

# CROATIAN POST AND ELECTRONIC COMMUNICATIONS AGENCY

3170

Pursuant to Article 12, paragraph 1, item 1 and Article 35, paragraph 7 of the Electronic Communications Act (Official Gazette No. 73/08, 90/11 and 133/12), the Council of the Croatian Post and Electronic Communications Agency adopted the following

## ORDINANCE

### ON UNIVERSAL SERVICES IN ELECTRONIC COMMUNICATIONS

#### I. GENERAL PROVISIONS

##### *Contents of the Ordinance*

##### Article 1

This Ordinance shall lay down the manner and conditions for provision of universal services and their quality parameters, as well as content, form and manner for the publication of information and data on conditions for the provision of universal services.

##### Article 2

This Ordinance shall be in compliance with provisions of Directive 2002/22/EC of European Parliament and Council on a common regulatory framework for electronic communications networks and services as amended by Directive 2009/136/EC.

##### *Terms and definitions*

##### Article 3

For the purposes of this Ordinance, individual terms shall have the following meanings:

1 *Agency*: Croatian Post and Electronic Communications Agency;

2. *correct fault report*: notification of an interruption, disturbance or distortion of quality of provision of electronic communications services caused by a fault in the operator's electronic communications network received by the operator's competent services, which does not include fault and interferences in the user or subscriber terminal equipment;

3. *unsuccessful call*: attempted call to a correctly dialled valid number followed by a dial tone and without a busy signal, ringing signal or answer signal within 30 seconds from the moment when the last digit of the recipient subscriber number was received in the network,

4. *customer service response time*: time between the receipt of the last digit of the phone number of the operators' competent service and answer of an employee of the competent operator's service,

5. *directory inquiry service response time*: time between the moment of receipt of the last digit of the phone number of the directory enquiry service and the answer of a person, or an automated system, responsible for providing information,

6. *ratio of public pay-telephones in working order*: relationship between the number of public pay phones in operation and a total number of installed pay telephones expressed in percentages,

7. *universal service operator*: operator of a publicly available telephone service that was obliged by the Agency, pursuant to law, to provide one or several services within the scope of universal services,

8. *access line*: link between a subscriber connection point and a connection point at a location of the access node where the operator has installed its active access equipment,

9. *fault rate per subscriber access line (connection)*: percentage of correctly reported faults per access line in a certain period of time compared to the average number of subscriber access lines in the network in the same time period,

10. *unsuccessful call rate*: ratio between unsuccessful calls and a total number of all calls in a certain period of time,

11. *rate of bill correctness complaints for the provided universal services*: ratio between the number of bill correctness complaints for the provided universal services and a total number of bills issued for the service in question expressed in percentages,

12. *fault repair time for access lines*: time that passes from the moment when a correct fault report has been made to the repair of the fault, that is, to the re-establishment of the regular communications service,

13. *call set-up time*: time measured in seconds, up to a tenth of a second, that passed from the moment when the public communications network received all data necessary for the establishment of a connection and the moment when the caller receives a busy signal, a calling signal or an answer signal,

14. *supply time for fixed network access*: time, measured in days, that passed between the receipt of a request for the establishment of a certain public communications service, in written or electronic form, and the date of connection of the subscriber terminal equipment to the communications network, that is, to the moment of realization of the service,

15. *Act*: Electronic Communications Act (Official Gazette, No. 73/08, 90/12 and 133/12).

### *Scope of universal services*

#### Article 4

The scope of universal services has been defined pursuant to the provisions of the Act.

## II. ESTABLISHMENT OF QUALITY OF UNIVERSAL SERVICES

### *Measuring of quality of service*

#### Article 5

- (1) Universal service operators shall ensure the quality of provided universal services.
- (2) Universal service operator shall measure the quality of service parameters for universal service in accordance with the provisions of this Ordinance, and in the manner and in accordance with the procedure laid down in the ETSI Guide EG 202 057.
- (3) The Agency may, in accordance with the appropriate international norms, decisions and recommendations, establish additional ways and procedures for measuring quality of service parameters, and publish them accordingly.

