

ELECTRONIC COMMUNICATIONS ACT

*Prom. SG. 41/22 May 2007, amend. SG. 109/20 Dec 2007, amend. SG. 36/4 Apr 2008, amend. SG. 43/29 Apr 2008, amend. SG. 69/5 Aug 2008, amend. SG. 17/6 Mar 2009, amend. SG. 35/12 May 2009, amend. SG. 37/19 May 2009, amend. SG. 42/5 Jun 2009, amend. SG. 45/16 Jun 2009, amend. SG. 82/16 Oct 2009, amend. SG. 89/10 Nov 2009, amend. SG. 93/24 Nov 2009, amend. SG. 12/12 Feb 2010, amend. SG. 17/2 Mar 2010, amend. SG. 27/9 Apr 2010, amend. SG. 97/10 Dec 2010, amend. SG. 105/29 Dec 2011, amend. SG. 38/18 May 2012, amend. SG. 44/12 Jun 2012, amend. SG. 82/26 Oct 2012, amend. SG. 15/15 Feb 2013, suppl. SG. 27/15 Mar 2013, suppl. SG. 28/19 Mar 2013, amend. SG. 52/14 Jun 2013, amend. SG. 66/26 Jul 2013, amend. SG. 70/9 Aug 2013, amend. SG. 11/7 Feb 2014, amend. SG. 53/27 Jun 2014, amend. SG. 61/25 Jul 2014, amend. SG. 98/28 Nov 2014, amend. SG. 14/20 Feb 2015, amend. SG. 23/27 Mar 2015, amend. and suppl. SG. 24/31 Mar 2015, amend. and suppl. SG. 29/21 Apr 2015, amend. SG. 61/11 Aug 2015, amend. SG. 79/13 Oct 2015, amend. SG. 50/1 Jul 2016, amend. SG. 95/29 Nov 2016, amend. and suppl. SG. 97/6 Dec 2016, amend. and suppl. SG. 103/27 Dec 2016, amend. SG. 58/18 Jul 2017, amend. SG. 85/24 Oct 2017, amend. and suppl. SG. 101/19 Dec 2017, amend. and suppl. SG. 7/19 Jan 2018, amend. and suppl. SG. 21/9 Mar 2018, suppl. SG. 28/29 Mar 2018, amend. SG. 77/18 Sep 2018, suppl. SG. 94/13 Nov 2018, amend. and suppl. SG. 17/26 Feb 2019, amend. and suppl. SG. 47/14 Jun 2019, amend. and suppl. SG. 74/20 Sep 2019, amend. and suppl. SG. 94/29 Nov 2019, amend. SG. 100/20 Dec 2019, suppl. SG. 28/24 Mar 2020, amend. SG. 44/13 May 2020, amend. and suppl. SG. 51/5 Jun 2020, suppl. SG. 62/14 Jul 2020, amend. SG. 69/4 Aug 2020, amend. SG. 101/27 Nov 2020, amend. and suppl. SG. 105/11 Dec 2020, amend. and suppl. SG. 20/9 Mar 2021, amend. and suppl. SG. 15/22 Feb 2022, amend. SG. 32/26 Apr 2022, amend. and suppl. SG. 58/7 Jul 2023, amend. SG. 84/6 Oct 2023, amend. SG. 41/10 May 2024, amend. SG. 70/20 Aug 2024, amend. SG. 79/17 Sep 2024, amend. SG. 35/25 Apr 2025, **amend. SG. 61/29 Jul 2025***

Chapter one. GENERAL PROVISIONS

Art. 1. (1) This Act regulates the public relationships pertaining to carrying out electronic communications.

(2) Electronic communications shall be carried out by conveyance, emission, broadcasting, and transmission or reception of signs, signals, written text, images, sound of communications of any kind through wire, radio waves, optical or another electromagnetic media.

Art. 2. This Act shall not apply to the content of the conveyed electronic communications.

Art. 3. This Act shall not apply in case of electronic communications carried out:

1. (suppl. - SG 109/07, in force from 01.01.2008M amend. - SG 79/15, in force from 01.11.2015, amend. – SG, 20/21) by the Ministry of Defence, by the Ministry of Interior, by the State Agency "National Security", by the National Safeguard Office, and by the State Intelligence Agency and by Technical Operations State Agency, as well as with regard to the internal allocation of frequencies and assignment of call signs for their official radio communications;

2. (amend. - SG 89/09, in force from 10.11.2009) by the state authorities and their administrations in relation to the national security;

3. (new – SG, 20/21) by the state bodies and the bodies of local self-government and their administrations, the state enterprises, the centers for emergency medical aid, the state and municipal medical establishments, the strategic sites of importance for the national security and the voluntary formations under the Disaster Protection Act in the cases, when they are included in the National system for providing a unified communication environment for interaction between the state structures of the Republic of Bulgaria in protection of public order, counteraction to crime and protection of the population in case of disasters and accidents.

Chapter two.

OBJECTIVES AND PRINCIPLES

Art. 4. (Amend. – SG, 20/21) (1) The objectives of this Act are:

1. to provide relevant conditions for development of competition in provision of electronic communications networks and ancillary facilities, including effective competition in terms of infrastructure, as well as in the provision of electronic communications services and ancillary services;
2. to create the necessary conditions for the development of connectivity and access to very high-capacity networks, including fixed, mobile and wireless networks, as well as their use by all citizens and businesses;
3. to support the development of the internal market by:
 - a) removing remaining barriers and facilitate agreed investment conditions and the provision of electronic communications networks and services, associated facilities and associated services;
 - b) create common rules and predictable regulatory approaches;
 - c) promote the efficient, effective and coordinated use of spectrum, open innovation, the construction and development of pan-European networks, the provision, accessibility and interoperability of pan-European services and end-to-end connectivity, and ensure connectivity, wide availability and use of networks with very high capacity;
4. to protect the interests of citizens by:
 - a) providing connectivity, accessibility and use of very high-capacity networks, including fixed, mobile and wireless networks, as well as electronic communications services;
 - b) providing the opportunity for maximum benefits in terms of choice, price and quality, based on effective competition;
 - c) ensuring the security of networks and services;
 - d) ensuring a high and general level of protection for end-users through the necessary rules, including conditions for the provision of clear information, by setting requirements for transparency of tariffs and conditions for the use of public electronic communications services and the use of applications and services of their choice;
 - e) taking into account the needs of specific social groups, in particular people with disabilities, the elderly and people with special social needs, as well as the choice and equal access for people with disabilities.

(2) Electronic communications managing and regulatory authorities shall undertake all reasonable measures for achieving the objectives, set out in Para 1, in the scope and in terms, adequate to the respective objective, where:

1. take into consideration as much as possible the need in technological neutrality;
2. promote regulatory predictability by:
 - a) ensuring a coherent regulatory approach with appropriate review deadlines, and
 - b) cooperation between the Member States of the European Union, the Body of European

Regulators for Electronic Communications, the Radio Spectrum Policy Group and the European Commission;

3. implement policies, aimed at promoting freedom of expression and information, cultural and linguistic diversity, and media pluralism;

4. ensure that, in similar circumstances, there is no discrimination in the treatment of providers of electronic communications networks and services;

5. encourage efficient investment and innovation in new and improved infrastructure, including by ensuring, that any obligation to grant access takes due account of the risk, borne by investing enterprises and by allowing for various cooperation agreements between investors and parties, seeking access, to diversify investment risk, while ensuring, that competition is maintained in the market and that the principle of non-discrimination is respected;

6. take due account of the variety of conditions, relating to infrastructure, competition, the circumstances of end-users and in particular, consumers in different geographical areas, including local infrastructure, managed by non-profit individuals;

7. impose ex ante regulatory obligations only to the extent, necessary to ensure effective and sustainable competition in the interests of end-users, and alleviate or abolish those obligations as soon as this condition is met.

Art. 4a. (New – SG, 20/21) In carrying out the activities, related to strategic planning and coordination of the policy in the field of the radio frequency spectrum, the state bodies shall:

1. cooperate with the relevant authorities of the Member States of the European Union and with the European Commission in the strategic planning, coordination and harmonization of the use of radio spectrum, in accordance with the policies of the European Union for the creation and functioning of the internal market in the electronic communications sector, taking into account also the economic, safety, health, public interest, freedom of expression, cultural, scientific, social and technical aspects of European Union policies, as well as the diverse interests of spectrum user groups with a view to optimizing the use of radio frequency spectrum and avoiding harmful interference;

2. encourage the coordination of radio spectrum policy approaches in the European Union and, if necessary, the harmonized conditions, relating to the availability and efficient use of radio spectrum, necessary for the establishment and functioning of the internal market in the electronic communications sector;

3. cooperate with the relevant authorities of the Member States of the European Union and the European Commission, within the Radio Spectrum Policy Group and, where appropriate, with the European Parliament and the Council of the European Union, with a view to supporting strategic planning and coordinating the spectrum policy approach, such as:

a) developing good practices on spectrum issues;

b) facilitate coordination with the other Member States of the European Union with a view to the application of provisions of European Union law and contribute to the development of the internal market;

c) coordinate approaches to the provision of radio spectrum, authorize its use and publish reports or opinions on radio spectrum issues.

Art. 5. (Amend. – SG, 20/21) Where applying this Act, the state authorities shall observe the principles of lawfulness, impartiality, objectivity, predictability, transparency, publicity, consultancy, equality, proportionality, technological neutrality with regard to networks and services and reduction of regulatory interference to the required minimum.

Art. 5a. (New – SG, 20/21) (1) In exercising their powers, public authorities should not restrict

end-users' access to, or use of services and applications through electronic communications networks in ways, that restrict the exercise of the rights or freedoms, recognized by the Charter of Fundamental Rights of the European Union and the principles of European Union law.

(2) Exceptions to the principle, set out in Para. 1, shall be admissible in compliance with the following requirements:

1. restrictions are imposed, only if provided for by an Act and are respected the rights or freedoms, recognized by the Charter of Fundamental Rights of the European Union, including the right to an effective legal protection means and to a fair trial;

2. the imposition of these restrictions shall respect the principle of the presumption of innocence and the right to privacy and shall ensure a prior, fair and impartial procedure, including the right to be heard of the person or persons concerned, while respecting the need for appropriate conditions and rules of procedure in duly substantiated emergencies in accordance with the Charter of Fundamental Rights of the European Union.

Chapter three.

STATE GOVERNANCE OF ELECTRONIC COMMUNICATIONS

Section I.

General provisions

Art. 6. (Amend. - SG 89/09, in force from 10.11.2009, amend. - SG 58/23) The state governance of electronic communications shall be carried out by the Council of Ministers, by the Council on the National Radio-frequency Spectrum and by the Minister of Transport and Communications.

Art. 7. (1) (amend. - SG 89/09, in force from 10.11.2009; amend. SG 105/11, in force from 29.12.2011, amend. - SG 58/23) The Council of Ministers, upon a proposal by the Minister of Transport and Communications shall adopt a policy in the field of electronic communications and shall promulgate it in the State Gazette.

(2) (amend. SG 105/11, in force from 29.12.2011) The draft of Para 1 shall be submitted for public discussion as set out in Art. 18.

(3) (amend. SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) The policy in the field of electronic communications shall be updated in the event of significant changes in the European Union law in this area, as well as, if necessary, arising from changes in public relations, related to the implementation of electronic communications.

Art. 8. (1) The Council of Ministers upon a proposal of the Council on National Radio-frequency Spectrum shall adopt a policy for planning and allocation of radio-frequency spectrum and shall promulgate it in the State Gazette.

(2) The Council of Ministers upon a proposal of the Council on National Radio-Frequency Spectrum shall adopt a National plan for Allocation of the Radio-frequency Spectrum and shall promulgate it in the State Gazette

(3) (revoked SG 105/11, in force from 29.12.2011)

Section II.

Council on the National Radio-frequency Spectrum

Art. 9. (1) (Amend. – SG, 20/21) The Council on the National Radio-frequency Spectrum, hereinafter referred to as "the Council", shall be an advisory and coordinating body at the Council of Ministers, which shall prepare and propose for adoption by the Council of Ministers a state policy for planning and allocation of the radio-frequency spectrum and shall carry out its implementation.

(2) The draft of the state policy under Para 1 shall be submitted for public consultations under Art. 18.

Art. 10. (1) (suppl. - SG 109/07, in force from 01.01.2008; suppl. – SG 17/09; amend. - SG 82/09, in force from 16.10.2009; amend. - SG 89/09, in force from 10.11.2009; amend. – SG, 14/2015; amend. - SG 79/15, in force from 01.11.2015, amend. - SG 15/22, in force from 22.02.2022, amend. - SG 41/24, in force from 10.05.2024) In the Council as members shall participate representatives of the Ministry of Economy and Industry, Ministry of Transport and Communications, Ministry of Defence, Ministry of Interior, State Agency "National Security", Communications Regulatory Commission, National Safeguarding Office, State Intelligence Agency and Technical Operations State Agency.

(2) (amend. - SG 89/09, in force from 10.11.2009, amend. – SG, 20/21, amend. - SG 15/22, in force from 22.02.2022) Chairperson of the Council shall be the Minister of Transport and Communications or a person authorized by him/her. The state authorities and offices under Para 1 shall nominate their representatives and shall provide for their participation in the operation of the Council. The Chairperson of the Council shall nominate an official of the Ministry of Transport and Communications as organizational secretary of the Council.

(3) The Council of Ministers shall adopt regulations on the operation of the Council upon proposal of its Chairperson.

(4) (amend. - SG 89/09, in force from 10.11.2009, amend. - SG 15/22, in force from 22.02.2022) The administrative support of the Council shall be carried out by the administration of the Ministry of Transport and Communications.

Art. 11. (1) The Council shall produce a draft of a National Plan for Allocation of the Radio-frequency Spectrum.

(2) (amend. SG 105/11, in force from 29.12.2011) The plan under Para 1 shall be produced and updated in compliance with the European Union policy, the documents of the international organizations, as well as under proposals of interested institutions and offices in view of harmonized and effective use of the radio-frequency spectrum.

(3) By virtue of the plan under Para 1 the radio-frequency spectrum shall be allocated in radio-frequencies, radio-frequency bands and radio services for civil purposes, for the needs of the state authorities and services under Art. 3 related to the national security, and for shared use between them.

(4) The allocation of the radio-frequency spectrum in radio-frequencies, radio-frequency bands and radio services shall be done in compliance with the principles for allocation and use of the radio-frequency spectrum in the European Union and by the International Telecommunication Union.

(5) The particular allocation of radio-frequencies and radio-frequency bands, meant for civil purposes or for shared use for civil purposes and for the needs of the state authorities and services under Art. 3 related to the national security, shall be carried out after holding public discussions under Art. 18 related to the part of civil purposes.

(6) (Amend. - SG 89/09, in force from 10.11.2009, amend. - SG 58/23) Within 7 days after expiration of the term set for public discussions the Minister of Transport and Communications shall

forward the draft under consideration and the submitted opinion of the Council on the National Radio-frequency Spectrum. The Council shall examine the opinion and shall publish on the website of the Ministry of Transport and Communications the submitted opinion, as well as the reasons for non-accepted and accepted proposals. After examination of the opinion the Council shall propose to the Council of Ministers to adopt a decision.

(7) (new – SG 17/09) The Council shall consider and decide matters, related to electromagnetic compatibility, and in case of disagreement between its members the matters shall be referred to the Council of Ministers which shall take a decision.

Art. 12. The state authorities and services referred to in Art. 10, Para 1 shall co-operate between themselves for implementation of the activity of the Council in compliance with the regulations referred to in Art 10, Para 3.

Art. 13. (1) (Suppl. – SG, 20/21) The Council, after coordination with the interested state authorities and services, shall adopt a decision for using for short-term events of particular radio-frequencies and radio-frequency bands by radio equipment with their technical Parameters, term and location of their usage on the territory of the Republic of Bulgaria by foreign countries on the grounds of reciprocity, as well as by international organizations, where this arises of the international obligation undertaken by the Republic of Bulgaria.

(2) (Suppl. – SG, 20/21) The requests under Para. 1 for usage of radio-frequencies and radio-frequency bands by embassies of foreign countries and/or by the representative offices of international organizations shall be submitted to the Council, which shall decide on the requests within one month after their receipt.

(3) (New – SG, 20/21) The Council shall adopt a decision on the use of radio frequencies and radio frequency bands from the radio frequency spectrum, designated for national security for radio equipment of foreign neighboring countries for the purposes of cross-border control and cooperation on the basis of reciprocity, when this arises from international obligations undertaken by the Republic of Bulgaria.

(4) (Former Para. 3, amend. – SG, 20/21) Outside the cases under Para. 1 and 3, when it is necessary to issue a permit for the use of radio frequency spectrum for electronic communications under this Act, the embassies of foreign countries or the representations of international organizations shall submit an application for the use of radio frequency spectrum to the Communications Regulation Commission, which shall:

1. issue the authorization in question;
2. collect the specified fees, unless otherwise provided in an international act.

Art. 14. (suppl. – SG 35/09, in force from 12.05.2009) The Minister of Defence or an official authorized by him/her shall authorize the use of radio-frequencies and radio-frequency bands by the Member States of the NATO in case of carrying out joint trainings and operations on the territory of the Republic of Bulgaria in compliance with the allocation of the radio-frequencies and radio-frequency bands for the needs of the Ministry of Defence in the National Plan on Allocation of the Radio-frequency Spectrum.

Section III.

Minister of Transport and Communications (Title amend. - SG 89/09, in force from 10.11.2009, titlăe amend. - SG 15/22, in force from 22.02.2022)

Art. 15. (amend. - SG 89/09, in force from 10.11.2009, amend. - SG 15/22, in force from 22.02.2022) The Minister of Transport and Communications shall be a specialized executive authority implementing the state policy in the field of electronic communications.

Art. 16. (amend. - SG 89/09, in force from 10.11.2009, amend. - SG 15/22, in force from 22.02.2022) The Minister of Transport and Communications shall:

1. (amend. SG 105/11, in force from 29.12.2011, amend. - SG 15/22, in force from 22.02.2022) produce and submit for adoption by the Council of Ministers policies, strategies, plans and programmes in the field of electronic communications;

2. produce and issue or submit for adoption by the Council of Ministers secondary legislative documents, related to the implementation of his/her powers, provided by this Act;

3. provide conditions for ensuring freedom and confidentiality of communications;

4. (amend. - SG 15/22, in force from 22.02.2022) represent the Republic of Bulgaria in international organizations in the field of electronic communications;

5. (amend. SG 105/11, in force from 29.12.2011, amend. - SG 15/22, in force from 22.02.2022) support development and introduction of standards and standardisation documents related to electronic communications;

6. (amend. - SG 15/22, in force from 22.02.2022) provide for fulfilment of engagements of the Republic of Bulgaria in the field of electronic communications management, related to its membership in the European Union and in international organizations;

7. (new SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) participate in the development and coordination of the policy of the European Union in the field of limited resources with respect to making them available and their efficient use required for the establishment and functioning of the internal market of the European Union in the electronic communications sector and to guarantee interoperability of the services;

8. (prev. text of Item 07 SG 105/11, in force from 29.12.2011, amend. - SG 15/22, in force from 22.02.2022) participate in the work of international standardization organizations and in technical standardization committees in the Republic of Bulgaria, dealing with electronic communications;

9. (prev. text of Item 08 SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) carry out international coordination and registration of radio-frequencies and radio-frequency bands, as well as of the radio-equipment using them for radio services air mobile, air mobile-satellite, air radio navigation, air radio navigation-satellite, sea mobile, sea mobile-satellite, sea radio navigation and sea radio navigation-satellite;

10. (prev. text of Item 09 SG 105/11, in force from 29.12.2011, suppl. – SG, 20/21) carry out international co-ordination of all radio-services of radio-frequencies and radio-frequency bands, as well as of technical specifications of radio-equipment, using them for the national security purposes, after coordination with the interested state body or service under Art. 3, item 1;

11. (prev. text of Item 10 SG 105/11, in force from 29.12.2011, amend. - SG 15/22, in force from 22.02.2022) agree upon and/or approve investment programs and projects in compliance with the priorities in the field of communications;

12. (prev. text of Item 11 SG 105/11, in force from 29.12.2011, amend. - SG 15/22, in force from 22.02.2022) carry out inter-institutional coordination in the course of preparation and submission of drafts of legislative documents of the Council of Ministers in the field of electronic communications.

Art. 17. (1) (amend. - SG 89/09, in force from 10.11.2009, amend. – SG 50/16, in force from 01.07.2016, amend. - SG 15/22, in force from 22.02.2022) The Minister of the e-government shall:

1. (suppl. – SG 21/18, in force from 09.03.2018) establish, operate, maintain and develop electronic communication network and the physical infrastructure for their deployment, and control points

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with regard to the national security, which shall be operated by personnel, occupying specific positions;

2. (amend. – SG 35/09, in force from 12.05.2009, amend. - SG 94/19, in force from 29.11.2019, amend. – SG, 20/21) secure electronic communications for management of disasters pursuant to the Disaster Protection Act, in case of declaring "martial law", "state of war", or "state of emergency", pursuant to the Act on the Defence and Armed Forces of the Republic of Bulgaria, as well as when declaring a state of emergency within the meaning of the Counter-Terrorism Act;

3. (new SG 105/11, in force from 29.12.2011) uses and develops the network referred to in Item 1 for the purposes of the state government.

(2) (amend. - SG 89/09, in force from 10.11.2009; revoked SG 105/11, in force from 29.12.2011)

Art. 18. (1) (Amend. - SG 89/09, in force from 10.11.2009, amend. and suppl. – SG, 20/21, amend. - SG 58/23) The Minister of Transport and Communications, prior to issuance or submission to the Council of Ministers of the subsidiary legislation documents, specified in this Act, shall publish a notice about the prepared draft, the text of the draft, the reasons and the preliminary impact assessment of the draft on the website of the Ministry of Transport and Communications and on the Public Consultation Portal.

(2) The notice referred to in Para 1 shall indicate the place, where interested persons shall be able to obtain the drafts, and a term of at least 30 days, in which they shall be able to submit written opinions on them.

(3) (Amend. - SG 89/09, in force from 10.11.2009, amend. - SG 58/23) The Minister of Transport and Communications shall study the opinions and shall include the adopted proposals.

(4) (Amend. - SG 89/09, in force from 10.11.2009, amend. - SG 58/23) The procedure of public consultations shall be concluded with the publication of the submitted opinions, adopted proposals, places and texts, through which the adopted proposals have been included, and the reasons for the non-approved ones on the website of the Ministry of Transport and Communications.

Art. 19. (amend. - SG 89/09, in force from 10.11.2009, amend. - SG 100/19, in force from 01.01.2020) (1) At the expense of revenues from fees, fines and pecuniary sanctions received under this Act, Postal Services Act, Electronic Document and Electronic Trust Services Act and Act on Electronic Communication Networks and Physical Infrastructure to the budget of Communications Regulation Commission a transfer is provided to support the activities and projects of the Ministry of Transport and Communications and Ministry of e-government.

(2) The transfer under para. 1 shall be provided up to the amount of the excess of the revenues under para. 1 above the estimated cost of the Communications Regulation Commission.

(3) (New – SG, 20/21) The specific amount of the transfer under Para. 1 shall be determined by the State Budget Act of the Republic of Bulgaria for the respective year and shall be carried out in four equal installments by the end of each quarter.

Art. 20. (1) (amend. – SG 17/09) Budget funds referred to in Art. 19 shall be spent for:

1. projects supporting the development of information society, electronic communications and postal services;

2. establishment of common national and European information space – diverse, reliable and compatible wide-band services;

3. supporting research and development activity in the field of information society, electronic communications and postal services;

4. supporting implementation of information technologies in small and medium-sized

enterprises;

5. supporting the development of education and vocational training in the field of information technologies;

6. projects, providing affordable electronic communication services;

7. studies and marketing activities in the field of information society, of information technology, of electronic communications and of postal services;

8. participation in European projects, programs and other initiatives;

9. (suppl. – SG 21/18, in force from 09.03.2018) projects related to establishment and modernization of electronic communication networks and the physical infrastructure for their deployment, and of postal infrastructure;

10. making radio-frequency spectrum available for civil purposes;

11. projects on state governing support, related to information technology, electronic communications and postal services;

12. (amend. - SG 109/07, in force from 01.01.2008) projects, related to national security, upon coordination with the Ministry of Interior, the Ministry of Defence and the State Agency "National Security";

13. activities and participation in projects, related to NATO and other organizations of collective safety;

14. (amend. – SG 17/09; amend. – SG 35/09, in force from 12.05.2009; amend. - SG 89/09, in force from 10.11.2009; suppl. - SG 93/09, in force from 25.12.2009) projects, related to governing the country in cases of disasters and accidents after coordination with the Ministry of Interior.

(2) Spending the funds referred to in Para 1, except for Items 10, 12 and 13, shall be done by observing the principles of competition, transparency and equality.

(3) In case of implementation of projects related to the national security, NATO and other organizations of collective safety shall apply the procedures applicable to them.

(4) (amend. - SG 89/09, in force from 10.11.2009, revoked - SG 100/19, in force from 01.01.2020)

Chapter four.

REGULATION OF ELECTRONIC COMMUNICATIONS

Section I.

Communications Regulation Commission

Art. 21. (1) The functions of regulation and control of carrying out electronic communications shall be performed by the Communications Regulation Commission, referred to hereinafter as "the Commission".

(2) The Commission is a specialized independent state body. The Commission is a legal person with a seat in Sofia.

(3) The Commission shall fulfil legislative, secondary legislation acts and general administrative acts in the field of electronic communications, electronic communications policy, planning and allocation of the radio-frequency spectrum policy and postal services policy.

(4) (Suppl. – SG, 20/21) The Commission shall regulate and control the implementation of electronic communications in compliance with this Act and with the European Union law, defining the powers and obligations of national regulatory or other competent authorities in the field of electronic communications.

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(5) (Amend. - SG 85/17) The Commission shall register and control the provision of electronic trust services in accordance with the procedure laid down in Regulation (EU) № 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ, L 257/73 of 28 August 2014), herein after referred to as “Regulation (EU) № 910/2014”, and in the Electronic Document and Electronic Trust Services Act.

Art. 22. (amend. – SG 27/10, in force from 09.04.2010) (1) The Commission is a collective body consisting of five members, including a chairperson and a deputy chairperson.

(2) The members of the Commission shall be Bulgarian nationals:

1. (amend. – SG, 20/21) with higher education with a minimum educational qualification degree "Master";

2. with permanent address on the territory of the country;

3. who have not been sentenced to deprivation of liberty for a crime of general character.

4. (new – SG, 20/21) with an established reputation and professional experience of not less, than 10 years, of which at least 5 years in the field of electronic communications, postal services, media, information technology, law or economics.

(3) The Chairperson of the Commission shall be appointed and discharged by a decision of the Council of Ministers and shall be employed by an order of the Prime Minister for a period of 5 years.

(4) The deputy chairman and two of the members of the Commission shall be elected and discharged by a decision of the National Assembly for a period of 5 years.

(5) One of the members of the Commission shall be appointed and discharged by an edict of the President of the Republic for a period of 5 years.

(6) (New – SG, 20/21) The chairman, deputy-chairman and members of the commission shall be appointed after an open and transparent selection procedure.

(7) (Former Para. 6 – SG, 20/21) The number of the subsequent full mandates under Para 3, 4 and 5 shall not be more than two for each member of the Commission.

(8) (Former Para. 7 – SG, 20/21) The members of the Commission shall enjoy all the rights in an employment relationship, except those which contradict to or are incompatible with their legal status.

Art. 23. (1) (Amend. - SG 85/17) The members of the Commission may not be sole entrepreneurs, owners, partners, shareholders, managers, procurators, consultants or members of managing or control bodies of trade companies, state enterprises and non-profit corporate legal persons in the field of communications and trust services within the meaning of the Regulation (EU) № 910/2014 and the Electronic Document and Electronic Trust Services Act.

(2) (Amend. – SG, 20/21) The members of the Commission may not hold another paid position or perform any other paid activity, except for participation in international projects and programs, related to the activity of the Commission, scientific, teaching activity or exercise of property copyrights, regulated in the Copyright and Related Rights Act.

Art. 24. (1) The mandate of a member of the Commission shall be terminated in case of death or by the respective authorities before the expiration of the mandate in the following cases:

1. upon his/her written request within one month after receipt of the request;

2. established incompatibility with the requirements of this Act;

3. when sentenced to deprivation of liberty for a deliberate crime of general character;

4. (amend. – SG, 20/21) impossibility to fulfil their obligations for a period exceeding six

subsequent months;

5. (new – SG 42/09; amend. – SG 97/10, in force from 10.12.2010, amend. - SG 7/18, amend. - SG 84/23, in force from 06.10.2023) in case of entry into force of an act establishing conflict of interests under the Act on Counteracting Corruption.

(2) (new SG 105/11, in force from 29.12.2011) The act of early termination of the mandate of a member of the Commission shall be announced to the public in the day of its issue. The reasons for the early termination of the mandate may be published at the request of the concerned party.

(3) (prev. text of Para 02 SG 105/11, in force from 29.12.2011) Within one month from the day of premature termination of the mandate of a member of the Commission, the competent authority shall nominate or elect and appoint a new member until the expiration of the respective mandate.

(4) (prev. text of Para 03 SG 105/11, in force from 29.12.2011) Upon expiration of a mandate of a member of the Commission he/she shall continue fulfilling his/her legal competences until the act of nomination or of election and appointment of a new member enters into force.

Art. 25. The remunerations of the members of the Commission shall be determined as follows:

1. of the chairperson – 90 percent of the basic remuneration of the Chairperson of the National Assembly;
2. of the deputy chairperson – 95 percent of the basic remuneration of the Chairperson of the Commission;
3. of the remaining members – 90 percent of the basic remuneration of the Chairperson of the Commission.

Art. 26. (1) (amend. – SG 42/09; amend. – SG 97/10, in force from 10.12.2010, amend. - SG 7/18, amend. - SG 84/23, in force from 06.10.2023) Every member of the Commission shall be obliged to declare private interest under the Act on Counteracting Corruption, which, he/she has got in taking a particular decision, and shall not participate in its discussion and voting.

(2) (amend. – SG 42/09) Private interest shall be present also always for the persons referred to in Para 1, when members of their families, direct relatives without restriction, collateral relatives up to fourth degree inclusive and relatives-in-law up to the second degree inclusive, as well as economically related to them persons provide electronic communication networks and/or services.

(3) (revoked – SG 42/09)

(4) (revoked – SG 42/09)

(5) (Amend. - SG 85/17) One year after the termination or expiration of the mandate the members of the Commission may not be owners, shareholders, partners, managers, procurators or members of bodies of management and control, employees or consultants of trade companies, providing public electronic communication networks and/or services, to submit the notification referred to in Art. 66, neither to obtain authorizations pursuant to this Act and/or authorizations and/or licenses under Regulation (EU) № 910/2014 and the Electronic Document and Electronic Trust Services Act and under the Postal Services Act.

(6) Any interested person may request from the Court to revoke decisions taken in violation of Para 1.

Art. 27. (1) The Chairperson of the Commission shall:

1. represent the Commission or shall authorise persons to represent it;
2. (suppl. – SG, 20/21) organise and manage the activity of the Commission and its administration;
3. schedule, propose a draft agenda and chair the sessions of the Commission;

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4. (amend. – SG 38/12, in force from 01.07.2012, amend. – SG, 20/21) exercise the functions of appointing body with regard to the civil servants and of employer with regard of the employed officials within the administration of the Commission;

5. (amend. – SG, 20/21) organize the planned, the fulfilment, finalizayion and accounting of the budget of the Commission.

(2) (revoked SG 17/09; new SG 105/11, in force from 29.12.2011) The activities referred to in Para 1, Items 4 and 5 shall be carried out under rules adopted in a decision of the Commission.

Art. 28. (1) (suppl. – SG 38/12, in force from 01.07.2012) The Commission shall be assisted in its activity by an administration, to which shall apply the Administration Act unless otherwise prescribed in this Act.

(2) (new – SG 38/12, in force from 01.07.2012) The activities of the administration shall be carried out by civil servants and by employed persons. To the employed persons shall apply Art. 107a of the Labour Code.

(3) (suppl. SG 105/11, in force from 29.12.2011; revoked, prev. text of Para 02 – SG 38/12, in force from 01.07.2012, amend. – SG, 20/21) Upon a proposal of the Chairperson and/or its member the Commission shall discuss and adopt Rules of Procedure, determining the activity, the organisation of work of the Commission, the size and structure of its administration, which shall be promulgated in the State Gazette.

(4) (revoked – SG 38/12, in force from 01.07.2012, new – SG, 20/21) The Director-General of the Directorate-General of the Commission may be assisted by a Deputy Director-General.

(5) (revoked – SG 38/12, in force from 01.07.2012)

(6) (revoked – SG 38/12, in force from 01.07.2012)

Section II.

Powers

Art. 29. The Commission shall execute its powers, functions and tasks for achievement of the objectives referred to in Art. 4 and in compliance with the principles, set out in Art. 5.

Art. 30. (1) (former text of Art. 30 – SG, 20/21) The Commission shall have the following powers:

1. to determine respective markets of electronic communication networks and/or services, subject to regulation by this Act;

2. to study, analyse and produce an assessment of the level of competition on respective markets of electronic communication networks and/or services;

3. to identify enterprises with significant market power on the respective market;

4. (amend. SG 105/11, in force from 29.12.2011) to impose, extend, amend or revoke specific obligations of enterprises, having been identified as enterprises with significant market power, for achieving the objectives of this Act;

5. as an exception, to impose grounded and adequate provisional specific obligations in cases, provided by this Act;

6. (amend. – SG, 20/21) imposes, continues, amends or revokes measures and obligations in connection with the provision of universal service;

7. (amend. – SG, 20/21) to produce, adopt and update regulatory policy for using number resources for implementation of electronic communications;

8. to produce and adopt general and legislative acts, related to its powers in cases, provided in this Act;

9. (amend. SG 17/09) to produce, adopt or submit for adoption by competent state bodies the secondary legislative acts in cases, provided in this Act;

10. (amend. – SG, 20/21) to edit, amend, supplement, transfer, suspend, terminate or withdraw authorizations for usage of a limited resource;

11. (new – SG, 20/21) registers and deletes registrations for use of radio frequency spectrum;

12. (former item 11, amend. – SG, 20/21) to issue and suspend the validity of provisional authorizations for usage of a limited resource;

13. (former item 12, amend. – SG, 20/21) issues, amends, supplements, transfers, terminates or revokes authorizations for use of radio frequency spectrum from electronic communications networks for terrestrial analogue broadcasting, following a decision of the Electronic Media Council;

14. (former item 13, amend. – SG, 20/21) to carry out a study and to provide information to the Council for Electronic Media about technical Parameters, required for terrestrial analogue radio-broadcasting, about indicated by the Council for Electronic Media settlement, region or for the entire territory of the Republic of Bulgaria, including free radio-frequencies, admissible powers of broadcasting, possible points of broadcasting, as well as any other relevant technical information;

15. (former item 14, amend. – SG, 20/21) to produce, adopt and update National Numbering Plan;

16. (former item 15, amend. – SG, 20/21) to provide rights for usage, reserve and withdraw numbering resources;

17. (new SG 17/09, former item 16, amend. – SG, 20/21) controls the use of national numbering resources;

18. (prev. item 16 SG 17/09, former item, 17, amend. – SG, 20/21) to assist in providing to international organizations of numbering resources for electronic communications in the Republic of Bulgaria;

19. (new SG 105/11, in force from 29.12.2011, former item 18, amend. – SG, 20/21) assist in the harmonization of certain numbers or ranges of numbers within the European Union for encouragement of the functioning of the internal market and development of the common European services;

20. (prev. item 17 SG 17/09; prev. text of Item 18 SG 105/11, in force from 29.12.2011, former item 19 – SG, 20/21) to represent the Republic of Bulgaria in international organizations of regulatory bodies in the field of electronic communications;

21. (new SG 105/11, in force from 29.12.2011, former item 20 – SG, 20/21) participate in the work of the Body of European Regulators for Electronic Communications and cooperate for coordinated and consistent regulation;

22. (new SG 105/11, in force from 29.12.2011, former item 21, amend. – SG, 20/21) ensures compliance with the requirements for maintaining the integrity of public electronic communications networks and for the security of public electronic communications networks and services and investigates cases of non-compliance with the requirements for ensuring the security of public electronic communications networks and services and their impact on network security and services, if necessary, cooperating with the competent authorities under Art. 244a, Para. 3;

23. (prev. item 18 SG 17/09; prev. text of Item 19 SG 105/11, in force from 29.12.2011, former item 22 – SG, 20/21) to fulfil functions of a national organization for standardization before the European Telecommunication Standards Institute (ETSI) and to participate in the work of technical standardization committees in the Republic of Bulgaria, related to electronic communications;

24. (prev. item 19 SG 17/09; prev. text of Item 20 SG 105/11, in force from 29.12.2011, former item 23, amend. – SG, 20/21) creates and maintains the registers, provided in this Act;

25. (prev. item 20 SG 17/09; prev. text of Item 21 SG 105/11, in force from 29.12.2011, former

item 24, amend. – SG, 20/21) to carry out public discussions, consultations and inquiries in cases and following the procedures, provided in this Act;

26. (prev. item 21 SG 17/09; prev. text of Item 22 SG 105/11, in force from 29.12.2011, suppl. – SG 21/18, in force from 09.03.2018, former item 25, amend. – SG, 20/21) to settle disputes between enterprises, as well as disputes under the Act on Electronic Communications Networks and Physical Infrastructure.

27. (prev. item 22 SG 17/09; prev. text of Item 23 SG 105/11, in force from 29.12.2011, former item 26, amend. – SG, 20/21) contributes to the protection of the rights of end-users in the electronic communications sector in coordination with the other competent authorities and considers complaints of end-users in the cases, provided for in this Act;

28. (new – SG, 20/21) determines the location of the network endpoint for the purposes of regulating electronic communications networks and services;

29. (new – SG, 20/21) approves for the purposes of application of Art. 4, Para. 4 of Regulation (EU) 2015/2120 of the European Parliament and of the Council of 25 November 2015, laying down measures on open internet access and retail charges for regulated communications within the EU and amending Directive 2002 / 22 / EC and Regulation (EU) № 531/2012 (OJ L 310/1 of 26 November 2015), hereinafter referred to as "Regulation (EU) 2015/2120", a mechanism for monitoring the performance of the Internet access service in terms of speed or other service quality parameters; the mechanism shall be developed and maintained by the commission or a third party and provide an opportunity for end-users to measure the performance of the internet access service in terms of speed or other quality parameters of the service.

(2) (New – SG, 20/21) In exercising its powers under this Act, the Commission shall take into account to the greatest extent the guidelines, opinions, recommendations, common positions, good practices and methodologies, adopted by the European Regulators Authority in the field of electronic communications, together with national and local specifics in the sector.

Art. 31. (amend. SG 105/11, in force from 29.12.2011) The Commission shall encourage the development of the market of electronic communication networks and services, by:

1. applying regulatory measures, restricting the opportunities for impeding the competition;
2. eliminating hindrances and barriers for the competition within the scope of its competency;
3. (new SG 105/11, in force from 29.12.2011) encouraging the investments and innovations in new and improved infrastructure, inter alia, by guaranteeing that every obligation for providing access takes into consideration the risk undertaken by the investing enterprises, and allowing various agreements between investors and parties seeking access for the purpose of distribution of the investment risk and without prejudice to the principle of equality;
4. (new SG 105/11, in force from 29.12.2011) protecting the competition for the benefit of consumers and, where appropriate, encouraging the infrastructure competition;
5. (new SG 105/11, in force from 29.12.2011) taking into consideration the diversity of conditions related to the competition and consumers existing in the different geographic regions;
6. (prev. text of Item 03 SG 105/11, in force from 29.12.2011) treating on equal terms all undertakings, providing electronic communication networks and/or services under identical circumstances;
7. (prev. text of Item 04, amend. SG 105/11, in force from 29.12.2011, suppl. – SG, 20/21) maintaining mutual co-operation with other regulatory authorities, where it may sign cooperation agreements with them and with the European Commission for development of sustained regulatory practice and application of European Union law;
8. (new SG 105/11, in force from 29.12.2011) imposing ex ante specific obligations, only if there is no efficient and stable competition on the respective market and amending or revoking such obligations, where the said conditions are met;

9. (new SG 105/11, in force from 29.12.2011) encouraging the regulatory consistency by guaranteeing a consistent regulatory approach within the time limits referred to in Art. 157a;
10. (new – SG, 20/21) monitors and evaluates the market and competition for open internet access.

Art. 32. (1) (suppl. SG 105/11, in force from 29.12.2011, former text of Art. 32, amend. – SG, 20/21) The Commission shall have the following legal authorities, related to the management of the radio-frequency spectrum for civil purposes, the geostationary orbit positions with the corresponding radio frequency spectrum and the radio frequency spectrum, used by the non-geostationary-satellite system:

1. manage the radio-frequency spectrum by:
 - a) working out and promulgating in the State Gazette the regulatory policy for its management;
 - b) providing for using radio-frequencies and radio-frequency bands for carrying out electronic communications;
2. (amend. and suppl. – SG, 20/21) determine conditions for the use of radio frequency spectrum, including particular technical parameters for the operation of electronic communication networks and facilities, related to them;
3. (suppl. – SG, 20/21) carry out international coordination and registration of radio-frequencies and radio-frequency bands and of the radio facilities, using them for all radio services, except for the air mobile, air mobile satellite, air radio navigation, air radio navigation satellite, air sea, air sea satellite, sea radio navigation and sea radio navigation satellite;
4. carry out national coordination of radio-frequencies and radio-frequency bands with all interested state bodies, administrations and offices in order to provide safety of air navigation and sea navigation and protection of national security and defence;
5. (amend. - SG 89/09, in force from 10.11.2009, amend. – SG, 20/21, amend. - SG 58/23) carry out the application and international coordination and registration in international electronic communications organizations of positions in the geostationary orbit with the respective radio frequency spectrum and the radio frequency spectrum, used by a non-geostationary satellite system, informing the Minister of Transport and Communications thereof;
6. (amend. – SG, 20/21) hold exams, issue and withdraw authorizations for radio amateur competency;
7. (amend. – SG, 20/21) control the usage of the radio-frequency spectrum and the sources of radio interference in the radio-frequency spectrum for civil purposes;
8. control the observance of the internationally determined procedural rules for the radio services;
9. (amend. – SG, 20/21) allocate and withdraw the distributed distinction signs of the transmitting radio facilities of the amateur radio service and the auditor's distinction signs;
10. provide conditions for carrying out electronic communications for the purposes of the sea and air tracking and rescue, as well as for broadcasting of current information for providing the safety of the sea and air navigation and of the ground transport;
11. (amend. - SG 89/09, in force from 10.11.2009, amend. - SG 58/23) participate jointly with the Minister of Transport and Communications in the work of international organizations, related to radio-frequency spectrum management;
12. (amend. – SG, 20/21) in view of the public interest at his/her own initiative or at the initiative of an interested enterprise, carrying out electronic communications, he/she may distribute the free limited resource radio-frequency spectrum, the positions of geostationary orbit with the relevant radio-frequency spectrum, allocated to the Republic of Bulgaria according to international agreements, as well as the radio spectrum, used by a non-geostationary satellite system, which will be used for providing of

electronic communication networks and/or services for public of own purposes;

13. (new SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) on its own initiative or on the initiative of an interested person may initiate a procedure for application, international coordination and registration of radio frequency spectrum, position of the geostationary orbit with the respective radio frequency spectrum and radio frequency spectrum, used by non-geostationary satellite system, according to the rules of international electronic communications organizations.

(2) (New – SG, 20/21) The activities under Para. 1, item 6 shall be performed by officials, authorized by the Commission.

Art. 33. (1) (Amend. – SG, 20/21) The Commission shall create and maintain public registers of:

1. the persons, having advised the Commission about their intentions to provide public electronic communication networks, or services;

2. the persons, having got authorizations for usage of a limited resource;

3. persons, registered for use of radio frequency spectrum;

4. enterprises, determined as such with considerable impact on the respective market.

5. the numbering resources, provided for the use of the enterprises;

6. the number of end users, party to a contract under Art. 227, distributed by types of services, offered by the respective enterprise, on the basis of the data from the annual report for the activity, provided by the enterprise in connection with Art. 38, Para. 1.

(2) (suppl. SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) The registers referred to in Para 1, Items 1 shall contain the following information:

1. identification data of the person – name (company) and the relevant UIC;

2. provided electronic communications networks and / or services;

3. the website page of the enterprise.

(3) (New – SG, 20/21) The registers under Para. 1, items 2 and 3 shall contain the following information:

1. ID data about the person;

a) about legal persons and sole traders - name (company) and the respective unified identification code;

b) for natural persons – full name;

2. number, date, term of the permit or registration and data for provided limited resource.

(4) (New, SG, 105/11, effective from 29.12.2011, previous Para 3, amend., SG 20/21) The register under Para. 1, item 4 shall contain the following information:

1. (suppl. – SG, 20/21) identification data of the enterprise - name (company) and the respective unified identification code;

2. the relevant market;

3. the imposed specific obligations.

(5) (Former Para. 4 – SG, 20/21) The Commission shall publish the registers under Para. 1 on its website.

(6) (New - SG 62/20 Former Para. 5 – SG, 20/21, amend. and suppl. - SG 58/23, amend. - SG 35/25) The Commission shall establish and maintain a register of ground network transceiver stations, allowing the provision of electronic communications services, and the activities, performed under Art. 151, Para. 1, item 16 of the Spatial Development Act, as well as of notifications about the located wireless access points with small range. The circumstances to be entered, the conditions and the procedure for creating, maintaining and using the register, as well as the due administrative fees shall be determined by an Ordinance of the Council of Ministers, upon proposal of the Commission.

(7) (New - SG 62/20, former Para. 6, suppl. – SG, 20/21, amend. and suppl. - SG 58/23, amend.

- SG 35/25) The operator of the electronic communications network shall be obliged to submit an application for registration of the base transceiver station before the Commission within 14 days from submission of notification with the state health control bodies in accordance with the Health Act and acts of secondary legislation on its implementation. Application for registration of activity under Art. 151, Para. 1, item 16 of the Spatial Development Act shall be submitted within 14 days after the submission of a notification under Art. 151, Para. 8 of the Spatial Development Act. Notifications for entry in the register under Para. 6 of short-range wireless access points shall be submitted within 14 days of their deployment.

(8) (New - SG 62/20 former Para. 7, suppl. – SG, 20/21, suppl. - SG 58/23, repealed - SG 35/25)

Art. 33a. (New – SG, 20/21) (1) The Commission shall delete a person from the register under Art. 33, Para. 1, item 1 in the following cases:

1. in case of submitted a notification, under Art. 76;
2. in case of death of the natural person, termination of the legal entity or termination of the activity of the sole trader;
3. if the respective person is subject to registration in the commercial register and the register of non-profit legal persons and does not appear in the same;
4. if for the previous three calendar years, a person, who is entered in the register under Art. 33, Para. 1, item 1 as carrying out electronic communications only on the basis of a submitted notification, has not submitted to the Commission annual reports for the activity in connection with Art. 38, Para. 1;
5. if any of the above circumstances exist in respect of a foreign person, entitled to carry out activities for the provision of electronic communications networks or services on the territory of the Republic of Bulgaria;
6. in the cases under Art. 78, Para. 3.

(2) In the cases under Para. 1, items 2 - 6, except in case of death of the natural person, the Commission shall adopt a list of the respective persons, which shall be published on the Commission's website. The persons, included in the list shall be notified of the forthcoming deletion from the register under Art. 33, Para. 1, item 1 and for the specific grounds and motives and they shall be given a term for opinion, not shorter than 30 days from the receipt of the notification.

(3) After the expiration of the term under Para. 2 the Commission shall pronounce with a decision.

Art. 34. The Commission shall control the application of:

1. the normative acts in the sphere of electronic communications;
2. the principles of pricing stipulated by this Act;
3. the Parameters and quality requirements to the services;
4. (suppl. – SG, 20/21) the particular terms and conditions and Parameters of usage of limited resource, provided for the registrations and in the authorizations;
5. (amend. - SG 105/11, in force from 29.12.2011, amend. - SG, 20/21) applicable requirements of Art. 73 and imposed obligations under this Act;
6. the requirements for providing universal service.

Art. 35. (1) In implementation of its powers the Commission shall pronounce reasoned decisions.

(2) (amend. - SG 77/18, in force from 01.01.2019) The decisions referred to in Para 1 are individual or general administrative acts and shall be subject to appeal pursuant to the provisions of the Administrative-Procedure Code before the Administrative Court - Sofia Province.

(3) By decisions the Commission may adopt also normative administrative acts in compliance with its powers.

(4) (Repealed – SG, 20/21)

(5) The decisions shall be adopted with regular majority of the members of the Commission.

(6) (amend. - SG 105/11, in force from 29.12.2011) The Commission shall include an order for preliminary execution under the conditions of Art. 60 of the Administrative-Procedure Code, when issuing the following individual administrative acts:

1. decisions, by which information is required from the undertakings, necessary for analysis of respective markets;

2. (suppl. - SG 105/11, in force from 29.12.2011) decisions for identification and analysis of respective markets, for identification of undertakings with significant market power for imposing of specific obligations to undertakings with significant market power on the respective market and for imposition of temporary obligations;

3. decisions, related to fulfilment of imposed specific obligations to undertakings with significant market power on the respective market;

4. decisions on disputes between undertakings;

5. (new SG 17/09, amend. – SG, 20/21) decisions, by which the Commission shall grant a permit to the applicant having succeeded in the contest for use of radio frequency spectrum, through electronic communication networks for terrestrial digital radio broadcasting;

6. (new – SG, 20/21) decisions, imposing access and / or interconnection obligations and for interoperability of services.

(7) (new - SG 105/11, in force from 29.12.2011) The meetings of the Commission shall be public. For certain topics of the agenda the Commission may seat behind closed doors, where the adoption of a decision requires legally protected information.

(8) (new - SG 105/11, in force from 29.12.2011) Before conducting the meetings the Commission shall publish the draft agendas on its website.

(9) (new - SG 105/11, in force from 29.12.2011) The minutes of the meetings and the decisions of the Commission shall be published on its website, except for the legally protected information.

Art. 36. (1) (Amend. and suppl. – SG, 20/21) For developing of drafts of general and normative administrative acts, provided in this Act, the commission holds public discussion procedures by releasing an announcement about the prepared project and the grounds for its preparation on its website and in the Portal for public consultations.

(2) In the announcement referred to in Para 1 the place from where interested persons can obtain the project shall be indicated, and a term not less than 30 days, within which they can present their written opinion on it.

(3) The Commission shall study the opinion and shall take into account the adopted proposals.

(4) (suppl. - SG 105/11, in force from 29.12.2011, suppl. – SG, 20/21) The public discussion procedure shall be closed upon publishing on the website of the Commission and for the legislative acts – also in the Portal for public consultations of the submitted opinions, except the parts including trade secrets, the adopted proposals, the places and wordings, reflecting the adopted proposals, and the reasons for non-adopted ones.

Art. 37. (1) Prior to adoption of a decision on important issues of public significance for the development of electronic communications the Commission shall hold public consultations.

(2) (Amend. – SG, 20/21) The procedure referred to in Para 1 shall commence with publishing an announcement about the forthcoming public consultations on the website of the Commission.

(3) (Amend. and suppl. – SG, 20/21) The announcement referred to in Para 2 shall obligatorily indicate the issue subject to discussions, the place, where interested parties may obtain the opinion of the

Commission on the issues subject to discussion, the reasons, motivating the Commission's position, as well as a term, not less than 30 days, within which written opinion shall be provided. In exceptional cases and explicit indication of the reasons in the grounds, the Commission may set another term, but not shorter than 14 days.

(4) The Commission shall study all the opinion and shall publish on its website the reasons, grounding the adopted decision.

Art. 37a. (1) (new - SG 105/11, in force from 29.12.2011, former text of Art. 37a, amend. – SG, 20/21) The Commission shall inform the Consumers Protection Commission and the consumers' associations for opening procedures under Art. 36 and 37, where these procedures concern questions related to the rights of the end users, including of consumers with disabilities, as well as the Commission for Personal Data Protection, where the said questions are related to processing of personal data.

(2) (New – SG, 20/21) The Commission, in coordination with the other competent authorities, shall establish a consultation mechanism, accessible to users with disabilities to ensure, that the interests of end-users in the field of public electronic communications services are taken into account in deciding on issues, related to end-users' rights in relation to public electronic communications services have been taken into account to the necessary extent.

Art. 38. (1) (amend. - SG 47/19) The Commission shall prepare and adopt an annual report to the National Assembly by the end of the second quarter of the following year. In the same term, the report shall be also submitted to the President of the Republic and the Council of Ministers. The report shall contain:

1. analysis of provision of universal service, including degree of satisfaction and quality;
2. (amend. – SG, 20/21) distribution of the provided for usage limited resource and the applied mechanisms for its effective usage;
3. (revoked - SG 105/11, in force from 29.12.2011)
4. (amend. - SG 47/19) review the situation and assessment of the development of competition at the markets of electronic communication networks and/or services;
5. financial situation and institutional development of the Commission and of its administration;
6. a report on accomplishment of activities of the preceding year.

(2) (amend. - SG 105/11, in force from 29.12.2011) In the course of preparation of the assessment referred to in Para 1, Item 4, the Commission for protection of competition shall issue opinion within 14 days.

(3) (new - SG 47/19) Apart from data provided by enterprises when preparing the report under para. 1 the Commission may also use other publicly available information from official sources, as well as publicly available market research. Market research under sentence one must be representative and quantitative, the data in them should be comparable to data collected by the Commission, have been carried out in accordance with the principles and criteria of statistical activity and on a methodology agreed with the Commission and published on its website.

(4) (prev. para. 3 - SG 47/19) The Commission shall publish the report on its website.

Art. 39. (1) The Commission may establish consultative structures in connection with the implementation of its powers.

(2) The decision for establishing structures referred to in Para 1 shall determine their head and members, the order of carrying out their activity and their functions and tasks.

Section III.

Provision of information

Art. 40. (1) (amend. - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) The Commission may request information, related to the implementation of this Act and the legislative acts on its implementation, the rights of use or the imposed obligations under this Act.

(2) (New – SG, 20/21) The Commission may address to the enterprises, providing electronic communication networks or services, applied facilities or services, justified written requests for provision of information, in relevant amount, terms and details, required for the implementation of its regulatory functions, or needed by the European Regulation Authority in the area of electronic communications, including financial information; information of the future development of the networks or services, which may impact the wholesale services provided by them to competitors; accounting information of the retail markets that are related to the wholesale markets, from the enterprises having significant impact on the wholesale market; information about their electronic communications networks or the adjacent facilities, which is detailed at the local level and sufficiently detailed to make it possible to carry out the geographical survey under Art. 181a and the determination of the regions. according to Art. 181b.

(3) (New – SG, 20/21) The Commission shall indicate the reasons and the purposes, for which the information is requested, in the reasons to the request under Para. 1 and 2. The request must be proportionate and objectively justified for the following purposes:

1. systematic and target inspections related to:
 - a) payment of administrative fees and/or fees for use of a limited resource;
 - b) efficient and efficacy of use of a limited resource;
 - c) compliance with the imposed obligations as set out in this Act;
2. a target inspection for compliance with the requirements of Art. 73, as well as the obligations under Art. 85, Para. 11, Art. 106, Para. 2 and Art. 107, Para. 2, in cases of received appeals or at the initiative of the Commission;
3. carrying out procedures for hearing and assessment of a request for grant of an individual right to use a limited resource;
4. publishing comparative review of the quality and prices of the services for the benefit of the consumers;
5. clearly defined statistical needs, reports and studies;
6. analysis of the respective market, including data on downstream or retail markets, adjacent to, or related to markets, that are subject to market analysis;
7. guaranteeing the efficacy of use and efficient management of the radiofrequency spectrum and numbering resources;
8. assessment of the future development of the networks or services that may impact the wholesale services provided to competitors, on the territorial scope, on the connectivity for the end users or on the determination of the regions under Art. 181b;
9. conducting geographical research;
10. providing a reasoned response of grounded requests for information from the European Regulators Authority in the area of electronic communications.

(4) (new - SG 105/11, in force from 29.12.2011, former Para. 2, amend. – SG, 20/21) The information for the purposes of Para. 3, Items 1, 2, 4 - 10 may not be requested before, or as a condition for access to the market.

(5) (amend. and suppl. - SG 109/07, in force from 01.01.2008; amend. SG 35/09, in force from 12.05.2009; prev. text of Para 02 - SG 105/11, in force from 29.12.2011, former Para. 3, suppl. – SG, 20/21, amend. - SG 15/22, in force from 22.02.2022) The Commission, upon a justified written request by the

Ministry of Transport and Communications, the Ministry of e-government, the Ministry of Defence, the Ministry of Interior and/or the State Agency "National Security" shall provide the information of Para 1 and 2 for the purposes of the state policy, planning, protection of national security and defence.

(6) (prev. text of Para 03 - SG 105/11, in force from 29.12.2011, former Para. 4, suppl. – SG 20/21) Upon request of the information of Para. 1 and 2, the Commission shall require from the enterprises, providing it, specifically and in writing to specify for each individual case which part of the provided information shall be deemed business confidential.

(7) (Former. text of Para 04 - SG 105/11, in force from 29.12.2011, former Para. 5, suppl. – SG, 20/21) The members of the Commission and the employees of its administration shall be obliged not to disclose the information, obtained under Para. 1 and 2, provided that it is deemed to be business confidential.

(8) (Former. text of Para 05 - SG 105/11, in force from 29.12.2011, former Para. 6, suppl. – SG, 20/21) In case of justified request by the European Commission, The European Regulation Authority in the area of electronic communications, or by a regulatory authority of a European Union Member State the Commission shall provide the information, relevant for implementation of their legal authorities.

(9) (Amend. - SG 89/09, in force from 10.11.2009; prev. text of Para 06, amend. - SG 105/11, in force from 29.12.2011, former Para. 7. Amend. – SG, 20/21). If the information under Para. 1 and 2, including that, collected during the geographical survey, shall be submitted to the European Commission, the European Regulators Authority for Electronic Communications or other bodies, including regulatory or other competent authorities of Member States of the European Union, the Commission shall require recipients to observe the trade secret in accordance with Para. 6. Trade secrecy shall not be an obstacle to the timely exchange of information for the purposes of reviewing, monitoring and supervising the application of the Act and the applicable law of the European Union.

(10) (Former text of Para 07 - SG 105/11, in force from 29.12.2011, former Para. 8, suppl. – SG, 20/21) The enterprises under Para. 1 and 2 may - by a justified request in writing - declare, that the provided by them information to the Commission must not be provided by the European Commission, by the European Regulators Authority in the are of electronic communication to regulation or other competent authorities of the European Union Member States.

(11) (Former text of Para. 8 - SG 105/11, in force from 29.12.2011, former Para. 9, suppl. – SG, 20/21) In case the Commission provides information under Para. 1 and 2 to the European Commission, to the European Regulatory Authority in the field of electronic communications or to other authorities, including regulatory or other competent authorities, of the EU Member States shall notify about this the enterprises, which have provided it.

(12) (New – SG, 20/21) When the information, collected in accordance with Para. 1 and 2 is insufficient for the Commission and the European Regulators Authority in the field of electronic communications to perform their regulatory tasks, this information may be requested from other enterprises, whose activity is in the field of electronic communications or in closely related sectors.

(13) (New – SG, 20/21) The Commission may receive information from the Single Information Point under Art. 4 of the Act on Electronic Communications Networks and Physical Infrastructure.

(14) (New – SG, 20/21) The information, available to the Commission may also be provided to the European Regulators Authority in the field of electronic communications or to another body, including a regulatory or other competent body of a Member State of the European Union, upon a motivated request and under the conditions of Para. 9 and 10, when this is necessary, in order for the respective body to fulfill its assigned duties.

(15) (New – SG, 20/21) The request for information may be made according to a template, developed by the European Regulators Authority for Electronic Communications in order to facilitate the processing, analysis and presentation of that information.

(16) New – SG, 20/21, amend. - SG 58/23) The information under Para. 1 with regard to the

rights for use of the radio frequency spectrum shall include data on the efficient and effective use of the radio frequency spectrum and fulfillment of obligations for coverage, quality of the services, related to the rights for its use and the implementation of control.

(17) (New – SG, 20/21) The information, required by the European Regulators Authority in the field of electronic communications, according to Art. 40 of Regulation (EU) 2018/1971 of the European Parliament and of the Council of 11 December 2018 establishing the European Regulators Authority for Electronic Communications (ERAEC) and the ERAEC Support Agency (ERAEC Office), amending Regulation (EU) 2015/2120 and repealing Regulation (EC) № 1211/2009 (OJ L 321/1 of 17 December 2018), and provided to the Commission shall not be re-requested by it. "

Art. 41. (1) In compliance with the provisions of the Access to Public Information Act the Commission shall provide upon request the information, obtained from the undertakings carrying out electronic communications.

(2) (suppl. - SG 105/11, in force from 29.12.2011) The conditions and order of access to information under Para 1 shall be determined by the Commission in a normative administrative act published in the State Gazette.

Section IV.

Cooperation and Consultations with the European Commission, with the Body of European Regulators for Electronic Communications and with the National Regulatory Authorities of the European Union Member States (Title amend. - SG 105/11, in force from 29.12.2011)

Art. 41a. (1) (New - SG 105/11, in force from 29.12.2011, former text of Art. 41a, amend. – SG, 20/21) The Commission shall cooperate with the European Commission, the Body of European Regulators for Electronic Communications and with the regulatory authorities of the Member States of the European Union in a transparent manner for the development of the internal market of the European Union and for determining the regulatory means and the obligations most appropriate for each individual case.

(2) (New – SG, 20/21) The Commission shall participate in joint peer checks, organized by the Radio Spectrum Policy Group.

Art. 42. (amend. - SG 105/11, in force from 29.12.2011) (1) (Suppl. – SG, 20/21) The Commission, following a public discussion under Art. 36, shall forward at the same time to the European Commission, to the Body of European Regulators for Electronic Communications and to the regulatory authorities of the European Union Member States the draft decision and the reasons thereto, when:

1. (amend. – SG, 20/21) the draft decision is related to the competences of the Commission referred to in Art. 30, Para. 1, Items 1 - 4 or is within the scope of Art. 152, 154 – 157a, 160 – 160c, 163, 166, or 221, and

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

(2) Where, within one month from the date of forwarding the draft decision referred to in Para 1, no opinions have been filed from the European Commission, the Body of European Regulators for Electronic Communications or the regulatory authorities of the Member States of the European Union, the Commission shall adopt a final decision.

(3) When adopting the decision referred to in Para 1 the Commission shall take into consideration mostly the opinions from the European Commission, the Body of European Regulators for Electronic Communications or the regulatory authorities of the Member States of the European Union.

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

(5) (New – SG, 20/21) In the cases, when obligations under an international agreement are fulfilled, the procedure under Para. 1 shall apply.

Art. 42a. (new - SG 105/11, in force from 29.12.2011) (1) In the draft decision referred to in Art. 42, Para 1 the Commission may specify also:

1. (amend. – SG, 20/21) a relevant market, other than the markets specified in the applicable recommendation of the European Commission, on the relevant markets for products and services in the electronic communications sector, or

2. an enterprise, which independently or jointly with other enterprises has significant impact on the respective market.

(2) (Amend. – SG, 20/21) In the cases of Para 1, when the European Commission adopts an opinion, according to which the draft decision would affect the trade between the Member States of the European Union, would introduce barriers on the internal market of the European Union or where it has reasonable doubts about the compatibility of the draft decision with the European Union law, the adoption of the draft decision shall be postponed by 2 more months.

(3) Where, within the time limit referred to in Para 2, the European Commission withdraws its reserves about the draft decision, the Commission shall adopt a final decision and shall send it to the European Commission and to the Body of European Regulators for Electronic Communications.

(4) Provided that, within the time limit referred to in Para 2, the European Commission has requested from the Commission to withdraw the draft decision, the Commission, within 6 months from the adoption of the decision of the European Commission, shall amend or withdraw the draft decision.

(5) Where the Commission amends the draft decision, the procedure set out in Art. 36 and 42 shall be carried out again.

Art. 42b. (new - SG 105/11, in force from 29.12.2011) (1) By the draft decision referred to in Art. 42, Para 1 the Commission may impose obligations provided for in a law, or extend, amend or revoke already imposed obligations.

(2) Where, within one month from the date of forwarding the draft decision referred to in Para 1, no opinion has been filed by the European Commission, the Body of European Regulators for Electronic Communications or the regulatory authorities of the Member States of the European Union, the Commission shall adopt a final decision.

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

(4) (Amend. – SG, 20/21) In the cases of Para 1, when the European Commission adopts an opinion, according to which the measures proposed in the draft decision would affect the trade between the Member States of the European Union, would introduce barriers on the internal market of the European Union or where it has reasonable doubts about the compatibility of the draft decision with the European Union law, the adoption of the draft decision shall be postponed by three months.

(5) Within the time limit under Para 4 the Commission shall cooperate with the European Commission and the Body of European Regulators for Electronic Communications for the purpose of determining the most suitable obligations for achieving the goals referred to in Art. 4 and shall take into account the opinions of the interested parties and the need to ensure consistent regulatory practices.

(6) Where, within 6 weeks from the beginning of the term referred to in Para 4, the Body of European Regulators for Electronic Communications confirms the doubts of the European Commission, the

Commission may, within the time limit under Para 4, amend the draft decision by taking into consideration mostly the opinions and proposals of the European Commission and the Body of European Regulators for Electronic Communications, withdraw the draft decision or maintain the draft decision.

(7) Where, within 6 weeks from the beginning of the term referred to in Para 4, the Body of European Regulators for Electronic Communications does not confirm the doubts of the European Commission, or where the Commission amends or maintains the draft decision, the European Commission may, within one month from expiration of the term under Para 4, adopt a decision to withdraw its reserves or to issue a recommendation requiring that the Commission amends or withdraws the draft decision.

(8) Within one month from the issue of the recommendation of the European Commission of from the withdrawal of its reserves, the Commission shall notify the European Commission and the Body of European Regulators for Electronic Communications of the adopted final measures. The time limit of one month may be extended for holding a public discussion as set out in Art. 36.

