

ACT ON ELECTRONIC COMMUNICATION NETWORKS AND PHYSICAL INFRASTRUCTURE

In force from 09.03.2018

*Prom. SG. 21/9 Mar 2018, suppl. SG. 20/9 Mar 2021, amend. SG. 15/22 Feb 2022, amend. SG. 102/23 Dec 2022, amend. SG. 102/8 Dec 2023, **amend. and suppl. SG. 35/25 Apr 2025***

Chapter one.
GENERAL PROVISIONS

Art. 1. (1) This act shall provide for the public relations, connected with:

1. location, usage, maintenance and development of electronic communication networks;
2. provision of access to and using the existing physical infrastructure, including such, servicing other types of networks;
3. joint planning and use of the physical infrastructure;
4. rights and obligations of the network operators, related to the activities under p. 1 – 3;
5. the rights and obligations of the contracting authorities of constructions, owners of immovable properties, holders of limited real rights, persons who manage or use real estate and tenants in connection with the provision of access to immovable property in order to guarantee conditions for the provision of electronic communications services.

(2) This act shall apply to electronic communications networks and physical infrastructure - public and private property.

(3) The application of this act may not limit obligations, imposed by acts adopted under the Electronic Communications Act, in connection with access to and joint use of electronic communications networks, facilities and the related infrastructure within the meaning of the Electronic Communications Act.

(4) (Amend. - SG 35/25) This act shall not apply to construction, deployment, maintenance, use and development of electronic communications networks and physical infrastructure by the Ministry of Interior.

Chapter two.

OBJECTIVES AND PRINCIPLES

Art. 2. The objectives of the act shall be:

1. facilitating and stimulating the deployment of high-speed electronic communications networks by promoting the joint use of existing physical infrastructure;
2. creating conditions for more efficient and lower cost construction of a new physical infrastructure;
3. definition of specific requirements regarding the planning and coordination of physical infrastructure development for the deployment, use, maintenance and improvement of electronic communications networks in accordance with the requirements for the safe operation of the physical infrastructure and ensuring continuity of the services provided through it;
4. decreasing the administrative burden and creating conditions for facilitating procedures by establishing a Single Data Point and ensuring the possibility of coordinating, including electronically of the planning, construction and maintenance of physical infrastructure and the deployment of electronic

communications networks;

5. improving cross-sectoral coordination with regard to joint planning, construction, use and maintenance of physical infrastructure for the deployment of electronic communications networks;

6. providing access to minimal information on the existing physical infrastructure through the Single Data Point;

7. promotion of investments in the deployment of high-speed electronic communications networks and the building of their physical infrastructure.

Art. 3. (1) To achieve the objectives under Art. 2, while applying this act, the state authorities, local self-government authorities and network operators shall observe the principles of publicity, transparency, equality and proportionality.

(2) With implementation of powers in connection with the designs, construction, commissioning and maintenance of physical infrastructure for the deployment of electronic communications networks, respectively for the deployment, maintenance, improvement and development of electronic communications networks, the state authorities and the local self-government bodies shall not lay down additional requirements to those laid down by this Act, in special acts or in their implementing instruments.

(3) The amount of the local fees for administrative services, related to realization of the activities under this act, may not exceed the amount of the respective state fee for the same service, determined by an act, or by a Council of Ministers act.

(4) The prices that network operators may charge for access to and for joint use, the right of passage, coordination, or other activities under this Act shall reflect all costs associated with the activity concerned.

(5) (Amend. - SG 15/22, in force from 22.02.2022) Network operators of physical infrastructure set prices for providing access to and for joint use and the right to pass in accordance with a methodology defined by an ordinance issued by the Minister of Transport and Communications.

(6) The methodology under Para. 5 shall define the way in which costs are allocated to the designated service, where the distribution must be presented in a way that ensures compliance with the principles of transparency, equality and lack of anti-competitive cross-subsidization.

(7) The person who collects the fees under Para. 3 or receives the prices under Para. 4, shall publish on its website:

1. the amount of the fees, under Para. 3 or the prices under Para. 4;
2. the basis on which they are calculated;
3. the factors, taken in consideration while calculating the prices under Para. 4;
4. any additional terms related to the fees under Para. 3, respectively the prices under Para. 4.

(8) Upon request of an operator of an electronic communications network in connection with a specific service or from the Communications Regulation Commission, hereinafter referred to as "the Commission", the person shall also indicate the manner in which the prices under Para. 4 have been calculated.

(9) (New - SG 35/25) The methodology under para. 5 also determines the rules for calculating the amount of compensation for easements arising under Art. 31, para. 2, item 2 on properties - private state or municipal property, as well as for the establishment of other limited real rights on properties - public or private state or municipal property, for the construction of new or expansion of existing physical infrastructure for the deployment of electronic communications networks, for which compensation is due by law.

Chapter three.

ACCESS TO INFORMATION IN RELATION TO THE PHYSICAL INFRASTRUCTURE

Section I.

Single data point

Art. 4. (1) (Amend. - SG 15/22, in force from 22.02.2022) The functions of the Single Data Point shall be performed by the Minister of Transport and Communications or by persons authorized by him.

(2) The single data point provides network operators with access to information about:

1. procedures and normative acts, regulating the deployment and maintenance of electronic communications networks and construction and use of physical infrastructure, including for the authorities competent to issue the relevant acts, and the fees for their issuing;

2. existing physical infrastructure for deploying networks, including high-speed electronic communications networks;

3. planned or ongoing construction, deployment and installation activities according to Art. 39, Para. 2;

4. sample of documents necessary to obtain permits or other acts related to the construction of physical infrastructure, sample documents for notifications for the deployment of networks and models for applications for receiving rights under Art. 20;

5. criteria and time limits under which access to the information under p. 2 and 3 may be granted, limited or refused, including the grounds for imposing restrictions or refusal;

6. contact details with the competent authorities referred to in point 1 and the network operators which information shall allow establishment of a direct link to them, including information on the specific powers of the authorities involved in the planning, design, deployment and maintenance of electronic communications networks and construction of physical infrastructure;

7. data, including graphical for the existing electronic communications networks;

8. notices under Art. 20, Para. 4.

(3) (In force from 10.03.2020) The Single information point shall provide the possibility to fill in and submit electronically applications and all other documents necessary for the issuance of the relevant authorization for physical infrastructure building and for the deployment, maintenance and improvement of the electronic communications networks, as well as to obtain information on the progress of the procedure for their examination by the competent authorities.

(4) The information under Para. 2 shall be provided to the Single Data Point and shall be kept up-to-date by the public authorities according to their competence and by the network operators as follows:

1. the competent state authorities under Para. 2, p. 1 - the information under p. 1, 4 and 6;

2. The Geodesy, Cartography and Cadastre Agency, the municipal and regional administrations - the information under Para. 2, p. 1-6;

3. network operators - the information relevant to them under:

a) Para. 2, p. 2 under Art. 7, Para. 2 and Art. 11;

b) Para. 2, p. 3 under Chapter Five, Section I;

c) Para. 2, p. 6 and 7;

4. the bodies of the Directorate for National Construction Control - the information under Para. 2, p. 1, 2, 4 and 6 according to their functions under the Spatial Development Act.

(5) The bodies of the executive power, the state enterprises, and in the cases under Art. 20, Para. 3, p. 2 - the network operators, shall publish through the Single Data Point notices for granting rights under Art. 15, Para. 1 and Art. 17, Para. 1 over the relevant physical infrastructure pursuant to Art. 20, Para. 4.

Art. 5. (1) Access to the information under Art. 4, Para. 2 shall be carried out electronically through an information portal of the Single Data Point in pre-announced proportional, non-discriminatory

and transparent conditions.

(2) (Amend. - SG 15/22, in force from 22.02.2022) The Information Portal shall be built in and maintained by the Minister of Transport and Communications or by persons designated by him.

(3) The portal under Para. 1 shall also provide access to spatial data, metadata and spatial data services under Art. 4, Para. 2, p. 2 and 3 in the meaning of the Spatial Data Access Act.

(4) (Amend. - SG 15/22, in force from 22.02.2022) The terms and procedure for granting access to the information under Art. 4, Para. 2, as well as the data formats shall be determined by an ordinance of the Council of Ministers upon proposal of the Minister of Transport and Communications

Art. 6. (1) (Amend. - SG 15/22, in force from 22.02.2022) The information under Art. 4, Para. 2, p. 2 shall be provided after payment of a fee determined in accordance with Art. 7a of the Act on Limitation of Administrative Regulation and Administrative Control over the Business Activity with a Tariff, adopted by the Council of Ministers upon a proposal by the Minister of Transport and Communications.

(2) For the purpose of performing the functions on control and resolution of disputes, the Commission shall be provided with free access to the information under Art. 4, Para. 2.

Section II.

Access to the minimal information on existing physical infrastructure

Art. 7. (1) For the purpose of requesting access to physical infrastructure under Art. 15 and 17, the network operators shall be entitled to minimal information on the existing physical infrastructure located in the area where they plan to deploy electronic communications network elements.

(2) The minimum information under Para. 1 shall include:

1. location and / or route of the existing physical infrastructure;
2. type of physical infrastructure and mode of use;
3. name, address, e-mail address, and contact telephone number with the network operator who manages the physical infrastructure.

(3) Access to the minimum information under Para. 2 shall be provided through the Single Data Point in electronic way.

Art. 8. When requesting access to the minimum information, the operators of electronic communications networks shall indicate the area in which they plan to deploy elements of high-speed electronic communications networks.

Art. 9. Public sector bodies which, in the performance of their duties have data on planned physical infrastructure, as well as data in electronic format of the information under Art. 7, Para. 2, shall provide access to these data electronically via the Single Data Point.

Art. 10. Upon change of the data under Art. 7, Para. 2 the public-sector bodies shall provide to the Single Data Point the updated information within one month from:

1. the issuance of permits for elaboration of detailed development plans as well as entry into force of orders for approval of detailed physical infrastructure development plans;
2. the putting into operation of the physical infrastructure, and for the elements under Art. 51, Para. 1, p. 1, which are not subject to commissioning, as well as for the electronic communications networks deployed - from the notification for construction or deployment by the respective network operators;
3. the change of the information under Art. 7, Para. 2, p. 3.

Art. 11. (1) Where the minimum information under Art. 7, Para. 2 has not been provided in the Single Data Point under Art. 9 and 10, the network operators shall provide it on written request to another network operator submitted through the point.

(2) In the application under Para. 1 network operators shall indicate the area in which they plan to deploy network elements.

(3) The information under Para. 1 shall be provided by the network operator via the Single Data Point within one month from the date of receipt of the written request. The information shall be provided by the network operator on a fair, on reasonable, non-discriminatory, proportionate, transparent and pre-announced basis, where the price may not exceed the direct costs for providing the information. The price shall be paid by the network operator who submitted the application under Para. 1.

(4) The Single Data Point shall provide to the electronic communications network operator with access to information in accordance with the procedure established by the ordinance under Art. 5, Para. 4.

(5) Upon change of the data under Para. 1 the network operator shall be obliged to provide up-to-date information in the procedure and terms of Art. 10.

Art. 12. Access to the minimum information under Art. 7, Para. 2 may not be restricted unless it is necessary for the security of the networks and their integrity, national security, public health or safety. The network operator shall provide detailed reasons for any restriction under Art. 4, Para. 2, p. 5, which shall be published by the Single Data Point.

Art. 13. Network operators who have received access to the minimum information under Art. 7, Para. 2, shall undertake appropriate measures to ensure respect of confidentiality and protection of industrial and commercial secrets.

Art. 14. (1) State authorities that build, use, maintain and develop electronic communications networks for the needs of national security shall be exempt from the obligations under Art. 9, 10 and 11 in respect of these networks.

