensation referred to in Item 2 of Paragraph (3) shall be agreed between the parties.

Article 288. There shall be the following servitudes under this Act:

1. a right of way and a right to install networks in favour of undertakings providing public electronic communications networks and/or services, including branches from such networks to buildings and other lots;

2. restriction on the use of lots where the right of way and/or the right to install has been exercised.

Article 289. (1) The servitudes under this Act shall be undivided rights, exercisable entirely in favour of each and any part of the dominant estate and burdening entirely each and any part of the servient estate, even in cases where the said estate is subject to disposition in any lawful manner after the servitude has arisen.

(2) Transfer of ownership of the servient estate shall not terminate and/or modify the effect of the

servitudes, either in respect of the dominant estate, or in respect of the servient estate.

(3) A servitude may be used solely for the needs of the dominant estate.

(4) The owner of the servient estate shall not have the right to relocate the servitude, unless the parties have agreed otherwise.

Article 290. (1) Upon exercise of the servitudes:

1. the undertaking providing public electronic communications networks and/or services shall acquire a right for representatives of the said undertaking to enter and pass through the servient estates and to perform there activities related to the establishment, development, maintenance and operation of the electronic communications networks, facilities and the related infrastructure, including a right of passage of equipment through the servient lots in connection with the establishment and servicing of the network;

2. the following shall be inadmissible in the servient lots:

(a) performance of building development or planting of perennial crops in the servitude strip, as determined in the ordinance referred to in Article 292 herein, unless the owner and the undertaking agree otherwise;

(b) installation of lines of other physical-infrastructure networks, with the exception of the cases where this is admitted by a statutory instrument, in compliance with the relevant technical requirements and after a written coordination with the undertaking providing public electronic communications networks and/or services.

(2) The rights referred to in Item 1 of Paragraph (1) shall be exercised according to the procedure established by Article 299 herein observing the rules of public order.

(3) The servitude holder shall be obligated to ensure a joint use of the servitude strip upon a reasoned request by another undertaking providing public communications networks and/or services, where this is technically and physically feasible and in consideration of a reward.

(4) The rewards referred to in Paragraph (3) may not exceed the total amount of the compensation referred to in Item 2 of Article 287 (3) herein.

Article 291. (1) The servitude shall be exercised by the undertaking implementing electronic communications in conformity with this Act and the technical requirements specified in the ordinance referred to in Article 292 herein.

(2) In case the servitude strip falls into a corporeal immovable in respect of which a building right is created, the servitude to the said immovable shall be indicated in the instrument creating a building right.

Article 292. (Amended, SG No. 36/2008, SG No. 17/2009, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) The extents, location and special regime for use of servitudes shall be specific to the various types of electronic communications networks and facilities and shall be determined according to a procedure and manner established in an ordinance of the Minister of Regional Development and Public Works, the Minister of Agriculture and Food and the Minister of Transport, Information Technology and Communications.

Article 293. (1) (Supplemented, SG No. 105/2011, effective 29.12.2011) The amount of the compensation referred to in Item 2 of Article 287 (3) herein shall be fixed applying the following criteria:

1. space of the servient lot, enclosed within the boundaries of the servitude;

2. types of restrictions on the use of the servient estate;

3. period of the restriction;

4. market value of the lot or of the part thereof which falls within the boundaries of the servitude.

(2) Notwithstanding the compensation referred to in Paragraph (1), the undertaking implementing electronic communications shall owe the owner of the lot by agreement elimination of all damage inflicted on the lot or commensurate pecuniary compensation.

Article 294. Where the owner, user or tenant of the servient estate performs unauthorized building

development, fencing, planting or another breach of the regime of exercise of the servitude, the undertaking implementing electronic communications shall have the right to approach the competent authorities with a request for removal of the illegal construction works for the account of the owner, user or tenant if the said owner, user or tenant fails to remove the said works within a time limit set thereto by the undertaking providing electronic communications.

Section IV **(Renumbered from Section III, SG No. 105/2011, effective** **29.12.2011)** **Right of Use**

Article 295. (1) (Supplemented, SG No. 105/2011, effective 29.12.2011) The undertakings implementing public electronic communications shall enjoy a right of special use within the meaning given by the Roads Act and/or a right to use utility lines networks of transport, water supply and sewerage, electricity supply, electricity distribution, gas supply, irrigation and land reclamation within the meaning given by Item 31 of § 5 of the Spatial Development Act, including the servitude areas of the said networks, of water and irrigation facilities and natural water bodies constituting public property.

(2) The right of special use and/or the right to use referred to in Paragraph (1) shall be granted for establishment, extension, maintenance and operation of electronic communications networks and facilities complying with the requirements for safety and environmental protection in accordance with the detailed plans.

(3) (Amended and supplemented, SG No. 105/2011, effective 29.12.2011) Where the corporeal immovable referred to in Paragraph (1) constitutes state property and has been allocated to a state-owned enterprise under Article 62 (3) of the Commerce Act, a right of special use and/or a right to use referred to in Paragraph (1) shall be created onerously by the head of the state-owned enterprise after a decision by the collective management body and an authorization by the relevant government minister or head of the central-government department exercising the right of ownership of the State to the enterprise, the compensation being lump-sum.

(4) In the cases referred to in Paragraph (3), the proceeds from the right to use and/or the right of special use referred to in Paragraph (1) as created, together with the overhead expenses, shall be credited to the current account of the state-owned enterprise.

(5) Upon transfer of the ownership of electronic communications networks, facilities and the related infrastructure, the right to use and/or the right of special use referred to in Paragraphs (1) and (2) shall be transferred automatically in favour of the transferee who or which is the new owner.

(6) The right referred to in Paragraph (1) shall be exercised onerously on the basis of an authorization from the authorities or the persons stewarding the relevant physical infrastructure or corporeal immovables, the compensation being lump-sum. Upon transfer of the right to use and/or the right of special use according to Paragraph (3), the transferee of electronic communications networks, facilities and the related infrastructure shall not pay a new compensation or fee.

(7) (New, SG No. 17/2009, supplemented, SG No. 105/2011, effective 29.12.2011) Any bridges, roads, streets, pavements and other immovables constituting public municipal property shall be used gratuitously for the installation, passage and maintenance of electronic communications networks of the enterprises providing electronic communications networks and/or services, including for the central-government departments covered under Article 3 herein.

Article 296. (Amended, SG No. 17/2009) (1) Upon submission of an application by an undertaking implementing public electronic communications, the authorities or the persons stewarding the physical infrastructure shall make public the intention thereof of granting a right to use the physical infrastructure on the Internet site of the said authorities or persons and in a national daily newspaper or

in another appropriate manner within fourteen days after receipt of the application, setting a thirty-day time limit for submission of applications by interested parties.

(2) The applications shall be submitted in a standard form endorsed by the relevant authorities or persons referred to in Paragraph (1).

(3) The authorities or persons stewarding the physical infrastructure shall grant the undertakings referred to in Paragraph (1) the right to use the physical infrastructure in the absence of circumstances endangering safety and security and if this is technically feasible.

Article 297. The authorizations referred to in Article 295 (6) herein shall be granted in the order of submission of the applications, in case the possibilities to use the physical infrastructure are not limited.

Article 298. (1) In case the possibilities to use the physical infrastructure are limited and the applicants for a right to use are more than one, the authorizations referred to in Article 295 (6) herein shall be granted in the following order:

1. to an undertaking providing public electronic communications networks and/or services within a national range;

2. to an undertaking providing public electronic communications networks and/or services within a regional range;

3. to an undertaking providing public electronic communications networks and/or services within a range limited to a single nucleated settlement;

4. to an undertaking implementing electronic communications for private needs.

(2) In case the applicants covered under Paragraph (1) are of one and the same order and the possibilities for realization of the right of use are limited, the authorization referred to in Article 295 (6) herein shall be granted after the conduct of a tender, unless the applicants reach agreement on joint use of the facilities.

Article 299. (1) The undertakings providing public electronic communications networks and/or services, or officials authorized thereby, shall have a right to access to and passage through corporeal immovables for performance of the activities for establishment and maintenance of the electronic communications networks and facilities.

(2) The undertaking or the persons performing the activities referred to in Paragraph (1) shall be obligated to notify the owners or users of the corporeal immovables at least seven days prior to the commencement of the activities for establishment and maintenance of the electronic communications networks and facilities.

(3) In case of interruption of the operation of the electronic communications networks or of the facilities to the said networks, caused by unforeseeable and insuperable events, where urgent action is needed and the time limit referred to in Paragraph (2) cannot be observed, the notification shall be performed within the shortest possible period of time before or immediately after remedying the breakdown or the interruption.

(4) The undertaking referred to in Paragraph (1) shall indemnify the owner or user of a corporeal immovable or shall restore the corporeal immovable to the original form thereof after performance of the activities referred to in Paragraph (1).

Chapter Eighteen

ENSURING ELECTRONIC COMMUNICATIONS IN CASES OF DISASTERS, UPON DECLARATION OF STATE OF MARTIAL WAR, STATE OF WAR OF STATE OF EMERGENCY

(Heading amended, SG No. 35/2009, effective 12.05.2009)

Article 300. (1) (Repealed, SG No. 35/2009, effective 12.05.2009).

(2) (Amended, SG No. 50/2016, effective 1.07.2016) The terms and procedure for ensuring electronic communications upon declaration of a state of martial law, a state of war or a state of emergency within the meaning given by the Republic of Bulgaria Defence and Armed Forces Act shall be established by the Council of Ministers on motion by the Chairperson of the Electronic Government State Agency coordinated with the relevant competent authorities.

Article 301. (1) (Amended, SG No. 35/2009, effective 12.05.2009) The undertakings providing public electronic communications networks and/or services shall ensure a possibility for implementation of electronic communications in cases of disasters within the meaning given by the Disaster Protection Act and upon declaration of a state of martial law, a state of war or a state of emergency within the meaning given by the Defence and Armed Forces of the Republic of Bulgaria Act.

(2) To ensure national security, the undertakings providing public electronic communications networks and/or services, in case of necessity, shall ensure the competent authorities access to the network and/or the services provided, as well as a possibility to use electronic communications over the network free of charge in case of an imminent danger of a threat to national security.

(3) (Supplemented, SG No. 43/2008, amended, SG No. 69/2008, SG No. 17/2009, supplemented, SG No. 93/2009, amended, SG No. 70/2013, effective 9.08.2013, SG No. 53/2014, SG No. 61/2015, effective 1.11.2015) To implement the activities referred to in Article 14 (2), item 8 and Article 89 (1) of the Ministry of Interior Act, in Item 5 and 6 of Article 42 (1) of the State Agency for National Security Act and in Articles 20 - 22 of the National Service for Protection Act, as well as in an imminent threat to national security, the competent authorities of the Ministry of Interior, the State Agency for National Security and the National Bodyguard Service may block, by technical means, the use of electronic communications services.

Article 302. (1) Upon declaration of a state of martial law or a state of war, the Commission, acting by decision of a competent authority, shall suspend the validity of granted authorizations for use of an individually assigned scarce resource.

(2) The Commission shall prohibit the use of radio equipment and radio spectrum for civilian needs upon a decision by the competent authority in the cases referred to in Paragraph (1).

Article 303. (1) (Amended, SG No. 35/2009, effective 12.05.2009, SG No. 105/2011, effective 29.12.2011, SG No. 50/2016, effective 1.07.2016) Upon exercise of the powers thereof under Article 17 herein, the Chairperson of the Electronic Government State Agency shall use, modernize and maintain the special-purpose communications installations and the installed wartime capacities ready to ensure electronic communications in cases of disasters within the meaning given by the Disaster Protection Act and upon declaration of a state of martial law, a state of war or a state of emergency within the meaning given by the Republic of Bulgaria Defence and Armed Forces Act.

(2) (Amended, SG No. 35/2009, effective 12.05.2009) The undertakings providing public electronic communications networks and/or services and having wartime tasks shall use and maintain the electronic communications networks ready to ensure electronic communications in disasters within the meaning given by the Disaster Protection Act and upon declaration of a state of martial law, a state of war or a state of emergency within the meaning given by the Defence and Armed Forces of the Republic of Bulgaria Act.

(3) (Amended, SG No. 105/2011, effective 29.12.2011) The communications installations referred to in Paragraph (1) and the land whereon the said installations are constructed may be taken by eminent domain, leased or encumbered by rights in rem by decision of the Council of Ministers.

(4) (Amended, SG No. 105/2011, effective 29.12.2011) The communications installations, the installed capacities and the electronic communications network referred to in Article 17 herein may be used and developed for the needs of state governance according to a procedure established by the Council of Ministers.

(5) (Amended, SG No. 105/2011, effective 29.12.2011) The resources for establishment,

maintenance, remodelling and modernization of the infrastructure referred to in Paragraph (4) shall be ensured by the state budget and by other sources according to a procedure established by the Council of Ministers.

Chapter Nineteen

ENSURING CONDITIONS FOR INTERCEPTION OF ELECTRONIC COMMUNICATIONS RELATED TO PROTECTION OF NATIONAL SECURITY AND SAFEGUARDING PUBLIC ORDER

Article 304. (Supplemented, SG No. 109/2007, amended, SG No. 69/2008, SG No. 70/2013, effective 9.08.2013) The undertakings providing public electronic communications networks and/or services shall ensure a possibility to intercept electronic communications in real time, a possibility for twenty-four-hour surveillance, as well as access in real time to data related to a specific call. Where these data cannot be provided in real time, they shall be provided to the State Agency for Technical Operations and to the State Agency for National Security within the shortest possible period of time after termination of the call. The possibilities for interception, twenty-four-hour surveillance and access to data, related to a specific call in real time, shall be implemented solely according to the procedure established by the Special Surveillance Means Act.

Article 305. (1) (Supplemented, SG No. 109/2007, amended, SG No. 69/2008, supplemented, SG No. 17/2010, effective 10.05.2010, amended, SG No. 70/2013, effective 9.08.2013) The undertakings providing public electronic communications networks and/or services shall provide, commission and maintain, for their own account, one or several interception interfaces wherefrom the intercepted electronic communications can be transmitted to the facilities of the State Agency for Technical Operations and of the State Agency for National Security.

