



Institucionet e Përkohshme Vetëqeverisëse
Privremene institucije samoupravljanja
Provisional Institutions of Self - Government
Ministria e Transportit dhe Postë – Telekomunikacionit
Ministarstvo za saobraćaj, poštu i telekomunikacije
Ministry of Transport and Communications

ADMINISTRATIVE INSTRUCTION No.2004/3

ONTO CHARGES DEFINITION FOR INFRACTIONS FROM TELETELECOMMUNICATION

Minister,

Based in section 1.3 (ç) Rregullory No.2001/19 Onto Executive Branch of Provisional Institutions of Self-Government in Kosovo, and sections 4.1, 9.2 (c), 14, 15.5 (a) of Law No.2002/7 for Telecommunications;

With purpose of charge definition for accomplished infractions from the service bidders of telecommunication, which exercise activity in contradiction with the Law teletelecommunication in power.

Issues the Administrative Instruction as follows:

Section 1

With this Administrative Instruction sanctioning the law-breaking provisions – Law infractions for telecommunication, from the service bidders of telecommunications in Kosovo.

Section 2

Rregullative Authority of Telecommunications (further referred as TRA) after doing case investigation for law-breaking provisions for telecommunication and to have issued decision which had stamping, it is authorized to cash charges for infractions that are done.

3.1. Juristical person will be punished in amount by 100,000 until 250,000 Euro if:

- a) Obstruct the supervised accomplishment from authorized inspectors (section 15.3);

- b) Licencer does not abstain the licenced conditions and approved regulations from TRA, and other measures from section 15.5 point a) and b);
- c) Bidder services of telecommunication in Kosovo, exercises the activity without preliminary authorization or licencing from TRA (section 21.1 and 21.2);
- d) Offers the telecommunication services for public, which is specified in section 22-paragraph 1 without any preliminary authorization ore licencing from TRA;
- e) Bidder services with significant power in market, does not create the prices which based are in cost (section 24-paragraph 2);
- f) The bidder services before the beginning exercise activity, does not take the right for using frequencies from TRA (section 28.2);
- g) The public bidder services of telecommunication with significant power in market subventing completly the telecommunication services and in the clear mode does not make separation of organizative structural and those financial to the different activities with purpose of precize accounting in special mode for each profiteer activity (section 45.2 and 45.3);
- h) Telecommunication bidder services does not interconnect with all public telecommunication outfit and with international network according to international standards (section 52-paragraph 2);
- i) The bidder services of Telecommunication with significant power in market does not insure enough capacities of connections in whole area of offering services, the renting connection (section 54.1);
- j) Bidder services does not offer concerned interconnection of networks, based on Law requests (section 56.2);
- k) Does not deliver in TRA the contracts copy for network interconnection and details of any changes or any increase (section 56.6);
- l) Trading or using the terminal equipments which are not in accordance with requests of chapter 11 (sections 58-62);
- m) Issues equipments in market without realizing the conditions specified in section 59 and 60;
- n) Utilize the electric equipments or their parts which are not desinged, constructed, instaled, used or maintaned in accordance with section 62;

3.2. Physical person which in independent mode developed the activities or responsible person of juristical person which accomplish the stamping intrudused in section 3 paragraph 1 to this nAdministrative instruction, will be punished in amount from 1,000 and 5,000 Euro.

Section 4

4.1. Juristical person will be punished in amount from 10,000 until 50,000 Euro if:

- a) Does not offer to TRA, informations according his requests, that are nessessary to exercise his responsibilities (section 12);
- b) Does not observe the TRA rregullory specified in section 27;
- c) Give up or transferring the using rights of frequencies to other juristical authorities in contradiction with section 32;
- d) Does not insure the transferring of separated numbers; when prepayments in one fixed telephony network want to change the service bidders (section 39);

- e) According the request from TRA, does not offer the specified standards of bookkeeping, with purpose of prevention of crucified subvention of services (section 42 paragraph 4);
- f) With request of corresponding athorities does not offer informations, specified in section 46 paragraph 1;
- g) Does not initiate the technical and organizative measures to protect the insurence service (section 43 paragraph 1);
- h) Bidder services does not warn the prepayers when exists the posibility to infiltrate ilegaly through network insurence and does not inform them regarding the possible measures of security (section 43 paragraph 3);
- i) Does not offer one convenient interconnection in their network to supervise the telecommunications traffic in mode, measure and defineted continuance with court command from corresponding authority (section 46-paragraph 1 (1));
- j) Does not make the general conditions publicated, the possibilities presentation or avoidance presentation of callers identity, or to person who is called, if one posibility is offered, or does not offer the conditions for this security service for public (section 47);
- k) With request of pairs does not introduce the inconvenient calls or avoids presentation of callers identity (section 47);
- l) **Public bidder telecommunicative service** does not offer conditions for all answering reasonable requests for network interconnection including and for special connection request (sections 53, 56 and 57);
- m) Does not avoid presentation of callers identity for individual calls for emergency services after preliminary approval from TRA (section 47);
- n) Against the stand from TRA, trading or using of radio frequencies which threat the radio operation navigatied service or interference of frequencies, or interruptions to telecommunicative radio services (section 59-paragraph 2);
- o) Does not inform the TRA in time, into relation using of transmission stations and frequency belt which is specified in section 60 paragraph 4;
- p) Dont succeed agreement in using the collective antenna equipments (section 67);
- q) Service bidders of telecommunications does not protect the telecommunication confidentiality (section 74 paragraph 1);
- r) Does not initiate measures to insure that contents transsmision messages, is not saved for a minimal time (section 74 paragraph 3);
- s) Does not erase the traffic distributions after calls is ended, or to accomodate that, so not to be refered to any special physical or juristical person (section 75);
- t) Does not process the traffic distributions from personnel under bidders supevising of public telecommunications services (section 75-paragraph 4);
- u) Uses the distributions specified in section 75 paragraph 1 for purpose of marketing without pairs favour (section 75-paragraph 5);