(2) The state authorities under Para. 1 shall fulfill the obligations under Art. 9, 10 and 11 where, by means of certain electronic communications networks, also an activity is realized, which is not related to national security.

Chapter four.

PROVISION OF ACCESS TO AN JOINT USE OF PHYSICAL INFRASTRUCTURE

Section I.

General rules for deployment of electronic communication networks and construction of related physical infrastructure

Art. 15. (1) Network operators shall provide electronic communications network operators with access to and / or joint use of their physical infrastructure, including with its components and / or facilities, with a view to deploying and using electronic communications networks, upon a reasoned request and subject to this Section and the acts on the application of the act.

(2) Network operators shall provide access to and / or joint use of their physical infrastructure with a written contract in accordance with transparent, proportionate and fair general terms and conditions, including cost, previously announced on their website.

(3) The general conditions under Para. 2 for physical infrastructure shall include at least:

1. conditions for access to and/or joint use, where:

a) description of how to deploy, technical requirements, quality and safety requirements;

b) restrictions for facilities that can be deployed;

c) security measures;

d) conditions for admission of employees to the operators of electronic communications

networks;

e) rules for allocating space when it is limited;

f) conditions and procedure for giving instructions in case of established technical non-compliance of the electronic communications networks, located on the basis of the granted right of access to and / or for joint use;

g) procedures for removing an electronic communications network and for restoring access to and / or for joint use;

h) other relevant information needed for access and / or for joint use of the physical infrastructure;

2. terms for:

a) responds to requests for providing access and / or joint use;

b) providing access;

c) removing damages;

3. standard terms of the contract, including compensations for non-performance of the contract;

4. prices and mechanism for price formation.

(4) The general conditions under Para. 2 and the contracts may not contradict the Electronic Communications Act and limit obligations imposed by acts adopted on its implementation in connection with regulated access to and joint use of physical infrastructure and electronic communications networks within the meaning of the Electronic Communications Act, of other special acts and rules applicable to the physical infrastructure referred to in Para. 1. Individual contracts with the operators of electronic communications networks shall not contradict the general conditions under Para. 2.

(5) Providing access to physical infrastructure does not create co-ownership of operators over the infrastructure, networks, or the properties in which they have been built in unless the parties agree otherwise.

(6) Property owners shall not acquire ownership of the physical infrastructure and / or networks located on the property unless the parties agree otherwise.

(7) Physical infrastructure owners shall not acquire any ownership rights over another operator's networks located on that infrastructure unless the parties agree otherwise.

Art. 16. (1) Where there is a technical and physical opportunity and a reasonable request, electronic communications network operators may provide network operators with access to and / or joint use of their physical infrastructure for the purpose of building networks other than electronic communications networks.

(2) Electronic communications networks operators shall provide with a written contract access to and / or joint use of their physical infrastructure under transparent, proportionate and fair conditions, including a price.

Art. 17. (1) Electronic communications network operators may require from network operators to be granted the right to pass and special use rights under the Roads Act of elements, and / or physical infrastructure facilities of other network operators, including with regard to the easement zones of these elements and / or facilities and of natural water bodies.

(2) The rights under Para. 1 shall be granted for:

1. construction, maintenance and use of physical infrastructure for electronic communications networks in accordance with detailed spatial plans;

2. deployment, maintenance and use of electronic communications networks and installation of facilities in the physical infrastructure.

(3) Granting of rights under Para. 1 shall be carried out in compliance with:

1. the rules and norms for the organization and safe operation of the relevant networks whose physical infrastructure is being used;

2. security requirements and uninterrupted delivery of other services;
3. requirements for environmental protection.

(4) The rights under Para. 1 shall be provided on the basis of a written contract between the electronic communications network operator and the network operator who manages the relevant physical infrastructure or a road special use permit.

(5) In the case of transfer of ownership over electronic communications networks and related physical infrastructure that are built, respectively located, maintained, improved and operated on the basis of the right granted under Para. 1, this right shall be automatically transferred in favor of the new owner-acquirer.

(6) The operators of electronic communications networks in favor of whom rights under Para. 1, have been established, shall have the right to grant to other network operators access to and joint use of the physical infrastructure built on the basis of these rights under the conditions of Art. 15 and 16.

Art. 18. (1) For the granted rights under Art. 17, Para. 1 the operator of electronic communications networks shall owe to the network operator a single compensation, except for the cases under Para. 3

(2) Upon transfer of the rights under Art. 17, Para. 1 the transferee shall not owe any remuneration or charge for these rights.

(3) The rights under Art. 17, Para. 1 over bridges, roads, streets, sidewalks and other properties - public state or public municipal property, shall be provided free of charge in favor of the operators of electronic communications networks.

Art. 19. (1) The rights under Art. 15, Para. 1 and Art. 17, Para. 1 on elements of physical infrastructure, state or municipal property, shall be granted for a period of up to 10 years without holding a tender or a competition. In the cases under Art. 20, Para. 3, p 2, Art. 20, Para. 4-9.

(2) When the physical infrastructure under Para. 1 is granted to a state enterprise under Art. 62, Para. 3 of the Commerce Act, the right under Art. 17, Para. 1 shall be provided for consideration by the head of the state enterprise after a decision by the Collective Governing Body and authorized by the respective minister or the head of the office exercising the ownership rights of the state in the enterprise.

(3) In the cases under Para. 2 the revenues from the granted right under Art. 15, Para. 1 and Art. 17, Para. 1 together with the overhead costs shall be paid into the current account of the state enterprise.

(4) (New - SG 35/25) In the cases under para 1 and 2, Art. 16, para 7 and 8 and Art. 19 of the State Property Act shall not apply.

Art. 20. (1) The rights under Art. 15, Para. 1 and Art. 17, Para. 1 shall be provided on the basis of a written application by an operator of an electronic communications network to the relevant network operator indicating the area, components and / or facilities of the physical infrastructure - subject to the requested rights, as well as the period for their use. The model of an application shall be determined by the ordinance under Art. 5, Para. 4.

(2) The network operator shall notify the applicant of the deficiencies found in the application under Para. 1 within 14 days of its receipt.

(3) The network operator shall conclude a contract under Art. 15, Para. 2 or under Art. 17, Para. 4 with the applicant within one month from the date of receipt of the written application under Para. 1 or from the removal of the irregularities under Para. 2, unless:

1. there is a ground for refusal under Art. 21, or
2. the possibilities for using the respective physical infrastructure - object of the request under Para. 1 are limited.

(4) In the cases under Para. 3, p. 2 within 14 days from the receipt of the request under Para. 1 the network operator shall announce its intention to grant rights under Art. 15, Para. 1 or under Art. 17, Para.

1 on the relevant physical infrastructure on their website and in another appropriate way, setting a 14-day deadline for interested parties to submit their applications. The network operator shall send the information to the Single Data Point at the same time as it is published on its website. The fourteen-day deadline for submitting applications shall start from the date on which the announcement of the network operator is published in the Single Data Point.

(5) Where, within the term under Para. 4 no applications have been received from other operators of electronic communications networks, the network operator and the operator of the electronic communications network, sender of the request under Para. 1, shall conclude a contract under Art. 15, Para. 2 or under Art. 17, Para. 4 no later than one month after the expiration of this period.

(6) Where, within the term under Para. 4 requests from other operators of electronic communications networks have been received and it is not possible all the requests to be met, the network operator shall refer the matter to the Commission.

(7) In the cases under Para. 6 the Commission shall adopt a decision in accordance with the following order of priority:

1. high-speed public electronic communications network;
2. a public electronic communications network for the provision of services with national coverage or network of an electronic communications network operator for the needs of the government;
3. a public electronic communications network for the provision of services with a regional scope;
4. a public electronic communications network for the provision of services with a scope of one populated place;
5. an electronic communications network for own use.

(8) In case of applications in the same order that can not be fully satisfied, the Commission shall assist applicants to reach an agreement for joint deployment and use. In the absence of an agreement, the applicants may refer the matter to the Commission, which, by decision, shall give binding instructions for joint location and use.

(9) The contract under Art. 15, Para. 2 or under Art. 17, Para. 4 shall be concluded not later than one month after the entry into force of the Commission decision under Para. 7 and 8 respectively after the agreement has been reached under Para. 8.

Art. 21. (1) A network operator, having received a request under Art. 20, Para. 1, shall have the right to refuse motivatedly rights under Art. 15, Para. 1 or under Art. 17, Para. 1 on the basis of objective, transparent and proportionate criteria where one of the following conditions is met:

1. lack of technical capacity for physical infrastructure to accept the elements of the physical infrastructure and / or electronic communications networks;
2. lack of physical capacity to deploy the elements of physical infrastructure and / or electronic communications networks in connection with which the rights are requested under Art. 15, Para. 1 or under Art. 17, Para. 1;
3. the need to reserve capacity for the network operator's own needs; the criteria for reservation shall be stated in the general conditions under Art. 15, Para. 2;
4. safety or public health considerations;
5. threat for violation of the integrity and security of any network, including of the critical infrastructure, defined under the ordinance under Art. 8a of the Disaster Protection Act;
6. risk of occurrence of serious disruptings in the operation of electronic communications services or of other services by the physical infrastructure operator resulting from planned new services through the same physical infrastructure;
7. availability of cost-effective alternative means of access to physical infrastructure, provided by the network operator and appropriate for the deployment of electronic communications networks,

provided that the access is offered under the conditions of Art. 15, Para. 2.

(2) The network operator shall be obliged to motivate the refusal under Para. 1 and send it to the applicant within one month from the date of receipt of the request under Art. 20, Para. 1

(3) The network operator may terminate the access to and the joint use of its physical infrastructure on the basis of objective and transparent criteria, set out in the Ordinance under Art. 63, Para. 5.

Art. 22. The applicant under Art. 20, Para. 1 or the network operator shall be entitled to refer the matter to the Commission in the event that within the terms of Art. 20 and 21:

1. there is no pronouncement of the network operator on an application, made in accordance with Art. 20, Para. 1, or

2. no contract under Art. 15, Para. 2 or under Art. 17, Para. 4 has been signed, including due to a lack of agreement on the terms of access and / or joint use, including in terms of the price, or

3. a contract under Art. 15, Para. 2 or under Art. 17, Para. 4 has been signed in violation of the requirements of:

a) Art. 20, Para. 1 - 6, or

b) an enforced decision of the Commission under Art. 20, Para. 7 or 8, or

4. no contract has been signed under Art. 20, Para. 9, or

5. a refusal has been made under Art. 21.

Art. 23. (1) The operators of electronic communications networks or authorized by them persons, who have obtained the right under Art. 15, Para. 1 or under Art. 17, Para. 1, shall have the right to access and passing in properties for carrying out the activities related to deployment, maintenance and use of the electronic communications networks.

(2) The operator of the electronic communications network or the persons performing the activities under Para. 1 shall be obliged to notify the owners or users of the properties, respectively of the physical infrastructure, at least 7 days before the commencement of the respective activities, unless otherwise provided by a special law.

(3) In case of interruption in the operation of the electronic communications networks or in the facilities to these networks, caused by unforeseeable or insurmountable events, when it is necessary to take immediate actions and the term under Para. 2 can not be complied with, the notification shall be made as soon as possible before or immediately after removal of the breakdown or the interruption.

(4) The operator of an electronic communications network under Para. 1 shall indemnify the owner or the user of the property, respectively of the physical infrastructure, or shall restore the property, respectively the physical infrastructure, in its original form after carrying out the activities under Para. 1.

Art. 24. (1) A network operator whose physical infrastructure is located an electronic communications network of an electronic communications network operator shall not be liable for any damage, caused to third parties in connection with a deployment and / or use of the electronic communications network, unless the network operator with his behavior has contributed to their occurrence.