(2) (Supplemented, SG No. 109/2007, amended, SG No. 17/2010, effective 10.05.2010, SG No. 70/2013, effective 9.08.2013) The technical parameters, configuration and conditions for maintenance of the interception interfaces ensured by the undertakings providing public electronic communications networks and/or services shall be cleared with the State Agency for Technical Operations and shall be endorsed by its Chairperson.

Article 306. The undertakings providing public electronic communications networks and/or services shall provide data related to a specific call and to the content of the said call in a manner allowing the ascertainment of an exact match of the data on the call and the content of the call.

Article 307. (Amended, SG No. 109/2007) In case the undertakings providing electronic communications networks and/or services undertake coding, compressing or encrypting of the intercepted electronic communications, the said undertakings shall provide the said communications to the State Agency for National Security in their original form.

Article 308. (Supplemented, SG No. 109/2007, amended, SG No. 69/2008, SG No. 70/2013, effective 9.08.2013) The undertakings providing public electronic communications networks and/or services shall be obligated to ensure a possibility for transmission of intercepted electronic services to the facilities of the State Agency for Technical Operations and of the State Agency for National Security over fixed or switched lines.

Article 309. (Supplemented, SG No. 109/2007, amended, SG No. 69/2008, SG No. 70/2013, effective 9.08.2013) Interception shall be implemented in a manner excluding a possibility for illegal interference and ensuring protection of the information related to the interception. The intercepted electronic communications shall be received solely by the State Agency for Technical Operations and by the State Agency for National Security according to the procedure established by the Special Surveillance Means Act.

Article 310. (Amended and supplemented, SG No. 109/2007, amended, SG No. 69/2008, SG No. 70/2013, effective 9.08.2013) Before implementation of an interception on legal grounds, the State Agency for Technical Operations and the State Agency for National Security shall require from the undertakings providing public electronic communications networks and/or services:

1. data to establish the identity of the subscriber, number or another identification feature of the electronic communications service;

2. information about the service and the characteristics of the electronic communications system used by the subject of interception and provided by the undertakings providing public electronic communications networks and/or services;

3. (amended, SG No. 69/2008, SG No. 70/2013, effective 9.08.2013) information about the technical parameters of the conveyance to the facilities of the State Agency for Technical Operations.

Chapter Twenty

CONTROL

Article 311. (1) Control over the implementation of electronic communications shall be exercised by the Commission.

(2) Control over putting into service of radio equipment under Articles 267 and 268 herein shall be exercised by the Commission.

(3) (Amended and supplemented, SG No. 105/2011, effective 29.12.2011) The Commission, jointly with the State Agency for Metrological and Technical Surveillance, shall exercise surveillance over the electronic communications terminal equipment and radio equipment placed on the market according to Articles 263 and 269 herein.

(4) (Supplemented, SG No. 109/2007, amended, SG No. 82/2009, effective 16.10.2009, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014, SG No. 14/2015) Upon exercise of the control under Paragraphs (1), (2) and (3), the Commission shall interact with the Ministry of Transport, Information Technology and Communications, the Ministry of Interior, the Ministry of Defence, the State Agency for National Security, the Ministry of Economy - State Agency for Metrological and Technical Surveillance, and with the Ministry of Regional Development and Public Works - National Construction Control Directorate, in accordance with a jointly issued instruction proposed by the Commission.

(5) (New, SG No. 105/2011, effective 29.12.2011) For the exercise of the market surveillance under Paragraph (3), the Commission and the State Agency for Metrology and Technical Surveillance shall prepare rules for the joint activity thereof.

Article 312. (1) For the exercise of control over electronic communications, the Chairperson of the Commission shall empower by an order employees of the administration.

(2) The Commission shall mandatorily insure the employees referred to in Paragraph (1) against accident occurring in the course of or in connection with the discharge of the official duties thereof, on resources from the budget of the Commission.

Article 313. (1) In performance of the functions thereof, the employees of the Commission empowered under Article 312 (1) herein shall have the right:

1. to carry out inspections and to draw up written statements according to the procedure established by the Administrative Violations and Sanctions Act upon ascertainment of violations;

2. to unobstructed access to the sites subject to control wherein the electronic communications networks, facilities and technical means are located;

3. to ascertain the availability of the documents issued by the Commission, proving the licensed competence of the persons at the sites controlled;

4. (amended, SG No. 105/2011, effective 29.12.2011) to obtain access to original documents, data, information, enquiries and other data mediums related to the exercise of control, as well as to seize

certified copies of documents in connection with the implementation of electronic communications activities and/or with the ascertainment of administrative violations under this Act;

5. to inspect accounting, business or other books or documents and data mediums, as well as other documents related to the implementation of electronic communications and/or with the ascertainment of administrative violations under this Act;

6. to require from third parties information, abstracts and other documents necessary for carrying out cross-checks in connection with the exercise of control under this Act and/or with the ascertainment of administrative violations under this Act;

7. to control the quality parameters of the electronic communications services, as well as to carry out documentary and technical inspections;

8. to inspect, according to the procedure established by the Criminal Procedure Code, premises used by the persons for implementation of electronic communications, as well as premises wherein evidence of the commission of administrative violations is located;

9. to issue a prescription to the undertakings to cure non-conformities under this Act within a time limit set by the employees in respect of deviations of technical parameters of the electronic communications networks and facilities from assigned values in connection with the implementation of the activity of the said undertakings; a failure to comply with the prescriptions within the time limit set shall constitute an administrative violation within the meaning given by the Administrative Violations and Sanctions Act.

(2) In the cases of inspection of premises under Item 8 of Paragraph (1), serving as a residence, the inspections shall be carried out by the employees empowered under Article 312 (1) herein, jointly with the authorities of the Ministry of Interior.

Article 314. (1) Upon ascertainment of violations, the employees empowered under Article 312 (1) herein shall seize and impound physical evidence related to ascertainment of the violation according to the procedure established by Article 41 of the Administrative Violations and Sanctions Act.

(2) The physical evidence seized shall be subject to confiscation by a penalty decree according to the procedure established by Articles 20 and 21 of the Administrative Violations and Sanctions Act, where the essential elements of violations under this Act have been committed.

(3) The confiscated things shall be stored on premises expressly designated for this until the lapse of one year after the entry into effect of the endorsement, the penalty decree or the judgment of court whereby the penalty decree was upheld.

(4) Upon lapse of the grounds for seizure of the physical evidence under Paragraph (2), the said evidence shall be restored to the owners thereof, acting on a request to this end, addressed to the Chairperson of the Commission.

Article 315. (1) After the lapse of the time limit referred to in Article 314 (3) herein, the confiscated things shall be subject to:

1. gratuitous provision, whether in whole or in the part that can be used without violating the laws and the effective national standards, to bodies of state power and of local self-government, to educational establishments for instruction purposes, to hospitals or other organizations providing social services;

2. destruction.

(2) The procedure for provision and destruction of the confiscated things shall be determined by an ordinance of the Council of Ministers proposed by the Commission.

Article 316. In the performance of the official duties thereof, the employees empowered under Article 312 (1) herein shall be obligated:

1. to identify themselves by means of an identity card;

2. not to disclose any circumstances and facts as have come to the knowledge thereof in the course of or in connection with the discharge of the official duties thereof.

Article 317. (1) The procedure and manner for use and storage of the documents and materials

seized under Article 314 herein, as well as the organization of work upon exercise of the control over electronic communications activities, shall be established by decision of the Commission.

(2) The Chairperson of the Commission shall designate the employees of the administration who are responsible for the storage of the documents and materials seized.

(3) The employees referred to in Paragraph (2) and in Article 316 herein shall sign a declaration completed in a standard form in connection with the obligations thereof which shall expressly state, inter alia, the liability incurrable by the said employees for non-fulfilment of the said obligations.

Article 318. (1) (Amended, SG No. 105/2011, effective 29.12.2011) The Commission may, by decision, suspend the implementation of electronic communications in the cases covered under Article 78a herein until elimination of the violations.

(2) (Amended, SG No. 105/2011, effective 29.12.2011) A coercive administrative measure of sealing of sites and/or of facilities, which have served upon the implementation of electronic communications may furthermore be imposed by the decision referred to in Paragraph (1) until elimination of the violations.

(3) (New, SG No. 105/2011, effective 29.12.2011) The Commission may, by decision, suspend or delay provision of a service or bundle of services where this would result in significant harm to competition, pending compliance with access obligations imposed following a relevant market analysis.

Article 319. (1) The Commission shall prepare annually a plan for control of the undertakings providing public electronic communications networks and/or services, for fulfilment of the applicable requirements under Article 73 herein and/or specific obligations, or the authorizations for use of an individually assigned scarce resource.

(2) The Commission shall carry out inspections acting on written alerts about violations of this Act, the statutory instruments of secondary legislation, the applicable requirements under Article 73 herein and/or the specific obligations or the authorizations for use of an individually assigned scarce resource.

Article 320. In its annual report referred to in Article 38 (1) herein, the Commission shall prepare an analysis of the results of the control exercised and shall propose, in accordance with the best European practice, measures for improvement of the effectiveness of control and preventive measures for containment of potential violations upon the implementation of electronic communications.

Article 321. (Amended, SG No. 43/2008, SG No. 93/2009) The control referred to in Article 274 (1) herein shall be exercised by the employees of the Directorate for Technical Operations of the State Agency for National Security.

Article 322. The employees referred to in Article 321 herein shall have the right:

1. to carry out inspections and, upon ascertainment of violations, to draw up written statements according to the procedure established by the Administrative Violations and Sanctions Act;

2. to unobstructed access to the sites wherein radio equipment or terminal equipment referred to in Article 274 (1) herein are located;

3. to require from the persons inspected to produce originals of documents, data, information, enquiries and other data mediums related to the exercise of control;

4. to require from third parties information, abstracts and other documents necessary for the exercise of the control.

Article 323. (1) Upon ascertainment of a violation under Article 335 herein, the employees referred to in Article 321 herein may seize and impound the physical evidence related to ascertainment of the violation.

(2) The physical evidence seized shall be confiscated by a penalty decree according to the procedure established by Articles 20 and 21 of the Administrative Violations and Sanctions Act.

(3) The confiscated things shall be stored on special premises until entry into effect of the act whereby the confiscation has been decrees or of the judgment of court whereby the said act was upheld.

(4) Upon revocation of the penalty decree whereby the physical evidence was seized, the said

evidence shall be restored to the owners thereof.

(5) After the entry into effect of the act or of the judgment of court referred to in Paragraph (3), the confiscated things shall:

1. (amended and supplemented, SG No. 43/2008) be used gratuitously by the authorities of the Ministry of Interior, the Ministry of Defence and the State Agency for National Security at their request;

2. (amended, SG No. 43/2008) be destroyed on the basis of an order of the Chairperson of the State Agency for National Security.

Article 323a. (New, SG No. 105/2011, effective 29.12.2011) (1) Control under Article 261c herein and control over compliance with the instructions and recommendations under Article 261d herein shall be exercised by the Chairperson and the members of the Commission for Personal Data Protection or by officials of the administration of the said Commission empowered thereby, and the administrative sanctions shall be imposed according to the procedure established by Article 43 of the Personal Data Protection Act.

(2) The pecuniary penalty, provided for in Article 327 (3) herein, shall likewise be imposed according to the procedure established by Article 43 of the Personal Data Protection Act.

Article 323b. (New, SG No. 105/2011, effective 29.12.2011) Control over compliance with the requirements of Article 286 herein, the ascertainment of violations under the said Articles and the issuing of penalty decrees shall be effected by the competent authorities under the Spatial Development Act, and the amount of the fines shall be determined in accordance with Article 332 herein.

Chapter Twenty-One

ADMINISTRATIVE PENALTY PROVISIONS

Article 324. (1) Any person, who provides public electronic communications networks and/or services for the implementation of which an authorization for use of an individually assigned scarce resource must be granted, without having been granted such authorization, or who continues to provide electronic communications after suspension or termination of the validity or after withdrawal of an authorization granted thereto, shall be liable to a fine of BGN 30,000 or exceeding this amount but not exceeding BGN 300,000 in case the act does not constitute a criminal offence.

(2) Any person, who implements electronic communications for private needs for which an authorization for use of an individually assigned scarce resource must be granted, without having been granted such authorization, or who continues to provide electronic communications after suspension or termination of the validity or after withdrawal of an authorization granted thereto, shall be liable to a fine of BGN 5,000 or exceeding this amount but not exceeding BGN 50,000 in case the act does not constitute a criminal offence.

(3) Any person, who provides private electronic communications networks and/or services for the implementation of which a provisional authorization for use of an individually assigned scarce resource must be granted, without having been granted such authorization, or who continues to provide electronic communications after suspension or termination of the validity or after withdrawal of a provisional authorization granted thereto, shall be liable to a fine of BGN 30,000 or exceeding this amount but not exceeding BGN 300,000 in case the act does not constitute a criminal offence.

(4) Any person, who implements electronic communications for private needs for the implementation of which a provisional authorization for use of an individually assigned scarce resource must be granted, without having been granted such authorization, or who continues to provide electronic communications after suspension or termination of the validity or withdrawal of a provisional authorization granted thereto, shall be liable to a fine of BGN 5,000 or exceeding this amount but not exceeding BGN 50,000 in case the act does not constitute a criminal offence.

(5) Any person, who provides public electronic communications networks and/or services included in the list referred to in Article 72 herein as determined by the Commission, without having submitted a

notification to the Commission under Article 66 herein, shall be liable to a fine of BGN 3,000 or exceeding this amount but not exceeding BGN 15,000.

(6) Any person, who establishes an interconnection with or access to the network of an undertaking which provides public electronic communications services not according to the procedure established by the law, for provision of electronic communications for commercial purposes, shall be liable to a fine of BGN 3,000 or exceeding this amount but not exceeding BGN 15,000.