Section 5

5.1. Juristical person will be punished in amount from 2,500 until 5,000 Euro if:

- a) Bidder services does not fulfill the general and obligated conditions, specified
 - a. in section 21.5, points a), b), c), d) and e);

- b) Does not offer the necessary informations to consumer, emergency
 - a. services, arrangements for handicapped persons, necessary conditions for
 - b. network interconnections, protects the public assurance and plane for
 - c. continual bidding to basic telecommunications services (21.6);
- c) Does not fulfill the condition minimum, specified in section 22.7,
 - a. points a), b)
 - b. c), d), e), f), g), h), i), j), k), l), m), n), o), p), q), and r);
- d) Proceed the licence transferring to one other person physical or juristical
 - a. without preliminary favour of TRA (26.3);
- e) Does not pay for licence in annual bases (section 26.1);
- f) Does not insure the law right for construction, placement, operation and equipment maintenance of public telecommunications network in foreign immobile properties (section 27);
- g) Proceed the transferring of separated numbers from bidder services without preliminary favour of TRA (section 39-paragraph 1);
- h) Bidder services does not introduce the financial distributions for telecommunication activities with purpose to prevention of crucified subvention services in agreement with section 42-paragraph 4;
- i) Bidder services of public telecommunications network does not make separational organizative nivels and to bookkeeping with purpose of incomers and expends (section 42.1);
- j) Identified Bidder services with equipments for radio and terminale, causes considered damages to the network, imitates radio, damages interventions or inflicts the other damages in network activities
 - i. (section 60.3);

5.2. Physical person which in independent way develops activities or responsible official of juristical person which accomplishes breaking figured in section 5 paragraph 1 of this Administrative Instruction, will be punished in amount from 250 until 2,500 Euro.

Section 6

6.1. Juristical person will be punished in amount from 1,500 until 2,500 euro if:

- a) Does not deliver in TRA the service description and general conditions with detail prices for offering services (section 23.1);
- b) Bidder with considerable services in market does not deliver the contract project for prepayers and to take writing approval from TRA (section 23.2);
- c) Does not insure the automatical redirection of calls through network for public (section 48);
- d) Does not offer the connections according to designated standards from TRA (section 53.1);
- e) Refuse the users request for special connection, contrary decisions from TRA (section 53.2)
- f) If doesnt publicate and offer for TRA informations with connections species in disposal, their locations and technical specifications (section 53.4);
- g) Does not fulfill the offering conditions from TRA (section 56.7);
- h) Does not inform the TRA regarding about refusing and forbiding the customer for network interconnection (section 57.3);

- i) Bidder services in users request for fixed telephone does not issue the bill with call list for verification (section 71.1);
- j) Does not publicate the general cinditions, details and measures that will initiate, such as procedures which will aply for non-payment bills (section 72.1);
- k) Does not offer answers in user objections or clame of user services to verify that in what his bill is based (section 72.3);

- l) Does not publicate one argument of procedures to adress the users clamour as principle part of general conditions (section 73.2);
- m) After ending of prepayment relationships does not save the informations specified in section 76.1 and bills, until the service users accomplish their obligations, and until finish the juridical procedures;
- n) Publish in phone numbers book the prepayers informations, without their favour, or their using for purpose to unacceptable (section 76.3);
- o) Does not offer the reasonable responds to request for interconnection in pair informations (section 76.5);
- p) TRA does not insure information onto prepayers through phone numbers book without payment, and other persons with resonable price, and in non-discriminative condition (section 76.6);

6.2. Physical person in independent way develop the activities or responsible person of juridical person which accomplish breaking introduced in section 6 paragraph 1 of this Administrative Instruction, will be punished in amount from 150 until 500 Euro.

Section 7

7.1. Created incomings from charges for infractions, according sections 3, 4, 5 and 6 of this Administrative Instruction will founded in account of TRA in Banking and Payments Athority (BPK) not later than 30 days, from definted day of charge.

7.2 Delay payment will be 25% higher, from definted amount of charge.

Section 8

This Administrative Instruction enters the power on the 26.05.2004.

ZEF MORINA

Minister of Transport and Communications