(9) (Suppl. – SG, 20/21) The Commission may refuse to amend or withdraw the draft decision on the basis of the European Commission recommendation, by presenting reasons for that.

(10) (New – SG, 20/21) In case, that within 6 weeks from the beginning of the term under Para. 4, the European Regulators Authority in the field of electronic communications, supported the doubts of the European Commission and the Commission amended or supported the draft decision on a measure under Art. 160a or Art. 172g, the European Commission may, within one month from the expiration of the term under Para. 4 adopt a decision, requiring the Commission to withdraw the draft decision. In this case the procedure under Art. 42a, Para. 4 and 5 shall be observed.

(11) (Former Para. 10 – SG, 20/21) The Commission may withdraw the draft decision at any stage of the procedure.

Art. 42c. (new - SG 105/11, in force from 29.12.2011) (1) (Amend. – SG, 20/21) In exceptional cases, where the Commission finds an urgent need of action for protection of the competition and the users' interests, it shall impose reasoned proportional temporary obligations.

(2) Following the adoption of the decision referred to in Para 1 the Commission shall notify the European Commission, the Body of European Regulators for Electronic Communications and the regulatory authorities of the Member States of the European Union of the imposed temporary measures including the grounds for imposing them.

(3) The decision referred to in Para 1 may be adopted without holding a public discussion and public consultations.

(4) The Commission may extend the term of the temporary obligations or make them permanent in accordance with the procedure referred to in Art. 42 in relation to Chapter Nine.

Art. 42d. (New – SG, 20/21) Upon submission of the draft decision under Art. 42 of the European Commission, the European Regulators Authority for Electronic Communications and the regulatory authorities of the Member States of the European Union, the Commission shall comply with the recommendations or guidelines of the European Commission, which determine the form, content and level of detail, the circumstances, in which no notification is required, as well as setting the deadlines.

Art. 43. The Commission shall observe the requirements for confidentiality of information, obtained by the European Commission and the regulatory authorities of other European Union Member States.

Art. 43a. (new - SG 105/11, in force from 29.12.2011) (1) (Amend. – SG, 20/21) The Commission shall take into considerations the recommendations of the European Commission, where

differences have been found in the implementation of the regulatory functions, which may create barriers to the internal market of the European Union.

(2) Where the Commission does not accept the recommendations referred to in Para 1, it shall notify the European Commission and reason its position.

Art. 43b. (new - SG 105/11, in force from 29.12.2011) (1) The Commission shall collect and maintain information of the usual subject-matter of the appeals against decision of the Commission, their number, length of appeal procedures and number of acts of the competent court for suspension of the effect of the Commission's decisions.

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

Section V.

Cooperation with the Commission for Protection of Competition

Art. 44. (1) The Communications Regulation Commission and the Commission for Protection of Competition shall carry out cooperation and coordination for achieving the objectives referred to in Art. 4, in conformity with this Act and on the grounds of rules, adopted by decisions of both commissions.

(2) The rules of Para 1 shall be published on the Internet site of each of the Commissions.

Art. 45. The cooperation between the Commission and the Commission for Protection of Competition shall be carried out in forms, such as:

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

Section VI.

Cooperation with the Council for Electronic Media (Title amend. - SG 105/11, in force from 29.12.2011)

Art. 46. The Commission shall cooperate with the Council for Electronic Media under the conditions and order of this Act and in the Radio and Television Act.

Art. 47. (1) (amend. – SG 17/09) The Council for Electronic Media shall grant a license pursuant to the provisions of the Radio and Television Act, on the grounds of which radio and television programs shall be broadcasted through electronic communication networks for terrestrial digital radio broadcasting.

(2) (Amend. – SG, 20/21) The licenses of par. 1 shall give the right the programs to be broadcasted by an enterprise, to which a permit has been granted by the Commission for use of radio frequency spectrum electronic communications by terrestrial digital radio broadcasting networks within the territorial coverage, indicated in the permit.

(3) Radio and television programs shall be broadcasted by the undertaking of par. 2 on the grounds of a written agreement between the undertaking and the radio- or television operator, unless otherwise provided in a law.

(4) (Amend. – SG, 20/21) The enterprise, implementing electronic communications through electronic communications through terrestrial digital radio broadcasting networks shall broadcast licensed, pursuant to the provisions of the Radio and Television Act radio or television programmes.

Art. 47a. (new SG 17/09, revoked – SG 103/16)

Art. 48. (amend. – SG 17/09) (1) (Amend. – SG, 20/21) The Commission subject to observance of the procedural requirements, provided in Chapter Five, shall open a competition procedure for selection of an undertaking which may obtain an authorization for usage of radio-frequency spectrum by electronic communication terrestrial digital radio broadcasting networks.

(2) In the expert commission for holding the competition two representatives of the Council for Electronic Media, nominated by a decision of the Council shall be also included.

(3) (amend. - SG 105/11, in force from 29.12.2011, revoked – SG 103/16)

(4) The undertaking, having obtained a permit under par. 1, shall broadcast radio or television programs in compliance with the requirements of the Radio and Television Act.

(5) (declared unconstitutional in DCC No 3/09 – SG 45/09) Undertaking or a related entity as per the meaning of the Commerce Act, to which a permit has been issued to use individually assigned limited resource – radio-frequency spectrum for provision of electronic communications through electronic communications networks for terrestrial digital broadcasting, shall not have the right to set out electronic communication network for broadcasting of radio and television programs.

Art. 48a. (new – SG 17/09; revoked – SG 12/10)

Art. 49. (1) The Commission shall adopt normative administrative acts, by which it shall set the procedure of providing access to electronic communication services through the terrestrial digital radio broadcasting networks and for provision of electronic communication services, intended for persons with hearing and seeing difficulties.

(2) Prior to adoption of acts under Para 1 the Commission shall hold public discussions pursuant to the provisions of Art. 36 and shall obtain opinion of the Council for Electronic Media.

(3) The Council for Electronic Media shall receive the opinions referred to in Para 2 within 30 days after receiving the draft acts of the Commission.

Art. 49a. (new - SG 105/11, in force from 29.12.2011) (1) The Council for Electronic Media shall register under the Radio and Television Act any radio and television operators creating programmes intended for dissemination through electronic communication networks for terrestrial or satellite broadcasting, where the broadcast signal is intended for reception outside the territory of the Republic of Bulgaria.

(2) (Amend. – SG, 20/21) The registration under Para 1 entitles for dissemination of programmes by an enterprise, which has been granted a permission by the Commission for use of radio-frequency spectrum by electronic communication networks for terrestrial or satellite radio broadcasting.

(3) The radio or television programmes shall be disseminated by the undertaking referred to in Para 2 on the basis of a written contract between the undertaking and the radio or television operator.

Art. 49b. (new - SG 105/11, in force from 29.12.2011) (1) (Amend. – SG, 20/21) In compliance with the requirements of the procedure provided for in Chapter Five, the Commission shall open a contest procedure for selection of an enterprise, which may be granted an authorization for use of radio-frequency

spectrum by electronic communication networks for terrestrial or satellite broadcasting, disseminating the programmes referred to in Art. 49a.

(2) The expert commission holding the contest shall include also two representatives of the Council for Electronic Media, determined in a decision of the Council.

(3) The undertaking, which has been granted an authorisation under Para 1, shall broadcast radio and television programmes as set out in the Radio and Television Act.

Art. 49c. (new - SG 105/11, in force from 29.12.2011) (1) (Amend. – SG, 20/21) The Commission may impose obligations for the transmission of certain radio and television programs and related ancillary services, including accessibility services, aimed at providing appropriate access for users with disabilities, and data transmission services, supporting connected television and electronic program guides to enterprises, providing electronic communications networks and services for the broadcasting of radio and television programs, in the event, that these networks and services are used by a significant number of end-users as the main means of receiving radio and television programs.

(2) (New – SG, 20/21) The obligations under Para. 1 shall be proportional and transparent and shall be imposed only when they are necessary for the achievement of objectives of common interest.

(3) (Former Para. 2 – SG, 20/21) The radio and television programmes referred to in Para 1 shall be determined by the Council for Electronic Media as set out in the Radio and Television Act.

(4) (Former Para. 3, amend. – SG, 20/21) The Commission shall impose the obligation referred to in Para. 1 on the basis of a decision of the Council for Electronic Media determining the programmes under Para. 3 following consultations as set out in Art. 37.

(5) (Former Para. 4, amend. – SG, 20/21) The enterprises referred to in Para 1 shall establish prices for broadcasting of the radio and television programmes under Para 3 in compliance with the principle of cost-orientation.

(6) (Former Para. 5, amend. – SG, 20/21) The Commission shall reconsider under Para. 1, 3 and 4 the obligations for transfer of certain radio and television programmes for the sake of their extension, amendment or revocation at least once every 5 years.

Section VII. Financing

Art. 50. (Amend. - SG 100/19, in force from 01.01.2020) The Chairman of the Commission is a first level budget administrator.

Art. 51. (Amend. - SG 100/19, in force from 01.01.2020) (1) The following revenue and funds shall be received in the budget of the Commission:

1. administrative fees;
2. (amend. – SG, 20/21) the annual fees for usage and provisional usage of radio-frequency spectrum;
3. (amend. – SG, 20/21) fees for usage of numbering resources;
4. license and registration fees pursuant to the Postal Services Act, to the Electronic Document and Electronic Trust Services Act and to Act on Electronic Communication Networks and Physical Infrastructure;
5. (amend. – SG, 20/21) the final bidding price after having hold auction for usage of a radio frequency spectrum or position of the geostationary orbit with the corresponding radio frequency spectrum;
6. (amend. – SG, 20/21) the annual fees for the use of the positions of the geostationary orbit

with the respective radio frequency spectrum and of the radio frequency spectrum, used by a non-geostationary satellite system;

7. the single fee for usage of additionally allocated radio-frequency spectrum;
8. the fines and proprietary sanctions stipulated by this Act;
9. of interest on overdue receivables;
10. other sources and activities defined by law.

(2) (amend. - SG 15/22, in force from 22.02.2022) The resources of the budget of the Commission shall be spent for financing its activity and its administration, including for projects and conducting studies, analyzes and expertise, related to regulation and liberalisation of the market, for participation in the work of the Body of European Regulators for Electronic Communications, for providing effective and active control, as well as to support the activities and projects of the Ministry of Transport and Communications and the Ministry of e-government by providing transfers under Art. 19.

Art. 52. (Amend. – SG, 20/21) The Commission shall publish in the annual report under Art. 38, Para. 1 a review of its administrative costs and the total amount of collected fees.

Art. 53. (Amend. – SG, 20/21) (1) In case of difference between the total amount of the collected administrative fees and the administrative expenses of the Commission, the Commission shall propose to the Council of Ministers an amendment of the tariff under Art. 147 on the amount of the administrative control fee.

(2) The Commission shall annually analyze the need for revision of the tariff under Art. 147 and conduct public consultations under Art. 37.

(3) The Commission, depending on the results of the analysis under Para. 2, may propose to the Council of Ministers to adopt an amendment or supplement to the tariff under Art. 147.

Section VIII.

Resolution of Disputes Between Undertakings

Art. 54. (1) (amend. - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) The Commission shall assist or provide mandatory instructions in cases of disputes arising from existing obligations under this Act between enterprises providing electronic communication networks or services, or between such enterprises and enterprises benefiting from imposed obligations for access or interconnection, or between enterprises, providing electronic communications networks or services and providers of associated facilities, where some of the affected parties has filed a written request.

(2) (Amend. – SG, 20/21) The request under Para 1 must contain the circumstances on which it is based and, shall certified copies of documents proving the circumstances.

Art. 55. (1) When the affected party has made a request for assistance to reach consent, within 7 days from receipt of the request the Commission shall appoint by decision a special committee.

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

(3) Provided that the parties fail to reach consent, within 30 days from receipt of the request each affected party under Para 1 may request from the Commission to give binding instructions within 14 days.

(4) The procedure for assistance to reach consent shall be free of charge.

Art. 56. (1) When the affected party has requested binding instructions, within 7 days from receipt of the request the Commission shall determine, by decision, a special committee, which shall include at least one qualified lawyer. Outside experts may also be involved to take part in the work of the special committee as members or consultants thereto.

(2) The special committee shall consider the request and the documents enclosed thereto within 7 days from its appointment.

(3) In case of incomplete or irregular documents, the chairperson of the special committee shall notify the person in writing, fixing thereby a 7-day time-limit from receipt of the notification, for correcting the incompleteness or irregularity.

(4) If the incompleteness or irregularity of documents has not been corrected within the time-limit under Para 3, the committee shall dismiss the request.

Art. 57. (1) (amend. – SG 17/09) The special committee under Art. 56, Para 1 within 3 days from expiry of the time-limit under Art. 56, Para 2 or 3 shall forward a copy of the request to the interested parties allowing the latter a 7 days time-limit from receipt to submit their opinions and to enclose evidences thereto.

(2) Within 3 days from receipt of the opinions under Para 1 the special committee shall forward copies of the opinions to the party having filed the request, allowing it a 7 days time-limit from receipt to submit an opinion and enclose other evidence thereto.

Art. 58. (1) The special committee shall study the request made and the opinions of the interested parties, all the evidences enclosed thereto and, require additional evidence if needed, including inspections carried out by authorized pursuant to this Act officials.

(2) The inspections under Para 1 shall be conducted within the time-limit and scope as determined by the special committee. When relevant, the time-limit may be extended. In any case the time-limit for conducting the inspection under Para 1 may not be longer than 14 days.

(3) Upon collecting all the evidences, the special committee shall discuss the request and the evidences collected on the case in the presence of the parties or of their authorized representatives.

(4) The interested parties shall be notified in writing of the date, time and place for the meeting at least 7 days prior to its holding, whereby the notice shall specify that in case of non appearance of their representatives the special committee shall consider the request in absence of the latter.

(5) The special committee shall draw up a protocol of the meeting held, which shall contain:

1. the members of the special committee and a list of the attending persons;
2. presentation of the opinions of the parties;
3. conclusions of the special committee of the meeting held.
4. date of protocol drawing up.

Art. 59. Within two months from receipt of the request under Art. 54 the special committee shall prepare a report and submit it to the Commission, enclosing thereto the documentation collected in the course of the procedure and a draft decision of the Commission on the request.

Art. 60. The Commission shall consider the report under Art. 59 at its first meeting after submission whereby it may:

1. adopt the results of the work of the special committee and take a justified decision on the request submitted under Art. 54;

2. give order for additional actions to be taken on checking up the actual situation, its analysing by the special committee and preparing a new draft decision setting a time-limit for that.

Art. 61. (1) Within 4 months from submission of the request under Art. 54, the Commission by a justified decision shall give binding instructions on the request submitted or dismiss the latter.

(2) The decision under Para 1 shall be forwarded to the interested parties within three days after its adoption and shall be published on the Commission's web page except the information determined by the parties as commercial secret.

(3) (New – SG, 20/21) Regardless of the actions, taken under Art. 54, each of the parties at any time of the procedure may apply to the competent court for resolution of the dispute in court.

Art. 62. (1) (amend. SG 105/11, in force from 29.12.2011) When the request submitted for dispute settlement is also within the competency of a national regulatory authority of another Member State of the European Union, the special committee under Art. 56 shall consider the request and the documents enclosed thereto.

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

(3) (new SG 105/11, in force from 29.12.2011) Before deciding on the dispute the specialised commission may request through the Commission further evidence and opinions from the affected parties and by the respective regulatory authorities.

(4) (prev. text of Para 03 SG 105/11, in force from 29.12.2011) The Commission and the regulatory authorities under Para 1 may jointly refuse the settlement of a dispute when they decide that other mechanisms exist which could facilitate its timely settlement, notifying the parties to that effect within 14 days.

(5) (Repealed, prev. text of Para. 4 SG 105/11, in force from 29.12.2011, repealed, - SG, 20/21).

(6) (new SG 105/11, in force from 29.12.2011, amend. and suppl. – SG, 20/21) The Commission shall coordinate its position with the competent national regulatory authorities and, where the dispute concerns trade between Member States of the European Union, shall notify the European Regulators Authority for Electronic Communications for the resolution of the dispute in compliance with the objectives of Art. 4.

(7) (new SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) The Commission shall send a request to the European Regulators Authority for Electronic Communications to adopt an opinion regarding the actions to be taken for resolving the dispute.

(8) (new SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) Where a request under Para 7 has been made, the Commission shall take actions for resolving the dispute after receiving the opinion of the Body of European Regulators for Electronic Communications, this not excluding the possibility in urgent need to undertake temporary measures, at the request of the parties or on their own initiative in order to protect competition or the interests of end-users.

(9) (prev. text of Para 06 SG 105/11, in force from 29.12.2011) Upon collection of all the evidences, the special committee shall prepare a report and submit it to the Commission enclosing the collected documentation thereto.

(10) (prev. text of Para 07, amend. SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) The Commission shall adopt by decision a statement on the request made under Para 1 by taking into consideration mostly the opinion of the Body of European Regulators for Electronic Communications, as well as the opinion of the competent national regulatory authorities. The opinion of the Commission shall be forwarded to the competent national regulatory authorities.

(11) (New – SG, 20/21) The opinion of the Commission on the request, made under Para. 1 shall

be adopted within one month after the adoption of the opinion of the European Regulators Authority in the field of electronic communications.

(12) (Former text of Para 08, amend. SG 105/11, in force from 29.12.2011, former Para. 11, - SG, 20/21) Upon receipt of confirmation by the competent national regulatory authorities on the statement, the Commission shall adopt a decision in conformity with the statement, forwarding it to the affected parties. When adopting the decision on the dispute and imposing obligations to the respective enterprise, the Commission may impose only obligations as specified in this Act, and according to the procedure specified in it.

(13) (New – SG, 20/21) Irrespective of the undertaken under Para. 1 - 4 and 6 - 12 actions, each of the parties may apply to the competent court to resolve the dispute in court.

Art. 62a. (New – SG, 20/21) The procedure under Art. 62 shall not apply to disputes, concerning the coordination of radio frequency spectrum.

Section IX.

Separate Accounting

Art. 63. (amend. SG 105/11, in force from 29.12.2011) (1) Undertakings providing public electronic communications networks and/or services, which hold special or exclusive rights to provide services in other sectors, including other European Union Member States, shall

1. keep separate accounting with regard to the activities, pertaining to the performance of electronic communications, under the conditions of keeping such analytical accounting for activities carried out by legally independent subjects, or

2. apply structural separation of the activities, pertaining to the performance of electronic communications.

(2) (Amend. – SG, 20/21, amend. - SG 70/24 [*]) The obligation referred to in Para 1, shall not apply to enterprises, which annual turnover from activities, pertaining to the performance of electronic communications, is less than EUR 50 000 000.

(3) (New – SG, 20/21, amend. - SG 79/24) When the enterprises, providing public electronic communications networks or services are not commercial companies and are not micro, small and medium enterprises under Art. 19, Para. 2 - 4 of the Accountancy Act, their financial statements shall be prepared, subject to independent financial audit and published through an economic publication or through the Internet. The audit shall be performed in accordance with the requirements of the Independent Financial Audit and Sustainability Assurance Act and the EU.

(4) (New – SG, 20/21) The requirements under Para. 3 shall also be applied to the separate accounting under Para. 1, item 1.

Chapter five.

CARRYING OUT ELECTRONIC COMMUNICATIONS

Section I.

General Provisions

Art. 64. (suppl. – SG 17/09, amend. – SG, 20/21) Electronic communications shall be carried out freely upon notification after registration, or upon issuing an authorization for usage of a limited

resource in compliance with the requirements of this Act and the acts on its application.

Art. 65. (Amend. – SG, 20/21) Electronic communications for own needs shall be provided freely through electronic communication networks of a limited resource.

Art. 65a. (new - SG 105/11, in force from 29.12.2011, repealed – SG, 20/21)

Art. 66. (Amend. – SG, 20/21) (1) Public electronic communications networks or services shall be provided upon submission of a notification to the Commission.

(2) Notification shall not be required, where:

1. interpersonal communication services without numbers are provided;
2. access to a public electronic communications network is provided via a local radio network by enterprises, public sector organizations, non-governmental organizations or end-users, for whom the provision of such access is not part of an economic activity or is in addition to an economic activity or public service, which is not dependent on the transmission of signals over these networks.

(3) The conditions and the order for submission of notifications shall be determined by the Commission in the general requirements under Art. 73, Para. 1. The Commission shall take into account the guidelines of the European Regulators Authority for Electronic Communications about the model of notification.

Art. 66a. (New – SG, 20/21) (1) The radio spectrum shall be used freely, after registration or after issuing a permit.

(2) Individual rights to use radio frequency spectrum shall be granted by registration or by issuing a permit.

(3) The use of the radio frequency spectrum for each of the cases under Para. 1 shall be determined by rules, adopted by the Commission after conducting a public discussion under Art. 36. The rules shall be promulgated in the State Gazette.

Art. 67. (Amend. – SG, 20/21) (1) The granting of individual rights for use of the radio frequency spectrum shall be limited to the cases, when these rights are necessary for the most efficient use of the radio frequency spectrum, in view of the demand, taking into account the criteria under Para. 2.

(2) In determining the regime of use of the radio frequency spectrum, the following shall be taken into account:

1. the specific characteristics of the respective radio frequency spectrum;
2. the need for protection against harmful interference;
3. the establishment of reliable conditions for the shared use of radio frequency spectrum, if appropriate;
4. the need to guarantee the technical quality of the connection or service;
5. the need to protect the efficient use of radio frequency spectrum;
6. objectives of common interest, specified in compliance with the law of the European Union.

(3) When determining the regime of use of harmonized radio frequency spectrum, the technical measures for implementation, adopted in accordance with Art. 4 of Decision № 676/2002 / EC of the European Parliament and of the Council of 7 March 2002 on a regulatory framework for European Community spectrum policy (Radio frequency spectrum decision), hereinafter "Decision № 676/2002 / EC", and the need to minimize the problems, associated with harmful interference.

(4) In the cases of shared use of radio frequency spectrum, on the basis of a combination of the regimes under Art. 66a, Para. 1, the requirements under Para. 3 shall be applied.

(5) The possibility to use the radio frequency spectrum, on the basis of a combination of the regimes under Art. 66a, Para. 1 shall be considered by the Commission as appropriate, taking into account the likely impact of the different combinations of spectrum use and the gradual transition from one regime to another on competition, innovation and market entry.

(6) The Commission shall apply the most lenient spectrum use regime possible, taking into account technological solutions for the management of harmful interference.

(7) When making the decisions under Para. 1 – 6, the Commission may determine conditions for shared use of the radio frequency spectrum, which will facilitate the efficient use of the radio frequency spectrum, the competition and the innovations.

Art. 67a. (New – SG, 20/21) (1) The use of the position of the geostationary orbit with the corresponding radio frequency spectrum shall be after the issuance of a permit.

(2) The use of radio frequency spectrum from a non-geostationary satellite system shall be after the issuance of a permit, except in cases, when individual rights of use are not required for this radio frequency spectrum.

Art. 67b. (New – SG, 20/21) Rights to use numbering resources shall be granted with the issuance of a permit.

Art. 68. (Amend. - SG, 20/21) Electronic communications may be provided by an unlimited number of persons, except for in cases of use of a limited resource, for which individual rights for use shall be required.

Art. 69. Public electronic communications shall be provided by sole entrepreneurs and legal persons.

Art. 70. (Amend. – SG, 20/21) Electronic communications shall be provided on the whole territory of the entire country unless a limited territorial coverage is specified with the individual rights for usage of a limited resource or in the general requirements for carrying out the specified activity.

Art. 71. (1) (prev. text of Art. 71, amend. SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) The authorization for usage of a limited resource shall have an initial time-limit of up to 20 years. The extension of the term of validity of the authorisation shall be carried out as set out in Art. 114.

(2) (new SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) In determining the initial term of authorization for use of numbering resources, the Commission shall take into consideration the service and the objectives, taking into account also the period of amortization of the investment.

(3) (New – SG, 20/21) In determining the initial term of permission for use of radio frequency spectrum, the Commission shall comply with the objectives under Art. 90, Para. 1, with the need to guarantee the competition, with the efficient and effective use of the radio frequency spectrum and the stimulation of the innovations and the efficient investments, taking into account also the period for amortization of the investments.

Art. 71a. (New – SG, 20/21) (1) Authorization to use harmonized spectrum for wireless broadband services shall be for an initial period of not less, than 15 years, with the possibility of extension for at least 20 years, in order to ensure predictability with regard to infrastructure investment conditions, which is based on the use of this radio frequency spectrum. In determining the initial term of the authorization, the Commission shall take into account the requirements under Art. 71, Para. 3.

(2) If it is necessary to comply with the requirement under Para. 1, the Commission shall include in the conditions under Art. 106, Para. 2, item 4 the possibility for extension of the term of the permit under the conditions and by procedure of Art. 114a.

(3) The extension of the term of permit under Para. 1 with an initial term of 20 years, as well as of a permit, the term of which has already been extended under Art. 114a, shall be carried out under Art. 114b, unless in the conditions under Art. 106, Para. 2, item 4, such extension is explicitly excluded.

(4) When extension of the term of the permit is provided under Para. 1, before the issuance of the permit, the Commission shall conduct public consultations under Art. 37, within a period of not less, than three months, concerning the general criteria for the extension of the permit, relating to:

1. the need to ensure efficient and effective use of the relevant radio spectrum;

2. the achievement of wireless broadband coverage on the territory of the country and the population with high quality and speed, as well as coverage on the main transport routes at national and European level, including the trans-European transport network, as referred to in Regulation (EU) № 1315/2013 of the European Parliament and of the Council of 11 December 2013 on guidelines for the development of the trans-European transport network and repealing Decision № 661/2010 / EU (OJ L 348/1 of 20 December 2013), hereinafter referred to as "Regulation (EU) № 1315/2013";

3. facilitating the rapid development in the European Union of new wireless technologies and applications, including, if necessary, a cross-sectoral approach to spectrum management;

4. the need to achieve objectives of common interest, relating to the security of human life, public order, public security or defense, and

5. the need to ensure competition without distortions.

(5) The Commission may, with a motivated decision, determine a term, different from the one indicated in Para. 1 in the following cases:

1. in limited geographical areas, where the access to high-speed networks is seriously difficult or there is no such access, and this is necessary in accordance with the requirements of Art. 124, Para. 4;

2. for certain short-term projects;

3. for experimental use;

4. for use of the radio frequency spectrum, which, in accordance with Art. 130 may co-exist with wireless broadband services, or

5. for alternative use of the radio frequency spectrum, in accordance with Art. 124a.

Art. 71b. (New – SG, 20/21) The right to use radio frequency spectrum on the basis of registration shall be with the term of up to 20 years and in accordance with the requirements of Art. 71, Para. 3.

Art. 71c. (New – SG, 20/21) The Commission may determine or amend under Art. 115 and in accordance with the requirements of Art. 129, Para. 4 the specified term of registration, of a permit for use of radio frequency spectrum or of a permit for use of harmonized radio frequency spectrum, including for wireless broadband services, so as to ensure the simultaneous expiration of the rights in one or several radio -frequency bands.

Art. 72. (Repealed – SG, 20/21)

Section II.

Carrying out Electronic Communications Meeting General Requirements

Art. 73. (1) (amend. SG 17/09; amend. SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) An enterprise having submitted a notification for carrying out public electronic communications under Art. 66, Para. 1 shall observe general requirements, adopted by a decision of the Commission.

(2) (New – SG, 20/21) In determining the general requirements under Para. 1, the Commission shall observe the principles of transparency, equality and proportionality.

(3) (Amend. SG 17/09, former Para. 2 – SG, 20/21) The decision under Para. 1 shall be adopted after holding public discussions under Art. 36 and shall be promulgated in the State Gazette.

(4) (amend. SG 17/09, former Para. 3, amend. – SG, 20/21) Depending on the type of electronic communication network and/or service the applicable general requirements, may contain all or some of the following requirements:

1. general conditions for:

a) payment of administrative fees in accordance with Chapter Eight;

b) ensuring the protection of personal data and the right to privacy, in accordance with the requirements of Chapter Fifteen, Sections II and III;

c) providing the Commission with the information during the submission and consideration of a notification, according to Art. 75, as well as the information under Art. 40;

d) creating opportunities for interception of electronic communications on a legal basis by the competent authorities under the conditions of Art. 251b - 251i, the Personal Data Protection Act and Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016, on the protection of individuals with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46 / EC (General Data Protection Regulation) (OJ L 119/1 of 4 May 2016)), hereinafter "Regulation (EU) 2016/679";

e) providing conditions for the use of the network or service in relation to messages, sent by public authorities to the public to warn of imminent threats and to mitigate the effects of severe emergencies and disasters;

f) providing conditions for the use of the network and its facilities, in case of a declared state of emergency within the meaning of the Disaster Protection Act, in case of declaring a state of war, martial law or state of emergency within the meaning of the Act on Defense and the Armed Forces of the Republic of Bulgaria, as well as in case of declaring a state of emergency within the meaning of the Counter-Terrorism Act, for ensuring the communications between the emergency services and the state bodies;

g) obligations for access beyond those, provided in Art. 106, Para. 2 and Art. 107, Para. 2, as well as in Chapters Ten and Eleven;

h) application of the current standards or standardization documents in the field of electronic communications networks and services and the adjacent facilities and services;

i) obligations for transparency, in order to ensure end-to-end connectivity in accordance with the objectives and principles, set out in Art. 4 and 5; and, where necessary, and in accordance with the principle of proportionality, in order to ensure, that the Commission has access to the information, needed to verify the accuracy of the disclosure;

2. specific conditions for the provision of electronic communications networks for:

a) interconnection of networks in accordance with Chapter Ten;

b) obligations for "mandatory transfer" in accordance with Art. 49c;

c) measures to protect public health from the harmful effects of electromagnetic fields, as a result of the operation of electronic communications networks, in accordance with European Union law, taking into account - as far as possible - the requirements for limiting the exposure of the population to electromagnetic fields;

d) maintaining the integrity of public electronic communications networks, in accordance with the requirements of Chapter Fifteen, Section I, including conditions for preventing electromagnetic interference between electronic communications networks or services, in accordance with the requirements of the Act on Technical Requirements for Products and its implementing acts;

e) protection of public networks against unauthorized access to user data and personal data, in accordance with the requirements of Chapter Fifteen, Sections II and III, and the Personal Data Protection Act;

f) conditions for use of the radio frequency spectrum, in accordance with Art. 266, when the use

is not subject to granting individual rights for use of radio frequency spectrum, in accordance with Art. 67 and 79;

3. specific conditions for the provision of electronic communications services, other than interpersonal communications services, without numbers, for:

- a) interoperability of services in accordance with Chapter Ten;
- b) accessibility for end-users of the numbers from the National Numbering Plan, of the numbers from the universal international toll-free telephone numbers and, where technically and economically feasible, of the numbers from the numbering plans of other Member States of the European Union, and the conditions, in accordance with Chapter Seven;
- c) consumer protection rules, specific to the electronic communications sector;
- d) restrictions on the transmission of illegal content, in accordance with the Electronic Commerce Act and restrictions in relation to the transmission of harmful content, in accordance with the Radio and Television Act.

Art. 73a. (new SG 17/09; revoked SG 105/11, in force from 29.12.2011)

Art. 74. (1) (amend. - SG 105/11, in force from 29.12.2011; prev. text of Art. 74 - SG 29/15, amend. – SG, 20/21) An enterprise, which notifies the Commission of its intention to provide public electronic communications networks or services shall have at least the following rights:

1. (amend. – SG, 20/21) to provide electronic communications networks and/or services, as from the date of submission of the notification in an approved form to the Commission, except for the case, when individual rights are needed for usage of a limited resource;

2. (amend. – SG 21/18, in force from 09.03.2018, suppl. – SG, 20/21) to set up, deploy, use and administer electronic communications networks and the physical infrastructure for their deployment, as well as with facilities, according to the legislation in force;

3. (new - SG 105/11, in force from 29.12.2011, amend. and suppl. – SG 21/18, in force from 09.03.2018, amend. – SG, 20/21) to use radio frequency spectrum in connection with the electronic communications networks or services, observing the general requirements under Art. 73, the rules under Art. 66a, Para. 3, and where applicable, the conditions of a permit for use of radio frequency spectrum, issued under this Chapter;

4. (new – SG, 20/21) his requests for granting the necessary rights for use of numbering resources to be considered under the conditions and by the procedure of this Chapter;

5. (former text of Item 03 - SG 105/11, in force from 29.12.2011, former item 4, amend. – SG, 20/21) negotiate interconnection and, where possible, obtain access or interconnection to networks of other enterprises providing publicly available electronic communications networks and/or services observing the requirements of the applicable laws;

6. (former text of Item 04 - SG 105/11, in force from 29.12.2011, former item 5, amend. – SG, 20/21) to receive possibility to be determined to provide any or all services within the universal service scope, on the whole territory of the country or on a part of it under Chapter Eleven.

(2) (Amend. – SG, 20/21) The enterprise shall publish the information under Art. 33, Para 1, item 6 on its website.

Art. 75. (1) (amend. - SG 29/15, amend. – SG, 20/21) The rights under Art. 74, Para. 1 shall arise as from the date of the filing of the notification in an approved form to the Commission, except for provision of individual right for usage of a limited resource is required.

(2) (amend. – SG, 20/21) The notification shall contain only the following information:

1. identification data of the person, name (company), address of establishment or establishment

of the person in a Member State of the European Union and, where applicable, subsidiaries in other Member States of the European Union, as well as the relevant unique identification code or other registration number of the person, when it is registered in a commercial or other public register of a Member State of the European Union;

2. brief description of the networks or services, which will be provided;

3. territorial coverage;

4. a contact person and data;

5. an estimated date of starting the activity.

6. the address of the person's website, related to the provision of electronic communications networks or services.

(3) The notification shall be filed in Bulgarian language.

(4) In case of incomplete notification, within 7 days after its receipt, the Commission shall notify the person in writing to eliminate the incompleteness.

(5) (suppl. - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) In case it is established from the submitted notification, that an individual right to use a limited resource is required, the Commission shall notify the person in writing within 7 days from the date of receipt of the notification, respectively from the elimination of the incompleteness.

(6) Suppl. – SG, 20/21) The Commission shall enter the person in the register under Art. 33, Para. 1, item 1 and shall send the received notification to the European Regulators Authority in the field of electronic communications by electronic means within 14 days from the date of receipt of the notification or from elimination of the incompleteness.

(7) (Amend. – SG, 20/21) The person shall notify the Commission of any changes to the data of the notification under Para. 1 within 14 days from the change.

Art. 76. (Amend. – SG, 20/21) An enterprise may cease providing electronic communication networks or services, notifying the Commission thereof.

Art. 77. (1) An undertaking carrying out electronic communications under general requirements may request in writing from the Commission to issue a certificate for inscription in the register under Art. 33, Para 1, Item 1.

(2) (amend. - SG 29/15, amend. – SG, 20/21) The Commission shall issue the certificate under Para 1 within 7 days from receipt of the request. The certificate shall specify the rights under Art. 74, para 1 related to provision of electronic communications networks or services, the construction of electronic communications infrastructure, including right-of-way, negotiating access to and interconnection of networks.

(3) (Amend. – SG, 20/21) For issuance of the certificate under Para 1 an administrative fee shall be payable in the amount determined in the Tariff on the Fees, collected by the Commission under this Act.

(4) (Amend. – SG, 20/21) The administrative bodies, the persons, performing public functions, the organizations, providing public services, and the bodies of the judiciary, before which circumstances are to be established, entered in the public register under Art. 33, Para. 1, item 1, or who need data, available in the public register, shall accept the certification of the circumstances and the data with a written indication in the respective request and / or application, notification, declaration or other document, with which the respective proceedings are initiated, without requiring the applicants and / or the submitters to present evidence for circumstances and data, entered in the register.

Art. 78. (1) (amend. – SG 29/15, amend. – SG, 20/21) In the event that the Commission establishes failure to perform obligations ensuing from the applicable general requirements, terms, related to registration or authorizations, granted for use of scarce resource or any specific obligations assigned, the

Commission shall:

1. notify the enterprise carrying out electronic communications about the established non-performance within 7 days from establishment thereof, setting a reasonable period as from the notification to express an opinion, and after this period expires, the Commission shall require by a decision in a reasonable time limit the failure to be discontinued and/or the effects thereof to be removed, and/or the activity of the enterprise to be brought in compliance with the stated regulations, or,

2. after the time limit for expressing opinion under item 1 expires, require by a decision *to immediately discontinue* the failure, also providing binding instructions for suspension of the failure and/or removal of its effects, as well as for bringing the enterprise's activities in compliance with the specified regulations.

(2) (revoked – SG 29/15)

(3) The Commission may make a decision to terminate the provision of public electronic communications by the enterprise under Art. 75, provided that one of the following circumstances is available:

1. established systematic non-compliance with the applicable requirements under Art. 73 and/or the specific obligations;

2. established essential breach of this Act;

3. (amend. – SG, 20/21) withdrawn individual right for the use of a limited resource.

(4) (Amend. – SG, 20/21) The enterprise of Para 3 may file a notification for provision of the same electronic communication networks or services only in case all irregularities have been removed in the performed activity, which were grounds for adoption of a decision under Para. 3.

(5) (new – SG 29/15) Appeal the commission decision under para 1 shall not suspend its implementation, unless the court rules otherwise.

(6) (new – SG 29/15) Proceedings under paras 1 through 4 shall apply regardless of administrative penal liability of enterprise, which shall be implemented under the general procedure.

(7) (New – SG, 20/21) At the request of a national regulatory authority or another competent authority of a Member State of the European Union, in which numbering resources are used under Art. 133, Para. 4, proved a violation of the applicable rules for consumer protection or of the national law of the Member State of the European Union, related to the use of numbering resources, the Commission shall apply the conditions, provided for in Art. 107, Para. 2, item 9, in accordance with its powers, including, in more serious cases, by revoking the rights for extraterritorial use of the numbering resources, provided to the respective enterprise.

Art. 78a. (new - SG 105/11, in force from 29.12.2011) (1) (Amend. – SG, 20/21) In the event, that the applicable general requirements for registration or permitting obligations have not been met, or that specific obligations have been imposed, the Commission may, by decision, impose urgent remedial measures which constitute:

1. immediate and serious threat to public safety, public security or public health or

2. will create serious economic or operational problems for other providers or users of electronic communications networks or services or other users of the radio-frequency spectrum.

(2) The Commission may give the undertaking a reasonable opportunity to state its opinion and propose any remedies for the breaches. The Commission shall decide on the opinion and the measures proposed by the undertaking within 14 days.

(3) The measures referred to in Para 1 shall be imposed for a maximum term of three months. In circumstances where breach remedy procedures have not been completed, this term may be extended for up to three months.

(4) Where the undertaking carrying out electronic communication services fails to cease the non-performance within the time limit of Para 3, the Commission shall impose a sanction under this Act.

Section III.

Granting authorization and registration– general provisions (Title, amend. – SG, 20/21)

Art. 79. (Amend, - SG, 20/21) Granting of an individual right to use a certain limited resource shall be through registration or permission.

Art. 80. (1) (Amend. and suppl. – SG, 20/21) The requirements for registration and granting authorization shall be the same for all persons wishing to provide identical electronic communications.

(2) (Amend. – SG, 20/21) Registration and issuance of an authorization shall be carried out subject to observance of the principles of objectivity, proportionality, equal treatment and transparency.

Art. 80a. (New – SG, 20/21) (1) When granting, amending or extending individual rights of use for radio spectrum, the Commission shall promote effective competition and avoid distortions of competition in the internal market and may take measures such as:

1. limiting the number of bands, for which enterprises are granted rights of use, or in justified cases, setting conditions for the rights to use them, such as conditions, relating to the possibility of imposing wholesale or roaming access obligations in certain radio frequency bands or certain groups of radio frequency bands with similar characteristics;

2. maintaining, depending on market conditions, a certain part of a radio frequency band or group of radio frequency bands for the provision of new enterprises;

3. refusal to grant new rights to use the radio frequency spectrum or to authorize the new use of the radio frequency spectrum in certain radio frequency bands, or to impose conditions on the granting of new rights to use the radio frequency spectrum or to allow the new use of the radio frequency spectrum, in order to avoid distortions of competition, due to the granting, transfer or accumulation of rights of use;

4. inclusion of conditions for prohibition or imposition of conditions for the transfer of rights for use of radio frequency spectrum, which are not subject to control by the European Union or the Republic of Bulgaria with regard to mergers, when these transfers are likely to cause significant harm to competition;

5. modification of the existing rights in accordance with this Act, when this is necessary for the subsequent elimination of the distortion of competition, due to the transfer or accumulation of rights for use of radio frequency spectrum.

(2) The Commission shall determine the necessary measures under Para. 1 to maintain or ensure effective competition, taking into account market conditions and available reference levels through an objective assessment and forecast of market conditions of competition and the possible consequences of these measures on existing and future investments by market participants, in particular with regard to the deployment of networks.

(3) In determining the measures under Para. 1, the Commission shall take into account the approach for market analysis under Art. 154, Para. 3, the principles of consultations, publicity and transparency and observes the requirements of Sections V and IX and Chapter Six.

(4) The measures under Para. 1 shall not be applied in respect of permits for use of radio frequency spectrum from electronic communication networks for terrestrial analog radio broadcasting.

Art. 81. (1) (suppl. – SG 17/09, amend. – SG, 20/21) The Commission shall grant an authorization for use of radio frequency spectrum, after holding a contest or auction, when the number of applicants is greater than the number of persons, which may obtain an authorization for the respective free limited resource.

(2) (suppl. – SG 17/09, amend. – SG, 20/21) The Commission shall grant an authorization for use of radio frequency spectrum, in view to achievement of the objectives under Art. 4 and 4a, in the following cases:

1. for own needs of the state authorities related to their functions and to diplomatic representations or to other organizations having the statute of diplomatic missions;

2. for providing electronic communications for own needs;

3. when the number of applicants is less or equal to the number of persons who may obtain an authorization for the respective free limited resource.

4. (suppl. - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) For provision of electronic communications by electronic communications networks for terrestrial analogue broadcasting after a decision by the Council for Electronic Media, except in the cases under Art. 49a and 49b;

5. when a provisional authorization under Art. 109 is granted.

6. (New – SG, 20/21) for granting individual rights for use of radio frequency spectrum to radio and television operators, when necessary, for achieving a goal of common interest, determined in accordance with the European Union law, after conducting public consultations under Art. 37.

(3) (Amend. – SG, 20/21) The subject, scope and term of validity of an authorization under Para 2, Item 4 may not differ from the subject, term of validity and scope of the license, issued by the CEM.

(4) (new – SG 17/09, amend. – SG, 20/21) The Commission shall issue a permit for use of numbering resources, without holding a contest or a tender.

(5) (New – SG, 20/21) The Commission shall authorize the use of a geostationary orbit position with the relevant radio frequency spectrum and of radio spectrum, used by a non-geostationary satellite system, which are registered in international electronic communications organizations upon the initiative of a person, without holding a competition or tender.

Art. 82. (1) (Amend. – SG, 20/21) The applications for issuance of authorization for use of radio-frequency spectrum for provision of electronic communications for own needs shall be satisfied without holding a contest or auction whereas the resource shall be assigned for use to the first applicant in time of filing the application.

(2) The provision of Para 1 shall be applied also to the cases when the limited resource is required to ensure a transmission medium in the networks of enterprises providing public electronic communications.

(3) (New – SG, 20/21) Applications for registration shall be granted, where the radio frequency spectrum shall be made available to the first applicant in time.

Art. 83. (1) (Amend. – SG, 20/21) The registration procedure for granting of an authorization shall start after filing an application for use of a limited resource according to a form. The application shall contain:

1. Identification data of the person applying for granting an authorization, or registration:

a) for natural persons: full name, unified citizen's number and permanent address;

b) for legal persons and sole entrepreneurs – name (firm) and the respective unified identification code;

2. indication of the required radio-frequency spectrum or numbers, or the numbering resources, or position of the geostationary orbit with the relevant radio-frequency spectrum;

3. short description of the type of electronic communications;

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

5. description of the service or services to be provided by the person by means of the limited

resource, where the latter is intended for providing public electronic communications;

6. time period for use of the limited resource;
7. territorial coverage;
8. contact person and contact details.

(2) (Amend. – SG, 20/21) To the application the following shall be attached:

1. for persons, registered in another state - a document for the current registration under the national legislation and a document, certifying that the person has not been declared in insolvency, or is not in bankruptcy proceedings, issued by the competent authority of the respective state of the person;

2. a declaration, that the sole trader is not in the process of deletion;

3. a declaration by the manager and the members of the management bodies of the person, that they are not deprived of the right to engage in commercial activity;

4. a declaration for lack of grounds under Art. 3, item 17 of the Act on Economic and Financial Relations with the companies, registered in jurisdictions with preferential tax regime, the persons, controlled by them and their beneficial owners.

(3) The application and the documents enclosed thereto shall be filed in Bulgarian language.

(4) In case of incomplete and/or irregular documents under Para 1 and 2 the Commission shall notify the applicant in writing to eliminate the incompleteness or irregularities within 7 days from receipt of the notification. In case of failure to eliminate the incompleteness or irregularities within the indicated time-limit the application shall not be considered.

Art. 84. (1) The Commission by a justified decision shall reject granting an authorization when:

1. (suppl. - SG 105/11, in force from 29.12.2011) no free limited resource is available, including where it has not been coordinated on national or, where applicable, or international level;

2. the use of the limited resource would endanger national security or is in contravention of international obligations, arising out of an enforced international treaty, under which the Republic of Bulgaria is a party;

3. the person, applying for an authorization:

a) has been declared bankrupt or is under proceedings for declaring bankruptcy or is under procedure of liquidation;

b) has been deprived from the right to practice commercial activity;

c) (amend. – SG 17/09) has got public liabilities to the state, including to the Commission and to the insurance funds, established by an enforced act of a competent authority, unless a deferred payment or postponement of liabilities has been allowed;

d) (amend. – SG, 20/21) has got its authorization for use of a limited resource for the same type of electronic communications withdrawn for the period, set by the Commission.

(2) (Amend. - SG 105/20, in force from 01.01.2021) The circumstances under Para 1, Item 3, letter "a" shall be evidenced by a document issued by the respective competent authority, under letter "b" – by a declaration of the natural person and under letter "c" - by the commission by the order of Art. 87, para. 11 of the Tax-Insurance Procedure Code.

(3) The provision of Para 1, Item 3, Letter "b" shall apply to managers or members of managing bodies of the undertaking.

Art. 85. (Amend. – SG, 20/21) (1) In case of incompleteness of the application for registration, within 7 days from its receipt the Commission shall notify the person to eliminate the incompleteness, giving him 7 days from the receipt of the notification.

(2) The Commission shall enter the person in the register under Art. 33, Para. 1, item 3 within 20 days from the date of receipt of the application or from elimination of the incompleteness.

- (3) The Commission shall refuse registration, when the circumstances under Art. 84, Para. 1 are available.
- (4) The person under Para. 2 may request in writing from the Commission issuance of a certificate for entry in the register under Art. 33, Para. 1, item 3. In the certificate the Commission shall enter the following circumstances:
1. personal identification data:
 - a) for legal entities and sole traders - the name (company) and the respective unified identification code;
 - b) for natural persons – full name;
 2. provided radio frequency spectrum, technical and operational parameters;
 3. date and term of the registration.
- (5) The Commission shall issue the certificate under Para. 4, within 7 days from the receipt of the request.
- (6) For issuing a certificate under Para. 4, an administrative fee shall be paid in an amount, determined in the tariff under Art. 147.
- (7) The registration is deleted in case of the explicit request of the person.
- (8) The Commission shall cancel the registration in the following cases:
1. in case of established systemic non-fulfillment of the rules under Art. 66a, Para. 3;
 2. when during an inspection by the Commission, the presence of any of the circumstances under Art. 84, Para. 1, item 3, letters "a", "b" and "c" has been established.
- (9) The registration shall also be deleted in the following cases:
1. a reasoned written request of a competent authority in case of established actions of the registered person, which endanger the national security when using the limited resource provided to him by the registration;
 2. when the registered person declares the existence of some of the circumstances under Art. 84, para. 1, item 3, letters "a", "b" and "c";
 3. in case of death of the natural person, in case of liquidation or termination of the legal entity or termination of the activity of the sole trader;
 4. on the basis of an obligation, arising from a ratified and entered into force international agreement, to which the Republic of Bulgaria is a party.
- (10) The deletion of the registration in the cases of Para. 9, item 1 shall be subject to immediate execution.
- (11) With regard to the registrations in the applicable rules under Art. 66a, Para. 3 shall be included all or some of the conditions under Art. 106, Para. 2.
- (12) The rights of use, acquired through registration shall not be subject to transfer and renting or extension of the term.
- (13) Modification of registration shall be carried out under Art. 115.
- (14) The registered person may submit a request for change in his registration, except in the cases under Art. 115, Para. 1. The Commission shall examine the request, assess the need to amend the registration and reflect the change within 20 days of receipt of the request.

Section IV.

Granting Authorization for Use of a Limited Resource (Title, amend. – SG, 20/21)

Art. 86. (1) (Amend. – SG, 20/21) The Commission shall adopt a decision for granting an authorization for use of radio-frequency spectrum within 6 weeks from the date of receipt of the application

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or elimination of the incompleteness where no international coordination is required for radio-frequencies and radio-frequency bands and for the technical characteristics of the radio equipment which is to use them.

(2) (Amend. – SG, 20/21) In case of an application filed for use of radio frequency spectrum or position of the geostationary orbit with the corresponding radio frequency spectrum, which requires international co-ordination of radio-frequencies and radio-frequency bands and of technical characteristics of the radio equipment which would use them, the Commission shall carry out the coordination within up to 8 months from the date of filing the application, notifying the applicant thereby of the necessity for co-ordination within 7 days from filing the application.

(3) Where an international act party to which is the Republic of Bulgaria provides for a time-limit of co-ordination under Para 2 and this time limit is longer than 8 months, the co-ordination procedure shall be accomplished within the time-limit stipulated by the international act.

(4) (New – SG, 20/21) In case, that in an international act under Para. 3 fees for carrying out the international coordination and registration have been determined, their payment shall be made under the rules under Art. 127, Para. 2.

(5) (Former Para. 4, amend. and suppl. - SG, 20/21) Upon conclusion of the co-ordination procedure under Para. 2 the Commission shall notify the applicant about the result within 1 month.

(6) (Former Para. 5, amend. - SG, 20/21) The applicant shall have to confirm in writing his/her wish to obtain permission for use of a limited resource, according to the result of the completed procedure for international coordination under Para. 2, within 14 days from receipt of the notification.

(7) (Suppl. - SG 105/11, in force from 29.12.2011, former Para. 6, amend. - SG, 20/21) Provided that the applicant has confirmed his/her wish within the time limit of Para 5, the Commission, within 14 days, shall adopt a decision for granting an authorization for use of a radio-frequency spectrum.

(8) (New - SG, 20/21) The terms under Para. 1 to 7 shall be without prejudice to the applicable provisions of international agreements, relating to the use of radio spectrum and satellite coordination.

Art. 87. (1) (Amend. – SG, 20/21) The Commission shall notify the applicant in writing within 3 days from adoption of the decision for granting an authorization for use of a radio-frequency spectrum.

(2) The applicant shall deposit the due fees to the account of the Commission within 14 days from receipt of the notification under Para 1.

Art. 88. (1) (Amend. – SG, 20/21) The Commission shall adopt a decision for granting an authorization for use of numbering resources, within up to three weeks from the date of receipt of application or elimination of incompleteness.

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

(3) The applicant shall deposit the due fees to the account of the Commission within 14 days from receipt of the notification under Para 2.

Section V.

Granting authorization for use of radio-frequency Spectrum, or position of the geostationary orbit with the relevant radio-frequency spectrum, assigned to the Republic of Bulgaria under international agreements, after holding a contest or tender (Title amend. SG 17/09; amend. - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21)

Art. 89. (amend. - SG 105/11, in force from 29.12.2011) (1) (Amend. – SG, 20/21) The

Commission may on its own initiative to announce its intention to hold a contest or auction for use of a particular radio-frequency spectrum, where the limitation of the number of granted authorizations is necessary, or for the use of a specific position of the geostationary orbit with the respective radio frequency spectrum, except for the cases under Art. 81, Para. 5.

(2) The Commission shall publish its intentions for holding a contest or auction also at the initiative of an interested party.

(3) (New – SG, 20/21) The competition or the tender under Para. 1 and 2 shall be completed within 8 months, observing all terms under Art. 124b. This period shall not prejudice to the applicable provisions of international agreements, relating to the use of radio spectrum and satellite coordination.

Art. 89a. (New – SG, 20/21) (1) When announcing its intention to hold a competition or tender for the use of harmonized radio spectrum for wireless broadband networks and services, for which harmonized conditions have been established through technical implementing measures in accordance with Decision № 676/2002 / EC, the Commission shall inform the Policy Group in the area of the radio frequency spectrum for each project measure, which falls within the scope of the procedure under Art. 89.

(2) When providing the information under Para. 1, the Commission may request the Radio Spectrum Policy Group to convene a peer review forum, indicating the period of its holding.

(3) During the peer review forum, the Commission should provide an explanation of how the draft measure:

1. stimulates the development of the internal market, cross-border provision of services and competition;
2. provides the greatest possible benefits for consumers;
3. achieves the objectives, related to the management and use of the radio frequency spectrum and the conditions of the permits for use of the radio frequency spectrum, and in general the objectives under Art. 4 and 4a;
4. ensures efficient and effective use of spectrum, and
5. provides stable and predictable investment conditions for existing and future users of the radio frequency spectrum in the deployment of networks for the provision of electronic communications services.

(4) The Commission may request the Radio Spectrum Policy Group to adopt a report on the manner, in which the draft measure under Para. 1 achieves the objectives under Para. 3, which reflects the exchange of views within the peer review forum, as well as an opinion on the draft measure after the peer review forum.

Art. 90. (1) (amend. - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) The number of granted authorizations for use of a particular radio-frequency spectrum may be restricted for reasons of, maximization of the benefit for the users and encouragement of competition, as well as in view to:

1. achievement of a larger coverage;
2. guaranteeing the necessary quality of service;
3. promoting the efficient use of radio spectrum, including taking into account the conditions, relating to rights of use and the level of charges; or
4. promoting innovation and business development.

(2) (amend. SG 17/09; amend. - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) The Commission shall conduct public consultations under Art. 37, within a term, not shorter than 30 days, regarding the announced under Art. 89 intention by publishing a notice on its website and on the Public Consultation Portal. The message shall contain:

1. the radio frequency spectrum or the position of the geostationary orbit with the respective radio frequency spectrum, except for the cases under Art. 81, Para. 5, for which permits may be issued;
2. reasons for the choice of procedure under Art. 89 and, where applicable, the imposed limit on

the number of spectrum authorizations, that may be issued;

3. terms and conditions, which the Commission intends to impose with regard to the authorization for use of a radio-frequency spectrum or the geostationary orbit with the relevant radio-frequency spectrum;

4. an invitation to submit an intention to use radio spectrum or a position in the geostationary orbit with the respective radio frequency spectrum, within a term, determined by the Commission, which may not be shorter, than the term for conducting the public consultations;

5. results of related assessments of the competitiveness and technical and economic situation of the market;

6. grounds for using the forum for peer review under Art. 89a, Para. 2 and selection of measures under Art. 89a, Para. 4, in case such are provided.

(3) (New – SG, 20/21) When the restriction under Para. 1 refers to the use of harmonized radio frequency spectrum for wireless broadband networks and services, simultaneously with the publication of the communication under Para. 2, the Commission shall undertake the actions under Art. 89a, Para. 1.

(4) (amend. SG 17/09; amend. - SG 105/11, in force from 29.12.2011, former Para. 3 – SG, 20/21) The Commission shall announce on its website the results of conducted public consultations and its decision. Depending on the decision, the Commission shall:

1. announce a contest or auction. Pursuant to the provisions of Art. 93, where the number of the submitted under par. 2 letters of intent is more than the number of the authorizations, which may be granted by the Commission;

2. (suppl. - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) take actions for issuing an authorization for use of radio frequency spectrum or position of the geostationary orbit with the respective radio frequency spectrum, except for the cases under Art. 81, Para. 5, upon submission of an application under Art. 83, within a set by the Commission term, where the number of the filed under Para. 2 letters of intent is less, or equal to the number of authorizations, which might be granted by the Commission.

(5) (suppl. - SG 105/11, in force from 29.12.2011, former Para. 4, amend. – SG, 20/21) The Commission must, at regular intervals or on the grounds of filed grounded applications by affected persons, reconsider the relevancy of the reasons, requiring restriction of the number of authorizations for use of radio-frequency spectrum.

(6) (Former Para. 5, amend. – SG, 20/21) The Commission shall conduct public consultations under Art. 37, with interested persons regarding the reconsideration.

(7) (Suppl. - SG 105/11, in force from 29.12.2011, former Para. 6, amend. – SG, 20/21) In case, that as a result of the public consultations under Para. 6, it is established, that additional rights for the use of radio frequency spectrum may be granted or the use of radio frequency spectrum may be authorized on the basis of a combination of free use, use after registration or use after issuing a permit, the Commission shall announce on its website the results of the public consultations and its decision. Depending on the decision, the Commission shall take actions for conducting a procedure under Para. 4, item 1 or 2 or by amendment and supplement of the rules under Art. 66a, Para. 3.

Art. 91. (1) (Amend. – SG, 20/21) After submission of an application under Art. 83, on the initiative of an interested person for issuing a permit for use of radio frequency spectrum for implementation of public electronic communications or position of the geostationary orbit with the respective radio frequency spectrum, except for the cases under Art. 81, Para. 5 and after the completion of the international coordination, when such is necessary, the Commission, within 5 days shall publish a notice on its website and on the Portal for public consultations. When the requested limited resource is of national coverage, the Commission, within 10 days shall publish the announcement in the State Gazette. The announcement shall contain:

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1. (suppl. – SG, 20/21) information about the requested limited resource and for the free radio spectrum in the same radio frequency band, if any;

2. (amend. – SG, 20/21) invitation to submit other applications for use of the same limited resource or free radio frequency spectrum in the same radio frequency range, within 21 days from the date of publication of the notice on the Public Consultation Portal, and when the requested limited resource has a national coverage - from the date of its publication in the State Gazette; the invitation shall include the conditions, which the Commission intends to impose with regard to the authorization to use radio spectrum or the position of the geostationary orbit with the respective radio spectrum.

(2) (Amend. – SG, 20/21) If within the time-limit under Para 1, Item 2, the Commission does not receive another application for use of the same limited resource or the available free radio frequency spectrum is sufficient to satisfy the received applications, the Commission, within 10 days shall adopt a decision/s for issuing a permit / permits for use of radio frequency spectrum or geostationary orbit position with the corresponding radio frequency spectrum.

(3) The Commission shall notify the applicant in writing within 3 days from adoption of the decision under Para 2.

(4) The applicant shall deposit the due fees to the account of the Commission within 14 days from receipt of the notification under Para 3.

(5) (amend. – SG 17/09) The enterprise shall obtain the authorization after payment of the required fees.

Art. 92. (revoked – SG 17/09)

Art. 93. (1) (amend. SG 17/09; suppl. - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) Where the existing available limited resource radio-frequency spectrum or the geostationary orbit position with the relevant radio-frequency spectrum is not sufficient for use by all the persons who have filed letters of intent under Art. 90, par. 2, item 4 or an application within the set time-limit under Art. 91, Para 1, Item 2 the Commission shall notify all the applicants about the submitted letters of intent or applications and their number, and by a decision shall open a procedure for conducting a contest or tender.

(2) The decision under Para 1 shall contain:

1. (suppl. – SG, 20/21) subject and type of the tender or tender and the conditions, that the Commission will impose in relation to the permission for use of radio frequency spectrum or position of the geostationary orbit with the respective radio frequency spectrum;

2. (amend. and suppl. – SG, 20/21) objective, transparent, proportionate and non-discriminatory requirements to the persons, who may participate, reflecting the conditions under item 1, including those, relating to technical or financial conditions or to conditions for compliance with competition;

3. place, deadline and order of buying the competition or auction papers;

4. deadline and place of filing applications for participation;

5. amount and method of payment of the deposit for participation;

6. initial auction price and increment of bidding in announced auction;

7. date, place and time of holding the contest or auction;

8. other particular requirements related to the procedure of the contest or auction.

(3) (amend. – SG 17/09, amend. – SG, 20/21) The decision under Para 1 shall be published on the webpage of the Commission and shall be promulgated in the State Gazette within 21 days from expiry of the time-limit for submission of letters of intent or applications for use of radio-frequency spectrum or a position of geostationary orbit with the relevant radio-frequency spectrum.

(4) (revoked – SG 17/09).

Art. 94. (1) Contest shall be held where there is a necessity of a complex assessment for issuance of an authorization.

(2) auction shall be held in the cases where, in view of the nature of the carrying out of public electronic communications, the amount of the offered auction price is of substantial importance.

Art. 95. (1) (amend. – SG 17/09) The initial auction price in case of conducting auction shall be set by the Commission by the decision referred to in Art. 93, Para 2.

(2) The bid increment in case of holding auction shall be set by the commission in the auction documents.

(3) The reached in the bidding amount shall be payable by the winning bidder within a time-limit, set by the decision of Para 1.

Art. 96. (1) Auction documents shall be adopted by a decision of the Commission and shall include:

1. information about the limited resource subject to the contest;
2. list of required attachments to the application for participation in the contest;
3. (amend. - SG 105/11, in force from 29.12.2011) requirements for provision of public electronic services subject to the contest, such as: rate of development and/or of services, quality of services, applicable technologies, obligations, related to national security;
4. (amend. - SG 105/11, in force from 29.12.2011, amend. and suppl. – SG, 20/21) objective, transparent, non-discriminatory and proportional assessment criteria, their relative weight and assessment mechanism in compliance with the requirements, related to management of the radio-frequency spectrum for the achievement of the objectives under Art. 4 and 4a;
5. rules of conducting the contest;
6. rules of operation of the expert commission for conducting the contest;
7. amount of the deposit for participation in the contest.

(2) (Amend. – SG, 20/21) The auction documents shall contain conditions for participation in the contest and a draft authorization for use of radio frequency spectrum or position of the geostationary orbit with the corresponding radio frequency spectrum, and attachments containing the relevant technical parameters for the authorizations.

Art. 97. The auction documents shall be adopted by a decision of the commission and shall contain:

1. information about the limited resource – subject to the auction;
2. list of required attachments to the application for participation in the auction;
3. rules of holding of the auction;
4. rules of operation of the expert commission for holding of the auction;
5. (amend. - SG 105/11, in force from 29.12.2011, suppl. – SG, 20/21) objective, transparent, non-discriminatory and proportional criteria of non-admission and removal from participation in the auction in compliance with the principles of management of the radio-frequency spectrum for the achievement of the objectives under Art. 4 and 4a;
6. (amend. – SG, 20/21) draft authorization for usage of radio frequency spectrum or position of the geostationary orbit with the corresponding radio frequency spectrum and attachments, containing relevant technical Parameters for the authorizations;
7. the amount of the deposit for participation in the auction, which may not be higher than 5 per cent of the fixed initial auction price, as well as terms and conditions, related to the deposit for participation

in the auction;

8. place, date and time of holding the auction.

Art. 98. (1) (Amend. – SG, 20/21) The contest or the auction for granting radio-frequency spectrum or positions of the geostationary orbit with the relevant radio-frequency spectrum shall be held not earlier than 30 days from promulgation of the decision under Art. 93, Para 3 in the State Gazette. In the event that several contests or auctions are announced, according to the available free limited resource, the Commission shall determine the sequence of their holding. The Commission may conduct also a tender or a contest, with which to grant more than one authorization according to the available free limited resource.

(2) (revoked – SG 17/09)

Art. 99. (1) (suppl. – SG 17/09) The Commission shall appoint an expert committee for conducting a contest or auction whereas at least one of its members shall be with juridical background. Representatives from the interested state authorities and the Commission may be members of the expert committee. A representative of the State Agency "National Security" must be included in the expert commission.

(2) A person, having a substantial commercial, financial or other business interest, may not participate as a member of the expert committee

(3) Substantial commercial, financial, or other business interest shall always be available when the members of the expert committee or members of their families, including husbands, relatives in a direct line of descent, without restrictions, including relatives in collateral line of descent up to fourth degree, and relatives-in-law up to second degree as well as persons economically connected with them are granted a permission under this Act.

(4) Each member of the expert committee shall be obliged to declare in writing before the Commission the absence of a substantial commercial, financial or other business interest, which he/she and/or economically related with him/her or with members of his/her family have while selecting a bidder or that they will not be employed in the management bodies of the applicant who has won the contest or auction, within one year from granting the permission.

(5) The declarations under Para 4 shall be kept in a special public register with the Commission.

(6) The members of the expert committee shall be obliged not to disclose to third parties any information obtained during the procedures of conducting a contest or auction. Prior to commencement of the procedure each member of the committee shall sign a declaration for observance of this obligation.

Art. 100. (1) (Suppl. – SG, 20/21) The persons wishing to participate in the contest or auction announced by the Commission shall file a written application for participation with indication of their identity data, enclosing:

1. (amend. – SG 17/09, amend. – SG, 20/21) a document, certifying the existence and the updated legal status of the person – where the applicant does not hold Unified Identification Code as per Art. 23 of the Commercial Register Act and the Non-profitable legal persons register;

2. (suppl. – SG, 20/21) proof of financial ability to carry out the activity, such as: annual accountancy balance and an account of the revenue and expenses, (unless they are declared for publication in the Commercial register and the Register of non-profit legal persons), annual tax declarations, bank references, documents for acquiring long-term assets;

3. a technical project and a business plan in compliance with the requirements of Art. 96, Para 1, Item 3;

4. a document for paid deposit or bank guarantee for its amount;

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5. (amend. - SG 105/20, in force from 01.01.2021) documents certifying a lack of the circumstances under Art. 84, Para 1, Item 3, letter "a" and letter "b";

6. declaration for protecting the confidentiality of the information contained in the contest or auction documentation;

7. (repealed – SG, 20/21);

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

(2) All documents shall be filed in Bulgarian language.