(2) An electronic communications network operator, an owner of an electronic communications network, located in the physical infrastructure of another network operator, shall be liable for the damage, caused to the network operator as a result of deployment and / or use of its electronic communications network in violation of:

1. this act, or the ordinance under Art. 63, Para. 5;

2. the special acts, regulating the construction of the physical infrastructure and / or its operation, except in those cases where the electronic communications network has been located and operated in the presence of prior agreement under Art. 52, Para. 2.

Art. 25. (1) Subject to the applicable legislation in force, the network operators of physical

infrastructure or persons authorized by them shall be entitled to carry out activities of repairs, maintenance, extension, replacement of their physical infrastructure after having notified the operators of electronic communications networks, who have deployed elements of electronic communications networks in this physical infrastructure.

(2) The communication under Para. 1 may be done by e-mail, telephone or in other appropriate way. The communication must be made within a reasonable time before commencing the relevant activities.

(3) The network operator shall be liable for damages, caused to the operator of an electronic communications network in the event that he has not fulfilled his obligation under Para. 1 and 2.

Art. 26. (1) In the event of an emergency situation, the removal of which would entail damage to an electronic communications network, the network operator in whose physical infrastructure an electronic communications network is located shall be entitled to proceed to removal of the accident after having informed the operator of the electronic communications network beforehand within a term, defined in the general conditions for access to the physical infrastructure in which an operator's representative is to be sent.

(2) The notification of the emergency situation under Para. 1 may be made by e-mail, telephone or any other appropriate way, specified in the contract.

(3) In the absence of a representative under Para. 1 within the specified period or in case of refusal of the representative to provide the necessary assistance, the network operator shall have the right to temporarily remove or interrupt the electronic communications network while the accident is remedied, if it is impossible to remedy the accident in other way, while applying the due care.

(4) For the removal under Para. 3 a statement of findings shall be drawn up, which shall be delivered to the operator of the electronic communications network within three days after the elimination of the accident.

(5) In urgent cases under Para. (1), where immediate action is required to ensure safety and public health or to protect human life, communication shall take place as soon as possible after the accident has been rectified.

(6) Network operators of physical infrastructure shall not owe any compensation to the operators of electronic communications networks for the damage caused during or in connection with the activities under Para. 1 or 5, unless:

1. in the event of a rectifying the breakdown, the damage could have been avoided with due diligence, or

2. the network operator has not previously notified the operator of the electronic communications network or has undertaken the removal of the accident before the expiry of the deadline for appearance of a representative of the electronic communications network operator - in the cases under Para. 1.

(7) In the cases of removal or interruption of an electronic communications network under Para. 1 or 5, the restoration of that network in its original functional state shall be carried out by the operator of the electronic communications network under the conditions of Para. 6.

Art. 27. (1) Upon a written reasoned request from an operator of an electronic communications network, the network operators shall provide on-site inspections of a specified part of their physical infrastructure

(2) On-site inspections of the physical infrastructure part referred to in the application shall be allowed in proportionate, non-discriminatory and transparent conditions within 14 days from the date of receipt of the written request.

(3) On-site inspection shall not be restricted or refused, except for reasons of network security and integrity, national security, public health or safety. The network operator shall be obliged to motivate in writing the refusal within the term under Para. 2.

(4) The operator shall be obliged to take measures under Art. 13 in respect of the information

received during and on the occasion of the inspection under Para. 1.

Art. 28. (1) Without prejudice to the rights under Art. 15, the Commission may impose on the operators of electronic communications networks joint location and / or use of physical infrastructure elements, including in buildings, common premises in buildings or access points to buildings and to the first point of concentration or to a point of distribution , if it is located outside the building, masts, antenna equipment, towers and other elements or supporting structures, canals, boxes, cable distribution cabinets on, above or below the properties under Art. 30, Para. 1.

(2) The obligation under Para. 1 may be imposed on grounds, relating to the protection of the environment, the protection of public health and safety or the fulfillment of the objectives of spatial planning.

(3) Before adopting a decision for imposing an obligation for joint location and / or use of a physical infrastructure, the Commission shall inform the parties concerned, giving them an appropriate time limit but not longer than one month, to express an opinion.

(4) Upon imposition of the obligations under Para. 1, the Commission may provide guidance on the proportionate allocation of the costs for joint use.

(5) When imposing an obligation under Para. 1, the Commission shall be guided by the principles of objectivity, proportionality, equality and transparency.

Art. 29. The Commission may require from the electronic communications network operators to provide the necessary information for drawing up a detailed inventory of the nature, availability and geographic location of their electronic communications infrastructure when it can not be collected ex officio.

Art. 30. (1) Except in the cases under Art. 15 and 17, electronic communications networks operators shall have the right to deploy electronic communications networks and to build the associated physical infrastructure on the basis of a written contract, including a lease, contract or an administrative act, on, over or under the property:

1. public or private state or municipal property;
2. private property of natural or legal persons.

(2) For physical infrastructure of receiving stations of wireless electronic communications networks shall be required the conclusion of a written rental contract or other type of contract granting a temporary right of use to the operator for a fixed period.

(3) In the case of condominium ownership, the contracts under Para. 1 and 2 shall be concluded on the basis of a decision of the general meeting of the owners under the procedure of Art. 17, Para. 3 of the Condominium Ownership Management Act.

(4) In the cases of co-ownership, the contracts under Para. 1 and 2 shall be concluded with persons, holding more than half of the ownership.

(5) Where the property is state or municipal property, the rights under Para. 1 and 2 shall be granted for a term of up to 10 years under the procedure of Art. 19.

Section II. Servitudes

Art. 31. (1) When building a new and / or extending an existing linear physical infrastructure to deploy electronic communications networks in favor of electronic communications network operators, servitudes shall arise. The servitudes under this Act shall be recorded in the cadastre and shall be entered under the conditions and procedure of the Cadastre and Property Register Act.

(2) (Amend. - SG 35/25) The servitudes under Para. 1 shall arise for all public and private properties, where:

„ IELA NORM ” AD is the holder of the intellectual property right of the translation. The translation is unofficial and does not give rise to legal consequences for „ IELA NORM ” AD and R .

1. (suppl. - SG 35/25) there is a detailed development plan in place to determine the location of the properties concerned and in case a detailed development plan is not required - on the basis of a contract and/or administrative act, and

2. the owner of the property has been paid by the titleholder of the servitude for compensation only once for properties - private property.

(3) The determination of the amount of the compensations under Para. 2, p. 2 shall be carried out by mutual consent of the parties or on the basis of assessment by a licensed appraiser, and in the case of public property, compensation shall not be due.

(4) The amount of compensation under Para. 2, p. 2 shall be determined by applying the following criteria

1. the area of the service land included within the limits of the servitude;

2. types of restrictions on the use of the service property;

3. term of the restrictions;

4. a market valuation of the property or of the portion thereof that falls within the servitude.

(5) The way of payment of the compensation under Para. 2, p. 2 shall be agreed between the parties.

(6) When granting rights under Art. 15, Para. 1 or under Art. 17, Para. 1 in favor of the providers of electronic communications networks, no servitudes shall occur under this Section.

(7) The establishment of servitude under this Act on landed properties in forest areas shall be carried out in compliance with the Forestry Act.

(8) In the cases under Art. 50 Para. 3, p. 3 the servitudes under Para. 1 shall occur by right.

Art. 32. Servitudes under this Act shall be:

1. the right to pass and route physical infrastructure elements for the deployment of electronic communications networks in favor of electronic communications network operators, including deviations from these networks to buildings and other landed properties

2. (amend. - SG 15/22, in force from 22.02.2022, amend. – SG 102/22, in force from 01.01.2023, amend. - SG 102/23) limitation on the use of the service landed properties, determined by an ordinance, issued by the Minister of Transport and Communications, the Minister of Regional Development and Public Works and the Minister of Agriculture and Food.

Art. 33. (1) Servitudes under this act shall be indivisible rights. They may be exercised in their entirety for the benefit of any part of the physical infrastructure - a dominant property, and weigh in full on every part of the service property, including in cases where this property is subject to disposal in any lawful manner after the servitude has occurred.

(2) The change of ownership of the physical infrastructure and / or over the elements of electronic communications networks located on, or within it shall not terminate and / or change the effect of servitudes to the service property.

(3) The servitude shall be used only for the needs of the physical infrastructure, as well as the elements of electronic communications networks located on, in, or within it.

(4) The owner of the property shall not have the right to move the physical infrastructure - object of the servitude unless the persons have agreed otherwise or a special act provides otherwise.

Art. 34. (1) While exercising servitudes:

1. the operator of an electronic communications network shall acquire the right of its representatives to enter and pass through the service property and to carry out activities related to the maintenance and operation of the physical infrastructure for the deployment of the electronic communications network respectively, related to the deployment, operation of an electronic communications network, including the right to pass technology through the service land in connection with the construction

and servicing of the network in the existing physical infrastructure facility;

2. in the service land plots it shall not be allowed:

a) carrying out construction or perennial plantations in the servitude strip, unless the owner and the titleholder of the servitude negotiate otherwise;

b) conducting pipelines to other networks of the technical infrastructure, except where permitted by a legal act, subject to observation of the relevant technical requirements and after written agreement with the holder of the servitude.

(2) The exercise of the rights under Para. 1, p. 1 shall be carried out under the procedure of Art. 23, subject to the rules of public order.

(3) (Suppl. - SG 35/25) The titleholder of the servitude shall be obliged to provide joint use of the servitude band upon a justified request from an electronic communications network operator when there is a technical and physical opportunity and for remuneration without increasing the amount of the servitude. In these cases, no new easement arises.

(4) The remuneration under Para. 3 may not exceed the total value of the compensation under Art. 31, Para. 2, p. 2.

(5) The technical requirements for the exercise of servitude and the servitude strip under Para. 1, p. 2, letter "a" shall be determined by the ordinance under Art. 32, p. 2.

Art. 35. (1) The service of the servitude shall be carried out by the titleholder of the servitude in accordance with this act and the technical requirements determined by the ordinance under Art. 32, p. 2.

(2) In case the servitude strip falls into a property for which a right of construction is established, the servitude on the property shall be stated in the act establishing the right of construction.

Art. 36. The dimensions, deployment and special regime for exercising servitudes shall be individual for the different types of linear physical infrastructure for deployment of electronic communications networks and are determined by the ordinance under Art. 32, p. 2.

Art. 37. Notwithstanding of the compensation under Art. 31, Para. 2, p. 2, the titleholder of the servitude shall owe to the owner of the landed property, by agreement, the restoration of all damages caused to the property or, respectively, financial compensation.

Art. 38. Where the owner, user or tenant of the serving property performs an unauthorized building, enclosure, planting or other violation of the regime of exercising the servitude, the titleholder of the servitude shall have the right to refer the competent authorities with a request for removal of the illegal constructions at the expense of the owner, user or tenant, if he has not removed them within the term given to him by the titleholder of the servitude.

Chapter five.

COORDINATION OF ACTIVITIES

Section I.

Access to information about planned activities

Art. 39. (1) Upon written application by an operator of an electronic communications network or on the initiative of a network operator for the purpose of negotiating agreements to coordinate activities for the deployment, maintenance or improvement of elements of the electronic communications networks or building a physical infrastructure, each network operator shall provide the Single data point the following minimum information on ongoing or planned construction, deployment or installation activities related to its physical infrastructure:

„ IELA NORM ” AD is the holder of the intellectual property right of the translation. The translation is unofficial and does not give rise to legal consequences for „ IELA NORM ” AD and R .

1. place and type of the activities;
2. physical infrastructure - in the scope of or affected by current or planned construction, deployment or installation activities;
3. planned start date of the activities and their duration, and
4. contact information for the network operator.