(7) For repeated violations referred to in Paragraphs (1) to (5), the administrative sanctioning authority may, by a penalty decree, deprive the offender from the right to implement the relevant electronic communications for which the said offender has been sanctioned, for a period of up to one year.

Article 325. (1) Any person, who provides public electronic communications networks and/or services for the implementation of which an authorization for use of an individually assigned scarce resource has been granted, and who violates the authorization conditions, shall be liable to a fine of BGN 10,000 or exceeding this amount but not exceeding BGN 100,000.

(2) Any person, who implements electronic communications for private needs for the implementation of which an authorization for use of an individually assigned scarce resource has been granted, and who violates the authorization conditions, shall be liable to a fine of BGN 1,000 or exceeding this amount but not exceeding BGN 10,000.

Article 326. Any undertaking providing public electronic communications networks and/or services after submission of a notification under Article 66 herein, which violates any of the general requirements under Article 73 herein and/or a specific obligation, shall be liable to a fine of BGN 3,000 or exceeding this amount but not exceeding BGN 15,000.

Article 326a. (New, SG No. 105/2011, effective 29.12.2011) Any person, who violates the functional specifications for number portability adopted by the Commission, shall be liable to a fine or a pecuniary penalty of BGN 5,000 or exceeding this amount but not exceeding BGN 60,000.

Article 327. (1) Any person, who violates the rules regarding the protection of confidentiality of communications and the related traffic data sent over public electronic communications networks, shall be liable to a fine of BGN 1,000 or exceeding this amount but not exceeding BGN 10,000 in case the act does not constitute a criminal offence.

(2) Any undertaking providing public electronic communications networks and/or services, which fails to fulfil an obligation to ensure conditions for interception of electronic communications related to protection of national security and safeguarding public order, shall be liable to a pecuniary penalty of BGN 10,000 or exceeding this amount but not exceeding BGN 100,000.

(3) Any undertaking providing public electronic communications networks and/or services, which fails to fulfil an obligation related to ensuring protection of personal data in the field of electronic communications, shall be liable to a pecuniary penalty of BGN 1,000 or exceeding this amount but not exceeding BGN 10,000.

(4) (New, SG No. 17/2010, effective 10.05.2010, amended, SG No. 24/2015, effective 31.03.2015) Any undertaking providing public electronic communications networks and/or services, which fails to fulfil an obligation referred to in Article 251b herein, shall be liable to a pecuniary penalty of BGN 3,000 or exceeding this amount but not exceeding BGN 25,000.

(5) (New, SG No. 17/2010, effective 10.05.2010, amended, SG No. 24/2015, effective 31.03.2015) Any undertaking providing public electronic communications networks and/or services, which fails to fulfil an obligation referred to in Article 251e herein, shall be liable to a pecuniary penalty of BGN 2,000 or exceeding this amount but not exceeding BGN 12,000.

(6) (New, SG No. 17/2010, effective 10.05.2010, amended, SG No. 24/2015, effective 31.03.2015) Any undertaking providing public electronic communications networks and/or services, which fails to fulfil an obligation referred to in Article 251f herein, shall be liable to a pecuniary penalty of BGN 10,000 or exceeding this amount but not exceeding BGN 25,000.

(7) (New, SG No. 17/2010, effective 10.05.2010) For a repeated infringement under Paragraph (6), a pecuniary penalty of BGN 15,000 or exceeding this amount but not exceeding BGN 50,000 shall be imposed.

Article 328. (1) Any person, who interferes with or alters the content of communications of third parties in a public electronic communications network through use of electronic communications facilities, shall be liable to a fine of BGN 200 or exceeding this amount but not exceeding BGN 2,000 in case the act does not constitute a criminal offence.

(2) Any person who, for the purpose of obtaining for himself or herself or for another a benefit, uses an electronic communications network without legal grounds and thereby inflicts detriment on the undertaking stewarding the electronic communications network or on a third party, shall be liable to a fine of BGN 1,000 or exceeding this amount but not exceeding BGN 10,000 in case the act does not constitute a criminal offence, and the detriment shall be restituted according to the standard action procedure.

Article 329. (Supplemented, SG No. 17/2009) Any person, who transmits over a public electronic communications network false calls or misleading signs and/or signals for help, disaster, breakdown, accident or alert, except in the cases where the calls are to the single European emergency call number "112", shall be liable to a fine of BGN 2,000 or exceeding this amount but not exceeding BGN 20,000.

Article 330. Any person, who puts into service radio equipment for which a restriction has been introduced under Article 267 herein, shall be liable to a fine of BGN 5,000 or exceeding this amount but not exceeding BGN 15,000 in case the act does not constitute a criminal offence.

Article 331. (1) Any person who, upon request by the Commission, fails to provide information related to the application of this Act or provides false, deficient, inaccurate information, or fails to provide information within the time limit which may be set in the request, shall be liable to a fine of BGN 500 or exceeding this amount but not exceeding BGN 2,500.

(2) Any person, who obstructs the exercise of control under Article 311 herein by the Commission, shall be liable to a fine of BGN 1,000 or exceeding this amount but not exceeding BGN 5,000.

(3) (Amended, SG No. 29/2015) Any person, who fails to comply with a decision of the Commission, shall be liable to a fine of BGN 1,000 or exceeding this amount but not exceeding BGN 10,000.

(4) (Amended, SG No. 29/2015) Any person, who fails to comply with a decision of the Commission under Article 61 herein, shall be liable to a fine of BGN 5,000 or exceeding this amount but not exceeding BGN 50,000.

(5) (Amended, SG No. 29/2015) Any person, who fails to comply with a decision of the Commission under Article 240 herein, shall be liable to a fine of BGN 2,000 or exceeding this amount but not exceeding BGN 20,000.

(6) (Amended, SG No. 105/2011, effective 29.12.2011) Any undertaking providing public electronic communications networks and/or services, which fails to present documents to the Commission or fails to provide information or provides false, deficient, inaccurate or overdue information to the Commission, where such documents and information are necessary for designation of an undertaking with significant market power, shall be liable to a fine of BGN 5,000 or exceeding this amount but not exceeding BGN 50,000.

(7) (Amended, SG No. 29/2015) Any undertaking with significant market power, which fails to comply with a decision of the Commission regarding the specific obligations of the said undertaking as an undertaking with significant market power, shall be liable to a pecuniary penalty of BGN 100,000 or exceeding this amount but not exceeding BGN 1,000,000.

(8) (New, SG No. 105/2011, effective 29.12.2011, amended, SG No. 29/2015) Any undertaking providing public electronic communications networks and/or services, which fails to comply with a provisional obligation imposed by a decision, shall be liable to a pecuniary penalty of BGN 50,000 or exceeding this amount but not exceeding BGN 200,000.

Article 331a. (New, SG No. 29/2015) (1) For any non-compliance with a decision under Article 78, Paragraph 1:

1. the chairman shall impose the sanction for non-compliance with the respective obligation as envisaged in this chapter and/or

2. the commission shall impose a pecuniary sanction in the amount of BGN 500 to BGN 5,000 per day.

(2) The pecuniary sanction under Paragraph 1, Item 2 shall be imposed pending the implementation of the decision of the commission according to the procedure of chapter seventeen of the Administrative Procedures Code.

(3) The pecuniary sanctions imposed under Paragraph 1, Item 2 shall be subject to appeal according to the procedure of chapter seventeen, section VI of the Administrative Procedures Code.

(4) The reinstatement of a violated right and the indemnification of the damages from the implementation of an administrative instrument, which was repealed after its implementation began, shall be effected according to the procedure of chapter seventeen, section VII of the Administrative Procedures Code.

Article 332. (Amended, SG No. 17/2009) Any person, who fails to fulfil the requirements of Article 286 herein, shall be liable to a fine of BGN 5,000 or exceeding this amount but not exceeding BGN 50,000.

Article 332a. (New, SG No. 17/2009, amended and supplemented, SG No. 17/2010, effective 10.05.2010, amended, SG No. 24/2015, effective 31.03.2015) Any official of a state body or undertaking providing public electronic communications networks and/or services, who breaches the duties thereof or abuses the data under Article 251b (1) herein, shall be liable to a fine of BGN 1,000 or exceeding this amount but not exceeding BGN 10,000, unless the act constitutes a criminal offence.

Article 333. Any persons referred to in Article 312 (1) herein, who disclose, provide, publish, use or otherwise disseminate any data and circumstances constituting an official secret, shall be liable to a fine of BGN 500 or exceeding this amount but not exceeding BGN 5,000 and shall be deprived of the right to occupy the respective position for a period of six months or exceeding this duration but not exceeding one year.

Article 334. A pecuniary penalty of BGN 10,000 or exceeding this amount but not exceeding BGN 100,000 shall be imposed for any violation of Article 301 (1) herein.

Article 334a. (New, SG No. 17/2009) (1) A fine of BGN 10,000 or exceeding this amount but not exceeding BGN 50,000 shall be imposed for any violation of Article 178 (2) herein.

(2) If the act referred to in Paragraph (1) has inflicted substantial damage or has led to the occurrence of other grave consequences, the sanction shall be a fine of BGN 500,000 or exceeding this amount but not exceeding BGN 1,000,000.

Article 334b. (New, SG No. 17/2009, amended, SG No. 27/2010, effective 9.04.2010) (1) (Amended, SG No. 29/2015) Any undertaking providing a roaming service on public electronic communications networks, which infringes any requirements of Regulation (EC) No. 531/2012 of the European Parliament and of the Council of 13 June 2012 on roaming on public mobile telephone networks within the Union (OJ, L 172/10 of 30 June 2012), shall incur pecuniary penalties as follows:

1. for infringement of Article 3 of the Regulation: to the amount of BGN 400,000 or exceeding this amount but not exceeding BGN 2,000,000;

2. for infringement of Article 4 of the Regulation: to the amount of BGN 10,000 or exceeding this amount but not exceeding BGN 100,000;

3. for infringement of Article 5, paragraph 1 of the Regulation: to the amount of BGN 10,000 or exceeding this amount but not exceeding BGN 100,000;

4. for infringement of Article 7 of the Regulation: to the amount of BGN 400,000 or exceeding this amount but not exceeding BGN 2,000,000;

5. for infringement of Article 8, paragraph 2 of the Regulation: to the amount of BGN 50,000 or

exceeding this amount but not exceeding BGN 2,000,000;

6. for infringement of Article 8, paragraphs 1, 3, 4 and 5 of the Regulation: to the amount of BGN 10,000 or exceeding this amount but not exceeding BGN 100,000;

7. for infringement of Article 9 of the Regulation: to the amount of BGN 400,000 or exceeding this amount but not exceeding BGN 2,000,000;

8. for infringement of Article 10, paragraph 1 of the Regulation: to the amount of BGN 10,000 or exceeding this amount but not exceeding BGN 100,000;

9. for infringement of Article 10, paragraphs 2, 3, 4 and 5 of the Regulation: to the amount of BGN 50,000 or exceeding this amount but not exceeding BGN 2,000,000;

10. for infringement of Article 10, paragraphs 6 of the Regulation: to the amount of BGN 10,000 or exceeding this amount but not exceeding BGN 100,000;

11. for infringement of Article 11 of the Regulation: to the amount of BGN 10,000 or exceeding this amount but not exceeding BGN 100,000;

12. for infringement of Article 12 of the Regulation: to the amount of BGN 400,000 or exceeding this amount but not exceeding BGN 2,000,000;

13. for infringement of Article 13, paragraph 2 of the Regulation: to the amount of BGN 50,000 or exceeding this amount but not exceeding BGN 2,000,000;

14. for infringement of Article 13, paragraphs 1, 3, 4, 5 and 6 of the Regulation: to the amount of BGN 10,000 or exceeding this amount but not exceeding BGN 100,000;

15. for infringement of Article 14 of the Regulation – to the amount of BGN 10,000 or exceeding this amount but not exceeding BGN 100,000;

16. for infringement of Article 15 of the Regulation – to the amount of BGN 10,000 or exceeding this amount but not exceeding BGN 100,000.

(2) For a repeated infringement under Paragraph (1) the pecuniary penalty shall be imposed in an amount that may not be less than the double amount of the penalty imposed under Paragraph (1) for the first infringement.

Article 334c. (New, SG No. 105/2011, effective 29.12.2011) (1) Any undertaking providing public electronic communications networks and/or services, which fails to comply with an obligation referred to in Article 261c herein, shall be liable to a pecuniary penalty of BGN 2,000 or exceeding this amount but not exceeding BGN 20,000.

(2) A pecuniary penalty to an amount double the amount of the penalty imposed under Paragraph (1) shall be imposed for a repeated violation referred to in Paragraph (1).

Article 335. A fine to the amount of BGN 500 or exceeding this amount but not exceeding BGN 5,000 shall be imposed for any violation of this Act and of the acts issued in pursuance thereof, wherefor no other sanction is provided.

Article 336. (Amended, SG No. 17/2009, supplemented, SG No. 105/2011, effective 29.12.2011) Pecuniary penalties to amount equivalent to the amounts of the fines provided for shall be imposed for the violations referred to in Article 324 (1) to (6), Article 325, Article 326a, Article 327 (1), Articles 328, 330, Article 331 (1) to (5), Articles 332, 334a, 335, 338, 340 and 343 herein, committed by legal persons or by sole traders.

Article 337. (1) Upon ascertainment of the violations covered under Articles 324 to 335 herein, the employees empowered under Article 312 (1) herein shall draw up written statements according to the procedure established by the Administrative Violations and Sanctions Act.

(2) On the basis of the written statements referred to in Paragraph (1), the Chairperson of the Commission or an official expressly empowered thereby, who is a member of the Commission, shall issue penalty decrees or reasoned endorsements on termination of the administrative penalty proceeding.

(3) The ascertainment of violations, the issuing, appeal against and execution of penalty decrees shall follow the procedure established by the Administrative Violations and Sanctions Act.

Article 338. Any person, who implements public electronic communications and fails to notify the

Commission within 30 days of the occurrence of a change in any of the circumstances stated in the documents referred to in Items 1 to 3 of Article 83 herein, shall be liable to a fine of BGN 2,000 or exceeding this amount but not exceeding BGN 6,000.