### *Reporting to the Agency*

#### Article 6

- (1) Universal service operators must deliver an annual report about the value of quality of service parameters for universal service referred to in Articles 8 to 16 of this Ordinance by 1 March of every year and publish them on their website.
- (2) Data about quality of service parameters referred to in Articles 8 to 16 of this Ordinance must be presented separately for each geographical numbering area (county) in accordance with the Numbering Plan.
- (3) Data about quality of service parameters referred to in Articles 11 and 12 of this Ordinance must be provided separately for calls in domestic and international electronic communications traffic.
- (4) In addition to the annual report referred to in paragraph 1 of this Article, if the Agency so requests, universal service operators must deliver a report on values of quality of service parameters referred to in Articles 8 to 16 of this Ordinance for a period shorter than one year within 30 days from the date of receipt of the request.
- (5) A more detailed form and content of the report referred to in paragraphs 1 and 4 of this Ordinance has been laid down in the prescribed form, which is a constituent part of this Ordinance (Annex 1).
- (6) Annual reports of all universal service operators referred to in paragraph 1 of this Article shall be published by the Agency on its official website, and, where necessary, in some other manner.
- (7) The Agency may check the accuracy of data about quality of service parameters for universal service delivered in the reports referred to in paragraphs 1 and 4 of this Article.

(8) Agency, or a person authorized by the Agency, may, in the case referred to in paragraph 7 of this Article, review the reports on the measuring of quality of service parameters and other documents submitted by universal service operators and the costs of this review shall be borne by the universal service operator, if the data differ from data provided in the report of the universal service operator.

### *Warning about insufficient quality of service*

#### Article 7

(1) The Agency shall notify in writing a universal service operator who does not fulfil the quality of service parameters for universal service, that is, who does not provide universal services in accordance with the provisions of the Act and this Ordinance.

(2) Universal services operator referred to in paragraph 1 of this Article must, within 30 days from the date of receipt of a warning letter from the Agency, propose measures to remedy the established deficiencies in the quality of universal services.

(3) The universal service operator referred to in paragraph 1 of this Article must, at the latest within 30 days from the date of receipt of the Agency's consent to the proposed measures referred to in paragraph 2 of this Article, eliminate the established deficiencies and align the provision of universal services with the provisions of the Act and this Ordinance.

### III. QUALIY OF SERVICE PARAMETRES FOR UNIVERSAL SERVICE

#### *Supply time for fixed network access*

#### Article 8

Supply time for fixed network access may not exceed 30 days for 95 % of new connections in one year or 60 days for 99 % of new connections in one year.

#### *Fault rate per subscriber access line (connection)*

#### Article 9

Fault rate per subscriber access line (connection) may not exceed 15 % in one year.

#### *Fault repair time for access line*

#### Article 10

(1) Fault repair time for access line shall be determined for all faults in one year in accordance with ETSI Guide EG 202 057.

(2) Fault repair time for access line may not exceed 24 hours for 80 % of faults in one year.

(3) The detection and repair of faults for access lines to the 112 call centre shall have precedence, 24 hours a day, over the detection and repair of all other types of interferences and faults, in accordance with a special regulation.

### *Unsuccessful call rate*

#### Article 11

(1) Unsuccessful call rate in the electronic communications network of a universal service operator shall be established on the basis of real data in communications traffic in accordance with ETSI Guide EG 202 057.

(2) Unsuccessful call rate in the electronic communications network of a universal service operator may not exceed 2 % in one year.

### *Call set-up time*

#### Article 12

(1) Call set-up time shall be established on the basis of real data in communications traffic in accordance with ETSI Guide EG 202 057.

(2) Average call set-up time in the electronic communications network of a universal service operator may not exceed 3 seconds in one year.

(3) Call set-up time in the electronic communications network of a universal service operator, who set up 80 % calls in one year, may not exceed 5 seconds.

### *Customer service response time*

#### Article 13

(1) Average response time of employees of the operator's competent service may not exceed 15 seconds in one year.

(2) The percentage of calls answered by employees of the operator's competent service in 20 seconds or less may not be lower than 80 % in one year.

### *Directory inquiry service response time*

#### Article 14

(1) Average response time of a directory enquiry service employee may not exceed 15 seconds in one year.