(2) Information under Para. 1 shall be granted for construction, deployment, or assembly activities:

1. for which a request has been submitted for permission for elaboration of a detailed development plan or a scheme under Art. 124a of the Spatial Development Act;

2. which have been provided in a plot plan or in a plan- scheme, according to the Spatial Development Act, allowed for elaboration under Art. 124a of the Spatial Development Act and / or approved under Art. 129 of the Spatial Planning Act, insofar as it is necessary to approve a plot plan or a plan-scheme for the performance of these activities;

3. which the network operator plans to launch within 6 months or which have been started but not yet completed, insofar as they do not require the approval of a plot plan or plan – scheme and are not subject to authorization in accordance with this act.

(3) The network operator shall provide the information under Para. 2 to the Single Data Point and shall set a period, within which the operators of electronic communications networks may negotiate an agreement under Para. 1.

(4) The time limit for submitting applications for negotiation of an agreement under Para. 1 may not be less than 30 days from the announcement of the information under Para. 2 by the Single Data Point.

Art. 40. The application under Art. 39, Para. 1 shall indicate the area in which the deployment of electronic communications network elements and the associated physical infrastructure, together with a description of the investment intention of the electronic communications network operator.

Art. 41. Within 14 days from the date of receipt of the application under Art. 39, Para. 1 the network operators shall provide the requested information in proportionate, non-discriminatory and transparent conditions.

Art. 42. The network operator may reasonably restrict the access to the minimum information under Art. 39, Para. 1 solely for reasons of network security and integrity, national security, public health or safety, confidentiality or the protection of industrial and commercial secrets.

Art. 43. Network operators may reject the request under Art. 39, if:

1. public access to the requested information is made available in electronic form, or
2. access to this information has already been provided through the Single Data Point.

Section II.

Agreement for coordination of activities

Art. 44. (1) Network operators may negotiate agreements with electronic communications network operators to coordinate activities with a view to deploying elements of electronic communications networks or joint building or maintaining physical infrastructure.

(2) Electronic communications network operators may negotiate agreements with network operators of other networks to coordinate activities for joint building or maintaining of physical infrastructure.

(3) With concluding an agreement under Para. 1 or Para. 2 the time limits for the issuance of administrative acts, determined by an act shall be reduced by one third, but may not be shorter than 7 days.

Art. 45. (1) Network operators - developers of constructions and deployment activities, wholly or partially financed by public funds, shall implement any reasoned request for coordination of the activities submitted by the operators of electronic communications networks for:

1. the construction or maintenance of physical infrastructure, or
2. the deployment of elements of electronic communications networks.

(2) Advantage shall have the activities under Para. 1 which are connected to high-speed electronic communications networks.

(3) The request under Para. 1 shall be performed by the network operator under the following conditions:

1. shall not entail any additional costs, as well as delays, for the initially planned activities under Para. 1;

2. shall not impede control over the coordination of the activities under Para. 1, and

3. has been submitted within one month from the announcement of the investment intention at the Single Data Point but not less than one month before:

a) submitting an application for permission to develop a detailed development plan, including a plot plan or plan -scheme - in the case of joint building of physical infrastructure;

b) the submission of an application for approval of the project finally developed by the competent authority - in the case of physical infrastructure activities for which no detailed development plan or plan – scheme is required;

c) the submission of an application for issuing a building permit by the competent authority - in cases where an investment project is not required;

d) the initiation of activities announced by the network operator - in cases where the issuance of a building permit is not required.

(4) The network operators under Para. 1 shall announce their investment intentions in the Single Data Point.

(5) The costs related to the coordination and implementation of the activities under Para. 1, may be proportionally allocated among the parties by agreement between them.

Art. 46. Where, within one month from the date of receipt of a request under Art. 45 no agreement has been reached on the coordination of activities, each party shall have the right to refer the matter to the Commission

Chapter six.

DEPLOYING ELECTRONIC COMMUNICATIONS NETWORKS AND CONSTRUCTION OF THEIR PHYSICAL INFRASTRUCTURE

Section I.

Physical infrastructure building activities for the deployment of electronic communications networks

Art. 47. (1) (Suppl. - SG 35/25) The activities of investment design, coordination and approval of investment projects, on issuance of building permit and commissioning of physical infrastructure for deployment of electronic communications networks and transmitting stations shall be carried out under the conditions and procedure of the Spatial Development Act, unless special rules are provided for in this Act.

(2) In the design, construction or extension and operation of subwater line objects of physical infrastructure, necessary for the implementation of electronic communications, located on the seabed or its subsoil within the boundaries of the internal sea waters, the territorial sea, the Bulgarian section and the

coastal floodplain of River Danube, the provisions of the Act on Maritime Spaces, Inland Waterways and Ports of the Republic of Bulgaria shall apply.

(3) The construction works under Para. 1 shall be in category according to the Spatial Planning Act.

(4) The design and layout of cables, including dark optical fibers, shall not be activities under Para. 1 and shall be located in compliance with the requirements of this act.

(5) (New - SG 35/25) The Council of Ministers, upon a proposal from the Minister of Transport and Communications, shall adopt an ordinance determining the rules and norms for the design, construction and removal of physical infrastructure intended for the deployment of electronic communications networks and transceiver stations.

Art. 48. (1) The mayor of the municipality shall be obliged to submit the report and the draft of a detailed development plan under Art. 129 of the Spatial Development Act for the construction of physical infrastructure for the deployment of electronic communications networks under Art. 47, Para. 1 - 3 within 14 days from the adoption of the draft detailed plan by the expert council of the municipality.

(2) The time limits for approval of the investment project and for the issuance of a permit for construction of physical infrastructure for deployment of electronic communications networks shall be determined in accordance with the Spatial Development Act.

(3) The investment project for construction of linear physical infrastructure for deployment of electronic communications networks shall be coordinated by the contracting authority with the network operators managing the physical infrastructure in the properties included in the scope of the investment project within 30 days from receipt of the coordination request. Any refusal must be justified by specifying the specific grounds on the basis of objective, transparent, non-discriminatory and proportionate criteria for its decision.

(4) The approved investment projects and / or the permits issued under Para. 2 shall be sent to the applicant within 7 days from their entry into force and the reasoned refusals within 7 days from the issue.

(5) In cases where a special act does not provide a term for the issuance of an act and / or coordination of an act or document, related to the implementation of activities under this act, the competent authority or the network operator shall issue the act or agree the act or document, or to issue a reasoned refusal within 14 days from receipt of the request.

Section II.

General rules for the deployment actions of an electronic communications network and construction of its physical infrastructure

Art. 49. The location and installation of an electronic communications network which does not constitute a physical infrastructure shall be carried out in accordance with this act.

Art. 50. (1) The route of the linear physical infrastructure for the deployment of electronic communications networks shall be determined by the detailed development plan approved under the conditions and by the procedure of the Spatial Development Act. In the selection of the route shall be used the data from the cadastral map and the cadastral registers and from the specialized maps and registers, and information systems, as well as from the available plans under § 6, Para. 7 of the Transitional Provisions of the Spatial Development Act.

(2) Where a physical infrastructure route for electronic communications networks is outside the scope of the road, a detailed development plan shall be prepared - a plot plan.

(3) (Suppl. - SG 35/25) No detailed development plan and approval of a plan-scheme, including to an existing detailed development plan shall be required:

1. (suppl. - SG 35/25) when the route of the physical infrastructure for a cable electronic

communications network is within the scope of an existing road, including road facilities, agricultural, forestry, departmental roads, reflected in the cadastral map and cadastral registers, as well as the assigned easements of power lines, gas pipelines, water supply and sewage networks, railway lines and other linear objects of the technical infrastructure within the meaning of the Spatial Development Act;

2. when an operator of an electronic communications network, a holder of a servitude, deploys a new electronic communications network and / or builds a physical infrastructure whose servitude fully falls within the servitude of an existing network;

3. when building elements of the infrastructure for deployment of an electronic communications network from the regulation line of the property in which it is built to the access point to the building;

4. (new - SG 35/25) in the presence of existing physical infrastructure, reflected in the cadastral map or in a cadastral plan;

5. (new - SG 35/25) when constructing transceiver stations of wireless electronic communications networks installed in, on or in buildings, structures or existing physical infrastructure;

6. (new - SG 35/25) when the route of the physical infrastructure for electronic communications networks is within the scope of the street network, including sidewalks.

(4) (Repealed - SG 35/25)

(5) (Amend. - SG 35/25) Para. 3 shall also apply to the electronic communications networks of the Ministry of Interior.

Art. 51. (1) The activities related to the deployment of an electronic communications network, which are carried out under this Act, shall be:

1. downloading and / or suspending of communication cables and / or installation of other elements of electronic communications networks in existing welded or tolerable physical infrastructure within the meaning of § 21 of the Concluding Provisions of the Spatial Development Act, § 127 of the Transitional and Concluding Provisions of the Act on Amendment and Supplement to the Spatial Development Act (promulgated, State Gazette, issue 82/12, amended, SG No. 66/1920, No. 98/2014 and No. 101/2015);

2. maintenance of electronic communications network elements and equipment.

(2) In carrying out the activities under Para. 1, if the technical characteristics of the elements of the electronic communications network are changed, the fire safety requirements, the protection of the health and life of people and the safe operation shall be observed.

Art. 52. (1) The activities for deployment of electronic communications networks under Art. 51, Para. 1, p. 1 shall be carried out on the basis of:

1. a design made by a person possessing the necessary designer capacity; and

2. opinion of engineer-constructor and engineer with professional qualification in the field of communications with instructions for carrying out the installation works.

(2) Operators of electronic communications networks shall coordinate in advance the projects made in accordance with Para. 1, p. 1, to the network operators, operating the respective physical infrastructure in order to comply with the requirements of the special laws regulating its construction and / or operation.

Art. 53. (1) Upon completion of the deployment activities of electronic communications networks under Art. 51, Para. 1, p. 1 to, in or on the physical infrastructure through which services are provided under the Energy Act, a protocol shall be drawn up describing the installation works carried out and certifying that the following have been met:

1. the provisions of the contract for the provision of access to and joint use of physical infrastructure in connection with the installation works;

2. the projections of the project under Art. 52, Para. 1, p. 1 and the conditions under which the

network operator has coordinated them under Art. 52, Para. 2;

3. the instructions for carrying out the installation works provided in the opinion under Art. 52, Para. 1, p. 2.

(2) The protocol under Para. 1 shall be signed by:

1. the operator of an electronic communications network;

2. the network operator;

3. the person who has developed the project under Art. 52, Para. 1, p. 1;

4. the person who has drawn up the opinion under Art. 52, Para. 1, p. 2;

5. the persons who have carried out the installation work unless the installation has been carried out by the electronic communications network operator.

(3) By signing the protocol under Para. 1 without comments from:

1. the network operator shall certify that the activities related to the deployment of electronic communications networks under Art. 51, Para. 1, p. 1 have been performed in accordance with the conditions for them in the contract in which coordination has been given under Art. 52, Para. 2;

2. the person who has developed the project under Art. 52, Para. 1, p. 1, shall be certified that the activities for deployment of electronic communications networks under Art. 51, Para. 1, p. 1 have been carried out in accordance with the provisions of the project;

3. the person who has drawn up the opinion under Art. 52, Para. 1, p. 2, shall certify that the activities for deployment of electronic communications networks under Art. 52, Para. 1, p. 1 have been carried out in accordance with the terms of the opinion;

4. the persons under Para. 2, p. 1 and 5 shall certify that the activities for deployment of electronic communications networks under Art. 51, Para. 1, p. 1 have been performed in accordance with the requirements of this act and of the ordinance under Art. 63, Para. 5.