Article 339. (1) Any member of the expert committee referred to in Article 99 (1) herein, who fails to declare in writing to the Commission any material commercial, financial or other business interest which the said member and/or any parties economically related to the said member or to family members thereof have upon the selection of a specific candidate for the granting of an authorization for use of an individually assigned scarce resource, shall be liable to a fine of BGN 1,000 or exceeding this amount but not exceeding BGN 5,000.

(2) Any member of the expert committee referred to in Article 99 (1) herein, who is appointed to management bodies of any candidate which has won a contest or tender for the granting of an authorization for use of an individually assigned scarce resource within one year after the granting of the said authorization, shall be liable to a fine of BGN 3,000 or exceeding this amount but not exceeding BGN 8,000.

(3) Any member of the expert committee referred to in Article 99 (1) herein, in respect of whom it is ascertained that the said member has presented false particulars in the declaration referred to in Article 99 (4) herein shall be liable to a fine of BGN 500 or exceeding this amount but not exceeding BGN 2,000, in case the act does not constitute a criminal offence.

Article 339a. (New, SG No. 11/2014, effective 7.02.2014) Pecuniary penalties to the amount of BGN 1000 or exceeding this amount but not exceeding BGN 5,000 shall be imposed on any undertakings providing public electronic communications services through electronic communication networks for any violations under Article 260 and Article 260a herein.

Article 340. (Amended, SG No. 105/2011, effective 29.12.2011) A fine of BGN 5,000 or exceeding this amount but not exceeding BGN 10,000 shall be imposed for any violations under Article 261 (4) herein.

Article 341. Pecuniary penalties to the amount of BGN 500 or exceeding this amount but not exceeding BGN 5,000 shall be imposed on any undertakings providing public electronic communications networks, registered under this Act, for any violations under Article 282 (1) herein.

Article 342. (1) (Amended, SG No. 43/2008, SG No. 93/2009) Any person who manufactures or imports any radio equipment of electronic communications terminal equipment referred to in Article 274 (1) herein without having registered the said equipment at the Directorate for Technical Operations of the State Agency for National Security, shall be liable to a fine of BGN 2,000 or exceeding this amount but not exceeding BGN 5,000.

(2) Where the violation referred to in Paragraph (1) has been committed by a legal person or by a sole trader, a pecuniary penalty to the amount of BGN 5,000 or exceeding this amount but not exceeding BGN 10,000 shall be imposed.

(3) A fine or a pecuniary penalty to an amount double the amount of the initially imposed fine or penalty shall be imposed for a repeated violation referred to in Paragraph (1).

Article 343. Any person, who fails to provide the information referred to in Article 272 herein, shall be liable to a fine of BGN 500 or exceeding this amount but not exceeding BGN 1,000.

Article 344. (1) Upon ascertainment of violations under Article 342 herein, the employees referred to in Article 321 herein shall draw up written statements according to the procedure established by the Administrative Violations and Sanctions Act.

(2) (Amended, SG No. 43/2008) On the basis of the written statements referred to in Paragraph (1), the Chairperson of the State Agency for National Security or an official expressly empowered thereby shall issue penalty decrees or reasoned endorsements on termination of the administrative penalty proceeding.

(3) The ascertainment of violations, the issuing, appeal against and execution of penalty decrees shall follow the procedure established by the Administrative Violations and Sanctions Act.

SUPPLEMENTARY PROVISIONS

(Heading amended, SG No. 17/2009)

§ 1. Within the meaning given by this Act:

1. "Subscriber" shall be any natural or legal person, who or which is party to a contract with an undertaking providing public electronic communications services.

2. (Amended, SG No. 17/2009, SG No. 105/2011, effective 29.12.2011) "Local loop" shall be the physical circuit connecting a public fixed electronic communications network termination point to a distribution frame or another equivalent facility in the fixed electronic communications networks.

3. "Address" shall be a sequence of digits and/or symbols used to identify a given element or termination point of an electronic communications network in routing, excluding an Internet address.

4. "Interconnection" shall be physical and logical linking of public electronic communications networks used by the same or a different undertaking in order to allow the users of one undertaking to communicate with users of the same or another undertaking, or to access services provided by another undertaking. Services may be provided by the parties involved or by other parties who have access to the network. Interconnection is a specific type of access implemented between undertakings implementing electronic communications over public electronic communications networks.

5. (Amended, SG No. 105/2011, effective 29.12.2011) "Harmful interference" shall be interference which endangers the functioning of the radio navigation services or otherwise seriously degrades, obstructs or repeatedly interrupts a radio service operating in accordance with the applicable provisions of international, Community or national law.

6. "Geographic number" shall be a number from the National Numbering Plan where part of its digit structure contains geographic significance used for routing calls to the physical location of the network termination point of an electronic communications network.

7. (Supplemented, SG No. 105/2011, effective 29.12.2011) "Location data" shall be any data processed in an electronic communications network or by an electronic communications service, indicating the geographic position of the electronic communications terminal equipment of a user of a public electronic communications service.

8. (Amended, SG No. 105/2011, effective 29.12.2011) "Access" shall be the making available of facilities and/or services to another undertaking, under defined conditions, on either an exclusive or non-exclusive basis, for the purpose of providing electronic communications services, including when they are used for the delivery of Information Society services or broadcast content services. This covers access to network elements and associated facilities and services, which may involve the connection of equipment by wire or wireless (including access to the local loop and to facilities and services necessary to provide services to the local loop), access to physical infrastructure, including buildings, ducts, shafts, towers, masts and poles; access to relevant software systems, including operational support systems; access to information systems or databases for pre-ordering, provisioning, ordering, maintaining and repair requests, and billing; access to number translation systems or systems offering equivalent functionality; access to fixed and mobile networks, including for implementation of roaming; access to conditional access systems for digital television services; access to virtual network services.

8a. (New, SG No. 105/2011, effective 29.12.2011) "Access on an exclusive basis" shall be access in which the undertaking providing access may not use the facilities whereto the said undertaking has provided access.

8b. (New, SG No. 105/2011, effective 29.12.2011) "Access on a non-exclusive basis" shall be access in which the undertaking providing access may use the facilities whereto the said undertaking has provided access, as well as to cede a non-exclusive right to the said facilities to third parties.

9. "Member State" shall be any Member State of the European Union, as well as any other State which is a Contracting Party to the Agreement on the European Economic Area, and Switzerland.

10. "Electromagnetic compatibility" shall be the capacity of the equipment to perform satisfactorily in its working electromagnetic environment without causing harmful interference with any of the facilities operating in the same electromagnetic environment.

11. "Electronic mail" shall be any text, voice, sound or image message sent over a public electronic communications network which can be stored in the said network or is received in the recipient's terminal equipment.

12. "Electronic programme guide" shall be a technical means or a technical solution, which makes possible the selection of programmes, transmitted through digital television systems, by providing additional information about each channel and programme content.

13. "Electronic communications infrastructure" shall be a totality of all or some of the following elements: electronic communications means, including lines, cable systems, poles, towers, ducts, shafts, pipes, masts, cables, wires and facilities, which are used to implement electronic communications, with the exception of electronic communications terminal equipment.

14. "Electronic communications devices" shall be any electronic communications equipment and related technical means, including antennas.

15. (Amended and supplemented, SG No. 105/2011, effective 29.12.2011) "Electronic communications network" shall be a totality of conveyance facilities and, where applicable, switching and/or routing facilities and other resources, including network elements which are not active, which permit the conveyance of signals by wire, radio, optical or other electromagnetic means, including satellite networks, fixed (circuit- and packet-switched, including Internet) and mobile terrestrial networks, electricity distribution networks, to the extent that they are used for the purpose of transmitting signals, networks used for radio and television broadcasting, and cable electronic communications networks used for broadcasting of radio and television programme services, irrespective of the type of information conveyed.

16. "Electronic communications for private needs" shall be the implementation of electronic communications for non-commercial purposes. Private use shall be in evidence where the network is not used as a means to provide electronic communications services.

17. "Electronic communications service" shall be a service normally provided for remuneration which consists wholly or mainly in the conveyance of signals on electronic communications networks, including conveyance services, implemented through broadcasting networks, excluding services providing and/or exercising control over content. The scope of electronic communications services does not include Information Society services which do not consist wholly or mainly in the conveyance of signals on electronic communications networks.

17a. (New, SG No. 17/2009) "Illicit device" shall be any equipment, software and/or arrangement designed or adapted to give access to a protected service in an intelligible form without the authorization of the service provider.

18. "Safeguarding the public interest" shall be protection of citizens' dignity, justice and civil rights and freedoms, as recognized by legislation, as well as guaranteeing national security, defence and public order, as well as ensuring conditions for the use of scarce resources and for the promotion of effective competition.

19. "Calling line identification" shall be a function of the network which enables the called subscriber to obtain information about the number of the calling subscriber prior to the commencement of the exchange of information.

20. "Connected line identification" shall be a function of the network, which enables the calling subscriber to obtain information about the number of the called subscriber while the call is being established.

21. "Name" shall be a sequence of letters, digits and/or symbols, which identifies a definite element of a network and allows access to services, with the exception of an Internet name.

22. "Internet" shall be a system of interconnected networks using an Internet Protocol, which

allows them to function as an independent virtual network.

23. "Interface" shall be an electric, electronic, electromagnetic or optical system, including or not software and enabling interconnectivity or exchange of signals among facilities connected through it, while observing the respective technical specifications.

24. "Application program interface (API)" shall be the software interface between program applications, made available by the creator and/or distributor of radio and television programme services, as well as the resources in the enhanced equipment for provision of digital radio and television services.

25. "Intelligent network services" shall be services provided over electronic communications networks of an architecture which offers flexibility for the introduction of new options and services, including such managed by the user.

26. "End-user" shall be a user who does not provide public communications networks or public electronic communications services.

27. "Network termination point" (NTP) shall be the physical point at which the subscriber is provided with access to a public electronic communications network. In the case of networks involving switching or routing, the NTP is identified by means of a specific network address, which may be linked to a subscriber number or name.

28. "Electronic communications terminal equipment" shall be products or parts thereof, used to connect to the interfaces of public electronic communications networks.

29. "Cryptographic key" shall be a series of symbols that is used in an algorithm to generate cipher text (encryption) from plain text or, vice versa, from cipher text into plain text (decryption).

30. (Repealed, SG No. 105/2011, effective 29.12.2011).

31. "Routing" shall be a process of determination of an alternative route or a method for implementing electronic communications between two points of one or more electronic communications networks.

32. "Analogue terrestrial broadcasting" shall be the emission by terrestrial radio transmitters of analogue radio and/or television signals intended for reception by the public.

33. "Non-geographic number" shall be a number from the National Numbering Plan whose digit structure does not contain geographic significance, for example numbers for mobile services, free phone services, value added services, etc.

34. "Unbundled access to the local loop" shall be provision of full unbundled access to the local loop or shared access to the local loop; without entailing a change in ownership of the local loop.

34a. (New, SG No. 105/2011, effective 29.12.2011) "Personal data breach" shall be a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorized disclosure of, or access to, personal data transmitted, stored or otherwise processed in connection with the provision of a public electronic communications service.

35. (Amended, SG No. 27/2010, effective 9.04.2010, repealed, SG No. 105/2011, effective 29.12.2011).

36. "Number" shall be a sequence of decimal digits, which uniquely identifies a network terminal point in an electronic communications network. The number contains the information needed to route and/or to bill a call to the said terminal point.

37. "Numbering space" shall be the full set of numbers used in electronic communications.

38. (Amended, SG No. 17/2009) "Public pay telephone" shall be a telephone available to the general public, for the use of which the means of payment may include coins and/or credit/debit cards and/or pre-payment cards, including cards for use with dialling codes.

39. (Amended, SG No. 105/2011, effective 29.12.2011) "Public electronic communications network" shall be an electronic communications network used wholly or mainly for the provision of public electronic communications services which permit the transfer of information between network termination points.

40. "Public electronic communications services" shall be electronic communications services available to the general public.

41. (Amended, SG No. 105/2011, effective 29.12.2011) "Public telephone service" shall be a public electronic communications service for originating and receiving, directly or indirectly, national or international calls through a number or numbers in a national or international telephone numbering plan.

42. "Interoperability of services" shall be the capacity of electronic communications networks to interoperate effectively in order to ensure access for users to the services provided over these networks.

43. (Supplemented, SG No. 17/2009) "Scarce resource" shall be a resource limited due to natural phenomena or for technical reasons, such as the numbers from the National Numbering Plan and addresses, the radio spectrum according to the National Radio Spectrum Allocation Plan, and the geostationary orbital positions allocated to the Republic of Bulgaria by international agreements.

44. "Provision of an electronic communications network" shall be the establishment, operation and provision of access to this network.

45. "Market of retail services" shall be a market for the provision of services to end-users.

46. "Market of wholesale services" shall be a market where services are provided for third parties, which provide or intend to provide services to end-users.

47. (Amended, SG No. 105/2011, effective 29.12.2011) "Call" shall be a connection established by means of a public electronic communications service allowing two-way voice communication.

48. "Repeated violation" shall be a violation which is committed within one year after the entry into effect of the penalty decree whereby a sanction has been imposed for the same type of violation.

49. "User" shall be a legal or natural person using or having applied for use of a public electronic communications service.

50. "Undertaking providing public electronic communications networks and/or services" shall be any sole trader natural person or any legal person, who implements electronic communications for commercial purposes under the terms established by this Act.

51. "Undertaking with significant market power" shall be an undertaking which, independently or jointly with other undertakings, enjoys a position equivalent to dominance, i.e. a position of economic strength affording it the power to behave to an appreciable extent independently of competitors, users and end-users.

52. "Interception" shall be an activity of obtaining access to and providing electronic communications of a specific subscriber and the data related to the calls of the said subscriber, to the competent authorities covered under Article 20 (1) of the Special Surveillance Means Act, performed on the basis of legal authorization.