(2) The percentage of calls answered by directory enquiry service employees in 20 seconds or less may not be lower than 80 % in one year.

### *Ratio of public pay-telephones in working order*

## Article 15

The ratio of public pay telephones in working order may not be lower than 98 % in one year.

### *Rate of bill correctness complaints for the provided universal services*

## Article 16

The rate of bill correctness complaints for the provided universal services may not exceed 0.5 % in one year.

## IV. PRICES OF UNIVERSAL SERVICES

### Article 17

(1) Universal service operators shall comply with the conditions for the provision of universal services and procure a prior consent of the Agency for retail prices of universal services, in accordance with the provisions of the Act and this Ordinance.

(2) Universal service operators shall ensure special tariff systems adapted to needs of socially disadvantaged groups of end users (users of services with a low income and users of services with special social needs). The Agency may adopt a decision defining special tariff systems taking into account the accessibility for socially disadvantaged groups of end users of services and levels of associated prices in relation to consumer prices and revenue.

(3) The adoption of special tariff systems referred to in paragraph 2 of this Article shall be subject to prior Agency's consent.

(4) Universal service operator must ensure a special tariff system for end users receiving universal services that does not comply with values of quality of service parameters and data transfer speed laid down in this Ordinance.

(5) The Agency may adopt a decision on special tariff systems referred to in paragraph 4 of this Article taking into account restrictions encountered by the user while using the universal services, in particular in data communications, that is, in data transfer speed preventing efficient Internet access, bearing in mind widespread technologies used by the majority of users, and technical feasibility.

(6) The universal service operator shall ensure the availability of a special retail Internet access service package at data transfer speed referred to in Article 19, paragraph 5 of this Ordinance at an affordable price and with a prior consent of the Agency in accordance with paragraph 1 of this Article.

(7) The prescribed data transfer speed referred to in Article 19 paragraph 5 of this Article shall be provided by the universal service operator to every end user on the basis of a submitted request.

## V. OBLIGATIONS OF UNIVERSAL SERVICE OPERATORS

### *Access to universal services*

## Article 18

(1) Universal service operators must ensure access to universal service for all natural and legal persons in the entire territory of the Republic of Croatia on the basis of a reasonable request regardless of their geographical location.

(2) Universal service operators must determine the dynamics for the provision of access to universal services for end users at a quality level and data speed prescribed in Annex 1 to this Ordinance in such a manner that, within one year from the date of entry into force of this Ordinance, end users shall have access to universal services at quality level and data transfer speed laid down by the provisions of this Ordinance. The above-mentioned deadline is at the same time the final deadline until which the quality and data transfer speed of provided universal services may be under the limits laid down in this Ordinance.

(3) By way of derogation from paragraph 2 of this Article, in certain cases, due to objective operational or technical reasons (external circumstances outside of control of the universal service operator), the Agency may adopt a decision extending the deadline referred to in paragraph 2 provided that the universal service operator has notified the Agency and provided a detailed explanation of reasons on the basis of which the extension of deadline may be justified.

(4) Depending on the extent and importance of electronic communications services compared to the level of economic, social and technological development, the Agency may, where necessary, decide on the dynamics for the provision of universal services at quality level and data speed laid down in this Ordinance, taking into account the technological feasibility, that is, the possibility for fulfilment of necessary technical requirements for the provision of access to universal services at quality level and data transfer speed laid down in this Ordinance.

(5) Universal service operators shall be obliged to realize any reasonable user request for access to public telephone network and publicly available telephone services at a fixed location, that is, in the place of his residence or accommodation.

(6) Universal service operators must provide access to universal services in a manner that enables the establishment of connection and communications traffic towards subscriber numbers and from subscriber numbers allocated in accordance with the Numbering Plan.

(7) Universal service operators must offer devices that enable persons with impaired hearing to make calls that are equivalent to voice calls, but by means of a text message or some other visual interface at a price not exceeding the price of an equivalent voice call with a view to achieving the equivalent level of accessibility of public communications services to disabled persons.

### *Communications system of universal service operators*

## Article 19

(1) Universal service operators must ensure proper and uninterrupted functioning of their communications systems under their competence in accordance with the provisions of the Act, this Ordinance and other regulations adopted pursuant to the Act.