Art. 54. (1) The electronic communications network operator shall send to the Single Data Point an application for registration of the network, accompanied by information on the implementation of the activities for deployment of electronic communications networks under Art. 51, Para. 1, p. 1, within one month from their execution. The information shall also be sent to the mayor of the municipality on whose territory the network is located

(2) To the application under Para. 1, also a copy of the protocol signed by the persons under Art. 53, Para. 2 shall be attached.

(3) The procedure for carrying out the activities for deployment of electronic communications networks shall end with a registration of the protocol under Art. 53, Para. 1 in the Single Data Point.

(4) The Single Data Point shall register the electronic communications networks within 7 days of receipt of the application under Para. 1.

(5) When, within the term under Para. 4 the Single Data Point does not register or does not issue an explicit refusal; the electronic communications network shall be considered to be registered.

Art. 55. (1) The Single Data Point shall not make the registration under Art. 54, Para. 4 and shall inform the mayor of the respective municipality when:

1. to the application under Art. 54, Para. 1 has not been attached a protocol under Art. 53, Para. 1;

2. the protocol under Art. 53, Para. 1, attached to the application under Art. 54, Para. 1, has not been signed by all persons under Art. 53, Para. 2;

3. the protocol under Art. 53, Para. 1, attached to the application under Art. 54, Para. 1, has been signed with remarks by some of the persons under Art. 53, Para. 2.

(2) In the cases under Para. 1 the mayor or an official authorized by him shall order the inspection of the electronic communications network.

(3) In the event when carrying out the inspection under Para. 2, the mayor of the municipality

finds that there is a ground for removal under Art. 64, Para. 1 or under Art. 66, Para. 1, shall issue an order for the removal of the elements of the electronic communications network in respect of which there is a reason for the removal.

Art. 56. (1) In case of damages to an underground physical infrastructure for electronic communications networks which must be removed immediately, the operator of an electronic communications network, operating the respective physical infrastructure may commence the necessary repairs immediately, informing the respective municipal administration and the owners of the affected landed properties.

(2) In the cases under Para. 1 the operator of an electronic communications network operating the infrastructure shall notify the network operators in the event of joint use of the physical infrastructure.

Art. 57. (1) The operators of electronic communications networks shall create and maintain, including in electronic form, for the electronic communications networks, facilities and related physical infrastructure, specialized maps, registers, information systems within the meaning of the Cadastre and Property Register Act.

(2) (Amend. - SG 15/22, in force from 22.02.2022) The contents of the specialized maps and registers under Para. 1, as well as the conditions and procedure for their creation and maintenance and the electronic maintenance formats shall be determined by an ordinance issued by the Minister of Transport and Communications and the Minister of Regional Development and Public Works, in coordination with the Minister of e-government.

(3) For the elaboration of the specialized maps and registers of electronic communications networks and physical infrastructure of the operator of the electronic communications network shall be provided:

1. cadastral data - by the Agency for Geodesy, Cartography and Cadastre;
2. specialized data - by the operators of the electronic communications networks, by the network operators or by the Agency for Geodesy, Cartography and Cadastre, in case that they are provided to the Agency by a network operator;
3. copies of the cadastral plans of the underground pipelines and facilities - by the municipal administration and / or by the departments and legal entities that keep such plans;
4. copies of the approved investment projects and executive documentation for the constructed objects of the physical infrastructure of the operators of electronic communications networks - from the technical archive of the respective municipality.

(4) The state bodies and the bodies of the municipal administration under Para. 3 shall provide the information under Para. 3 free of charge.

Art. 58. (1) Electronic communications network operators shall own the electronic communications networks, of the built by them and included as assets in their balance sheets and/or acquired under the law or a legal transaction electronic communications networks, facilities and associated physical infrastructure.

(2) Transactions at disposal with electronic communications networks, facilities and related physical infrastructure, except for buildings, shall be executed in writing with notarized signature of the signatures and shall not be subject to registration. Electronic communications networks and related physical infrastructure, with the exception of buildings, may be subject to a special pledge within the meaning of the Special Pledges Act.

(3) When disposing of electronic communications networks and / or physical infrastructure for electronic communications networks that are located or respectively built into or on the physical infrastructure of another network operator, the acquirer shall notify the network operator within three days from the conclusion of the contract under Para. 2.

Art. 59. The operators of electronic communications networks shall be contracting authorities for the construction of physical infrastructure for deployment of electronic communications networks, including transmitting stations, within the meaning of Art. 161 of the Spatial Development Act, as well as interested persons within the meaning of Art. 124a, Para. 5 of the Spatial Development Act.

Art. 60. (1) The contracting authority of construction and installation works shall replace, at his own expense, the electronic communications networks and the physical infrastructure in which they are located, by the order of Art. 64, Para. 5 of the Spatial Development Act unless the parties have agreed otherwise or in a special act is provided otherwise.

(2) When additional protection of electronic communications networks is required, the costs shall be at the expense of the owner, unless the parties have agreed otherwise or a special act provides otherwise.

Art. 61. (1) Joint use under this act shall not restrict the right of network operators of physical infrastructure to implement free investment initiatives and intentions related to their own infrastructure in accordance with the act and leading to its removal or relocation.

(2) The network operator shall notify the operator of electronic communications networks with which he has signed a contract for access to and joint use of physical infrastructure in advance of his / her investment intentions related to that infrastructure in due time before commencement of the construction and installation work.

(3) The term under Para. 2 may not be less than 6 months except in exceptional cases explicitly defined in the general conditions for access to and joint use of the physical infrastructure of the respective network operator.

(4) With the notification under Para. 2 the network operator shall offer to the electronic communications network operators the deployment of electronic communications networks to other available or future physical infrastructure in the area if such exists or is to be built.

(5) In the event that the electronic communications network operator agrees with the transfer proposal, the costs of moving the electronic communications network or of its deployment to another physical infrastructure of the network operator shall be borne by the electronic communications network operator, except for those for coordination of a project under Art. 52.

(6) Where the operator of an electronic communications network disagrees with the proposal under Para. 4 and unless otherwise agreed, the operator may continue to use physical infrastructure until its actual removal or relocation.

(7) The contract for placement shall be terminated in rights in its part regarding the removed or relocated infrastructure from its removal, without compensation for the termination.

Art. 62. Central executive authorities and local government authorities exercising the rights of the state or the municipality in an electronic communications network operator shall divide their powers of management and control over those operators of electronic communications networks from the powers related to the approval of investment projects and issuance of building permits and rights-granting activities under this act in separate structural units.

Art. 63. (1) Wired electronic communications networks shall be located underground. Disposition may take place in a physical infrastructure under the conditions of joint use under the provisions of this act.

(2) Wired electronic communications networks may only be airborne:

1. outside the boundaries of urbanized territories;

2. in urbanized territories with population of up to 10 000 inhabitants;

3. in neighborhoods, parts of neighborhoods of residential areas with predominantly low-rise urban areas with populations of over 10 000 inhabitants where there is no or no physical underground

physical infrastructure is available of a network operator and a pole physical network infrastructure is available of a network operator.

(3) Airborne deployment of wired electronic communications networks shall not be permitted in settlement formations of national importance, as well as in settlements or parts thereof designated as reserves of historical, archaeological, ethnographic or architectural significance.

(4) The existence of the conditions under Para. 2 and the absence of the obstacles under Para. 3 shall be certified to the network operator by a declaration by the electronic communications network operator in the application for access to and joint use of physical infrastructure for the purpose of airborne deployment of an electronic communications network, and the network operator shall not be obliged to perform an independent verification.

(5) (Amend. - SG 15/22, in force from 22.02.2022) The Council of Ministers shall, with proposal of the Minister of Transport and Communications and of the Minister of Energy, adopt an ordinance defining:

1. the rules and standards for the deployment, design and dismantling of electronic communications networks;

2. the rules for maintenance, operation and removal of electronic communications networks on or in the physical infrastructure of energy undertakings used to provide services of public interest under the Energy Sector Act.

Art. 64. (1) The following shall be subject to removal:

1. electronic communications networks located in violation of the provisions of this act or of the ordinance under Art. 63, Para. 5;

2. elements of electronic communications networks, located in the course of deployment activities of electronic communications networks for which:

a) no project has been developed under Art. 52, Para. 1, p. 1 or do not correspond to the project;

b) no opinion has been prepared under Art. 52, Para. 1, p. 2 or do not comply with the opinion;

c) no prior agreement has been given under Art. 52, Para. 2 or do not match the given reconciliation;

3. electronic communications networks located in, over or on physical infrastructure of another network operator without a signed contract or on the basis of a terminated or cancelled contract:

a) which have not been removed under Art. 66 and 67 within six months from the occurrence of any of the conditions under Art. 67, Para. 1, or

b) for which the network operator has information if it has not sent or posted an invitation under Art. 66, Para. 2 or 3 within 6 months from the date on which the network operator became aware of the network.

(2) The circumstances under Para. 1, p. 1 and 2 shall be established by a finding document, drawn up by an official, appointed by the mayor of the municipality within 7 days from finding the violation.

(3) In the cases under Para. 1, p. 1 and 2 the finding document shall be handed over to the owner of the electronic communications network in accordance with the Administrative Procedure Code

(4) Where the owner is not known, the finding document shall be placed in a prominent place at the designated locations in the building of the municipality, district or city hall in the presence of two witnesses and simultaneously published on the website of the relevant municipality and sent for publication in the Single Data Point by an official appointed by the mayor of the municipality.

(5) The circumstances under Para. 1, p. 3 shall be established by agreement between operators or a Commission decision if agreement can not be reached between them.

(6) The owner of the electronic communications network, respectively the network operator, operating physical infrastructure, may object within 7 days from the date on which the finding document

was served or published in the Single Data Point.

Art. 65. (1) The mayor of the municipality shall issue an order for removal of the respective electronic communications network within 14 days from the service under Art. 64, Para. 3 or the placement of the finding document in a prominent place according to Art. 64, Para. 4.

(2) Where the finding document is communicated under the terms of Art. 64, Para. 4 and within the term under Art. 64, Para. 6 no objection has been filed, the person liable in the removal order shall be the owner of the property or of the physical infrastructure in which the electronic communications network is located.

(3) Orders to remove electronic communications networks shall be issued, communicated, appealed and enforced under the conditions and procedure of the Administrative Procedure Code.

Art. 66. (1) Electronic communications networks located on, on or through physical infrastructure of other network operators without contract or terminated or cancelled contract shall be removed.

(2) In the event that a network operator detects elements of an electronic communications network located in its physical infrastructure by a third party - operator of an electronic communications network without a signed contract and in the case of a terminated or cancelled contract, the network operator shall send a written invitation to the operator of the electronic communications network, requesting to remove at its own expense the electronic communications network within a reasonable time limit set in the invitation, which may not be less than two months from its receipt .

(3) Where the electronic communications network operator is not known, the network operator shall publish the invitation on its website at the Single Data Point.

(4) The electronic communications network operator may contest the circumstances under Para. 1 before the Commission within 14 days from receipt of the invitation under Para. 2 or from its publication in the Single Data Point.

Art. 67. (1) The network operator may remove the electronic communications network at the expense of its owner under Art. 66 upon occurrence of the following conditions:

1. within the term under Art. 66, Para. 4 the operator of an electronic communications network has not submitted a request to the Commission and has not removed the network voluntarily within the term specified in the invitation under art. 66, Para. 2, or

2. existence of an enforceable decision whereby the Commission has given a mandatory instruction to remove the electronic communications network.

(2) The order and procedure for removal under Para. 1 shall be determined by the ordinance under Art. 63, Para. 5.