53. (Amended, SG No. 17/2010, effective 10.05.2010) "Interception interface" shall be a system of a monitoring centre and other input-output software and hardware of an undertaking implementing electronic communications, where access to the intercepted electronic communications or to the data related to the call is provided.

54. (Supplemented, SG No. 37/2009, effective 19.05.2009) "Broadcasting" shall be the emission by radio transmitters of radio and/or television signals intended for reception by an infinite number of listeners. The radio transmitters of radio- and/or television signals shall be part of the electronic communications network for terrestrial broadcasting.

55. "Radio service" shall be a totality of technical and organizational rules in the transmission, emission and/or reception of communications over radio waves for the various specific cases of implementation of electronic communications.

56. "Radio equipment" shall be a device or part of a device for the implementation of electronic communications by means of the emission and reception of radio waves, using the spectrum allocated for terrestrial or satellite radio communications.

57. "Radio spectrum" shall include radio waves in frequencies between 9 kHz and 3,000 GHz.

Radio waves shall be electromagnetic waves propagated in space without artificial guide.

58. "Radio frequency band" shall be a part of the radio spectrum limited by two frequencies.

58a. (New, SG No. 105/2011, effective 29.12.2011) "Radio spectrum allocation" shall be the assignment of a particular radio frequency band for use by one or more radio services and users.

59. "Cost oriented prices" shall be such service prices which include the costs incurred in providing the services, taking into account the investments and investment risk, as well as a reasonable rate of return on the capital employed.

60. "Region" shall be two or more neighbouring nucleated settlements.

61. "Roaming" shall be a service on a mobile network, which allows for a subscriber of an undertaking providing public electronic communications services over public mobile electronic networks, to use the main services offered by the said undertaking, as well as, depending on the technical capacities, all or some of the additional services and calling regimes in the networks of another undertaking providing public electronic communications services over public mobile electronic networks, without being a subscriber of the latter.

62. (Amended, SG No. 105/2011, effective 29.12.2011) "Full unbundled access to the local loop" shall be the provision of access to the local loop or local sub-loop by an undertaking having significant market power, allowing the use of the full capacity of the network infrastructure.

63. "Electronic communications network security" shall be the protection of electronic communications networks from unauthorised modification, destruction, or disclosure. This protection shall ensure that the electronic communications network perform the functions thereof correctly and without any harmful side effects related to the timely and reliable conveyance of communications.

64. "Systematic violation" shall be in evidence where three or more administrative violations of this Act or of the instruments on the application thereof have been committed within two years.

65. "Structural barriers to market entry" shall be barriers resulting from the necessary initial costs or demand conditions and discriminating in favour of undertakings with significant market power and against new market entrants, thus preventing or impeding the market entry of the latter.

66. (Amended, SG No. 105/2011, effective 29.12.2011) "Shared access to the local loop" shall be the provision of access to the local loop or local sub-loop by an undertaking having significant market power to another undertaking, allowing the use of a specified part of the capacity of the network infrastructure such as a part of the frequency band.

66a. (New, SG No. 105/2011, effective 29.12.2011) "Joint significant market power" shall be a situation in which two or more undertakings, operating in one and the same market which is characterized by a lack of effective competition and in which no single undertaking has significant market power, can have a significant impact on the said market even in the absence of structural or other links between them.

67. "Co-location" shall be the provision of physical space and technical means necessary to accommodate and connect the relevant equipment of an undertaking obligated to provide the service to another undertaking.

68. "Communication" shall be any information, exchanged or conveyed between a finite number of parties by means of a public electronic communications service. This does not include any information conveyed as part of a broadcasting service to the public over an electronic communications network, except to the extent that the information can be related to an identifiable subscriber or user receiving the information.

69. "Material violation" shall be any violation which prevents the attainment of the purposes covered under Article 4 herein and which has or could result in adverse consequences for the normal functioning of the electronic communications market.

70. "Directory enquiry services" shall be electronic communications services enabling the calling end-user to obtain information about the telephone number of a subscriber through submitted data individualizing the subscriber: name and, where necessary, address.

70a. (New, SG No. 105/2011, effective 29.12.2011) "Transnational markets" shall be markets identified by a Decision of the European Commission which cover the European Union or a substantial part thereof and are located in more than one Member State of the European Union.

71. "Traffic data" shall be data processed for the purpose of the conveyance of a communication on an electronic communications network or needed for the billing of the said communication.

72. "Conditional access" shall be a technical measure and/or arrangement whereby access to a protected service in intelligible form is made conditional of prior individual authorization.

73. (Amended, SG No. 105/2011, effective 29.12.2011) "Value added service" shall be any service for which the user pays the undertaking a price for use of the relevant electronic communications service inclusive of the price for content.

74. (Amended, SG No. 69/2008) "Emergency call services" shall be electronic communications services free of charge for the end-user, affording each end-user access to the Ambulance Service, the Ministry of the Interior, including to the single European emergency call number "112".

75. "Conditional access device" and "Information Society service" shall be defined according to the European Convention on the Legal Protection of Services Based on, or Consisting of, Conditional Access (State Gazette No. 62 of 2003).

76. "Enhanced digital television equipment" shall be set-top boxes intended for connection to television sets or integrated digital television sets, able to receive digital interactive television services.

77. "Fixed telephone service" shall be a public telephone service of a definite quality, provided between fixed termination points over a public electronic communications network.

78. "Price squeeze" shall be a situation restricting competition, where a service provider is unable to offer users profitable services, which are already offered on the relevant market by the undertaking that has provided its network for this purpose, by applying a very small margin between the wholesale and retail service prices.

79. "Price package" shall be a package of two or more services, whose prices are different from the prices of each of the services if the same services are provided outside the package.

79a. (New, SG No. 105/2011, effective 29.12.2011) "Local sub-loop" shall be the part of the local loop connecting a network termination point to a concentration point or another intermediate access point in the fixed public electronic communications network.

80. "Wide-screen television service" shall be a television service that consists wholly or partially of programmes produced and edited to be displayed in a 16:9 format.

81. "Legal or regulatory barriers to market entry" shall be barriers which are not based on economic conditions but arise from legislative, administrative or other state measures which, in some degree, restrict the market access of potential competitors or their future behaviour.

82. (New, SG No. 17/2009) "Accounting separation" shall be keeping separate accounts for the activities associated with the provision of electronic communications networks or services.

83. (New, SG No. 17/2009) "Data necessary to identify a subscriber and/or user" shall be: applicable to natural persons: forename, patronymic and surname, Standard Public Registry Personal Number and permanent address, and in respect of non-residents: Personal Number, applicable to legal persons and sole-trader natural persons: business name, registered office, address of the place of management and relevant identification code.

84. (New, SG No. 17/2009) "User ID" shall be a unique identifier allocated to persons when they subscribe to or register with an Internet access service or with an Internet electronic communications service.

§ 1a. (New, SG No. 17/2009, supplemented, SG No. 27/2010, effective 9.04.2010, repealed, SG No. 29/2015).

TRANSITIONAL AND FINAL PROVISIONS

§ 2. The Telecommunications Act (promulgated in the State Gazette No. 88 of 2003; amended in

Nos. 19, 77, 88, 95, 99 and 105 of 2005, Nos. 17, 29, 34, 51, 59 and 82 of 2006) is hereby superseded.

§ 3. (1) (Amended, SG No. 105/2011, effective 29.12.2011) The undertakings which provide the service of radio and television distribution over cable and satellite electronic communications services shall distribute, free of charge in real time, the national and regional programme services of the Bulgarian National Television and of the Bulgarian National Radio until the obligations are reviewed according to the procedure established by Paragraph (7).

(2) (Repealed, SG No. 37/2009, effective 19.05.2009).

(3) (Amended, SG No. 12/2010, repealed, SG No. 105/2011, effective 29.12.2011).

(4) (New, SG No. 12/2010) Any undertakings, which have been granted an authorization for use of an individually assigned scarce resource - radio spectrum, for implementation of electronic communications over electronic communications networks for digital terrestrial broadcasting, and which distribute the programme services of the Bulgarian National Radio and the Bulgarian National Television, shall be obligated to ensure the distribution of the said programme services on the basis of contracts at prices covering the necessary costs incurred for this activity and allowing a profit which would accrue to an unrelated party in the practice of identical business.

(5) (New, SG No. 12/2010, amended, SG No. 105/2011, effective 29.12.2011) In case the undertakings fail to reach agreement with the Bulgarian National Radio and the Bulgarian National Television on the prices under Paragraph (4), the prices shall be determined by the Communications Regulation Commission.

(6) (New, SG No. 105/2011, effective 29.12.2011) For the purpose of guaranteeing the distribution of the public radio and television programme services, the undertaking which acquires from the Bulgarian Telecommunications Company the necessary facilities and infrastructure ensuring the analogue terrestrial broadcasting and conveyance of the programme services of the Bulgarian National Television and the Bulgarian National Radio shall be obligated to distribute the said programme services in a quality manner on the basis of a contract at prices covering the necessary costs incurred for this activity and allowing a profit which would accrue to an unrelated party in the practice of identical business. Upon subsequent transfer of the facilities and infrastructure ensuring the analogue terrestrial broadcasting and conveyance of the programme services of the Bulgarian National Television and the Bulgarian National Radio, the obligation for distribution shall pass to the undertaking which has acquired the relevant infrastructure.

(7) (New, SG No. 105/2011, effective 29.12.2011) The Commission shall review the obligations imposed on the undertaking for conveyance of radio and television programme services according to the procedure established by this Act and by the Radio and Television Act not later than the 25th day of May 2013.

§ 4. (1) The Radio and Television Act shall be brought into conformity with this Act within six months after the entry of this Act into force.

(2) (Repealed, SG No. 37/2009, effective 19.05.2009).

(3) (Repealed, SG No. 37/2009, effective 19.05.2009).

§ 5. (1) (Redesignated from § 5, SG No. 17/2005) Authorizations for an individually assigned scarce resource - radio spectrum for analogue terrestrial television broadcasting shall be granted until the 31st day of December 2008 for a maximum period of applicability until the 31st day of December 2012.

(2) (New, SG No. 17/2009) Until the granting of authorizations for use of an individually assigned scarce resource - radio spectrum, for implementation of electronic communications over electronic communications networks for digital terrestrial broadcasting within a national range according to the procedure established by this Act, the Communications Regulation Commission may grant authorizations for use of an available scarce resource - radio spectrum, which has not been allocated according to the procedure established by § 9a of the Transitional and Final Provisions of the Radio and Television Act, to television broadcasters registered according to the procedure established by the Radio and Television Act.

(3) (New, SG No. 17/2009) The authorizations referred to in Paragraph (2) shall be granted according to a procedure established in rules adopted by the Communications Regulation Commission.

(4) (New, SG No. 17/2009) An authorization referred to in Paragraph (2) shall be granted after receipt of a favourable opinion from the Council for Electronic Media.

(5) (New, SG No. 17/2009) The authorizations referred to in Paragraph (2) may be terminated where the individually assigned scarce resource - radio spectrum, used by the undertakings, is necessary for implementation of the relevant stage of establishment of a digital electronic communications network.

§ 5a. (New, SG No. 17/2009) (1) (Declared unconstitutional by the Constitutional Court of the Republic of Bulgaria in respect of the words "single" [procedure] and "single" [undertaking] - SG No. 45/2009)

Within the framework of a single procedure under Article 48 (1) herein, the Communications Regulation Commission shall designate a single undertaking whereto the said Commission shall grant an authorization for use of the individually assigned scarce resource - radio spectrum, for implementation of electronic communications over electronic communications networks for digital terrestrial broadcasting within a national range in conformity with the provisions for the First Stage of the Plan for Introduction of Digital Video Broadcasting - Terrestrial (DVB-T) in the Republic of Bulgaria, adopted by the Council of Ministers.

(2) Simultaneously with the procedure referred to in Paragraph (1), the Communications Regulation Commission, complying with the requirements of this Act and of the procedure provided for in Chapter Five herein, shall initiate a contest procedure for selection of an undertaking eligible to obtain an authorization for use of an individually assigned scarce resource - radio spectrum, for implementation of electronic communications over electronic communications networks for digital terrestrial broadcasting within a national range in conformity with the provisions for the Second Stage of the Plan for Introduction of Digital Video Broadcasting - Terrestrial (DVB-T) in the Republic of Bulgaria, adopted by the Council of Ministers.

(3) The undertaking whereto the authorizations referred to in Paragraphs (1) and (2) are granted may not be related parties within the meaning given by the Commerce Act.

§ 5b. (New, SG No. 17/2009) (1) Within one month after conclusion of the procedure referred to in § 5a (1) herein, the Communications Regulation Commission shall successively initiate contests for the granting of authorizations for use of an individually assigned scarce resource - radio spectrum, for implementation of electronic communications over electronic communications systems for digital terrestrial broadcasting within a regional range in conformity with the provisions for the First Stage of the Plan for Introduction of Digital Video Broadcasting - Terrestrial (DVB-T) in the Republic of Bulgaria, adopted by the Council of Ministers.

(2) Within the framework of the contest referred to in Paragraph (1), one authorization per region shall be granted to a single undertaking for use of an individually assigned scarce resource - radio spectrum, for implementation of electronic communications over electronic communications networks for digital terrestrial broadcasting for the relevant region.

§ 5c. (New, SG No. 17/2009) (1) (Redesignated from §5c, SG No. 37/2009, effective 19.05.2009) The authorizations for use of an individually assigned scarce resource - radio spectrum, through use of existing and/or new electronic communications networks for analogue terrestrial broadcasting, granted by the Communications Regulation Commission, shall be terminated where the individually assigned scarce resource - radio spectrum, used by the undertakings, is necessary for implementation of the relevant stage of establishment of a digital electronic communications network conforming to an

authorization granted by the Communications Regulation Commission for use of an individually assigned resource - radio spectrum, for implementation of electronic communications over electronic communications networks for digital terrestrial broadcasting within a national and/or regional range.