(3) (Amend. – SG, 20/21) In case of missing and/or irregular documents under Para 1, with exception of those under Para 1, Item 3, the applicant shall be notified in writing to remove the lack or irregularity, giving him a 10 working days period from receipt of the notification. Should the incompleteness or irregularities fail to be corrected within the set time, the applicant shall not be admitted to participate.

(4) A person, wishing to participate in the announced by the committee contest or auction, shall be disqualified from participation, when:

1. he/she has been declared bankrupt or is under proceedings for declaring bankruptcy.

2. he/she is derived from the right to carry out commercial activity;

3. he/she has got public monetary liabilities to the state established by an enforced act of a competent authority or a liability to insurance funds, unless a deferred payment or postponement is allowed;

4. his/her authorization for use of radio frequency spectrum or position of the geostationary orbit with the corresponding radio frequency spectrum for the same type of electronic communications has been withdrawn for the period, set by the Commission.

(5) (new – SG 17/09, amend. – SG, 20/21) Provided that the number of the filed applications is smaller or equal to the number of permits, subject to the decision of Art. 93, par. 2, the Commission by a decision shall announce the procedure closed and within 10 days shall issue a decision for use of radio-frequency spectrum or geostationary orbit position with the relevant radio-frequency spectrum. Within three days after adoption of the decision for announcement of the procedure closed, the Commission shall send it to the State Gazette for promulgation within 5 days after its receipt.

(6) (new – SG 17/09) Provided that within the term of Art. 93, par. 2, item 4 no application has been filed, the Commission by a decision shall terminate the announced procedure. Within three days after adoption of the decision for termination of the announced procedure, the Commission shall send it to the State Gazette for promulgation within 5 days after its receipt.

(7) (New - SG 105/20, in force from 01.01.2021) The circumstance under par. 4, item 3 shall be established by the commission under the Art. 87, para. 11 of the Tax-Insurance Procedure Code.

Art. 101. (1) In a contest the offers shall be ranked on the basis of a complex assessment for meeting the contest requirements.

(2) In auction the ranking of the applicants shall be made considering the amount of the offered auction price.

Art. 102. (1) The expert commission, within 7 days from accomplishment of its work, shall present to the Commission a report for the completed work and for the results from the ranking, as well as the whole documentation related to the held contest or auction

(2) (Suppl. – SG, 20/21) Within 14 days from receipt of the documents under Para 1 the Commission shall take a grounded decision for:

1. issuance of an authorization to the applicant having won the contest or auction;

2. termination of the contest or auction, without nominating a winner when, as a result of the ranking an applicant has not been determined meeting the requirements of the hold contest or auction.

(3) Within three days from taking the decision under Para 2 the Commission shall send it to the

State Gazette for promulgation within 5 days from its receipt.

Art. 103. (1) (suppl. - SG 105/11, in force from 29.12.2011) The Commission shall have the right to retain the deposits of the applicants who have filed complaints against the decision under Art. 102, Para 2 and/or Art. 104, Para 1 until the settlement of the dispute by the court.

(2) (amend. - SG 105/11, in force from 29.12.2011) The deposits of the failed applicants shall be released within 7 working days from the expiration of the deadline for filing complaints against the decision under Art. 104, Para 1. Released within the same period shall be the deposits of all applicants on closing of the procedure.

(3) (amend. and suppl. - SG 105/11, in force from 29.12.2011) The deposits of the winner and of the applicant ranked second shall be released within 7 working days from the enactment of the decisions under Art. 102, Para 2, Item 1 and Art. 104, Para 1.

Art. 104. (1) Within 14 days from the enactment of the decision under Art. 102, Para 2, Item 1, the Commission shall issue an individual license to the winner of the contest or auction.

(2) The winner shall be bound by the proposals made in the contest or auction.

(3) (new – SG 17/09, amend. – SG, 20/21) Upon granting of the license of Art. 90, Para. 4, item 2 and Art. 100, par. 1 and 5 the person shall be entered into the register of Art. 33, Para. 1, item 1.

Art. 105. (1) If the winner refuses issuance of an authorization or fails pay the final auction price offered by him within the term and by the method indicated in the auction or contest documents, the authorization shall be offered to the applicant ranked second.

(2) In case of refusal by the applicant ranked second the procedure shall be terminated without issuance of an authorization.

(3) In cases when subject to auction are two or more authorizations and a ranked applicant waives granting an authorization or fails to pay the quoted by him/her final bidding price within the time-limit and by the method, indicated in the auction documents, it shall be offered to the ranked at the next place applicant. Provided that the latter waves too, the procedure shall be closed without granting an authorization.

(4) The deposits of the persons under Para 1, 2 and 3 shall not be refunded.

Section VI.

Contents of the Authorization

Art. 106. (amend. - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) Authorizations for the use of the radio frequency spectrum and position of the geostationary orbit with the respective radio frequency spectrum shall contain:

1. provided radio frequency spectrum or position of the geostationary orbit with the corresponding radio frequency spectrum;
2. territorial scope, where applicable;
3. identification data;
4. issuance date of the authorization.

(2) The authorizations under Para. 1 shall contain all or some of the following conditions:

1. obligation to provide a service or to use a type of technology, in accordance with Art. 130 and requirements for coverage and quality of the service, if such requirements are set;

2. conditions for ensuring efficient and effective use of the radio frequency spectrum in accordance with this Act;

3. technical and operational conditions to avoid harmful interference and to protect public health from the harmful effects of electromagnetic fields, taking into account - as far as possible - the requirements for limiting the exposure of the population to electromagnetic fields, when the conditions are different from the general requirements of Art. 73;

4. maximum term in accordance with Art. 71 and 71a, which may be amended in accordance with the National Plan for Allocation of the Radio Frequency Spectrum;

5. possibility and conditions for transfer or rental of rights under the authorization upon the request of the right holder;

6. fee for use of radio frequency spectrum or position of the geostationary orbit with the respective radio frequency spectrum in accordance with Art. 143 and 146;

7. all commitments of the enterprise, which receives rights to use the radio frequency spectrum or position of the geostationary orbit with the respective radio frequency spectrum, undertaken in a procedure for issuing or extending the permit, before issuing the permit or before the invitation to submit an intention or application for use the radio frequency spectrum or position of the geostationary orbit with the corresponding radio frequency spectrum;

8. obligations for unification or sharing the radio frequency spectrum, or for granting access to the radio frequency spectrum to other users on the territory of the country or part of it;

9. obligations, arising from international agreements, governing the use of radio spectrum;

10. obligations, related to the experimental use of radio frequency spectrum.

Art. 106a. (New – SG, 20/21) (1) The Commission shall determine the conditions for use of radio frequency spectrum under Art. 106, Para. 2, so as to ensure the optimal and most efficient and effective use of the radio frequency spectrum, before granting or extension of the term of the granted rights. The conditions shall also include the level of use required and the ability to meet this requirement by transferring or leasing the spectrum to ensure compliance. The conditions for the extension of the rights to use the radio frequency spectrum may not confer unlawful advantages on the holders of the granted rights.

(2) In the conditions under Para. 1, the applicable parameters, are indicated, including a deadline for exercising the rights for use of radio frequency spectrum, the non-observance of which entitles the Commission to revoke the right for use or to impose other measures.

(3) The Commission shall conduct public consultations under Art. 37 on the conditions, related to the individual rights for use of radio frequency spectrum and the criteria for assessment of the fulfillment of these conditions before their imposition.

(4) In order to ensure efficient and effective use of the radio frequency spectrum or to encourage the increase of the coverage in determining the conditions for the individual rights for use of the radio frequency spectrum, the Commission may envisage conditions, related to the possibilities for:

1. imposing obligations for sharing of physical infrastructure or active elements of electronic communications networks, based on radio frequency spectrum, or shared use of radio frequency spectrum;

2. imposing obligations to conclude roaming access agreements;

3. joint deployment of infrastructure for provision of networks or services, based on the use of radio frequency spectrum.

(5) In the conditions, related to the rights for use of radio frequency spectrum, the Commission shall not prevent the shared use of radio frequency spectrum.

(6) The Commission shall apply the Act in the field of competition, regarding the fulfillment by the enterprises of the conditions under Para. 4, in compliance with the principles of consultations, publicity and transparency.

Art. 107. (amend. - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) (1) The authorizations for using numbering resources shall contain:

1. provided numbering resources;
2. identification data;
3. the date of issuing the authorization.

(2) Authorizations for the use of numbering resources shall include all, or some of the following conditions:

1. the service, for which the numbering resources are used, including requirements in connection with the provision of this service, as well as requirements for transparency of tariff principles and maximum prices, which may be applied in a specific numbering range to ensure consumer protection, in accordance with Art. 4, Para. 1, item 4;

2. requirements for efficient and effective use of numbering resources in accordance with this Act;

3. numbering portability requirements in accordance with this Act;

4. obligation to provide information to end users, included with their explicit consent telephone directory, for the purposes of Art. 258;

5. maximum term of non-compliance with Art. 71;

6. the possibility and conditions for transfer of rights under the authorization at the request of the right holder, including the condition, that the right to use numbering resources is binding on all enterprises, to which the rights are transferred;

7. fee for use of numbering resources in accordance with Art. 143;

8. obligations, arising from international agreements, governing the use of numbering resources;

9. obligations, relating to the extraterritorial use of numbering resources within the European Union, in order to ensure compliance with consumer protection rules and other rules, relating to the use of numbering resources in the Member States of the European Union where those resources will be used.

Art. 108. (amend. - SG 105/11, in force from 29.12.2011, amend. and suppl. – SG, 20/21) In addition to the obligations under Art. 106, Para. 2 or Art. 107, Para. 2, the enterprises which have obtained authorizations for use of a limited resource shall be obliged to observe also the applicable requirements under Art. 73.

Section VII.

Provisional Authorizations

Art. 109. (1) (Amend. – SG, 20/21) The Commission shall grant provisional authorizations for use of radio-frequency spectrum in the following cases:

1. for experimental use;
2. for short-term projects, or
3. for short-term events.

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

(3) Provisional authorization shall not be granted for radio frequency spectrum, for which individual rights of use have already been granted with a permit or on the basis of registration, or for which an application for rights of use has been submitted and the procedure for their allocation has not been completed, as well as if the granting of rights for use of radio frequency spectrum contradicts the requirements for management of the radio frequency spectrum under Art. 124 and 128.

(4) (New - SG 105/11, in force from 29.12.2011, amend. and suppl. – SG, 20/21) Temporary

authorization under Para. 1, item 1 shall be issued for a term, not longer than 6 months once within one year.

(5) (New – SG, 20/21) Temporary authorization under Para. 1, item 2 shall be issued for a term, not longer than 12 months.

(6) (New – SG, 20/21) Temporary authorization under Para. 1, item 3 shall be issued for the term and the territorial coverage, necessary for conducting the short-term event, but for not more, than three months.

(7) (New – SG, 20/21) The duration and territorial coverage of each temporary permit shall be determined by the Commission on a case-by-case basis, taking into account the purpose, for which the temporary permit is issued. When the Commission considers, that the term or the territorial coverage, indicated in the application under Para. 8, do not correspond to the data for the purpose of the requested radio frequency spectrum, according to the justification under Para. 8, the Commission shall give an opportunity, within 7 days for the applicant to indicate an appropriate term or to provide additional data. In case the applicant does not exercise his right under sentence two, the Commission - with a motivated decision – shall refuse to issue a temporary permit.

(8) (Former text of Para 4 - SG 105/11, in force from 29.12.2011, former Para. 5, amend. – SG, 20/21) An application shall be submitted for issuing a temporary permit, which shall contain the data under Art. 83, Para. 1 and a detailed justification for the need to use the requested radio frequency spectrum and to issue a temporary permit for the cases, specified in Para. 1. The documents under Art. 83, Para. 2, item1 shall be attached to the application.

(9) (Former text of Para 05 - SG 105/11, in force from 29.12.2011, former Para. 6 – SG, 20/21) Where the requested limited resource is subject to international co-ordination, the Commission shall offer to the applicant another limited resource which is not subject to international co-ordination and is suitable for use, in accordance with:

1. the data submitted in the application for the cases indicated in Para 1, and
2. the technical characteristics of the electronic communications network and facilities for which the limited resource shall be used.

(10) (Former text of Para 06, amend. - SG 105/11, in force from 29.12.2011, former Para. 7, amend. – SG, 20/21, former Para. 7, amend. – SG, 20/21) The Commission shall adopt a decision, granting a provisional authorization within 21 days from the date of receipt of the application or rectification of the deficiencies. In its ruling, the Commission shall examine the merits of the request for a temporary permit, taking into account:

1. the need to issue a temporary permit on a case-by-case basis;
2. the need for the declared territorial scope and the term of validity of the permit;
3. the benefits for consumers and the need to promote competition and the development of new technologies;
4. the requirements for radio frequency spectrum management under Art. 124 and 128.

(11) (Former text of Para 07, amend. - SG 105/11, in force from 29.12.2011, former Para. 8, amend. – SG, 20/21) Within three days from its granting, the Commission shall notify the applicant about the granted provisional authorization, indicating also the amount of the fee due by the applicant for provisional use of radio-frequency spectrum and a single fee for granting of the authorization. The applicant shall be obliged to pay the fees within 7 days from receipt of the notification.

(12) (Former text of Para 08, amend. - SG 105/11, in force from 29.12.2011 former Para. 9, amend. – SG, 20/21) The Commission shall hand over the authorization to the applicant within 3 days after payment of the fees under Para. 11.

Art. 110. (1) (amend. - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) The provisional authorization shall contain the data, indicated in the application under Art. 109, Para. 8 and the decision under Art. 109, Para. 10.

(2) Amend. – SG, 20/21) The provided radio-frequency spectrum may be used only for the designated purpose and in a manner explicitly determined in the provisional authorization.

(3) (New - SG, 20/21, amend. - SG 58/23) An enterprise, which has been granted a temporary permit for the use of radio frequency spectrum by an electronic communications network for terrestrial digital radio broadcasting of radio and television signals on the basis of Art. 109, Para. 1, item 1, may broadcast a voice message "You are listening to a test broadcast" and/or a constant tone sound signal, and/or a test video table.

Art. 111. (1) (Amend. – SG, 20/21) The rules for transfer, lease, termination or revocation of the authorization issued under this Act shall not apply to temporary permits.

(2) (Amend. – SG 20/21) A provisional authorization in force shall be terminated immediately by the Commission, when it has been identified, that the radio-frequency spectrum is not being used according to the purpose and the manner, indicated in the provisional authorization.

Art. 112. An undertaking whose provisional authorization has been terminated under Art. 111, Para 2 may not file application for a new provisional authorization within 6 months from the date of termination of the previous authorization.

Section VIII.

Granting Supplementary Limited Resource

Art. 113. (1) (suppl. – SG 17/09, amend. – SG, 20/21) An enterprise implementing public electronic communications which has been granted an authorization for use of radio-frequency spectrum or numbering resources, may request the use of supplementary individually assigned limited resource. The enterprise shall file an application which, in addition to the data under Art. 83, shall also contain:

1. the number and the date of issuing the initial authorization;
2. (amend. – SG, 20/21) electronic communication networks or services, for the provision of which the supplementary individually assigned radio-frequency spectrum or numbering resource will be used;
3. (amend. – SG, 20/21) indication of the supplementary radio-frequency spectrum or numbering resource, requested the use of which would require supplement and amendment of the authorization;
4. (amend. – SG, 20/21) term of use of the supplementary radio-frequency spectrum or numbering resource, which may not be longer than the term of use of the initial radio-frequency spectrum or numbering resource;
5. (new – SG 17/09, amend. – SG, 20/21) data about effective absorption of already provided radio-frequency spectrum or numbering resource.

(2) (Amend. – SG, 20/21) Electronic communication networks or services under Para 1, Item 2 may not differ from the electronic communication networks or services for which the radio-frequency spectrum or numbering resource has been provided for.

(3) (Amend. – SG, 20/21) Documents and data justifying the necessity to use the supplementary radio-frequency spectrum or numbering resource shall be enclosed to the application.

(4) (Amend. – SG, 20/21) The Commission shall grant the requested supplementary radio-frequency spectrum or numbering resource, when:

1. the enterprise has justified necessity for such resource for expansion, modernization and development of its own electronic communications network when providing public electronic communications through it, and
2. (amend. – SG, 20/21) the enterprise has already efficiently used the allocated limited

resource.

3. (repealed – SG, 20/21).

(5) (New – SG, 20/21) The Commission, within one month from the receipt of the application, shall hold consultations with the enterprises for provision of the respective additional radio frequency spectrum, according to the regulatory policy under Art. 32, Para. 1, item 1, letter "a".

(6) (Former Para. 5, amend. – SG, 20/21) The supplementary radio-frequency spectrum or numbering resource shall be granted without holding a contest or tender.

(7) (New – SG, 20/21) In case there is not sufficient radio frequency spectrum available for providing all applicants, despite the consultations, held under Para. 5, the procedure set out in Section V shall apply.

(8) (Former Para. 6, amend. – SG, 20/21) Where the conditions under Para. 4 and 6 are fulfilled, the Commission shall provide the requested additional radio frequency spectrum, amending and supplementing the permit for use of radio frequency spectrum to the applicant, within 42 days from the date of submission of the application.

(9) (Former Para. 7, amend. – SG, 20/21) Where the conditions under Para. 4 are fulfilled, the Commission shall provide the requested additional numbering resource, amending and supplementing the permit for use of numbering resource of the applicant, within 21 days from the date of submission of the application.

(10) (Former Para. 8, amend. – SG, 20/21) Within 14 days from receipt of the notification about the permit under Para 8 and 9, the applicant shall deposit to the account of the Commission the payable fees for use of the allocated supplementary radio-frequency spectrum or numbering resource, in proportion to the time of use during the current year.

Art. 113a. (New – SG, 20/21) (1) Only an enterprise, authorized to use a position in geostationary orbit with the relevant radio spectrum may apply for additional radio spectrum. The enterprise shall submit an application, which in addition to the data under Art. 83 shall also contain:

1. N and date of issuance of the permit;
2. the position of the geostationary orbit, provided to the enterprise;
3. the additional radio frequency spectrum, for the use of which an amendment to the permit is requested and the name of the satellite system, for which this spectrum is requested;
4. term for use of the additional radio frequency spectrum, which cannot be longer, than the term for use of the position of the geostationary orbit;
5. other information, specified in the rules under Art. 127, Para. 2.

(2) Documents and data, substantiating the need to use the additional radio frequency spectrum shall be attached to the application.

(3) The Commission shall provide the requested additional spectrum where:

1. the enterprise has a proven need for such a resource to expand, modernize and develop its own satellite system, when making public electronic communications through it, and
2. the enterprise 's satellite system allows expansion, modernization and development, and
3. the international coordination of the requested additional spectrum has been completed, and
4. the enterprise has paid in time and the amount of the necessary fees, determined in international acts for international coordination and registration of the additional radio frequency spectrum.

(4) The additional radio frequency spectrum shall be provided without holding a competition or tender.

(5) If the conditions under Para. 3 are fulfilled, the Commission shall provide the requested additional radio frequency spectrum, amending and supplementing the permit for use of the position of the geostationary orbit with the respective radio frequency spectrum, within 42 days from the date of submission of the application.

(6) Within 14 days of receiving the notification of the decision under Para. 5, the applicant shall pay to the account of the Commission the due fees for use of the provided additional radio frequency spectrum in proportion to the time for use in the current year.

Section IX.

Amendment, Supplementation, Termination, Withdrawal or Transfer of an Authorization (Title, amend. – SG, 20/21)

Art. 114. (1) Any enterprise which has been granted an authorization may, prior to its expiry, request in writing a justified reduction of the term of validity of the authorization. The Commission shall study the grounds of the request and shall pronounce a decision within 1 month after receipt of the request.

(2) (amend. - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) An enterprise which have been granted an authorization, may within a time limit not less than 45 days prior to expiration of the validity of the authorization file a justified request for extension of the validity of the granted authorization. The Commission shall study the grounds of the request considering:

1. the benefits for the consumers;
2. the need for encouraging the competition and the development of new technologies;
3. the regulatory policy for the limited resource in question.

(3) (new - SG 105/11, in force from 29.12.2011) The Commission shall deliver a decision within 1 month after receipt of the request under Para 2, and in case of satisfying the request shall enter the new validity of the authorization.

(4) (prev. text of Para 03 - SG 105/11, in force from 29.12.2011, amend. and suppl. – SG, 20/21) Provided that within the time limit set in Para 2 an enterprise with a granted authorization fails to request an extension of the validity of the authorization, as well as in case, that the request under Para. 2 is not granted, it shall be deemed, that the allocated limited resource is available upon expiration of the authorization validity.

(5) (prev. text of Para 04 - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) The validity of the authorization for use of radio-frequency spectrum through electronic communications networks for terrestrial analogue broadcasting shall be extended after extending the term of validity of the license under the Radio and Television Act for the same period of time.

(6) (New – SG, 20/21) Within 14 days from the receipt of the notification for satisfaction of the request under Para. 2, the applicant shall pay to the account of the Commission the due fees.

Art. 114a. (New – SG, 20/21) (1) Not later, than two years before the expiration of the initial term of validity of an authorization for use of harmonized radio frequency spectrum for wireless broadband services under Art. 71a, Para. 2, the Commission, on its own initiative or at the request of the enterprise, to which the authorization has been issued, shall make an objective and perspective assessment of the general criteria for extension of the term under Art. 71a, Para. 4 of the authorization, in accordance with Art. 124, Para. 4, item 3.

(2) The Commission shall adopt a decision for extension of the term of the permit under Para. 1, if a procedure under Art. 117 has not been started and has concluded, that this extension is complied with the general criteria for extending the period of authorization.

(3) Based on the assessment under Para. 1, the Commission shall notify in writing the enterprise, to which the authorization has been issued, whether the term of the authorization must be extended and shall conduct public consultations under Art. 37 on its position within a period of not less than 3 months.

(4) The results of the public consultation shall be published on the Commission's website.

(5) The Commission shall adopt a reasoned decision to extend the authorization or to announce

an intention to hold a competition or tender for the granting of rights to use the specific harmonized spectrum for wireless broadband services.

(6) When adopting a decision under Para. 5, the rules under Art. 114, Para. 2 – 5 shall not apply.

Art. 114b. (New – SG, 20/21) (1) The Commission may adopt a decision for extension of the term of issued authorization for use of harmonized radio frequency spectrum, unless in the conditions of Art. 106, Para. 2, item 4 such extension is explicitly excluded, on its own initiative or at the request of the enterprise, to which the permit has been issued, submitted not earlier than 5 years before the expiration of the term of the authorization.

(2) The Commission shall examine the merits of the request, at least two years before the expiry of the authorization, taking into account:

1. the fulfillment of the objectives under Art. 4 and Art. 124, Para. 4 and the objectives of general interest, determined in accordance with the law of the European Union;

2. the application of a technical measure for implementation, adopted in accordance with Art. 4 of Decision № 676/2002 / EC;

3. the fulfillment of the conditions and obligations of the issued authorization;

4. the need to promote or avoid distortions of competition;

5. the need to use spectrum more efficiently in the light of technological or market developments;

6. the need to avoid serious disruption of services.

(3) Before adopting a decision for extension of the term of authorization for use of harmonized radio frequency spectrum, for which the number of rights for use is limited, the Commission shall conduct public consultations under Art. 37, stating its reasons for possible extension of the term of the authorization.

(4) The results of the public consultation shall be published on the Commission's website.

(5) The Commission shall adopt a decision for extension of the term or for conducting a procedure under Art. 90, Para. 4, taking into account the results of the study under Para. 2 and the results of the public consultations under Para. 3, including the interest, expressed in the course of the consultations by other enterprises for obtaining an authorization for use of harmonized radio frequency spectrum.

(6) When adopting a decision under Para. 1, the rules under Art. 114, Para. 2 – 5 shall not apply.

Art. 115. (1) Amendments and supplements to an authorization may be introduced by a motivated decision of the Commission due to:

1. force majeure;

2. reasons related to the national security;

3. changes of the internal legislation and decisions of international organisations in force for the Republic of Bulgaria;

4. (amend. and suppl. – SG, 20/21) reasons, related to the public interest, ensuing from the need to guaranty effective and efficient using of a limited resource, the protection of the interests of consumers and users and providing a universal service;

5. (new – SG, 20/21) need to change the term of issued authorization, in connection with Art. 71c.

(2) (amend. - SG 105/11, in force from 29.12.2011, amend. and suppl. – SG, 20/21) The amendments and supplements under Para 1, Item 4 and 5 shall be introduced upon a written notification of the respective person, to whom authorization is issued, who may express an opinion within 14 days from receipt of the notification.

(3) (new - SG 105/11, in force from 29.12.2011, suppl. – SG, 20/21) Where the amendments and supplements referred to Para 1, Item 4 and 5 are significant, the Commission shall hold a public consultation as set out in Art. 37 after at least 30 days.

Art. 116. An undertaking which has been granted an authorization may file a justified request to the Commission for amendment and supplementation of the authorization beyond the cases under Art. 115, Para 1. The Commission shall study the grounds of the request, shall consider the necessity of amendment and supplementation of the request, and shall pronounce a decision within 30 days after receipt of the request.

(2) If, within one year prior to expiry of a permission, an undertaking with granted permission applies in writing for a new period of prolongation of its validity fulfilling the requirements under Art. 64, the Commission shall amend and supplement the permission by inscribing the new term of validity.

Art. 117. (1) (Amend. – SG, 20/21) The validity of a granted authorization for use of limited resource shall be terminated upon withdrawal of a granted authorization by the Commission in the following cases:

1. (amend. – SG, 20/21) an enterprise, which has been granted an authorization for use of radio-frequency spectrum or points of geostationary orbit with the relevant radio-frequency spectrum, has not observed some or all its obligations under Art. 106, Para. 2, Item 7;

2. (amend. – SG, 20/21) in case of regular non-fulfillment of the same condition under the granted authorization for use of limited resource;

3. in case of regular non-payment of due fees, related to the granted authorization;

4. when as a result of an inspection carried out by the Commission availability of some of the circumstances under Art. 84, Para 1, Item 3, Items "a", "b" and "c" has been identified.

5. (New - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) an enterprise, which has been granted an authorization for use of radio frequency spectrum, or position of the geostationary orbit with the respective radio frequency spectrum, has not complied with some or all of the obligations under Art. 106, Para. 2, item 2 and has not submitted a request for transfer or lease of the radio frequency spectrum, provided with an authorization under Art. 121.

(2) (Amend. – SG, 20/21) The validity of a granted authorization for use of limited resource may be terminated in the following cases:

1. (amend. – SG, 20/21) upon motivated request of a competent authority in case of identified actions of the person who has been issued an authorization, menacing national security in case of use of the allocated by the authorization limited resource;

2. (amend. – SG, 20/21) the person, having been granted an authorization, declared availability of any of the circumstances under Art. 84, Para 1, Item 3, Letters "a", "b" and "c";

3. (amend. – SG, 20/21) upon motivated request by the person with a granted authorization;

4. (amend. – SG 17/09) in case of a decrease of the natural person, in case of winding up or termination of a legal entity or termination of the activity of a single trader - when they have been granted an authorization;

5. (new - SG 105/11, in force from 29.12.2011) an enterprise, which was granted an authorization for use of individually assigned limited resource - radio-frequency spectrum, or geostationary orbit position, has failed to comply with some or all of the obligations referred to in Art. 106, Item 5 and has failed to file a request for transfer or lease of the granted radio-frequency spectrum as set out in Art. 121.

6. on the grounds of an obligation, arising from a ratified and enforced international agreement party to which is the Republic of Bulgaria.

7. (amend. – SG, 20/21) upon notifying the Council for Electronic Media about an enforced decision for terminating the relevant license, issued by the Council for electronic media of the enterprise, providing electronic communications through electronic communications networks for terrestrial analogue broadcasting.

(3) The decisions taken by the Commission on the grounds of Para 2, Item 1 shall be subject to

immediate fulfilment

(4) The validity of a granted authorization in case of available preconditions under Para 1 shall be terminated after a preliminary notification of the enterprise in writing, whereas the Commission shall indicate explicitly particular reasons and justifications.

(5) By the notification of Para 4 the Commission shall allocate a time limit to the enterprise not less than 30 days for an opinion.

(6) (amend. – SG 17/09, amend. and suppl. – SG, 20/21) The Commission may withdraw the authorization only after having discussed the explanations and the objection of the enterprise, identified availability of sufficient evidences of the existence of circumstances under Para 1 and make a preliminary assessment of the damage, that may result from the withdrawal of the authorization.

(7) (New – SG, 20/21) When the withdrawal of the authorization under Para. 6 affects the public interest, the interests of the users and the consumers and the provision of universal service, the Commission shall conduct a public consultation under Art. 37, within a period, not shorter than 30 days.

Art. 118. (1) (Amend. – SG, 20/21) In the cases under Art. 117, Para 2, Item 4 the limited resource shall not be considered to be available, if one or some of the inheritors declare in writing before the Commission the use of a limited resource, for which the authorization has been granted, within 1 month after the death of the natural person. In this case the Commission shall grant a new authorization for use of the same limited resource without a contest or auction, within 21 days from filing the application. The Commission shall notify in writing the applicants within 3 days after granting of the authorization.

(2) The applicant shall deposit all due fees in the account of the Commission within 14 days from receipt of the notification.

(3) The Commission shall hand over the authorization to the applicants after they have paid up all fees payable under this Act.

Art. 119. An undertaking, the term of validity of the authorization of which has been terminated on the grounds of Art. 117, Para 1 may file an application for granting of a new authorization not earlier than 12 months from the date of the Commission's decision to terminate its validity.

Art. 120. (1) (Amend. – SG, 20/21) The validity of an authorization granted for use of limited resource can be provisionally suspended by the Commission, in the following cases:

1. (amend. – SG 35/09, in force from 12.05.2009, amend. – SG, 20/21) upon request of a competent authority in the event of disasters, declaring a "state of martial law", or a "state of war", or a "state of emergency";

2. upon motivated request by the competent authorities in case of emerging menace for the national security;

3. (repealed – SG, 20/21).

(2) (Amend. – SG, 20/21) In the cases under Para. 1, the suspension shall continue until the necessity of it falls off.

(3) (Repealed - SG, 20/21).

(4) (Repealed - SG, 20/21).

(5) The decisions for suspension and the consequent resuming of the validity of a granted authorization shall be communicated to the affected persons within 3 days.

Art. 121. (1) (amend. SG 17/09; amend. - SG 105/11, in force from 29.12.2011, amend. and suppl. – SG, 20/21) An enterprise with granted authorization for use of limited resource, may transfer the authorization or a part of its rights and respective obligations under the authorization, or lease radio-

frequency spectrum only upon preliminary permission by the Commission. The requirements for transfer of an issued authorization in case of legal succession shall be indicated in the normative administrative act under Art. 122, Para. 1.

(2) (New – SG, 20/21) An enterprise, wishing to transfer the authorization, issued to it for the use of a limited resource or part of the rights and relevant obligations, included in the authorization for the use of radio frequency spectrum, or to lease the radio frequency spectrum, shall submit an application to the Commission.

(3) (New – SG, 20/21) The application under Para. 2 is in the Bulgarian language and shall contain:

1. identification data of the enterprise under Para. 2;
2. identification data of the person, who wishes the authorization to be transferred for use of a limited resource or part of the rights and the respective obligations, included in the authorization for use of radio frequency spectrum, or to be leased to it;
3. N of the authorization;
4. a description of the type of transfer - all or part of the rights and the respective obligations, included in the authorization for use of radio frequency spectrum, respectively of the rental of radio frequency spectrum;
5. consent of the person under item 2;
6. consent of the enterprise under Para. 2 for fulfillment of the obligations under the authorization for use of radio frequency spectrum, when renting radio frequency spectrum.

(4) (New – SG, 20/21) The application shall have attached:

1. documents, according to Art. 83, Para. 2, item 1 - for the enterprise under Para. 2 and for the person, who wishes the authorization to be transferred for use of a limited resource or part of the rights and the respective obligations, included in the authorization for use of radio frequency spectrum, or to be leased to him;

2. documents according to Art. 83, Para. 2, items 2 - 4 - for the person, who wishes the authorization to be transferred for use of limited resource or part of the rights and the respective obligations, included in authorization for use of radio frequency spectrum, or to be leased to him.

(5) (New – SG, 20/21) The Commission shall notify in writing the applicant to eliminate incompleteness or irregularities in the documents under Para. 3 and 4 within 7 days of receiving the notification. If the incompleteness or irregularities are not eliminated within the specified period, the application shall not be considered.

(6) (New – SG, 20/21) The Commission shall rule on the request under Para. 2 within 42 days from the submission of the application or from the elimination of the incompleteness or irregularities under Para. 5.

(7) (Former Para. 2 - SG, 20/21) The Commission shall grant an authorization under Para. 1 when the following circumstances are available:

1. (suppl. - SG 105/11, in force from 29.12.2011, amend. and suppl. – SG, 20/21) the transfer or lease does not distort competition in the field of electronic communications, related to the use of a limited resource, and allows these rights or the corresponding spectrum to be optimally allocated, and

2. (suppl. - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) the transfer or lease does not lead to amendments to the conditions for use of the limited resource, or

3. (suppl. - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) the transfer under Para. 1 for provision of electronic communications by electronic communication networks for terrestrial analogue radio broadcasting does not lead to modification of the broadcast by the enterprises licensed by the Council of Electronic Media programs of public operator's subject of public law;

4. (new - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) two years have expired from the grant of the limited resource through a contest or tender;

5. (new - SG, 20/21) in the cases of harmonized radio frequency spectrum - the transfer under Para. 1 meets the conditions for harmonized use;

6. (new - SG, 20/21) the enterprise, to which the rights will be transferred meets the requirements under Art. 93, Para. 2, item 2.

(8) (Former Para. 3 – SG, 20/21) In case of universal succession by transformation of the legal form of the company Para. 1 shall not apply.

(9) (New – SG, 20/21) The Commission, with a motivated decision shall refuse transfer of an authorization or part of the rights and the respective obligations, included in an authorization for use of radio frequency spectrum or the letting of the last one, when with regard to the person under Para. 3, item 2 there is any of the circumstances under Art. 84, Para. 1, item 3.

(10) (New – SG, 20/21) Within 14 days of receiving the notification for issuing the decision under Para. 1, the applicant shall pay to the account of the Commission the due fees.

Art. 122. (1) (amend. SG 17/09; prev. text of Art. 122, amend. - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) The terms and conditions and the procedure for transferring authorizations for use of a limited resource, as well as of part of the rights and respective obligations under the authorization or lease of the radio-frequency spectrum, shall be determined by a legislative act by the Commission after public consultation under Art. 36, which shall be promulgated in the State Gazette.

(2) (new - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) The conditions and order for transfer of authorizations for use of a limited resource, or part of the rights and corresponding obligations, included in the authorization or lease of radio-frequency spectrum, shall not distort the competition.

Art. 123. (1) (amend. - SG 105/11, in force from 29.12.2011, former text of Art, 123, amend. and suppl. – SG, 20/21) The Commission shall publish monthly on its website information about the intentions of the companies for transfer or lease, as well as the transferred rights under issued authorizations or for the leased radio frequency spectrum.

(2) (New – SG, 20/21) The publication shall be done in a standardized electronic format and the information shall be stored until the expiration of the authorization.

Chapter six.

RADIO-FREQUENCY SPECTRUM AND GEOSTATIONARY ORBITAL POSITIONS WITH THE RELEVANT RADIO-FREQUENCY SPECTRUM (TITLE, SUPPL. – SG, 20/21)

Art. 124. (1) (Amend. – SG, 20/21) Management and efficient use of the radio spectrum without harmful interference, shall be carried out in accordance with the State Policy for radio-frequency Spectrum Planning and Allocation, the National Radio Spectrum Allocation Table, the Regulatory Policy on Radio Spectrum Management for Civil Needs, as well as in accordance with international agreements to which the Republic of Bulgaria is a party.

(2) (Amend. – SG, 20/21) When allocating the radio frequency spectrum and determining the conditions for its use:

1. it is ensured efficient spectrum management in accordance with Art. 4 and 4a;
2. objective, transparent, anti-competitive, non-discriminatory and proportionate criteria are applied.

(3) (New – SG, 20/21) Spectrum management shall respect international agreements, including the Radio-communications Rules of the International Telecommunication Union and other agreements,

adopted within that organization, which are applicable to radio spectrum, and shall take into account public policy considerations.

(4) (new - SG 105/11, in force from 29.12.2011, former Para. 3, amend. – SG, 20/21) The harmonized use of spectrum by electronic communications networks and services in the European Union shall be promoted in accordance with the need to ensure its efficient and effective use and to create benefits for consumers, such as competition, economies of scale and interoperability of networks and services, as well as for the purpose of:

1. achieving wireless broadband coverage on the territory of the country and the population with a connection of high quality and speed, as well as coverage of the main transport routes at national and European level, including the trans-European transport network, as referred to in Regulation (EU) № 1315/2013;

2. facilitating the rapid development in the European Union of new wireless communication technologies and applications, including, if necessary, a cross-sectoral approach to spectrum management;

3. ensuring predictability and consistency in the granting, extension, modification, limitation and withdrawal of spectrum rights in order to encourage long-term investment;

4. prevention of cross-border or national harmful interference and taking appropriate preventive and corrective measures;

5. promoting the shared use of radio spectrum between similar or different uses of radio spectrum, in accordance with competition law;

6. implementing the most appropriate and simplified authorization system possible, in order to maximize flexibility, sharing and efficiency in the use of the radio frequency spectrum;

7. implementing rules for the granting, transfer, extension, modification and revocation of radio frequency spectrum rights, which are clearly and transparently established to ensure regulatory certainty, consistency and predictability;

8. consistency and predictability in the European Union, with regard to how radio frequency spectrum use is authorized, while protecting public health, in view of the requirements, regarding the limitation of exposure of the population to electromagnetic fields.

Art. 124a. (New – SG, 20/21) (1) Where there is no market demand at national or regional level for the use of radio frequency band in the harmonized radio spectrum, the Commission may authorize alternative use of all or part of the radio frequency band, including existing use, provided that:

1. the conclusion for lack of market demand for the use of such a tape is based on public consultations, conducted under Art. 37, including a forecast estimate of market demand;

2. the alternative use does not impede or impede the availability or use of such tape in other Member States of the European Union, and

3. take into account the long-term availability or use of such a band in the European Union and the economies of scale for equipment, resulting from the use of harmonized radio spectrum in the European Union.

(2) The Commission shall review any decision to authorize an alternative use exceptionally at least every 2 years. Upon a substantiated request of an interested person to the Commission for use of the radio frequency band in accordance with the technical measures for implementation, adopted according to Art. 4 of Decision № 676/2002 / EC, the Commission shall review its decision as soon as possible.

(3) The Commission shall inform the European Commission and the other Member States of the European Union about the decision under Para. 1 and its justification, as well as for the result of the review under Para. 2.

Art. 124b. (New – SG, 20/21) (1) When coordinating the use of harmonized spectrum for electronic communications networks and services within the European Union, taking into account national

market conditions, a common date may be set, by which the use of a specific harmonized spectrum must be authorized.

(2) Where harmonized conditions are established by means of technical implementing measures in accordance with Decision № 676/2002 / EC, the use of radio spectrum for wireless broadband networks and services shall be authorized no later than 30 months after the adoption of the technical implementing measure or as soon as possible the shortest term after revocation of a decision for permitting alternative use under Art. 124a, Para. 1.

(3) The term under Para. 2 may be postponed for a specific radio frequency band in the following circumstances:

1. restriction of the use of this radio frequency band on the basis of a purpose of general interest under Art. 130, Para. 3, item 1 or 4;

2. unresolved problems with cross-border coordination, leading to harmful disturbances with third countries, provided that support is requested from the European Union under Art. 131a, Para. 6;

3. protective measures for national security and defense, or

4. force majeure.

(4) The postponement of the term under Para. 3 shall be reviewed at least once every two years.

(5) The deadline under Para. 2 may be postponed for a specific radio frequency band for a period of up to 30 months in case of:

1. unresolved problems with cross-border coordination, leading to harmful disturbances with other Member States of the European Union, provided that all necessary measures under Art. 131a, Para. 4 and 5 have been undertaken;

2. the need to ensure, as well as the complexity of ensuring the technical migration of existing users of this radio frequency band.

(6) (Amend. - SG 58/23) The Commission, in coordination with the Ministry of Transport and Communications, shall notify of the postponement of the term under Para. 3 or 5 other Member States of the European Union and the European Commission, giving the relevant reasons.

Art. 124c. (New – SG, 20/21) (1) The Commission may determine general aspects of a spectrum authorization procedure, together with a regulatory or other competent authority of another Member State of the European Union, including conducting a competition or tender procedure with that authority, taking into account the interests, expressed by market participants.

(2) In the preparation of the procedure under Para. 1, the following criteria shall be considered:

1. initiation and implementation of individual national procedures, according to a jointly agreed schedule;

2. general conditions and procedures for the selection and granting of individual rights for use of radio frequency spectrum;

3. general or comparable conditions for individual rights to use radio spectrum, which enable users to be provided with similar blocks of radio spectrum;

4. the possibility of joining regulatory or other competent authorities of other Member States of the European Union, at any time during the procedure.

(3) Where, despite the interest, expressed by market participants, the Commission and a regulatory or other competent authority of another Member State of the European Union do not act together, it shall inform the relevant market participants of the reasons for its decision.

Art. 125. (1) (Amend. – SG, 20/21) Where the use of radio spectrum is harmonized, the conditions and procedures are agreed and the enterprises, to which the radio spectrum is allocated are selected in accordance with international agreements and European Union law, the Commission shall authorize the use of that radio-frequency spectrum.

(2) (Amend. – SG, 20/21) Provided that all national conditions, related to the right to use the

relevant radio-frequency spectrum have been satisfied in the case of a common selection procedure, the Commission shall not impose any further conditions, additional criteria or procedures which would restrict, alter or delay the correct implementation of the common provision of the radio-frequency spectrum.

Art. 126. (Amend. – SG, 20/21) The radio-frequency spectrum shall be allocated into radio-frequencies and radio-frequency bands, radio - services and users.

Art. 127. (1) (Former text of Art. 127, amend. – SG, 20/21) The geostationary orbital positions with the relevant radio-frequency spectrum shall be determined by international agreements.

(2) (New – SG, 20/21) In connection with the exercise of its powers under Art. 32, Para. 1, item 5, the Commission shall adopt rules for interaction with the interested enterprises in the implementation of application, international coordination and registration in international organizations by electronic communications of the positions of the geostationary orbit with the respective radio frequency spectrum and of the radio frequency spectrum, used by a non-geostationary satellite system, and of the procedure of payment of fees, determined by an international act. The rules shall be adopted by the Commission after conducting a public discussion under Art. 36 and shall be promulgated in the State Gazette.

Art. 128. (Amend. and suppl. – SG, 20/21) Management of the radio-frequency spectrum and the use of geostationary orbital positions with the relevant radio-frequency spectrum shall be carried out for the purpose of the efficient use of the radio-frequency spectrum, without harmful interference, subject to observing the interests of the national security of the country, and by observing the principles of predictability, equal treatment and objectivity.

Art. 129. (1) (Suppl. – SG 20/21) The Commission shall assign for use the positions of the geostationary orbit with the relevant radio-frequency spectrum, the radio-frequencies and radio-frequency bands, allocated for civil use.

(2) (amend. and suppl. - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) The Commission shall provide individual rights for use of radio-frequency spectrum, after they have been nationally coordinated and agreed with all interested state authorities, institutions and services for the purpose of guaranteeing the safety of the air and sea traffic and protection of the national security.

(3) (Amend. – SG, 20/21) Should the right of use of radio-frequency spectrum is withdrawn, due to changes in the legislation, arising from the implementation of an international obligation of the Republic of Bulgaria, a compensation from the state budget shall be provided, its size being determined with a motivated decision of the Commission.

(4) (New – SG, 20/21) The right to use radio frequency spectrum may be limited or revoked for reasons, arising from the need to ensure the efficient and effective use of radio frequency spectrum or the application of technical implementing measures, adopted pursuant to Art. 4 of Decision № 676/2002 / EC, in compliance with the principles of proportionality and equality and after conducting a public consultation under Art. 37 within a period, not shorter than 30 days. In these cases, compensation from the state budget may be provided, the amount of which shall be determined upon a motivated proposal of the Commission, which shall be subject to the public consultation under sentence one.

Art. 130. (1) (prev. text of Art. 130 - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) The right of use of radio-frequency spectrum shall not be related to restrictions with regard to the type of services provided or technologies used.

(2) (new - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) The restrictions on the

rights of use of radio-frequency spectrum in terms of the used technologies shall be allowed, where this is necessary to:

1. avoid harmful interference;
2. protect public health against electromagnetic fields;
3. ensure technical quality of service;
4. (amend. – SG, 20/21) ensure maximum of radio frequency use sharing;
5. (amend. – SG, 20/21) safeguard efficient use of radio frequency spectrum; or
6. (amend. – SG, 20/21) ensure the fulfilment of general interest objectives in compliance with

Para. 3.

(3) (new - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) The restrictions on the rights of use of radio-frequency spectrum in terms of the provided services shall be admissible only in order to ensure the fulfilment of a general interest objective, mainly related to:

1. safety of life;
2. the promotion of social, regional or territorial cohesion;
3. (amend. – SG, 20/21) the avoidance of inefficient use of radio frequency spectrum; or
4. (amend. – SG, 20/21) the promotion of cultural and linguistic diversity and media pluralism, including the provision of radio and television broadcasting services.

(4) (new - SG 105/11, in force from 29.12.2011, suppl. – SG, 20/21) A prohibition on the provision of any other electronic communications service in a specific radio frequency band may only be provided only by the need to protect of the operation of radio services related to the life safety. Exceptionally, the scope of such prohibition may also be extended in order to achieve other general interest objectives defined in accordance with European Union law.

(5) (New – SG, 20/21) Change of the use of the radio frequency spectrum under Para. 2 - 4 shall not be the only ground for revocation of an individual right to use radio frequency spectrum.

Art. 130a. (new - SG 105/11, in force from 29.12.2011) The Commission shall regularly, at least once every two years, review the necessity of the restrictions referred to in Art. 130, Para 2 - 4, and shall make the results of these reviews public on its website.

Art. 131. (revoked - SG 105/11, in force from 29.12.2011)

Art. 131a. (New – SG, 20/21) (1) (Amend. - SG 58/23) The Ministry of Transport and Communications, in agreement with the Commission, shall take the necessary measures for the use of radio spectrum in a manner, that does not create obstacles for other Member States of the European Union to allow the use of harmonized spectrum, in accordance with European Union law, including cross - border harmful interference between the Republic of Bulgaria and other Member States of the European Union.

(2) The measures under Para. 1 shall be adopted in accordance with the obligations, arising from an international agreement, to which the Republic of Bulgaria is a party, including the Radio Regulations of the International Telecommunication Union and the regional radiocommunication agreements of the International Telecommunication Union.

(3) (Amend. - SG 58/23) The Ministry of Transport and Communications, in coordination with the Commission, shall cooperate with the competent authorities of other Member States of the European Union, including within the Spectrum Policy Group, in the cross-border coordination of the use of radio spectrum, for:

1. enterprise and implementation of the measures under Para. 1;
2. resolving problems or disputes, related to cross - border coordination or cross - border harmful interference between the Member States of the European Union and third countries, that prevent the

use of the harmonized radio frequency spectrum on the territory of the Republic of Bulgaria or another Member State of the European Union.

(4) (Amend. - SG 58/23) The Ministry of Transport and Communications, in agreement with the Commission, may request the assistance of the Radio Spectrum Policy Group in resolving a problem or dispute, related to cross-border coordination or cross-border harmful interference.

(5) (Amend. - SG 58/23) When the actions under Para. 3 or 4 have not resolved a problem or dispute, the Ministry of Transport and Communications in coordination with the Commission may request the European Commission to adopt a decision on resolving a dispute in connection with a problem of cross-border harmful interference between the Republic of Bulgaria and another country. - a Member State of the European Union, which makes it difficult to use the harmonized spectrum.

(6) (Amend. - SG 58/23) The Ministry of Transport and Communications, in agreement with the Commission, may request the European Union to provide legal, political and technical support for addressing radio spectrum coordination issues with the European Union's neighbors, including applicant countries and acceding countries, so that the Republic of Bulgaria may fulfill its obligations under the European Union law.

Chapter seven.

NUMBERING RESOURCES (TITLE, AMEND. – SG, 20/21)

Section I.

National Numbering resources (New - SG 105/11, in force from 29.12.2011, title amend. - SG 20/21)

Art. 132. (Suppl. – SG, 20/21) The National Numbering Plan shall constitute allocation of the numbers used by enterprises providing public electronic communication services in electronic communication networks for identification, routing and billing, other than interpersonal communication services without numbers.

Art. 132a. (New – SG, 20/21) (1) The Commission shall grant rights to use all national numbering resources, manage the National Numbering Plan, provide adequate numbering resources for all public electronic communications services and control their use.

(2) Rights to use national numbering resources shall be granted through objective, transparent and non-discriminatory procedures.

(3) The Commission may make national numbering resources available for the purpose of providing specific services to enterprises, other than providers of electronic communications networks or services, provided that:

1. sufficient numbering resources are provided to meet current and foreseeable future needs;
2. enterprises demonstrate, that they can manage the numbering resources and comply with the relevant conditions, set out in the authorization for the use of numbering resources.

(4) The Commission may terminate the use of numbering resources under Para. 3, if it establishes, that there is a risk of exhaustion of the numbering resources.

Art. 133. (1) (Amend. – SG, 20/21) The National Numbering Plan shall be drafted by the Commission in accordance with the regulatory policy under Art. 30, Para. 1, item 7.

(2) (Amend. – SG, 20/21) The National Numbering Plan shall be drafted taking into consideration the acts of international organizations or their competent bodies, related to numbering resources, in order to ensure efficient use of the numbering space.

(3) (Amend. – SG, 20/21) The National Numbering Plan and any subsequent additions or amendments thereto shall be published in the official section of the State Gazette.

(4) (Amend. – SG, 20/21, amend. - SG 58/23) The Commission shall define a range of non-geographic numbers for the provision of electronic communications services, other than interpersonal communications services, throughout the European Union, subject to the requirements and restrictions of Regulation (EU) 2022/612 of the European Parliament and of the Council of April 6, 2022 on roaming on public mobile communications networks within the Union (OJ L 115/1 of April 13, 2022), hereinafter referred to as "Regulation (EU) №2022/612" and Art. 138c, Para. 3.

(5) (New – SG, 20/21) The numbers from the scope under Para. 4 may be provided for use also in the cases under Art. 132a, Para. 3.

(6) (New – SG, 20/21) The Commission shall send to the European Regulators Authority in the field of electronic communications information on the definitions under Para. 4 range of numbers.

(7) (New – SG, 20/21) The Commission may authorize the numbers under Para. 4 to be used on the territory of countries outside the European Union.

(8) (New – SG, 20/21) Providers, who use numbering resources with the code of the Republic of Bulgaria in other Member States of the European Union shall comply with consumer protection rules and other national regulations, regarding the use of numbering resources, applicable in the countries, where the numbering resources are used.

Art. 133a. (new - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) The rules for use, allocation and the procedures for primary and secondary grant of use, reservation and deprivation of numbering resources shall be determined in an ordinance of the Commission following a public discussion as set out in Art. 36, which shall be promulgated in the State Gazette.

Art. 133b. (New – SG, 20/21) The Commission may conclude agreements on the use of interpersonal communication services with numbers between neighboring settlements in the border areas with other Member States of the European Union, including the use of a common numbering plan for all or specific categories of numbers. The Commission shall inform all enterprises and end-users, concerned by the agreement in due time before the entry into force of the agreement.

Section II.

Portability of the Numbers (New - SG 105/11, in force from 29.12.2011)

Art. 134. (1) (amend. - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) Enterprises, providing public electronic communication services by using numbers of the National Numbering Plan shall ensure the portability of the numbers, where the end users have the right, on request, to keep their numbers, regardless of the company providing the service, for:

1. (amend. - SG 105/11, in force from 29.12.2011) their geographic number when changing the enterprise, providing the respective service and/or when changing their address within one geographic national destination code;

2. (amend. - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) their non-geographic number for every location;

3. (amend. - SG 105/11, in force from 29.12.2011, repealed – SG, 20/21).

(2) (amend. SG 17/09; revoked - SG 105/11, in force from 29.12.2011)

(3) (amend. - SG 105/11, in force from 29.12.2011) The Commission shall adopt functional specifications for portability of the numbers referred to in Para 1 following a public consultation procedure under Art. 36 and shall promulgate them in the official section of the State Gazette.

(4) Functional specifications shall contain:

1. technical terms and conditions for implementation of portability;
2. required actions from enterprises, obliged to provide portability, including time limits for their implementation;
3. method of implementation of portability;
4. requirements with regard to data base, required for provision of routing;
5. (amend. – SG, 20/21) obligations of enterprises, providing portability, and reasons for waiving of provision of the service to end users;
6. procedure of implementation of portability;
7. principles of pricing and sharing of expenses between enterprises.
8. (new – SG, 20/21) rules for compensation of end-users by suppliers in an easy and timely manner in case of non-compliance with the obligations under this Section, including in case of delays or abuses of number portability processes, as well as missed service and installation meetings;
9. (new – SG, 20/21) requirements for informing the end - users during the transfer processes, as well as for the existence of the compensation rights, specified in item 8.

(5) (new - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) The porting of the numbers and their subsequent activation shall be carried out as soon as possible, determined in the functional specifications under Para. 3, if possible, on the date, when such is explicitly agreed with the end user. The receiving provider shall activate the number, requested for porting within one working day from the agreed date, and the deprivation of service during the portability process shall not exceed one working day. In cases, where the end user does not exercise his right to agree on a specific date of portability, it is determined by the receiving and donating provider.

(6) (new - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) When an end user terminates a contract, he shall reserve the right to carry a number under Para. 1 to another supplier for a period of at least one month after the date of termination, unless he explicitly waives this right.

Art. 134a. (New – SG, 20/21) (1) The host provider shall manage the number portability processes by cooperating in good faith with the donor provider. Providers shall be obliged not to delay, not to abuse the number porting process and not to port numbers without the explicit consent of the end users. End-user contracts with the donor provider shall be automatically terminated, once the portability process is complete.

(2) On request, donor providers shall reimburse the remaining credit to customers, who use prepaid services. The donor may charge a fee for the reimbursement, that is proportionate and correct to the actual costs, incurred by the donor provider, only if provided for in the contract.

(3) In case of failure of the transfer process, the donor provider shall reactivate the number and services of the end user until successful completion of the transfer. The donor provider shall continue to provide its services under the terms of the current contract with the end user until the activation of the services of the receiving provider.

(4) The obligations under Para. 3 shall not be applied in case of number portability under Art. 134, Para. 6.

Art. 134b. (New – SG, 20/21) Enterprises, whose access networks or facilities are used by the donor or host provider, or both, shall ensure, that there is no deprivation of service, which would delay number portability.

Art. 135. (revoked - SG 105/11, in force from 29.12.2011)

Art. 136. (1) (amend. SG 17/09; amend. - SG 105/11, in force from 29.12.2011) Undertakings providing electronic communication networks and/or services shall determine between them prices related to the portability of numbers, as follows:

1. a single fee, covering the expenses related to check of subscribers or users identification and for any other activities related to administration of number portability process;

2. the price of interconnectivity with regard to change of the undertaking under Art. 134, Para 1 subject to observance of the principle of cost orientation.

(2) (revoked - SG 105/11, in force from 29.12.2011)

Art. 136a. (new - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) The enterprises under Art. 134, Para. 1 may not determine and impose on the end user's payment of prices for number portability.

Art. 137. (amend. SG 17/09; revoked - SG 105/11, in force from 29.12.2011)

Art. 138. (revoked - SG 105/11, in force from 29.12.2011)

Section III.

Access to Numbers and Services (New - SG 105/11, in force from 29.12.2011)

Art. 138a. (new - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) An enterprise, to which a right to use numbering resources has been granted shall not discriminate against other providers of electronic communications services and enterprises with a granted right to use numbering resources under Art. 132a, Para. 3 through unequal conditions, with regard to the numbering resources, used for providing access to their services.

Art. 138b. (new - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) The enterprises providing public interpersonal communication services with numbers and enabling outgoing calls to numbers of the National Numbering Plan shall ensure free access, including through public paid telephones for the end users to the single European emergency call number 112 and to the national emergency call numbers.

Art. 138c. (new - SG 105/11, in force from 29.12.2011) (1) (Amend. – SG, 20/21) Where economically feasible, the enterprises providing public electronic communication services shall enable the end users to:

1. access non-geographic numbers and use services using non-geographic numbers within the European Union;

2. access all numbers, provided in the European Union, regardless of the technology and devices, used by the enterprise, including those in the national numbering plans of the EU Member States and universal international telephone numbers for access to free access services.

(2) (Amend. – SG, 20/21) Where a called end user has chosen for commercial reasons to limit access by calling parties, located in specific geographical areas, Para 1 shall not apply.

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

(4) (amend. – SG, 20/21) Where the number referred to in Para 3 belongs to the numbering plan of another Member State of the European Union, or is a universal international freephone number, granted to an enterprise providing public electronic communication services on the territory of that Member State, the

Commission shall cooperate with the competent regulatory authorities of the said Member State for enterprise the actions referred to in Para. 3.

(5) The Commission may undertake the actions referred to in Para 3 also at a reasoned request by a regulatory or another authority of a Member State of the European Union.

Art. 138d. (new - SG 103/16, amend. – SG, 20/21) Enterprises, which provide services for voice messages through fixed or mobile terrestrial networks shall not be entitled to register and to activate on the name of one end user more than 10 phone numbers, through which prepaid services for voice messages are provided.

Chapter eight.

FEES

Art. 139. (1) (Amend. – SG, 20/21) The amount of the administrative fees payable by persons providing electronic communications in application of the provisions of this Act shall correspond to the administrative expenses of the Commission, required for international coordination and cooperation, harmonization and standardization, market analysis and market control, preparation and application of secondary legislation, issuing administrative acts and exercising control over their implementation.

(2) The administrative fees under Para. 1 shall be:

1. annual control fee;
2. (repealed – SG, 20/21);
3. (suppl. – SG 11/14, in force from 07.02.2014, repealed – SG, 20/21);
4. single fee for administrative services.

Art. 140. (Amend. – SG, 20/21) (1) When granting individual rights to use a limited resource, the persons shall pay a one-time fee for issuing a permit for the use of a limited resource.

(2) When conducting a tender for issuing a permit for use of a limited resource, the final tender price shall include the fee under Para. 1.

(3) In case of amendment and supplementation of a permit for use of radio frequency spectrum, a one-time fee shall be due.

(4) When extending the validity of a license for the use of radio frequency spectrum for terrestrial networks, allowing the provision of electronic communications services, a one-time fee shall be paid.

(5) The fees for use of a limited resource in individual rights of use shall be:

1. annual fee for use of a limited resource;
2. fee for provisional use of a limited resource.

Art. 141. (1) (Suppl. – SG, 20/21) The amount of the administrative control fee shall be up to 1.2 percent of the gross annual income from the provision of electronic communications networks and/or services, exclusive of Value Added Tax after deduction of transfer payments to other enterprises for interconnection of networks and for access, transit, roaming, value added services and expenses for settlement of copyrights and related rights for radio- and television programs. Gross revenues from the provision of electronic communications networks and services shall also include all revenues, arising from the use of the limited resource.

(2) (Amend. – SG, 20/21) The fee under Para. 1 shall be paid by the persons, providing public

electronic communications, until July 15 of the following year and shall be calculated on the basis of the revenues and costs under Para. 1, the information for which has been provided by the enterprises under Art. 40.

Art. 142. (Amend. – SG, 20/21) (1) The single fee for administrative services shall include costs for labour and materials;

(2). The one-time fees under Art. 140 for individual rights to use radio spectrum shall include the costs of frequency planning and national coordination.

Art. 143. (Amend. – SG, 20/21) Persons, performing electronic communications after granting individual rights to use a limited resource shall pay annual fees for the use of numbering resources, radio frequency spectrum or positions in the geostationary orbit with the respective radio frequency spectrum.

Art. 143a. (New – SG, 20/21) (1) The amounts of fees under Art. 140 and 143 shall be determined, taking into account the economic and technological status of the market.

(2) The Commission shall determine the amounts of the applicable fees for individual rights to use spectrum in a way, that ensures the efficient allocation and use of spectrum, including through:

1. determination of minimum one-time fees under Art. 140, Para. 1, 3 and 4, taking into account the value, according to the tariff under Art. 147 of the rights for use of radio frequency spectrum in case of possible alternative use;

2. taking into account the costs, which are caused by the conditions, to which the rights under item 1 are bound, and

3. application of payment conditions, related to the actual availability for use of the radio frequency spectrum.

(3) When determining the amount of the applicable fees for the individual rights for use of harmonized radio frequency spectrum for wireless broadband services, the requirements under Art. 71a shall be accounted for.

(4) Decision for extension of the term of permission for use of harmonized radio frequency spectrum under Art. 114b may lead to a review of the amounts of the applicable fees and other conditions, related to them, for the individual rights for use of harmonized radio frequency spectrum in the respective radio frequency band, in accordance with the results of the performed analysis under Art. 53, Para. 2.

(5) The amount of the fee under Art. 140, Para. 1 for the individual rights for use of numbering resources shall be determined in a way, that ensures efficient use of the numbering resources.

(6) The amounts of fees under Art. 140 and 143 for individual rights to use radio spectrum shall be determined on the basis of one or more of the following criteria:

1. number of registered residents, who could be served by the electronic communication network, for which an individual right has been provided for use of radio-frequency spectrum;

2. territorial coverage;

3. effective radiated power or transmitter output power;

4. frequency band used;

5. number of radio stations used;

6. number of radio-frequency channels used;

7. type of the radio-frequency channel (radio-frequency band) simplex/duplex;

8. type of the electronic communication networks;

9. number of the electronic communication networks used;

10. purpose of use of the radio stations and electronic communication networks;

11. period of use of the radio-frequency spectrum;

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(7) The amount of the fee for use of numbering resources under Art. 143 shall be determined on the basis of the degree of limitation of the numbering resources, taking into account their economic value, determined on the basis of criteria, which the Commission shall determine in advance and publish on its website.

Art. 144. (revoked - SG 105/11, in force from 29.12.2011)

Art. 145. (1) (amend. SG 17/09; amend. - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) The fees under Art. 143 shall be payable in 4 equal installments by the end of the quarter, for which they are due.

(2) (amend. - SG 105/11, in force from 29.12.2011) Undertakings can pay the fees under Art. 143 by the end of the first quarter of the current year. In such a case the undertakings shall get a 5 per cent discount.

Art. 146. (1) (Amend. – SG, 20/21) In case of a granted provisional authorization for use of radio-frequency spectrum, the persons shall pay the following fees:

1. single fee for issuing the authorization;
2. (amend. – SG, 20/21) fee for provisional use of radio-frequency spectrum.

(2) The fee under Para 1, Item 2, shall be proportional to the period for which the permission is granted.

Art. 147. (1)) The amount of the fees under the present chapter, the terms and method of payment shall be determined in a Tariff for the Fees collectable by the Commission, adopted by the Council of Ministers under a proposal of the Commission.

(2) (Repealed – SG, 20/21).

(3) The fees shall be determined in view of achieving the objectives under Art. 4 and in compliance with the principles of objectivity, transparency, equality and proportionality, as the additional administrative costs and the accompanying fees shall be reduced to the minimum.

(4) (Amend. – SG, 20/21) Persons who have received an individual right to use the same limited resource shall pay the same annual fees.

(5) (New – SG, 20/21) In the tariff under Para. 1 the cases of exemption shall be determined from one or more administrative fees under Art. 139, Para. 2 of enterprises, whose turnover is below a certain threshold, or whose activities do not exceed a certain market share or limited territorial scope.

Art. 148. (Amend. - SG 100/19, in force from 01.01.2020) The fees under the tariff are received and reported to the budget of the committee which administers these revenues.

Art. 149. (1) (Revoked - SG 100/19, in force from 01.01.2020)

(2) Fees under the present chapter shall not be payable by:

1. state authorities providing electronic communications for their own needs related to their functions;
2. diplomatic representations and other organizations of a diplomatic mission statute, in case of provision of electronic communications for their own needs, on reciprocity basis;
3. (new – SG, 20/21) scientific organizations, that carry out electronic communications for their own needs, for the implementation of short-term projects or experimental use.

Chapter nine.

MARKETS FOR ELECTRONIC COMMUNICATION NETWORKS AND/OR SERVICES

Art. 150. (1) (amend. - SG 105/11, in force from 29.12.2011) The Commission shall identify, analyse and assess the relevant markets for electronic communications networks and/or service in regard of effective competition in compliance with the general principles of the competition law and specific national conditions, shall designate operators with significant market power and shall, where appropriate, impose, maintain, change and/or withdraw specific obligations of the undertakings providing public electronic communications networks and/or services, for achieving the objectives of this Act.

(2) The terms and conditions and the procedure for identification, analysis and assessment of respective markets and the criteria to be applied to determine undertakings with significant market power shall be laid down in a methodology.

(3) (amend. and suppl. SG 17/09; amend. and suppl. - SG 105/11, in force from 29.12.2011, suppl. – SG, 20/21) The methodology under Para 2 shall be drafted and adopted by the Commission, in cooperation with the Commission for Protection of Competition, in compliance with the general principles of the competition laws and in compliance with the requirements of the European Community law, taking into account - as far as possible - the applicable recommendations on the relevant markets for products and services in the electronic communications sector and guidelines for market analysis and assessment of the significant market power of the European Commission. The methodology shall be adopted by the Commission following public discussions under Art. 36 and shall be promulgated in the State Gazette.

(4) (New – SG, 20/21) The documents and information, that the enterprises provide to the Commission for performing the analysis under Art. 151, Para. 1, shall be determined in the methodology under Para. 2.

Art. 151. (1) (amend. and suppl. - SG 105/11, in force from 29.12.2011) The Commission shall periodically analyse, identify and assess the markets for public electronic communications networks and/or services, and shall identify existence or lack of effective competition.