(3) Electronic communications networks located in a foreign physical infrastructure without a contract or on the basis of a terminated or cancelled contract shall not be subject to removal, if the following conditions are present:

1. there is no ground for removal under Art. 64, Para. 1, p. 1;

2. the electronic communications networks meet the requirements of the special laws governing the construction and operation of the physical infrastructure in which they are located;

3. until the expiration of the term under Art. 66, Para. 2 a contract has been concluded between the network operator operating the physical infrastructure and the owner of the electronic communications network;

4. the owner of the electronic communications network has compensated the network operator, operating the physical infrastructure for the period during which he has used the physical infrastructure without legal basis but not for more than 6 months.

Art. 68. The network operator shall not have obligation and shall not be responsible for the

storage or protection of dismantled elements of electronic communications networks when he removes them on the basis of an order under Art. 65, Para. 1, agreement or decision under Art. 64, Para. 5 or under the conditions and procedure of Art. 66 and 67.

Chapter seven.

ELECTRONIC COMMUNICATIONS NETWORKS AND INFRASTRUCTURE IN BUILDINGS

Section I.

Physical infrastructure for deploying electronic communications networks in buildings

Art. 69. (1) Building up physical infrastructure for the deployment of elements of electronic communications networks in own building or in common areas in a condominium building shall be made on the basis of a written contract with the consent of the owners owning at least one second of the ownership of the building, and in the case of condominium ownership - on the basis of a decision of the general meeting of the owners under the procedure of Art. 17, Para. 3 of the Condominium Ownership Management Act.

(2) Deployment of electronic communications network elements for the provision of electronic communications for inclusion of a user in a condominium building to an existing wired electronic communications network in the building shall be carried out at the request of the user to the electronic communications network operator without the need of concluding a contract under Para. 1.

(3) Removal of elements of electronic communications networks in the request for refusal of the user shall be performed by and at the expense of the operator of electronic communications networks within one month from the termination of the contract under Para. 2.

Art. 70. (1) In new joint-ownership buildings, as well as in existing buildings where major overhaul is envisaged, an in-built physical infrastructure for the deployment of high-speed networks, including the endpoints of the network, shall be built.

(2) In the projects of new buildings - condominiums, as well as in the case of major repairs of existing buildings, one or more access points shall be envisaged.

Art. 71. (1) Physical infrastructure buildings for the deployment of high-speed electronic communications networks, including to the endpoints of the network, as well as an access point, may be given a voluntary "ready for high-speed access" label.

(2) (Amend. - SG 15/22, in force from 22.02.2022) The dimensions, shape and affixing of the mark under Para. 1 shall be determined by an order of the Minister of Transport and Communications.

Art. 72. Construction of physical infrastructure for the deployment of high-speed electronic communications networks in new buildings shall not be compulsory for:

1. family houses and villas;
2. military buildings or other buildings used for national security purposes.

Art. 73. The conditions for the deployment of high-speed electronic communications networks and the construction of an access point in buildings shall be determined by the ordinance under Art. 63, Para. 5.

Section II.

Provision of access to built-in physical infrastructure in a building

Art. 74. An operator of an electronic communications network shall be entitled to:

1. deploy its own electronic communications network to the access point;
2. (amend. - SG 35/25) deploy under the conditions of Art. 69, Para. 2 own electronic communications network in an existing physical infrastructure in a building;
3. built a new physical infrastructure in a building for deploying elements of electronic communications networks in technical impossibility to use the existing one.

Art. 75. (1) The network operator of an existing physical infrastructure in the building and / or another person who owns the access point for the deployment of a high-speed electronic communications network in the building shall execute justified access requests submitted by providers of public communications networks under fair and non-discriminatory conditions, including the price.

(2) The request under Para. 1 shall be executed within 7 days from the date of its receipt.

(3) In the event that within the term under Para. 2 no agreement is reached on provision of access to existing physical infrastructure in a building and to the access point, each party has the right to refer the matter to the Commission.

Art. 76. Every operator of electronic communications networks shall have the right to access to an existing physical infrastructure in a building suitable for the deployment of a high-speed network in cases, where the construction of a separate physical infrastructure is technically impossible or economically inefficient.

Art. 77. Where in the building there is built an electronic communications network with an endpoint in the end user's premises, suitable for the provision of high-speed electronic communications services, the operators of electronic communications networks shall have the right to access the network upon request by a user to provide electronic communications services through it. Access conditions must be objective, publicly established and justified, proportionate and non-discriminatory, including when determined by a network operator.

Art. 78. Where there is no physical infrastructure in the building for high-speed communications networks, the operators of electronic communications networks shall have the right to place an endpoint in their network at a subscriber's premises with minimal impact on property - owned by third parties, including by reusing existing physical infrastructure in the building or by ensuring that the property is fully restored prior to deploying the network.

Art. 79. Providing access to existing physical infrastructure shall not result in ownership of the access point of the original physical infrastructure or of the property in which it has been built.

Art. 80. Compensations for damages suffered as a result of providing and accessing and exercising the rights under this Section shall be determined in accordance with the applicable legislation.

Chapter eight.

RESOLUTION OF DISPUTES

Art. 81. (1) The Commission shall resolve disputes under this Act in connection with the provision of access to and / or joint use of physical infrastructure, including:

1. the application of conditions and access prices in accordance with this Act and its implementing legislative acts;
2. deployment of electronic communications networks;
3. coordination of activities under Chapter Five, Section II;
4. providing information on existing physical infrastructure and planned construction;
5. on-site inspections of a particular part of physical infrastructure and provision of access to physical infrastructure in a building.

(2) In resolution of a dispute relating to the application of conditions and pricing for access to physical infrastructure not previously defined by an act of a competent authority, the Commission shall verify that the conditions and / or access prices, set by the network operator comply with the requirements of this act, or its implementing legislative acts.

(3) In resolving a dispute, relating to a physical infrastructure, located or built for the needs of electronic communications networks, the Commission shall adopt a stand-alone decision in accordance with the objectives of Art. 4 of the Electronic Communications Act.

(4) In resolving a dispute relating to physical infrastructure, built for the needs of networks, other than electronic communications networks, the Commission shall adopt a decision in accordance with a binding opinion of the competent authorities who have the power to regulate and control the major business of network operators, related to the public use and / or delivery of the services pursuant to § 1, p. 3, letters “a” and “b” of the Additional Provisions.

(5) In determining the compliance of access prices with the methodology under Art. 3, Para. 5, account is taken of the possibility of the network operator to reimburse his costs and account is taken of the impact on the access, requested on his business plan, including the investments made by him.

(6) When resolving a dispute over access to physical infrastructure of electronic communications network operators in investment research shall be taken full account the economic viability of such investments, taking into account their risk profile, the timing of return on investments, the impact of the access granted to competition and correspondingly - on prices and return on investment, all types of depreciation of network assets on the day of filing of the application, the economic arguments in support of investments, in particular in physical infrastructures used to provide high-speed electronic communications services and possibilities for joint deployment, proposed to the requested access.

(7) In resolving disputes concerning the coordination of Chapter Five activities, the Commission shall establish fair and non-discriminatory conditions in compliance with the principle of proportionality.

(8) For the examination of the disputes under this act, the Commission shall collect fees. The amount of the fees, the terms and the manner of their payment shall be determined by a tariff for the fees, adopted by the Council of Ministers upon a proposal by the Commission.

(9) The fee for examination of the dispute shall be paid by the party, requesting its settlement.

(10) The fee and expenses paid shall be borne by the respondent party in accordance with the accepted part of the claim.

Art. 82. (1) The Commission shall resolve disputes under this Act at the request of a network operator by giving binding instructions at the request of any of the parties concerned.

(2) The request under Para. 1 shall be filed in writing and shall contain the circumstances on which it is based. The claim shall be accompanied by evidence of the circumstances and document of payment of the fee.

(3) Within 7 days of receipt of the request, the Commission shall designate a specialized committee, which shall include at least one qualified lawyer. Independent consultants and external experts may also be attracted to the work of the specialized commission.

(4) The specialized commission shall examine the request and the documents attached thereto within 5 days of its designation.

(5) In case of incompleteness or irregularity of the documents under Para. 2 the specialized commission shall notify in writing the person who submitted the request by giving him 7 days from receiving the notification to eliminate the incompleteness or irregularities

(6) In the event that the incompleteness or irregularities have not been remedied within the term under Para. 5, the Commission leaves the request with no consideration.

Art. 83. (1) Within the term under Art. 82, Para. 4 or within three days following the removal of the incompleteness or irregularities, the specialized commission shall send a copy of the request to the

interested parties, giving 7 days from the receipt to provide opinion and evidence.

(2) The specialized commission shall have the right to request from an operator of the electronic communications network the information necessary to settle the dispute within a reasonable time limit.

(3) In the cases under Art. 81, Para. 4, the specialized commission shall send a copy of the request and all the evidence gathered to the relevant competent authority for an opinion which shall be binding for the Commission.

(4) The competent authority under Para. 3 shall be obliged to provide a binding opinion for the implementation of Art. 81, Para. 5:

1. within 14 days from receipt of the request under Para. 2, in the cases under Art. 85, Para. 2, p. 1;
2. within two months from receipt of the request under Para. 2, in the cases under Art. 85, Para. 2, p. 2.

(5) In the event that within the term under Para. 4, an opinion has not been received from the relevant competent body, the Commission shall resolve the dispute on its own, on the basis of an expert's examination, commissioned under Art. 49 of the Administrative Procedure Code

(6) Expenditure for the expertise under Para. 5 shall be borne by the respective body under Para. 3

Art. 84. (1) The specialized commission shall examine the request made and the views of the interested parties, all the evidence attached to them and, if necessary, shall request additional evidence, including the carrying out of inspections by officials, authorized by the Commission.

(2) After collecting all the evidence, the specialized commission shall discuss the request and the evidence gathered on the case at a meeting with the parties or their authorized representatives.

(3) Interested parties shall be informed in writing of the date, time and venue of the meeting at least 5 days before the meeting, and the notification shall state that, in the absence of their representatives, the request shall be considered in their absence. The notification shall indicate the order in which the parties may acquaint themselves with the evidence under paragraph 1. 2.

(4) The Special Commission shall draw up records of the meeting, which shall contain:

1. composition of the specialized commission and a list of attendees;
2. statement of the views of the parties;
3. findings of the specialized commission;
4. date of drafting of the records.

(5) Within 45 days from the receipt of the request under Art. 82, Para. 1, respectively, from eliminating the incompleteness or irregularities, the specialized commission shall prepare and submit to the Commission a report to which it shall attach the documents collected during the procedure, the opinion of the bodies under art. 83, Para. 3 and a draft Commission decision on the request.

Art. 85. (1) The Commission shall examine the report under Art. 84, Para. 5 at its first meeting after its submission, where it may:

1. accept the results of the work of the specialized commission and take a reasoned decision on the submitted request under Art. 82, Para. 1;
2. order further actions on verification of the factual situation, its analysis by the specialized commission and drawing a new draft decision, setting a deadline.

(2) The Commission shall adopt a reasoned decision giving binding instructions on the request or reject it within:

1. two months from the receipt of the request under Art. 82, Para. 1, respectively from the elimination of the incompleteness or irregularities - for the cases of:
 - a) coordination of the activities under Chapter Five;
 - b) provision of information on existing physical infrastructure and planned construction;

c) on-site inspections of a specific part of a physical infrastructure;

d) access to the physical infrastructure in a building;

2. up to 4 months from the receipt of the request under Art. 82, Para. 1, respectively from the elimination of the incompleteness or irregularities - except the cases under p. 1.

(3) When adopting a decision in the cases under Art. 81, Para. 4, the Commission shall comply with the binding opinion under Art. 83, Para. 3.

(4) The terms under Para. 2 may be extended to two months only in exceptional circumstances.

(5) The decision under Para. 1, p. 1 shall be sent to the interested parties within three days of its adoption and shall be published on the Commission's website, except for the information designated by the parties as commercial secret.

(6) The decision under Para. 1, p. 1 shall be subject to appeal under the procedure of the Administrative Procedure Code.