(2) (New, SG No. 37/2009, effective 19.05.2009) Any television programme services created for distribution by television broadcasters holding authorizations for use of an individually assigned scarce resource - radio spectrum, for implementation of electronic communications over an electronic communications network for analogue terrestrial broadcasting of television signals within a national range, granted by the Communications Regulation Commission and expiring after 2010, shall be distributed simultaneously over electronic communications networks for analogue terrestrial broadcasting and for digital terrestrial broadcasting.

(3) (New, SG No. 37/2009, effective 19.05.2009) Analogue distribution shall cease simultaneously for all programme services referred to in Paragraph (2) when the population coverage of the electronic communications network for digital terrestrial broadcasting reaches the population coverage ensured over the electronic communications network for analogue terrestrial broadcasting.

§ 5d. (New, SG No. 17/2009) (1) Not later than the 1st day of March 2009, a law shall be adopted ensuring the individually assigned scarce resource necessary for distribution of the public radio and television programme services of the Bulgarian National Television and the Bulgarian National Radio.

(2) The law referred to in Paragraph (1) shall determine the conditions for guaranteeing the public nature of the Bulgarian National Television and the Bulgarian National Radio.

§ 6. (1) The obligation referred to in Items 1 and 2 of Article 134 (1) herein shall apply in respect of fixed networks as from the 1st day of January 2009, and the obligation referred to in Item 3 of Article 134 (1) herein shall apply in respect of fixed networks as from the 1st day of January 2007.

(2) The provision under Item 2 of Article 135 (1) herein shall not apply to analogue telephone lines.

§ 7. The obligations imposed according to the procedure established by the Telecommunications Act as superseded on operators with significant market power, related to access and interconnection, co-location and shared use of premises and facilities, specific access, access to local loops, carrier selection, provision of leased lines and of a universal telecommunication service, shall subsist until the entry into effect of the decisions of the Commission whereby specific obligations are imposed on undertakings designated as having significant market power on the relevant market according to the procedure established by this Act.

§ 8. The members of the Communications Regulations Commission at the date of entry into force of this Act shall complete the term of office thereof.

§ 9. (1) The operators which carry out telecommunication activity at the date of entry into force of this Act on the basis of an individual licence or registration under a general licence, whereas this Act rules that the implementation of electronic communications is related to the submission of a notification, shall be entered ex officio in the register referred to in Item 1 of Article 33 (1) herein by the Commission within six months after the entry into force of this Act.

(2) The persons referred to in Paragraph (1) shall implement electronic communications until entered in the register on the basis of an individual licence issued thereto and in compliance with the conditions of the general licence whereunder the said persons are registered.

(3) The operators which, upon the entry into force of this Act, carry out telecommunication activity on the basis of an individual licence, whereas this Act rules that the electronic communications implemented by the said operators are related to the granting of an authorization, shall be granted the relevant authorization by the Commission ex officio within six months after the entry into force of this Act. Until the granting of the said authorization, electronic communications shall be provided on the basis of the individual licences as issued to the said operators.

(4) In case of a request to the Commission received within the six months time limit under Paragraphs (1) and (3) for provision of a supplementary scarce resource or for modification of the

individual licence in respect of the individually assigned scarce resource provided, the Commission shall pronounce on any such request according to the procedure and within the time limits provided for in this Act, except in the cases where conduct of a competitive procedure is required for the provision of an individually assigned scarce resource.

(5) The annual fees due under the individual licences referred to in Paragraphs (1) and (3) shall be paid at the amounts and within the time limits specified in the relevant individual licences until termination of the validity of the said licences, depending on the period during which the activity was carried out on the basis of the said licences.

(6) An administrative annual control fee, referred to in Item 1 of Article 139 (2) herein, shall be due as from the entry in the register referred to in Item 1 of Article 33 (1) herein, and an annual fee for use of an individually assigned scarce resource, referred to in Article 140 (1) herein, shall be paid proportionately to the period for use of the said resource in accordance with the authorization as granted.

§ 10. The operators, which have carried out telecommunications freely under the terms established by the Telecommunications Act as superseded and in respect of which this Act requires that they provide electronic communications after submission of a notification, shall be obligated to send a notification under Article 66 herein to the Commission within three months after the entry into force of this Act.

§ 11. (1) Any initiated procedures for the issuance of an individual licence, where the resource is scarce and this Act rules that the implementation of electronic communications is related to the granting of an authorization, shall be completed in accordance with the provisions of this Act, with the applications for the issuing of individual licences being treated as applications within the meaning given by Article 83 herein.

(2) Within thirty days after the entry into force of this Act, the applicants shall bring the applications thereof into conformity with the requirements covered under Article 83 herein.

(3) A fee referred to in Item 4 of Article 139 (2) herein shall not be due in the cases referred to in Paragraph (1).

§ 12. (1) Any submitted applications for registration under a general licence, where this Act rules that the implementation of electronic communications is related to the submission of a notification, shall be treated as notifications within the meaning given by Article 66 herein.

(2) Within thirty days after the entry into force of this Act, the applicants shall bring the notifications thereof into conformity with the requirements covered under Article 66 herein.

§ 13. The provisions of Chapter Seventeen shall furthermore apply in respect of the electronic communications infrastructure established before the entry into force of this Act.

§ 14. In the 2007 Public Social Insurance Budget Act ([promulgated in the] State Gazette No. 105 of 2006), in Annex 1, on a row sequential number 59, in column "Description of economic activity," and in Annex 2, the word "telecommunications" shall be replaced by "electronic communications".

§ 15. In the Civil Aviation Act (promulgated in the Official Gazette No. 94 of 1972; amended and supplemented in No. 30 of 1990, No. 16 of 1997, No. 85 of 1998, No. 12 of 2000, Nos. 34 and 111 of 2001 and Nos. 52 and 70 of 2004, Nos. 88 and 102 of 2005, Nos. 30, 36, 37, 105 and 108 of 2006, No. 10 of 2007), there shall be inserted a new Article 16f to read as follows:

"Article 16f. The Minister of Transport or an official authorized thereby:

1. shall issue certificates of licensed capacity to the radio operators of the aeronautical mobile radio service and the aeronautical mobile-satellite radio service, shall issue authorizations for use of aircraft radio stations, and shall keep public registers of the certificates and authorizations as issued;

2. shall carry out international coordination of radio frequencies and radio frequency bands, as well as of the technical characteristics of the radio equipment which uses the said frequencies and bands for the following radio services: aeronautical mobile, aeronautical mobile-satellite, aeronautical radio navigation, and aeronautical radio navigation-satellite;

3. shall assign for use the allocated radio call signs for identification of the aircraft radio stations

and shall keep a register of the said call signs under terms and according to a procedure established in an ordinance of the Minister of Transport on the allocation of radio call signs in the Republic of Bulgaria according to the requirements of the International Telecommunication Union."

§ 16. The Value Added Tax Act (promulgated in the State Gazette No. 63 of 2006; amended in Nos. 86, 105 and 108 of 2006) shall be amended as follows:

1. In Item 1 (a) of Article 3 (5), the word "telecommunications" shall be replaced by "electronic communications";

2. In Article 21:

(a) in Item 2 (h) of Paragraph (3), the word "telecommunications" shall be replaced by "electronic communications";

(b) in Paragraph (4), the words "supply of telecommunications" shall be replaced by "provision of electronic communications".

3. In § 1 of the Supplementary Provision, Item 13 shall be amended to read as follows:

"13. "Electronic communications services" shall be electronic communications services within the meaning given by the Electronic Communications Act. Electronic communications services shall furthermore include a transfer or cession of a right to use the capacity for conveyance, emission, transmission or reception or the provision of access to global information networks."

§ 17. In the Act on Access and Disclosure of Records and on Declaration of Affiliation of Bulgarian Citizens to State Security and the Intelligence Services of the Bulgarian People's Army ([promulgated in the] State Gazette No. 102 of 2006), in Item 11 of Article 3 (2), the words "telecommunications operators" shall be replaced passim by "undertakings implementing electronic communications".

§ 18. In the State Ownership Act (promulgated in the State Gazette No. 44 of 1996; amended in No. 104 of 1996, Nos. 55, 61 and 117 of 1997, Nos. 93 and 124 of 1998, No. 67 of 1999, Nos. 9, 12, 26 and 57 of 2000, No. 1 of 2001, [modified by] Constitutional Court Judgment No. 7 of 2001, [promulgated in] No. 38 of 2001; amended in No. 45 of 2002, No. 63 of 2003, Nos. 24 and 93 of 2004, No. 32 of 2005, Nos. 17, 30, 36, 64 and 105 of 2006), in § 1 of the Supplementary Provisions, the word "telecommunications" shall be replaced by "electronic communications".

§ 19. The Electronic Commerce Act (promulgated in the State Gazette No. 51 of 2006, amended in No. 105 of 2006) shall be amended as follows:

1. In Item 2 of Article 1 (4), the word "telecommunications" shall be replaced by "electronic communications".

2. In Article 13, the words "telecommunication" and "the telecommunication" shall be replaced passim by "electronic communication".

3. In Article 15, the word "telecommunication" shall be replaced by "electronic communication".

§ 20. The Consumer Protection Act (promulgated in the State Gazette No. 99 of 2005; amended in Nos. 30, 51, 53, 59, 105 and 108 of 2006, No. 31 of 2007) shall be amended as follows:

1. In Article 50 (1), Item 2 shall be amended to read as follows:

"2. concluded with undertakings providing public electronic communications services through public pay telephones;"

2. In Item 3 of Article 169 (1), the word "telecommunications" shall be replaced by "electronic communications".

§ 21. In the Disaster Protection Act ([promulgated in the] State Gazette No. 102 of 2006), in Article 30 (2), the words "The telecommunications operators" shall be replaced by "The undertakings implementing electronic communications".

§ 22. In the Concessions Act (promulgated in the State Gazette No. 36 of 2006; amended in Nos. 53, 65 and 105 of 2006), in Item 13 of § 1 of the Supplementary Provision, the word "telecommunication" shall be replaced by "electronic communication".

§ 23. In the Ministry of Interior Act (promulgated in the State Gazette No. 17 of 2006; amended in

Nos. 30, 102 and 105 of 2006, Nos. 11 and 31 of 2007), in Item 6 of Article 112, the words "the licensed telecommunications operators" shall be replaced by "the undertakings providing public electronic communications networks and/or services".

§ 24. The Maritime Space, Inland Waterways and Ports of the Republic of Bulgaria Act (promulgated in the State Gazette No. 12 of 2000; amended in No. 111 of 2001, Nos. 24 and 70 of 2004, No. 11 of 2005, [modified by] Constitutional Court Judgment No. 5 of 2005, [promulgated in] No. 45 of 2005; amended in Nos. 87, 88, 94, 102 and 104 of 2005, Nos. 30, 36, 43, 65, 99 and 108 of 2006) shall be amended as follows:

1. In Article 15:

(a) in Paragraph (1), the words "authorized long-distance operator" shall be replaced by an "authorized undertaking implementing electronic communications";

(b) in Paragraph (2), the word "telecommunications" shall be replaced by "electronic communications".

2. There shall be inserted a new Article 60b to read as follows:

"Article 60b. The Minister of Transport of an official authorized thereby:

1. shall issue certificates of licensed capacity to the radio operators of the Global Maritime Distress and Safety System of the maritime mobile radio service and the maritime mobile-satellite radio service, to operators of ship radio stations navigating inland waterways, shall issue authorizations for use of radio stations and radar stations on board floating structures, and shall keep public registers of the certificates and authorizations as issued;

2. shall carry out international coordination of radio frequencies and radio frequency bands, as well as of the technical characteristics of the radio equipment which uses the said frequencies and bands for the following radio services: maritime mobile, maritime mobile-satellite, maritime radio navigation, and maritime radio navigation-satellite;

3. shall assign for use the allocated radio call signs for identification of radio stations on board floating structures and water-borne radio stations and shall keep a register of the said call signs under terms and according to a procedure established in an ordinance of the Minister of Transport on the allocation of radio call signs in the Republic of Bulgaria according to the requirements of the International Telecommunication Union."

§ 25. In the Act Restricting Administrative Regulations and Administrative Control over Economic Activity (promulgated in the State Gazette No. 55 of 2003; corrected in No. 59 of 2003; amended in No. 107 of 2003, Nos. 39 and 52 of 2004, Nos. 31 and 87 of 2005, Nos. 24, 38 and 59 of 2006, No. 11 of 2007), in the Annex, Item 39 "Telecommunication Activities" shall be deleted.

§ 26. In the Environmental Protection Act (promulgated in the State Gazette No. 91 of 2002; corrected in No. 98 of 2002; amended in No. 86 of 2003, No. 70 of 2004, Nos. 74, 77, 88, 95 and 105 of 2005, Nos. 30, 65, 82, 99, 102 and 105 of 2006, No. 31 of 2007), in Article 85 (1), the word "telecommunications" shall be replaced by "electronic communications".

§ 27. The Defence and Armed Forces of the Republic of Bulgaria Act (promulgated in the State Gazette No. 112 of 1995; amended in No. 67 of 1996, No. 122 of 1997, Nos. 70, 93, 152 and 153 of 1998, Nos. 12, 67 and 69 of 1999, Nos. 49 and 64 of 2000, No. 25 of 2001, Nos. 1, 40, 45 and 119 of 2002, Nos. 50, 86, 95 and 112 of 2003, Nos. 93 and 111 of 2004, Nos. 27, 38, 76, 88, 102 and 105 of 2005, Nos. 30, 36, 56, 82, 91 and 102 of 2006, No. 11 of 2007), Article 49a shall be amended and supplemented as follows:

1. In Item 1, the words "the postal and the telecommunications" shall be replaced by "the postal and the electronic communications", and after the word "forces" there shall be inserted "and".

2. In Item 2, the word "telecommunications" shall be replaced by "electronic communications".

3. In Item 3, after the words "the maintenance of" there shall be inserted "special defence installations and the installed wartime capacities of the National State Security and Defence Network for Defence Needs", and the text until the end shall be deleted.