(2) (amend. - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) The draft decision of the Commission identifying the relevant market, the analysis and the assessment whether there is effective competition, including designation of an enterprise or enterprises with significant market power on the relevant market and the specific obligations to be imposed, maintained, changed and/or withdrawn shall be presented, where appropriate, to the Commission for Protection of Competition for expressing an opinion and shall be published on the webpage of the Commission for a period of at least 30 days. The Commission for Protection of Competition shall pronounce a judgement within 30 days from the receipt of the draft.

(3) Within 30 days after expiry of the period under Para 2, the Commission shall consider the opinions and the proposals received, and shall publish them on its webpage, except for those parts, representing trade secrets, the adopted proposals and their incorporation in the draft, as well as the reasons for the non-acceptable proposals.

(4) (revoked - SG 105/11, in force from 29.12.2011)

(5) (amend. - SG 105/11, in force from 29.12.2011) Following the end of the procedure under Para 2 and 3 the Commission shall coordinate the draft decision as set out in Art. 42.

Art. 152. (1) (amend. SG 17/09; amend. - SG 105/11, in force from 29.12.2011, suppl. – SG, 20/21) The Commission shall determine the respective markets in compliance with the requirements of the law of the European Union and the national conditions, taking into account as far as possible the applicable guidelines of the European Commission for market analysis and assessment of significant market power.

The Commission shall follow the procedures, specified in Art. 36, 42 and 42a.

(2) (amend. - SG 105/11, in force from 29.12.2011, suppl. – SG, 20/21) The Commission shall specify the product and geographical range of the respective markets according to the methodology referred to in Art. 150, Para 2. In determining the geographical scope, the degree of infrastructural competition shall also be taken into account, as well as, where applicable, the results of the geographical survey under Art. 181a.

(3) (revoked - SG 105/11, in force from 29.12.2011)

(4) (revoked - SG 105/11, in force from 29.12.2011)

(5) (amend. SG 17/09; amend. - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21)

When determining a relevant market other than those mentioned in the applicable recommendation of the European Commission, on the relevant markets for products and services in the electronic communications sector, the Commission shall be guided by the principles of the competition law and shall assess whether all of the criteria referred to in Items 1, 2 and 3 have been met:

1. (suppl. - SG 105/11, in force from 29.12.2011) availability of high and sustainable structural, legislative and regulatory barriers for entering the market, and

2. (amend. – SG, 20/21) the structure of the market does not imply the achievement of effective competition within a relevant time horizon, taking into account the state of competition in terms of infrastructure and other sources of competition beyond barriers to entry, and;

3. (amend. – SG, 20/21) insufficient effectiveness of competition law to overcome the identified market problems.

(6) (new - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) The Commission may not carry out analysis of a relevant market mentioned in the applicable recommendation of the European Commission on the relevant markets for products and services in the electronic communications sector, when it finds, that at least one of the criteria under Para. 5 is not fulfilled.

Art. 153. (Repealed – SG, 20/21)

Art. 154. (1) The Commission shall analyse the effectiveness of competition on a relevant market according to the methods and principles of the competition law.

(2) An effective competition on a relevant market shall be considered existing when there is no undertaking providing electronic communications networks and/or services, which individually or jointly with other undertakings has significant market power on that market.

(3) (New – SG, 20/21) In the analysis under Art. 151, the Commission shall consider the development of the respective market in perspective in the absence of imposed regulation and take into account each of the following circumstances:

1. market development trends, that would affect the likelihood, that the relevant market will compete effectively;

2. all competitive restrictions at wholesale and retail level, whether those restrictions result from electronic communications networks, electronic communications services or other services, or applications, that are comparable from the end-user's point of view, and whether those restrictions are part of the relevant market;

3. other types of imposed obligations, affecting the relevant market or the related retail market during the period under review, including the obligations, imposed pursuant to Art. 158, 160, 160a and 160b, as well as according to Art. 28 of the Electronic Communications Networks and Physical Infrastructure Act;

4. imposed obligations on other relevant markets on the grounds of Art. 152, Para. 1.

Art. 155. (1) Where on the basis of analysis of a relevant market it has been found out that the competition is effective, the Commission shall not impose specific obligations on the undertakings providing public electronic communications networks and/or services on that market.

(2) In case specific obligations have been imposed, the Commission shall withdraw those obligations of undertakings providing public electronic communications networks and/or services on the respective market.

(3) (new SG 105/11, in force from 29.12.2011) Where specific obligations have been imposed to undertakings providing conditional access to digital radio and television programmes, they may be changed or revoked in case that a market analysis has shown there is effective competition as long as:

1. the access of the end consumers to radio and television programmes, channels and services, determined for mandatory transmission, will not be adversely affected by the revocation or change of the obligations;

2. there will not be adverse effects on the perspectives for effective competition on the markets of:

a) digital television and radio broadcasting retail services;

b) conditional access systems and other programme and technical means related thereto.

(4) (new SG 105/11, in force from 29.12.2011, amend. and suppl. – SG, 20/21) The persons, affected by the change or revocation of obligations under Para. 3 shall receive an advance notice, allowing sufficient term for the expected change or revocation of the obligations. The deadline shall be determined on the basis of a balance between the need to ensure a sustainable transition for those, who have acquired rights from the imposition of these obligations and for end-users, the choice of end-users and the fact, that regulation does not last longer than necessary. When determining the period of notice, the Commission may set special conditions and time limits for notices in relation to the existing access agreements.

Art. 156. (1) (amend. SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) Where on the basis of analysis of a relevant market it has been found out, that the competition is not effective, the Commission shall designate enterprises, which independently or together have significant power on a relevant market, and impose to this enterprise or enterprises specific obligations, provided for in Art. 166, or maintain or amend such obligations, where they already exist, if it considers, that the choice for end-users would be limited in the absence of such obligations, without prejudice to:

1. the provisions of Art. 155, Para. 3, Art. 160 - 160c and Art. 178;

2. the provisions of Art. 28 of the Electronic Communications Networks and Physical Infrastructure Act, Art. 63, Art. 106, Para. 2, item 7, Art. 134, 138c and 230b, in relation to the obligations of enterprises, other than those, designated as enterprises with significant market power;

3. compliance with international commitments.

(2) (amend. SG 105/11, in force from 29.12.2011, repealed – SG, 20/21).

(3) (revoked SG 105/11, in force from 29.12.2011)

(4) (revoked SG 105/11, in force from 29.12.2011)

(5) (new SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) The Commission may establish, that two or more enterprises together have significant market power, not only when there are structural or other links between them, but also when the structure of the relevant market leads to coordinated results, promoting parallel or concerted anti-competitive behavior in the market.

(6) (new SG 105/11, in force from 29.12.2011) Where an enterprise has significant market power on a specific market, it may also be designated as having significant market power on a closely related market, where a market analysis has shown that the links between the two markets are such as to allow the market power of the enterprise held in the first market to be leveraged into the second market, thereby strengthening its market impact.

(7) (new SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) In the cases under Para 6 the Commission may impose to the enterprise specific obligations in the second market as set out in Art. 166, Para 2, Items 1, 2, 3 and 5 aimed at preventing its market impact on the said market.

(8) (New – SG, 20/21) In exceptional circumstances, when it intends to impose on the enterprises with significant impact on the respective market obligations for access or interconnection, different from those, provided in Art. 166, Para. 2, items 1 - 6 and Para. 3, items 3 and 4, the Commission shall submit a request for permission to the European Commission.

(9) (New – SG, 20/21) The obligations under Para. 8 shall be imposed after permission from the European Commission.

Art. 156a. (new SG 105/11, in force from 29.12.2011, repealed – SG, 20/21)

Art. 157. (amend. SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) The specific obligations, which the Commission may impose, maintain, change or withdraw, shall be:

1. proportionate, taking into account costs and benefits - where possible;
2. justified in terms of the objectives, set out in Art. 4;
3. imposed after conducting the procedures in accordance with Art. 36 and 42;
4. based on the nature of the problem, identified by the Commission in the market analysis, taking into account, if appropriate, the determination of cross-border demand, according to Art. 157c.

Art. 157a. (new SG 105/11, in force from 29.12.2011) (1) (Suppl. – SG, 20/21) The Commission shall determine, analyze and assess the markets and impose, extend, change or revoke specific obligations to enterprises with significant market power on the relevant markets and send a notification, regarding the respective draft decision according to Art. 42 within:

1. (amend. – SG, 20/21) 5 years of imposing specific obligations on the enterprise or enterprises with significant power on the same market exceptionally, this five-year period may be extended by a maximum of one year, when the Commission has notified the European Commission, submitting a reasoned proposal for an extension, no later than four months before the end of the five-year period and the European Commission within one month has not objected to it;

2. (amend. – SG, 20/21) three years since the amendment of the applicable European Commission recommendation on the relevant markets for products and services in the electronic communications sector, which identifies relevant markets, that have not yet been identified by the European Commission as subject to ex ante regulation.

(2) (Amend. – SG, 20/21) Where the Commission has not completed its analysis of a relevant market within the time limit laid down in Para 1, it may request assistance from the Body of European Regulators for Electronic Communications in completing the analysis of the specific market and determining the specific obligations to be imposed. In such cases, the Commission shall within six months from expiry of the terms under Para. 1 while observing the procedure under Art. 42.

(3) (New – SG, 20/21) The Commission shall monitor the development of the relevant market, taking into account the impact of emerging factors, affecting competitive dynamics, such as trade agreements, including joint investment agreements.

(4) (New – SG, 20/21) When the market development under Para. 3 is not significant enough to require a new market analysis under Art. 151, the Commission shall immediately assess, whether it is necessary to review the obligations, imposed on enterprises with a significant impact on the relevant market, as it may amend any of its previous decisions, including by revoking obligations or imposing new obligations, in order to ensure, that these obligations continue to meet the conditions, set out in Art. 157.

These amendments shall be imposed only after conducting the procedures, according to Art. 36 and 42.

Art. 157b. (new SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) (1) The Commission, together with one or more national regulatory authorities of other Member States of the European Union, may make a reasoned request, including evidence, to the European Regulators Authority for Electronic Communications to carry out an analysis of a potential cross - border market. Cross-border markets shall be defined by a decision of the European Commission.

(2) In case of cross-border markets under Para. 1, the Commission and the respective national regulatory authorities of other Member States of the European Union shall jointly perform the market analysis, taking into account the applicable guidelines of the European Commission for market analysis and assessment of significant market power, and take an agreed decision, regarding the imposition, continuation, amendment or cancellation of specific obligations under Art. 156, Para. 1. The Commission and the relevant national regulatory authorities of other Member States of the European Union shall jointly notify the European Commission of the measures to be adopted in connection with the market analysis and the regulatory obligations under Art. 42, 42a and 42b.

(3) The Commission and the relevant national regulatory authorities of other Member States of the European Union may jointly notify the European Commission of the measures they plan, in relation to market analysis and regulatory obligations in the absence of cross-border markets, when they consider, that market conditions in the relevant Member States of the European Union are sufficiently homogeneous.

Art. 157c (New – SG, 20/21) (1) The Commission, together with one or more national regulatory authorities of other Member States of the European Union, may make a reasoned request to the European Regulators Authority for Electronic Communications to analyze cross-border demand from end-users of products and services, which are available in the European Union in one or more markets, specified in the applicable European Commission recommendation on the relevant markets for products and services in the electronic communications sector. The request must be supported by relevant evidence of a serious demand problem.

(2) The Commission shall take into account to the maximum extent the guidelines of the European Regulators Authority, in the field of electronic communications on common approaches to identified cross-border demand, including, if necessary, when specific obligations under Art. 166 are needed.

Chapter ten.

ACCESS AND INTERCONNECTION

Section I. General Provisions

Art. 158. (Amend. – SG, 20/21) The Operators shall have the right and, when requested by another operator, also an obligation to negotiate interconnection of their networks for the purpose of provision of public electronic communications services and ensuring interoperability of services.

Art. 159. (1) (Amend. – SG, 20/21) Operators shall be free to negotiate access and / or interconnection and enter into a written contract.

(2) (new - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) Operators shall provide

access and/or interconnection in compliance with the obligations imposed by the Commission, where available.

(3) (prev. text of Para 02 - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) Operators shall forward a copy of the contract or of its amendments to the Commission for information within one month after their signing.

Art. 160. (amend. - SG 105/11, in force from 29.12.2011) (1) (Amend. and suppl. – SG, 20/21) The Commission shall, acting in pursuit of the objectives set out in Art. 4 and in compliance with the principles set out in Art. 5, encourage and where appropriate impose to the enterprises providing public electronic communication networks and/or services obligations for access and/or interconnection, and the interoperability of services, in a way that promotes efficiency, sustainable competition, efficient investment and innovation, deployment of very large capacity networks, and provision of the maximum benefit to end-users.

(2) Besides the obligations that may be imposed to an enterprise with significant market power as set out in Chapter Nine, the Commission may with regard to Para 1 impose obligations such as:

1. (amend. – SG, 20/21) obligations as necessary to guarantee end-to-end connectivity of enterprises having submitted notification under Art. 66, Para. 1, controlling the access to end consumers, including in justified cases obligations for interconnection of their networks, if not already implemented;

2. (amend. – SG, 20/21) in justified cases and within the necessary degree, obligations to the enterprises, having submitted notification under Art. 66, Para. 1, controlling the access to the end users, to make their services interoperable;

3. (amend. – SG, 20/21) obligations as long as necessary to guarantee access of the end users to digital radio and television broadcasting services, as well as to additional related services, designated by the Commission to operators for providing access to application interfaces to electronic programming guides under justified, objective and equal conditions.

4. (new – SG, 20/21) in justified cases, where end-to-end connectivity between end-users is jeopardized by the lack of interoperability between interpersonal communications services and, to the extent, necessary to ensure end-to-end connectivity between end-users, obligations for the relevant interpersonal communications service providers without numbers, reaching a significant degree of coverage and distribution among users to make their services interoperable.

(3) (New – SG, 20/21) The obligations under Para. 2, item 4 may be imposed only:

1. to the extent, necessary to ensure the interoperability of interpersonal communications services, and may include a proportionate obligation for providers of those services to publish and authorize the use, modification and re-dissemination of relevant information by the Commission or other competent authorities and providers, or an obligation to use and apply standards or specifications according to Art. 280;

2. where the European Commission has adopted implementing measures, specifying the nature and scope of the obligations, that may be imposed.

(4) (New – SG, 20/21) The Commission shall draw up guidelines and publish on its website the procedures, applicable to access and interconnection to ensure, that small and medium-sized enterprises and operators with limited geographical coverage may benefit from the obligations imposed.

Art. 160a. (New – SG, 20/21) (1) Upon a reasonable request, without prejudice to Art. 160, the Commission may impose obligations to provide access to electrical installations, cables and adjacent facilities in buildings or to the first concentrator or distribution point, determined by it, when this point is located outside the building. Where duplication of these network elements would be economically unprofitable or physically impossible, these obligations may be imposed on the providers of electronic communications networks or on the owners of those installations, cables and associated facilities, where

those owners are not providers of electronic communications networks.

(2) Imposed access obligations may include rules for:

1. access to the relevant network elements and adjacent facilities and services;
2. transparency and equality;
3. allocation of access costs, which change when it is necessary to take into account risk factors.

(3) The Commission, taking into account the obligations, determined on the basis of an analysis of the respective market under Art. 151, and accept, that the imposed in accordance with Para. 1 obligations, are not sufficient to overcome serious and persistent economic or physical barriers, leading to duplication of network elements, and these barriers underlie an existing or emerging market situation, that significantly restrict the choice of end-users, may extend access obligations under Para. 1, under fair and reasonable conditions. The Commission may impose obligations to provide access beyond the first concentration or distribution point to a point, which it considers to be closest to the end-users and capable of serving a sufficient number of end-users, so that it is economically viable for applicants seeking efficient access.

(4) If justified by technical impracticability or from an economic point of view, the Commission may impose obligations for access to active network elements or for virtual access.

(5) The Commission shall not impose obligations on providers of electronic communications networks in accordance with Para. 3 and 4, when it finds that:

1. the provider has the characteristics under Art. 172j, Para. 1 and provides each enterprise with reliable and similar alternative means of reaching end-users by providing access to a very large capacity network on the basis of fair, non-discriminatory and objective conditions; the Commission may extend this exemption to other providers offering, on fair, non-discriminatory and objective terms, access to a very large capacity network, or

2. the imposition of obligations would hamper the economic or financial efficiency of the deployment of a new network, especially for small projects.

(6) Apart from the cases under Para. 5, item 1, the Commission may impose obligations on the providers of electronic communications networks, which meet the criteria under Para. 5, item 1, when the network is financed with public funds.

(7) In applying Para. 1 - 6 the Commission shall take into account to the greatest extent the applicable guidelines of the European Regulators Authority in the field of electronic communications.

Art. 160b. (New – SG, 20/21) (1) The Commission may impose obligations on operators, regarding the sharing of physical infrastructure or obligations to conclude roaming access agreements in a limited area, if directly necessary for the provision of services using radio spectrum at local level, in accordance with the law and provided, that no reliable and similar alternative means of access to end-users are made available to any enterprise, on the basis of fair and reasonable conditions.

(2) The Commission may impose obligations under Para. 1 only when this possibility is provided for in the granting of rights for use of radio frequency spectrum and when in the area, which is subject to such obligations, the market-oriented deployment of the infrastructure for provision of networks or services, which are based on the use of radio frequency spectrum, is subject to insurmountable economic or physical barriers and therefore access to networks or services by end-users is severely hampered or lacks such access.

(3) In cases, where the access and sharing of physical infrastructure alone for the deployment of electronic communications networks is not sufficient, the Commission may impose obligations for sharing of active elements of an electronic communications network.

(4) When imposing obligations under Para. 1 – 3, the Commission shall take into account:

1. the need to maximize connectivity within the European Union along major transport routes and in specific territories, as well as the opportunity to significantly increase choice and improvement of the quality of service for end-users;

2. efficient use of radio frequency spectrum;
3. the technical feasibility of the sharing and the related conditions;
4. the state of competition in terms of infrastructure and services;
5. technological innovations;
6. the overriding need to support the incentive of the host network operator to deploy the infrastructure as a matter of priority.

(5) In resolving disputes, the Commission may impose on the enterprise, benefiting from an imposed obligation to share or access an obligation to share spectrum with the infrastructure holder in the area concerned.

Art. 160c. (New – SG, 20/21) (1) The obligations and conditions, imposed in accordance with Art. 160 - 160b, should be objective, transparent and proportional, should not allow discrimination and should be implemented in accordance with the procedures, provided in Art. 36, 42 and 42b.

(2) When the Commission has imposed obligations and conditions in accordance with Art. 160 - 160b, it shall evaluate the results from them up to 5 years after the adoption of the measures under Para. 1 in connection with the same enterprises and assess whether it is expedient to cancel or amend them, in view of changed conditions.

(3) The Commission shall announce the result of its assessment under Para. 2 in accordance with the procedures, referred to in Articles 36, 42 and 42b.

(4) In determining the network endpoint in different network topologies, the Commission shall take the utmost account of the applicable guidance of the European Regulators Authority in the field of electronic communications.

Art. 160d. (New – SG, 20/21) (1) The provision of access to a public electronic communications network through local radio networks, using the harmonized radio frequency spectrum shall be carried out only in compliance with the applicable requirements in the rules under Art. 66a, Para. 3.

(2) When granting of access under Para. 1 is not part of an economic activity or is in addition to an economic activity, or a public service, which is not dependent on the transmission of signals on these networks, for the enterprises, the public sector organizations, the non-governmental organizations or the end users, providing such access, the requirements of Art. 66, Para. 1 shall apply, the obligations for interconnection under Art. 160 and the obligations under Chapter Fourteen.

(3) Enterprises, providing public electronic communications networks or services may provide access to their networks via local radio networks, located at the end-user's premises, with the prior informed consent of the end-user and subject to the applicable general requirements.

(4) Enterprises, providing public electronic communications networks or services shall not have the right to restrict or impede unilaterally end-users:

1. to have access to local radio networks of their choice, provided by third parties, or
2. to allow reciprocal or more general access to providers' networks by other end-users through local radio networks, including on the basis of third-party initiatives, that integrate and make publicly available local radio networks of different end-users.

(5) End-users shall have the right to reciprocally or otherwise grant access to their local radio networks to other end-users, including on the basis of third-party initiatives, that pool and make publicly available local radio networks to different end-users.

(6) The competent authorities shall not unreasonably impose restrictions on the provision of public access to local radio networks:

1. by public sector organizations or in public spaces, close to the premises, occupied by those organizations, where the provision of access is in addition to the public services, provided on those premises;
2. upon the initiative of non - governmental organizations or organizations from the public

sector for unification of local radio networks of different end users, including local radio networks, to which the public access is provided according to item 1.

(7) The responsibility of the persons, who provide access under Para. 1, 4 and 5, shall be limited under the conditions of Art. 13 of the Electronic Commerce Act.

Art. 161. (Repealed – SG, 20/21)

Art. 162. (1) (Amend. – SG, 20/21) The enterprises providing public electronic communications networks or services and their employees, who obtain information from other enterprises before, during or after negotiations for access or interconnection, shall respect the requirements for confidentiality with regard to the information, received or stored and shall use that information solely for the purpose for which it is meant.

(2) (Amend. – SG, 20/21) The information under Para, 1 shall not be made available to third parties, including other internal entities, subsidiaries or partners, for whom such information could provide a competitive advantage.

(3) The enterprises providing public electronic communications network and/or services shall be obliged to provide the information under Para 1 related to access and/or interconnection to the Commission for the purpose of exercising its powers under this chapter.

Art. 162a. (New – SG, 20/21) Enterprises may use independent intermediaries, when negotiating access or interconnection, if conditions of competition so require.

Art. 163. (amend. - SG 105/11, in force from 29.12.2011, suppl. – SG, 20/21) The Commission may at its own initiative, when this is deemed justified in view of achievement of the objectives under Art. 4, intervene on access and interconnection issues subject to observance of the principles of Art. 5 and the requirements of this Act, including the procedure under Art. 37.

Art. 164. The terms and conditions and the procedure for implementation of access and/or interconnection shall be laid down in an Ordinance, adopted by the Commission, which shall be subject to promulgation in the State Gazette.

Art. 165. (suppl. - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) Enterprises providing public electronic communications networks or services on the territory of another Member State of the European Union, but do not provide services and do not maintain networks on the territory of the Republic of Bulgaria, may request access or interconnection in accordance with the provisions of this Chapter.

Section II.

Specific Terms for Access and Interconnection (Title amend. - SG 105/11, in force from 29.12.2011)

Art. 166. (1) (Amend. – SG, 20/21) The Commission may impose, maintain, amend or withdraw specific obligations of enterprises with significant market power on a relevant market to provide efficient access and/or interconnection, and interoperability of services, to the benefit of end-users and to promote effective competition.

(2) The obligations under Para 1, which the Commission may impose in order to achieve the objectives under Art. 4, are as follows:

1. transparency;
2. equal treatment;

3. separate accounting;
4. (amend. – SG, 20/21) access to and use of relevant network elements and adjacent facilities;
5. price restrictions, including obligations for cost orientation.
6. (new – SG, 20/21) access to physical infrastructure, buildings and physical infrastructure in buildings;

7. (new – SG, 20/21) compliance with the terms of the enterprises' proposals to enter into cooperation arrangements for joint investments in new networks with very large capacity or for effective and equitable access to third parties, in the event of voluntary separation from a vertically integrated enterprise.

(3) (New – SG, 20/21) The Commission may impose, amend or revoke obligations in the case of:

1. voluntary separation from a vertically integrated enterprise;
2. migration from existing infrastructure;
3. proposals for joint investment commitments for the deployment of new networks with very large capacity, in relation to the specific regulatory treatment of the new network elements;
4. wholesale enterprises only.

(4) (new - SG 105/11, in force from 29.12.2011, former Para. 3, amend. – SG, 20/21) For achieving the objectives referred to in Art. 4 in exceptional cases the Commission may impose functional separation and other obligations for access and/or interconnection, apart from those referred to in Para. 2, item 1-6, with the consent of the European Commission.

(5) (prev. text of Para 03 - SG 105/11, in force from 29.12.2011, former Para. 4 – SG, 20/21) In the course of implementation of its functions under Para 1, the Commission shall respect the principles of objectiveness, transparency, proportionality, and equal treatment.

Art. 167. (1) (amend. - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) The obligation for provision of transparency involves publication of specified information, such as: financial statements, prices, technical specifications, network characteristics, and their expected development, as well as terms and conditions for provision and use, including any conditions that change the access or use of services and applications, in particular the migration from existing infrastructure.

(2) The Commission may specify the content of the information to be published, the level of detail required and the manner of publication subject to observance of the requirement for protection of commercial secret.

(3) (Amend. – SG, 20/21) Where an enterprise under Art. 166, Para, 1, in addition to the obligation under Para. 1, an obligation for equality has also been imposed, the Commission may require it to publish a standard proposal, which shall contain a description of the respective services and their separate components, according to the market needs, as well as the related conditions and prices. The model proposal may not include requirements for enterprises to use ancillary services and facilities, that are not necessary for the requested service, as well as to pay for such services and facilities.

(4) (Amend. – SG, 20/21) The Commission shall adopt with a decision the minimum content of the standard proposal after conducting a public discussion under Art. 36.

(5) (Amend. – SG, 20/21) In determining the minimum content under Para. 4, the Commission shall take the utmost account of the applicable guidance of the European Regulators Authority in the field of electronic communications.

(6) (Amend. - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) The Commission shall impose on the enterprise, providing public electronic communications networks, on which an obligation has been imposed under Art. 166, Para. 2, item 4 or 6, in connection with providing wholesale access to network infrastructure to publish a standard proposal. Where necessary, the Commission shall define key performance indicators and the relevant levels of service and ensure their compliance, including the possibility of determining in advance compensation for non-compliance.

(7) The Commission may by a decision, adopted pursuant to the provision of Art. 37 subject to observance of the principles of Art. 5 and in order to achieve the objectives set in Art. 4 shall approve without remarks or shall oblige the enterprises to amend their reference proposals.

(8) Individual contracts, concluded between enterprises may not contradict the reference proposal.

(9) The reference proposal may be amended on the initiative of the obliged enterprise of the Commission following the provisions of Art. 7.

Art. 168. (amend. SG 17/09; amend. - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) The obligation to provide equal treatment shall ensure, that the obligated enterprise applies equal conditions in equivalent circumstances and provide services and information to other companies, providing equivalent electronic communications services, under the same conditions and with the same quality, as for its own divisions, subsidiaries or partners.

Art. 169. (1) The obligation for provision of separate accounting may be imposed in case of provision of access and/or interconnection.

(2) Where an obligation for equal treatment under Art. 168 has been imposed, the Commission may oblige a vertically integrated undertaking to ensure transparency of the wholesale prices of services and of the internal transfer prices.

(3) The Commission may impose the obligation under Para 2 when it deems that opportunities for violation of the ban on cross-subsidy exist.

(4) The (Amend. – SG, 20/21) Commission may, after consultations with the respective enterprise specify the format and the accounting methodology.

(5) (Amend. – SG, 20/21) Without prejudice to the requirements for the provision of information by enterprises under this Act and in order to ensure compliance with the obligations of transparency and equality, the Commission may require from the enterprises providing public electronic communication networks, accounting records and information, including also revenues received from third parties.

(6) (Amend. – SG, 20/21) The Commission may publish the obtained information where this would contribute to creating conditions for development of an opened and competitive market, subject to observance of the requirements for protection of trade secret.

Art. 169a (New – SG, 20/21) (1) The obligation to comply with reasoned requests for access to and use of physical infrastructure, including buildings or approaches to buildings (including electrical installations, antennas, towers and other supporting structures, poles, masts, ducts, pipelines, control rooms, shafts and boxes), shall be imposed by the Commission, when after the analysis under Art. 151, it was found, that the refusal of access or the unjustified conditions with a similar effect would impede effective competition and are not in the interest of the end-users.

(2) The Commission may impose on a given enterprise obligations under Para. 1, regardless of whether the assets affected by the obligation are part of the respective market, provided that the obligation is necessary and proportional in view of the achievement of the objectives under Art. 4.

Art. 170. (1) (amend. SG 17/09; amend. - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) The obligation for cost orientation for special types of access and/or interconnection includes determination of prices on the basis of costs, including for implementation of a cost accounting system with an objective to ensure effective and sustainable competition and maximal benefits for the users.

(2) (Amend. – SG, 20/21) The obligation under Para 1 shall be imposed when the Commission finds out, on the grounds of the analysis under Art. 151, that the competition on the market is not effective due to the presence of an enterprise with significant market power, which is able to keep prices excessively high or apply a price squeeze to the detriment of end-users.

(3) (amend. - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) In case of imposing the obligation under Para 1, the Commission shall take into account the need to promote competition and the long-term interests of end-users in the deployment and use of next-generation networks, in particular very high-capacity networks.

(4) (New – SG, 20/21) In imposing price control obligations, the Commission shall take into account the investments, made by the enterprise, including in next generation networks, enabling the enterprise to realize an acceptable level of return on invested capital, taking into account the risks, specific to a particular new network investment project.

(5) (New – SG, 20/21) The Commission shall consider the possibility to cancel or not impose obligations under Para. 1, if it establishes, that there is obvious competitive pressure on the retail prices and that the imposed in accordance with Art. 166, Para. 2, items 1 - 4 and 6 obligations, including a test for economic reproducibility, guarantee effective and equal access.

(6) (New – SG, 20/21) In imposing price control obligations on access to existing network elements, the Commission shall take into account the benefits of predictable and stable wholesale prices to ensure successful market entry and sufficient incentives for all enterprises to implement new and improved networks.

(7) (amend. SG 17/09, former Para. 4, suppl. – SG, 20/21) The obligation for price limitations for particular types of access and/or interconnection may include limitation of the growth of prices up to a preliminary fixed price ceiling, determination of prices on the grounds of a comparative analysis between the fixed by the enterprise prices and the prices of the same services of comparable competitive markets in other European Union Member States and/or determination of a plan of gradual reduction of the prices within a particular period of time, after which the price level must reach a preliminary set level. Any cost recovery mechanisms or pricing methodologies imposed should contribute to enhancing the deployment of new and improved networks, efficiency and sustainable competition, and bring maximum sustainable benefits to end-users.

Art. 171. (1) (amend. - SG 105/11, in force from 29.12.2011) Where an undertaking, providing public electronic communication networks, has been imposed the obligation for cost oriented pricing in the implementation of a self-developed system for cost determination, the undertaking shall prove that the prices determined by it are derived from the costs, including at a reasonable rate of return of the investments.

(2) (amend. - SG 105/11, in force from 29.12.2011) For the calculation of costs for efficient provision of services the Commission may use methods for verification of the costs other than the methods used by the undertaking.

(3) The Commission may require an undertaking under Para 1 to provide full justification for its prices and may, where necessary, require their change.

Art. 172. (1) (amend. - SG 105/11, in force from 29.12.2011) An undertaking that was imposed an obligation for development and application of a cost accounting system, shall make publicly available the description of the relevant system; whereas it shall contain at least the main categories under which the costs are grouped and the rules for the allocation of costs.

(2) (amend. - SG 95/16, amend. – SG, 20/21, amend. - SG 79/24) The Commission shall assign an inspection of the application of the cost accounting system, which shall be carried out by a registered auditor, according to the Independent Financial Audit and Sustainability Assurance Act. In case it has the necessary qualified staff, the Commission may independently check the application of the costing system. The results of the inspection shall be published annually.

Art. 172a. (new - SG 105/11, in force from 29.12.2011) (1) The Commission may impose an

obligation on vertically integrated undertakings with significant market power to place activities related to the wholesale provision of relevant access services in an independently operating undertaking.

(2) The Commission may impose the obligation under Para 1 where it concludes that the obligations imposed under Art. 166, Para 1 and 2 have failed to achieve effective competition and that there are important and persisting competition problems and/or market failures identified in relation to the wholesale provision of certain access service markets.

(3) The obligation referred to in Para 1 shall be imposed proportionally to the problem and, as an exceptional measure, in compliance with the objectives referred to in Art. 4.

(4) That undertaking separated under Para 1 shall supply access services to all undertakings, including to other related undertakings, on the same terms and conditions, including timescales and prices.

(5) The Commission shall impose the obligation referred to in Para 1 following a public discussion as set out in Art. 36 and with the permission of the European Commission.

Art. 172b. (new - SG 105/11, in force from 29.12.2011) (1) When the Commission intends to impose an obligation under Art. 172a, Para 1 for functional separation, it shall submit a decision to the European Commission that includes the draft measure accompanied by:

1. evidence justifying the conclusions that the obligations imposed under Art. 166 have failed to achieve effective competition;

2. a reasoned assessment that there is no or little prospect of effective and sustainable infrastructure-based competition;

3. an analysis of the expected impact on the Commission, on the undertaking subject to the obligation, on the workforce of the separated undertaking, on other interested parties, on the incentives to invest in the sector, particularly with regard to the need to ensure social and territorial cohesion, on the competition and any potential entailing effects on consumers;

4. an analysis of the reasons justifying that this obligation would be the most efficient means to address the competition problems identified on the relevant market.

(2) The draft decision referred to in Art. 172a, Para 1 shall include:

1. a description of the measure stating the level of separation and the legal status of the separate undertaking;

2. an identification of the assets of the separate undertaking, and the networks or services to be supplied by it;

3. the governance arrangements to ensure the independence of the separate undertaking, including with respect to the independence of the staff employed and independence in decision making;

4. specification of the specific obligations for the separate undertaking, including requirements for their performance;

5. rules for ensuring possibilities for monitoring of the performance of the imposed obligations, including requirements to the separate undertaking for the publication of an annual report;

6. (new – SG, 20/21) rules to ensure transparency of operational procedures vis-à-vis other stakeholders.

Art. 172c. (new - SG 105/11, in force from 29.12.2011) (1) Following a positive decision of the European Commission on the draft decision under Art. 172b, the Commission shall conduct as set out in Art. 151 a coordinated analysis and assessment of the different markets, which development is affected by the access network.

(2) On the basis of the analysis and assessment under Para 1, the Commission shall impose, maintain, amend or withdraw specific obligations, in accordance with Art. 42.

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Art. 172d. (new - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) The Commission may impose to an enterprise on which functional separation has been imposed all or some of the obligations identified in Art. 166, Para. 1 and 2, item 1 - 6 in any specific market where it has been designated as having significant market power.

Art. 172e. (new - SG 105/11, in force from 29.12.2011) (1) When an undertaking with significant power on one or several relevant markets intends to transfer their local subscription access network assets or a substantial part thereof to an unrelated legal person, or to establish a separate legal person in order to provide to all retail providers, including its own retail divisions, fully equivalent access products, it shall inform the Commission three months in advance.

(2) The undertaking referred to in Para 1 shall also inform the Commission of the final outcome and of any change of that intent.

(3) (New – SG, 20/21) The enterprises under Para. 1 may offer by the order of Art. 172i commitments, regarding the access conditions to be applied to their network for a certain period after the proposed form of unbundling has been applied, in order to ensure effective and equitable access for third parties.

(4) (New – SG, 20/21) The proposal for enterprise a commitment under Para. 3 shall contain all essential conditions, including the terms and the duration, in order to ensure the fulfillment of the powers of the Commission under Art. 172f, Para. 1 - 3.

(5) (New – SG, 20/21) The term for implementation of the commitments may be longer, than the ones, defined in Art. 157a, Para. 1.

Art. 172f. (new - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) (1) The Commission shall assess the effect of the intended transfer of subscription access network assets together with the proposed commitments, where applicable, on existing regulatory obligations. For this purpose, the Commission shall conduct an analysis of the various markets, related to the subscriber access network, pursuant to Art. 151.

(2) The Commission shall take into account all proposed commitments, in particular those, meeting the objectives of Art. 4. The Commission shall conduct public consultations by the order of Art. 37 with third parties, that are directly affected by the planned transaction.

(3) On the basis of its analysis and assessment under Para 1, the Commission shall impose, maintain, amend or withdraw obligations to the enterprise under Art. 172e, Para 1. With the decision, the Commission may give binding force in whole or in part to the proposed commitments, in accordance with the provisions of Art. 172i, Para. 5 - 7.

(4) Without prejudice to the provisions of Art. 172j, the Commission may impose on the enterprise, which has acquired assets from a network for subscriber access, all or some specific obligations under Art. 166, Para. 1 and 2 or other obligations, authorized by the European Commission according to Art. 156, Para. 8, when all proposed commitments are insufficient for the achievement of the objectives under Art. 4.

(5) The Commission shall monitor the implementation of the commitments, proposed by the enterprises, to which it has given binding force under Para. 3, according to art. 172i, Para. 9.

Art. 172g. (New – SG, 20/21) (1) The enterprises with significant impact on one or several respective markets may offer by the order of Art. 172i and in compliance with Para. 3 commitments to allow joint investments in the deployment of new networks with very large capacity, which provide optical connectivity to the premises of end users or to the base station.

(2) The commitment under Para. 1 may include offering co-ownership or long-term risk, sharing

with other providers of electronic communications networks or services through co-financing or through purchase agreements, that provide specific rights of a structural nature.

(3) When the Commission evaluates the commitments under Para. 1, it shall establish, whether the proposal for joint investments complies with the following conditions:

1. the offer is valid at any point in the life cycle of the network for each provider of electronic communications networks or services;

2. the proposal would enable co-investors to compete effectively in a sustainable and long-term way in the downstream markets, in which the enterprise with a significant impact on the relevant market is active in:

a) fair, reasonable and non-discriminatory conditions enabling access to the full capacity of the network, to the extent, that it is the subject of joint investment;

b) flexibility in terms of the size and terms of participation of each individual co-investor;

c) an opportunity to increase participation in the future, and

d) granting reciprocal rights by co-investors after the deployment of the infrastructure covered by the joint investment;

3. the proposal shall be announced in due time by the enterprise and if the enterprise does not meet the conditions under Art. 172j, Para. 1, at least 6 months before the start of the deployment of the new network;

4. Access applicants, not participating in the joint venture should be able to enjoy the same quality, speed, conditions and access to end-users as before the deployment of the new network, accompanied by an adaptation mechanism over time, confirmed by the Commission, depending on the development of related retail markets, which maintains the incentives to participate in the joint venture; the mechanism ensures, that applicants for access have access to network elements with a very high capacity at any given time and on the basis of transparent and non-discriminatory conditions, adequately reflecting the degree of risk, taken by the relevant co-investors at different stages of deployment and retail markets;

5. the proposal must meet at least the criteria, specified in Art. 172h, and to be addressed in good faith.

(4) When the Commission finds, that the proposed commitment for joint investments meets the conditions under Para. 3, it may give binding force to these commitments, following the procedure under Art. 172i, as it does not impose additional obligations under Art. 166, Para. 2, items 1 – 6, with regard to the elements of the new network with very large capacity, which are subject to the commitments, if at least one potential co-investor has concluded an agreement for joint investments with an enterprise with significant impact on the respective market.

(5) The application of Para. 4 shall not affect the regulatory treatment of the commitments, which do not meet the conditions under Para. 3, taking into account the results of the public consultation under Art. 172i, Para. 4, but which have an impact on the competition and have been taken into account for the purposes of the application of Art. 152, 154 and 166.

(6) Outside the cases under Para. 5 the Commission in justified cases may impose, keep or amend specific obligations in accordance with Art. 166, Para. 1 and Para. 2, items 1 - 6 in respect of new networks with very large capacity, in order to solve significant problems, related to competition in certain markets, when the Commission finds that otherwise, given the specific characteristics of these markets, the problems related to with competition would not be allowed.

(7) The Commission shall monitor the observance of the conditions under Para. 3 and may require the enterprise with significant impact to provide it with annual reports on their observance.

(8) The Commission may adopt a decision according to Art. 54 in case of a dispute, arising between enterprises in connection with an agreement for joint investments, which meets the conditions under Para. 3.

(9) For the consistent application of the conditions under Para. 3 and the criteria under Art.

172h, the Commission shall take into account the guidelines of European Regulators Authority in the field of electronic communications in this field.

Art. 172h. (New – SG, 20/21) (1) In the evaluation of proposals for joint investment in accordance with Art. 172i, Para. 1 - 3 the Commission shall check whether at least the following criteria are fulfilled:

1. the co-investment proposal is valid for all undertakings expressing an interest during the life cycle of the network built under the co-investment proposal, in compliance with the principle of equality; the significant enterprise may include in the proposal reasonable conditions, regarding the financial capabilities of the enterprises, according to which potential co-investors must demonstrate, that they are able to make the deferred payments, on the basis of which the deployment is planned and that they have adopted a strategic plan, on the basis of which the plans for medium-term construction are prepared;

2. the joint investment proposal is transparent, as:

a) it is easily accessible on the company's website with a significant impact on the relevant market;

b) each potential tenderer, who has expressed an interest shall be provided without undue delay with comprehensive and detailed conditions, including the legal form of the joint investment agreement and, where appropriate, the rules for the management of the joint investment, and

c) the details of the process itself, such as a roadmap for the creation and development of the joint venture project, must be pre-defined, clearly explained in writing and provided to all potential co-investors; all important stages must be clearly communicated to all undertakings without discrimination

3. the joint venture proposal includes conditions for potential co-investors conducive to sustainable long-term competition, in particular:

a) all enterprises are offered fair, reasonable and non-discriminatory rules and conditions for participation in a joint investment agreement, relevant at the time of their accession, including with regard to:

aa) the financial contribution, required for the acquisition of certain rights of the parties, both during the construction phase and during the operational phase, such as irrevocable rights of use over the projected life cycle of the joint venture network;

bb) the conditions for accession to the joint investment agreement and for its possible termination; non-discrimination does not mean, that all potential co-investors are offered completely identical conditions, including financial ones, but that all differences in the proposed conditions are based on the same objective, transparent, non-discriminatory and predictable criteria, such as the number of lines of end users, for whom a commitment has been made;

b) The proposal allows flexibility in terms of the value and timing of commitments, offered by each co-investor, and should allow for the gradual inclusion and implementation of commitments, so that co-investors with limited resources join the joint venture with a reasonable minimum share and gradually increase participation, while ensuring an appropriate level of initial commitment; the financial contribution to be provided by each co-investor is determined, taking into account the fact, that the investors involved earlier take more risk and invest at an earlier stage;

c) the increase in the amount of the premium over time is considered justified, when the commitment is made at a later stage, as well as for new co-investors who joined the joint venture after the start of the project, so as to reflect the risk reduction and encourage investment in the earlier stages;

d) the co-investment agreement allows the transfer of rights, acquired by co-investors to other co-investors or third parties, wishing to join the agreement, the acquirer undertaking to fulfill all initial obligations of the transferor under the co-investment agreement;

e) co-investors grant each other reciprocal rights under fair and reasonable conditions for access to the infrastructure subject to the joint investment for the purpose of providing downstream services,

including end-users, in accordance with transparent conditions clearly set out in the joint investment proposal and in the subsequent agreement, in particular where the co-investors are individually and individually responsible for the construction of specific parts of the network; In the event, that a co-investment mechanism is set up, it shall provide all co-investors with direct or indirect access to the network on the basis of equivalence of investments and in accordance with fair and objective conditions, including financial conditions, that reflect different levels of risk for the individual co-investors;

4. the joint investment proposal guarantees sustainable investments, that meet future needs by building new network elements, that make a significant contribution to the deployment of very high-capacity networks.

(2) The Commission may consider additional criteria, necessary to ensure, that potential investors have access to joint ventures, depending on the specific conditions and market structure.

Art. 172i. (New – SG, 20/21) (1) Enterprises with a significant impact on the relevant market may offer commitments to the Commission, in relation to the access conditions and / or joint ventures applicable to their networks, including with regard to:

1. agreements for cooperation, relevant for the assessment of the appropriate and proportional obligations according to Art. 166;

2. joint investments in networks with very large capacity according to Art. 172g, or

3. effective and equal access of third parties according to Art. 172e and 172f, both during the period of implementation of the voluntary separation from a vertically integrated enterprise and after the implementation of the proposed form of separation.

(2) The proposal under Para. 1 must contain detailed information, including regarding the terms, the scope of the implementation and the duration of the commitments, in order to enable the Commission to perform its assessment under Para. 3 - 5. The term for application of these commitments may exceed the periods for carrying out market analyzes, provided in Art. 157a, Para. 1.

(3) In the assessment of the liabilities, in accordance with Art. 157 with regard to the commitments under Para. 1 the Commission shall pay special attention to:

1. evidence of the fair and reasonable nature of the proposed commitments;

2. whether these commitments are valid for all market participants;

3. the timely provision of access under fair, reasonable and non-discriminatory conditions, including to very high-capacity networks, before the provision of the relevant retail services begins, and

4. the possibility of the proposed commitments to create sustainable competition in the downstream markets and to facilitate the joint deployment and use of very high-capacity networks in the interests of end-users.

(4) The Commission shall conduct a public consultation with the interested third parties, which are directly affected by the commitments under Para. 1, except when these commitments obviously do not fulfill one or more of the applicable conditions or criteria under this Act. Potential co-investors or applicants for access may comment on the proposed commitments.

(5) Taking into account all opinions expressed during the consultation under Para. 4, and the extent, to which these opinions are representative of the various stakeholders, the Commission shall inform the enterprise with a significant impact on the relevant market of its preliminary conclusions, as to whether the proposed commitments meet the objectives, criteria and procedures set out in this Act as well as what commitments can be given binding force. The enterprise may revise its initial proposal to take into account the Commission's preliminary conclusions.

(6) Without prejudice to Art. 172g, Para. 4, the Commission with a decision may fully or partially give to the commitments binding force.

(7) Outside the cases under Art. 157a, Para. 1, the Commission may give to some or all commitments binding force for a certain period, which may cover the entire duration of the period, for

which they are proposed. On commitments for joint investments according to Art. 172g, Para. 4, the Commission shall give binding force for a period of at least 7 years.

(8) When the Commission gives binding force to the undertaken commitments, it shall assess according to Art. 157a, Para. 3 and 4 the consequences of this decision for the development of the market and the expediency of each obligation, which it has imposed or which in the absence of these commitments has intended to impose according to Art. 166, Para. 2. Upon notification in accordance with Art. 42 for the draft of the respective measure, the Commission shall also apply the decision for undertaking commitments.

(9) The Commission shall monitor compliance with the commitments, to which it has given binding force in accordance with Para. 6, in the same way, as it controls the observance of the obligations, imposed by the order of Art. 166, and considers the possibility of extending the term, for which they have been given binding force after the expiration of the initial term. Regardless of the procedure under Art. 78, the Commission may re-evaluate the obligations, imposed in accordance with Art. 157a, Para. 3 and 4.

(10) Paragraphs 1 - 9, in compliance with Art. 172g, shall not affect the application of the market analysis procedure under Art. 150 and the imposition of obligations under Art. 166.

Art. 172j. (New – SG, 20/21) (1) Where an enterprise with a significant impact on one or more wholesale markets does not participate in the retail electronic communications services market, the Commission shall assess, whether that enterprise meets the following conditions:

1. all companies and structural units within the enterprise, as well as all companies, that are controlled, but not necessarily wholly owned by the same ultimate owner, and any shareholder, who may exercise control over the enterprise, develop current and plan future their activities only on wholesale electronic communications services markets, therefore they do not operate on retail electronic communications services markets for end users;

2. the enterprise is not bound to operate with a downstream enterprise, active in the retail electronic communications services market for end-users, due to an exclusive rights contract or another contract, which may be assimilated to an exclusive rights contract.

(2) If the commission finds, that the conditions, specified in Para. 1, are fulfilled, it may impose on the respective enterprise only the obligations under Art. 166, Para. 2, items 2 and 4 or obligations under Art. 166, Para. 2, item 5, related to fair and reasonable pricing, if they are justified on the basis of a market analysis, including a forecast assessment of the probable behavior of the enterprise with a significant impact on the respective market.

(3) The Commission shall review the imposed on the enterprise in accordance with Para. 2 obligations, when it establishes, that the conditions, determined in Para. 1, shall no longer be fulfilled, and if necessary, shall impose other obligations, provided in Art. 166, Para. 2, items 1 - 6, after conducting a market analysis by the order of Art. 151. The enterprises shall notify the Commission for any change in the circumstances under Para. 1 within 14 days from the occurrence of the respective circumstance.

(4) Where, on the basis of evidence of the contractual terms, offered by the enterprise to its downstream customers, the Commission finds, that competition is distorted or may be distorted to the detriment of end-users, it shall amend the obligations imposed in accordance with Para. 2, or imposes one or several of the obligations, provided in Art. 166, Para. 2, items 1, 3, 5 and 6.

(5) The imposition of the obligations and their revision shall be carried out by the order of Art. 36, 42 and 42b.

Art. 172k. (New – SG, 20/21) (1) Enterprises with a significant impact on one or more relevant markets shall notify the Commission in advance and in a timely manner, when they intend to decommission or replace with new infrastructure parts of the network, including existing infrastructure, necessary for the operation of a copper network, subject to obligations under Art. 166.

(2) In the notification under Para. 1, the enterprise shall include terms and conditions of the decommissioning or replacement process, including an appropriate transition notice period, as well as the

availability of alternative products of at least comparable quality, providing access to the upgraded network infrastructure to replace the replaced elements if this is necessary to maintain competition and protect the rights of end-users.

(3) The Commission may waive obligations in respect of proposed assets for decommissioning or replacement once the access provider:

1. has provided appropriate conditions for migration, including the provision of an alternative access product of at least comparable quality to the available product, using the existing infrastructure, providing access seekers with access to the same end-users, and

2. has complied with the conditions and process submitted to the Commission in accordance with Para. 2.

(4) The revocation under Para. 3 shall be carried out in accordance with the procedures, specified in Art. 36, 42 and 42b.

(5) Paragraphs 1 - 4 shall be applied without prejudice to the existence of regulated products, imposed by the Commission of the modernized physical infrastructure for the deployment of an electronic communications network, in accordance with Art. 151 and 166.

Art. 172l. (New – SG, 20/21) The Commission shall take the utmost account of the guidance of the European Regulators Authority for Electronic Communications on the criteria to be met by a network, in order to be defined as a very high-capacity network, in particular as regards bandwidth for transmission in the forward and reverse direction, the stability, the error-related parameters, the delay and its change.

Section III.

Access to and use of required network elements and adjacent equipment (Title amend. - SG 105/11, in force from 29.12.2011, suppl. – SG, 20/21)

Art. 173. (amend. - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) The obligation for provision in case of grounded request of access to and use of necessary network elements and/or adjacent equipment may be imposed on an enterprise with significant market power at Commissions discretion, including in situations where the denial of access or ungrounded terms and conditions with similar effect may hinder the existence of a sustainable competitive market of retail services or would be detrimental to end-users.

Art. 174. (1) The Commission may impose the obligation under Art. 173 and require:

1. (amend. - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) provision of access to third parties to specified network elements and/or adjacent equipment, including unbundled access to a subscriber line or part of it;

2. (new – SG, 20/21) providing third parties with access to specific active network elements and services or for virtual access;

3. (former item 2 – SG, 20/21) negotiation in good faith with enterprises requesting access;

4. (former item 3 – SG, 20/21) maintaining access already granted to equipment;

5. (former item 4 – SG, 20/21) provision of particular services on a wholesale basis for resale by third parties;

6. (former item 5 – SG, 20/21) granting open access to technical interfaces, protocols or other key technologies, that are necessary for interoperability of services or for provision of virtual network services;

7. (amend. - SG 105/11, in force from 29.12.2011, former item 6 – SG, 20/21) provision of co-location and other forms of shared use of adjacent equipment;

8. (former item 7 – SG, 20/21) provision of particular services needed to ensure interoperability

of end-to-end services to users or roaming on mobile networks;

9. (former item 8 – SG, 20/21) provision of access to operational support systems or similar software systems to ensure effective competition in the provision of services;

10. (amend. - SG 105/11, in force from 29.12.2011, former item 9 – SG, 20/21) provision of interconnection of networks or network equipment;

11. (new - SG 105/11, in force from 29.12.2011, former item 10, suppl. – SG, 20/21) giving access to related services as services of identification, location and presence.

(2) When the Commission imposes the requirements under Para 1, it may put conditions for fairness, justification and timeliness.

Art. 175. (amend. - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) The Commission shall impose the obligation under Art. 173 with view to achievement of the objectives under Art. 4, taking into account, whether other forms of access, regulated or through commercial offers, to wholesale services on the same or on a related wholesale market would be sufficient to overcome the identified in the analysis under Art. 151 problem in the interest of end-users, shall follow the principle of proportionality and shall take into account:

1. the technical and economic viability of using or installing equipment of competing enterprises providing public electronic communications networks and/or services, in view of market development and the nature and type of interconnection and access involved, including the applicability of other related wholesale access products, such as channel network access;

2. the expected technological progress in connection with the design and management of networks;

3. the need to ensure technological neutrality, which enables the parties to design and manage their own networks;

4. the possibility of providing access in view of the available capacity;

5. the initial investments, made by the owner of the facilities, taking into account all public investments made and investments in very large capacity networks, as well as the risks, associated with them;

6. the need to protect competition in the long term, and in particular economically sound and infrastructure-based competition and innovative business models, including joint investments in networks;

7. intellectual property rights, where relevant;

8. provision of common European services.

(2) When the Commission imposes obligations under Art. 169a or 173, it shall assess whether only the imposition of obligations under Art. 169a would be a proportionate means of promoting competition in the interests of end-users.

Art. 175a. (new - SG 105/11, in force from 29.12.2011) (1) When imposing the obligation under Art. 173, the Commission may set technical or operation requirements to the undertaking giving the access and/or the undertaking making use of the access, where this is necessary for the normal functioning of the network.

(2) Where the requirements include compliance with technical standards and/or standard documentation, the obligations shall meet the requirements of Chapter Sixteen, Section II.

Art. 176. (revoked - SG 105/11, in force from 29.12.2011)

Art. 177. (revoked - SG 105/11, in force from 29.12.2011)

Section IV.

Protected Services and Conditional Access

Art. 178. (1) Protected services shall be the following services, provided on the basis of conditional access and against remuneration:

1. (amend. – SG, 20/21) radio broadcasting services;
2. (amend. – SG, 20/21) television broadcasting services;
3. information society services;
4. provision of conditional access to the services under Items 1, 2 and 3.

(2) Access to a protected service under Para 1 shall be allowed by means of a conditional access device provided by a protected service provider.

(3) (new – SG 17/09) Carrying out activity with commercial purpose, including production, import, distribution, sale, renting, owning, installation, maintenance, exchange or advertising of prohibited facilities for access to a protected service shall be deemed a violation.

Art. 179. (1) The systems for conditional access to digital radio- and television programmes, irrespective of the means of transmission, shall provide to undertakings providing electronic communication networks technical opportunity for cost-effective access to control over the protected services provided on the basis of conditional access.

(2) (Amend. – SG, 20/21) The enterprises under Para 1 controlling conditional access systems shall offer to the radio and television operators and protected service providers technical means, enabling their digitally transmitted services to be received by authorized listeners and viewers by means of decoders.

(3) The decoders shall be administered by the enterprises providing conditional access services.

(4) (Amend. – SG, 20/21) The technical means under Para 2 shall be provided to the radio and television operators and protected service providers on fair, reasonable and equal treatment conditions.

(5) The undertakings providing conditional access shall keep separate accounting for the activity under Para 2.

Art. 180. (1) The rights for manufacturing of conditional access products and systems, subject of industrial property right, shall be granted on fair, reasonable and equal treatment conditions.

(2) The granting of rights under Para 1 shall not be subject to conditions prohibiting, deterring or discouraging inclusion in the same product of:

1. a common interface allowing connection of one or more access systems;
2. means specific to other access systems, provided that reasonable conditions are respected ensuring security of information exchange with the operators of conditional access systems.

Art. 181. The Commission may impose on the enterprises under this section obligations to provide access to electronic programme guides and access to application programme interfaces.

Section V.

Geographical studies for network deployment (New – SG, 20/21)

Art. 181a (New – SG, 20/21) (1) The Commission shall be conducting a geographical study on the coverage of electronic communications networks, that can provide broadband access. The study shall be

updated at least every three years.

(2) For the purposes of the study under Para. 1, the Commission may use the information, available in the Unified Information Point under Art. 4, Para. 1 of the Electronic Communications Networks and Physical Infrastructure Act, as well as other relevant information.

(3) The geographical research under Para. 1 shall include a study of the current geographical coverage of the broadband networks on the territory of the country for implementation of the powers of the Commission. The geographical survey shall also be used for the surveys, needed to implement the state aid rules.

(4) (Amend. - SG 58/23) The geographical study may also include a forecast for the coverage of broadband networks, including networks with very large capacity in the country for a period, determined jointly by the Commission and the Ministry of Transport and Communications.

(5) The forecast under Para. 4 shall include all necessary information, including on deployment of very large capacity networks, planned by enterprises or public authorities and on significant network improvements or extensions to reach a download speed of at least 100 Mbps. The Commission may require enterprises and public authorities to provide this information, in so far as such information is available and may be provided, without imposing an excessive administrative or financial burden.

(6) (Amend. - SG 58/23) The Commission and the Ministry of Transport and Communications shall determine the degree of use of the information, collected for the preparation of the forecast or part of it, in accordance with the powers, assigned to them under this Act.

(7) The information, collected during the geographical survey should have the necessary degree of detail of the data, include sufficient information about the quality of the service and its parameters and be processed in compliance with the requirements of Art. 40, Para. 9.

Art. 181b. (New – SG 20/21, amend. - SG 58/23) The Ministry of Transport and Communications may determine regions with clear territorial boundaries, for which on the basis of the collected information and the forecast under Art. 181a, Para. 4 it has been established, that for the period of the respective forecast no enterprise or state or municipal body has deployed and does not plan to deploy a network with very large capacity, or to significantly improve or expand its network to reach a download speed of at least 100 Mbps. The information under sentence one shall be public and is maintained on the information portal of the Unified Information Point under Art. 5, Para. 1 of the Electronic Communications Networks and Physical Infrastructure Act.

Art. 181c. (New – SG, 20/21) (1) (Amend. - SG 58/23) For those, determined under Art. 181b regions, the Commission or the Ministry of Transport and Communications may invite enterprises and state and municipal authorities to announce their intention to deploy networks with very large capacity for the period of the respective forecast.

(2) When, in response to the invitation, an intention to deploy such a network by an enterprise or a state or municipal body has been announced, the body under Para. 1, who has made the invitation, may require other enterprises and state and municipal authorities to announce, whether they intend to deploy networks with very large capacity or to significantly improve or expand existing networks in order to reach a download speed of at least 100 Mbps in the respective area.

(3) The bodies under Para. 1 shall determine the data, which shall be contained in the applications for intention in order to provide a similar degree of detail as that, in the forecast under Art. 181a, Para. 4.

(4) Based on the information, collected according to Art. 181a, the body under Para. 1, who has sent the invitation, shall notify the enterprises and the state and municipal bodies, which have expressed interest, whether in the defined area are deployed or there is a forthcoming deployment or modernization of networks, including those, providing download speed below 100 Mbps.

Art. 181d. (New – SG, 20/21) The actions under Art. 181c shall be undertaken in compliance with the principles of efficiency, objectivity, transparency and equality, and no enterprise shall be excluded in advance.

Art. 181e. (New – SG, 20/21) (1) (Amend. - SG 58/23) The Ministry of Transport and Communications, the Commission and the other competent authorities, responsible for allocating public funds for the deployment of electronic communications networks for the development of the national broadband plan, to determine the coverage obligations, to which spectrum rights are linked and to verify the availability of services under universal service obligations, shall take into account the results of the geographical survey and all defined areas under this Section.

(2) (Amend. - SG 58/23) When providing the results of the geographical survey to the bodies under Para. 1, of the European Regulators Authority in the field of electronic communications or of the European Commission, the Ministry of Transport and Communications and the Commission shall require the recipients to observe the trade secret, determined in accordance with Art. 40, Para. 9, and inform the parties, that provided the information.

Art. 181f. (New – SG, 20/21, amend. - SG 58/23) The Ministry of Transport and Communications shall provide access to data from geographical surveys, that do not contain trade secrets, in accordance with Chapter Four of the Access to Public Information Act. The Ministry of Transport and Communications, through the Unified Information Point under Art. 4, Para. 1 of the Electronic Communications Networks and Physical Infrastructure Act shall provide an opportunity for end-users to determine the availability and connectivity in a certain area with the necessary level of detail, in order to be able to choose an operator or service provider.

Art. 181g. (New – SG, 20/21, amend. - SG 58/23) In collecting the data and conducting the geographical surveys and forecasts, the Commission and the Ministry of Transport and Communications shall follow the guidelines of the European Regulators Authority in the field of electronic communications, regarding the coordinated implementation of their obligations under this Section.

Chapter eleven.

UNIVERSAL SERVICE

Section I.

Nature and Scope of the Universal Service

Art. 182. (1) (Amend. – SG, 20/21) Universal service shall mean a set of services, of specified quality, available to all users regardless of their geographical location on the territory of the country, at an affordable price.

(2) (Amend. – SG, 20/21) The universal service shall include:

1. provision of services for voice message through connection at a definite location to a public electronic communication network regardless of the technology used;
2. providing adequate broadband internet access in a specific location, through which at least the following services may be supported:

- a) e-mail;
- b) search tools for searching and finding all kinds of information;
- c) basic online tools for training and education;
- d) online newspapers or news;
- e) buying or ordering goods or services online;

- f) job search and job search tools;
- g) professional networking communities;
- h) internet banking;
- i) use of electronic administrative services;
- j) social media and real-time communication via text messages;
- k) voice video talks;

3. provision of services, other than those, specified under items 1 and 2, for which there are current obligations for the provision of universal service.

(3) (New – SG, 20/21) At the request of the user, the connection under Para. 2 may be limited to the maintenance of voice messaging services.

(4) (New – SG, 20/21) The Commission, taking into account the national conditions and the minimum bandwidth, used by most users in the territory of the Republic of Bulgaria, and taking into account the report of the European Regulators Authority in the field of electronic communications on best practices, determines the appropriate broadband service to internet access for the purposes of Para. 2, item 2, in order to ensure the width of the frequency band, necessary for the participation of the citizens in the social and economic life.

(5) (amend. - SG 89/09, in force from 10.11.2009; amend. - SG 105/11, in force from 29.12.2011, former Para. 3, amend. – SG, 20/21, amend. - SG 15/22, in force from 22.02.2022) The conditions and order for provision of the services under Para. 2, as well as their quality parameters shall be determined in an ordinance of the Minister of Transport and Communications and Minister of the e-government, upon proposal by the Commission, which shall be promulgated in the State Gazette.

Section II.

Provision of the Universal Service

Art. 183. (Repealed – SG, 20/21)

Art. 183a. (new - SG 105/11, in force from 29.12.2011, repealed – SG, 20/21)

Art. 184. (Repealed – SG, 20/21)

Art. 185. (Repealed – SG, 20/21)

Art. 186. (amend. - SG 105/11, in force from 29.12.2011, repealed – SG, 20/21)

Art. 187. (1) (amend. - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) The Commission may require enterprises, providing voice messaging services by connecting in a specific location and Internet access services at a specific location to take special measures for people with disabilities, ensuring the availability and accessibility of terminal equipment, specific equipment and specific services. improving equal access, including, where necessary, full call services or transmission services.

(2) (amend. - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) The enterprises under Para. 1 shall provide to users with disabilities contracts and detailed bills in a form, suitable for them.

(3) (new - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) The enterprises referred to in Para 1 shall make available to users with disabilities the possibility to independently monitor and control their expenses through means similar to those used by the rest of the users.

(4) (Prev. text Para 03, suppl. - SG 105/11, in force from 29.12.2011, repealed – SG, 20/21).

(5) (prev. text Para 04 - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) The terms,

conditions and means for provision of the universal service to disabled people shall be laid down in the ordinance under Art. 182, Para. 5.

(6) (new - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) The Commission may, where appropriate, determine to be applied additional standards for service quality and parameters for assessment of the performance of the enterprises for provision of services to users with disabilities.

Art. 188. (Amend. – SG, 20/21) (1) The Commission may impose on one or more enterprises, providing voice messaging services by connecting in a certain location and Internet access services in a certain location, obligations to provide all or some of the services under Art. 182, Para. 2 on the whole or on a part of the territory of the country, in order to provide the universal service on the territory of the whole country and in order to satisfy all substantiated requests from users for access to these services.

(2) The Commission imposes the obligations under Para. 1, when, taking into account the results of the geographical research under Art. 181a, if any, and all additional evidence, found that the availability in a particular location of a service for adequate broadband internet access and voice messaging services cannot be ensured under normal commercial conditions throughout the country or in different parts of it.

Art. 189. The Commission shall prepare a consolidated annual report on the degree of provision of the universal service to the public and shall publish it on its website. This report shall be an integral part of the Commission's report under Art. 38.

Section III.

Imposition of obligations for provision of universal service (Title, amend. – SG, 20/21)

Art. 190. (suppl. - SG 105/11, in force from 29.12.2011, repealed – SG, 20/21)

Art. 191. (1) (Amend. – SG, 20/21) The Commission shall impose obligations related to provision of universal service, including after a contest procedure, subject to observance of the rules under Chapter Five and subject to observance of the principles of objectivity, transparency and equal treatment and in users' interest, without excluding a priori any enterprise from the opportunity of being assigned the provision of universal services or a part thereof.

(2) (Amend. – SG, 20/21) When imposition of obligations under Para. 1, the Commission shall consider the most expedient efficient manner for the universal service provision, which may be used for calculating the net costs of the universal service obligation

Art. 191a. (new - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) Where the enterprise with imposed obligations referred to in Art. 188 intends to transfer significant part or all its assets related to the subscription access network to a legal person with a different owner, it shall inform the Commission in advance and in a timely manner so that the effects of the planned transaction on the provision in a specific location of the service for suitable broadband internet access and voice messaging services.

Art. 192. (Amend. - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) The Commission shall assess the need to impose obligations, including a review of those already imposed, every three years or in the event of a change in market conditions.

Art. 193. (Amend. – SG, 20/21) The procedure for the imposition of obligations, in connection with the provision of the universal service shall be determined in the Ordinance under Art. 182, Para. 5.

Art. 194. (suppl. - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) The Commission shall notify the European Commission about the imposed under this Section obligations and the consequent amendments thereof.

Section IV.

Affordability of the Price of the Universal Service

Art. 194a. (new - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) The Commission shall follow the development and level of retail prices and price packages of the services referred to in Art. 182, Para 2, in particular, related to the consumer prices and income within the country.