(7) The provisions of the Administrative Procedure Code shall apply to the unsettled situations in this Chapter.

Art. 86. (1) The Commission may assist in the voluntary settlement of disputes under this Act at the written request of one of the parties on the dispute.

(2) Where the party concerned has made a request for assistance to resolve a dispute voluntarily, the Commission shall, by decision, appoint a specialized commission within 7 days of receipt of the request.

(3) The specialized committee shall hear the views of the parties, clarify the reasons for the request, explain the adverse consequences of the lack of consent, and assist in resolving the dispute.

(4) If no agreement is reached between the parties within 30 days of receipt of the request, each of the affected parties under Para. 1 within 14 days may request mandatory instructions from the Commission.

(5) The assistance giving procedure for reaching an agreement shall be free of charge.

Art. 87. (1) For independent consultants and external experts under Art. 82, Para. 3 shall be randomly assigned persons, included in a public list approved by a Commission decision.

(2) Proposals for inclusion of specialists in the list under Para. 1 shall make ministries, departments, institutions, municipalities, professional and other organizations and research institutes.

(3) In the proposals under Para. 2, the full names of the independent consultant and external expert, address for correspondence and contact telephone and data on his / her education, specialty, place of work, occupation, duration of his / her length of service, experience in the preparation of expert opinions shall be entered.

(4) The circumstances under Para. 3 shall be certified by the relevant documents attached to the proposal.

(5) Proposals for amendment and supplement to the approved list under Para. 1 may be made by the end of September of the calendar year concerned and by the end of October the Commission shall update the list.

(6) The list under Para. 1 shall be promulgated in the State Gazette and published on the website of the Commission.

Chapter nine.

CONTROL AND ADMINISTRATIVE – PENAL PROVISIONS

Section I.

Control

Art. 88. (1) The control over the implementation of the activities under this act shall be carried out for the activities on:

1. (amend. - SG 15/22, in force from 22.02.2022) provision of information under Chapter Three, Chapter Five, Section I and Chapter Six - by the Minister of Transport and Communications;
2. provision of access to Chapter Four and Chapter Seven, Section II - by the Commission;
3. Chapter Six, except for the cases under p. 1 - by the mayors of municipalities.

(2) (Amend. - SG 15/22, in force from 22.02.2022) In exercising the control under Para. 1, p. 2, the Commission shall cooperate with the Energy and Water Regulatory Commission and the Minister of Transport and Communications. The conditions and procedure of the interaction shall be provided by a joint instruction on a proposal by the Commission.

Art. 89. (1) (Amend. - SG 15/22, in force from 22.02.2022) To carry out the control under Art. 88 Para. 1, the Minister of Transport and Communications, the Chairperson of the Commission, respectively the mayors of municipalities, shall authorize officials from the administration.

(2) In carrying out their functions, the persons authorized under Para. 1 officials shall be entitled:

1. to carry out inspections and in case of established violations draw up acts under the Administrative Violations and Penalties Act;

2. to a free access to the controlled sites where electronic communications networks and physical infrastructure are located;

3. to have access to the original documents, data, information, references and other media of the control related information by the inspected persons and to seize certified copies of documents in connection with the performance of the controlled activity and / or the establishment of administrative violations under this Act;

4. to examine technical documents and information media, as well as other documents related to the implementation of the controlled activity and / or establishment of administrative violations under this Act;

5. to require from third parties, information, extracts and other documents necessary for carrying out cross-checks in connection with the control exercised under this Act and / or with the establishment of administrative violations under this Act;

6. to prescribe to the network operators the removal of discrepancies under this act within a certain period of time.

(3) In performing their official duties, the persons authorized under Para. 1 officials shall be required to:

1. be legitimized by an official card;

2. not disclose the circumstances and the facts that have become known to them in the course of or in connection with the performance of their official duties.

Art. 90. (1) The bodies under Art. 89, Para. 1 annually shall draw up a plan for control of the respective controlled activity under this act.

(2) The bodies under Art. 89, Para. 1 shall carry out inspections on written signals of violations of the act and legislative normative acts.

Section II.

Administrative – penal provisions

Art. 91. (1) A public-sector body or a network operator who:

1. in violation of Art. 9, 10 and 11 fails to provide to the Single Data Point the information under Art. 4, Para. 2, or

2. fails to disclose transparent, proportionate and fair conditions under Art. 15, Para. 2, or

3. upon submission of an application by an operator of electronic communications network fails to provide the information under Art. 39 for current or planned activities related to construction or deployment, or installation of related to its physical infrastructure shall be punished by a fine or a proprietary sanction in the amount of BGN 500 to 2500.

(2) The punishment under Para. 1 shall also be imposed to a network operator who fails to provide to an operator of electronic communications network an on-site physical infrastructure inspection and the grounds under Art. 27, Para. 3 are not present.

(3) For violations under Para. 1 and 2, committed repeatedly, the fine or the property sanction shall be in the amount of BGN 1000 to 3000.

Art. 92. (1) A network operator who fails to provide access to and / or joint use of his physical infrastructure or right under Art. 17, Para. 1 at a justified request of an operator of an electronic communications network for deployment and operation of electronic communications network elements, where the technical and physical capacity exists and the grounds under Art. 21 are not present, shall be punished by a fine or to a property sanction in the amount of BGN 1000 to 3000.

(2) The punishment under Para. 1 shall also be imposed on a network operator or other person - the owner of the access point for the deployment of a high-speed electronic communications network, who unreasonably fails to satisfy a request under Art. 75, Para. 1.

(3) The punishment under Para. 1 shall also be imposed on a network operator who has signed an agreement in case of violation of the requirements of Art. 20, Para. 4-9.

(4) For violations under Para. 1 - 3, committed repeatedly, the fine or the property sanction shall be BGN 1500 to 5000.

Art. 93. An operator of an electronic communications network who fails to fulfill obligations imposed by the Commission on joint location and / or use of physical infrastructure elements under Art. 28, shall be punished by a fine or a property sanction in the amount of BGN 1000 to 3000.

Art. 94. A network operator who unreasonably refuses to negotiate an agreement to coordinate activities under Art. 44, Para. 1 or under Art. 45 with an operator of electronic communications networks, shall be punished by a fine or a pecuniary sanction in the amount of BGN 1000 to 3000.

Art. 95. An electronic communications network operator who violates Art. 57, Para. 1, shall be punished by a fine or by a property sanction in the amount of BGN 500 to 5000.

Art. 96. Who fails to comply with an enforced decision of the Commission under Art. 85, Para. 2, shall be punished by a fine or a property sanction amounting to BGN 5000 to 50 000.

Art. 97. An operator of an electronic communications network who fails to fulfill an obligation under Art. 23, Para. 2 or 3, shall be punished by a fine or a property sanction in the amount of BGN 1000 to 3000.

Art. 98. An owner of a service property who moves a physical infrastructure subject to servitude, in which an electronic communications network is located without informing the operator of an electronic communications network in breach of the obligation under Art. 33, Para. 4, shall be punished by a fine or a property sanction in the amount of BGN 500 to 2500.

Art. 99. (1) A contracting authority of construction who fails to fulfill an obligation under Art. 60, Para. 1, shall be punished by a fine or a property sanction in the amount of BGN 500 to 2500.

(2) The punishment under Para. 1 shall also be imposed on a network operator who fails to fulfill an obligation under Art. 61, Para. 3, 4 and 5.

Art. 100. An operator of an electronic communications network who has deployed cable

electronic communications networks in violation of the requirements of Art. 63, Para. 1 and 2 shall be punished by a fine or a property sanction in the amount of BGN 5000 to 50000.

Art. 101. (1) An operator of an electronic communications network who fails to comply with an enforced order under Art. 65, Para. 1, shall be punished by a fine or a property sanction in the amount of BGN 1000 to 10 000.

(2) The punishment under Para. 1 shall also be imposed on a network operator who removes elements of an electronic communications network in violation of the terms and conditions under Art. 64, 65, 66 or 67.

Art. 102. An operator of an electronic communications network who deploys elements of the electronic communications network or builds physical infrastructure in a building in violation of Art. 69, shall be punished by a fine or a property sanction in the amount of BGN 500 to 5000.

Art. 103. A contracting authority of construction who fails to fulfill an obligation under Art. 70 shall be punished by a fine or a property sanction in the amount of BGN 500 to 5000.

Art. 104. (1) Who prevents the control under Art. 88 or fails to fulfill obligatory prescription under Art. 89, Para. 2, p. 6, shall be punished by a fine or a property sanction in the amount of BGN 1000 to 5000.

(2) For violations under Para. 1, committed repeatedly, the fine or the property sanction shall be BGN 3000 to 8000.

Art. 105. (1) In case of establishing the violations under Art. 91 - 104 authorized officials under Art. 89, Para. 1 shall draw up acts under the Administrative Violations and Penalties Act.

(2) On the basis of the acts under Para. 1 penal decrees or motivated resolutions for the termination of the administrative penal proceedings shall be issued as follows by:

1. (amend. - SG 15/22, in force from 22.02.2022) the Minister of Transport and Communications or an explicitly authorized by him / her official - for violations under Art. 91;

2. the chairperson of the Commission or an official explicitly authorized by him - for the violations under Art. 92-96;

3. the mayor of the municipality or an explicitly authorized by him official - for the violations under Art. 97-103.

(3) The competent authority under Para. 2 or the person explicitly authorized by him / her shall issue penal decrees or motivated resolutions for termination of the administrative penal proceedings for violations under Art. 104 with regard to the control exercised by him.

(4) The establishment of the violations, issuance, appeal and the execution of the penal decrees shall be carried out under of the Administrative Violations and Penalties Act.

Additional provisions

§ 1. In the meaning of this Act:

1. "High-speed electronic communications network" means an electronic communications network capable of transmitting data at a rate of at least 30 Mbps regardless of the technology on which it is built (fixed or wireless).

2. "Electronic communications network" means a set of transmission facilities and, where appropriate, switching and / or routing facilities and other resources, including inactive network elements, which allow the transmission of signals by wire, radio, optical or other electromagnetic means, including satellite networks, fixed (including channel switches or packet switches, including the Internet) and mobile terrestrial networks, power distribution grids, as far as they are used for signal transmission, networks used for radio and television broadcasting and cable electronic communications networks for distribution of radio

and television programs, regardless of the type of information conveyed.

For the purposes of this Act, "electronic communications networks" are both public and private networks (including networks for the needs of government, technology electronic communications networks such as transmission pipelines and safety and telecommunication lines).

3. (Suppl. - SG 20/21) "Network operator" means a person who provides or is entitled to provide public electronic communications networks and / or services, as well as a person possessing or providing technical, including physical infrastructure, designed to provide:

- a) a service for the production, transmission or distribution of:
 - aa) natural gas;
 - bb) electricity, including external public lighting;
 - cc) heat energy;
 - dd) water, including sewage drainage or drainage, and drainage systems;
- b) transport services, including rail, metropolitan, roads, ports and airports.

For the purposes of this Act, a "network operator" is the administration managing the road as well as the developer of a new or major overhaul of existing roads in urbanized areas or street networks and facilities of the technical infrastructure and the interior spaces, including municipalities.

For the purpose of deploying short-range wireless access points, "network operator" in the sense of this Act are also the state bodies and the bodies of local self-government, which manage physical infrastructure, including street facilities such as lighting poles, street signs, traffic lights, billboards, bus and tram stops and metro stations, which is technically suitable to receive such points or which is necessary to connect such access points to the base network.

4. "An electronic communications network operator" is:

- a) an undertaking providing or entitled to provide public electronic communications networks and / or services; and
- b) operator of an electronic communications network for the needs of the government.

The operators of electronic communications networks are network operators within the meaning of point 3.