§ 28. The Postal Services Act (promulgated in the State Gazette No. 64 of 2000; amended in No. 112 of 2001, Nos. 45 and 76 of 2002, No. 26 of 2003, Nos. 19, 88, 99 and 105 of 2005, Nos. 17, 34, 37 and 86 of 2006) shall be amended as follows:

1. In Item 2 of Article 3, the word "telecommunication" shall be replaced by "electronic communication".

2. In Article 64 (2), the words "implementation of the powers vested in the said Agency under Item 4 of Article 15 of the Telecommunications Act" shall be replaced by "projects referred to in Items 1, 6, 9 and 11 of Article 20 of the Electronic Communications Act".

§ 29. In the Radio and Television Act (promulgated in the State Gazette No. 138 of 1998; [modified by] Constitutional Court Judgement No. 10 of 1999, [promulgated in] No. 60 of 1999; amended in No. 81 of 1999, No. 79 of 2000, Nos. 96 of 2001, Nos. 77 and 120 of 2002, Nos. 99 and 114 of 2003, Nos. 99 and 115 of 2004, Nos. 88, 93 and 105 of 2005, Nos. 21, 34, 70, 105 and 108 of 2006, No. 10 of 2007), in Article 44, there shall be added new Paragraphs (3) to (5) to read as follows:

"(3) The Bulgarian National Television and the Bulgarian National Radio shall ensure the broadcasting of the national programme services thereof by satellite/satellites within the range of the territories of Europe and other continents where there are citizens of Bulgarian descent according to data of the Agency for Bulgarians Abroad and through their own research.

(4) The resources for execution of the activities referred to in Paragraph (1) shall be provided by the State budget.

(5) The Bulgarian National Television and the Bulgarian National Radio shall provide at no charge the national and regional programme services thereof to undertakings implementing electronic communications through cable electronic communication networks for distribution of radio and television programme services, as well as for satellite and digital terrestrial broadcasting."

§ 30. In the Technical Requirements for Products Act (promulgated in the State Gazette No. 86 of 1999; amended in Nos. 63 and 93 of 2002, Nos. 18 and 107 of 2003, Nos. 45, 77, 88, 95 and 105 of 2005, Nos. 30, 62 and 76 of 2006), in Article 27, there shall be added a new Paragraph (5) to read as follows:

"(5) In respect of electronic communication terminal equipment and radio equipment, market surveillance shall be carried out by the Communications Regulation Commission jointly with the Chairperson of the State Agency for Metrological and Technical Surveillance."

§ 31. The Sofia Municipality Planning and Building Development Act ([promulgated] in the State Gazette No. 106 of 2006) shall be amended as follows:

1. In Item 9 of Article 13 (1), the word "telecommunications" shall be replaced by "electronic communications".

2. In the Annex, on row 28, column one, the word "telecommunications" shall be replaced by "electronic communications".

§ 32. The Spatial Development Act (promulgated in the State Gazette No. 1 of 2001; amended in Nos. 41 and 111 of 2001, No. 43 of 2002, Nos. 20, 65 and 107 of 2003, Nos. 36 and 65 of 2004, Nos. 28, 76, 77, 88, 94, 95, 103 and 105 of 2005, Nos. 29, 30, 34, 37, 65, 76, 79, 82, 106 and 108 of 2006) shall be amended and supplemented as follows:

1. In Article 70 (4), the word "telecommunication" shall be replaced by "electronic communications".

2. In Part One, Chapter Four, in the heading of Section VI, the word "Telecommunication" shall be replaced by "Electronic Communications".

3. In Article 93:

(a) in Paragraphs (1) and (2), the word "telecommunication" shall be replaced by "electronic communications";

(b) in Paragraph (3), the word "telecommunication" shall be replaced "electronic communications".

4. In Article 94, the word "telecommunication" shall be replaced by "electronic communications".

5. In Article 108 (2), the word "telecommunications" shall be replaced by "electronic communications".

6. In Article 137 (1):

(a) in Item 1 (b), the word "telecommunication" shall be deleted;

(b) in Item 2 (b), the word "telecommunication" shall be deleted;

(c) in Item 3:

(aa) in Littera (b), the word "cable" shall be deleted;

(bb) there shall be added a new Littera (h) to read as follows:

"(h) electronic communications networks and facilities, established of a trunk type at a national level;"

(d) in Item 4, there shall be added a new Littera (g) to read as follows:

"(g) electronic communications networks and facilities, established in urbanized areas with high-rise and medium-rise development;"

(e) in Item 5, there shall be added a new Littera (e) to read as follows:

"(e) electronic communications networks and facilities, established in urbanized areas with low-rise development;"

7. In Item 2 of Article 205, the word "telecommunication" shall be replaced by "electronic communications".

8. In Item 31 of § 5 of the Supplementary Provisions, the word "telecommunications" shall be replaced by "electronic communications".

§ 33. The Crisis Management Act (promulgated in the State Gazette No. 19 of 2005; amended in Nos. 17, 30 and 102 of 2006, No. 11 of 2007) shall be amended as follows:

1. In Article 27:

(a) in Paragraph (2), the words "the telecommunications operators" shall be replaced by "the undertakings implementing electronic communications", and the words "the self-contained information networks" shall be replaced by "the information networks for own needs";

(b) in Paragraph (3), the words "The telecommunications operators" shall be replaced by "The undertakings implementing electronic communications", and the words "telecommunications services" shall be replaced by "electronic communications services";

(c) in Paragraph (5), the word "telecommunication" shall be replaced by "electronic communications".

2. In Article 64 (1), the words "the telecommunications networks ensuring the requisite communication links" shall be replaced by "the undertakings providing public electronic communications networks and/or services for operation".

§ 34. (1) The instruments on the application of this Act shall be adopted within six months after the entry into force of this Act.

(2) The instruments of secondary legislation, issued in pursuance of the Telecommunications Act as superseded, shall apply to the extent to which they do not conflict with this Act.

(3) The instruments of secondary legislation, adopted in pursuance of Item 2 of Article 14 (1), Item 15 of Article 27 and Item 11 of Article 28 (1), Article 140 (1) and Article 209 (2) of the Telecommunications Act as superseded, shall be repealed by the Council of Ministers within six months after the entry into force of this Act.

(4) The methodology referred to in Article 150 (2) herein shall be adopted by the Council of Ministers within three months after the promulgation of this Act in the State Gazette.

(5) The documents and information referred to in Article 153 herein shall be presented to the Commission within one month after the adoption of the methodology referred to in Paragraph (4).

(6) The drafts of decisions containing analyses of the relevant markets according to the methodology referred to in Paragraph (4) shall be published for public consultation within three months

after expiry of the time limit referred to in Paragraph (3).

(7) The instruction referred to in Article 311 (4) herein shall be issued within one month after the promulgation of this Act in the State Gazette.

This Act was passed by the 40th National Assembly on the 10th day of May 2007 and the Official Seal of the National Assembly has been affixed thereto.

??

ACT to Amend and Supplement the Electronic Communications Act
(SG No. 17/2009, amended, SG No. 24/2015, effective 31.03.2015)

.....
Transitional and Final Provisions

§ 79. The Chairperson, the Deputy Chairperson and the rights of the Communications Regulation Commission shall retain the rights thereof until expiry of the terms of office under Article 22 (3), (4) and (5) [of the Electronic Communications Act].

§ 80. (1) (Amended, SG No. 24/2015, effective 31.03.2015) As from the 1st day of January 2010, the undertakings providing electronic communications networks and/or services shall be obligated to collect data necessary to identify a user of pre-paid services referred to in Item 1 of Article 251i (1) and Item 2 of Article 251i (5) [of the Electronic Communications Act].

(2) In respect of the users of pre-paid services prior to the 1st day of January 2010, the data referred to in Paragraph (1), necessary to identify any such users, shall be collected according to a procedure and rules adopted by the Communications Regulations Commission not later than the 30th day of September 2009.

§ 81. The undertakings providing mobile public telephone services shall determine the geographic position of end-users calling telephone number "112" with an accuracy of up to 100 metres within the nucleated settlements and with an accuracy of up to 1 kilometre outside the nucleated settlements, depending on the time limits and rules for cost allocation laid down in the applicable Community law.

TRANSITIONAL AND FINAL PROVISIONS
to the Public Broadcasting Act
(SG No. 37/2009, effective 19.05.2009)

.....
§ 6. The Electronic Communications Act (promulgated in the State Gazette No. 41 of 2007, amended in No. 109 of 2007, Nos. 36, 43 and 69 of 2008 and No. 17 of 2009) shall be amended and supplemented as follows:

.....
§ 7. Within one month after the entry into force of this Act, the National Assembly shall elect, and the President of the Republic shall appoint, the new members of the Communications Regulation Commission under Item 1 (b) and (c) of § 6 herein. The resolution of the National Assembly and the decree of the President shall enter into force simultaneously on the 1st day of July 2009.

§ 8. This Act shall enter into force as from the day of promulgation thereof in the State Gazette, with the exception of Item 1 of § 6 herein, which shall enter into force as from the 1st day of July 2009.

ACT to Amend and Supplement the Electronic Communications Act
(SG No. 89/2009, effective 10.11.2009)

.....
Supplementary Provision

§ 6. In the remaining texts of the Act, the words:

1. "The Chairperson of the State Agency for Information Technology and Communications" shall be replaced by "the Minister of Transport, Information Technology and Communications".
2. "The State Agency for Information Technology and Communications" shall be replaced by "the Ministry of Transport, Information Technology and Communications".

3. "The Ministry of Transport" and "the Minister of Transport" shall be replaced, respectively, by "the Ministry of Transport, Information Technology and Communications" and "the Minister of Transport, Information Technology and Communications".

Transitional and Final Provisions

§ 7. The statutory instruments of secondary legislation, issued before the entry into force of this Act, shall continue in effect insofar as they do not come into conflict with this Act.

.....
TRANSITIONAL AND FINAL PROVISIONS

to the Act to Amend and Supplement the Ministry of Interior Act
(SG No. 93/2009, effective 25.12.2009)

.....
§ 78. In the Electronic Communications Act (promulgated in the State Gazette No. 41 of 2007; amended in No. 109 of 2007, Nos. 36, 43 and 69 of 2008, Nos. 17, 35, 37 and 42 of 2009; [modified] by Constitutional Court Judgment No. 3 of 2009, [promulgated in] No. 45 of 2009; amended in No. 82 of 2009), in Item 14 of Article 20 (1), at the end there shall be added "after clearance with the Ministry of Interior".

.....
§ 100. This Act shall enter into force one month after the promulgation thereof in the State Gazette with the exception of § 1, 2, 21, 36, 39, 41, 44, 45, 49, 50, 51, 53, 55, 56, 57, 59, 62, 63, 64, 65, 70 and 91 herein, which shall enter into force as from the day of promulgation thereof.

.....
TRANSITIONAL AND FINAL PROVISIONS

to the Act to Amend and Supplement the Radio and Television Act
(SG No. 12/2010)

.....
§ 89. Within one month after the entry into force of this Act, the Communications Regulation Commission, acting in compliance with the procedure provided for in Chapter Five of the Electronic Communications Act, shall initiate a procedure under Article 48 (1) of the said Act for selection of an undertaking to be granted an authorization for use of an individually assigned scarce resource - radio spectrum, for implementation of electronic communications over an electronic communications network for digital terrestrial television broadcasting intended for distribution of programme services of public service broadcasters, in conformity with the stages and time limits envisaged in the Plan for Introduction of Digital Video Broadcasting - Terrestrial (DVB-T) in the Republic of Bulgaria, adopted by the Council of Ministers.

.....
ACT to Amend and Supplement the Electronic Communications Act
(SG No. 17/2010, effective 10.05.2010)

.....
Supplementary Provision

§ 10. This Act transposes the requirements of Directive 2006/24/EC of the European Parliament and of the Council of 15 March 2006 on the retention of data generated or processed in connection with the provision of publicly available electronic communications services or of public communications networks and amending Directive 2002/58/EC.

Final Provisions

§ 11. The lists referred to in Article 250d (2) [of the Electronic Communications Act] shall be provided to the Communications Regulation Commission not later than the 10th day of May 2010.

FINAL PROVISIONS

to the Act to Amend and Supplement the Electronic Communications Act
(SG No. 27/2010, effective 9.04.2010)

§ 6. Within 15 days after the entry into force of this Act, the National Assembly shall dismiss the last three elected members of the Commission from the quota of the National Assembly, and the President of the Republic shall dismiss one of the two members of the Commission appointed thereby.

.....
TRANSITIONAL AND FINAL PROVISIONS
to the Act to Amend and Supplement the Conflict
of Interest Prevention and Disclosure Act
(SG No. 97/2010, effective 10.12.2010)
.....

§ 35. In the Electronic Communications Act (promulgated in the State Gazette No. 41 of 2007; amended in No. 109 of 2007, Nos. 36, 43 and 69 of 2008, Nos. 17, 35, 37 and 42 of 2009; [modified by] Judgment No. 3 of the Constitutional Court of 2009, [promulgated in] No. 45 of 2009; amended, Nos. 82, 89 and 93 of 2009, Nos. 12, 17 and 27 of 2010), the words "Conflict of Interest Prevention and Disclosure Act" shall be replaced passim by "Conflict of Interest and Ascertainment Act".

.....
ACT to Amend and Supplement the Electronic Communications Act
(SG No. 105/2011, effective 29.12.2011)
.....

Supplementary Provision

§ 207. This Act transposes the requirements of Directive 2009/140/EC of the European Parliament and of the Council of 25 November 2009 amending Directives 2002/21/EC on a common regulatory framework for electronic communications networks and services, 2002/19/EC on access to, and interconnection of, electronic communications networks and associated facilities, and 2002/20/EC on the authorisation of electronic communications networks and services (OJ, L 337/37 of 18 December 2009), of Directive 2009/136/EC of the European Parliament and of the Council of 25 November 2009 amending Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services, Directive 2002/58/EC concerning the processing of personal data and the protection of privacy in the electronic communications sector and Regulation (EC) No. 2006/2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws (OJ, L 337/11 of 18 December 2009), and of Directive 2009/114/EC of the European Parliament and of the Council of 16 September 2009 amending Council Directive 87/372/EEC on the frequency bands to be reserved for the coordinated introduction of public pan-European cellular digital land-based mobile communications in the Community (OJ, L 274/25 of 20 October 2009).