Art. 195. (1) The method of determination of the universal service prices and price packages shall be described in a methodology drafted by the Commission and adopted by the Council of Ministers.

(2) The draft methodology under Para 1 shall be published for public consultation under Art. 36.

Art. 196. (1) Undertakings, providing public electronic communications networks and/or services, shall determine the universal service prices and price packages on the basis of the methodology under Art. 195.

(2) The undertakings under Para 1 shall submit for approval by the Commission the prices and price packages under Para 1, together with the pricing documents, at least 60 days prior to their entry into force.

(3) The Commission shall consider the prices and price packages under Para 1 within 30 days from their submission and may oblige the undertakings under Para 1 to adjust the prices and price packages in accordance with the requirements of this Act and the methodology under Art. 195.

(4) (suppl. - SG 105/11, in force from 29.12.2011) The undertakings under Para 1 shall publish the universal service prices and price packages, approved by the Commission, at least 14 days prior to their entry into force, on their internet sites, on an accessible place in their commercial sites or other appropriate way.

Art. 197. (amend. - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) (1) The Commission may impose on the enterprises, which provide voice messaging services by connecting in a specific location and Internet access services in a specific location, offer consumers, in particular people with special social needs or low incomes, tariff plans or price packages, other than those, offered by the usual commercial conditions, when in pursuance of Art. 194a established, that the retail prices for the services under Art. 182, Para. 2 are not accessible for consumers with low income or with special social needs.

(2) For the special tariff plans and price packages under Para. 1, the Commission may oblige the enterprises under Para. 1 to apply, general tariffs, including geographically average retail prices for the entire territory of the country or to observe pricing limits, according to the methodology referred to in Art. 195.

(3) Exceptionally, when the imposition of the obligations under Para. 1 and 2 of all enterprises would lead to excessive administrative or financial burden for the state or for the enterprises, the

Commission may impose these obligations only on certain enterprises. In this case, the enterprises shall be determined in accordance with Section III.

(4) An enterprise, providing services for voice messages by connecting in a certain location and services for access to the Internet in a certain location or one determined in accordance with the requirements of Para. 3, shall grant the right to the consumers to conclude a contract for use of the tariff plans or the price packages under Para. 1, shall ensure preservation of the subscriber number for an appropriate period and avoid unwanted interruptions of the service.

(5) The enterprises, to which obligations under Para. 1, 2 and 3 have been imposed, shall observe the principles of transparency and equality in the provision of their services.

(6) The Commission may amend or revoke the obligations under Para. 1, 2 and 3.

Art. 198. (1) (amend. - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) The enterprises, that provide services for voice messages by connecting in a certain location and services for access to the Internet in a certain location and have imposed obligations under Art. 197, shall offer the relevant devices and services, where applicable, in a way, that enables users to monitor and control their costs by:

1. (amend. – SG, 20/21) free of charge provision of Itemized bills, so that:

a) provide facilities for verification and control of charges for the use of Internet access services or voice messaging services, and

b) consumers monitor their consumption and expenditure and control their accounts;

2. (amend. – SG, 20/21) free of charge selective call barring for outgoing calls, short text and multimedia messages with added value or, where technically feasible, other similar applications, where the user has the opportunity to stop certain types of outgoing calls or special short text messages and multimedia messages with added value or other types of similar applications from, or to certain types of numbers by submitting an application to the voice call provider free of charge;

3. (amend. – SG, 20/21) provision of possibilities for pre-paid access to public electronic communication networks and use of services for voice messages or Internet access services;

4. (amend. – SG, 20/21) availability of payment in instalments of the fees for connection to public electronic communication network;

5. (amend. – SG, 20/21) advance notice for possible further suspension of the service or suspension of failed payment of bills; each suspension shall be limited only to the respective service, where technically feasible, except for the cases of fraud, systematic delays of payment or failed payments; one month before the suspension shall be allowed only calls not billed to the user, and a minimum level of Internet access services, including access to number 112 via the Internet;

6. provision of information for alternative tariffs of lower prices for the service, if available;

7. (amend. – SG, 20/21) providing other means of controlling the cost of voice messaging or Internet access services, including free warnings in cases of unusual traffic or excessive consumption;

8. (new – SG, 20/21) possibility to deactivate third party invoicing - end users to be able to deactivate the option for third party service providers to use the company's invoice for an internet access service to invoice their products or services.

(2) (New – SG, 20/21) The enterprises under Para. 1 shall implement a system for avoiding unwanted interruptions of the voice messaging services or of the service for appropriate broadband Internet access for the users, including an appropriate mechanism for checking interest in maintaining the access to the service.

(3) (Former Para. 2, amend. – SG, 20/21) The method of using the possibilities under Para 1 shall be determined in the General Conditions for the Relations between Enterprises and Users.

(4) (amend. and suppl. - SG 105/11, in force from 29.12.2011, former Para. 3, amend. – SG,

20/21) The Commission may not impose the obligations under Para. 1 or withdraw them, if already imposed, on the whole territory of the country or part thereof if it finds out that the respective options are widely offered.

Art. 199. (amend. – SG, 20/21) No charges shall be due by users for facilities and services, offered by the enterprises, providing services under Art. 182, Para. 2, which are not necessary or inherent for the service provision.

Section V.

Compensation of Net Costs for Universal Service Provision

Art. 200. (1) (amend. - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) Enterprises, to which obligations have been imposed, in connection with the provision of universal service may request a compensation for proven net costs when the provision of the universal service places unfair burden on them.

(2) (amend. SG 27/10, in force from 09.04.2010; amend. - SG 105/11, in force from 29.12.2011) Availability of unfair burden shall be determined on the basis of the net costs, taking account also of the immaterial advantages of the undertaking under Para 1, associated with provision of the universal service or a part thereof, provided that the provision leads to losses or is offered on prices below the reasonable level of commercial profit.

Art. 201. (1) The Commission shall draft and adopt rules for calculation of the net costs of universal service provision.

(2) (amend. SG 17/09; amend. - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) Enterprises, which have been imposed with obligations to provide universal service shall calculate the net costs for universal service provision according to the rules under Para. 1.

(3) (revoked - SG 105/11, in force from 29.12.2011)

(4) (revoked - SG 105/11, in force from 29.12.2011)

Art. 202. (1) (amend. - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) The resources for compensation of the net costs of universal services provision shall be collected in a Universal Service Compensation Fund, hereinafter referred to as "the Fund". The resources for compensation of the net costs for universal service provision shall be collected from enterprises, providing public electronic communication networks and services.

(2) The Fund shall be a legal person with a seat in Sofia.

(3) The Audit Office shall exercise control over the activity of the Fund.

(4) The Fund shall be exempt from state and local taxes and fees only for the operations related to compensation of the net costs for the universal service. The resources of the Fund shall be kept in the Bulgarian National Bank.

(5) The Fund shall be transformed, terminated and liquidated by a law.

Art. 203. (1) The Fund shall be managed by a managing board consisting of 7 members, including a chairman and a deputy chairman, who shall be appointed as follows:

1. the chairman – by decision of the Communications Regulation Commission;

2. (amend. - SG 89/09, in force from 10.11.2009, amend. - SG 58/23) the deputy chairman – by a decision of the Minister of Transport and Communications;

3. one member – by the Governor of the Bulgarian National Bank;

4. one member – by the Minister of Labour and Social Policy;
5. one member – by the Minister of Finance;
6. one member – by the Commission for Protection of Competition;
7. one member – by the Consumer Protection Commission.

(2) (Amend. - SG 89/09, in force from 10.11.2009, amend. – SG, 20/21, amend. - SG 58/23) In case an application has been submitted under Art. 207, Para. 1 not later than 31 May of the following year, the managing board of the Fund shall prepare a report for and submit it to the Minister of Transport and Communications, the Minister of Finance, the Minister of Labour and Social Policy, the Governor of the Bulgarian National Bank, the Communications Regulation Commission, the Commission for Protection of Competition and the Consumer Protection Commission, which shall contain:

1. the amount of the net costs incurred by the provision of universal service;
2. evaluation of the immaterial advantages of undertakings providing universal service;
3. the amount of the contributions of the undertakings to the Fund;
4. the amount of the funds spent;

(3) The report under Para 2 shall be published on the webpage of the Communications Regulation Commission.

Art. 204. (1) The decisions of the managing board shall be taken by simple majority. The decisions shall be publicly available.

(2) The managing board shall work out and adopt rules for the activity of the Fund.

(3) The administrative support of the Fund shall be provided by the administration of the Commission.

Art. 205. The resources of the Fund shall be spent only for compensation of net costs incurred by universal service provision, under this section.

Art. 205a. (new - SG 105/11, in force from 29.12.2011) The compensation of net expenses shall be objective, transparent, proportional and non-discriminatory, without distracting the competition and the public demand.

Art. 206. (1) (suppl. – SG 27/10, in force from 09.04.2010, amend. – SG, 20/21) Enterprises providing public electronic communication network services shall pay contributions to the Fund under the terms and conditions of this section. No payment shall be due by enterprises with annual gross income under BGN 100 000.

(2) (Amend. and suppl. – SG, 20/21) The amount of the contributions under Para 1 for the respective year may not exceed 0.8 per cent of the gross revenue from public electronic communication networks and service provision, exclusive of VAT, after deduction of the transfer payments to other enterprises for interconnection of networks and for access, transit, roaming, value added services and costs for settling copyrights and related rights for radio and television programs.

(3) The enterprises under Para 1 shall pay the contributions within one year from the effect of the decision under Art. 208, Para 2. Failure to meet the deadline for payment of the contributions shall be considered a material violation of the Law. In case of a delay of payment a legal interest shall be imposed over contributions.

(4) The contributions of the enterprises under Para 1 shall be accounted as incidental costs.

(5) (new - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) Contributions under Para. 1 shall not be due by enterprises, which do not provide electronic communication network services on the

territory of the country.

Art. 207. (1) Applications for compensation of net costs of universal service provision for the previous calendar year, accompanied by relevant evidence, shall be submitted to the Commission by the undertakings under Art. 206 by 30 June of the current year.

(2) (amend. - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) The Commission shall verify the submitted calculations and other information, that serves as a basis for calculating the net costs of provision of universal service obligations regarding the requested compensation. The Commission may request additional information and/or evidence from the enterprises.

(3) (amend. - SG 105/11, in force from 29.12.2011, amend. and suppl. – SG, 20/21) The Commission may commission an audit of the accounting calculations and/or other information that are the basis for calculation of the net expenses for the universal service obligations. If it has the necessary qualified staff, the Commission may carry out this inspection on its own.

(4) (amend. - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) The payment of the audit referred to in Para. 3 shall be at the expense of the audited enterprise and the expenses made shall be included in the calculation of the net expenses.

(5) (new - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) The results of the calculation of the net costs and the conclusions of the check shall be publicly available.

(6) (New - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) Within 45 days from the end of the inspection the Commission shall give an opinion on:

1. the availability of unfair burden from the universal service provision for the relevant enterprise under Art. 206;

2. the amount of the compensation requested by the respective applicant.

(7) (new - SG 105/11, in force from 29.12.2011) In order to prepare the opinion referred to in Para 6 the Commission may commission additional surveys and expert examination.

Art. 207a. (new - SG 105/11, in force from 29.12.2011) Where the opinion referred to in Art. 207, Para 6 confirms the presence of unfair burden, the Commission shall request from the undertakings referred to in Art. 206, Para 1 information of their gross income.

Art. 207b. (new - SG 105/11, in force from 29.12.2011) The Commission shall present to the managing board the opinion under Art. 207, Para. 6 and the related documents as well as data for the gross revenues of the undertakings under Art. 206, Para 1.

Art. 208. (1) (amend. - SG 105/11, in force from 29.12.2011) Within 7-days from receipt of the opinion under Art. 207b, the managing board shall announce a decision on the total amount of the compensation due to all applicants for the previous year, as well as on the actual amount payable to each of them.

(2) (amend. SG 17/09) By the decision of par. 1 the managing board shall determine the percentage of the gross revenue and the amount of the contribution to the Fund for each undertakings under Art. 206, par. 1.

(3) Within 13 months from the effect of the decision under Para 2 the Fund shall pay the compensations due to the applicants. For taxation purposes the compensation amount shall be deducted from the financial result of the undertakings under Art. 206 providing universal service.

(4) The compensations under Para 3 shall be payable in equal quarterly instalments.

(5) Where the total amount of the compensation due to all applicants exceeds the amount of the

resources in the Fund, designated for compensation of net costs for the preceding year, the compensations shall be paid up in proportion to the relation between the total amount of compensation due to all applicants and the total amount of the Fund resources for the relevant year. The remaining portion of the compensation that has not been paid up shall be due in the following year.

Chapter twelve.

LEASED LINES (REVOKED - SG 105/11, IN FORCE FROM 29.12.2011)

Art. 209. (revoked - SG 105/11, in force from 29.12.2011)

Art. 210. (amend. SG 17/09; revoked - SG 105/11, in force from 29.12.2011)

Art. 211. (amend. SG 17/09; revoked - SG 105/11, in force from 29.12.2011)

Art. 212. (amend. SG 17/09; revoked - SG 105/11, in force from 29.12.2011)

Art. 213. (revoked – SG 17/09)

Art. 214. (revoked – SG 17/09)

Art. 215. (revoked – SG 17/09)

Chapter thirteen.

PRICES

Art. 216. (1) (Amend. – SG, 20/21) The enterprises providing public electronic communications networks and/or services shall fix prices according to the demand and supply in ensuring equal treatment of users, end-user categories, traffic volume and other conditions pertaining to freedom of negotiation.

(2) The undertakings providing public electronic communications networks and/or services may offer price packages ensuring thereby the right of the user to use services not bound in package prices, outside a package price.

(3) Undertakings, providing public electronic communication networks and/or services may offer discounts for used services under publicly known terms and conditions, where they are used by everybody, meeting the requirements for their provision, announced in advance.

(4) Undertakings, providing public electronic communication networks and/or services shall present their retail prices for information to the Commission within three days prior to their coming into effect.

(5) The undertakings providing public electronic communications networks and/or services shall publish their prices on their internet sites or in an accessible for users place.

Art. 217. (amend. - SG 105/11, in force from 29.12.2011) The Commission may regulate prices of electronic communications services when by a decision adopted pursuant to the provisions of this Act an obligation has been imposed on an undertaking with significant market power on the relevant market for

price restrictions and/or cost-orientation.

(2) Where this Act stipulates that the undertakings providing electronic communication networks and/or services shall determine their prices in compliance with the principle of cost-orientation or covering expenses and where the said undertakings do not determine the prices with each other, they shall be determined by the Commission. The undertakings shall submit to the Commission proposals with the prices determined by them accompanied by the documents related to the price formation. Where the prices submitted by the undertakings do not meet the requirements of this Act, the Commission shall send back the prices for correction within one month. Where, within the time limit of the previous sentence the undertakings fail to correct the prices or to prove their compliance with the requirements of this Act, the Commission shall impose price limitations according to one of the following methods:

1. limiting the rise of the prices to price threshold determined in advance;
2. comparative analysis of the prices determined by the undertakings and the prices of a corresponding service applied in the Member States of the European Union.

Art. 218. The undertakings providing public electronic communications networks and/or services, which have been imposed specific obligation for cost-orientation and for a cost determination system, shall present to the Commission detailed information on the costs by respective services, annually within 4 months after finalization of the accounts of the financial year.

Art. 219. (1) (amend. - SG 105/11, in force from 29.12.2011) The undertakings under Art. 217, Para 1 shall present the prices of the regulated electronic communication services to the Commission one month prior to their publication along with the documents of their pricing.

(2) (new - SG 105/11, in force from 29.12.2011) The undertakings under Art. 217, Para 1 shall present to the Commission the prices of the temporary promotional packages that include regulated electronic communication services two weeks prior to their publication accompanied by the documents for the price formation.

(3) (prev. text of Para 02 - SG 105/11, in force from 29.12.2011) Provided that the prices do not correspond to the imposed specific obligations, the Commission shall send them back to the undertakings under Para 1 for revision within one month.

(4) (prev. text of Para 03 - SG 105/11, in force from 29.12.2011) The Commission may require once every 6 months from the undertakings under Art. 218 to substantiate prices cost-orientation, allocating for that one month period to the respective undertaking.

(5) (prev. text of Para 04, suppl. - SG 105/11, in force from 29.12.2011) Provided that within the one-month period under Para 3 or 4 the undertakings under Para 1 fail to revise the prices or fail to substantiate their cost orientation respectively, the Commission may set price restrictions according to the imposed specific obligations or to the legislative provisions for a period of up to 6 months.

(6) (prev. text of Para 05, amend. - SG 105/11, in force from 29.12.2011) The undertakings under Art. 217, Para 1 shall fix prices of services, meeting the following requirements:

1. not to contain any components of pricing, based solely on the significant power of the undertaking at the respective market;
 2. not to contain any discounts, violating the competition opportunities for other undertakings, providing the respective electronic communication service;
 3. not to generate benefits for individual users of the same of a similar electronic communication service;
 4. not to be under the level of the cost of their provision;
 5. (new - SG 105/11, in force from 29.12.2011) not to create price squeeze.
- (6) (revoked - SG 105/11, in force from 29.12.2011)

Art. 220. (1) The Commission may impose price restrictions and requirements for cost orientation with regard to the prices of access and interconnection of undertakings with significant power at the respective wholesale market.

(2) (amend. and suppl. - SG 105/11, in force from 29.12.2011) In case of imposing price restrictions under Para 1 the Commission may apply methods such as:

1. limitation of the increase of prices of services up to preliminary set price ceiling;
2. (amend. – SG, 20/21) benchmarking between fixed by the enterprise prices and the prices of the same services at comparable competitive markets in other European Union Member States;
3. definition of a plan of a gradual reduction of prices over a specified period of time, after which the price level shall have to reach a preliminary set level;
4. (new - SG 105/11, in force from 29.12.2011) specifying wholesale prices based on the prices of services provided on a vertically integrated retail market, reduced by the expenses that are inherent for the realisation of the services on the retail market.

(3) Cost oriented prices shall be set by the undertakings according to cost determination system, where this is stipulated pursuant to the provisions of this Act and is imposed by a decision of the Commission.

Art. 220a. (New – SG, 20/21) (1) The Commission shall monitor the application of voice call termination rates by voice call termination providers.

(2) The Commission may - at any time - require a voice call termination service provider to amend the price it charges other enterprises, if it does not comply with the requirements of the applicable European Commission Delegated Regulation, setting a single maximum price for voice termination calls in mobile networks and a single maximum price for terminating voice calls in fixed networks.

(3) The Commission shall inform annually the European Commission and the European Regulators Authority in the field of electronic communications, regarding the application of Para. 1 and 2.

(4) The Commission may perform an analysis of the markets for termination of voice calls in accordance with Art. 151 to assess, whether the imposition of regulatory obligations is necessary, when the European Commission decides not to impose a maximum price for termination of voice calls in mobile networks or a maximum price for termination of voice calls in fixed networks, or neither.

(5) In case as a result of the analysis under Para. 4 and in accordance with the procedures, specified in Art. 36, 42 and 42b, the Commission imposed obligations for cost-oriented prices for termination of the respective market, it shall observe the following principles, criteria and parameters:

1. prices are based on the reimbursement of costs, incurred by an efficient operator; the estimation of the effective costs is based on the current values of the costs; the cost-effective calculation methodology is based on a bottom-up modeling approach, using long-term additional traffic-related costs for the wholesale voice call termination service, provided to third parties;

2. the relevant additional costs of the wholesale voice termination service represent the difference between the total long-term costs of an operator, providing its full range of services and the total long-term costs of that operator, when it does not wholesale the voice call termination service to third parties;

3. only those traffic-related costs, that would have been avoided in the absence of the wholesale voice call termination service should be allocated to the relevant termination allowance;

4. the cost of additional network capacity shall be included, only if it is incurred, in view of the need to increase the capacity for the purpose of transmitting additional traffic, in connection with the termination of wholesale voice calls;

5. charges for the use of radio frequency spectrum are not included in the supplement for

termination of voice calls in a mobile network;

6. only wholesale costs, directly related to the wholesale voice call termination service, provided to third parties are included;

7. it is considered, that all fixed network operators provide voice call termination services at the same unit labor costs, as the efficient operator, regardless of their size;

8. for mobile network operators, the minimum effective scale shall be set at minimum 20 per cent market share;

9. the approach, to be used in calculating the depreciation of assets is the economic amortization, and

10. the choice of technology for modeled networks should be geared to the future development of Internet Protocol-based networks, taking into account the different technologies, that are likely to be used during the period of validity of the maximum price; for fixed networks, calls are assumed to be packet-switched exclusively.

Art. 221. (1) (amend. - SG 105/11, in force from 29.12.2011) The Commission may regulate retail and wholesale prices for electronic communications services provided by undertakings with significant market power on the relevant retail market under the terms and conditions of this Act when it finds out that imposing specific obligations under Chapter Ten will not lead to achieving the objectives under Art. 4.

(2) (amend. - SG 105/11, in force from 29.12.2011, repealed – SG, 20/21).

(3) (amend. - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) The Commission with the goal of protection of end users and of promotion of effective competition may impose on enterprises under Para 1 one or some of the following obligations:

1. limitation of prices increase at retail markets up to preliminary set price ceiling;

2. (amend. - SG 105/11, in force from 29.12.2011) control over individual tariffs;

3. determination of cost oriented prices at retail markets;

4. determination of prices, oriented to prices for the same or similar services at comparable respective markets in European Union Member States.

(4) (amend. - SG 105/11, in force from 29.12.2011) The obligations imposed under Para 3 shall be proportional, reasoned and may include requirements to the undertakings under Para 1:

1. (amend. - SG 105/11, in force from 29.12.2011) not to impose irrelevantly high prices; or

2. (amend. - SG 105/11, in force from 29.12.2011) not to impose prices, hindering competition or entering the respective market by other undertakings; or

3. (amend. - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) not to introduce preferences to specific end users; or

4. (amend. - SG 105/11, in force from 29.12.2011) not to apply irrelevant bounding of services.

(5) (revoked - SG 105/11, in force from 29.12.2011)

(6) (revoked - SG 105/11, in force from 29.12.2011)

(7) (New – SG, 20/21, amend. - SG 79/24) In the implementation of the imposed under Para. 3 liabilities, the enterprises with significant impact on the respective market shall apply the necessary cost accounting systems. The Commission may determine the format and accounting methodology to be used. Compliance with the requirements for the cost accounting system shall be checked by a registered auditor, in accordance with the Independent Financial Audit and Sustainability Assurance Act or by the Commission, if it has the necessary qualified staff. The results of the inspection shall be published annually.

(8) (New – SG, 20/21) Without prejudice to the provisions of Chapter Eleven, Section IV, the Commission shall not apply the mechanisms for control over the retail market, according to Para. 1 to geographic markets or retail markets, if it has established, that there is effective competition on them.

Art. 222. (1) (amend. - SG 105/11, in force from 29.12.2011) The Commission may require

from the enterprises under Art. 217, Para 1 to work out and apply cost determination system, where this is relevant for achievement of the objectives under Art. 4 and subject to observance of the principles under Art. 5.

(2) The undertakings under Para 1 within 6 months after imposing the obligation under Para 1 shall present to the Commission a draft of cost determination system. The Commission may, after consultations with enterprises, require the principles and general categories, under which cost have been grouped, and the general rules of their allocation.

(3) (amend. – SG 17/09) After consultations with the undertakings under Para 1 the Commission may request amendments and supplementation to the draft of the cost determination system, which do not intimidate the financial vitality of the undertaking under Para 1.

(4) (amend. – SG 17/09) The Commission shall approve the cost determination system within three months after its presentation under par. 2, whereas it may issue obligatory instructions to the undertakings under par. 1 to amend the cost determination system.

(5) (amend. – SG 17/09) The undertakings under Para 1 shall provide for public accessibility of the principles and of the basic categories, under which the costs have been grouped, and the general rules for their allocation and shall provide this information free of charge upon request.

(6) (amend. – SG 17/09) The undertakings under Para 1 shall publish an annual report containing an analysis of fulfilment of the obligation for cost orientation of public electronic communication networks and/or services.

(7) (amend. – SG 17/09) The undertakings under Para 1 and/or the Commission may well reasoned initiate a modification of the cost determination system pursuant to the provisions of this Art..

(8) (Amend. – SG 17/09, amend. - SG 95/16, amend. – SG, 20/21, amend. - SG 79/24) The Commission shall assign an inspection of the application of the system for determining the costs to a registered auditor, in accordance with the Independent Financial Audit and Sustainability Assurance Act. In case it has the necessary qualified staff, the Commission may independently check the application of the costing system. The results of the inspection shall be published annually.

(9) (revoked – SG 17/09)

(10) (revoked – SG 17/09)

Art. 223. (revoked - SG 105/11, in force from 29.12.2011)

Art. 224. Prices of electronic communication services under Chapter Eleven shall be fixed by undertakings, obliged to provide universal service according to the methodology under Art. 195, Para 1.

Art. 224a. (new - SG 105/11, in force from 29.12.2011, repealed – SG, 20/21)

Chapter fourteen.

PROTECTION OF END-USERS' INTERESTS (TITLE, AMEND. – SG, 20/21)

Section I.

Requirements for provision of information in contracts (Title, new – SG, 20/21)

Art. 225. (1) (Amend. - SG 105/11, in force from 29.12.2011, former text of Art. 225, amend. – SG, 20/21) Enterprises providing public electronic communications networks or services to end-users shall

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respect the principles of transparency and equal treatment according to the type of technology used, the categories of end users, the traffic volume and the way of payment, and shall not offer advantages to individual end-users or a group of end-users for the same services.

(2) (New – SG, 20/21) The enterprises under Para. 1 may not apply to end-users' different requirements or general conditions for access to, or use of their networks or services for reasons, related to the nationality, place of residence or place of establishment of the end-user, unless there are objective reasons for their different treatment.

(3) (New – SG, 20/21) The provision of end-users' access to electronic communications networks or the use of services and applications through such networks shall respect the Charter of Fundamental Rights of the European Union and European Union law.

Art. 226. (Amend. – SG, 20/21) (1) Before the consumer is bound by a contract or a proposal to conclude a contract, enterprises, providing public electronic communications services, other than machine-to-machine transmission services shall provide the following information, relevant to the requested service:

1. name/title, registered office and address of management, telephone number, as well as e-mail address and website, if any;

2. type, description and main characteristics of the services, including:

a) any barriers to accessing emergency call services or caller location information, due to lack of technical feasibility, insofar as the service allows end-users to generate calls to a number in a national or international numbering plan;

b) offered minimum levels of service quality:

aa) for internet access services: at least information on delay, delay fluctuation and packet loss;

bb) for interpersonal communication services, where they exercise control over certain elements of the network, directly or by virtue of a service level agreement with network access providers: connection time, probability of failure, signaling delay;

cc) information, that minimum levels of service quality are not offered, where applicable;

dd) for the providers of services for access to the Internet and the information, required under Art. 4, Para. 1 of Regulation (EU) 2015/2120;

c) terms for activation of the electronic communication service;

3. conditions and terms for payment of the offered services; the existence of deposits or other financial guarantees, paid or given by the end-user at the request of the enterprise and the conditions thereof;

4. detailed information on products and services, intended for users with disabilities and ways to obtain updates of this information;

5. procedures for reviewing and ruling on complaints, requests and proposals of end users, as well as means for initiating dispute resolution procedures, including national and cross-border disputes, in accordance with the Consumer Protection Act;

6. terms and conditions for negotiation, determination of the amount and payment of benefits and reimbursement of amounts, applicable in case of non-compliance with agreed service quality levels, including, where applicable, explicit indication of consumer rights, applicable in case of non-compliance with agreed levels for the quality of the service, or if the provider has not taken appropriate measures, in the event of an incident, threat or vulnerability, related to network security;

7. the right of end users to decide, whether to include their personal data in a directory and the types of data, subject to inclusion according to Art. 258;

8. actions, that the enterprise may take in the event of a threat or response to incidents, related to vulnerabilities or network security;

9. information on what personal data are provided before the provision of the service or are collected during the provision of the service, without prejudice to the obligation under Art. 13 of Regulation

(EU) 2016/679;

10. maintenance of services for monitoring and control of the costs of the services for access to the Internet and the interpersonal communication services by the consumer, when such are agreed or such obligation is imposed under Art. 237a, including a notice before reaching the limit volume, included in the consumer's tariff plan, and when the service, included in the plan is fully utilized;

11. term of the contract and conditions for renewal and termination of the services and of the contract, amounts due for termination, if any, including:

a) all requirements for minimum consumption or minimum duration for taking advantage of promotional conditions;

b) amounts due in connection with a change of supplier and arrangements for compensation and reimbursement in the event of delay or abuse of a change of supplier, as well as information on the relevant procedures;

c) penalties and indemnities, related to early termination of the contract, including reimbursement of costs incurred in respect of terminal equipment and information on unlocking and reimbursement of terminal equipment costs;

d) information on the right of consumers, who use prepaid services to a refund upon request of the remaining credit, in case of change of provider;

e) the conditions, including fees, imposed by the provider for the use of the provided terminal device, without violating the right of the end users to use a terminal device of their choice, in accordance with Art. 3, Para. 1 of Regulation (EU) 2015/2120;

f) for package services - the conditions for extension and termination of the contract, where applicable, the conditions for termination of the package or elements thereof;

12. prices of the services provided and, as far as applicable, the corresponding prices for activating the electronic communications service, as well as for any recurring or consumption-related charges;

13. for Internet access services and for public interpersonal communication services:

a) detailed information on the specific tariff plan or plans under the contract: types of services offered, including, where applicable, information on their volume (megabytes, minutes, messages, etc.) for the specified billing period, as well as the price of additional communication unit services;

b) in case of selected tariff plan or plans with predetermined volume of services - the possibility for the users to transfer any unused volume from the previous invoicing period to the next invoicing period, when such an option is included in the contract;

c) mechanisms to ensure transparency of invoicing and monitoring the level of consumption;

d) tariff information for each number or service, for which special price conditions apply;

e) for package services and packages, that include both services and terminal equipment - the prices of the individual elements in the package, insofar as they are also offered on the market separately;

f) conditions, including fees, for service, maintenance and customer service;

g) the means to obtain up-to-date information on all applicable tariffs and maintenance fees.

(2) The information under Para. 1 shall be provided by the enterprise in a clear and comprehensible manner on a durable medium within the meaning of the Consumer Protection Act or, when the provision of a durable medium is not possible, in a document, provided by the enterprise, which is easy to download. The company shall explicitly draw the user's attention to the existence of this document and to the fact, that it is important, that the document be downloaded for the purposes of documentation, future references and unaltered reproduction.

(3) Upon request, the information under Para. 1 shall be provided by the enterprise in an accessible format for consumers with disabilities in accordance with the current legislation and the law of the European Union in the field of harmonization of the requirements for accessibility of products and services.

(4) The enterprises under Para. 1 shall also provide to end users, who are micro-enterprises, small enterprises or non-profit legal persons, the information under Para. 1 and Art. 228a, Para. 1, unless they have explicitly waived it in whole or in part.

(5) With regard to certain categories of services, the Commission may - in addition - request the information under Para. 1, item 13, letter "d" to be provided immediately before connecting the call or before connecting to the service provider.

Art. 226a. (New – SG, 20/21) (1) Enterprises, providing public electronic communications services, when carrying out automated processing, including profiling, for the purpose of preliminary risk assessment in the event of a request for the conclusion of a contract from an end-user, shall have the right to use:

1. the data under Art. 248, Para. 2, item 2, letter "a", provided by the end user for the purposes of concluding a contract;
2. the information under Art. 249, Para. 3, if a terminal device is also provided;
3. the data, relating to other existing or terminated contracts with the same end-user, in so far as the enterprise has such data at the time of receipt of the request.

(2) In the cases under Para. 1, the enterprises, providing public electronic communications services shall notify the end user in advance, that the preliminary risk assessment is performed through automated processing, and shall inform him of his rights to request human intervention in its performance, of his right and the way, in which it may express opinion and challenge the decision taken as a result of the automated processing.

Art. 227. (1) (Amend. and suppl. - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) The information under Art. 226, Para. 1 shall not be subject to change, unless the parties agree in writing before concluding the contract. The information under Art. 226, Para. 1 shall be an integral part of the contracts, concluded by the enterprises, providing public electronic communications services, other than machine-to-machine transmission services, and the consumers, with a view to certifying identity between it and the terms of the contract at the moment of its conclusion.

(2) (Repealed – SG, 20/21).

(3) Enterprises shall produce and publish a price list of services, containing identification of prices of offered services, price packages or rates, and terms and conditions of their use.

(4) (new - SG 105/11, in force from 29.12.2011) The conditions under Para 1 and 2 shall be drawn up in a clear, comprehensive and form easily accessible by the subscribers.

(5) (new - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) The Commission may give mandatory instructions to the enterprises providing electronic communication services about meeting the requirements of Para. 1 and 4.

Art. 228. (1) (Former text of Art. 228, amend. - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) The contract with the consumers shall enter into force within 7 days after its conclusion, unless the consumer has explicitly stated in writing a wish for the contract to enter into force immediately.

(2) (new - SG 105/11, in force from 29.12.2011, repealed – SG, 20/21).

(3) (new - SG 105/11, in force from 29.12.2011, repealed – SG, 20/21).

(4) (new - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) The lack of explicit request of the consumer under Para. 1 for immediate entry into force of the contract shall not serve as valid grounds for the enterprise to refuse to sign the contract. Exceptions from this requirement shall be allowed, where the signing of the contract is accompanied by provision of terminal equipment.

(5) (new - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) Within the period referred to in Para. 1, where applicable, the consumer shall be entitled to terminate the contract unilaterally without

owing any stipulated damages.

(6) (new - SG 105/11, in force from 29.12.2011, repealed – SG, 20/21).

Art. 228a. (New – SG, 20/21) (1) Enterprises, providing public electronic communications services, with the exception of machine-to-machine transmission services, shall prepare a short and easy-to-read summary of the contract with the consumer, with an established model, in accordance with the Implementing Regulation (EU) 2019/2243 of 17 December 2019, establishing a model contract summary to be used by providers of public electronic communications services, pursuant to Directive (EU) 2018/1972 of the European Parliament and of the Council (OJ, L 336/274 of 30 December 2019), hereinafter referred to as "Implementing Regulation (EU) 2019/2243".

(2) The enterprises, providing public electronic communications services, other than machine-to-machine transmission services, shall fill in the sample summary of a contract under Para. 1 and shall provide it free of charge to the consumers, before the conclusion of the contract, including in case of distance contracts.

(3) When for objective technical reasons, it is not possible to provide a summary of a contract under Para. 2, the same shall be provided within 7 days after concluding the contract. In this case, the contract shall enter into force on the date, on which the consumer confirms his agreement with the contract, after receiving the summary.

(4) The summary under Para. 2 and 3 shall not be changed, unless the parties explicitly agree in writing before concluding the contract. The summary under Para. 2 and 3 shall be an integral part of the contract with the consumer, in order to certify identity between him and the terms of the contract at the time of its conclusion.

Section II.

Term of the contract (Title, new – SG, 20/210)

Art. 229. (Amend. – SG, 20/21) (1) Enterprises, providing public electronic communications services, other than numberless interpersonal communications services and other, than machine-to-machine transmission services shall offer consumers the option of concluding a contract with an initial term of no more than two years.

(2) The enterprises under Para. 1 shall offer consumers the opportunity to conclude a contract with a term of up to one year.

(3) Irrespective of the term of the contract, the conditions and procedures for termination of the contracts between the enterprises under Para. 1 and consumers shall not be an obstacle to switching providers.

(4) Paragraphs 1, 2 and 3 shall not apply to the duration of a contribution contract, in cases where the consumer has agreed in a separate contract to pay contributions exclusively for the establishment of a physical connection, in particular to very high-capacity networks. Physical connection fee agreements shall not include the terminal, such as a modem or router, and shall not prevent users from exercising their rights under this Section.

(5) Paragraphs 1, 2 and 3 shall also apply to end-users, who are micro, small enterprises or non-profit legal persons, unless they have explicitly waived their respective rights at the time of concluding the contract.

Art. 229a. (new - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) (1) A fixed-term contract for electronic communications services, other than interpersonal messaging services without numbers and other, than machine-to-machine transmission services may be renewed only with the express

written consent of the end-user regarding the conditions for renewal. Where such consent is missing the contract shall be transformed after its expiration into a permanent contract having the same conditions. The end user shall be entitled to terminate the permanent contract at any time with one month notice without owing stipulated damages and additional costs about this, except for the amounts due for the service during the notice period.

(2) Before the automatic conversion of the contract into an open-ended one, the enterprises shall inform the end users in due time, in an understandable way and on a durable medium about the expiration of the contractual relations and about the ways for termination of the contract. At the same time, companies shall recommend to end users the best tariffs for the services they use. The enterprises shall provide end-users with information on the best tariffs at least once a year.

(3) Where an end-user has the legal right to terminate a contract for a public electronic communications service, other than an interpersonal communication service without a number before the end of the agreed period, the end-user shall not owe any compensation, other than the retained subsidized terminal equipment.

Art. 229b. (New – SG, 20/21) With regard to transmission services for machine-machine connection, the rights, specified in Art. 229a, Para. 3, Art. 230, Para. 2 and 3 and Art. 230d, Para. 3, shall be used only by end users, who are consumers, micro-enterprises, small enterprises or non-profit legal persons.

Art. 230. (Amend. – SG, 20/21) (1) When the contract with the end user is concluded under general conditions, the general conditions or amendments thereto shall be published by the enterprises on their internet page and shall display them in an easily visible place at their business premises, or make them available in another appropriate way for a term, not less than 1 month, prior to their entering into force.

(2) End-users shall have the right to terminate their contract at no additional cost, when the provider of public electronic communications services, other than interpersonal communication services without numbers, notifies them of proposed changes to the contract terms, including changes to the general terms, except where changes are solely in the interest of the end-user or are of an administrative nature and do not adversely affect the end-user, or are directly imposed by applicable law, European Union law or a competent authority.

(3) In the cases under Para. 2, the providers shall notify the end users of all changes in the contractual conditions, including changes in the general conditions, within not less, than one month before their entry into force, and at the same time notify them of their right to terminate their contract, without additional costs in case they do not accept the new conditions. The right to terminate the contract shall be exercised within one month after the notification.

(4) The user shall have the right to terminate the contract, in case of any significant and continuous or frequently repeated discrepancy between the actual indicators of the electronic communications service, other than Internet access service or interpersonal communication service without number and the indicators, specified in the contract. Enterprises should include in their contracts with end-users, definitions of "significant and persistent non-compliance" and "significant and recurring non-compliance".

(5) In the cases under Para. 4, the consumer shall also have all other legal means and legal defence.

(6) The notification under Para. 3 shall be performed in a clear and comprehensive manner on a durable medium. The Commission may determine the manner and form of notice.

(7) Upon termination of the contract, end-users shall have the option to return the digital TV equipment through a free and easy procedure, unless the provider proves, that it is fully interoperable with the digital TV services of other providers, including those, to which the end user has switched.

Art. 230a. (New – SG, 20/21) (1) Amendments or supplements to the general conditions may be made at the initiative of the company or the Commission.

(2) Amendment or supplement of the general conditions on the initiative of the enterprise shall be carried out under Art. 230.

(3) Amendments or supplements to the general conditions may be made at the initiative of the Commission, in order to protect the interests of end users. In this case, the Commission shall give mandatory instructions to the company for the relevant changes.

Section III.

Change of provider (New – SG, 20/21)

Art. 230b. (New – SG, 20/21) (1) Internet service providers shall, where technically feasible, provide for the possibility of switching providers by providing the end-user with the relevant information before and during the switching process, in order to ensure the continuity of the internet access service, unless technically not feasible.

(2) The receiving provider shall activate the internet access service, as soon as possible, on the date, explicitly agreed between the receiving provider and the end user. The donor provider shall continue to provide its internet access services under the same conditions, while the receiving provider activates its internet access services. The interruption of the service during the process of changing the provider shall not exceed one working day.

(3) Enterprises, whose access networks or facilities are used by the donor or host provider, or both, shall ensure, that there is no deprivation of service, which would delay the process of switching providers.

(4) The host provider shall conduct the processes of the provider, switching processes, in cooperation with the donor provider. Providers shall be obliged not to delay, not to abuse the processes of switching suppliers and not to switch suppliers without the express consent of the end users. End-user contracts with the donor provider shall automatically be terminated, once the switching process is complete.

(5) Upon request, donor providers shall reimburse the remaining credit to consumers, when using prepaid services. The donor may charge a fee for the refund, only if provided for in the contract. Any such fee shall be proportionate and comparable to the actual costs, incurred by the donor provider in offering the refund.

Art. 230c. (New – SG, 20/21) (1) The Commission shall adopt rules for the process of changing the provider, taking into account the technical feasibility and the need to maintain the continuity of the service for the end users, after a public discussion under Art. 36 and promulgate them in the State Gazette.

(2) End-users must be properly informed and protected during the process and not be transferred to another provider against their will.

(3) In the rules under Para. 1 a mechanism for compensation shall be provided for end users by providers in an easy and timely manner, in case of non-compliance with the obligations under this Section, including in cases of delays or abuses of the processes of switching suppliers, as well as missed service and installation meetings.

Section IV.

Package offers (Title, new – SG, 20/21)

Art. 230d. (New – SG, 20/21) (1) If a package of services offered to a user or a package of services and a terminal device includes at least an Internet access service or public interpersonal communication services with numbers, Art. 228a - 230, Art. 230b, Para. 1 and 2 and Art. 231a for all

elements of the package, including those elements, that do not fall within the scope of these provisions.

(2) When the consumer has the right on legal grounds to terminate some of the elements in the package under Para. 1, before the expiration of the agreed term, due to lack of compliance with the contract or lack of delivery, the consumer shall have the right to terminate the contract in respect of all elements of the package.

(3) Where the end user chooses to keep an end device, provided in a package with the contract at the time of its conclusion, the compensation due may not exceed the lesser of the two amounts:

1. a proportionate part of the value of the device, depending on the time of use of the device, agreed at the time of conclusion of the contract, or

2. the remaining part of the service fee until the expiration of the contract.

(4) The provider shall remove all conditions and restrictions, regarding the use of the terminal device in other networks free of charge after the payment by the end user of the compensation under Para. 3.

(5) The conclusion of a contract for additional services or terminal equipment, provided or distributed by the same provider of Internet access services or public interpersonal messaging services with numbers shall not extend the initial term of the contract, to which those services or terminal equipment are added, unless the consumer does not explicitly agree to this, when concluding the contract for the additional services or the terminal device.

(6) Paragraphs 1 and 5 shall also apply to end-users, who are micro, small enterprises or non-profit legal persons, unless they have expressly agreed to waive all, or part of these provisions.

Art. 231. (revoked - SG 105/11, in force from 29.12.2011; new – SG 27/13) (1) In case of provision of television programs by the enterprises, providing public electronic communication networks and/or services, a list of the names of the television programs included in the price package shall be attached to the contract.

(2) (suppl. - SG 28/18, in force from 29.03.2018) The enterprises under par. 1 shall maintain on a hard copy and on an electronic carrier a register of the submitted by the consumers complaints, warnings and proposals, contracts with content providers as well as an up-to-date database for subscribers, while respecting the requirements for the protection of personal data.

(3) (Suppl. – SG, 20/21) In case of removing of a television program from the list under par. 1, the consumer shall have the right to terminate the contract without being liable to pay any compensation and/or penalty, by sending a one-month written notice. The right to terminate the contract may be exercised within two months from the explicit notification of the consumer for dropping out of a television program from the list under Para. 1.

(4) (New – SG, 20/21) Paragraph 3 shall not apply, when the distribution of the respective dropped program from the list under Para. 1 has been suspended on the territory of the country.

(5) (Former Para. 4, amend. - SG, 20/21) All provisions, contradicting Para. 1 – 4, shall be null and void.

Section V.

Transparency, comparability of proposals and publication of information (Title, new – SG, 20/21)

Art. 231a. (new - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) (1) The enterprises providing public interpersonal communications services, or access to internet services shall publish on their internet site, on a publicly accessible places at their commercial premises, as well as, if needed, in any other appropriate way up-to-date information about:

1. the general conditions of the contract with the end users, where applicable;

2. contact details of the company: name, registered office and address of management, telephone number, as well as e-mail address and website, if any;

3. description of the offered services:

a) the scope and main characteristics of each of the services offered, including any minimum levels of quality of services, when offered and any restrictions, imposed by the provider on the use of the terminal equipment provided;

b) tariffs for the services offered, including information on the volume of the included communication services (megabytes, minutes, messages, etc.) in the specific tariff plans and the applicable tariffs for additional communication units, telephone numbers or services, subject to certain price conditions, access fees, and maintenance, all types of user fees, special and target tariff plans and all additional fees, as well as the costs, related to the terminal device;

c) offered services for service, support and customer service and data for contact with the relevant services;

d) standard contract terms, including the term of the contract, termination of the contract, fees due for early termination of the contract, rights in connection with the termination of package offers or elements thereof, and procedures and direct fees, related to number portability and other identifiers, if is applicable;

e) for enterprises, providing interpersonal communication services with numbers - information on access to emergency services and the provision of information on the location of the caller or any restrictions in this regard;

f) for companies, providing interpersonal communication services without numbers - information on the extent, to which access to emergency services can be provided;

g) details of products and services, including functions, practices, policies and procedures, and changes to the operation of a service, specifically designed for users with disabilities, in accordance with current legislation and European Union law to harmonize accessibility requirements for products and services;

4. dispute resolution mechanisms, including those, developed by enterprises.

(2) The information of Para. 1 shall be published in clear, comprehensible and easily accessible machine- reading form and in a format, that is accessible to consumers with disabilities in accordance with current legislation and European Union law in the field of harmonization of accessibility requirements for products and services.

(3) The Commission may specify additional requirements to the form of publishing the information under Para 1.

(4) Upon request, the information under Para. 1 shall be submitted to the Commission before its publication.

Art. 231b. (new - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) (1) The Commission, independently or through awarding shall provide free access to at least one independent comparison tool, enabling end-users to compare and evaluate different internet access services and public interpersonal communication services with numbers and, where applicable, public interpersonal communication services without numbers, in relation to:

1. prices and tariffs for services, provided against recurring or consumption-based direct cash payments, and

2. the quality of the provision of the services, when a minimum quality of the service is offered or the enterprise is required to publish this information according to art. 235a.

2. the quality of the provision of the services, when a minimum quality of the service is offered or the enterprise is required to publish this information, according to Art. 235a.

(2) The means of comparison under Para. 1 are:

1. functionally independent of the service providers under Para. 1, ensuring that suppliers are treated equally in the search results;
2. clearly identification of the owners and operators of the benchmark;
3. definition of clear and objective criteria, on the basis of which the comparison is made;
4. use of clear and unambiguous language;
5. provision of accurate and up-to-date information and indicating the date of the last update;
6. available to any internet access service provider or public interpersonal communication service, providing appropriate information and including a wide range of offers covering a significant part of the market, and where the information provided does not contain a complete overview of the market, this is clearly stated before displaying the results;
7. provision of an effective procedure for reporting false information;
8. including the possibility to compare prices, tariffs and quality of service, provided between available offers to consumers and between those offers and standard offers, publicly available to other end-users.

(3) The means for comparison, which fulfill the requirements under Para. 2, upon request by the supplier of the means shall be certified by a certification mechanism, determined by the Commission.

(4) Third parties shall have the right to use, free of charge and in open data formats, the information published by Internet service providers or public interpersonal communication services for the purpose of providing such independent means of comparison.

Art. 231c. (new - SG 105/11, in force from 29.12.2011, repealed – SG, 20/21)

Art. 231d. (new - SG 105/11, in force from 29.12.2011) (1) (Amend. – SG, 20/21) The Commission may oblige the enterprises providing public interpersonal communications services and numbers or access to internet services to distribute public interest information and in standard format free of charge to existing and new end users, such as:

1. the most common uses of internet access services and public interpersonal communications services with numbers to engage in unlawful activities or to disseminate harmful content, particularly where it may prejudice respect for the rights and freedoms of others, including infringements of protection of data rights and of copyright and related rights, and their legal consequences; and

2. the means of protection against risks to personal security, privacy and personal data when using Internet access services and public interpersonal communication services with numbers.

(2) (Amend. – SG, 20/21) The information referred to in Para 1 shall be provided by the enterprises through the standard communication means.

Art. 232. (Repealed – SG, 20/21)

Art. 233. (Repealed – SG, 20/21)

Art. 234. (1) (Amend. – SG, 20/21) The Commission may draft standard General Conditions of the contracts between enterprises and end-users and publish them on its web page.

(2) (Amend. – SG, 20/21) Enterprises under may draft their General Conditions in accordance with the standard General Conditions under Para 1.

Art. 235. (revoked – SG 105/11, in force from 29.12.2011)

Art. 235a. (new – SG 105/11, in force from 29.12.2011) (1) (Amend. – SG, 20/21) The Commission may oblige enterprises providing Internet access services and public interpersonal communication services, to publish comprehensive, comparable, reliable, easily accessible and up-to-date

information on end-users on the quality of their services, insofar as enterprises control at least certain elements of the network, directly or by agreement service, and on the measures, they have taken to ensure equality of access for users with disabilities.

(2) (New – SG, 20/21) The Commission may require providers of public interpersonal communication services to inform consumers, if the quality of the services they provide depends on external factors, such as control of signal transmission or network connectivity.

(3) (Former Para. 2 - SG, 20/21) The Commission shall impose the obligation under Para. 1 following consultations with the interested parties.

(4) (Former Para. 3 - SG, 20/21) The enterprises shall supply, on request, that information to the Commission in advance of its publication.

Art. 236. (amend. – SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) (1) The Commission shall determine, taking into account, as far as possible, the guidelines of the European Regulators Authority in the field of electronic communications, the service quality parameters to be measured, the applicable measurement methods and the content, format and manner of publication of information, including possible mechanisms for quality certification.

(2) When necessary, the following parameters shall be used:

1. for providers of access to the public electronic communications network: time for initial connection to the network, coefficient of damages of the access line, time for elimination of faults;

2. for interpersonal communication service providers, where they exercise control over certain elements of the network or have an agreement on the level of service to that effect with enterprises, providing access to the network: connection time, voice quality, invoice correctness complaints, call failure rate, probability of failure, alarm delay;

3. for Internet service providers: delay of fluctuation and packet loss.

Art. 236a. (new – SG 105/11, in force from 29.12.2011, repealed – SG, 20/21)

Art. 237. (1) (amend. – SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) Enterprises shall take all necessary measures to ensure the fullest possible availability of services for voice messaging and internet access, provided over public communications networks in the event of catastrophic network breakdown or in cases of force majeure.

(2) (amend. – SG 105/11, in force from 29.12.2011, amend. and suppl. – SG, 20/21) Enterprises providing services for voice messages shall take all appropriate measures to secure uninterrupted access to emergency call services and continuous transmission of warnings to the population.

Art. 237a. (new – SG 105/11, in force from 29.12.2011) (1) (Amend. – SG, 20/21) Without prejudice to Art. 198, the Commission may impose on the enterprises, providing public interpersonal communication services with numbers or services for internet access, to provide free of charge to the end users all or some of the additional possibilities under Art. 198, Para. 1 or Art. 257, Para. 1 and 11, in the presence of technical possibility. The additional possibilities under Art. 198, Para. 1, items 3, 4 and 7 shall be provided only to consumers.

(2) (Amend. – SG, 20/21) The mode of using the facilities, referred to in Para 1 shall be determined in the contracts with the end-users.

(3) (Amend. – SG, 20/21) After assessing the access provided to the end-users to the facilities under Art. 198, Para 1 or Art. 257, Para 1 and after holding consultations under Art. 37 the Commission may decide not to impose obligations under Para 1 or to withdraw the imposed obligations on the territory of the entire country or part thereof, where it finds that access to such facilities has been ensured.

Art. 237b. (new – SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) The Commission shall specify requirements to be met by enterprises providing publicly available electronic communication services to ensure, that disabled users:

1. (amend. – SG, 20/21) have access to electronic communications services and related contractual information, including emergency and social services, provided by number 116000, and other harmonized services of social importance, provided by numbers in this range, equivalent to the access, provided to the majority end users;

2. (amend. – SG, 20/21) benefit from the choice of enterprises and services available to the majority of end-users.

3. (new – SG, 20/21) have access to the emergency response services of disabled users, who are citizens of another Member State of the European Union, residing in the territory of the country, on an equal footing with other end-users, where this is possible, without prior registration.

Art. 237c. (new – SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) Persons, who have been granted rights to use numbers in the numbering range for harmonized numbers for harmonized services of social significance shall take measures to promote the existence and use of the services, provided by numbers 116000 and 116111, as well as other harmonized services of social significance, provided through numbers in this range, providing free access to these services to end-users.

Art. 238. (Repealed – SG, 20/21)

Art. 239. (Repealed – SG, 20/21)

Art. 240. (Repealed – SG, 20/21)

Art. 241. (Repealed – SG, 20/21)

Art. 242. (1) The Commission shall prepare annual analysis of the complaints under this Chapter, in which it identifies the reasons, causing them.

(2) The analysis shall be included in the annual report of the Commission.

Section VI.

Emergency calls and population warning systems (New – SG, 20/21)

Art. 242a. (New – SG, 20/21) (1) End-users shall have access to emergency services through the single European emergency number 112. All emergency calls shall be answered in an appropriate manner and shall be handled in accordance with the national organization of emergency systems.

(2) Enterprises, public authorities and emergency services shall duly inform end-users of the existence and use of the single European emergency number 112, as well as its accessibility features, including through initiatives, specifically targeted at people, traveling between of the European Union Member States, and to consumers with disabilities. This information shall be provided in accessible formats, relating to different types of disabilities.

(3) Enterprises, providing public interpersonal communication services with numbers shall provide information to the most appropriate emergency call center for the location of the caller to the number 112, immediately after establishing an emergency call connection. This shall include network-based

location information and, where available, caller location information, received from the telephone. The collection and transmission of caller location information shall be free of charge for the end-user and the relevant emergency call centers to the single European emergency number 112. The national emergency call system with a single European number 112 shall direct the information to the most appropriate center for receiving emergency calls.

Art. 242b. (1) (New - SG 20/21, in force from 21.06.2022, previous text of Art. 242b, amend.- SG 58/23) Providers of mobile interpersonal communication services with numbers shall transmit to the affected end-users messages to warn the population about a disaster or an emergency situation through the BG-ALERT System for the distribution of messages to warn the population about emergency situations and disasters.

(2) (New - SG 58/23) The Minister of the Interior, in agreement with the Minister of Transport and Communications, shall determine by ordinance the procedure for construction, maintenance, development and use of the system under Para. 1.

Art. 242c (New – SG, 20/21) (1) The requirements under this Chapter, with the exception of Art. 225, shall not apply to the micro-enterprises providing interpersonal communication services without numbers, unless they also provide other electronic communication services.

(2) The enterprises under Para. 1 shall inform the end users about the exception under Para. 1 before conclusion of the individual contract.

Chapter fifteen.

SECURITY OF ELECTRONIC COMMUNICATIONS NETWORKS AND SERVICES, CONFIDENTIALITY OF COMMUNICATIONS AND PROTECTION OF USERS DATA (TITLE SUPPL. - SG 105/11, IN FORCE FROM 29.12.2011, AMEND. – SG, 20/21)

Section I.

Security of Electronic Communications Networks and Services (Title suppl. - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21)

Art. 243. (amend. - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) (1) Enterprises, providing public electronic communications networks or services shall take appropriate and proportional technical and organizational measures to manage the risks posed to security of networks and services, providing a level of security, corresponding to the assessed risk.

(2) The measures under Para. 1, including encryption, where appropriate, aimed at preventing and minimizing the impact of security incidents on users and other networks and services.

(3) The Commission shall adopt rules on minimum security requirements for public electronic communications networks and services and risk management methods for their security. In determining them, the Commission shall comply with the requirements of the applicable acts of the European Commission and shall take into account - as far as possible - the recommendations, guidelines, opinions, general and good practices and methodologies of the European Union Cyber Security Agency and the applicable European cybersecurity certification schemes, established with acts of the European Commission, and the applicable European and international standards and standardization documents. The rules shall be adopted after a public discussion under Art. 36 and shall be promulgated in the State Gazette.

Art. 243a. (new - SG 105/11, in force from 29.12.2011, repealed – SG, 20/21)

Art. 243b. (new - SG 105/11, in force from 29.12.2011) (1) (Amend. – SG, 20/21) Enterprises providing public communications networks or services shall immediately notify the Commission of any incident, related to security, which has had significant impact on the operation of networks or services.

(2) (Amend. – SG, 20/21) The Commission may inform the public or require the enterprises to do so, where it determines, that announcing the incident, related to security is of public interest.

(3) (Amend. – SG, 20/21) Where appropriate, the Commission may inform of incidents under Para. 1 the national competent authorities in the other Member States of the European Union and the European Union Agency for Cyber Security.

(4) (Suppl. - SG 94/18, amend. - SG 58/23) The Commission shall inform the Minister of Transport and Communications and the National Response Team for computer security accidents under Art. 19, Para. 1 of the Cyber Security Act about the cases under Para 1.

(5) (Amend. – SG, 20/21) The Commission shall submit annually to the European Commission and the European Union Agency for Cyber Security a summary report on the notifications, received under Para. 1 and on the undertaken actions.

(6) (New – SG, 20/21) To determine the impact as significant of an incident, related to security under Para. 1, the following criteria shall be taken into account where available:

1. the number of users, affected by the security incident;
2. the duration of the incident, related to security;
3. the geographical scope of the area, affected by the incident, related to security;
4. the extent, to which the operation of the network or service is affected;
5. the degree of impact on economic and social activities.

(7) (New – SG, 20/21) The required information, the form and the manner of notification of the incidents, related to the security under Para. 1, shall be determined by the Commission with the rules under Art. 243, Para. 3.

Art. 243c. (new - SG 105/11, in force from 29.12.2011) (1) (Amend. – SG, 20/21) The Commission may require enterprises providing public communications networks or services to:

1. (amend. – SG, 20/21) provide information needed to assess the security of their networks and services, including documented security policies; and

2. (amend. – SG, 20/21) submit to a security audit carried out by a qualified independent body, or by another competent body and make the results thereof available to the Commission within 7 days after receiving the report; the cost of the audit shall be paid by the enterprise.

(2) (Amend. – SG, 20/21) The Commission may give obligatory instructions to the enterprises under Para. 1, including for measures, required for overcoming the consequences of a security incident or for preventing such in the presence of a significant threat, as well as for deadlines for implementation of the mandatory instructions.

Art. 244. (suppl. - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) (1) Enterprises, providing public electronic communications networks or services shall inform users, who may be affected by a specific and significant threat of an incident, related to the security of their networks or services of any possible protective or corrective measures, that users may take to protect the security of their messages.

(2) The enterprises under Para. 1 may also inform the users about the threat itself.

(3) The information under Para. 1 and 2 shall be provided to the users free of charge.

(4) The enterprises under Para. 1 shall take at their own expense appropriate and immediate measures for elimination of any threats to the security of their networks or services and shall restore their normal level of security.

Art. 244a (New – SG, 20/21) (1) The Commission may require enterprises, providing public electronic communications networks or services to provide comprehensive and reliable information on specific security incidents, that have had a significant impact on the operation of their networks or services.

(2) The Commission may request information on the risks and incidents, related to security, which affect the public electronic communications networks and services, as well as recommendations for dealing with them by the National Computer Security Incident Response Team under Art. 19, Para. 1 of the Cyber Security Act.

(3) The Commission may consult and cooperate with the Ministry of Interior, the Ministry of Defense, the Ministry of e-government, the State Agency for National Security, the competent bodies, designated under Art. 16 of the Cyber Security Act, or the Commission for Personal Data Protection.

Section II.

Confidentiality of Communications

Art. 245. (1) (Amend. – SG, 20/21) Enterprises providing public electronic communications networks and/or services shall be obligated not to disclose and distribute the communications and related traffic data, information about the location and data, required for end user's identification, having become known to them in the course of provision of electronic communications networks and/or services.

(2) The obligations under Para 1 shall also apply to the employees of the undertakings under Para 1, who have access or could obtain access to the communications and the information under Para 1.

Art. 246. (1) For the purpose of safeguarding the confidentiality of communications and the related traffic data it shall be prohibited to listen to, record, store or otherwise intercept or track down communications, by persons, different from the sender and the recipient of the communication without sender's and recipient's explicit consent, except in cases provided in a law.

(2) The prohibition under Para 1 shall not apply to undertakings, providing electronic communications networks and/or services, when:

1. storage is required due to technical reasons or it is an essential part of the provision of the service;
2. a verification of the technical Parameters of the service is done by persons authorized under this Act;

(3) In the cases under par 2, the undertakings providing public electronic communications networks and/or services shall be obligated to erase the stored communications as soon as the reason for its storage is no longer valid.

Art. 247. (1) In addition to the exceptions under Art. 246, Para 2, the restrictions shall not apply to recording of communications and related to them traffic data also when:

1. the recording is necessary and provided for in law for the purpose of providing evidence of a commercial transaction, and
2. the sender and the recipient of the communications have been informed in advance of the recording, of its purposes and of the duration of its storage, as well as of their right to refuse such recording.

(2) The recorded communications and related traffic data shall be stored for a period not longer than the period, within which they may be used in accordance with Para 1, Item 1.

Section III.

Protection of End-Users' Data (Title, amend. – SG, 20/21)

Art. 248. (1) (amend. and suppl. - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) Enterprises, providing public electronic communications networks and/or services, including networks maintaining data collection and identification equipment, may process data of end-users, where such data are meant directly for the provision of electronic communications services.

(2) (Amend. – SG, 20/21) The data of end-users shall include:

1. (amend. – SG, 20/21) traffic data – data necessary for the provision of electronic communications services, for billing, for the formation of the bills of end users – party to a contract under Art. 227, as well as for proving their reliability:

- a) (amend. – SG, 20/21) the number of the calling end-user and the number of the called end-user, the electronic prepaid card number;
- b) beginning and end of the call, specified by date and time, with accuracy up to second, if technically possible, and/or - in case of data transfer – volume of the transferred data for billing purposes;
- c) the type of the service provided;
- d) the interconnection points related to the call, beginning and end of their use, specified by date and time, with accuracy up to the second, if technically possible;
- e) data for the type of connection or zones - time and territorial, necessary for billing purposes;
- f) location of a user of a service provided over mobile network, including when "roaming" service is provided

2. (amend. – SG, 20/21) Data, required to produce the documents under Art. 260, Para. 1 and Art. 260a, Para. 1, as well as to prove their reliability, including the following data:

- a) (amend. – SG, 20/21) data about the end user – party to contract under Art. 227: for natural persons – full name, personal ID number and address; for foreigners: personal number; for legal persons and natural persons – sole traders – corporate name, seat, registered address and respective identification code;
- b) type of electronic communications services used;
- c) total number of price units, charged for the period of drawing the bill for a regular account;
- d) price of the services used for the respective period;
- e) (amend. – SG, 20/21) information on the payment option, chosen mode of payment and payments due;
- f) information regarding changes in the use of the service – restriction of use, restoration after the restriction;

3. (amend. – SG, 20/21) location data – data processed in electronic communications networks for determination of the geographic location of the end facility of the user.

Art. 249. (1) . (Amend. – SG 17/19, amend. – SG, 20/21) Enterprises providing public electronic communications services may not request from an end user further data than those under Art. 248, Para 2, Item 2, Item "a" for the provision of the services, unless otherwise provided by law or the service cannot be provided without the provision of other required data.

(2) (Amend. – SG, 20/21) Enterprises providing public electronic communications services may not place conditions for provision of their services depending on to end user's consent to use his/her data for other purposes.

(3) (New – SG, 20/21) Where a terminal device is also provided at the conclusion of a contract, enterprises, providing public electronic communications services shall have the right to request from other enterprises, providing public electronic communications services information on the existence of unpaid obligations of the end-user to them. The requested enterprises shall provide the requested information when

the following conditions are met:

1. the total amount of the end-user's obligation exceeds 15 per cent of the minimum wage for the country, and
2. the duration of the end - user 's delay is at least 30 days, and
3. the requested enterprises have not been notified of a challenge to the end-user's obligation in court or, if the obligation has been challenged, the claim has been established, on the basis and amount by an effective court decision, and
4. the applicable limitation period has not expired.

(4) (New – SG, 20/21) The conditions, the methodology and the terms for providing information under Para. 3 shall be determined by joint instructions of the Commission and the for Personal Data Protection Commission.

(3) (New – SG 17/19, former Para. 3 – amend. – SG, 20/21) Enterprises providing public electronic communications services shall process the legally collected personal data of the users, in accordance with this Act, but for any unsettled issues in it - in accordance with Regulation (EU) № 2016/679.

(6) (New – SG, 20/21) For the purposes of identification of the end user and / or his representative (proxy or legal representative), for ensuring the accuracy of the data for the end user / his representative, including the data under Art. 248, Para. 2, item 2, as well as for prevention of abuses, the enterprises, providing public electronic communication services, may:

1. require the end user or his representative to present an identity document, including to record and store data on the type, number, date, place and authority of issuance of the presented identity document;
2. check the data under Art. 248, Para. 2, item 2, letter "a" of the end user or of his representative, of the photo from the presented personal document, as well as of the data under item 1 by reference in the information funds for the Bulgarian personal documents, except for the fingerprints, and in the unified register for foreigners; access to the reference is carried out only by persons, explicitly designated by the enterprise.

Art. 250. (1) (suppl. - SG 105/11, in force from 29.12.2011) Enterprises, providing public electronic communications networks or public electronic communication services which collect, process and use traffic data for the purpose of a call or establishment of a connection, shall be obligated, after termination of the call or connection, to delete this data or de-personified them, unless it is directly necessary for the realization of a new call or in the cases, stipulated by this Act.

(2) (amend. and suppl. - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) Enterprises providing public electronic communication services shall be obligated to provide to the end users accurate and full information about the type of traffic data which are processed for the purposes of billing of users and for interconnection payments, and about the duration of such processing.

(3) (Amend. – SG, 20/21) Enterprises under Para 1 shall store data for the billing and formation of the bills as well as information on interconnection payment until the payment is an effect, except in the cases when billing data is challenged or payment pursued according to this Act.