5. "Public sector body" is a state authority, including its territorial divisions, a local government body, a public law organization, and their associations.

6. "Repeated offense" is an offense committed within one year of the effective date of the penalty decree whereby the offender was punished for an offense of the same type.

7. "Public law organizations" are organizations that have all of the following:

- a) designed to meet needs in the public interest which are not of an industrial or commercial nature;
- b) have legal subjectivity;
- c) financed entirely or mostly by the State, by regional or local authorities or by other public law bodies; or are subject to management control by those authorities or organizations; or have an administrative, management or supervisory body in which more than half of the members are appointed by the State, by regional or local authorities or by other public law bodies.

8. "Authorization" is a decision of the competent authority in any procedure whereby an undertaking is required to take certain steps to be able to carry out lawful construction or engineering activities.

9. "Access point" is a physical point located inside or outside the building accessed by undertakings providing or entitled to provide public communications networks and connecting the physical infrastructure of the building prepared for the deployment of electronic communications networks.

10. "Physical infrastructure" means any network element of a network operator referred to in point 3 which is intended to deploy other network elements without itself becoming an active element of the

network such as pipelines, masts, canals, inspection shafts, shafts, distribution boxes, buildings or accesses to buildings, aerials, towers and pillars.

Cables, including dark optical fibers, as well as elements of networks used to supply drinking water do not constitute physical infrastructure within the meaning of this Act.

11. "Physical infrastructure in a building" is a physical infrastructure in a user's building, including co-ownership and condominium, designed to deploy electronic communications networks that connect the access point in the building to the end point of the network in a user's premises.

12. "Physical infrastructure in a building intended for the deployment of high-speed networks" is a physical infrastructure designed to deploy high-speed electronic communications networks or its elements (installations and facilities) and built together with the building and other internal installations.

13. "Electronic communications infrastructure" is an electronic communications infrastructure under § 1, item 13 of the additional provisions of the Electronic Communications Act.

14. "New building" is a building for which the procedure for approval of an investment project and issuance of a construction permit started after the entry into force of this law. The submitted procedure shall be deemed to be the submission of the investment project for approval by the competent authority.

§ 2. This Act introduces the requirements of Directive 2014/61 / EU of the European Parliament and of the Council of 15 May 2014 on measures to reduce the costs of deployment of high-speed electronic communications networks (OJ L 155/1 of 23 May 2014).

Transitional and concluding provisions

§ 3. (1) Within 7 months of the entry into force of the Act, network operators shall publicly disclose the conditions for granting access to and joint using of their physical infrastructure in accordance with this Act.

(2) Within 7 months from the public announcement of the conditions under Para. 1 the network operators and the operators of the electronic communications networks shall implement the existing contracts for access to and / or joint use of physical infrastructure in compliance with this Act, the acts for its implementation and the conditions for granting the access of the respective operator.

(3) Electronic communications network operators shall notify network operators of their intention to make existing contracts in accordance with the applicable conditions for access to joint use of the physical infrastructure of the respective network operator under Para. 2.

(4) In the event of a dispute between an operator of an electronic communications network and a network operator regarding the implementation of Para. 2, each of them may refer the matter to the Commission.

(5) Submitting an application under Para. 3 shall be considered as providing information under § 4, Para. 1, if the information under § 4, Para. 2 has been provided.

§ 4. (1) Within 6 months from the public announcement of the conditions of the respective network operator to provide access to and joint use of physical infrastructure in accordance with the requirements of this Act, electronic communications network operators shall provide the network operator with information on the electronic communications networks located up to the entry in force of the act, on, or in its physical infrastructure, if:

1. there is no contract, or

2. are unsigned and unmarked.

(2) The information under Para. 1 shall include:

1. type of electronic communications network;

2. location and parameters of the electronic communications network;

3. other relevant data available to the electronic communications network operator.

(3) Within 7 months from the public disclosure of the conditions of the respective network operator to provide access to and sharing of its physical infrastructure in accordance with the requirements of this Act, the network operator and / or the electronic communications network operator may submit a request for settlement of the dispute to the Commission in the event that:

1. the overall capacity to deploy electronic communications networks in its physical infrastructure, determined according to the conditions of the network operator to provide access to and joint use of its physical infrastructure, is less than the capacity occupied by electronic communications networks for which, on the day of the entry into force of the act has a contract and:

- a) information has been submitted under Para. 2 but unlabeled and unlabeled, or
- b) are signed and marked;

2. the remaining capacity remaining after the total capacity for deploying electronic communications networks in the physical infrastructure determined according to the conditions of the network operator to provide access to and joint use of the physical infrastructure is deducted from the capacity occupied by electronic communications networks under p. 1, letters "a" and "b" is smaller than the capacity occupied by electronic communications networks, for which information under Para. 1 and 2 and for which there is no contract at the day of entry into force of the act.

(4) In pronouncement under Para. 3 the Commission shall apply Art. 20, Para. 7 and 8.

(5) Within 18 months from submission of the information under Para. 1 and 2 or from the entry into force of a decision adopted on a dispute under Para. 3, the network operator and the electronic communications network operator, who provided information under the order of Para. 1 and 2, shall carry out a joint verification of the relevant network to establish whether the network:

- 1. meets the requirements laid down in applicable normative acts;
- 2. is located in accordance with the signed contract.

(6) The performance of the inspection under Para. 5 shall be certified by a signed bilateral protocol

(7) In the cases under Para. 1, item 1 the network operator and the operator of the electronic communications network shall take action for concluding a contract for deployment of an electronic communications network, such as:

1. if during the inspection under Para. 5 discrepancies with the requirements of Para. 5, p. 1, the network operator and the electronic communications network operator in the deployment contract, in addition to the conditions under Art. 15, Para. 2 also provides for conditions, including the period within which the electronic communications network operator brings the electronic communications network in line with the requirements of Para. 5, p. 1 and marks the electronic communications network according to the ordinance under Art. 63, Para. 5 - in the cases under Para. 1, p. 2;

2. before the conclusion of the deployment contract, the electronic communications network operator pays compensation to the network operator for the period during which he has used the physical infrastructure without a valid contract but for not more than 6 months; the compensation is at the amount of the applicable rental price for the relevant period.

(8) Paragraph 7 shall not apply if the electronic communications network operator has notified the network operator that it will abolish the electronic communications network voluntarily and on its own account. In this case, the network operator shall set a suitable time limit for removal, which may not be shorter than two months.

(9) In the cases under Para. 1, p. 2 in the protocol under Para. 6 the network operator shall set a suitable period within which the electronic communications network operator shall:

1. have brought the electronic communications network in compliance with the requirements of Para. 5, p. 1 or 2, and the period set by the network operator may not be shorter than 6 months, or

2. abolish voluntarily and at its own expense the electronic communications network and the period set by the network operator may not be shorter than two months.

(10) The network operator and the operator of an electronic communications network may refer the matter to the Commission if no contract has been concluded under Para. 7 for deployment of an electronic communications network within two months from the signing of the protocol under Para. 6.

(11) Under Art. 66, 67 and 68 shall be abolished the electronic communications networks placed prior to the entry into force of this Act which:

1. meet any of the conditions under Para. 1 in case the operators of electronic communications networks have not provided to the network operators the information under Para. 2 in time;

2. have been designated as being subject to removal under an effective Commission decision under Para. 3;

3. have not been brought into compliance by the electronic communications network operator within the time limit:

a) agreed with the network operator pursuant to Para. 7, p. 1, or

b) determined by the network operator under Para. 9, p. 1;

4. have not been removed voluntarily by the operator of the electronic communications network within the term determined by the network operator under Para. 8 or Para. 9, p. 2.

(12) Under Art. 66, 67 and 68 shall also remove electronic communications networks located before the entry into force of this Act by electronic communications network operators on, over or in the physical infrastructure of other network operators in the event that the contracts for their deployment have been terminated or cancelled after entry in force of this act, even if none of the conditions under Para. 1, p. 1 and 2.

(13) Para. 12 shall not apply in the case of a pending dispute under Para. 3, raised before the Commission, pending the entry into force of the decision.

(14) The provisions of Para. 1 - 13 shall not apply to access to and joint use of network infrastructure for which obligations have been imposed under the provisions of the Electronic Communications Act.

§ 5. (1) Underwater line items of the physical infrastructure required for the provision of electronic communications on the seabed or its sub-basins within the boundaries of the inland sea waters, the territorial sea, the Bulgarian stretch and the coastal flood plain of the Danube River for which there are no construction papers or fail to meet the construction requirements may be lawfully used if they meet the following requirements:

1. have been built until March 19, 2013, and

2. have been included as assets in the balance sheets or acquired by law or legal transaction by electronic communications network operators.

(2) The existence of the conditions and the absence of the obstacles under Para. 1 shall be certified by all means of proof acceptable under the Administrative Procedure Code.

(3) The objects of physical infrastructure under Para. 1 shall not be subject to removal and prohibition of use and may be the subject of transactions. The networks, facilities and infrastructure under Para. 1 may be expanded and upgraded in respect of them to carry out repairs, repairs and reconstructions, including changes in the designation, as well as all permissible construction and installation works. The activities under the preceding sentence may be carried out according to the general provision of the act.

(4) The owners of sites of physical infrastructure under Para. 1 shall be obliged to place them in specialized maps, registers and information systems under Art. 57 by 31 December 2018.

(5) The owners of sites of physical infrastructure under Para. 1 and the operators of electronic communications networks shall provide the Maritime Administration Executive Agency with the coordinates of their routes and safety zones within 6 months of the entry into force of this act.

§ 11. (1) Acts on the application of this Act and the list under Art. 87 shall be adopted within 6 months of its entry into force.

(2) The legislative acts, issued on the basis of the repealed Chapter Seventeen of the Electronic Communications Act shall apply as long as they do not contradict this Act. Until the entry into force of the methodology under Art. 3, Para. 5 network operators shall form prices in compliance with the principles under Art. 3, Para. 6.

(3) The Minister of Transport, Information Technology and Communications shall, within one month of the entry into force of this Act, take the necessary actions for the establishment of the Single Data Point.

(4) Public sector bodies which, due to their duties, have in electronic format information under Art. 4, Para. 2 and Art. 39 for physical infrastructure of network operators, shall provide it to the Single Data Point within three months after the entry into force of this Act.

(5) Network operators shall provide the Single Data Point with the minimum information under Art. 7, Para. 2, available in electronic format, within three months after the entry into force of this act.

(6) The information under Art. 4, Para. 4 shall be provided to the Single Data Point within 6 months of the entry into force of this Act.

§ 12. The act shall enter into force on the day of its promulgation in the State Gazette with the exception of Art. 4, Para. 3, which shall come into force two years after the promulgation of the act in the State Gazette.

The act has been adopted by the 44th National Assembly on February 22, 2018 and has been stamped with the official seal of the National Assembly.

Transitional and concluding provisions TO THE ACT AMENDING AND SUPPLEMENTING THE ELECTRONIC GOVERNMENT ACT

(PROM. - SG 15/22, IN FORCE FROM 22.02.2022)

§ 26. The following amendments are made to the Act on Electronic Communication Networks and Physical Infrastructure (prom. SG 21 of 2018, amend. SG 20 of 2021):

.....
3. everywhere in the Act, the words "Chairperson of the State Agency for Electronic Government" shall be replaced by "Minister of e-government".
.....

§ 29. This Act shall enter into force on the day of its promulgation in the State Gazette.

Transitional and concluding provisions TO THE ACT AMENDING AND SUPPLEMENTING THE AGRICULTURAL PRODUCERS SUPPORT ACT

(PROM. – SG 102/22, IN FORCE FROM 01.01.2023)

.....
§ 106. The Act enters into force on January 1, 2023, with the exception of Art. 33a, para. 2, which enters into force on March 1, 2023.