Transitional and Final Provisions

§ 208. (1) The authorizations for use of an individually assigned scarce resource which have been granted according to the hitherto effective procedure shall be brought into conformity with the requirements under Chapter Five [of the Electronic Communications Act] within seven months after the promulgation of this Act in the State Gazette.

(2) The time limit referred to in Paragraph (1) may be extended by up to nine months where the application of Paragraph (1) results in a reduction or the rights under the authorizations as granted and provided that the rights of other undertakings are not affected thereby. The Commission shall notify the extension of the time limit to the European Commission and shall state the reasons therefor.

§ 209. (1) Any undertaking, which has been granted an authorization for use of an individually assigned scarce resource - radio spectrum prior to the entry into force of this Act and the said authorization is valid for a period of not less than five years after the date of granting of the authorization and whereon restrictions have been imposed, may submit a request to the Commission for a reassessment of the said restrictions in accordance with Article 130 (2) to (4) [of the Electronic Communications Act].

(2) Before adopting the decision thereof under Paragraph (1), the Commission shall notify the

undertaking which has been granted an authorization for use of a scarce resource - radio spectrum of the review of the restrictions of the reassessment of the restrictions, indicating the extent of the right after the reassessment, and shall allow the undertaking a thirty-day time limit to withdraw the request thereof.

(3) If the undertaking withdraws the request, the right to use an individually assigned scarce resource - radio spectrum shall remain unchanged until expiry of the period of validity thereof or until the end of a five-year period after the entry into force of this Act, whichever is the earlier date.

(4) After expiry of the five-year period referred to in Paragraph (1), the Commission shall bring the general requirements and the authorizations granted for use of an individually assigned scarce resource - radio spectrum into conformity with Article 130 (2) to (4) [of the Electronic Communications Act].

(5) Analogue terrestrial television broadcasting shall cease within the territory of the Republic of Bulgaria as from the 1st day of September 2013.

(6) Within three months after the entry into force of this Act, the Council of Ministers shall adopt a plan for introduction of digital video broadcasting - terrestrial (DVB-T) in the Republic of Bulgaria.

(7) The plan referred to in Paragraph (6) shall cover the stages, time limits and conditions for introduction of digital video broadcasting - terrestrial (DVB-T).

(8) The plan for introduction of digital video broadcasting - terrestrial (DVB-T) in the Republic of Bulgaria shall envisage a complex of measures to assist persons with special social needs for procurement of devices allowing access to radio and television programme services. The range of persons shall be determined on the basis of criteria specified in the plan.

(9) Within three months after the adoption of the plan referred to in Paragraph (6), the competent state bodies jointly with the undertaking referred to in §5a (1) of the Transitional and Final Provisions [of the Electronic Communications Act] shall commence the actions and procedures necessary to inform the population regarding the introduction of digital video broadcasting - terrestrial (DVB-T) in the Republic of Bulgaria. The implementation of the measures for informing the population shall continue for a period at least until the 30th day of November 2013.

(10) Before the date referred to in Paragraph (5) the Commission, complying with the requirements of Chapter Five [of the Electronic Communications Act] shall initiate a procedure for selection of an undertaking to be granted an authorization for use of an individually assigned scarce resource - radio spectrum for implementation of electronic communications over an electronic communications network for digital terrestrial television broadcasting within a national range.

§ 210. The obligations to provide the service of carrier selection, imposed on an undertaking with significant market power on the retail markets, shall subsist until the entry into effect of a decision of the Commission whereby the respective obligation is maintained, amended or withdrawn.

§ 211. The undertakings providing a connection to public electronic communications networks and/or public electronic communications services shall bring the General Conditions thereof of the contract with end-users into conformity with the requirements of Chapter Fourteen [of the Electronic Communications Act] within two months after the day of entry into force of this Act.

§ 212. The provisions of Article 229a [of the Electronic Communications Act] shall apply to the contracts concluded according to the procedure established by Chapter Fourteen [of the Electronic Communications Act] prior to the day of entry into force of this Act.

§ 213. Any administrative penalty proceedings for breach of the requirements of Article 286 [of the Electronic Communications Act], which have been instituted prior to the entry into force of this Act, shall be completed according to the hitherto effective procedure.

§ 214. (1) The Commission shall complete the procedure conducted according to the procedure established in the rules referred to in § 5 (3) of the Transitional and Final Provisions [of the Electronic Communications Act] by granting an authorization for use of an individually assigned scarce resource - radio spectrum which has been declared available but has not been provided according to the procedure established in the rules. The Commission shall grant the authorization to the candidate which was

entitled to obtain the said authorization by reason of best indicators of all persons which submitted an application for the granting of an authorization for use of the same scarce resource.

(2) The Commission shall grant the authorization referred to in Paragraph (1) within one month after the entry into force of this Act for a period of use of an individually assigned scarce resource - radio spectrum which is not longer than the period for which the authorizations have been granted in pursuance of § 5 (2) and (3) of the Transitional and Final Provisions [of the Electronic Communications Act].

.....
§ 220. This Act shall enter into force as from the day of promulgation thereof in the State Gazette.
TRANSITIONAL AND FINAL PROVISIONS
to the Act to Amend and Supplement the Civil Servants Act
(Promulgated, SG No. 38/2012, effective 1.07.2012)
.....

§ 84. (Effective 18.05.2012 - SG No. 38/2012) Within one month after the promulgation of this Act in the State Gazette:

1. the Council of Ministers shall bring the Classifier of Positions in the Administration into conformity with this Act;

2. the competent authorities shall bring the organic acts of the respective administration into conformity with this Act.

§ 85. (1) The legal relationships with the persons of the administrations under the Radio and Television Act, the Independent Financial Audit Act, the Electronic Communications Act, the Financial Supervision Commission Act, the Access to and Disclosure of the Documents and Announcing the Affiliation of Bulgarian Citizens with the State Security Service and the Intelligence Services of the Bulgarian Popular Army Act, the Criminal Assets Forfeiture Act, the Conflict of Interest Prevention and Ascertainment Act, the Social Insurance Code, the Health Insurance Act, the Agricultural Producers Support Act and the Roads Act shall be settled under the terms established by § 36 of the Transitional and Final Provisions of the Act to Amend and Supplement the Civil Servants Act (State Gazette No. 24 of 2006).

(2) The act on appointment of the civil servant shall:

1. award the lowest rank designated in the Classifier of Positions in the Administration for occupation of the position, unless the servant holds a higher rank;

2. fix an individual monthly basic salary.

(3) The additional resources required for social and health insurance contributions of the persons referred to in Paragraph (2) shall be provided within the limits of the expenditures on salaries, remunerations and compulsory social and health insurance contributions under the budgets of the spending units concerned.

(4) The Council of Ministers shall effect the requisite modifications under the off-budget account of State Fund Agriculture arising from this Act.

(5) The governing bodies of the National Social Security Institute and of the National Health Insurance Fund shall effect the requisite modifications under the respective budgets arising from this Act.

(6) Any unused leaves under the employment relationships shall be retained and shall not be compensated by cash compensations.

§ 86. (1) Within one month after the entry into force of this Act, the individual monthly basic salary of the servant shall be fixed in such a way that the said salary, net of the tax due and the compulsory social and health insurance contributions for the account of the insured person, if they were due, would not be lower than the gross monthly salary received theretofore, net of the compulsory social and health insurance contributions for the account of the insured person, if they were due, and the tax due.

(2) The gross salary referred to in Paragraph (1) shall include:

1. the monthly basic salary or the monthly basic remuneration;
2. supplementary remunerations which are paid constantly together with the monthly basic salary or monthly basic remuneration due and which are contingent solely on the time worked.

§ 87. This Act shall enter into force as from the 1st day of July 2012 with the exception of § 84 herein, which shall enter into force as from the day of promulgation of the Act in the State Gazette.

TRANSITIONAL AND CONCLUDING PROVISIONS

to the Act Amending and Supplementing the Ministry of Interior Act
(SG No. 44/2012, effective 1.07.2012)

§ 54. (1) The National Police Directorate General, established by this Act shall be successor in title to the assets, liabilities, rights and obligations of the Criminal Police Directorate General and Guarding Police Directorate General.

(2) The procedural representation on pending disputes of Criminal Police Directorate General and Guarding Police Directorate General shall be carried out by the Director of the National Police Directorate General.

§ 55. Upon entry into force of this Act any existing service and employment relationships of civil servants and of individuals engaged under employment relationships at the Criminal Police Directorate General and Guarding Police Directorate General shall be transformed respectively into service and employment relationships of civil servants and of individuals engaged under employment relationships at the National Police Directorate General.

§ 56. Any lower level normative acts, issued prior to the entry into force of this Act, shall apply pending the issuance of the respective new acts, to the extent they do not run counter to it.

§ 57. The length of service, accumulated under the Civil Servants Act and the Labour Code by the officials under § 64 of the Transitional and Concluding Provisions to the Act Amending and Supplementing the Ministry of Interior Act (SG No. 93/2009) shall be treated as employment with the same employer, respectively appointing body.

.....
TRANSITIONAL AND FINAL PROVISIONS

to the Act on Amendment and Supplement of Spatial Development Act
(SG No. 66/2013, effective 26.07.2013)

.....
§ 73. In the Electronic Communications Act (promulgated, SG No. 41/2007, amended, SG No. 109/2007, SG No. 36, 43 and 69/2008, SG No. 17, 35, 37 and 42/2009, Decision No. 3 of the Constitutional Court of the Republic of Bulgaria of 4.06.2009 - SG No. 45/2009, amended, SG No. 82, 89 and 93/2009, SG No. 12, 17, 27 and 97/2010, SG No. 105/2011, SG No. 38, 44 and 82/2012, SG No. 15, 27, 28 and 52/2013) is amended as follows:

.....
2. In other texts of the Act, the words "Ministry of Regional Development and Public Works," "the Minister of Regional Development and Public Works" and "Minister of Regional Development and Public Works" is replaced by "the Ministry Investment Planning", "the Minister of Investment Planning" "Minister of Investment Planning."

.....
§ 117. This Act shall enter into force as of the day of its promulgation in the State Gazette.

TRANSITIONAL AND FINAL PROVISIONS

to the Act to Amend and Supplement the Electronic Communications Act
(SG No. 11/2014, effective 7.02.2014)

§ 7. The proceedings that have already started, as of the date of entry into force of this Act, on extending the validity of an authorization for use of individually assigned scarce resource - radio frequency spectrum for Broadband Wireless Access networks (BWA), Fixed Wireless Access networks

(FWA), Public Land Mobile networks and land networks capable of providing electronic communications services, shall be completed under this law, whereby a lump-sum fee under Article 143, Paragraph (2), the second sentence.

§ 8. This Act shall enter into force as of the day of its promulgation in the State Gazette, except for § 5, which shall enter into force two months after the promulgation.

TRANSITIONAL AND CONCLUDING PROVISIONS
to the Act to Amend and Supplement the Spatial Development Act
(SG No. 98/2014, effective 28.11.2014)

.....
§ 73. The following amendments shall be introduced in the Electronic Communications Act (promulgated, SG No. 41/2007, amended No. 109/2007, Nos. 36, 43 and 69/2008, Nos. 17, 35, 37 and 42/2009, Constitutional Court Decision No. 3 of 2009 - No. 45/2009, amended, Nos. 82, 89 and 93/2009, Nos. 12, 17, 27 and 97/2010, Nos. 105/2011, Nos. 38, 44 and 82/2012, Nos. 15, 27, 28, 52, 66 and 70/2013, Nos. 11, 53 and 61/2014):

.....
2. In the rest of the text of the Act the words "the Minister of Investment Planning" and "the Ministry of Investment Planning" shall be replaced by "the Minister of Regional Development and Public Works" and "the Ministry of Regional Development and Public Works", respectively.

.....
TRANSITIONAL AND CONCLUDING PROVISIONS
to the Act to Amend the Act on the Prohibition of Chemical Weapons
and on Control of Toxic Chemicals and the Precursors thereof
(SG No. 14/2015)

.....
§ 50. In the Electronic Communications Act (promulgated in the State Gazette No. 41/2007, amended, No. 109 of 2007, Nos. 36, 43 and 69 of 2008, Nos. 17, 35, 37 and 42 of 2009; Judgment No. 3 of the Constitutional Court of 4.06.2009 - SG No. 45/2009; amended, Nos. 82, 89 and 93 of 2009, Nos. 12, 17, 27 and 97 of 2010, No. 105 of 2011, Nos. 38, 44 and 82 of 2012, Nos. 15, 27, 28, 52, 66 and 70 of 2013, Nos. 11, 53, 61 and 98 of 2014) everywhere in the text the words "the Ministry of Economy, Energy and Tourism" shall be replaced by "the Ministry of Economy", respectively.

.....
SUPPLEMENTARY PROVISION
to the Act to Amend and Supplement the Electronic Communications Act
(SG No. 29/2015)

§ 11. Paragraph 9 regarding Article 334b contains measures for the implementation of Regulation (EU) No. 531/2012 of the European Parliament and of the Council of 13 June 2012 on the roaming in public mobile communications networks within the boundaries of the Union (OJ L172/10 of 30 June 2012).

TRANSITIONAL AND CONCLUDING PROVISIONS
to the State Intelligence Agency Act
(SG No. 79/2015, effective 1.11.2015)

.....
§ 21. Throughout the text of the Electronic Communications Act (promulgated in State Gazette No. 41/2007; amended, SG No. 109/2007, No. 36, 43 and 69/2008, No. 17, 35, 37, 42, 45, 82, 89 and 93/2009, No. 12, 17, 27 and 97/2010, No. 105/2011, No. 38, 44 and 82/2012, No. 15, 27, 28, 52, 66 and 70/2013, No. 11, 53, 61 and 98/2014 and No. 14, 23, 24, 29 and 61/2015) the words "National Intelligence Service" are to be replaced by "State Intelligence Agency".
.....