(4) Enterprises under Para 1 shall provide information about traffic data to the Commission upon its request, in connection with settling access, interconnection and billing disputes.

(5) (Amend. – SG, 20/21) Enterprises under Para 1 may use the data under Para 1 for the purpose of market surveys, including the extent to which the provided electronic communications services satisfy the needs of end-users, or for the provision of value added services, requiring further processing of traffic data or location data, different from the traffic data, required for the transfer of communication or for its charging only upon their prior consent. The personal data of end-users, received in connection with the survey, shall be de-personified.

(6) (Amend. – SG, 20/21) Enterprises under Para 1 upon end users' prior consent may process the information about the types of traffic data for the purpose of market surveys.

(7) (Amend. – SG, 20/21) Enterprises under Para 1 shall provide to the end users accurate and full information about the types of traffic data which are processed, as well as about the duration of such processing.

(8) (Amend. and suppl. – SG, 20/21) Upon obtaining end users preliminary consent enterprises under Para. 1 shall have the right to provide their traffic data, for the purpose of provision of value-added service, requiring further processing of traffic data or location data, different from the traffic data, required for the transfer of communication or for its charging.

(9) (Amend. – SG, 20/21) Enterprises under Para. 1 shall include a mechanism, through which end users may withdraw at any time their consent given under Para. 5.

Art. 250a. (new – SG 17/10, in force from 10.05.2010; declared unconstitutional by CCD No 2 from 2015 - SG 23/15) (1) The undertakings providing public electronic communication networks and/or services, shall store for a period of 12 months data, generated or processed in the process of their activity, required for:

1. tracing and identification of the source of the connection;
2. identification of the direction of the connection;
3. identification of the date, time and duration of the connection;
4. identification of the type of the connection;
5. identification of the user's end electronic communication facility or of the one, presented as his/her end facility;
6. setting of used cells identifier.

(2) The information under Para 1 shall be stored for the purpose of discovering and investigating severe crimes and crimes under Art. 319a - 319f of the Penal Code, as well as for searching persons.

(3) Other data, including data, disclosing the content of communications, may not be stored pursuant to this procedure.

(4) Undertakings, providing public electronic communication networks and/or services shall be obliged to destroy the data after expiration of the term of par. 1.

(5) The preservation for a period of up to 6 months from the date of providing information that has been accessed and stored may be required by the head of the requesting authority from the providing undertaking.

(6) The information under Para 1 shall be processed and stored in compliance with the requirements of the Protection of Personal Data Act.

Art. 250b. (new – SG 17/10, in force from 10.05.2010; declared unconstitutional by CCD No 2 from 2015 - SG 23/15) (1) The right to inquire about the information under Art. 250a, Para 1 according to their competence shall have the heads of:

1. the specialised directorates, the territorial directorates and the independent territorial units of State Agency "National Security";
2. (amend., - SG 44/12, in force from 01.07.2012; amend. - SG 52/13, in force from 14.06.2013; amend. – SG 53/14; amend. – SG, 14/2015) Chief Directorate "National Police", Chief Directorate "Fight Against Organized Crime" and its territorial structures, Chief Directorate "Border Police" and its territorial structures, Directorate "Internal Security", Capital Directorate of Interior and the Regional Directorates of the Ministry of Interior;
3. the "Military Information" and "Military Police" services at the Minister of Defense;
4. the National Investigation Service.

(2) To access the information under Art. 250a, Para 1 a reasoned request in writing shall be drawn up by the head of the respective authority under Para 1 containing:

1. the legal grounds and the purpose justifying the access;
2. the registration number of the file subject to the inquiry;
3. the information to be included in the inquiry;
4. the time period to be comprised by the inquiry;
5. the official that shall receive the information.

(3) The requests by the authorities under Para 1 shall be kept in a special register, which shall not be public.

Art. 250c. (new – SG 17/10, in force from 10.05.2010; declared unconstitutional by CCD No 2 from 2015 - SG 23/15) (1) The access to the information under Art. 250a, Para 1 shall be provided following a permission by the chairman of the district court or by a judge authorised by him at the seat of the authority requesting access on the basis of which an order for providing access to the information shall be issued.

(2) The mandatory contents of the order under Para 1 shall be:

1. the information to be included in the inquiry;
2. the period of time to be comprised by the inquiry;
3. the official to be provided the information;
4. name, position and signature of the judge.

(3) A special non-public register shall be kept in the district courts for the permissions or refusals that have been issued.

(4) For the purposes of the penal procedure the information under Art. 250a, Para 1 shall be provided to the court and to the pre-trial authorities under the conditions and order of the Penal-Procedure Code.

(5) The access to information under Art. 250a, Para 1 related to a chairman of a district court, his ascendants, descendants, brothers or sisters, spouse or cohabitant shall be provided following a permission by the chairman of the corresponding regional court.

Art. 250d. (new – SG 17/10, in force from 10.05.2010; declared unconstitutional by CCD No 2 from 2015 - SG 23/15) (1) The undertakings providing public electronic communication networks and/or services shall be obliged to ensure that the order under Art. 250c, Para 1 and Art. 251, Para 2 can be received 24 hours per day, 7 days per week.

(2) The heads of the undertakings providing public electronic communication networks and/or services shall submit to the Communications Regulatory Commission a list indicating:

1. a current address on which to receive the order under Art. 250c, Para 1 and Art. 251, Para 2;
2. a name, second name, surname and position of the authorised officials who shall receive the orders under Art. 250c, Para 1 and Art. 251, Para 2, as well as a telephone number to contact them; where the data is changed, the Communications Regulatory Commission shall be notified in writing within 24 hours and its Chairman shall immediately make the lists available to the heads of the authorities under Art. 250b, Para 1.

Art. 250e. (new – SG 17/10, in force from 10.05.2010; declared unconstitutional by CCD No 2 from 2015 - SG 23/15) (1) The undertakings providing public electronic communication networks and/or services shall perform an inquiry about the information under Art. 250a, Para 1 after submission of an access order. The submitted access order shall be entered into a special non-public register.

(2) Within shortest terms, but no more than 72 hours from submission of the access order under

Art. 250c, Para 1 and Art. 251, Para 2 to the undertaking, the undertakings providing public electronic communication networks and/or services shall send the information to the official under Art. 250c, Para 2, Item 3. The Minister of Interior or official authorised by him in writing may specify a concrete term for sending the information.

(3) Inquiries about the information under Art. 250a, Para 1 in the undertakings providing public electronic communication networks and/or services may be carried out only by officials authorised in writing by the head of the undertaking.

(4) After being drawn up the inquiry shall be signed by the head of the undertaking, providing public electronic communication networks and/or services, or by an official authorised in writing by him. The inquiry shall be entered into a special register and shall be sent to an official specified in the order to be provided the information.

(5) Where possible the order of the judge and the inquiry under Para 4 shall be sent electronically in compliance with the requirements of the Electronic Government Act and the Electronic Document and the Electronic Signature Act.

Art. 250f. (new – SG 17/10, in force from 10.05.2010; declared unconstitutional by CCD No 2 from 2015 - SG 23/15) The inquiry under Art. 250e, Para 4 that is not used for opening a pre-trial procedure, regardless whether its is classified information, shall be destroyed within 6 months from the date of its receipt by a commission of three members determined by the head of the authority under Art. 250b, Para 1 which shall be recorded in a protocol.

Art. 251. (amend. – SG 17/09; amend. – SG 17/10, in force from 10.05.2010; declared unconstitutional by CCD No 2 from 2015 - SG 23/15) (1) The information under Art. 250a, Para 1 may be provided also to a competent authority of Member State, when provided for by an international agreement in force for the Republic of Bulgaria.

(2) The access to the information under Art. 250am Para 1 shall be provided at request by a head of a chief or specialised directorate under Art. 250b, Para 1, Items 1 and 2, following a permission in writing by the chairman of the Sofia City Court or a judge authorised by him, for which an order for access to the information shall be issued. A special non-public register shall be kept at the Sofia City Court for the granted permissions and refusals.

(3) The competent authority of the other State shall be notified of the results from the inquiry for the information under Art. 250a, Para 1 under the procedure stipulated in the international agreement.

Art. 251a. (new – SG 17/09; amend. – SG 17/10, in force from 10.05.2010; declared unconstitutional by CCD No 2 from 2015 - SG 23/15) (1) The data under Art. 250a, par. 1, item 1 are in case of:

1. public telephone service – the calling party's telephone number and identification data of the subscriber or of the user;

2. internet access, email over internet and internet telephony – identifier, allocated for the user, user's identifier and telephone number, determined for each communication, incoming to the public telephone network, subscriber's or user's identification data, for whom IP address, user's identifier or a telephone number at the time of connection have been allocated.

(2) (amend. – SG 17/10, in force from 10.05.2010) The data under Art. 250a, par. 1, item 2 shall be in case of:

1. public telephone service – the dialed (called party's telephone number) and in case of additional services, like call divert or call forwarding, a number or numbers, to which the call has been

directed, and identification data of the subscriber or of the user;

2. email over internet and internet telephony – user's identifier or a telephone number of the party/parties receiving internet telephone call, subscriber's or user's identification data, and identifier of the receiving party, for which the communication is meant.

(3) (amend. – SG 17/10, in force from 10.05.2010) The data under Art. 250a, par. 1, item 3 shall be:

1. in case of public telephone service – date and time of the start and end of the connection;

2. for internet access, email over internet and internet telephony – date and time of signing in and signing out of the internet access service, based on the set time zone, together with the IP address, either dynamic or static, allocated for the connection by the internet access service provider, and subscriber's or user's identifier, date and time of signing in and signing out of the email service over internet or internet telephony, based on the set time zone.

(4) (amend. – SG 17/10, in force from 10.05.2010) The data under Art. 250a, par. 1, item 4 shall be:

1. type of the used public telephone service;

2. the used internet service in case of email over internet or internet telephony;

(5) (amend. – SG 17/10, in force from 10.05.2010) The data under Art. 250a, par. 1, item 5 shall be in case of:

1. fixed telephone service – of the calling and called telephone number;

2. public telephone service, provided through a mobile terrestrial network – for a calling and called telephone number; international mobile subscriber identifier (IMSI); international called mobile subscriber identifier (IMSI), international identifier of the calling mobile end electronic communication device (IMEI); international identifier of the called mobile end electronic communication device (IMEI); in case of prepaid services – date and time of initial service activation and locality label – cell identifier, from where the service has been activated and subscriber's or user's identification;

3. internet access, email over internet and internet telephony – the calling telephone number for commutable access, digital subscriber's line (DSL) or another end point of the connection initiator.

(6) (amend. – SG 17/10, in force from 10.05.2010) Data under Art. 250a, par. 1, item 6 shall be administrative addresses of cells of the mobile terrestrial electronic communication network, from which a call has been generated or terminated.

Art. 251b. (new - SG 24/15, in force from 31.03.2015) (1) Undertakings, providing public electronic communication networks and/or services, shall store for a period of 6 months information, created or processed in the course of their activities that is required for:

1. tracing and identifying the origin of the connection;

2. identifying the direction of the connection;

3. identifying the date, hour and duration of connection;

4. identifying the type of connection;

5. (amend. – SG, 20/21) identifying the end device of the user or the one that is presented as his end device;

6. establishing an identifier for the cells used.

(2) (suppl. – SG 97/16, in force from 06.12.2016, suppl. - SG 7/18, suppl. - SG 28/20, in force from 13.03.2020 (*), third sentence, declared unconstitutional with RCC № 15 of 2020 - SG 101 of 2020, suppl. – SG, 20/21, amend. - SG 84/23, in force from 06.10.2023) The information referred to in Para 1 shall be stored for the purpose of national security and prevention, disclosure and investigation of serious crimes including for the purpose of preventing serious crimes in the framework of the operative-search activity in accordance with Chapter Nine of the Act on Counteracting Corruption, as well as for searching for a person,

declared for national search, who has been convicted of a serious crime of imprisonment with an effective sentence, the execution of which has not been postponed under Art. 66, Para. 1 of the Penal Code and the sentence has not been executed, or which has fallen or may fall into a situation, that endangers his life or health. The data under Para. 1, item 6 shall be stored additionally for carrying out operations of search and rescue of persons in the cases of Art. 38, para. 3 of the Disaster Protection Act. The data under para. 1, item 6 shall also be stored for the purposes of enforcement of the compulsory isolation and hospital treatment of persons under Art. 61 of the Health Act, who refused or did not fulfill compulsory isolation and treatment.

(3) Other information, including such disclosing the content of communications, may not be stored under the present procedure.

(4) (Amend. – SG 17/19) The data referred to in Para 1 shall be processed and stored in compliance with the requirements for the protection of personal data.

Art. 251c. (new - SG 24/15, in force from 31.03.2015) (1) The right to make enquiries about the information referred to in Art. 251b, Para 1, where it is necessary to perform their functions, shall have:

1. the specialised directorates, territorial directorates and independent territorial departments of State Agency “National Security”;

2. Chief Directorate “National Police”, Chief Directorate “Fighting Organised Crime” and its territorial units, Chief Directorate “Border Police” and its territorial units, directorate “Internal Security”, the Metropolitan Directorate of Interior and the regional directorates of the Ministry of Interior;

3. (amend. - SG 69/20) the “Military Intelligence” and “Military Police” services at the Minister of Interior;

4. (amend. - SG 79/15, in force from 01.11.2015) the State Intelligence Agency;

5. (new - SG 7/18, amend. - SG 84/23, in force from 06.10.2023) the directorate carrying out operative-investigative activity and investigation in the Commission for Counteracting Corruption.

(2) (new – SG 97/16, in force from 06.12.2016, suppl. - SG 28/20, in force from 24.03.2020 (*), second sentence, declared unconstitutional with RCC № 15 of 2020 - SG 101 of 2020) In the cases of Art. 38, para. 3 of the Disaster Protection Act, the right to inquire the data under Art. 251b para. 1, item 6, when they are necessary for the performance of their duties, have the Chief Directorate "Fire Safety and Protection of Population" of the Ministry of Interior and its territorial structures. In the cases under Art. 251b, para. 2, sentence third right to request a reference on the data under Art. 251b, para. 1, item 6, when it is necessary for the exercise of their powers, have the General Directorate "National Police", the Sofia Directorate of Internal Affairs and the Regional Directorates of the Ministry of Interior.

(3) (prev. para. 2, suppl. – SG 97/16, in force from 06.12.2016, suppl. - SG 7/18) To access the information under Art. 251b, Para 1 shall be drawn up a reasoned written request by the competent head of the bodies referred to in Para 1 and 2 or a person authorised by him, and for the directorate under para. 1, item 5 - the Director of the Directorate or a person authorised by him, containing:

1. the legal grounds and the purpose of requesting access;

2. the registry number of the file that must be inspected and the user information, if available;

3. the information that should be mentioned in the summary;

4. (amend. – SG, 20/21) a reasonable period of time to be covered for the reference, needed for that purpose;

5. full and comprehensive list of the facts and circumstances supporting the purpose referred to in Art. 251b, Para 2;

6. the official that should be provided the information.

(4) (prev. para. 3, suppl. – SG 97/16, in force from 06.12.2016) The bodies shall keep a non-public special register of the requests made under Para 1 and 2.

Art. 251d. (new - SG 24/15, in force from 31.03.2015) (1) The access to information under Art.

251b, Para 1 shall be effected with the authorisation of the chairman of the district court or a judge authorised by him at the seat of the body, which requested the access, by virtues of issuing an order for granting access to information.

(2) (New - SG 51/20, amend. - SG 32/22, in force from 28.07.2022, amend. - SG 61/25, in force from 31.01.2026) The access to the data under Art. 251b, para. 1 for prevention, detection and investigation of crimes under Art. 114a - 114r of the Penal Code shall be carried out after permission by the Chairman of the Sofia City Court or by a judge authorized by him, for which an order for granting access to the data shall be issued.

(3) (new - SG 103/16, prev. para. 2, suppl. - SG 51/20, amend. - SG 61/25, in force from 31.01.2026) The permit under para. 1 and 2 shall be issued within 24 hours of receipt of the reasoned written request when the data of Art. 251b, para. 1 is necessary to prevent and detect crimes under Art. 114a - 114r, Art. 308, para. 3, item 1 and Art. 320, para. 2 of the Penal Code.

(4) (prev. para. 2 - SG 103/16, prev. para. 3, suppl. - SG 51/20, amend. - SG 32/22, in force from 28.07.2022) The access to information under Art. 251b, Para 1, related to a chairman of a district court, his ascendent or descendant, brother or sister, spouse or a person in factual cohabitation, shall be effected following the authorisation of the chairman of the competent regional court and in the cases under para. 2 - by the Chairman of the Sofia Court of Appeal.

(5) (new – SG 97/16, in force from 06.12.2016, prev. para. 4, amend. - SG 103/16, suppl. - SG 28/20, in force from 13.03.2020, prev. para. 5, amend. - SG 51/20, declared unconstitutional regarding the words "and in the cases under Art. 251b, Para. 2, sentence three" with RCC № 15 of 2020 - SG 101 of 2020) Para. 4 shall not apply in cases of art. 38, para. 3 of the Disaster Protection Act and in the cases under Art. 251b, para. 2, sentence third.

(6) (prev. para. 3 – SG 97/16, in force from 06.12.2016, prev. para. 4, amend. - SG 103/16, prev. para. 5, amend. - SG 51/20, prev. para. 5, suppl. - SG 51/20) The order referred to in Para 1, 2 and 4 shall be reasoned and shall have the following mandatory contents:

1. the information that shall be provided;
2. (amend. – SG, 20/21) a reasonable period of the timeframe, that should cover the reference, needed for the purpose;
3. the official that should be provided the information;
4. name, position and signature of the judge.

(7) (prev. para. 4 – SG 97/16, in force from 06.12.2016, prev. para. 5 - SG 103/16, prev. para. 6, suppl. - SG 51/20, amend. - SG 32/22, in force from 28.07.2022) The district courts and Sofia City Court shall keep a non-public special register of the issued reasoned authorisations or refusals.

(8) (prev. para. 5 – SG 97/16, in force from 06.12.2016, prev. para. 6 - SG 103/16, prev. para. 7 - SG 51/20) For the purpose of the penal proceedings the information under Art. 251b, Para 1 shall be provided to the courts and the pre-trial authorities under the conditions and order of the Penal Procedure Code.

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Art. 251d. (new - SG 24/15, in force from 31.03.2015) (1) The access to information under Art. 251b, Para 1 shall be effected with the authorisation of the chairman of the district court or a judge authorised by him at the seat of the body, which requested the access, by virtues of issuing an order for granting access to information.

(2) (New - SG 51/20, amend. - SG 32/22, in force from 28.07.2022) The access to the data under Art. 251b, para. 1 for prevention, detection and investigation of crimes under Art. 108a, para. 1 - 4, para. 6 and 7, Art. 109, para. 3, Art. 110, para. 1, sentence six, Art. 110, para. 2 of the Penal Code shall be carried out after permission by the Chairman of the Sofia City Court or by a judge authorized by him, for which an order for granting access to the data shall be issued.

(3) (new - SG 103/16, prev. para. 2, suppl. - SG 51/20) The permit under para. 1 and 2 shall be issued

within 24 hours of receipt of the reasoned written request when the data of Art. 251b, para. 1 is necessary to prevent and detect crimes under Art. 108a, para. 1-4, para. 6 and 7, Art. 109, para. 3, Art. 110, para. 1, proposal sixth, Art. 110, para. 2, Art. 308, para. 3, item 1 and Art. 320, para. 2 of the Penal Code.

(4) (prev. para. 2 - SG 103/16, prev. para. 3, suppl. - SG 51/20, amend. - SG 32/22, in force from 28.07.2022) The access to information under Art. 251b, Para 1, related to a chairman of a district court, his ascendent or descendant, brother or sister, spouse or a person in factual cohabitation, shall be effected following the authorisation of the chairman of the competent regional court and in the cases under para. 2 - by the Chairman of the Sofia Court of Appeal.

(5) (new - SG 97/16, in force from 06.12.2016, prev. para. 4, amend. - SG 103/16, suppl. - SG 28/20, in force from 13.03.2020, prev. para. 5, amend. - SG 51/20, declared unconstitutional regarding the words "and in the cases under Art. 251b, Para. 2, sentence three" with RCC № 15 of 2020 - SG 101 of 2020) Para. 4 shall not apply in cases of art. 38, para. 3 of the Disaster Protection Act and in the cases under Art. 251b, para. 2, sentence third.

(6) (prev. para. 3 - SG 97/16, in force from 06.12.2016, prev. para. 4, amend. - SG 103/16, prev. para. 5, amend. - SG 51/20, prev. para. 5, suppl. - SG 51/20) The order referred to in Para 1, 2 and 4 shall be reasoned and shall have the following mandatory contents:

1. the information that shall be provided;
2. (amend. - SG, 20/21) a reasonable period of the timeframe, that should cover the reference, needed for the purpose;
3. the official that should be provided the information;
4. name, position and signature of the judge.

(7) (prev. para. 4 - SG 97/16, in force from 06.12.2016, prev. para. 5 - SG 103/16, prev. para. 6, suppl. - SG 51/20, amend. - SG 32/22, in force from 28.07.2022) The district courts and Sofia City Court shall keep a non-public special register of the issued reasoned authorisations or refusals.

(8) (prev. para. 5 - SG 97/16, in force from 06.12.2016, prev. para. 6 - SG 103/16, prev. para. 7 - SG 51/20) For the purpose of the penal proceedings the information under Art. 251b, Para 1 shall be provided to the courts and the pre-trial authorities under the conditions and order of the Penal Procedure Code.

Art. 251d¹. (new - SG 103/16) (1) (Suppl. - SG 28/20, in force from 24.03.2020 (*), second sentence, declared unconstitutional with RCC № 15 of 2020 - SG 101 of 2020, suppl. - SG, 20/21, amend. - SG 61/25, in force from 31.01.2026) In cases of imminent danger of committing a crime under Art. 114a - 114r Art. 308, para. 3, item 1 and Art. 320, para. 2 of the Penal Code, the undertakings providing electronic communications networks and/or services shall provide instant access to the data under Art. 251b, para. 1 based on the request of the respective head of the structures of Art. 251c, para. 1 or 2. In the cases under Art. 251b, para. 2, sentence third, the undertakings providing public electronic communications networks and / or services shall provide immediate access to the data under Art. 251b, para. 1, item 6 upon request of the respective head of the structures under Art. 251c, para. 2, sentence second.

(2) The request under par. 1 shall absolutely contain:

1. the legal basis for granting access;
2. the data that should be reflected in the report;
3. (amend. - SG, 20/21) a reasonable period of time, which should cover the reference;
4. the designated official, to whom to provide the data.

(3) (Suppl. - SG 28/20, in force from 24.03.2020 (*), amend. - SG 51/20, declared unconstitutional regarding the words "and Art. 251c, Para. 2, sentence two" with RCC № 15 of 2020 - SG 101 of 2020, amend. - SG, 20/21) The Heads of the structures of Art. 251c, Para. 1, or 2, shall immediately inform the authority under Art. 251d, para. 1, 2 or 4 on the access granted, shall apply the request and state the reasons, justifying the need for immediate access to the data under Art. 251b, Para. 1, as fully and exhaustively indicating the facts and circumstances, determining the existence of an immediate danger of committing a crime under Para. 1.

(4) (Suppl. - SG 28/20, in force from 24.03.2020, amend. - SG 51/20, declared unconstitutional regarding the words "and Art. 251c, Para. 2, sentence two" with RCC № 15 of 2020 - SG 101 of 2020,

amend. – SG, 20/21) The data of Art. 251b, para. 1 provided under par. 1 shall be destroyed immediately by the structures of Art. 251c, Para. 1 or 2 and if, within a period of 24 hours, a refusal is decreed by the authority of Art. 251d, Para. 1, 2 or 4, for which the enterprise providing public electronic communications networks and/or services shall be notified immediately.

(5) (Amend. - SG 51/20) In the cases under par. 1-3, with the instruction of the authority of Art. 251d, para. 1, 2 or 4, shall be confirmed the actions taken to date.

Art. 251e. (new - SG 24/15, in force from 31.03.2015) (1) (suppl. – SG 103/16, amend. - SG 51/20) The undertakings providing public electronic communication networks and/or services shall be obliged to ensure 24-hour daily and 7-day weekly conditions to receive the orders referred to in Art. 251d, Para 1 and 2 and Art. 251h, Para 2 and of the request under Art. 251d1, Para. 1.

(2) (Amend. – SG, 20/21) The heads of enterprises providing public electronic communication networks and/or services shall send to the heads of the bodies under Art. 251c, Para. 1 or 2 a list indicating:

1. (suppl. - SG 103/16, amend. - SG 51/20) a current address for receipt of the order under Art. 251d, Para 1 and 2 and Art. 251h, Para 2 and to requirement under Art. 251d1, Para. 1;

2. (suppl. – SG 97/16, in force from 06.12.2016, suppl. – SG 103/16, amend. - SG 51/20, amend. – SG, 20/21) a name, middle name, surname and position of the authorised officials to receive the orders under Art. 251d, Para 1 and 2 and Art. 251h, Para 2, and of the request under Art. 251d1, Para. 1, and phones numbers to contact them; in case of change of the information, it shall be notified within 24 hours and the lists of heads of bodies under Art. 251c, Para 1 or 2 shall immediately be provided.

Art. 251f. (new - SG 24/15, in force from 31.03.2015) (1) (suppl. – SG 103/16) The undertakings providing public electronic communication networks and/or services shall issue a report of the information under Art. 251b, Para 1 pursuant to a reasoned access order access or a request under Art. 251d1, Para. 1. The received access order or a request under Art. 251d1, Para. 1 shall be entered into a special non-public register.

(2) (amend. – SG 97/16, in force from 06.12.2016, amend. and suppl. – SG 103/16) As early as possible and no later than 72 hours from having received the access order referred to in Art. 251d, Para 1 and 2 and Art. 251h, Para 2, the undertakings providing public electronic communication networks and/or services shall send the information to the official referred to in Art. 251d, Para 6, item 3. The Minister of Interior and the Chairman of State Agency "National Security" or officials authorised in writing by them may specify a deadline to send the information. In the cases of Art. 251d1, Para. 1, the data under Art. 251b, Para. 1 shall be sent immediately upon receipt in the undertaking requesting the access.

(3) (new – SG 97/16, in force from 06.12.2016, amend. – SG 103/16, amend. - SG 51/20) In the cases under Art. 38, para. 3 of the Disaster Protection Act, the undertakings providing public electronic communications networks and/or services, as soon as possible, but not more than 2 hours after receiving the order for access under Art. 251d, Para 1, shall send the data to the official under Art. 251d, Para 6, item 3. The Minister of Interior or official authorized by him in writing may set a shorter term in which the data to be sent, when there is a serious risk to the life or health of the individual.

(4) (prev. para. 3 – SG 97/16, in force from 06.12.2016) Queries regarding information under Art. 251b, Para 1 in undertakings providing public electronic communication networks and/or services may be implemented only by officials authorised in writing by the head of the undertaking.

(5) (prev. para. 4 – SG 97/16, in force from 06.12.2016, suppl. – SG 103/16) Upon being drawn up the query report shall be signed by the head of the undertakings providing public electronic communication networks and/or services or by an official authorised by him in writing. The query report shall be registered in a special register and shall be sent to the official specified in the order or in the request under Art. 251d1, Para. 1, who is authorised to receive the information.

(6) (prev. para. 5, amend. – SG 97/16, in force from 06.12.2016, suppl. – SG 103/16, amend. - SG 85/17) If possible, the order of the judge or the request under Art. 251d1, para. 1, and the reference

under para. (5) shall be signed with an advanced electronic signature, an advanced electronic signature based on a qualified electronic signature certificate, or a qualified electronic signature as required by Regulation (EU) № 910/2014 and by the Electronic Document and Electronic Trust Services Act.

(7) (prev. para. 6 – SG 97/16, in force from 06.12.2016) The information that was accessed and stored may be kept by the undertaking that has provided it for a term no longer than three months from the date of providing them to the body that has requested access, if requested by the latter and pursuant to a permission issued as set out in Art. 251d.

Art. 251g. (new - SG 24/15, in force from 31.03.2015) (1) The undertakings providing public electronic communication networks and/or services shall destroy the information after expiry of the terms under Art. 251b, Para 1 and 4 and before the 5th day of every month shall provide to the Commission for Protection of the Personal Data a record of the destroyed data during the preceding month. The Commission of Personal Data Protection shall create and maintain a non-public register of issued records. The Commission of Personal Data Protection shall inspect the lawfulness of the storage and destruction of information by the undertakings as set out in Art. 261a.

(2) (amend. – SG 97/16, in force from 06.12.2016, amend. – SG 103/16, amend. - SG 51/20) The query report under Art. 251f, Para 1, not used in the course of pre-trial proceedings, irregardless of if it is classified information, shall be destroyed within three months from the date of its receipt by a commission consisting of three members, which composition shall be determined by the heads of the bodies referred to in Art. 251c, Para 1 or 2, of which shall be drawn up a record. The record shall be sent immediately to the chairman of the competent court that has issued the permit and shall be entered into the register referred to in Art. 251d, Para 7.

(3) (new - SG 103/16, amend. - SG 51/20) In the cases under Art. 251d1, para. 4, the report under Art. 251f, para. 1, regardless of whether it is or is not classified information, shall be destroyed immediately by a three-member committee comprising of members appointed by the Heads of the structures of Art. 251c, para. 1, for which a protocol shall be drawn up. The protocol shall be sent promptly to the Chairperson of the court and shall be entered in the register under Art. 251d, para. 7.

Art. 251h. (new - SG 24/15, in force from 31.03.2015) (1) The information referred to in Art. 251b, Para 1 may be provided at the request of a competent authority of another state, where provided for in an international agreement in force for the Republic of Bulgaria.

(2) The access to the information referred to in Art. 251b, Para 1 shall be implemented at the request of the head of a general or specialised directorate under Art. 251c, Para 1, Items 1 and 2, pursuant to a written permit of the chairman of the Sofia City Court or a judge authorised by him, on the basis of which shall be issued an order of granting access to the information. The issued permits or refusals shall be recorded in to a special non-public register in the Sofia City Court.

(3) The results of the query of the information referred to in Art. 251b, Para 1 shall be notified to the competent authority of the other state as set out in the international agreement.

Art. 251i. (new - SG 24/15, in force from 31.03.2015) (1) Information under Art. 251b, Para 1, Item 1 means:

1. (amend. – SG, 20/21) in case of a service for voice message - the telephone number of the calling person and the identity data of the end user;

2. (amend. – SG, 20/21) in case of internet access, web email and web telephony - identifier, specified by the end user, identifier of the end user and telephone number, specified for each message, entering the public telephone network, identity data of the end user, that has been assigned an IP address, identifier of the end user or telephone number at the time of connection.

(2) The information referred to in Art. 251b, Para 1, Item 2 means:

1. (amend. – SG, 20/21) in case of a voice messages service - the dialled number (called telephone number) and in case of additional services such as forwarding or transferring the call, number or numbers, to which the call has been routed and data, identifying the end user;

2. (amend. – SG, 20/21) in case of web email and web telephony - identifier of the end user or a telephone number of the recipient(s) of the web phone call, data identifying the end user and identifier of the recipient, to whom the message is intended.

(3) The information referred to in Art. 251b, Para 1, Item 3 means:

1. (amend. – SG, 20/21) in case of voice messages service - date and hour of the beginning and end of the connection;

2. (amend. – SG, 20/21) in case of internet access, web email and web telephony - date and hour of entering and exiting in/from the internet access service, based on a specific time zone, together with the IP address, dynamic or static, designated for the connection by the provider of the internet access service, and identifier of the end user or user, date and hour of entering or exiting to/from the web email or web telephony service based on a certain time zone.

(4) (amend. – SG, 20/21) The information referred to in Art. 251b, Para 1, Item 4 means:

1. the type of used voice messages service;

2. the used telephone service in case of web email or web telephony.

(5) The information referred to in Art. 251b, Para 1, Item 5 means:

1. (amend. – SG, 20/21) in case of fixed voice messages service - on the calling and called phone number;

2. (amend. – SG, 20/21) in case of voice messages service, provided through a mobile terrestrial network - on the calling and called phone number; international identifier of the calling mobile end user – party to a contract under Art. 227 (IMSI); international identifier of the called mobile apparatus (IMSI); international identifier of the calling mobile end electronic communication device (IMEI); international identifier of the called mobile end electronic communication device (IMEI); in case of pre-paid services - date and hour of the first activation of the service and location label - identifier of the cell, from which the service was activated and for identification of the end user;

3. in case of internet access, web email and web telephony - the calling phone number for dial-up access, digital subscription line (DSL) or other end point of the initiator of the link.

(6) The information under Art. 251b, Para 1, Item 6 shall be administrative addresses of cells of mobile terrestrial electronic communication network, from which the call was generated or terminated.

Art. 252. (1) Processing of traffic data shall be carried out by officials authorised by the undertakings providing electronic communications services, who are in charge of:

1. the administration of traffic data and data under Art. 248, Para 2, Item 2;

2. (amend. – SG, 20/21) end-users' inquiries,

3. identification of misuse;

4. marketing of electronic communications services;

5. provision of value added services, requiring further processing of traffic data or location data, different from the traffic data, required for the transfer of communication or for its charging

(2) Officials shall have access only to the information, required for the respective activity.

Art. 253. (1) (Amend. – SG, 20/21) Enterprises, providing electronic communications services may, after obtaining prior written consent, process location information of end device of end users, provided that:

1. data is de-personified; or

2. data is necessary for the purposes and duration of provision of value-added services, requiring further processing of traffic data or location data, different from the traffic data, required for the transfer of

communication or for its charging

(2) (Amend. – SG, 20/21) Enterprises under Para 1 shall inform in advance their end-users of the type of location data under Para. 1, which will be processed, of the purposes and duration of such processing and of the possibility data to be transmitted to a third party for the purpose of providing value added services, requiring further processing of traffic data or location data, different from the traffic data, required for the transfer of communication or for its charging.

(3) (Amend. – SG, 20/21) Enterprises under Para 1 shall provide free of charge opportunities for the end-users to:

1. withdraw at any time their preliminary consent for processing of location data;
2. refuse temporarily the processing of their location data for each connection to the electronic communication network or for each transmitted communication.

Art. 254. Processing of location data shall be carried out by persons authorised by the undertakings under Art. 252, Para 1 or by authorised persons by a third party, providing value added services, and shall have to be restricted to the relevant level for the purpose of providing the value added services.

Art. 255. (1) (suppl. SG 17/09; amend. - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) Enterprises, providing interpersonal communication services with numbers and providing the possibility to make outgoing calls to numbers from the National Numbering Plan, shall process and provide at their own expense information on the location of users, in case of emergency calls, including when no prior consent has been obtained for their processing or there is a refusal under Art. 253, Para. 3. The information shall be provided only to the relevant emergency call centers to the single European emergency number 112, as soon as the call reaches them.

(2) (New – SG, 20/21) The enterprises under par. 1 shall ensure the access of the users to the emergency response services through emergency calls to the single European emergency number 112. The national emergency call system with single European number 112 shall direct the calls to the most appropriate center for receiving emergency calls.

(3) (suppl. – SG 17/09, former Para. 2, amend. – SG, 20/21) Enterprises under Para. 1 shall provide at their expense the required hardware and software for routing and transfer of calls to the emergency call centers.

(4) (amend. – SG 17/09, former Para. 3, amend. – SG, 20/21) The conditions and the procedure for providing by the enterprises under Para. 1 information about the location of the consumers and data about the end user - party to a contract under Art. 227, in case of emergency calls shall be determined by rules, adopted by the Commission.

Art. 256. (1)) Undertakings providing public electronic communications services may collect, process and use the data under Art. 248, Para 2 also for:

1. detecting, locating and eliminating defects and software errors in the electronic communications networks;
2. detecting and terminating unauthorized use of electronic communications networks and facilities, where there are grounds to consider that such actions are being performed and this has been claimed in writing by the affected party or a competent authority;
3. (amend. – SG, 20/21) detecting and tracking of disturbing calls, upon a request on the part of the affected end user claiming the enterprise providing the service to take measures.

(2) Where taking actions under Para 1, the undertakings providing public electronic

communications services shall inform the persons concerned as soon as possible, unless this will prevent the achievement of the objectives of this provision.

(3) The data collected by the order of this Art. shall be used only for the purposes under Para 1.

Art. 257. (1) (amend. and suppl. - SG 29/15, amend. – SG, 20/21) The Commission may impose obligations on enterprises, offering voice messaging services to provide the functions of the electronic communications network "tone dialing", "caller line identification" and "connected line identification", where the caller's number is presented to the caller, before the call is made, in compliance with current legislation in the field of personal data protection and privacy. Where technically possible, enterprises shall provide data and signals to facilitate caller identification and tone dialing, when making international calls.

(2) (Amend. – SG, 20/21) Enterprises under Para 1 providing "calling-line identification" function of the electronic communications network shall offer the service of "displaying of calling line identification" free of charge, providing the opportunity to end-users free of charge to activate or deactivate the service "calling line identification restriction" using generally accessible means for each call or permanently for their respective line.

(3) (Amend. – SG, 20/21) Enterprises under Para. 1 providing "connected line identification" function of the electronic communications network shall offer the service of "displaying of connecting line identification" free of charge, providing the opportunity to end-users free of charge to activate or deactivate the service "connecting line identification restriction" using generally accessible means for each call or permanently for their respective line.

(4) (Amend. – SG, 20/21) The enterprises under Para 1 providing the "calling-line identification" function of the electronic communications network shall offer the called end user the possibility, free of charge, using generally accessible means, to reject incoming calls where the "calling line identification restriction" has been de-activated by the calling end user.

(5) Where providing emergency call services, as well as in cases of calls to services responsible for national security, defence and internal affairs, the enterprises under Para 1 shall guarantee that the "calling-line identification restriction" function cannot be activated.

(6) (Amend. – SG, 20/21) Enterprises under Para 1, providing "calling line identification" function of the electronic communications network shall ensure for their end-users, free of charge, availability of the service "stop receiving calls forwarded to their terminal equipment".

(7) When technical capacity for the provision of the functions under Para 1 is not available, the Commission, jointly with the enterprises under Para 1 and according to their investment policy shall specify the procedure and term for the introduction of these functions of the electronic communications network.

(8) (revoked - SG 105/11, in force from 29.12.2011)

(9) (amend. - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) Enterprises under Para 1 shall provide their networks for performing calls, transmission of communications, or electronic mail for direct marketing upon the explicit written consent of the end user – party to a contract under Art. 227.

(10) The conditions and the procedure of provision and use of services under Para 1, 4 and 6 shall be set in rules, adopted by a decision of the Commission, which shall be promulgated in the official section of the State Gazette.

(11) (New – SG, 20/21) The Commission may impose on enterprises, providing internet access an obligation to provide free e-mail forwarding or e-mail access, after termination of the contract with an internet access service provider, where technically feasible. This option allows end-users, who terminate their contract with an internet access service provider, on request and free of charge, to have access to their messages, received at e-mail addresses, including the trade name or mark of the previous provider, for a period, determined by the Commission to be necessary and proportionate, or to transfer messages, sent to these addresses during the specified period to a new e - mail address, specified by the end user.

Art. 258. (1) (Amend. – SG, 20/21) Enterprises providing interpersonal communications services with numbers, which produce and publish telephone directories in electronic form, shall include free of charge in the directories the subscriber's name (personal name or name of the company), address and telephone number of the end users – party to a contract under Art. 227. The telephone directory may also include additional data as requested by the end user – party to a contract under Art. 227.

(2) (amend. – SG 17/09, amend. – SG, 20/21) Enterprises under Para. 1 shall be obligated to inform their end users – party to a contract under Art. 227, in advance and free of charge, of the purposes of use of the directory in which their data will be included as well as of any further possibilities of usage of that data via search functions, for electronic versions of the directory, enabling users of the directory to be discovered by name, title and address of the on the basis of a telephone number only.

(3) (Amend. – SG, 20/21) The enterprises under Para. 1 shall be obliged to provide access to the respective telephone number, only in case of complete and accurately entered minimum volume of data, taking appropriate technical and organizational measures, which prevent the copying from the directories in electronic form.

(4) (Amend. – SG, 20/21) The end user – party to a contract under Art. 227 shall have, free of charge, the right to:

1. submit the entering a part or all his/her data into the telephone directory;
2. request verification, change or deletion, completely or partially, of his/her data in the telephone directory; the data shall be deleted or modified when a new or an existing updated telephone directory is issued.

(5) (Amend. – SG, 20/21) The end user – party to a contract under Art. 227 may request that additional information is included in the telephone directory concerning other people using jointly the line, provided that their written consent is given in advance.

(6) (Amend. – SG, 20/21) The end user – party to a contract under Art. 227 shall be informed of any usage possibilities based on search function for electronic versions of the directory, enabling users of the directory to get information about the name and address on the basis of the telephone number only.

(7) (new – SG 17/09, amend. – SG, 20/21) Enterprises, providing interpersonal communication services with numbers. that provide numbers from a numbering plan shall fulfill all reasonable requests for the provision of the necessary information, with a view to preparing telephone directories and providing reference services in a coherent format under conditions, that are fair, objective, cost-oriented and equal. The information shall be provided in the presence of explicit consent by the end users - a party to a contract under Art. 227.

(8) (prev. par. 7 – SG 17/09; amend. - SG 89/09, in force from 10.11.2009, amend. - SG 58/23) The conditions and the procedure of issuing telephone directories, including operation with the database, their transfer and use, shall be laid down in an ordinance, issued by the Minister of Transport and Communications and shall be promulgated in the State Gazette.

Art. 259. (1) (amend. - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) Enterprises providing interpersonal communication services with numbers shall ensure access to enquiry services in compliance with the data included in a telephone directory.

(2) (new - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) The Commission may impose obligations and conditions as set out in Art. 160 on enterprises that control access of end-users for the provision of directory enquiry services. Such obligations and conditions shall be objective, equitable, non-discriminatory and transparent.

(3) (new - SG 105/11, in force from 29.12.2011, amend. and suppl. – SG, 20/21) The Commission shall not impose regulatory restrictions which prevent end-users from accessing directly the

directory enquiry service in other Member States of the European Union by voice call or text messaging and take measures for provision of this access under Art. 138c.

(4) (prev. text of Para 03 - SG 105/11, in force from 29.12.2011) Enterprises under Para 1 shall provide information about the respective telephone number only when a minimum amount of data has been provided accurately

(5) (prev. par. 7 - SG 17/09; prev. text of Para 04 - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) The conditions and the procedure of provision of inquiry services shall be laid down in the ordinance under Art. 258, Para 8.

Art. 260. (1) (Amend. – SG, 20/21) The end users – party to a contract under Art. 227 shall have the right to not receive Itemized bills upon an explicit request.

(2) (Prev. par. 7 SG 17/09; suppl. - SG 105/11, in force from 29.12.201, amend. – SG, 20/21) Enterprises offering voice message services shall provide to the persons under Para. 1, free of charge, an Itemized bill for services used, along with a tax invoice, and shall provide free of charge access to information in electronic form concerning the monthly bills for used services. The itemized bill shall be provided within one month from the date of its issue.

(3) The Itemized bill shall contain at least the following information:

1. all types of services used by the subscriber within the payment period;
2. number of the services used;
3. total price per type of service used;
4. total amount of the bill;
5. total amount of taxes calculated on the bill given both as per cent of the amount of the bill and as an absolute value;
6. (amend. – SG, 20/21) number of discounts, which might be due to the end user – party under contract under Art. 227 in consideration of the method of using the services, agreed between the and the enterprise providing the services;
7. total amount due;
8. term of payment;
9. possible means for distant payment of the bill, with relevant data for that;
10. identification data of the enterprise providing the services;
11. addresses, telephone numbers, and other contact details of the enterprise providing the services.

(4) (amend. - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) Enterprises under Para 2 shall upon request provide Itemized bill for the used voice message services, shall contain information at least about:

1. (amend. - SG 105/11, in force from 29.12.2011) the type of each accomplished call service used, including the accomplished calls;
2. the cost of each accomplished call;
3. date, time and duration of each accomplished call;
4. (new - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) number of the calling person and the called end-user.

(5) (amend. and suppl. - SG 105/11, in force from 29.12.2011, amend. – SG,20/21) The enterprises under Para. 2 shall ensure a possibility for receiving detailed bills in printed or electronic form.

Art. 260a. (new – SG 11/14, in force from 07.02.2014) (1) (Amend. and suppl. – SG, 20/21) The enterprises providing public electronic communication services through electronic communications networks other than the ones referred to in Art. 260, shall provide their end users – party to a contract under Art. 227, with monthly and free of charge detailed information in writing about the services used, along with

a primary accounting document.

(2) The written information shall include as a minimum the following:

1. (amend. – SG, 20/21) name/title of end user – party to a contract under Art. 227;
2. (amend. – SG, 20/21) type and number of the electronic communication services used;
3. name of the services or service package provided;
4. reporting period of the service used;
5. total amount due, which shall include the amount due for:
 - a) each service when not included in a service package;
 - b) service package;
 - c) each service used above the service package;
 - d) each additional service purchased outside the service package;
6. (amend. – SG, 20/21) number of deductions, that may be due to end user – party to a contract under Art. 227, according to the manner of usage of the services agreed between the subscriber and the enterprise offering the services;
7. total amount due on the account;
8. amount of tax charged on the bill expressed both as a percentage on the amount of the bill, and in absolute figures;
9. payment deadline;
10. identification data of the enterprise providing the service, including address and phone.

(3) (Amend. – SG, 20/21) The enterprises under Para. 1 shall provide an opportunity for receiving written information on paper or in electronic form.

(4) (Amend. – SG, 20/21) The written information shall be kept by the enterprises under Para 1, within the time limits for storing of the primary accounting document to which it has been provided.

Art. 261. (1) (amend. - SG 105/11, in force from 29.12.2011) The placement of calls, messages or electronic mail with or without human intervention for the purpose of the direct marketing and advertisement shall be allowed only when a prior consent of the user has been obtained. The consent may be withdrawn at any time.

(2) (amend. - SG 105/11, in force from 29.12.2011) Where a person obtains from its customers their electronic contact details for electronic mail, in the context of the sale of a product or a service, the same person may use these electronic contact details for direct marketing or advertisement of its own similar products or services provided that customers are given the opportunity free of charge and in an easy manner:

1. to object to such use of electronic contact details at the time of making the transaction;
2. to object future collection of such messages, where not objected at the moment of making the transaction.

(3) (revoked - SG 105/11, in force from 29.12.2011)

(4) (amend. - SG 105/11, in force from 29.12.2011) The person under Para 2 shall be obligated to respect any refusal of obtaining messages for marketing purposes.

(5) (amend. - SG 105/11, in force from 29.12.2011) Sending of messages for marketing and advertisement purposes shall be prohibited even when the requirements under Para 1 and 2 are fulfilled, when:

1. the identity of the sender cannot be established, or
2. the message does not include a valid address to which the recipient may send refusal to obtain messages, or
3. the message does not meet the requirements of Art. 5, Para 3, Items 1 - 4 of the Electronic Commerce Act, or
4. the message encourages its receivers to visit websites failing to meet the requirements of Art.

Art. 261a. (new – SG 17/10, in force from 10.05.2010) (1) (amend. - SG 24/15, in force from 31.03.2015) The Commission for Protection of Personal Data shall be a supervisory authority for security of the information retained under Art. 251b, Para. 1.

(2) (amend. - SG 24/15, in force from 31.03.2015) As a supervisory authority the Commission for Protection of Personal Data shall supervise the activity of the undertakings providing public electronic communication networks and/or services for compliance with the following rules for retention of the information under Art. 251b, Para. 1 in order to guarantee their protection and security:

1. the retained information shall be of the same quality and shall be subject to the same security and protection as the corresponding information in the network;

2. provision of appropriate technical and organizational measures to protect the information of accidental or illegal destruction, accidental loss or change, or unauthorized or illegal retention, processing, access or disclosure;

3. provision of appropriate technical and organizational measures to guarantee access to the data only to specially authorised staff;

4. the information, except that provided to the competent authorities and retained by them, shall be destroyed at the end of the retention period, except in the cases explicitly specified in the law.

(3) For carrying out the activity under Para 2 the Commission for Protection of Personal Data shall be entitled to:

1. request within its competence information from the undertakings providing public electronic communication networks and/or services;

2. give mandatory instructions subject to immediate performance.

(4) Annually, by 31 March, the undertakings providing public electronic communication networks and/or services shall provide to the Commission for Protection of Personal Data as a supervisory authority statistical information about:

1. (amend. - SG 24/15, in force from 31.03.2015, amend. – SG 97/16, in force from 06.12.2016, amend. – SG 103/16, amend. - SG 51/20) the cases of provided information to the competent authorities under Art. 251c, Para 1 and 2 and Art. 251d, Para 8;

2. the time that has expired since the initial date of retention to the date of the request of the information by the competent authorities;

3. the cases, where the information request could not be answered.

(5) The Commission for Protection of Personal Data shall provide annually to the National Assembly and to the European Commission summarised information under Para 4 within two months from receiving it.

(6) The summarised statistical information under Para 4 and 5 shall not contain personal data.

Art. 261b. (new – SG 17/10, in force from 10.05.2010) (1) (amend. - SG 24/15, in force from 31.03.2015) The National Assembly, through a commission specified in its structural and activity regulations, shall carry out parliamentary control and supervision of the procedures of permission and access to the information under Art. 251b, Para. 1, as well as for protection of the rights and freedoms of the citizens against illegal access to such information.

(2) For performing its functions the commission under Para 1 shall have the right:

1. (amend. - SG 24/15, in force from 31.03.2015, suppl. – SG 97/16, in force from 06.12.2016) to request within its competence information from the authorities under Art. 251c, Para 1 and 2 from the undertakings providing public electronic communication networks and/or services and from the Commission for Protection of Personal Data;

2. (amend. - SG 24/15, in force from 31.03.2015) to check the procedures and methods of retention of information under Art. 251b, Para. 1, of the requests and orders, as well as the procedures for destruction of the information under Art. 251b, Para. 1 and Art. 251g;

3. (amend. - SG 24/15, in force from 31.03.2015, suppl. – SG 97/16, in force from 06.12.2016) to access the premises of the authorities under Art. 251c, Para 1 and 2 and of the undertakings providing public electronic communication networks and/or services;

4. (amend. - SG 24/15, in force from 31.03.2015, amend. – SG, 20/21) to draw up annual reports of the conducted checks and give instructions for improvement of the procedures for retention and processing of the information under Art. 251b, Para. 1.

(3) (amend. - SG 24/15, in force from 31.03.2015; amend. - SG 79/15, in force from 01.11.2015) The Ministry of Interior, the Ministry of Defense, the State Agency "National Security", the State Intelligence Agency and the Chief Prosecutor shall draw up by 31 March every year summarised statistical information of the submitted requests, the issued judicial orders, the received and the destroyed inquiries regarding information under Art. 251b, Para 1, which shall be submitted to the commission under Para 1.

(4) (amend. - SG 24/15, in force from 31.03.2015, suppl. – SG 97/16, in force from 06.12.2016) In cases of finding unlawful use, retention or destruction of information under Art. 251b, Para 1, the commission shall notify of the violations the competent prosecution authorities and the heads of the authorities under Art. 251c, Para 1 and 2, and of the undertakings providing public electronic communication networks and/or services. The heads of the authorities and the undertakings shall be obliged to notify in due time the commission of the measures that have been undertaken to terminate the violations.

(5) (amend. - SG 24/15, in force from 31.03.2015) The commission under Para 1 shall notify ex officio the citizens of any requested or granted illegal access to information under Art. 251b, Para. 1 regarding them.

(6) (amend. - SG 24/15, in force from 31.03.2015, suppl. – SG 97/16, in force from 06.12.2016, amend. – SG 103/16) The citizens shall not be notified if thus the achievement of the purposes under Art. 251b, Para 2 or Art. 251d, Para 8 can be endangered.

Art. 261c. (new - SG 105/11, in force from 29.12.2011) (1) In the case of a personal data breach, the undertaking, providing publicly available electronic communications services shall notify the Commission for Protection of Personal Data within three days of establishing the breach.

(2) (Amend. – SG, 20/21) When the breach under Para 1 is likely to adversely affect the personal data or privacy of a subscriber or individual, the provider shall also notify the user or individual of the breach without undue delay.

(3) (Amend. – SG, 20/21) Notification of a personal data breach to a user, or individual under Para. 2 shall not be required if the enterprise has demonstrated to the satisfaction of the Commission for Protection of Personal Data that it has implemented appropriate technological measures for protection of the personal data safety concerned by the breach. Such technological protection measures shall render the data unintelligible to any person who is not authorized to access it.

(4) (Amend. – SG, 20/21) If the provider has not already notified the user or individual under Para 2 of the personal data breach, the Commission for Protection of Personal Data, having considered the likely adverse effects of the breach, may require the enterprise to notify the person.

(5) (Amend. – SG, 20/21) The notification to the user or individual shall at least describe:

1. the nature of the personal data breach;

2. the contact points where more information can be obtained;

3. (amend. – SG, 20/21) recommended measures to mitigate the possible adverse effects of the personal data breach on the user or the natural person.

(6) When notifying the Commission for Protection of Personal Data of a personal data breach,

the undertaking providing public electronic communication services shall, in addition to the information under Para 5, provide also:

1. a description of the consequences of the personal data breach;
2. the measures proposed or taken by the provider to address, the personal data breach.

Art. 261d. (new - SG 105/11, in force from 29.12.2011) (1) The Commission for Protection of Personal Data shall issue instructions concerning the circumstances in which undertakings, providing public electronic communication services, are required to notify personal data breaches, the format of such notification and the manner in which the notification is to be made. The instructions shall be promulgated in the official section of the State Gazette.

(2) The Commission for Protection of Personal Data shall also be able to audit whether undertakings have complied with their notification obligations under Para 1, and shall impose appropriate sanctions in the event of a failure to do so.

(3) The Commission for protection of Personal Data shall be able to audit the technical and organisational measures taken by undertakings providing publicly available electronic communication networks and/or services and to issue recommendations about best practices concerning the level of security which those measures should achieve.

Art. 261e. (new - SG 105/11, in force from 29.12.2011) The undertakings shall keep a register of breaches of personal data of their subscribers. The register shall contain the facts related to the breach, the consequences and the actions taken to overcome them.

Art. 262. (Amend. – SG 17/19) Supervision over processing of personal data pursuant to this Section shall be exercised by the Commission for Protection of Personal Data in accordance with Regulation (EU) 2016/679 and the Protection of Personal Data Act.

Chapter sixteen.

RADIO EQUIPMENT AND TERMINAL EQUIPMENT, EQUIPMENT FOR INTERACTIVE DIGITAL TELEVISION SERVICES AND STANDARDS IN THE FIELD OF ELECTRONIC COMMUNICATION NETWORKS AND SERVICES (TITLE. AMEND. – SG, 20/21)

Section I.

Radio Equipment and Terminal Equipment and Equipment for Digital Interactive Television Services (Title. amend. – SG, 20/21)

Art. 263. (revoked - SG 103/16)

Art. 264. (amend. - SG 103/16) Radio equipment shall be put into service and be used when properly installed, maintained and used as intended and meeting the requirements of the Technical Requirements For Products Act.

Art. 265. (revoked - SG 103/16)

Art. 266. (amend. - SG 103/1) Additional requirements for putting into service and/or using the

radio equipment may only be restricted for the following reasons related to:

1. effective and efficient use of the radio-frequency spectrum;
2. (amend. – SG, 20/21) avoiding harmful interference;
3. avoiding electromagnetic disturbances;
4. protection of public health;
5. protection of national security.

Art. 267. (1) (Suppl. - SG 103/16, former text of Art. 267 – SG, 20/21) In the territory of the Republic of Bulgaria may not be commissioned and used radio equipment:

1. using radio-frequency bands, allocated for the needs of the national security in the National Plan for Allocation of Radio Spectrum;
2. using radio-frequency bands, which according to the National Plan for Allocation of Radio Spectrum are not allocated in the Republic of Bulgaria for the respective type of radio services;
3. (amend. - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) technical Parameters of which do not meet the requirements of the provisions under Art. 66a, Para. 3;
4. (new - SG 103/16, amend. and suppl. – SG, 20/21) whose technical characteristics do not meet those, laid down in the issued permits for use of radio frequency spectrum or position in geostationary orbit with the relevant radio frequency spectrum.

(2) (New – SG, 20/21) Exceptions from Para. 1 shall be allowed in the cases of issuing temporary permits under Art. 109, Para. 1, items 1 and 2, if the necessary measures have been taken to avoid radio interference, disturbing electromagnetic influences and a risk for the health or safety of people or domestic animals, or for the belongings.

Art. 268. (revoked - SG 103/16)

Art. 269. (revoked - SG 103/16)

Art. 270. (revoked - SG 103/16)

Art. 271. (1) (amend. - SG 103/16, amend. – SG, 20/21) Enterprises providing electronic communications networks and/or services shall not refuse connection to the public electronic communications network of end devices, if they comply with the requirements of the Technical Requirements For Products Act.

(2) (amend. and suppl. - SG 105/11, on force from 29.12.2011, amend. - SG 103/16, amend. – SG, 20/21) When end devices which meet the requirements of the Technical Requirements For Products Act cause damage to the electronic communications network, or create harmful radio interference or interfere with the functioning of the network, or are not used for its intended purpose, the undertakings under par. 1 shall have the right to switch them off or to terminate the provision of services through them after performing all the necessary technical checks.

(3) (revoked - SG 103/16)

(4) (amend. - SG 103/16) In the cases under par. 2, the undertakings shall immediately notify the Commission and the State Agency for Metrological and Technical Surveillance.

Art. 272. (1) (Amend. – SG, 20/21) Enterprises, providing public electronic communication networks and/or services, prior to making their services available, shall publish technical specifications of the interfaces for the connection of terminal equipment to their networks on their Internet sites, and shall periodically update them and shall send to the Commission information about interfaces technical specifications.

(2) (amend. - SG 103/16, amend. – SG, 20/21) The technical specifications under Para 1 shall

include all the information necessary to allow users to have access to public electronic communications networks and enabling manufacturers of end devices to place them on the market.

Art. 273. (Amend. – SG, 20/21) The Commission shall monitor the fulfilment of obligations under Art. 272 by enterprises, shall publish information about the types of interfaces on its website and shall inform the European Commission on the types of interfaces for connection of the terminal equipment applied in public electronic communication networks

Art. 274. (1) (amend. - SG 43/08; amend. - SG 93/09, amend. – SG, 20/21) Radio equipment and terminal equipment, including hardware accessories to the radio equipment or terminal equipment for encryption of electronic communications and using cryptographic keys more than 56 bits long, shall be manufactured or imported after registration in "National Security" State Agency.

(2) Cryptographic devices for bank transactions protection, smart cards, scramblers for scrambling television signals, mobile phones without a built-in additional cryptographic module and cryptographic devices used by representations or other organisations having a status of diplomatic missions shall not be subject to registration under Para 1.

(3) (amend. - SG 43/08, amend. – SG, 20/21) Radio equipment and terminal equipment under Para 1 shall be entered in a public register. The register shall be published on the website of State Agency for National Security.

(4) The register under Para 3 shall contain the following information:

1. identification data about the manufacturer or importer:

a) for natural persons – full name and permanent address;

b) for legal persons and natural persons-sole traders – name (company), headquarters, registered address;

2. name and type of the terminal equipment under Para 1.

(5) (New – SG, 20/21) The administrative bodies, the persons, performing public functions, the organizations. providing public services, and the bodies of the judiciary, before which circumstances should be established, entered in the public register under Para. 3 or who need data, available in the public register, shall accept the certification of the circumstances and the data with a written indication in the respective request and / or application, notification, declaration or other document, with which the respective proceedings are initiated, without requiring the applicants and / or the submitters to present evidence for circumstances and data, entered in the register.

Art. 275. (1) (amend. - SG 43/08; amend. - SG 93/09, amend. – SG, 20/21) To register radio equipment or terminal equipment under Art. 274, the manufacturer or importer shall file an application to the "National Security" State Agency.

(2) The application under Para 1 shall contain:

1. identification data of the manufacturer, importer, respectively (the importer shall also supply data on the manufacturer):

a) (amend. – SG, 20/21) for natural persons – full name, unified citizen number and permanent address, and for foreign entities – personal number;

b) (amend. – SG, 20/21) for legal persons and natural persons-sole traders – name (company), headquarters, registered address, and unified identification code and for foreign persons – relevant identification code.

2. full name of the radio equipment or the electronic communication terminal equipment;

3. (amend. – SG, 20/21) short description of the radio equipment or the terminal equipment,

„

including type of cryptographic algorithms used and the length of the cryptographic keys.

(3) Attached to the application under Para 1 shall be:

1. (amend. – SG, 20/21) a copy of the technical documentation of the radio equipment or the terminal equipment;

2. description of the cryptographic algorithms, if they are not publicly accessible, the methods of their initialization, working modes and formats of incoming and outgoing data.

(4) The application and the documents attached to it shall be in Bulgarian language.

(5) In case of incomplete application or attachments to it, the manufacturer or the importer, respectively, shall be notified in writing to correct the omissions. If the omissions are not corrected within 30 days from the notification date, the procedure shall be terminated.

(6) (amend. - SG 43/08; amend. - SG 93/09) The Directorate "Technical Operations" of State Agency "National Security" shall enter the radio equipment or device in the register under Art. 274, Para 3, within 30 days of the date of receipt of the application with the attachments or of correction of the omissions under Para 5.

Art. 276. (1) (amend. - SG 43/08; amend. - SG 93/09, amend. – SG, 20/21) The „National Security" State Agency shall issue a certificate of entry in the register under Art. 274, Para 3, to the entity, importing or producing radio equipment and/or terminal equipment under Art. 274, Para. 1.

(2) (amend. - SG 43/08) For the issuance of the certificate under Para 1, a fee shall be paid to the amount specified in the Tariff of Fees, collected by State Agency "National Security".

Art. 277. (suppl. - SG 109/07, in force from 01.01.2008; amend. - SG 52/13, in force from 14.06.2013, amend. – SG, 20/21) Persons, carrying out transactions with radio equipment and terminal equipment under Art. 274, Para 1 shall supply written information to the State Agency "National Security" on any transaction with such equipment or device – name, type, serial number and identification data under Art. 274, Para 4, Item 1 with whom the transaction has been made at least every three months.

Art. 278. (1) (prev. text of Art. 278, suppl. - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) Persons, placing on the market consumer radios, including for cars and consumer digital TV equipment, shall ensure, that this equipment has open application programme interfaces (API) in accordance with the minimum requirement of the relevant standards and specifications or standardization documents.

(2) (New – SG, 20/21) Consumer equipment, intended to receive a digital television signal, which is offered for sale, hired or otherwise used and which may decode digital interactive television signals, must:

1. allow decoding of such signals, in accordance with a common European coding algorithm, which is managed by a recognized European standardization organization;

2. display on the screen a freely transmitted signal, when equipment is rented and the lessee complies with the terms of the respective lease agreement.

(3) (New – SG, 20/21) Digital televisions with an integrated screen with a visible diagonal of more than 30 cm, which are placed on the market for sale or rent, must be equipped with at least one open interface output (standardized or conforming to a standard adopted by a recognized European standardization organization, or corresponding to an industry specification), which enables the simple connection of peripherals and transmission of all relevant elements of a digital television signal, including information, relating to interactive services and conditional access services.

(4) (New – SG, 20/21) A car radio, intended to be integrated into new vehicles of category M, which are placed on the market for sale or hire, must be capable of receiving and reproducing at least radio

services, provided by terrestrial digital broadcasting. A radio, that complies with the harmonized standards, the references of which have been published in the Official Journal of the European Union, or parts of such standards, shall be deemed to comply with this requirement.

(5) (New – SG, 105/11, former Para. 2, amend. – SG, 20/21) Digital TV service providers shall provide their end - users with interoperable digital TV equipment, so that, where technically possible, the digital TV equipment is re - used for the services of other digital TV service providers.

(6) (New - SG 105/11, in force from 29.12.2011, former Para. 3, amend. – SG, 20/21) The persons and providers, referred to in Para. 5 shall cooperate in providing interoperable television services for users with disabilities.

(7) (new - SG 105/11, in force from 29.12.2011, former Para. 4, amend. – SG, 20/21) The persons, holding the rights in application programmes shall make available to the providers under Para. 5, against remuneration, under fair, reasonable and equal conditions, the entire information required for provision in completely functional form of digital interactive television services supported by such interfaces.

Art. 279. (amend. - SG 89/09, in force from 10.11.2009, amend.- SG 58/23) The requirements of this section shall not be applied to electronic communication equipment that is permanently installed on vessels and aircraft and/or serve to coordinate traffic and to ensure safety and/or search and rescue, as well as those facilities installed and used on shore, meant the same purpose and recognised as such by the Minister of Transport and Communications.

Art. 279a. (new - SG 105/11, in force from 29.12.2011, repealed – SG, 20/21)

Section II.

Standards in the Field of Electronic Communication Networks and Services (Title, amend. – SG, 20/21)

Art. 280. (Prev. par. 7 SG 17/09) (1) (suppl. - SG 105/11, in force from 29.12.2011, amend. and suppl. – SG, 20/21) Enterprises, providing electronic communication networks and services and adjacent equipment may apply:

1. (amend. - SG 103/16, amend. – SG, 20/21) with regard to the radio devices and end devices - Bulgarian standards transposing harmonized European standards published in the Official Journal of the Bulgarian Institute of Standardization, corresponding to the published in the Official Journal of the European Union.

2. (amend. - SG 105/11, in force from 29.12.2011, amend. and suppl. – SG, 20/21) for ensuring of interoperability of electronic communication services, end-to-end connectivity, facilitating switching, portability of numbers and identifiers, and increasing users' freedom of choice and for enhancing freedom of choice for users of electronic communication services the recommended by the European Commission standards and/or standardization documents, included in a list, published in the Official Journal of the European Union.

(2) (amend. and suppl. - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) Where there are no published standards or standardization documents under Para 1, item 2 standards or standardization documents of the European Standardization Organizations may apply (the European Telecommunications Standards Institute, the European Committee for Standardization and the European Committee for Electrotechnical Standardization).

(3) (amend. - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) Where there are no

published standards or standardization documents under Para 1, item 2 and par. 2 international standards or recommendations of the International Telecommunication Union, the European Conference of Postal and Telecommunications Administrations, the International Organization for Standardization and the International Electrotechnical Commission shall be applied.