(2) Universal service operators must ensure availability of their communications services 24 hours a day. If, for reasons of *force majeure*, universal service operators are forced to temporarily interrupt or restrict a certain number or type of services, they shall resume the provision of universal service within the shortest possible time.

(3) If a universal service operator did not provide the universal service pursuant to paragraph 2 of this Article, it must reduce the fee for monthly or quarterly access to a communications system or compensate the user in some other manner in proportion with the number of days of unavailability of service.

(4) Universal service operators must establish and maintain:

1. customer service
2. service for reporting and repairing faults and interferences and
3. directory inquiry service,

which must be available to users of services 24 hours a day.

(5) Universal service operators must ensure that subscriber access lines in their electronic communications networks enable data transfer speed at a minimum of 144 kbit/s or 1 Mbit/s in accordance with Article 25, paragraph 1 of this Ordinance.

### *Public pay phones*

#### Article 20

(1) Universal service operator shall install and ensure the use of public pay phones in public and accessible places at any time by ensuring at least one public pay phone per every 1000 inhabitants per county where the spatial distribution of public pay phones must, to the greatest possible extent, correspond to spatial distribution of population in a certain geographic area.

(2) Universal service operator must ensure an appropriate number and distribution of public pay phones adapted for use by disabled persons and at least one such public pay phone must be available in every town with more than 500 inhabitants. The Agency may adopt a decision ordering a universal service operator to install a public pay phone adapted for disabled persons in a certain area depending on the need.

(3) If the Agency designates another universal service operator for a certain area in accordance with the provisions of the Act, the former universal service operator must notify the new universal service operator of the situation and changes in the coverage of the area with public pay phones which may have an impact on the fulfilment of obligations of a new universal service operator referred to in paragraphs 1 and 2 of this Article.

(4) In case of justified needs of end users of services, the Agency may adopt a decision defining actual needs in terms of coverage, number and spatial distribution of public pay phones referred to in paragraphs 1 and 2 of this Article.

(5) Universal service operator may, with prior consent of the Agency and only if the obligation referred to in paragraph 1 has been fulfilled, interrupt the provision of the public pay telephone service at a certain location in the area where it provides universal services, and eliminate the public pay telephone if one of the following preconditions has been fulfilled:

1. if the public pay telephone was installed next to another public pay telephone,
2. if the operator did not earn profit from the public pay telephone for a year,
3. if the public pay telephone has been destroyed or severely damaged at least three times in a row in a year and its further maintenance in such circumstances is not justified. The necessary documentation confirming the destruction or damage must be submitted.

### *Calls to emergency services*

#### Article 21

(1) Universal service operators shall offer free calls to emergency services and to the single European emergency service number 112 in accordance with the provisions of the Act and other subordinate legislation.

(2) Emergency service numbers referred to in paragraph 1 of this Article have been established in accordance with the Numbering Plan.

(3) Universal service operators shall offer calls to numbers referred to in paragraph 1 of this Article free of charge and from all public pay telephones.

(4) Universal service operators must ensure access to emergency services to disabled persons in the same manner as to other end users of services.

### *Directory enquiry services and directory of subscribers*

#### Article 22

(1) Universal service operators designated by the Agency shall establish the directory enquiry service providing information about numbers of subscribers in all public communications networks in the Republic of Croatia which is available to all users of services, including users of public pay telephones, unless another provider of universal directory content has been selected to the Act and other subordinate legislation.

(2) Directory enquiry service referred to in paragraph 1 of this Article shall cover all telephone numbers of subscribers of all publicly available telephone services in the Republic of Croatia, except for numbers of users who are not subscribers and have not delivered their personal data to their provider of publicly available telephone services.

(3) Directory enquiry service referred to in paragraph 1 of this Article may also provide information about telephone numbers of users of foreign providers of public voice services and about country codes.

(3) A comprehensive public directory of all subscribers must be available to all users of services in an appropriate electronic and/or printed form.