(4) European and international standards shall be introduced like Bulgarian and shall apply in compliance with the provisions of the National Standardization Act.

(5) (amend. - SG 105/11, in force from 29.12.2011, amend. and suppl. – SG, 20/21) Enterprises providing electronic communication networks and services and adjacent equipment shall be obliged to apply the standards and standardization documents determined as obligatory in the European Union's Official Journal.

(6) (new - SG 105/11, in force from 29.12.2011, amend. and suppl. – SG, 20/21) In determining the requirements to enterprises, providing electronic communication networks and services and adjacent equipment, the Commission shall take into account the applicable European and international standards and standardization documents.

(7) (New – SG, 20/21) The application of the standards and the standardization documents under Para. 1, item 2 and Para. 2 and 3 shall not impede access in accordance with Chapter Ten, where access is possible.

(8) (New – SG, 20/21, amend.- SG 58/23) The equipment for digital television, which meets the harmonized standards, included in the list under Para. 1, item 2, or parts of these standards, shall be considered as meeting the requirements for interoperability under Art. 230, Para. 7, which are covered by these standards or parts thereof.

Chapter seventeen.

CONSTRUCTION AND MAINTENANCE OF ELECTRONIC COMMUNICATION NETWORKS AND INFRASTRUCTURE, RIGHT OF PASSING (TITLE AMEND. - SG 105/11, IN FORCE FROM 29.12.2011, REPEALED – SG 21/18, IN FORCE FROM 09.03.2018)

Section I.

Construction of Electronic Communication Networks and Infrastructure (Title amend. - SG 105/11, in force from 29.12.2011, repealed – SG 21/18, in force from 09.03.2018)

Art. 281. (amend. - SG 105/11, in force from 29.12.2011, repealed – SG 21/18, in force from 09.03.2018)

Section II.

Right to Passage. Co-location and Sharing. (New - SG 105/11, in force from 29.12.2011, repealed – SG 21/18, in force from 09.03.2018)

Art. 281a. (new - SG 105/11, in force from 29.12.2011, repealed – SG 21/18, in force from 09.03.2018)

Art. 281b. (new - SG 105/11, in force from 29.12.2011, repealed – SG 21/18, in force from 09.03.2018)

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Art. 281c. (new - SG 105/11, in force from 29.12.2011, repealed – SG 21/18, in force from 09.03.2018)

Art. 281d. (new - SG 105/11, in force from 29.12.2011, repealed – SG 21/18, in force from 09.03.2018)

Art. 282. (repealed – SG 21/18, in force from 09.03.2018)

Art. 283. (repealed – SG 21/18, in force from 09.03.2018)

Art. 284. (repealed – SG 21/18, in force from 09.03.2018)

Art. 285. (amend. - SG 105/11, in force from 29.12.2011, repealed – SG 21/18, in force from 09.03.2018)

Art. 286. (repealed – SG 21/18, in force from 09.03.2018)

Section III.

Easements (Prev. text of Section II - SG 105/11, in force from 29.12.2011, repealed – SG 21/18, in force from 09.03.2018)

Art. 287. (repealed – SG 21/18, in force from 09.03.2018)

Art. 288. (repealed – SG 21/18, in force from 09.03.2018)

Art. 289. (repealed – SG 21/18, in force from 09.03.2018)

Art. 290. (Repealed – SG 21/18, in force from 09.03.2018)

Art. 291. (Repealed – SG 21/18, in force from 09.03.2018)

Art. 292. (amend. - SG 36/08; amend. – SG 17/09; amend. - SG 89/09, in force from 10.11.2009; amend. - SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014, amend. – SG 58/17, in force from 18.07.2017, repealed – SG 21/18, in force from 09.03.2018)

Art. 293. (Repealed – SG 21/18, in force from 09.03.2018)

Art. 294. (Repealed – SG 21/18, in force from 09.03.2018)

Section IV.

Right of Use (Prev. text of Section III - SG 105/11, in force from 29.12.2011, repealed – SG 21/18, in force from 09.03.2018)

Art. 295. (Repealed – SG 21/18, in force from 09.03.2018)

Art. 296. (amend. – SG 17/09, repealed – SG 21/18, in force from 09.03.2018)

Art. 297. (Repealed – SG 21/18, in force from 09.03.2018)

Art. 298. (Repealed – SG 21/18, in force from 09.03.2018)

Art. 299. (Repealed – SG 21/18, in force from 09.03.2018)

Chapter eighteen.

PROVISION OF ELECTRONIC COMMUNICATIONS DURING DISASTERS, IN CASE OF PROCLAMATION OF "STATE OF MARTIAL LAW", "STATE OF WAR", OR "STATE OF EMERGENCY" (TITLE AMEND. – SG 35/09, IN FORCE FROM 12.05.2009, AMEND. – SG, 20/21)

Art. 300. (1) (revoked – SG 35/09, in force from 12.05.2009)

(2) (amend. - SG 89/09, in force from 10.11.2009, amend. – SG 50/16, in force from 01.07.2016, amend. – SG, 20/21, amend. - SG 15/22, in force from 22.02.2022) The terms and conditions of provision of electronic communication services during a state of martial law, state of war, or a state of emergency in the sense of the Act on the Defence and Armed Forces of the Republic of Bulgaria shall be defined by the Council of Ministers upon a proposal of the Minister of the e-government in agreement with the relevant competent authorities.

Art. 301. (1) (amend. – SG 35/09, in force from 12.05.2009, amend. – SG, 20/21) Enterprises providing public electronic communication networks and/or services shall ensure possibilities for the provision of electronic communication services in case of disasters in the sense of the Disaster Protection Act, or during a state of martial law, state of war, or a state of emergency in the sense of the Act on the Defence and Armed Forces of the Republic of Bulgaria.

(2) For the sake of the national security, undertakings providing public electronic communication networks and/or services shall, if necessary, provide the competent bodies with access to the network and/or the provided services, as well as a possibility of free of charge use of electronic communications through the network in case of an immediate endangering menace for the national security.

(3) (suppl. - SG 43/08; amend. – SG 69/08; amend. – SG 17/09; amend. - SG 93/09; amend. – SG 70/13, in force from 09.08.2013; amend. – SG 53/14; amend. - SG 61/15, in force from 01.11.2015, suppl. - SG 103/16) In order to carry out the activities under Art. 14, par. 2, item 8 and Art. 89, Para 1 of the Ministry of Interior Act, under Art. 42, Para 1, Item 5 and 6 of the State Agency for National Security Act, under Art. 5 and 7 of the Military Police Act, and under Art. 20 – 22 of the National Service for Protection Act, as well as in case of an immediate danger to the national security, the competent bodies of the Ministry

of Interior, of State Agency for National Security, of the Military Police Service and of the National Security Service may block using technical means the use of electronic communication services.

Art. 302. (1) (Amend. – SG, 20/21) Upon declaring martial law, a state of war or a state of emergency within the meaning of the Act on Defense and the Armed Forces of the Republic of Bulgaria, the Commission shall, by decision of a competent body, temporarily suspend the issued licenses for use of radio frequency spectrum.

(2) The Commission shall prohibit the use of radio equipment and radio-frequency spectrum for civil needs at the decision of the competent body in cases under Para 1.

(3) (New – SG, 20/21) The distribution of the radio frequency spectrum in case of war, martial law or state of emergency shall be carried out by a competent body, determined under Art. 114 and 122 of the Act on Defense and the Armed Forces of the Republic of Bulgaria.

Art. 303. (1) (amend. SG 35/09, in force from 12.05.2009; amend. - SG 89/09, in force from 10.11.2009; amend. - SG 105/11, in force from 29.12.2011, amend. – SG 50/16, in force from 01.07.2016, amend. and suppl. - SG 94/19, in force from 29.11.2019, amend. – SG, 20/21, amend. - SG 15/22, in force from 22.02.2022) While exercising its powers under Art. 17, the Minister of the e-government shall operate, modernize and maintain operational the communication facilities with special functions and installed war-time capacities, ready to provide electronic communication services in the event of disasters in the sense of the Disaster Protection Act, in case of declaring a state of martial law, state of war or state of emergency in the sense of the Act on the Defence and Armed Forces of the Republic of Bulgaria, as well as when declaring a state of emergency within the meaning of the Counteraction of Terrorism Act, special purpose communication facilities - an element of the Integrated Communication and Information System for the Management of the Country and the Armed Forces and the installed capacity for wartime.

(2) (amend. SG 35/09, in force from 12.05.2009, amend. - SG 94/19, in force from 29.11.2019, amend. – SG, 20/21) The enterprises providing public electronic communication networks and/or services, with assigned war-time tasks, shall operate and maintain operational the electronic communication networks, ready to provide electronic communications in the event of disasters in the sense of the Disaster Protection Act, in case of declaring a state of martial law, state of war or state of emergency in the sense of the Act on the Defence and Armed Forces of the Republic of Bulgaria, as well as when declaring a state of emergency within the meaning of the Counter-Terrorism Act.

(3) (amend. - SG 105/11, in force from 29.12.2011) The communication facilities under Para 1 and the land on which they have been constructed, may be expropriated, leased or burdened with real rights by a decision of the Council of Ministers.

(4) (amend. - SG 105/11, in force from 29.12.2011) The communication facilities, the installed capacities and the electronic communication network under Art. 17 may be used and developed for the needs of the state government under terms and conditions defined by the Council of Ministers.

(5) (amend. - SG 105/11, in force from 29.12.2011) The funds for building, maintenance, reconstruction and modernization of the infrastructure under Para 4 shall be provided from the state budget and from other sources under terms and conditions defined by the Council of Ministers.

Chapter nineteen.

PROVIDING CONDITIONS FOR INTERCEPTION OF ELECTRONIC COMMUNICATIONS RELATED TO PROTECTION OF NATIONAL SECURITY AND MAINTENANCE OF PUBLIC ORDER

Art. 304. (suppl. - SG 109/07, in force from 01.01.2008; amend. – SG 69/08; amend. – SG 70/13, in force from 09.08.2013) The undertakings providing public electronic communications networks and/or services shall ensure a capacity to intercept real time electronic communications, to secure continuous surveillance, as well as real time access to data related to a specific call. When these data cannot be provided in real time, they shall be given to the State Agency "Technical Operations" and the State Agency "National Security" as soon as possible after termination of the call. The capacity for interception, twenty-four-hour surveillance and access to data, related to a call in real time, shall be used only in accordance with the Special Intelligence Devices Act.

Art. 305. (1) (suppl. - SG 109/07, in force from 01.01.2008; amend. – SG 69/08; suppl. - SG 17/10, in force from 10.05.2010; amend. – SG 70/13, in force from 09.08.2013) The undertakings providing public electronic communications networks and/or services shall provide, put into operation and maintain, on their own expenses, one or several interception interfaces, from which the intercepted electronic communications can be transferred to the facilities of the State Agency "Technical Operations" and to State Agency "National Security".

(2) (suppl. - SG 109/07, in force from 01.01.2008; amend. - SG 17/10, in force from 10.05.2010; amend. – SG 70/13, in force from 09.08.2013, amend. and suppl. – SG, 20/21) The technical parameters, configuration and maintenance conditions of the intercepting interfaces, secured by the enterprises providing public electronic communications networks and/or services, shall be coordinated with the State Agency Technical Operations, National Security State Agency and shall be approved by their Chairmen.

Art. 306. The undertakings providing public electronic communications and/or services shall provide data related to a specific call and its content in a manner allowing for the exact matching of the data about the call and the content of the call

Art. 307. (amend. - SG 109/07, in force from 01.01.2008, amend. – SG, 20/21) In case the enterprises providing electronic communications networks and/or services undertake coding, compressing or encrypting of the intercepted electronic communications, they shall deliver these to the "National Security" State Agency, or Technical Operations State Agency in their original form.

Art. 308. (suppl. - SG 109/07, in force from 01.01.2008; amend. – SG 69/08; amend. – SG 70/13, in force from 09.08.2013) The undertakings providing public electronic communications and/or services shall be obliged to ensure the capacity for transmission of intercepted electronic services to the facilities of the State Agency " Technical Operations" and to the State Agency "National Security" over fixed or switched lines.

Art. 309. (suppl. - SG 109/07, in force from 01.01.2008; amend. – SG 69/08; amend. – SG 70/13, in force from 09.08.2013) Interception shall be carried out in a manner that excludes any option for illegal interference and secures protection of the information related to the interception. The intercepted electronic communications shall be available only to the State Agency "Technical Operations" and to the State Agency "National Security" in accordance with the Special Intelligence Devices Act.

Art. 310. (amend. and suppl. - SG 109/07, in force from 01.01.2008; amend. – SG 69/08; amend. – SG 70/13, in force from 09.08.2013) Before an interception based on legal grounds is made, the National Agency "Technical Operations" and the State Agency "National Security" shall require from the

enterprises providing public electronic communications and/or services:

1. (amend. – SG, 20/21) data for identification of the end user - party to a contract under Art. 227, number or another identification feature of the electronic communications service;
2. information about the service and the characteristics of the electronic communications system, used by the object of interception and delivered by the enterprises providing public electronic communications and/or services;
3. (amend. – SG 69/08; amend. – SG 70/13, in force from 09.08.2013, suppl. – SG, 20/21) information about the technical Parameters of the transfer to the facilities of the Technical Operations National Agency and National Security State Agency.

Chapter twenty . CONTROL

Art. 311. (1) The control over the provision of electronic communications shall be exercised by the Commission.

(2) (amend. and suppl. - SG 103/16) The control over putting into service and use of radio facilities under Art. 267 shall be exercised by the Commission.

(3) (amend. and suppl. - SG 105/11, in force from 29.12.2011, revoked - SG 103/16)

(4) (suppl. - SG 109/07, in force from 01.01.2008; amend. - SG 82/09, in force from 16.10.2009; amend. - SG 89/09, in force from 10.11.2009; amend. - SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014; amend. – SG, 14/2015, amend. - SG 103/16, amend. - SG 58/23) In exercising control under Para 1 and 2, the Commission shall interact with the Ministry of Transport and Communications, Ministry of Interior, Ministry of Defence, the State Agency for National Security, the State Agency for Metrological and Technical Supervision, and the Minister of Regional Development and Public Works - Directorate on the National Construction Supervision, in compliance with a jointly issued instruction, proposed by the Commission.

(5) (new - SG 105/11, in force from 29.12.2011, revoked - SG 103/16)

Art. 312. (1) For the purposes of exercising control over the electronic communications the Chairman of the Commission shall authorise by an order officials of its administration.

(2) The Commission shall insure the employees under Para 1 against accidents occurring during or on the occasion of fulfilment of their official duties, from resources of the budget of the Commission.

Art. 313. (1) In carrying out their functions the officials of the Commission authorised under Art. 312, Para 1, shall have the right to:

1. carry out inspections and draw up statements in accordance with the Administrative Violations and Penalties Act in the case of establishing a violation;

2. free access to the controlled sites where the electronic communications networks, facilities and technical devices are accommodated;

3. inspect the availability of the documents issued by the Commission, proving the legal capacity of the persons on the controlled sites;

4. (amend. - SG 105/11, in force from 29.12.2011) receive original documents, data, information, references, and other information carriers related to the exercise of control, from the persons inspected, as well as seize certified copies of documents related to the electronic communications activities and/or establishment of administrative violations under this Act;

5. inspect accountancy, trade or other books or documents, and information carriers, as well as other documents related to the electronic communications activities and/or establishment of administrative

violations under this Act;

6. require from third persons information, abstracts and other documents necessary for carrying out cross examinations related to the control under this Act and/or establishment of administrative violations under this Act;

7. control the quality Parameters of the electronic communications services by carrying out documentary and technical inspections;

8. inspect, in compliance with the rules and procedures stipulated in the Penal Procedure Code, premises used by the persons for the purpose of providing electronic communications, as well as premises containing proof of committed administrative violations.

9. issue a direction for the undertakings to eliminate, within the period set by them, the lack of conformity with this Act as regards deviations of the technical Parameters of the electronic communications networks and facilities from certain set values related to their functioning; failure to comply with the directions within that period shall be considered an administrative violation under the Administrative Violations and Penalties Act.

10. (new – SG, 20/21) give instructions not to put into operation and use radio equipment, that does not meet the requirements of Art. 267; non-compliance with the prescriptions is an administrative violation within the meaning of the Administrative Violations and Penalties Act.

(2) In the cases of inspection of premises under Para 1, Item 8, used as a residing place, the inspections shall be carried out by the employees authorised under Art. 312, Para 1, together with the bodies of the Ministry of Interior.

Art. 314. (1) Upon establishing violations the authorised officials under Art. 312, Para 1 shall seize and retain material evidence, related to establishment of the violation under Art. 41 of the Administrative Violations and Penalties Act.

(2) The seized material evidence shall be subject to confiscation in favour of the state by a penal decree pursuant to the provisions of Art. 20 and 21 of the Administrative Violations and Penalties Act for present corpus delicti according to the respective administrative penal provisions.

(3) The possessions seized in favour of the state shall be stored in premises specially provided for that purpose until the expiration of one year from the enactment of the resolution, the penal decree or court decision confirming it.

(4) In case the charges on the basis of which the possessions under Para 2 have been seized are withdrawn, the same shall be returned to their owners, after a request addressed to the Chairman of the Commission.

Art. 315. (1) Upon the expiration of the term under Art. 314, Para 3, the seized possessions shall be subject to:

1. granting without payment, all of them, or parts of them that can be used, without violating the laws and applicable standards in the country, to bodies of the state administration and local self-government, educational establishments – for educational purposes, hospitals and other organisations with social functions;

2. destruction.

(2) The procedure for granting and destruction of the possessions seized in favour of the state shall be stipulated in an ordinance of the Council of Ministers, proposed by the Commission.

Art. 316. In fulfilment of their official duties the officials authorised under Art. 312, Para 1 shall be obliged:

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1. to legitimise themselves by an official identification card;
2. to maintain the confidentiality of the circumstances and facts which have become known to them during or on occasion of the fulfilment of their official duties.

Art. 317. (1) The procedure and the way of using and storing the seized documents and materials under Art. 314, as well as organising the control over the electronic communications activities shall be determined by a decision of the Commission.

(2) The Chairman of the Commission shall appoint the officials of the administration who will be in charge of the storage and use of the seized documents and materials.

(3) The officials under Para 2 and under Art. 316 shall sign a declaration in an approved form related to their duties, explicitly stating their responsibility for failure to fulfil these duties.

Art. 318. (1) (amend. - SG 105/11, in force from 29.12.2011) The Commission may by orders suspend the provision of electronic communications in the cases of Art. 78a until the violations are eliminated.

(2) (amend. - SG 105/11, in force from 29.12.2011) The order under Para 1 may impose a compulsory administrative measure for closing of sites and/or facilities, having served for the provision of electronic communications, until the violations are eliminated.

(3) (new - SG 105/11, in force from 29.12.2011) The Commission may take a decision to cease or delay provision of a service or bundle of services which, if continued, would result in significant harm to competition, pending compliance with access obligations imposed following a market analysis.

Art. 319. (1) (Amend. – SG, 20/21) The Commission shall annually prepare a plan for control over the enterprises providing public electronic communications networks and/or services for compliance with the applicable requirements under Art. 73 and/or specific obligations or permissions for use of a limited resource.

(2) The (Amend. - SG, 20/21) Commission shall undertake inspections, on written signals for violations of this Act, the secondary legislation, the applicable requirements under Art. 73 and/or specific obligations or permissions for use of a limited resource.

Art. 320. The Commission, in its annual report under Art. 38, Para 1, shall prepare an analysis of the results from the control exercised and shall propose, in compliance with best European practices, measures to improve control efficiency and also preventive measures to reduce potential violations in the provision of electronic communications.

Art. 321. (amend. - SG 43/08; amend. - SG 93/09, amend. – SG, 20/21) The control under Art. 274, Para 1, shall be exercised by the officials of State Agency "National Security".

Art. 322. The officials under Art. 321 shall have the right to:

1. carry out inspections and, in case of an established violation, draw up a statement under the Administrative Violations and Penalties Act;
2. access freely the sites which accommodate radio equipment or devices under Art. 274, Para 1;
3. require from the inspected persons original documents, data, references and other information carriers, related to the exercise of control;
4. require from third persons, information, abstracts and other documents necessary for

exercising control.

Art. 323. (1) In case of a violation established under Art. 335, the officials under Art. 321 shall be authorised to seize and retain material evidence, related to establishment of the violation.

(2) The seized material evidence shall be confiscated in favour of the state under Art. 20 and 21 of the Administrative Violations and Penalties Act.

(3) The possessions seized in favour of the state shall be stored in premises specially provided for that purpose until the expiration of one year from the enactment of the resolution, the penal decree or court decision confirming it.

(4) In case the punitive decree on the basis of which the possessions have been seized is withdrawn, the same shall be returned to their owners.

(5) After the record or court decision has come into force under Para 3, the seized possessions:

1. (suppl. - SG 43/08) shall be used free of charge by the bodies of the Ministry of Interior, the Ministry of Defence and State Agency "National Security", upon their request;

2. (amend. - SG 43/08) shall be destroyed on the basis of an order of the Chairman of State Agency "National Security".

Art. 323a. (new - SG 105/11, in force from 29.12.2011) (1) (Amend. – SG 17/19) Supervision over the execution of the obligations under Art. 251g and Art. 261c, and for the implementation of the instructions and recommendations under Art. 261d, shall be carried out by the Commission for Protection of Personal Data under the terms and conditions of Regulation (EU) 2016/679 and the Protection of Personal Data Act.

(2) (Repealed – SG 17/19)

Art. 323b. (new - SG 105/11, in force from 29.12.2011, repealed – SG 21/18, in force from 09.03.2018)

Chapter twenty one.

ADMINISTRATIVE PENAL PROVISIONS

Art. 324. (1) (Amend. – SG, 20/21) Whoever provides public electronic communications networks or services, for the provision of which a permission must be granted for use of limited resource, without having this permission, or whoever continues to provide electronic communications after termination or withdrawal of permission granted, in case the act constitutes a crime, shall be penalized with a fine of BGN 30,000 to BGN 300,000.

(2) (Amend. – SG, 20/21) Whoever provides electronic communications for own use, for the provision of which a permission must be granted for use of a limited resource, without having this permission, or whoever continues to provide electronic communications after termination or withdrawal of permission granted, unless the act constitutes a crime, shall be penalized with a fine of BGN 30,000 to BGN 300,000.

(3) (Amend. – SG, 20/21) Whoever provides public electronic communication networks or services, for the provision of which a provisional permission must be granted for use of radio frequency spectrum, without having this permission, or whoever continues to provide electronic communications termination of the permission granted, unless the act constitutes a crime, shall be penalized with a fine of BGN 30,000 to BGN 300,000.

(4) (Amend. – SG, 20/21) Whoever provides electronic communications for own needs, for the provision of which a provisional permission must be granted for use of radio frequency spectrum, without having this permission, or whoever continues to provide electronic communications after termination of temporary permission granted, unless the act constitutes a crime, shall be penalized with a fine of BGN 5,000 to BGN 50,000.

(5) (New – SG, 20/21) Whoever, without registration, carries out electronic communications, for which registration is required, shall be punished by a fine in the amount of BGN 3,000 to 30,000.

(6) (Former Para. 5, amend. – SG, 20/21) Whoever provides public electronic communications networks or services, without having submitted a notification under Art. 66 to the Commission, shall be penalized with a fine of BGN 3,000 to BGN 15,000.

(7) (Former Para. 6, amend. – SG, 20/21) Whoever provides interconnection with or access to the network of an enterprise, providing public electronic communication services in breach of the established by the law procedure in order to provide electronic communications in a commercial way, shall be penalized with a fine of BGN 3,000 to BGN 15,000.

(8) (Former Para. 7, amend. – SG, 20/21) For repeated violations under Para. 1 to 6 the administrative penal body shall be able, by a penal decree, to deprive the violator from the right to provide the relevant electronic communications, for which it has been sanctioned for a period of up to one year.

Art. 325. (1) (Amend. – SG, 20/21) Whoever provides public electronic communications networks and/or services, for the provision of which a permission for use of a limited resource has been granted, and violates the permission's conditions, shall be penalised with a fine of BGN 10,000 to BGN 100,000.

(2) (Amend. – SG, 20/21) Whoever provides electronic communications for own needs, for the provision of which a permission for use of radio frequency spectrum has been granted, and violates the permission's conditions, shall be penalized with a fine of BGN 1,000 to BGN 10,000.

(3) (New – SG, 20/21) Who carries out electronic communications on the basis of registration and violates the applicable rules under Art. 66a, Para. 3, shall be punished by a fine in the amount of BGN 1,000 to 10,000.

Art. 326. An undertaking providing public electronic communications networks and/or services subject to a notification under Art. 66, which has violated an applicable requirement under Art. 73 and/or a specific obligation, shall be penalised with a fine of BGN 3,000 to BGN 15,000.

Art. 326a. (new - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) (1) A company, providing public electronic communications networks or services, which has committed a violation under Chapter Seven, Section II, shall be imposed a property sanction in the amount of BGN 5,000 to 60,000.

(2) An enterprise, providing public electronic communications networks or services, which violates the functional specifications for number portability, adopted by the Commission, shall be imposed a property sanction in the amount of BGN 5,000 to 60,000.

(3) An enterprise, providing public electronic communications networks or services, which has committed a violation under Chapter Fourteen, Section III, shall be imposed a property sanction in the amount of BGN 5,000 to 60,000.

Art. 327. (1) Whoever violates the rules of confidentiality of communications and related traffic data, sent over public electronic communications networks, unless the act constitutes a crime, shall be penalised with a fine of BGN 1,000 to BGN 10,000.

(2) An undertaking providing public electronic communications and/or services, which fails to fulfil the obligation for provision of conditions for interception of electronic communications, related to protection of national security and maintenance of public order, shall be penalised with a proprietary sanction of BGN 10,000 to BGN 100,000.

(3) (Repealed – SG 17/19)

(4) (new – SG 17/10, in force from 10.05.2010; amend. - SG 24/15, in force from 31.03.2015) Any undertaking providing public electronic communication networks and/or services, which fails to perform its duty under Art. 251b, shall be imposed a property sanction amounting to BGN 3000 – 25 000.

(5) (new – SG 17/10, in force from 10.05.2010; amend. - SG 24/15, in force from 31.03.2015) Any undertaking providing public electronic communication networks and/or services, which fails to perform its duty under Art. 251e, shall be imposed a property sanction amounting to BGN 2000 – 12 000.

(6) (new – SG 17/10, in force from 10.05.2010; amend. - SG 24/15, in force from 31.03.2015) Any undertaking providing public electronic communication networks and/or services, which fails to perform its duty under Art. 251f, Para. 2, shall be imposed a property sanction amounting to BGN 10 000 – 25 000.

(7) (new – SG 17/10, in force from 10.05.2010) In cases of repeated violation under Para 6 the property sanction shall amount to BGN 15 000 – 50 000.

Art. 328. (1) Whoever interferes with or changes the content of communications of third persons in a public electronic communications network through the use of electronic communications equipment, unless the act constitutes a crime, shall be penalised with a fine of BGN 200 to BGN 2,000.

(2) Whoever in order to derive for himself/ herself or for another person benefit, uses without legal grounds the electronic communication network, thus causing a damage to the undertaking, administering the electronic communication network, or to a third person, unless the act constitutes a crime, shall be penalised with a fine of BGN 1,000 to BGN 10,000, whereas the damages shall be subject to indemnification pursuant to the general order of claims.

Art. 329. (suppl. – SG 17/09) Whoever transmits over a public electronic communications network false calls or misleading signs and/or signals for help, disaster, accident, crash or alert, except for the cases, where the calls are made to the single European emergency number 112 shall be penalised with a fine of BGN 2,000 to BGN 20,000.

Art. 330. (suppl. - SG 103/16, suppl. -SG, 20/21) Whoever puts into service or uses radio equipment, for which a restriction has been introduced under Art. 267, Para. 1, unless the act constitutes a crime, shall be penalized with a fine of BGN 5,000 to BGN 15,000.

Art. 331. (1) Whoever, upon request by the Commission, fails to provide information related to the application of this Act or provides false, incomplete, incorrect information, or fails to provide it within the term specified in the request, shall be penalised with a fine of BGN 500 to BGN 2,500.

(2) Whoever impedes the exercise of control under Art. 311 by the Commission, shall be penalised with a fine of BGN 1,000 to BGN 5,000.

(3) (amend. - SG 29/15) Whoever fails to comply with a decision of the Commission, shall be penalised with a fine of BGN 1,000 to BGN 10,000.

(4) (amend. - SG 29/15) Whoever fails to comply with a decision of the Commission under Art. 61, shall be penalised with a fine of BGN 5,000 to BGN 50,000.

(5) (amend. - SG 29/15, repealed – SG, 20/21)

(6) (amend. - SG 105/11, in force from 29.12.2011) An enterprise providing public electronic communications and/or services, which does not provide the Commission with documents or fails to provide information, or provides false, incomplete, incorrect information, or fails to provide it within the term specified, when these documents and information are necessary for designation of an enterprise with significant market power, shall be punished with a proprietary penalty of BGN 5000 to BGN 50,000.

(7) (amend. - SG 29/15) An enterprise with significant market power that fails to comply with a decision of the Commission which refers to its specific obligations as an enterprise with significant market power, shall be penalized with a proprietary sanction of BGN 100,000 to BGN 1,000,000.

(8) (New – SG, 20/21) An enterprise, that fails to fulfill a commitment in connection with the conditions for access and / or joint investments under Art. 172i, Para. 1, to which the Commission has given binding force on the grounds of Art. 172i, Para. 7 shall be punished with a property sanction in the amount of BGN 100,000 to 1,000,000.

(9) (new - SG 105/11, in force from 29.12.2011; amend. - SG 29/15, former Para. 8 – SG, 20/21) Any enterprise, providing public electronic communication networks and/or services, which fails to comply with a temporary obligation imposed in a decision shall be imposed a property sanction in amount between BGN 50 000 and 200 000.

(10) (new - SG 103/16, suppl. - SG 101/17, in force from 19.12.2017, former Para. 9, amend. – SG, 20/21, amend. - SG 58/23) An enterprise, providing public electronic communications networks and / or services, which upon request by the Commission has not provided information under Art. 17, Para. 4 of Regulation (EU) 2022/612, or provides false, incomplete, inaccurate information, or miss the deadline specified in the request, or provide the Commission with false information under Art. 6, paragraph 2 of the Regulation shall be punished with a property sanction from 5 000 to 50 000 BGN.

(11) (Former Para. 10, amend. – SG, 20/21) An enterprise, providing public electronic communications networks and / or services, which upon request by the Commission has not provided information under Art. 5, Para. 2 and Art. 5a, Para. 6 of Regulation (EU) 2015/2120 ", or provide incorrect, incomplete, inaccurate information or not within the period, specified in the request, shall be punished by a pecuniary sanction in the amount of BGN 4,000 to 40,000.

(12) (New – SG, 20/21) Enterprise or public body, that provides false, incomplete or inaccurate information under Art. 181a or does not provide it within the term, determined by the Commission, shall be punished with a fine or property sanction in the amount of BGN 500 to 5000.

(13) (New - SG 58/23) An enterprise providing public electronic communication networks and/or services that fails to comply with a decision of the commission under Art. 220a, Para. 2, shall be punished with a pecuniary sanction in the amount from BGN 100 000 to BGN 1 000 000.

Art. 331a. (New - SG 29/15) (1) (Suppl. - SG 103/16, amend. and suppl. - SG 58/23) In the event of failure to implement a decision under Art. 78, para. 1 or a decision under Art. 220a, Para. 2 or a decision under Asrt. 17, paragraph 7 of Regulation (EU) 2022/612:

1. the Chairman shall impose pecuniary penalty for failure to fulfill an obligation, provided for in this chapter, and/or

2. The Commission shall impose a fine from BGN 500 to 5,000 per day.

(2) The pecuniary penalty under para 1, item 2 sanction shall be imposed until the decision of the Commission is implemented pursuant to Chapter Seventeen of the Administrative Procedure Code.

(3) Pecuniary penalties under para 1 and 2 shall be subject to appeal pursuant to Chapter Seventeen, Section VI of the Administrative Procedure Code.

(4) Restoring a violated right and compensating the damages caused by implementation of an administrative act, which has been repealed after its implementation has been initiated, shall be performed pursuant to Chapter Seventeen, Section VII of the Administrative Procedure Code.

Art. 331b. (New - SG 58/23) An enterprise providing public electronic communication networks and/or services that violates Art. 3 of Delegated Regulation (EU) 2021/654 of the Commission of 18 December 2020 supplementing Directive (EU) 2018/1972 of the European Parliament and of the Council by determining a single maximum price for the termination of voice calls in mobile networks throughout the Union and a single maximum price for the termination of voice calls in fixed networks throughout the Union (OJ, L 137/1 of April 22, 2021), a property sanction in the amount from BGN 100 000 to BGN 1 000 000 shall be imposed.

Art. 332. (amend. – SG 17/09, repealed – SG 21/18, in force from 09.03.2018)

Art. 332a. (new – SG 17/09; amend. and suppl. - SG 17/10, in force from 10.05.2010; amend. - SG 24/15, in force from 31.03.2015) An official from a state body or an undertaking providing public electronic communication networks and/or services, who violates its obligations or misuses the data under Art. 251b, Para 1, shall be penalised with a fine of BGN 1,000 to BGN 10,000, unless the act qualifies as crime.

Art. 333. The persons under Art. 312, Para 1, who disclose, submit, publish, use or circulate in any other way, data and circumstances representing official secret, shall be penalised with a fine of BGN 500 to BGN 5,000 and shall be divested of the right to occupy the respective position for a period of 6 months to one year.

Art. 334. A proprietary sanction of BGN 10,000 to BGN 100,000 shall be imposed for violation of Art. 301, Para 1.

Art. 334a. (new – SG 17/09) (1) For violations under Art. 178, par. 2 a fine from BGN10 000 to BGN50 000 shall be imposed.

(2) Where with the act under par. 1 considerable damages have been caused or other heavier consequences have occurred the penalty shall be a fine from BGN500 000 to BGN1 000 000.

Art. 334b. (new – SG 27/10, in force from 09.04.2010) (1) (amend. - SG 29/15, amend. - SG 103/16, amend.- SG 58/23) To an undertaking providing the roaming service on public electronic communication networks, which violates the requirements of Regulation (EU) 2022/612 property sanctions shall be imposed, as follows:

1. for a violation under Art. 3 of the Regulation – from BGN 400 000 to BGN 2 000 000;

2. for violations under Art. 4, paragraphs 1 and 2 of the regulation in connection with Art. 3, 4 or 5 of the Commission Implementing Regulation (EU) 2016/2286 of 15 December 2016 laying down detailed rules on the application of fair use policy and on the methodology for assessing the sustainability of the abolition of retail roaming surcharges and on the application to be submitted by a roaming provider for the purposes of that assessment (OB, L 344/46 of 17 December 2016) and Art. 8, paragraph 1 of the Regulation – from BGN 50 000 to BGN 2 000 000;

3. for a violation under Art. 8, paragraphs 2-5 of the Regulation – from BGN 10 000 to BGN 100 000;

4. for a violation under Art. 9 of the Regulation – from BGN 400 000 to BGN 2 000 000;

5. for a violation under Art. 10 of the Regulation – from BGN 400 000 to BGN 2 000 000;

6. for a violation under Art. 11 of the Regulation – from BGN 400 000 to BGN 2 000 000;
7. for a violation under Art. 12 of the Regulation – from BGN 400 000 to BGN 2 000 000;
8. for a violation under Art. 13 of the Regulation – from BGN 10 000 to BGN 100 000;
9. for a violation under Art. 14 of the Regulation – from BGN 10 000 to BGN 100 000;
10. for a violation under Art. 15 of the Regulation – from BGN 10 000 to BGN 100 000.

(2) When the violation under par. 1 is repeated, a proprietary sanction of a double amount of the sanction imposed for the first violation under Para 1 shall be imposed.

Art. 334c. (new - SG 105/11, in force from 29.12.2011) (1) Any undertaking providing public electronic communication services, which fails to comply with an obligation under Art. 261c, shall be imposed a proprietary sanction in amount between BGN 2000 and 20 000.

(2) Where the violation referred to in Para 1 is repeated, shall be imposed a proprietary sanction double the amount of the sanction imposed under Para 1.

Art. 334d. (new - SG 103/16) (1) (Amend. – SG, 20/21) For a violation of Art. 3 of the Regulation (EU) 2015/2120 shall be imposed a proprietary sanction from 2 000 to 200 000 BGN.

(2) (Amend. – SG, 20/21) For a violation of Art. 4 of Regulation (EU) 2015/2120 shall be imposed a proprietary sanction from 500 to 5 000 BGN.

(3) (New - SG 74/19) For any violation of Art. 5a of Regulation (EU) 2015/2120, proprietary sanctions shall be imposed as follows:

1. for violation of paragraph 1 or paragraph 3 - in the amount of BGN 20 000 to 400 000;
2. for violation of paragraph 2 - from BGN 500 to 5 000;
3. for violation of paragraph 4 - from BGN 5 000 to 50 000.

(4) (Previous Para. 3, amend. - SG 74/19) Where the violation under Para. 1 - 3 is repeated, proprietary sanction shall be imposed of twice the amount of the sanction imposed for the first violation.

Art. 334e. (New - SG 62/20, amend. – SG, 20/21) For violation under Art. 33, Para. 7, a fine or property sanction in the amount of BGN 500 to 5,000 shall be imposed.

Art. 334f. (New - SG, 20/21) For violation under Art. 160d, Para. 4, a property sanction in the amount of BGN 500 to 2500 shall be imposed.

Art. 334g. (New - SG, 20/21) For violation of Implementing Regulation (EU) 2019/2243, a property sanction in the amount of BGN 500 to 5,000 shall be imposed.

Art. 335. A fine of BGN 500 to BGN 5,000 shall be imposed for violation of this Act and of the acts issued pursuant to it, unless another penalty is stipulated.

Art. 336. (amend. SG 17/09; suppl. - SG 105/11, in force from 29.12.2011, amend. – SG 21/18, in force from 09.03.2018, amend. – SG, 20/21) For the violations under Art. 324, Para 1-7, Art. 325, Art. 327, Para 1, Art. 328, Art. 330, Art. 331, Para 1 - 4, Art. 334a, 335, 340 and 343, committed by legal persons or sole traders, a proprietary sanction of the amounts of the stipulated fines shall apply.

Art. 337. (amend. - SG 47/19) (1) The establishment of the violations, the issuing, the appeal and the execution of the punitive decrees shall be carried out in accordance with the Administrative Violations and Penalties Act insofar as no other order has been established by this Act.

(2) (Amend. – SG, 20/21) The violations under Art. 324 – 334b, 334d -335, 339, 339a, 340 and

343 shall be established by acts made by the employees authorized under Art. 312, Para. 1.

Art. 337a. (new - SG 47/19) (1) Where the offender is a sole trader or legal person, the act establishing the administrative offense is served against the signature of the trader, the legal representative of the legal person or to a person authorized by him/her.

(2) When drawn up in the absence of the offender, the act is sent:

1. in paper form by mail with registered letter with acknowledgment of receipt to the address of management or correspondence entered in the relevant register kept by the Registry Agency, or

2. as an electronic image of the paper carrier by means of an electronic message, signed with a qualified electronic signature, in accordance with the Electronic Document and Electronic Trust Services Act, at an electronic address specified in a regulated registry in which the addressee is entered, or at an address in an information system for secure service; the sending of the e-mail is certified by electronic time stamp under the Chapter III, Section 6 of Regulation (EU) No 910/2014 or reproduction of the electronic image of the message on paper, as its identity being certified by the signature of the employee on each page and attached to the file.

(3) The act sent by post is deemed to have been served on the date on which the return receipt was signed by the trader, the legal representative of the legal person or to or by its proxy or employee designated to receive papers and messages.

(4) The act sent by e-mail is deemed to have been served if, within 7 days of sending the e-mail, the addressee has sent an acknowledgment of receipt via a return e-mail.

(5) When the act is served with a return receipt and an electronic message, the date of service is the later date.

(6) Where the act can not be served under para. 2-5, a notice of its composition shall be placed immediately on the notice board and on a special section of the Commission's website, visible at the time of its initial loading. The message also indicates the date it was placed.

(7) Where within 14 days of placing the message under par. 6 the addressee did not appear in the commission for presentation and signing of the act, the body making the act shall note this in the act, it shall be attached to the file and shall be deemed to have been duly served on the day of marking.

Art. 337b. (new - SG 47/19) (1) On the basis of the acts under Art. 337, para. 2 the chairman of the Commission or an official expressly authorized by him/her - a member of the Commission, issue penal decrees or motivated resolutions for termination of the administrative penal proceedings.

(2) A copy of the penalty decree shall be served against the offender's signature.

(3) Where the penalty decree can not be served on the sole trader or the legal person at the address specified by the latter or to the address of management or correspondence entered in the relevant register kept by the Registry Agency, Art. 337a, para. 6 and 7 shall apply accordingly, including the refusal to obtain a copy of the penal decree, and the marking is done by the punishing authority.

Art. 338. (Repealed – SG, 20/21)

Art. 339. (1) (Amend. – SG, 20/21) A member of the expert commission under Art. 99, Para 1 who does not declare in writing before the Commission, the existence of a significant commercial, financial or other business interest, which he/she and/or other persons economically related to either him/her or members of his/her family, hold in the selection of a given candidate to be granted a permission for use of a limited resource, shall be penalized with a fine of BGN 1,000 to BGN 5,000.

(2) (Amend. – SG, 20/21) A member of the expert commission under Art. 99, Para 1, appointed in managing bodies of a candidate, which has won in a contest or auction a permission for use of a limited resource, up to one year as of the issuance date of the permission, shall be penalized with a fine of BGN

3,000 to BGN 8,000.

(3) A member of the expert commission under Art. 99, Para 1 who is revealed to have provided false data in his declaration under Art. 99, Para 4, unless the act constitutes a crime, shall be penalised with a fine of BGN 500 to BGN 2,000.

Art. 339a. (new – SG 11/14, in force from 07.02.2014) Pecuniary penalties to the amount of BGN 1000 or exceeding this amount but not exceeding BGN 5000 shall be imposed on any undertakings providing public electronic communications services through electronic communication networks for any violations under Art. 260 and Art. 260a herein.

Art. 340. (amend. - SG 105/11, in force from 29.12.2011) A fine of BGN 5,000 to BGN 10,000 shall be imposed for violations under Art. 261, Para 4.

Art. 341. (Repealed – SG 21/18, in force from 09.03.2018)

Art. 342. (1) (amend. - SG 43/08; amend. - SG 93/09, amend. – SG. 20/21) Whoever produces or imports radio equipment or a terminal device under Art. 274, Para. 1, without having registered it at National Security State Agency shall be penalized with a fine of BGN 2,000 to BGN 5,000.

(2) When the violation under Para 1 is committed by a legal person or a sole trader, a proprietary sanction shall be imposed of BGN 5,000 to BGN 10,000.

(3) When the violation under Para 1 is repeated, a doubled fine or pecuniary sanction shall be imposed.

Art. 343. Whoever does not provide information under Art. 272 shall be penalised with a fine of BGN 500 to BGN 1,000.

Art. 344. (1). Upon identification of violations under Art. 342, the employees under Art. 321 shall draw up statements in accordance with the Administrative Violations and Penalties Act.

(2) (amend. - SG 43/08) On the basis of the statements under Para 1, the Chairman of State Agency "National Security", or a person explicitly authorised by him, shall issue penal decrees or motivated resolutions for termination of the administrative penal proceedings.

(3) The identification of violations, the issuance, appeal and fulfilment of penal decrees shall be carried out in accordance with the Administrative Violations and Penalties Act.

Additional provisions

§ 1. For the purposes of this Act:

1. (repealed – SG, 20/21).

2. (amend. SG 17/09; amend. - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) "Subscriber line" is the physical route, used by electronic communications signals, that connects the network endpoint to a distributor or equivalent facility in fixed public electronic communications networks.

3. (repealed – SG, 20/21).

4. (Amend. - SG, 20/21). "Interconnection" shall mean a specific form of access, applied

between public network operators through the physical and logical connection of public electronic communications networks, used by one or different enterprises to enable the users of one enterprise to exchange messages with users of the same, or another enterprise, or to gain access to services, provided by another enterprise, where such services are provided by participating countries or by other parties, having access to the network

5. (amend. - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) "Harmful interference" are disturbances, which endanger the operation of a radio navigation service or other safety radio services or otherwise seriously impair, impede or repeatedly interrupt the operation of a radio service, operating in accordance with applicable provisions of international law, European Union law or national law.

6.(amend. – SG, 20/21) "Geographic number" is a number from the National Numbering Plan, part of the digits of which have a geographical significance, used for routing calls to the physical location of the network endpoint.

7. (suppl. - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) "Caller location information" within a public mobile network means processed data, extracted from the network infrastructure or terminal, that shows the geographical location of the mobile terminal, and within a public fixed network, the physical address of the endpoint on the network.

8. (amend. - SG 105/11, in force from 29.12.2011) "Access" shall mean provision of facilities or services to another enterprise, under defined conditions, on exclusive or non-exclusive basis, for the purpose of provision of electronic communications services, including where they are sued for provision of information society services or services for dissemination of radio or television content. This shall include access to network elements and adjacent facilities and services, which may involve the connection of equipment by wired or wireless means (in particular this includes access to the local loop and to facilities and services necessary to provide services over the local loop); access to physical infrastructure, including buildings, ducts and masts; access to the relevant programme systems, including systems for operational support; access to information systems or data bases for preliminary submission of applications, provision, submission of applications, maintenance, repair and charge; access to systems for translation of numbers or systems with the same functionality; access to fixed and mobile networks, including for the purpose of roaming; access to conditional access systems for digital television services; access to virtual network services.

8a. (new - SG 105/11, in force from 29.12.2011) "access on exclusive basis" means access by which the enterprise providing access may not use the facilities it provides access to.

8b. (new - SG 105/11, in force from 29.12.2011) "access on non-exclusive basis" means access by which the enterprise providing access may use the facilities it provides access to and grant non-exclusive rights in them to third parties.

9. (repealed – SG, 20/21).

9a. (new – SG, 20/21) "European cybersecurity certification scheme" means a set of rules, technical requirements, standards and procedures, applicable in the European Union, that apply to the certification or conformity assessment of specific products, services or processes in the field of information and communication technologies.

9b. (new – SG, 20/21) "Experimental use" means the use of spectrum to test new radio equipment in service in order to promote technical innovation.

10. (amend. – SG, 20/21) "Electromagnetic compatibility" shall mean the capacity of the equipment to perform satisfactorily in its electromagnetic environment, without creating inadmissible disturbing electromagnetic effects on another equipment in that environment.

11. (amend. – SG, 20/21) "Electronic mail" shall mean a communication in the form of text, voice, audio information or graphics, that is transmitted over a public electronic communications network and can be stored in it or has been received at the terminal equipment of the recipient.

12. "Electronic programme guide - EPG" shall mean a technical means or a technical solution which makes possible the selection of programs, transmitted through digital television systems, by providing additional information about each channel and program content.

13. (Amend. – SG, 20/21) "Electronic communications infrastructure" shall mean a totality of all or some of the following elements: means for electronic communications, including lines, cable systems, poles, towers, masts, cables and equipment, which are used to provide electronic communications, except for terminal equipment.

14. "Electronic communications facilities" shall mean various electronic communications equipment and related technical means, including antennas.

15. (amend. and suppl. - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) "Electronic communications network" shall mean a totality of transmission systems, whether based on permanent infrastructure or centralized administrative capacity, facilities and other resources, where applicable equipment including non-active network components, which permit transmission of signals over wires, radio waves, optic or other electromagnetic means, including satellite networks, fixed (with channel and package switching, including Internet) and mobile land networks, electric networks systems, when they are used to transmit signals, networks used for radio and television broadcasting, and cable networks for broadcasting of radio and television programs, irrespective of the type of transmitted information.

16. "Private electronic communications" shall mean the provision of electronic communications in a non-commercial manner. Private use is present when the network is not used as a means to provide electronic communications services.

17. (amend. – SG, 20/21) "Electronic communications service" shall mean a service, usually provided against payment, via electronic communications networks, which includes the following types of services: internet access service; interpersonal communication services and services consisting wholly or mainly of signal transmission, such as transmission services used for the provision of machine-to-machine and broadcasting services. The electronic communications service do not include services, providing or exercising editorial control over content transmitted through electronic communications networks and services.

17a. (new SG 17/09) "Prohibited device" shall mean any facility, software and/or means, meant or adapted to provide access in an optional form to one of the protected services without services providers permission.

18. "Public interest protection" shall mean the protection of the citizens dignity, justice and civil rights and freedoms, as recognized by legislation, as well as the guarantee of security, defence and public order of the country, and the provision of conditions for the successful use of limited resource and for encouraging of effective competition.

19. (amend. – SG, 20/21) "Calling line identification" shall mean a function of the network enabling the called end user to obtain information about the number of the calling end user, before the information takes place.

20. (amend. – SG, 20/21) "Connected line identification" shall mean a function of the network enabling the calling end user to obtain information about the number of the called end user, during the establishment of the connection.

21. (Repealed – SG, 20/21).

22. "Internet" shall mean a system of interconnected networks using Internet Protocol which allows them to function as an independent virtual network.

23. "Interface" shall mean an electric, electronic, electromagnetic or optic system, including or not software and enabling interconnectivity or exchange of signals among devices, connected through it, subject to observing the respective technical specifications.

24. (amend. – SG, 20/21) "Application program interface (API) shall mean the software

interface between the various applications, provided by broadcasters or service providers, as well as the resources in advanced digital television equipment for the provision of digital radio and television services.

25. (repealed – SG. 20/21). "Security incident" is an event, that has a real adverse impact on the security of electronic communications networks and services.

26. (amend. - SG. 20/21). "End-user" shall mean a user, who does not provide public electronic communications networks or public electronic communications services.

27. (amend. – SG, 20/21) "Network termination point of the network" shall mean the physical point at which the end user is provided with access to a public electronic communications network and which, where the networks involving switching or routing, NTP is identified by means of a specific network address, which may be linked to a end user number or name.

28. (amend. – SG, 20/21) "Terminal device" is:

a) equipment for sending, processing or receiving information, intended for direct or indirect connection to a public electronic communications network interface; in both cases, directly or indirectly, the connection can be made by wire, by optical fibers or by electromagnetic means; the connection is indirect if other equipment is placed between the terminal and the network interface;

b) satellite earth station equipment.

28a. (new – SG, 20/21) "Short-term project" is a project, in which radio frequency spectrum is used for testing of network facilities for the purpose of commissioning of new networks and / or technologies; to ensure the technical compatibility of network facilities, the integrity and security of networks and the quality of services provided, as well as for scientific purposes.

28b. (new – SG, 20/21) "Short-term event" is an event, related to meetings, conferences, cultural and educational activities, trade fairs, entertainment (festivals, concerts, theaters, aerial demonstrations, etc.), sports competitions, film and advertising, corporate video communications, religious and other public or private events. The short-term event may be related to the production of programs for direct transmission of news and information from the place of the event.

29. "Cryptographic key" shall mean a series of symbols that is used in an algorithm to generate cipher text (encryption) from plain text or vice versa from cipher text into plain text (decryption).

29a. (new – SG, 20/21) A "local area network" (RLAN) is a low-power, low-bandwidth wireless access system, that is unlikely to interfere with other similar systems in close proximity to other users and that uses a harmonized radio spectrum on a non-exclusive basis.

29b. (new – SG, 20/21) "Small enterprise" is an enterprise within the meaning of Art. 3, Para. 2 of the Small and Medium Enterprises Act, except for the cases under Art. 63, Para. 3.

30. (revoked - SG 105/11, in force from 29.12.2011)

31. "Routing" shall mean a process of determination of route or method for providing electronic communications between two points of one or more electronic communications networks.

31a. (new – SG, 20/21) "Interpersonal communication service" is a service, usually provided for a fee, which allows for direct interpersonal and interactive exchange of information over electronic communications networks between a number of persons, the persons, initiating or participating in the communication determining its addressee (s), and does not include services, enabling interpersonal and interactive communication, which is only as a minor additional element directly related to another service.

31b. (new – SG, 20/21) "Interpersonal communication service without a number" is an interpersonal communication service, which is not provided by a number or numbers from national or international numbering plans or which does not allow communication with a number or numbers from these plans.

31c (new – SG, 20/21) "Interpersonal communication service with a number" means an interpersonal communication service, which is connected by a number or numbers from national or international numbering plans, or which enables communication with a number or numbers from national or

international numbering plans. The use of a number solely as an identifier is not considered equivalent to the use of a number to communicate through a number or numbers from national or international numbering plans and is not considered sufficient to designate a service as an interpersonal communication service with a number.

31d. (new – SG, 20/21) "International coordination of radio spectrum, positions of the geostationary orbit with the respective radio spectrum, radio frequencies and radio frequency bands" is the process of obtaining the consent of all affected administrations, when such consent is required by the provisions of the International Telecommunication Union Rules.

31e. (new – SG, 20/21) "International registration of radio frequency spectrum, positions of the geostationary orbit with the respective radio frequency spectrum, radio frequencies and radio frequency bands" is a process of entering already coordinated positions of the geostationary orbit with the respective radio frequency spectrum, radio frequencies and radio frequency bands in the International Frequency Union Telecommunications.

31f. (new – SG, 20/21) "Micro-enterprise" is an enterprise within the meaning of Art. 3, Para. 3 of the Small and Medium Enterprises Act, except for the cases under Art. 63, Para. 3.

31g. (new – SG, 20/21) "High-capacity network" means an electronic communications network, consisting entirely of optical elements at least up to a network distribution point in a service area, or an electronic communications network, capable of providing similar network performance under normal peak load conditions, with regard to the available bandwidth for forward and reverse transmission, the stability, the error-related parameters, the delay and its oscillation. Network performance can be considered similar, regardless of whether the end-user's perception differs due to the different characteristics of the transmission medium to the end point of the network.

32. (amend. – SG, 20/21) "Terrestrial analogue/digital broadcasting" shall mean broadcasting from terrestrial radio transmitters of analogue/digital radio and/or television signals to be received by the population. Radio transmitters of radio and television signals are part of the electronic communications networks for terrestrial broadcasting.

32a. (amend. – SG, 20/21) "Most appropriate emergency call center" means an emergency call center, set up by the Ministry of the Interior to receive emergency calls from a specific area or type.

33. (amend. – SG, 20/21) "Non-geographic numbers" shall mean a number from the national numbering plan which is not geographic number as numbers for mobile services, services with free access and value-added services.

34. "Unbundled access to the local loop" shall mean provision of independent or shared access to the local loop; it does not entail a change in ownership of the local loop.

34a. (new - SG 105/11, in force from 29.12.2011) "personal data breach" means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorized disclosure of, or access to, personal data transmitted, stored or otherwise processed in connection with the provision of a publicly available electronic communications service.

34b. (new – SG, 2021) "New radio equipment" is a radio equipment, intended for testing of new technologies, which does not meet the requirements of the Act on the Technical Requirements to Products and the acts for its application and whose technical characteristics do not correspond to those, defined in the rules of Art. 66a, Para. 3.

35. (amend. SG 27/10, in force from 09.04.2010; revoked - SG 105/11, in force from 29.12.2011)

36. (amend. – SG, 20/21) "Numbering resources" means codes, numbers, names, addresses and identifiers, used to provide communication services or to operate the networks, through which those services are provided.

37. "Numbering space" shall mean the full set of numbers, used in electronic communications.

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38. (amend. SG 17/09, amend. – SG, 20/21) "Emergency call center" is the physical place, where the emergency calls are initially received and for which a center for receiving emergency calls to the single European emergency number 112, within the meaning of Art. 7 of the Act on the National Emergency Call System with a single European number 112.

39. (amend. - SG 105/11, in force from 29.12.2011) "Public electronic communications network" shall mean an electronic communications network, used wholly or mainly for the provision of public electronic communications services allowing transmission of information between end network points.

40. "Public electronic communications services" shall mean electronic communications services available to the public.

41. (amend. - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) "Voice Messaging Service" shall mean electronic communication service for carrying out outgoing and incoming calls, directly or indirectly, of nationals or national and international calls through a number or numbers of a national or international numbering plan.

42. "Interoperability of services" shall mean the capacity of electronic communications networks to interoperate effectively in order to ensure access for users to the services provided over these networks.

42a. (new – SG, 20/21) "Operator" means an enterprise, which provides or is entitled to provide a public electronic communications network or an adjacent facility.

43. (suppl. SG 17/09, amend. – SG, 20/21) "limited resource" shall mean a resource, limited due to natural phenomena or to technical reasons, numbering resources, radio frequency spectrum and positions of the geostationary orbit with the respective radio frequency spectrum.

43a. (new – SG, 20/21) A "package of services" within the meaning of Section IV of Chapter Fourteen includes two or more stand-alone electronic communications services (mobile voice service, mobile internet access - each of which is provided by different numbers, fixed voice service, fixed internet access), television and / or others) offered by an enterprise together at a total price.

43b. (new – SG, 20/21) "Service package and terminal equipment" within the meaning of Section IV of Chapter Fourteen includes a package of services, offered together with a terminal device at a common price.

44. (amend. - SG, 20/21) "Provision of an electronic communications network" shall mean the construction, operation and control and provision of access to such a network.

45. (amend. - SG, 20/21) "Market of retail services" shall mean a market for the provision of services to the end-users.

46. (amend. - SG, 20/21) "Market of wholesale services" shall mean a market where services are provided for third parties, which provide or intend to provide services to end-users.

47. (amend. - SG 105/11, in force from 29.12.2011, amend. - SG, 20/21) "Call" shall mean a connection, set up through a public interpersonal communication service, allowing for bi-directional voice communications.

48. "Repeated violation" shall mean a violation, committed within one year from entry into force of the penal decree which has imposed a sanction for the same type of violation.

48a. (new – SG, 20/21) "User" is a natural or legal person, who uses or requests the use of a public electronic communications service.

49. (amend. and suppl. – SG, 20/21) "User" is a natural person, who uses or declares the use of a public electronic communications service for purposes, beyond the scope of his occupation, economic activity, service or profession.

50. (amend. – SG, 20/21) "Enterprise" means any natural person - sole trader or legal person, that carries out electronic communications under the terms of this Act.

51. (amend. – SG, 20/21) "Enterprise with significant market power" shall mean an enterprise

that independently or together with other enterprises, enjoys a dominant position, i.e., a position of economic power which allows it to behave to a considerable extent independently from competitors, users, and end-users.

51a. (new – SG, 20/21) "Adjacent service" means a service to an electronic communications network or an electronic communications service, that enables the provision, self-provision or automated provision of services through that network or service or has the potential to do so and involves the transmission of numbers or systems, providing equivalent functions, conditional access systems and electronic program guides (EPGs), as well as other services, such as identification, location and presence.

51b. (new – SG, 20/21) "Adjacent facilities" means the adjacent services, physical infrastructure and other facilities or elements, associated with an electronic communications network or electronic communications service, that enable or enable the provision of services through that network or service or have the potential to do so and includes buildings or access roads to buildings, wiring of buildings, antennas, towers and other supporting structures, ducts, cable ducts, masts, shafts and boxes.

52. (amend. – SG, 20/21) "Interception" shall mean an activity of obtaining access to and provision of the electronic communications of a given end user, as well as the data related to his calls, to the competent authorities under Art. 20, Para 1 of the Special Intelligence Devices Act, performed on the basis of legal permission.

53. (amend. - SG 17/10, in force from 10.05.2010) "Interception interface" shall be a system comprising a monitoring center and other input-output software and technical means of an enterprise providing electronic communications, where access to the intercepted electronic communications or to data, related to the call, is provided.

54. (suppl. SG 37/09, in force from 19.05.2009, amend. – SG, 20/21) "Radio broadcasting" shall mean the transmission by radio transmitters of radio and/or television signals, intended for reception by an unlimited number of users.

55. "Radio service" shall mean a combination of technical and organisational rules during the transmission, emission and/or reception of communications through radio waves for different specific cases of providing electronic communications.

56. (amend. - SG 103/16) "Radio equipment" is the electrical or electronic product designed to transmit and/or receive radio waves for the purpose of radio communication and/or radiodetermination, or electrical or electronic product which must be assembled with another device, such as antenna, so as to transmit and/or receive radio waves for the purpose of radio communication and/or radiodetermination.

56a. (new - SG 103/16) "Radio communication" shall be communication by radio waves.

56b. (new - SG 103/16) "Radio-determination" shall mean to determine the location, speed and/or other characteristics of an object, or to obtain information on these parameters through the properties of the distribution of radio waves.

57. (amend. - SG 103/16) "Radio-frequency spectrum" shall include radio waves with frequencies below 3000 GHz. Radio waves are electromagnetic waves self-propagating in space without artificial guide.

58. "Frequency band" shall mean a part of the radio-frequency spectrum, between two frequencies.

58a. (new - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) "Radio frequency spectrum allocation" means the designation of a given frequency band for use by one or more types of radio communications services, where appropriate at certain conditions.

59. "Cost-oriented prices" shall mean service prices which include the costs incurred for their provision, plus investments and investment risk, as well as an acceptable level of return on the capital invested.

60. "Region" shall mean two or more adjacent settlements.

61. (amend. – SG, 20/21) "Roaming" shall mean a service in a mobile network, which allows for an end user – party to a contract with an enterprise providing public electronic communications services, over public mobile electronic networks, to use the main services provided by the enterprise, as well as, depending on the technical capacity, all of or some of the additional services and calling regimes, in the networks of another enterprise providing public electronic services, over public mobile electronic networks.

62. (amend. - SG 105/11, in force from 29.12.2011) "full unbundled access to the local loop" means the provision to a beneficiary of access to the local loop or local sub-loop of the significant market power operator allowing the use of the full capacity of the network infrastructure

63. (amend. – SG, 20/21) "Security of networks and services" means the ability of electronic communications networks and services to withstand, with a certain level of confidence, actions that compromise the availability, authenticity, integrity or confidentiality of those networks and services stored, transmitted or processed data or related services, that these electronic communications networks or services provide or access.

64. "Systematic violation" shall be present when, within two years, three or more administrative violations of this Act or of the secondary legislation for its implementation, are committed.

64a. (new – SG, 20/21) "Emergency Response Service" is a national emergency response service within the meaning of Art. 19 of the Act on the National Emergency Call System with a single European number 112, which provides immediate and rapid assistance in situations where there is a direct threat to human life, health and safety of the individual or society, private or public property or for the environment.

64b. (new – SG, 20/21) "Spectrum sharing" means access by two or more users to the same radio bands with a view to their use under a specific sharing agreement, authorized on the basis of a general authorization, individual rights to use spectrum or a combination thereof, of which, including regulatory approaches, such as shared access with a granted right to use radio spectrum, in order to facilitate the shared use of a radio frequency band under the terms of a binding agreement for all parties concerned, in accordance with the shared use rules, included in their spectrum rights to ensure predictable and reliable sharing agreements for all users; and without prejudice to the application of competition law.

65. "Structural barriers to entry at the market" shall mean barriers resulting from the factors such as necessary initial capital or demand and creating inequality among enterprises with significant market power and those now entering the market, thus preventing or deterring the entry of the latter.

66. (amend. - SG 105/11, in force from 29.12.2011) "Shared access to the local loop" means the provision to a beneficiary of access to the local loop or local sub-loop of the significant market power operator, allowing the use of a specified part of the capacity of the network infrastructure such as a part of the frequency.

66a. (new - SG 105/11, in force from 29.12.2011) "Joint significant market power" means a condition, where two or more enterprises, functioning on the same market, characterized by lack of efficient competition, and on which none of them has independently significant market power, may have significant power on it even without structural or other links between them.

67. "Collocation" shall mean the provision of physical space and technical means required for placing and connecting the relevant equipment by an enterprise obligated to provide the service to another enterprise.

68. (amend. – SG, 20/21) "Communication" shall mean any information, exchanged or transferred among a limited number of persons, through a public electronic communications service. This does not include information transferred as a part of broadcasting for the public over an electronic communications network, except when the information is related to an end user, who can be identified.

69. "Substantial violation" shall mean a violation which prevents the achievement of the goals set in Art. 4 of this Act, as the result of which may occur or have occurred unfavourable consequences for

the normal functioning of the electronic communications market.

69a. (new - SG 103/16) "Systematic non-payment" within the meaning of Art. 117, para. 1, item 3 shall occur when the following are not paid:

a) (amend. - SG, 20/21) the annual fee for use of a limited resource for a period of more than two trimesters;

b) (amend. - SG, 20/21) the one-time fee for issuing and/or a fee for amendments and supplements to the permit for use of a limited resource for a period of more than three months from the date of issue and/or of amendments and supplements to the permit.

69b. (new – SG, 20/21) "Substantial changes and additions to an authorization" means changes, which substantially alter the nature of individual rights of use and may confer a competitive advantage on an enterprise over another enterprise.

70. (amend. – SG, 20/21) "Reference services" are electronic communication services, enabling the end user to receive a telephone number and other information on submitted data for individualization - name, and when necessary - address.

70a. (new – SG, 20/21) "Short range wireless access point" means low power, size and bandwidth wireless access network equipment which: uses spectrum freely, after registration or after authorization, or a combination thereof; can be used as part of a public electronic communications network; it may be equipped with one or more discrete antennas and allows wireless access of users to electronic communications networks, regardless of the basic network topology (mobile or fixed).

70b. (new - SG 105/11, in force from 29.12.2011, former item 70a, amend. – SG, 20/21) "Transboundary markets" means markets, determined in a decision of the European Commission, encompassing the European Union or significant part thereof and located on more than one Member State of the European Union.

71. "Traffic data" shall mean data, processed for the purposes of transferring communication over an electronic communications network or needed for its billing.

72. (amend. – SG, 20/21) "Conditional access system" is any technical measure, certification system or arrangement, whereby access to a secure radio or television service in an intelligible form is granted, subject to a subscription or other form of prior individual authorization.

72a. (new – SG, 20/21) "Internet access service" is a public electronic communications service, that provides access to and through the Internet connection to virtually all Internet endpoints, regardless of the network technology and terminal device used.

72b. (new – SG, 20/21) "Complete Call Service" is a real-time multimedia call service, that provides two-way symmetrical transmission of video, text, and voice between users, located in two or more locations.

73. (amend. - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) "Value added service" shall mean a service, for which the user pays to the enterprise a price for use of the respective electronic communication service, including the price of the content.

74. (amend. SG 69/08, amend. – SG, 20/21) "Emergency call" means a call, received through interpersonal communication services between an end-user and an emergency call center, in order to request and receive emergency assistance from the emergency services. Emergency calls include not only voice messaging services, but also text messaging, video messaging, or other messaging services.

74a. (new – SG, 20/21) "Information society services" are services within the meaning of Art. 1, Para. 3 and § 1, items 1 - 3 of the Additional Provisions of the Electronic Commerce Act.

75. (amend. – SG, 20/21) "Conditional access device" means any equipment or software, designed or adapted to provide access to a secure service in an intelligible manner.

76. (amend. – SG, 20/21) "Enhanced digital television equipment" is any external attachment, intended for connection to television sets or integrated digital television sets, able to receive digital

interactive television services.

77. (amend. – SG, 20/21) "Fixed voice messaging service" means a voice messaging service of a specified quality, provided between fixed endpoints of a public electronic communications network.

77a. (new – SG, 20/21) "Harmonized radio frequency spectrum" is a radio frequency spectrum, for which harmonized conditions have been established, in connection with its availability and efficient use through technical measures for implementation in accordance with Art. 4 of Decision № 676/2002 / EC.

77b. (new – SG, 20/21) "People with disabilities" are the persons within the meaning of § 1, item 1 of the Additional Provision of the Act on People with Disabilities.

78. (amend. – SG, 20/21) "Price squeeze" shall mean a situation of reducing competition, where a service provider cannot offer its users profitable services, which are already offered on the relevant market by the enterprise that has provided its network for this purpose at a very small margin between the wholesale and retail prices.

79. "Price package" shall mean a package of two or more services, whose prices are different from the prices of each of the services in case they are offered outside the package.

79a. (new - SG 105/11, in force from 29.12.2011, amend. – SG, 20/21) "Local sub-loop" means a partial local loop connecting the network termination point to a concentration point or a specified intermediate access point in the fixed public electronic communications network;

80. (repealed – SG, 20/21).

81. "Legal or regulatory barriers to market entry" shall mean these barriers which are not based on economic conditions, but are the result of legislative, administrative or other state measures which restrict to a certain degree the market entry of potential competitors or their future behaviour.

82. (new SG 17/09) "Separate book-keeping" shall mean maintenance of separate accounts for the activities, related to provision of electronic communication networks or services.

83. (new SG 17/09, amend. – SG, 20/21) "User's identification data" shall be: for natural persons full name, personal ID number and permanent address, and for legal entities personal number, for legal entities and natural persons single traders - name, head office, registered address and respective identification code.

84. (new SG 17/09, amend. – SG, 20/21) "End user's identifier" shall mean unified identifier, allocated to persons upon subscription or registration for the service internet access or for the internet electronic communication service.

§ 1a. (revoked – SG 29/15)

§ 2. (new – SG 17/09) Article 334b shall introduce the provisions of the Regulation (EC) 717/2007 of the European Parliament and of the Council of 27 June 2007 on roaming on public mobile telephone networks within the Community and amending Directive 2002/21/EC.

Transitional and concluding provisions

§ 2. The Telecommunications Act (prom. - SG 88/03; amend. - SG 19, 77, 88, 95, 99 and 105/05, SG 17, 29, 34, 51, 59 and 82/06) is revoked.

§ 3. (1) (amend. - SG 105/11, in force from 29.12.2011) The undertakings which provide the service of radio and television dissemination over cable and satellite electronic communications networks, shall distribute free of charge and in real time the national and regional programs of the Bulgarian National Television and the Bulgarian National Radio until review of the obligations as set out in Para 7.

(2) (revoked SG 37/09, in force from 19.05.2009)

(3) (amend. SG 12/10; revoked - SG 105/11, in force from 29.12.2011)

(4) (new SG 12/10) Enterprises that have been granted permission to use individually specified limited resource radiofrequency spectrum, to carry out electronic communications through electronic communication networks for terrestrial digital broadcasting, which transmit the programmes of the Bulgarian National Radio and the Bulgarian National Television, shall be obliged to perform the transmission of these programmes on the basis of contracts at prices covering the cost of this activity and for profit that would be received by an unrelated person when carrying out the same activity.

(5) (new SG 12/10; amend. - SG 105/11, in force from 29.12.2011) In case of failure to reach agreement on the prices under Para 4 between the undertakings and the Bulgarian National Radio and the Bulgarian National Television the prices shall be determined by the Commission on Regulation of the Communications.

(6) (new - SG 105/11, in force from 29.12.2011) In order to guarantee the dissemination of the public radio and television programmes the undertaking that has acquired from the Bulgarian Telecommunication Company the facilities and infrastructure for terrestrial analogue broadcasting and transmission of programmes of the Bulgarian National Television and the Bulgarian National Radio shall be obliged to disseminate these programmes in a quality manner on the basis of a contract and for prices covering the costs for such activity and for a profit that a non-related person would receive exercising the same activity. In case of subsequent transfer of the facilities and infrastructure for terrestrial analogue broadcasting and transmission of programmes of the Bulgarian National Television and the Bulgarian National Radio, the obligation for dissemination shall transfer to the undertaking that has obtained the infrastructure.

(7) (new - SG 105/11, in force from 29.12.2011) By 25 May 2013 the Commission shall review the obligations for transmission of radio and television programmes imposed on undertaking according to the procedure of this Act and the Radio and Television Act.

§ 4. (1) The Radio and Television Act shall be brought in compliance with this Act within 6 months after its entering into force.

(2) (revoked – SG 37/09, in force from 19.05.2009)

(3) (revoked – SG 37/09, in force from 19.05.2009)

§ 5. (1) (prev. § 5 – SG 17/09) Authorizations for individually assigned limited resource – radio-frequency spectrum for analogue terrestrial television broadcasting shall be issued by 31 December 2008 for a maximum period until 31 December 2012.

(2) (new – SG 17/09) Until granting permits for use of individually assigned limited resource–radio-frequency spectrum for implementation of electronic communications through electronic communication networks for terrestrial digital radio broadcasting with national coverage pursuant to the provisions of this Act, the Commission for regulation of communications may grant to television operators registered under the Radio and Television Act permits for use of free limited resource – radio frequency spectrum, which is not assigned under the provision of § 9a of the Transitional and Concluding provisions of the Radio and Television Act.

(3) (new – SG 17/09) The permits of par. 2 shall be granted following a procedure, set in regulations, adopted by the Commission for regulation of communications.

(4) (new – SG 17/09) The permit of par. 2 shall be granted after obtaining favourable consideration of the Commission for regulation of communications.

(5) (new – SG 17/09) The permits of par. 2 may be terminated, where the used by the

undertakings individually assigned limited resource – radio frequency spectrum is required for implementation of the respective phase of setting of digital electronic communication network.

§ 5a. (new – SG 17/09) (1) (declared anticonstitutional, where reading "one" in DCC No 3/09 – SG 45/09) Within one procedure under Art. 48, par. 1 the Commission for regulation of communications shall nominate one undertaking, to which it shall grant a permit to use the individually assigned limited resource – radio frequency spectrum, for implementation of electronic communications through electronic communication networks for terrestrial digital radio broadcasting with national coverage according to the scheduled for the First phase of the Plan of introduction of terrestrial digital television radio broadcasting (DVB-T) in the Republic of Bulgaria, adopted by the Council of Ministers.

(2) Simultaneously with the procedure under par. 1 the Commission for regulation of communications subject to observance of the provisions of this Act and following the procedure, provided in Chapter Five, shall open a competition procedure for selection of an undertaking, which may obtain a permit for use of individually assigned limited resource – radio frequency spectrum, for implementation of electronic communications through electronic communication networks for terrestrial digital radio broadcasting with national coverage according to the scheduled within the Second phase of the Plan of introduction of terrestrial digital television radio broadcasting (DVB-T) in the Republic of Bulgaria, adopted by the Council of Ministers.

(3) The undertakings to which permits under par. 1 and 2 are granted, may not be affiliated persons pursuant to the Commerce Act.

§ 5b. (new – SG 17/09) (1) Within one month after finalization of the procedure of § 5a, par. 1 the Commission for regulation of communications gradually shall open competitions for granting permits for use of individually assigned limited resource – radio frequency spectrum, for implementation of electronic communications through electronic communication networks for terrestrial digital radio broadcasting with national coverage according to the scheduled for the First phase of the Plan of introduction of terrestrial digital television radio broadcasting (DVB-T) in the Republic of Bulgaria, adopted by the Council of Ministers.

(2) Within the competition of par. 1 for one region only one permit shall be granted to one undertaking for use of individually assigned limited resource – radio frequency spectrum, for implementation of electronic communications through electronic communication networks for terrestrial digital radio broadcasting in the respective region.

§ 5c. (1) (new – SG 17/09; prev. §5c – SG 37/09, in force from 19.05.2009) the granted by the Commission for regulation of communications permits for use of individually assigned limited resource – radio frequency spectrum by using existing and/or new electronic communication networks for terrestrial analogue radio broadcasting shall be terminated, where the used by the undertaking individually assigned limited resource – radio frequency spectrum, is required for implementation of the respective phase of setting out of the digital electronic communication network in compliance with the granted by the Commission for regulation of communications permit for use of individually assigned limited resource – radio frequency spectrum, for implementation of electronic communications through electronic communication networks for terrestrial digital radio broadcasting with national and/or regional coverage.

(2) (new – SG 37/09, in force from 19.05.2009). Television programs, produced for broadcasting by television operators, holding a permit for use of individually assigned limited resource – radio frequency spectrum, for implementation of electronic communications through electronic communication networks for terrestrial digital radio broadcasting with national and/or regional coverage,

granted by the Commission for Regulation of Communications, the validity of which expires after 2010, shall be broadcasted simultaneously through electronic communication networks for terrestrial analogue radio-broadcasting and for terrestrial digital broadcasting.

(3) (new – SG 37/09, in force from 19.05.2009) Analogue broadcasting shall be terminated at the same time for all programs referred to in par. 2, where the coverage by population of the electronic communication network for terrestrial digital radio-broadcasting reaches the coverage by population, provided by the electronic communication network for terrestrial analogue radio-broadcasting.

§ 5d. (new – SG 17/09) (1) Not later than 1 March 2009 an Act shall be adopted, which provides the required individually assigned limited resource for broadcasting of the public radio and television programs of Bulgarian national television and Bulgarian national radio.

(2) The Act of par. 1 shall set the terms and conditions for guaranteeing the public nature of Bulgarian national television and Bulgarian national radio.

§ 6. (1) The obligation under Art. 134, Para 1, Item 1 and 2 for fixed networks shall be applied as from 1 January 2009, and under Art. 134, Para 1, Item 3 for mobile networks – as from 1 January 2007.

(2) The provision of Art. 135, Para 1, Item 2 shall not apply to analogue telephone lines.

§ 7. The imposed pursuant to the provisions of the revoked Telecommunications Act obligations on operators with significant market power, related to access and interconnection, co-location and shared use of premises and equipment, specific access, access to subscription lines selection of transmission operator, provision of leased lines and of universal telecommunication service, shall remain until the entering into force of a Commission decision, imposing specific obligations on undertakings, determined as such with a significant power at the respective market pursuant to the provisions of this Act.

§ 8. The members of the Communications Regulative Commission as of the date of entering into force of this Act shall finalize their mandate.

§ 9. (1) Operators, who as of the date of entering into force of this Act carry out telecommunication activity on the grounds of an individual license or registration under a general license, and this Act stipulates that provision of electronic communications requires submission of a notification, shall be entered officially into the register under Art. 33, Para 1, Item 1 by the Commission within 6 months after its entering into force.

(2) The persons under Para 1 shall provide electronic communications prior to their entering into the register on the grounds of the granted to them individual license or subject to compliance with the general license, under which they have been registered.

(3) To operators, who as of the date of entering into force of this Act carry out telecommunication activity on the grounds of an individual license, and this Act stipulates that provision of electronic communications requires submission of a notification, the Commission shall issue officially relevant authorization within 6 months after its entering into force. Prior to granting of the authorization electronic communications shall be provided on the grounds of the granted to them individual licenses.

(4) In case of a submitted request to the Commission within the 6-month period under Para 1 and 3 for allocation of additional limited resource or for amendment of the individual license with regard to the allocated individually assigned limited resource, the Commission shall issue a decision on the request following the procedure and within the time limits, set in this Act, except for the cases, where for allocation

of individually assigned limited resource a contest procedure is required.

(5) The annual fees due under individual licenses under Para 1 and 3. shall be payable in the amount and deadlines, set in the respective individual licenses until the termination of their validity, in consideration of the period, within which the activity has been carried out on the grounds thereof.

(6) The annual administrative fee for control under Art. 139, Para 2, Item 1 shall be payable as from the entering into register under Art. 33, Para 1, Item 1, and the annual fee for use of individually assigned limited resource under Art. 140, par 1 shall be payable pro rata to the period of use in compliance with the granted authorization.

§ 10. Operators, having provided telecommunications freely under the provisions of the revoked Telecommunications Act and for which this Act requires from them to provide electronic communications after submitting a notification, shall be obliged to sent the notification referred to in Art. 66 to the Commission within three months after entering into force of the Law.

§ 11. (1) The procedures initiated for granting an individual license, when the resource is limited and this Act stipulates that provision of electronic communication requires granting an authorization, shall be finalized in compliance with the provisions of this Act, where the files applications for granting an individual license shall be deemed requests pursuant to Art. 83.

(2) Within 30 days after entering of the Act into force the applicants shall bring their applications in compliance with the requirements of Art. 83.

(3) In the cases of Para 1 the fee under Art. 139, Para 2, Item 4 shall not be payable.

§ 12. (1) The filed applications for registration under general license, where this Act sets that provision of electronic communications requires submission of a notification, shall be deemed notifications pursuant to Art. 66.

(2) Within 30 days after entering of the Act into force the applicants shall bring their notifications in compliance with the requirements of Art. 66.

§ 13. The provisions of Chapter Seventeen shall apply also with regard to the electronic communications infrastructure, constructed prior to entering of this Act into force.

§ 14. In the Act on the Budget of the State Social Insurance for 2007 (SG 105.06) in Attachment 1, in line number 59, column "Designation of Economic Activity" and in Attachment No. 2 the word "telecommunications" shall be replaced with "electronic communications".

§ 15. In the Civil Aviation Act (prom. - SG 94/72; amend. - SG 30/90; amend. and suppl. - SG 16/97; amend. and suppl. - SG 85/98; amend. - SG 12/00; amend. and suppl. - SG 34 and 111/01; SG 52 and 70/04, SG 88 and 102/05, SG 30, 36, 37, 105 and 108/06, SG 10/07) a new Art. 16f shall be added:

"Art. 16f. The Minister of Transport or an official authorised by him shall:

1. issue qualification certificates to the radio operators from the aeronautical mobile radio service and the aeronautical mobile-satellite radio service, issue permissions for the use of aircraft radio stations and keep public registers of the certificates and permissions issued.

2. carry out international coordination of radio-frequencies and radio-frequency bands, as well as of the technical characteristics of the radio equipment, using them for the radio service – aeronautical mobile, aeronautical mobile-satellite, aeronautical radio navigation and aeronautical radio navigation -

satellite.

3. shall assign for use the allocated radio call signs for identification of the aircraft radio stations and shall keep a register in accordance with a procedure and under terms and conditions, laid down in an ordinance of the Minister of Transport, for the allocation of radio call signs in the Republic of Bulgaria in compliance with the requirements of the International Telecommunication Union."

§ 16. In the Value Added Tax Act (prom. - SG 63/06; amend. - SG 86, 105 and 108/06) the following amendments shall be made:

1. In Art. 3, Para 5, Item 1, Letter "a" the word "telecommunication" shall be replaced with "electronic communication".

2. In Art. 21:

a) in Para 3, Item 2, Letter "h" the word "telecommunication" shall be replaced with "electronic communication".

b) in Para 4 the words "provision of telecommunication" shall be replaced with "provision of electronic communication".

3. In § 1 of the Supplementary Provisions Item 13 shall be amended, as follows:

"13. "Electronic communication services" shall be electronic communication services in the meaning of the Electronic Communications Act. Electronic communication services shall include also transfer or assignment of the right of use of conveyance, broadcasting, transmission or receiving or allocation of access to global information networks."

§ 17. In the Act on Access to and Disclosure of the Documents and Announcing Affiliation of Bulgarian Citizens with the State Security Service and the Intelligence Services of the Bulgarian Popular Army (SG 102/06) in Art. 3, Para 2, Item 11 everywhere the words "telecommunications operators" shall be replaced with "undertakings, providing electronic communications".

§ 18. In the State Property Act (prom. - SG 44/96; amend. - SG 104/96., SG 55, 61 and 117/97, SG 93 and 124/98, SG 67/99, SG 9, 12, 26 and 57/00, SG 1/01, SG 38/01 - Decision № 7 of the Constitutional Court of 2001, amend. - SG 45/02, SG 63/03, SG 24 and 93/04, SG 32/05, SG 17, 30, 36, 64 and 105/06) in § 1 of the Supplementary Provisions the word "telecommunications" shall be replaced with "electronic communications".

§ 19. In the Electronic Commerce Act (prom. - SG 51/06, amend. - SG 105/06) the following amendments shall be made:

1. In Art. 1, Para 4, Item 2 the word "telecommunications" shall be replaced with "electronic communications".

2. In Art. 13 everywhere the words "telecommunications" and "the telecommunications" shall be replaced with "electronic communications".

3. In Art. 15 the word "telecommunications" shall be replaced with "electronic communications".

§ 20. In the Consumer Protection Act (prom. - SG 99/05; amend. - SG 30, 51, 53, 59, 105 and 108/06, SG 31/07) the following amendments shall be done:

1. In Art. 50, Para 1, Item 2 shall be amended, as follows:

"2. concluded with undertakings, providing public electronic communication networks through

public telephone units;".

2. In Art. 169, Para 1, Item. 3 the word "telecommunications" shall be replaced with "electronic communications".

§ 21. In the Disaster Protection Act (SG 102/06) in Art. 30, Para 2 the words "Telecommunication operators" shall be replaced with "Undertakings, providing electronic communications".

§ 22. In the Concessions Act (prom. - SG 36/06; amend. - SG 53, 65 and 105/06) in § 1, Item 13 of the Supplementary provisions the word "telecommunications" shall be replaced with "electronic communications".

§ 23. In the Ministry of Interior Act (prom. - SG 17/06; amend. - SG 30, 102 and 105/06, SG 11 and 31/07) in Art. 112, Item 6 the words "licensed telecommunication operators" shall be replaced with "undertakings, providing public electronic communication networks and/or services".

§ 24. In the Act on Maritime Spaces, Inland Waterways and Ports of the Republic of Bulgaria (prom. - SG 12/00; amend. - SG 111/01, SG 24 and 70/04, SG 11/05, SG 45/05 - Decision № 5 of the Constitutional Court of 2005, amend. - SG 87, 88, 94, 102 and 104/05, SG 30, 36, 43, 65, 99 and 108/06) the following amendments and supplements shall be made:

1. In Art. 15:

a) in Para 1 the words "authorized operator for telecommunications" shall be replaced with "authorized undertaking, providing electronic communications";

б) in Para 2 the word "telecommunications" shall be replaced with "electronic communications".

2. Art. 60b shall be added:

"Art. 60b. The Minister of Transport or an official authorised by him:

1. shall issue qualification certificates to the radio operators from the Global Maritime Distress and Safety System of the maritime mobile radio service and the maritime mobile-satellite radio service, and to operators of radio stations on ships navigating in inland waterways, shall issue permissions for the use of ship radio stations and radio location stations and shall keep public registers of the certificates and permissions issued.

2. shall carry out international coordination of radio-frequencies and radio-frequency bands, as well as of the technical characteristics of the radio equipment, using them for the radio service – maritime mobile, maritime mobile-satellite, maritime radio navigation and maritime radio navigation satellite.

3. shall assign for use the allocated radio call signs for identification of the ship radio stations and shall keep a register in accordance with a procedure and under terms and conditions, laid down in a ordinance of the Minister of Transport, for the allocation of radio call signs in the Republic of Bulgaria in compliance with the requirements of the International Telecommunication Union".

§ 25. In the Act on Restriction of Administrative Regulation and Administrative Control over Economic Activity (prom. SG – 55/03; corr. SG – 59/03; amend. SG – 107/03, SG - 39 and 52/04, SG - 31 and 87/05, SG - 24, 38 and 59/06, SG – 11/07) in the Attachment Item 39 "Telecommunication activities" shall be deleted.

§ 26. In the Environmental Protection Act (prom. SG – 91/02; corr. SG – 98/02; amend. SG –

86/03, SG – 70/04, SG - 74, 77, 88, 95 and 105/05, SG - 30, 65, 82, 99, 102 and 105/06, SG – 31/07) in Art. 85, Para 1 the word "telecommunications" shall be replaced with "electronic communications".

§ 27. In the Act on the Defence and Arm Forces of the Republic of Bulgaria (prom. – SG 112/95; amend. - SG 67/96, SG 122/97, SG 70, 93, 152 and 153/98, SG 12, 67 and 69/99, SG 49 and 64/00, SG 25/01, SG 01, 40, 45 and 119/02, SG 50, 86, 95 and 112/03, SG 93 and 111/04, SG 27, 38, 76, 88, 102 and 105/05, SG 30, 36, 56, 82, 91 and 102/06, SG 11/07) in Art. 49a the following amendments and supplementations shall be made:

1. In Item 1 the words "post and telecommunications" shall be replaced with "post and electronic communications", and after the word "forces", "and" shall be added.

2. In Item 2 the word "telecommunications" shall be replaced with "electronic communications".

3. In Item 3 after the words "maintenance of" shall be added "special objects of defence purposes and installed capacities for war time in the National state network of security and defence for defence purposes", and the wording till the end shall be deleted.

§ 28. In the Postal Services Act (prom. - SG 64/00; amend. - SG 112/01, SG 45 and 76/02, SG 26/03, SG 19, 88, 99 and 105/05, SG 17, 34, 37 and 86/06) the following amendments shall be done:

1. In Art. 3, Item 2 the word "telecommunications" shall be replaced with "electronic communications".

2. In Art. 64, Para 2 the words "implementation of its powers under Art. 15, Item 4 of the Telecommunications Act" shall be replaced with "projects under Art. 20, Para 1, Item 1, 6, 9 and 11 of the Electronic Communications Act".

§ 29. In the Radio and Television Act (prom. - SG 138/98, SG 60/99 – Decision No 10 of the Constitutional Court from 1999, amend. - SG 81/99, SG 79/00, SG 96/01, SG 77 and 120/02, SG 99 and 114/03, SG 99 and 115/04, SG 88, 93 and 105/05, SG 21, 34, 70, 105 and 108/06, SG 10/07) in Art. 44 shall be created Para 3 - 5:

"(3) The Bulgarian National Television and the Bulgarian National Radio shall ensure the broadcasting of their national programs through satellite/satellites, over the coverage of the territories of Europe and other continents, where citizens of Bulgarian origin live (the diaspora of the Republic of Bulgaria) according to sources of the Agency for Bulgarians Abroad and through own research.

(4) The funds to cover the activities under Para 1 shall be provided by the state budget.

(5) The Bulgarian National Television and the Bulgarian National Radio shall provide free of charge their national and regional programs to undertakings providing electronic communications over cable electronic communications networks for the distribution of radio and television programs, as well as for satellite and terrestrial digital broadcasting."

§ 30. In the Technical Requirements to Products Act (prom. - SG 86/99; amend. - SG 63 and 93/02, SG 18 and 107/03, SG 45, 77, 88, 95 and 105/05, SG 30, 62 and 76/06) in Art. 27 Para 5 shall be added:

"(5) Market supervision of terminal electronic communication devices and radio equipment shall be carried out by the Communications Regulation Commission jointly with the Chairman of the State Agency for Metrological and Technical Supervision.

§ 31. In the Act on Spatial Planning and Development of the Municipality of Sofia (SG 106/06)

the following amendments shall be done:

1. In Art. 13, Para 1, Item 9 the word "telecommunications" shall be replaced with "electronic communications".

2. In the Attachment on line 28, column one the word "telecommunications" shall be replaced with "electronic communications".

§ 32. In the Spatial Development Act (prom. - SG 01/01; amend. - SG 41 and 111/01, SG 43/02, SG 20, 65 and 107/03, SG 36 and 65/04, SG 28, 76, 77, 88, 94, 95, 103 and 105/05, SG 29, 30, 34, 37, 65, 76, 79, 82, 106 and 108/06) the following amendments and supplementations shall be done:

1. In Art. 70, Para 4 the word "telecommunications" shall be replaced with "electronic communications".

2. In Part One, Chapter Four in the title of Section VI the word "Telecommunications" shall be replaced with "Electronic communications".

3. In Art. 93:

a) in Para 1 and 2 the word "telecommunications" shall be replaced with "electronic communications".

b) in Para 3 the word "telecommunications" shall be replaced with "electronic communications".

4. In Art. 94 the word "telecommunications" shall be replaced with "electronic communications".

5. In Art. 108, Para 2 the word "telecommunications" shall be replaced with "electronic communications".

6. In Art. 137, Para 1:

a) in Item 1, Letter "b" the word "telecommunication" shall be deleted;

b) in Item 2, Letter "b" the word "telecommunication" shall be deleted;

c) in Item 3:

aa) in Letter "b" the word "cable" shall be deleted

bb) Letter "h" shall be added:

"h) electronic communication networks and facilities, constructed as trunk network type on a national level ;"

d) in Item 4 a new Letter "g" shall be added:

"g) electronic communication networks and facilities, constructed in urbanized territories with high and medium height developments;"

e) in Item 5 a new Letter "e" shall be added:

"e) " electronic communication networks and facilities, constructed in urbanized territories with low developments;"

7. In Art. 205, Item 2 the word "telecommunications" shall be replaced with "electronic communications".

8. In § 5 of the Additional provisions in Item 31 the word "telecommunications" shall be replaced with "electronic communications".

§ 33. In the Management of Crises Act (prom. - SG 19/05; amend. - SG 17, 30 and 102/06, SG 11/07) the following amendments shall be done:

1. In Art. 27:

a) in Para 2 the words "telecommunication operators" shall be replaced with the words "undertakings, providing electronic communications", and the words "specified information networks" shall be replaced with "information networks for own needs";

b) in Para 3 the words "telecommunication operators" shall be replaced by "Undertakings, providing electronic communications", and the words "telecommunication services" shall be replaced with "electronic communication services";

c) in Para 5 the word "telecommunications" shall be replaced with "electronic communications".

2. In Art. 64, Para 1 the words "telecommunication networks for provision of the required communication connections" shall be replaced with "undertakings, providing public electronic communication networks and/or services for operation".

§ 34. (1) The secondary legislation related to the implementation of this Act shall be adopted within 6 months after its entering into force.

(2) Secondary legislation issued on the grounds of the revoked Telecommunications Act shall continue being applied as long as it does not contradict with this Act.

(3) Secondary legislation adopted on the grounds of Art. 14, Para 1, Item 2, Art. 27, Item 15 and Art. 28, Para 1, Item 11; Art. 140, Para 1 and Art. 209, Para 2 of the revoked Telecommunications Act shall be revoked by the Council of Ministers within 6 months after entering of this Act into force.

(4) The Methodology under Art. 150, Para 2, shall be adopted by the Council of Minister within three months after the promulgation of this Act in the State Gazette

(5) The documents and information under Art. 153 shall be provided to the Commission within one month of the adoption of the Methodology under Para 4.

(6) The draft decisions, containing analyses of the relevant markets according to the methodology under Para 4, shall be published for public consultation within three months of the expiry of the term under Para 3.

(7) The instruction under Art. 311, Para 4 shall be issued within one month after the promulgation of this Act in the State Gazette.

This Act was adopted by XXXX National Assembly on 10 May 2007 and was stamped with the official seal of the National Assembly.

Transitional and concluding provisions TO THE STATE AGENCY FOR NATIONAL SECURITY ACT

(PROM. - SG 109/07, IN FORCE FROM 01.01.2008)

§ 44. The Act shall enter into force from 1 January 2008.

Transitional and concluding provisions TO THE ACT AMENDING AND SUPPLEMENTING OF THE ELECTRONIC COMMUNICATIONS ACT

(PROM. SG 17/09; AMEND. - SG 24/15, IN FORCE FROM 31.03.2015)

§ 79. The Chairman, the deputy chairman and the members of the Commission for regulation of communications shall keep their rights until the expiration of the mandate under Art. 22, par. 3, 4 and 5.

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§ 80. (1) (amend. - SG 24/15, in force from 31.03.2015) The undertakings providing electronic communication networks and/or services, shall be obliged by 1 January 2010 to collect data required for prepaid services user's identification under Art. 251i, par. 1, item 1 and par. 5, item 2.

(2) For the prepaid services users before 1 January 2010 the data under par. 1 required for their identification shall be collected following procedures and rules, adopted by the Commission for regulation of communications by 30 September 2009.

§ 81. The undertakings, providing mobile public telephone services, shall determine the location of the end users, calling telephone number 112 with an accuracy of up to 100m in the settlements and with an accuracy of up to 1 km outside settlements within the terms and following the rules of allocation of expenses, laid down in the applicable European laws.

Transitional and concluding provisions
TO THE ACT ON THE DEFENCE AND ARMED FORCES OF THE REPUBLIC OF
BULGARIA

(PROM. – SG 35/09, IN FORCE FROM 12.05.2009)

§ 46. The Act shall enter into force from the day of its promulgation in the State Gazette.

Transitional and concluding provisions
TO PUBLIC RADIO-BROADCASTING ACT

(PROM. – SG 37/09, IN FORCE FROM 19.05.2009)

§ 7 Within one month after entering of the Act into force the General Assembly shall elect, and the President of the Republic shall appoint the new members of the Commission for Regulation of Communications under § 6, item 1, items "b" and "c". The decision of the General Assembly and President's edict shall enter into force at the same time on 1 July 2009.

§ 8. The Act shall enter into force from the day of its promulgation in the State, except for § 6, item 1, which shall enter into force from 1 July 2009.

Additional provisions
TO THE TO THE ACT AMENDING AND SUPPLEMENTING OF THE ELECTRONIC
COMMUNICATIONS ACT

(PROM. - SG 89/09, IN FORCE FROM 10.11.2009)

§ 6. In the remaining texts of the Act the words:

1. "the Chairperson of the State Agency of Information Technology and Communications" and "Chairperson of the State Agency of Information Technology and Communications" shall be replaced respectively by "the Minister of Transport, Information Technology and Communications" and "Minister of Transport, Information Technology and Communications".

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2. "the State Agency of Information Technology and Communications" shall be replaced by "the Ministry of Transport, Information Technology and Communications".

3. "Ministry of Transport" and "Minister of Transport" shall be replaced by respectively "Ministry of Transport, Information Technology and Communications" and "Minister of Transport, Information Technology and Communications".

Transitional and concluding provisions

TO THE TO THE ACT AMENDING AND SUPPLEMENTING OF THE ELECTRONIC COMMUNICATIONS ACT

(PROM. - SG 89/09, IN FORCE FROM 10.11.2009)

§ 7. The secondary regulatory acts issued before entry into force of this Act shall remain valid insofar as they do not contradict it.

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

Transitional and concluding provisions

TO THE TO THE ACT AMENDING AND SUPPLEMENTING OF THE MINISTRY OF INTERIOR ACT

(PROM. - SG 93/09, IN FORCE FROM 25.12.2009)

§ 100. This Act shall enter into force one month after its promulgation in the State Gazette except § 1, 2, 21, 36, 39, 41, 44, 45, 49, 50, 51, 53, 55, 56, 57, 59, 62, 63, 64, 65, 70 and 91, which shall enter into force from the date of its promulgation.

Additional provisions

TO THE TO THE ACT AMENDING AND SUPPLEMENTING OF THE ELECTRONIC COMMUNICATIONS ACT

(PROM. - SG 17/10, IN FORCE FROM 10.05.2010)

§ 10. This Act shall implement the requirements of Directive 2006/24/EC of the European Parliament and of the Council of 15 March 2006 on the retention of data generated or processed in connection with the provision of publicly available electronic communications services or of public communications networks and amending Directive 2002/58/EC.

Concluding provisions

TO THE TO THE ACT AMENDING AND SUPPLEMENTING OF THE ELECTRONIC COMMUNICATIONS ACT

(PROM. - SG 17/10, IN FORCE FROM 10.05.2010)

§ 11. The lists under Art. 250d, Para 2 shall be provided to the Communications Regulatory Commission by 10 May 2010.

§ 12. The Act shall enter into force from 10 May 2010.

Concluding provisions

TO THE TO THE ACT AMENDING AND SUPPLEMENTING OF THE ELECTRONIC COMMUNICATIONS ACT

(PROM. – SG 27/10, IN FORCE FROM 09.04.2010)

§ 6. Within 15 days from entry into force of this Act the National Assembly shall discharge the last three members of the Commission from the quota of the National Assembly and the President of the Republic shall discharge one of the two members of the Commission appointed by him.

§ 7. This Act shall enter into force from the date of its promulgation in the State Gazette.

Additional provisions

TO THE TO THE ACT AMENDING AND SUPPLEMENTING OF THE ELECTRONIC COMMUNICATIONS ACT

(PROM. - SG 105/11, IN FORCE FROM 29.12.2011)

§ 207. This Act shall implement the requirements of Directive 2009/140/EC of the European Parliament and of the Council of 25 November 2009 amending Directives 2002/21/EC on a common regulatory framework for electronic communications networks and services, 2002/19/EC on access to, and interconnection of, electronic communications networks and associated facilities, and 2002/20/EC on the authorisation of electronic communications networks and services (OJ, L 337/37 of 18 December 2009), of Directive 2009/136/EC of the European Parliament and of the Council of 25 November 2009 amending Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services, Directive 2002/58/EC concerning the processing of personal data and the protection of privacy in the electronic communications sector and Regulation (EC) No 2006/2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws (OJ, L 337/11 of 18 December 2009) and of Directive 2009/114/EC of the European Parliament and of the Council of 16 September 2009 amending Council Directive 87/372/EEC on the frequency bands to be reserved for the coordinated introduction of public pan-European cellular digital land-based mobile communications in the Community (OJ, L 274/25 of 20 October 2009).

Transitional and concluding provisions

TO THE TO THE ACT AMENDING AND SUPPLEMENTING OF THE ELECTRONIC

COMMUNICATIONS ACT

(PROM. - SG 105/11, IN FORCE FROM 29.12.2011)

§ 208. (1) The authorisations for use of an individually assigned limited resource, granted so far, shall be made compliant with the requirements under Chapter Five within 7 months from the promulgation of this Act in the State Gazette.

(2) The time limit referred to in Para 1 may be extended by up to 9 months, where the application of Para 1 reduces the right in the granted authorisations and provided that this does not affect the rights of other undertakings. The Commission shall notify the European Commission for the extension of the time limit and indicated the grounds thereof.

§ 209. (1) Undertaking that was granted an authorisation for use of limited resource - radio-frequency spectrum, before entry into force of this Act, and the authorisation is valid for a term of at least 5 years from the date of grant of the authorisation, which has not been imposed a limitation, may file a request with the Commission of their review as set out in Art. 130, Para 2 - 4.

(2) Before adopting its decision under Para 1, the Commission shall notify the undertaking that was granted authorisation for use of limited resource - radio-frequency spectrum, of the review of the limitations by indicating the scope of the right following the review and shall provide a 30-day time limit to the undertaking to withdraw its request.

(3) Where the undertaking withdraws its request, the right to use an individually allocated limited resource - radio-frequency spectrum, remains unchanged until the expiration of its term of validity and not longer than 5 years from entry into force of this Act.

(4) After the expiration of the 5-year term referred to in Para 1 the Commission shall bring into compliance with Art. 130, Para 2 - 4 the general requirements and the issued authorisations for provision of individually allocated limited resource - radio-frequency spectrum.

(5) From 1 September 2013 the terrestrial analogue television broadcasting on the territory of the Republic of Bulgaria shall cease.

(6) Within three months from entry into force of this Act the Council of Ministers shall adopt a plan for introduction of terrestrial digital television broadcasting (DVB-T) in the Republic of Bulgaria.

(7) The plan referred to in Para 6 shall include the stages, time limits and condition for the introduction of digital television broadcasting (DVB-T).

(8) The plan for introduction of digital television broadcasting (DVB-T) shall provide for a complex of measures for aiding persons with specific social needs in order to make available equipment for access to radio and television programmes. The scope of persons shall be determined on the basis of criteria laid down in the plan.

(9) Within three months from adopting the plan under Para 6, the competent state authorities, jointly with the undertaking referred to in § 5a, Para 1 of the Transitional and Concluding Provisions, shall commence the required actions and procedures of informing the population of the introduction of terrestrial digital television broadcasting (DVB-T) in the Republic of Bulgaria. The information measures shall be carried out until at least 30 November 2013.

(10) Within the term referred to in Para 5 the Commission, in compliance with the requirements under Chapter Five, shall open a procedure under Art. 48, Para 1 for selection of an undertaking to be granted authorisation for use of individually assigned limited resource - radio-frequency spectrum, for carrying out electronic communications through electronic communication network for terrestrial digital television broadcasting with national coverage.

§ 210. The obligations for provision of the service "selection of an operator" imposed to an undertaking with significant power on the retail markets shall remain valid until entry into force of a decision of the Commission for extending, amending or revoking the said obligations.

§ 211. The undertakings providing connectivity to public electronic communication networks and/or public electronic communication services shall bring their general terms of the end-user contract in compliance with the requirements of Chapter Fourteen within two months from the day of entry into force of this Act.

§ 212. To contracts concluded at the day of entry into force of this Act under Chapter Fourteen shall apply the provision of Art. 229a.

§ 213. The administrative penal procedures for violation of the requirements of Art. 286 opened before entry into force of this Act shall continue under the hitherto effective procedure.

§ 214. The Commission shall finalise the procedure commenced under the order set out in the rules of § 5, Para 3 of the Transitional and Concluding Provisions, by granting an authorisation for use of individually allocated limited resource - radio-frequency spectrum, which was declared available, but was not granted as set out in the rules. The Commission shall grant the authorisation to the candidate entitled to be granted due to best indices among all persons that have applied for authorisation for the same limited resource.

(2) The Commission shall grant the authorisation referred to in Para 1 within one month from entry into force of this Act with a term of use of the individually allocated limited resource - radio-frequency spectrum, not exceeding the term of validity of the authorisations under § 5, Para 2 and 3 of the Transitional and Concluding Provisions.

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

Transitional and concluding provisions

TO THE TO THE ACT AMENDING AND SUPPLEMENTING OF THE CIVIL SERVANT ACT

(PROM. - SG 38/12, IN FORCE FROM 01.07.2012)

§ 84. (In force from 18.05.2012) Within one month from the promulgation of this Act in the State Gazette:

1. the Council of Ministers shall make the Classification of Offices in the Administration compliant with this Act;

2. the competent authorities shall make the structural acts of the respective administration compliant with this Act.

§ 85. (1) The legal relationships with the persons of the administrations under the Radio and Television Act, the Independent Financial Audit Act, the Electronic Communications Act, the Financial Supervision Commission Act, the Act on Access to and Disclosure of the Documents and Announcing Affiliation of Bulgarian Citizens with the State Security Service and the Intelligence Services of the Bulgarian Popular Army, the Act on Forfeiture of Property Acquired through Criminal Activity, the Act on Prevention and Findings of Conflict of Interests, the Code of Social Insurance, the Health Insurance Act, the Agricultural Producers Assistance Act and the Roads Act shall be settled under terms and conditions of § 36 of the Transitional and Concluding Provisions of the Act Amending and Supplementing the Civil Servants Act (SG 24/06).

(2) The act of appointment of the civil servant shall:

1. determine the lowest rank for the position specified in the Classification of Offices in the Administration, unless the officer holds a higher rank;
2. determine an individual basic monthly salary.

(3) The additional funds for insurance installments for the persons referred to in Para 2 shall be made available within the limits for expenses for salaries, remunerations and insurance installments in the budgets of the budget credit administrators.

(4) The Council of Ministers shall amend as required by this Act the non-budget account of State Fund "Agriculture".

(5) The governing bodies of the National Insurance Institute and the National Health Insurance Fund shall amend as required by this Act the respective budget credits.

(6) Any non-used days of leave under employment relations shall be preserved and shall not be subject to pecuniary compensation.

§ 86. (1) Within one month from entry into force of this Act the individual basic monthly salary of the officer shall be so calculated that the said salary, reduced by the due taxes and the mandatory insurance installments due by the insured person, if available, shall not be lower than gross monthly salary received before, reduced by the mandatory insurance installments due by the insured person, if available, and the due taxes.

(2) The gross salary referred to in Para 1 shall include:

1. the basic monthly salary or the basic monthly remuneration;
2. the additional remunerations paid on permanent basis together with the due basic monthly salary or the basic monthly remuneration and dependent only on the working time.

§ 87. This Act shall enter into force from 1 July 2012 except for § 84, which shall enter into force from the day of the promulgation of the Act in the State Gazette.

Transitional and concluding provisions TO THE ACT AMENDING AND SUPPLEMENTING THE MINISTRY OF INTERIOR ACT

(PROM. - SG 44/12, IN FORCE FROM 01.07.2012)

§ 54. (1) The Chief Directorate "National Police" established by this Act shall be a successor of the assets, liabilities, rights and obligations of Chief Directorate "Criminal Police" and Chief Directorate "Security Police".

(2) The litigation representation on pending cases of Chief Directorate "Criminal Police" and Chief Directorate "Security Police" shall be carried out by the Director of Chief Directorate "National Police".

§ 55. With the entry into force of this Act the pending service and employment relations with the civil servants and the employed persons in Chief Directorate "Criminal Police" and Chief Directorate "Security Police" shall be transformed respectively in service and employment relations of civil servants and the employed persons in Chief Directorate "National Police".

§ 56. The secondary regulatory acts issued before entry into force of this Act shall apply, as long as they do not contradict to it, until the issue of corresponding new acts.

§ 57. The length of service acquired under the Civil Servants Act and the Labour Code by officials under § 64 of the Transitional and Concluding Provisions of the Ministry of Interior Act (SG 93/09) shall be recognized as work for the same employer, respectively commissioning authority.

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§ 70. This Act shall enter into force from 1 July 2012.

Transitional and concluding provisions TO THE PUBLIC FINANCE ACT

(PROM. SG 15/13, IN FORCE FROM 01.01.2014)

§ 123. This Act shall enter into force on 1 January 2014 with the exception of § 115, which enters into force on January 1, 2013, and § 18, § 114, § 120, § 121 and § 122, which came into force on 1 February in 2013.

Transitional and concluding provisions TO THE STATE AGENCY FOR NATIONAL SECURITY ACT

(PROM. SG 52/13, IN FORCE FROM 14.06.2013)

§ 27. This Act shall enter into force from the date of its promulgation in the State Gazette.

Transitional and concluding provisions TO THE SPATIAL DEVELOPMENT ACT

(PROM. – SG 66/13, IN FORCE FROM 26.07.2013)

§ 73. In the Electronic Communications Act the words "the Minister of Regional Development and Public Works" and "the Ministry of Regional Development and Public Works" shall be replaced

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respectively by "the Minister of Industrial Design" and "the Ministry of Industrial Design" everywhere in the text.

§ 117. The Act shall enter into force from the date of its promulgation in the State Gazette.

Transitional and concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE SPECIAL INVESTIGATION
DEVICES ACT

(PROM. – SG 70/13, IN FORCE FROM 09.08.2013)

§ 42. The Act shall enter into force from the date of its promulgation in the State Gazette, except for § 1 and 15, which shall enter into force from 1 January 2014.

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

(PROM. - SG 11/14, IN FORCE FROM 07.02.2014)

§ 7. The proceedings that have already been initiated as of the date of entry into force of this Act regarding extension of the validity of an authorization for use of individually assigned scarce resource - radio frequency spectrum for Broadband Wireless Access networks (BWA), Fixed Wireless Access networks (FWA), Public Land Mobile networks and land networks capable of providing electronic communications services, shall be completed under this Act, whereby a lump-sum fee under Art. 143, Para 2, the second sentence.

§ 8. This Act shall enter into force as of the day of its promulgation in the State Gazette, except for § 5, which shall enter into force two months after the promulgation.

Transitional and concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE CONSUMERS PROTECTION
ACT

(PROM. - SG 61/14, IN FORCE FROM 25.07.2014)

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

Transitional and concluding provisions
TO THE SPATIAL DEVELOPMENT ACT

(PROM. – SG 98/14, IN FORCE FROM 28.11.2014)

§ 117. The Act shall enter into force from the date of its promulgation in the State Gazette.

Transitional and concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTATING THE ACT ON PROHIBITION OF
CHEMICAL WEAPONS AND ON CONTROL OF TOXIC CHEMICAL AGENTS AND
THEIR PRECURSORS

§ 50. In the Electronic Communications Act the words "the Minister of Economy, Energy and Tourism" and "the Ministry of Economy, Energy and Tourism" shall be replaced by "the Minister of Economy" and "the Ministry of Economy" everywhere.

Concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE ELECTRONIC
COMMUNICATIONS ACT

(PROM. - SG 24/15, IN FORCE FROM 31.03.2015)

§ 9. The Act shall enter into force from the day of its promulgation in the State Gazette.

Additional provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE ELECTRONIC COMMUNICATIONS
ACT

§ 11. Paragraph 9 regarding Art. 334b contains measures on the implementation of Regulation 531/2012 of the European Parliament and of the Council of 13 June 2012 on roaming on public mobile communications networks within the Union (OJ, L 172/10, 30 June 2012).

Transitional and concluding provisions
TO THE NATIONAL SERVICE FOR PROTECTION ACT

(PROM. SG 61/15, IN FORCE FROM 01.11.2015)

§ 15. The Act shall enter into force from 1st of November 2015.

Transitional and concluding provisions
TO THE STATE INTELLIGENCE AGENCY ACT

(PROM. - SG 79/15, IN FORCE FROM 01.11.2015)

§ 21. In the Electronic Communications Act, everywhere the words "National Intelligence Service" shall be replaced with "State Intelligence Agency".

.....

§ 31. This Act shall enter into force from 1st of November 2015, with the exception of § 17 it. 4 according to Art. 69, which shall enter into force from 1st of January 2016.

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

(PROM. - SG 50/16, IN FORCE FROM 01.07.2016)

§ 60. This Act shall enter into force on the day of its promulgation in the State Gazette, except for the provisions of:

1. paragraph 15, which shall enter into force on January 1, 2018;
2. paragraph 18, items 2 and 3, which shall enter into force on June 1, 2017.

Concluding provisions
TO THE ACT SUPPLEMENTING THE DISASTER PROTECTION ACT

(PROM. – SG 97/16, IN FORCE FROM 06.12.2016)

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

Additional provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE ELECTRONIC COMMUNICATIONS
ACT

(PROM. - SG 103/16)

§ 20. This Act shall:

1. provide measures for implementing Regulation (EU) № 2015/2120 of the European Parliament and of the Council of 25 November 2015 establishing measures concerning access to the open internet and amending Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services and Regulation (EU) № 531/2012 on roaming on public mobile communications networks within the Union;

2. introduce the requirements of Art. 7 of Directive 2014/53/EC of the European Parliament and of the Council of 16 April 2014 on the harmonization of legislation of the Member States concerning the provision of radio equipment to the market and the repealing of Directive 1999/5/EC (OJ, L 153/62 of May 22, 2014).

Transitional and concluding provisions
TO THE COUNTERING TERRORISM ACT

(PROM. - SG 103/16)

§ 14. (1) Consumers under the Electronic Communications Act, on whose names are registered and/or activated more than 10 phone numbers providing prepaid telephone services, shall have the right, within 6 months from the entry into force of this Act, to declare to the undertaking of Art. 138d of the Electronic Communications Act which phone numbers they will continue to use.

(2) In case consumers do not exercise their right on time, the undertakings of Art. 138d of the Electronic Communications Act shall be required to deactivate (close) all registered and/or activated phone numbers providing prepaid telephone services in the name of the respective consumer.

§ 15. (1) Undertakings under Art. 138d of the Electronic Communications Act shall be obliged to inform consumers of prepaid telephone services of their right under § 14 and of the consequences of non-exercise thereof.

(2) The information campaign of the undertakings under Art. 138d of the Electronic Communications Act shall take place within 4 months from the entry into force of this Act with:

1. a short text message or a phone call and the webpage of the undertaking on the web - for undertakings providing public telephone services through mobile terrestrial networks;

2. a phone call and the page of the undertaking on the web - for undertakings providing public telephone services through fixed networks.

Concluding provisions

TO THE ACT AMENDING THE ACT ON BULGARIAN FOOD SAFETY AGENCY

(PROM. - SG 58/17, IN FORCE FROM 18.07.2017)

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

Concluding provisions

TO THE ACT AMENDING AND SUPPLEMENTING THE ELECTRONIC COMMUNICATIONS ACT

(PROM. - SG 101/17, IN FORCE FROM 19.12.2017)

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

Transitional and concluding provisions

TO THE ACT ON COUNTERACTING CORRUPTION AND ON SEIZURE OF ILLEGALLY ACQUIRED PROPERTY

(PROM. - SG 7/18)

§ 47. In the Electronic Communications Act the following amendments and supplements shall be made:

.....
3. Everywhere in the Act the words "Act on Prevention and Findings of Conflict of Interests"

shall be replaced with the words "Act on Counteracting Corruption and on Seizure of Illegally Acquired

Property".

Transitional and concluding provisions
ELECTRONIC COMMUNICATIONS NETWORKS AND PHYSICAL
INFRASTRUCTURE

(PROM. - SG 21/18, IN FORCE FROM 09.03.2018)

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

(2) Secondary legislation issued on the basis of the repealed Chapter 17 of the Electronic Communications Act shall be applied insofar 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 entry into force of the act, take the necessary actions to create the Single information point.

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

(5) Network operators shall provide to the Single information point the minimum information under Art. 7, Para. 2 available to them in electronic format, within three months from the entry into force of this Act.

(6) The information under Art. 4, Para. 4 shall be provided to the Single information 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 enter into force two years after the promulgation of the Act in the State Gazette.

Transitional and concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE COPYRIGHT AND RELATED
RIGHTS ACT

(PROM. - SG 28/18, IN FORCE FROM 29.03.2018)

§ 31. The Act shall enter into force on the day of its promulgation in the State Gazette, except for § 18 and 30, which shall enter into force nine months after its promulgation.

Transitional and concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE ADMINISTRATIVE
PROCEDURE CODE

(PROM. - SG 77/18, IN FORCE FROM 01.01.2019)

§ 156. The Act shall enter into force on 1 January 2019, with the exception of:

1. paragraphs 4, 11, 14, 16, 20, 30, 31, 74 and § 105 item 1 on the first sentence, and item 2

which shall enter into force on 10 October 2019;

2. paragraphs 38 and 77, which shall enter into force two months after the promulgation of this Act in the State Gazette;

3. paragraph 79, items 1, 2, 3, 5, 6 and 7, § 150 and 153, which shall enter into force on the day of the promulgation of this Act in the State Gazette.

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

(PROM. - SG 94/19, IN FORCE FROM 29.11.2019)

§ 48. This Act shall enter into force on the day of its promulgation in the State Gazette, with the exception of § 10, which shall enter into force on 1 of January 2021.

Concluding provisions
TO THE ACT ON THE STATE BUDGET OF THE REPUBLIC OF BULGARIA FOR 2020

(PROM. - SG 100/19, IN FORCE FROM 01.01.2020)

§ 23. The Act shall enter into force on January 1, 2020, with the exception of § 14, 15 and 20, which shall enter into force on the day of its promulgation in the State Gazette.

Transitional and concluding provisions
TO THE STATE OF EMERGENCY MEASURES AND ACTIONS ACT, DECLARED BY A
DECISION OF THE NATIONAL ASSEMBLY OF 13 MARCH 2020 AND TO OVERCOME
THE CONSEQUENCES

(PROM. - SG 28/20, IN FORCE FROM 13.03.2020, AMEND. AND SUPPL. SG 44/20, IN FORCE FROM 14.05.2020, AMEND. - SG 101/20)

§ 51. (declared unconstitutional by CCD № 15 of 2020 - SG 101/20) Paragraph 41 shall be applied until the necessity of compulsory execution of the obligatory isolation and hospital treatment of persons under Art. 61 of the Health Act, who have refused or do not comply with the order for mandatory isolation and treatment.

§ 52. (amend. - SG 44/20, in force from 14.05.2020) The Act shall enter into force on March 13, 2020, with the exception of Art. 5, § 3, § 12, § 25 - 31, § 41, § 49 and § 51, which shall enter into force on the day of promulgation of the Act in the State Gazette.

Transitional and concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE HEALTH ACT

(PROM. - SG 44/20, in force from 14.05.2020)

§ 44. The Act shall enter into force on 14 May 2020, with the exception of § 33, 34 and 35, which shall enter into force on the day of promulgation of the Act in the State Gazette.

Concluding provisions

TO THE ACT AMENDING AND SUPPLEMENTING THE SPATIAL DEVELOPMENT ACT

(PROM. - SG 62/20)

§ 9. The Communications Regulation Commission shall create the register and adopt the ordinance under Art. 33, para. 5 of the Electronic Communications Act within 6 months from the entry into force of this Act.

Transitional and concluding provisions

TO THE ACT AMENDING AND SUPPLEMENTING THE TAX-INSURANCE PROCEDURE CODE

(PROM. - SG 105/20, IN FORCE FROM 01.01.2021)

§ 72. The Act enters into force on January 1, 2021, except for:

1. paragraph 34, which shall enter into force on 1 May 2021;;
2. paragraphs 55, 58, 59, 60 and § 69 concerning the creation of Art. 26b of the Act on the Measures and Actions During the State of Emergency Declared with the Decision of the National Assembly of March 13th, 2020, and on Overcoming the Consequences, which shall enter into force on the day of its promulgation in the State Gazette;
3. paragraph 69 regarding the creation of Art. 26a of the Act on the Measures and Actions During the State of Emergency Declared with the Decision of the National Assembly of March 13th, 2020, and on Overcoming the Consequences.

Additional provisions

TO THE ACT, AMENDING AND SUPPLEMENTING THE ELECTRONIC COMMUNICATIONS ACT

(PUBL. – SG, 20/21)

§ 344. This Act shall introduce the requirements of Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018, establishing a European Electronic Communications Code (OJ L 321/36 of 17 December 2018).

Transitional and concluding provisions

TO THE ACT, AMENDING AND SUPPLEMENTING THE ELECTRONIC COMMUNICATIONS ACT

(PUBL. – SG, 20/21)

§ 353. (1) The legislative normative acts, issued before the entry into force of this Act shall retain their effect, insofar as they do not contradict it.

(2) The legislative normative acts on the application of the Act shall be brought in compliance with this Act within 6 months from its entry into force.

(3) The Council of Ministers shall adopt the Ordinance under Art. 33, Para. 6 within 6 months from the entry into force of this Act.

(4) The Communications Regulation Commission shall adopt the rules under Art. 66a, Para. 3, Art. 127, Para. 2, Art. 230c, Para. 1 and Art. 243, Para. 3 within 12 months from the entry into force of this Act.

(5) The Communications Regulation Commission and the Personal Data Protection Commission shall adopt the instructions under Art. 249, Para. 4 within 6 months from the entry into force of this Act.

(6) The Communications Regulation Commission shall create the Register under Art. 33, Para. 6 within 6 months from the entry into force of this Act.

§ 354. (1) The proceedings, including those for issuing authorizations for use of limited resource, started before the entry into force of this Act, shall be completed according to the existing procedure.

(2) Extension of the term of permission for use of radio frequency spectrum for implementation of electronic communications through a terrestrial network, allowing the provision of electronic communications services, issued before the entry into force of this Act, shall be carried out once under the conditions of Art. 114, Para. 2 - 4, in case the purposes of the Act are not violated.

(3) The requests for access to traffic data under the Electronic Communications Act and the Criminal Procedure Code, submitted before the entry into force of this Act shall be considered in the current procedure.

§ 355. The members of the Communications Regulation Commission shall complete their term of office as of the date of entry into force of this Act.

§ 356. Within 6 months from the entry into force of this Act, the Communications Regulation Commission shall review the existing obligations for providing public telephones and / or other points for public access to voice telephone services of a certain quality, providing a telephone directory and provision of telephone directory services, imposed as universal service obligations as part of the services within the scope of the universal service. The Communications Regulation Commission shall review by 21 December 2021 all the obligations for provision of universal service, imposed until the entry into force of this Act.

§ 357. The Communications Regulation Commission shall send to the European Regulators Authority in the field of electronic communications the received before 21 December 2020 notifications under Art. 75, Para. 1, within the term by December 21, 2021.

§ 358. The Communications Regulation Commission shall send to European Regulators Authority in the field of electronic communications the received before 21 December 2020 notifications under Art. 75, Para. 1, within the term by December 21, 2021.

§ 359. The operators of electronic communications networks, which have built reception and transmission stations before the entry into force of this Act, shall submit applications for registration together with the respective documents, within 9 months from the entry into force of this Act.

§ 360. The provision of § 272, regarding Art. 242b shall enter into force on June 21, 2022.

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

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

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

Transitional and concluding provisions

(PROM. - SG 32/22, IN FORCE FROM 28.07.2022)

§ 67. The Act shall enter into force three months after its promulgation in the State Gazette, with the exception of § 1, 2, 5, 6, 18, 28, 32, 34, 44, 45, 57 and 58, which shall enter into force from the day of promulgation.

**ACT AMENDING AND SUPPLEMENTING THE ELECTRONIC COMMUNICATIONS
ACT**

(PROM. - SG 58/23)

§ 11. Throughout the act:

1. the words "Minister of Transport, Information Technology and Communications" and "the Minister of Transport, Information Technology and Communications" shall be replaced by "Minister of Transport and Communications" and "the Minister of Transport and Communications" respectively;

2. the words "the Ministry of Transport, Information Technologies and Communications" shall be replaced by "the Ministry of Transport and Communications".

Additional provisions

(PROM. - SG 58/23)

§ 12. This act provides measures for the implementation of:

1. Regulation (EU) 2022/612 of the European Parliament and of the Council of April 6, 2022 on roaming on public mobile communications networks within the Union;

2. Delegated Regulation (EU) 2021/654 of the Commission of 18 December 2020 supplementing Directive (EU) 2018/1972 of the European Parliament and of the Council by determining a single maximum price for the termination of voice calls in mobile networks throughout the Union and a single maximum price for terminating voice calls on fixed networks throughout the Union.

Transitional and concluding provisions

(PROM. – SG, 83/23, IN FORCE FORM 06.10.2023)

§ 79. The Act enters into force on the day of its promulgation in the State Gazette, with the exception of § 9, which enters into force on March 1, 2024.

Concluding provisions

„ 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 .

CONTROL OF DEFENCE-RELATED PRODUCTS AND OF DUAL-USE ITEMS AND TECHNOLOGIES

(PROM. – SG 41/24, IN FORCE FROM 10.05.2024)

.....
§ 76. The act shall enter into force on the day of its promulgation in the State Gazette.

Transitional and concluding provisions

TO THE ACT ON ADOPTION OF THE EURO IN THE REPUBLIC OF BULGARIA

(PROM. - SG 70/24)

.....
§ 5. (1) [*] Current legal acts, which regulate obligations to pay fees, sanctions, fines and other public obligations to the state and municipalities in Bulgarian leva, continue to be applied in accordance with the rules for currency conversion provided for in this Act.

(2) When the monetary amount in BGN is specified in a law or in a normative act as a result of the introduction into the Bulgarian legislation of a legal act of the European Union, in which a corresponding amount in euros is explicitly stated, upon amendment of the law, respectively of the normative act, indicates the amount in euros of the legal act of the European Union.

.....
§ 60. Paragraph 5, para. 1, § 8 - 36, § 37, items 1 - 12 and 14 - 20 and § 38 - 59 enter into force from the date specified in the Decision of the Council of the European Union on the adoption of the euro by the Republic of Bulgaria, adopted in accordance with Art. 140, paragraph 2 of the Treaty on the Functioning of the European Union and Regulation of the Council of the European Union, adopted in accordance with Art. 140, paragraph 3 of the Treaty on the Functioning of the European Union.

Transitional and concluding provisions

TO THE ACT AMENDING AND SUPPLEMENTING THE PENAL CODE

(PROM. - SG 61/25, IN FORCE FROM 31.01.2026)

.....
§ 61. The Act shall enter into force on the day of its promulgation in the State Gazette, with the exception of:

1. paragraphs 23, 24, 25, 26 and § 45, item 1, items 3 - 6, item 7, letter "a", item 8, items 12 - 15 and items 17 - 40, § 46, item 1, letter "a", letter "bb" and letters "b" - "k", items 2 - 7, § 47 and 59, which shall enter into force three months after the promulgation of the law in the State Gazette;

2. paragraphs 1 - 15, 19, 21, 22, 27, 28, 32, 33, 34, 35, 36, 37, 42, 43, § 45, item 2, item 7, letter "b", items 9, 10 (regarding the words "after the words "chapter one" a comma is placed and "chapter one "a" is added), items 11 and 16, § 46, item 1, letter "a", letter "aa" regarding the words "in the text before item 1 the words "under Art. 108a, 109, 110 (preparation for terrorism), Art. 111" are replaced by "under Art. 114a - 114c"; § 48, 50, 51, 53 - 57, § 58, item 1 (regarding the words "after the words "chapter one" a comma is placed and "Chapter one "a" is added), items 2 - 4 and § 60, which shall enter into force 6 months after the promulgation of the Act in the State Gazette.

Relevant acts from the European legislation

COMMISSION DIRECTIVE 2002/77/EC OF 16 SEPTEMBER 2002 ON COMPETITION IN THE MARKETS FOR ELECTRONIC COMMUNICATIONS NETWORKS AND SERVICES

DIRECTIVE 2002/58/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 12 JULY 2002 CONCERNING THE PROCESSING OF PERSONAL DATA AND THE PROTECTION OF PRIVACY IN THE ELECTRONIC COMMUNICATIONS SECTOR

DIRECTIVE 2002/22/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 7 MARCH 2002 ON UNIVERSAL SERVICE AND USERS' RIGHTS RELATING TO ELECTRONIC COMMUNICATIONS NETWORKS AND SERVICES

DIRECTIVE 2002/21/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 7 MARCH 2002 ON A COMMON REGULATORY FRAMEWORK FOR ELECTRONIC COMMUNICATIONS NETWORKS AND SERVICES

DIRECTIVE 2002/20/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 7 MARCH 2002 ON THE AUTHORISATION OF ELECTRONIC COMMUNICATIONS NETWORKS AND SERVICES (AUTHORISATION DIRECTIVE)

DIRECTIVE 2002/19/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 7 MARCH 2002 ON ACCESS TO, AND INTERCONNECTION OF, ELECTRONIC COMMUNICATIONS NETWORKS AND ASSOCIATED FACILITIES

COMMISSION DIRECTIVE 1999/64/EC OF 23 JUNE 1999 AMENDING DIRECTIVE 90/388/EEC IN ORDER TO ENSURE THAT TELECOMMUNICATIONS NETWORKS AND CABLE TV NETWORKS OWNED BY A SINGLE OPERATOR ARE SEPARATE LEGAL ENTITIES

DIRECTIVE 98/10/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 26 FEBRUARY 1998 ON THE APPLICATION OF OPEN NETWORK PROVISION (ONP) TO VOICE TELEPHONY AND ON UNIVERSAL SERVICE FOR TELECOMMUNICATIONS IN A COMPETITIVE ENVIRONMENT

DIRECTIVE 97/66/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 15 DECEMBER 1997 CONCERNING THE PROCESSING OF PERSONAL DATA AND THE PROTECTION OF PRIVACY IN THE TELECOMMUNICATIONS SECTOR

DIRECTIVE 97/33/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON INTERCONNECTION IN TELECOMMUNICATIONS WITH REGARD TO ENSURING UNIVERSAL SERVICE AND INTEROPERABILITY THROUGH THE APPLICATION OF THE PRINCIPLES OF OPEN NETWORK PROVISION

COMMISSION DIRECTIVE 96/19/EC OF 13 MARCH 1996 AMENDING DIRECTIVE 90/388/EEC WITH REGARD TO THE IMPLEMENTATION OF FULL COMPETITION IN TELECOMMUNICATIONS MARKETS

COMMISSION DIRECTIVE 96/2/EC OF 16 JANUARY 1996 AMENDING DIRECTIVE 90/388/EEC WITH REGARD TO MOBILE AND PERSONAL COMMUNICATIONS

COMMISSION DIRECTIVE 95/51/EC OF 18 OCTOBER 1995 AMENDING DIRECTIVE 90/388/EEC WITH REGARD TO THE ABOLITION OF THE RESTRICTIONS ON THE USE OF CABLE TELEVISION NETWORKS FOR THE PROVISION OF ALREADY LIBERALIZED TELECOMMUNICATIONS SERVICES

COMMISSION DIRECTIVE 94/46/EC OF 13 OCTOBER 1994 AMENDING DIRECTIVE 88/301/EEC AND DIRECTIVE 90/388/EEC IN PARTICULAR WITH REGARD TO SATELLITE COMMUNICATIONS

COMMISSION DIRECTIVE 90/388/EEC OF 28 JUNE 1990 ON COMPETITION IN THE MARKETS FOR TELECOMMUNICATIONS SERVICES

REGULATION (EC) NO 2887/2000 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 18 DECEMBER 2000 ON UNBUNDLED ACCESS TO THE LOCAL LOOP

2003/548/EC: COMMISSION DECISION OF 24 JULY 2003 ON THE MINIMUM SET OF
LEASED LINES WITH HARMONISED CHARACTERISTICS AND ASSOCIATED STANDARDS
REFERRED TO IN ARTICLE 18 OF THE UNIVERSAL SERVICE DIRECTIVE

DECISION NO 676/2002/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
OF 7 MARCH 2002 ON A REGULATORY FRAMEWORK FOR RADIO SPECTRUM POLICY IN THE
EUROPEAN COMMUNITY