### *Delivery of additional information to the Agency*

#### Article 23

(1) In addition to the annual report referred to in Article 6 of this Ordinance, universal service operators shall deliver to the Agency, by 1 March of every year for the previous calendar year, the report on the fulfilment of obligations in the provisions of universal services laid down in the provisions of the Act and this Ordinance, including, in particular, data about the quality of service, geographical coverage of users of services, prices of universal services, costs of provision of universal services, total revenue earned from the provision of such services, number of FGSM system/users, number of PCM/PGS system/users, number of granted and denied requests for the provision of universal service and reasons for the denial of requests of the provision of universal service.

(2) If universal service providers do not deliver data about total revenue earned from the provision of services referred to in paragraph 1 of this Article, the Agency shall be entitled to carry out an assessment of the total revenue of universal service operators.

## VI. DESIGNATION OF UNIVERSAL SERVICE OPERATORS

#### Article 24

(1) The Agency shall adopt a decision designating one or more universal service operators in accordance with the provisions of the Act.

(2) The decision referred to in paragraph 1 of this Article shall impose obligations for every universal service provider in relation to geographical coverage and individual parts of universal services, in accordance with the provisions of the Act and this Ordinance.

(3) In the procedure for the adoption of the decision referred to in paragraph 1 of this Article, operators of public voice services shall deliver to the Agency, upon its request, all available data about the coverage of the electronic communications network, planned increase of coverage of the electronic communications network, planned offers of services on the market with a view to fulfilling the requirements for the provision of universal services, including the affordability of prices and financial indicators of business development of the operator.

## VII. TRANSITIONAL AND FINAL PROVISIONS

#### Article 25

(1) This Ordinance shall enter into force within (8) days following the date of publication in the Official Gazette, except for the part of the provision of Article 19, paragraph 5 of this Ordinance, which shall enter into force in relation to data transfer speed of 144 kbit/s within sixty (60) days from the date of entry into force of this Ordinance, and the part of the provision referring to data transfer speed of 1 Mbit/s shall enter into force on 1 January 2015.

(2) The Ordinance on universal services in electronic communications (Official Gazette No. 23/09) shall cease to be valid the date of entry into force of this Ordinance.

Class: 011-02/12-02/19

Reg. No: 376-12/IK-12-1 (MW)

Zagreb, 19 December 2012

President of the Council  
**Miljenko Krvišek** m.p.

### ANNEX 1

## CROATIAN POST AND ELECTRONIC COMMUNICATIONS AGENCY Annual Report on the Values of Quality of Service Parameters for Universal Service

Name of company: \_\_\_\_\_

Data for period: from \_\_\_\_\_ to \_\_\_\_\_

Parameter	Measure	Statistics
1.1. Supply time for fixed network access	95% of connections made in one year	(days)
	99% of connections made in one year	(days)
	% of established services up to the agreed deadline	%
	Time for receipt of applications	from..... to..... on business days from..... to..... on Saturdays from..... to..... on Sundays
1.2. Fault rate per subscriber access line (connection)	faults/per access line (connection)/per year	%
1.3. Fault repair time for access line	80% of faults on the access line in one year	(hours)
	95% of faults on the access line in one year	(hours)
	for 80% of other faults	(hours)
	for 95% of other faults	(hours)
	% if faults removed on the targeted day	%

	Time for notification of fault reports	from..... to..... on business days from..... to..... on Saturdays from..... to..... on Sundays
1.4. Unsuccessful call rate	% of all calls	%
	% of national calls within a fixed electronic communications networks	%
	% of national calls from a fixed to a mobile electronic communications network	%
	% of international calls	%
1.5. Call set-up time	call set-up time for 80 % of all calls in one year	(seconds)
	average time for national calls within a fixed electronic communications network	(seconds)
	call set-up time for 95% of national calls within a fixed electronic communications network	(seconds)
	average time for national calls from a fixed to a mobile electronic communications network	(seconds)
	call set-up time for 95% of national calls from a fixed to a mobile electronic communications network	(seconds)
	average time for international calls	(seconds)
	call set-up time for 95 % of all international calls	(seconds)
1.6. Customer service response time	average response time in one year	(seconds)
	% of answered calls within 20 seconds	%
1.7. Directory inquiry service response time	average response time in one year	(seconds)
	% of answered calls within 20 seconds	%
1.8 Ratio of public pay telephones in working order	% in one year	%
1.9. Rate of bill correctness complaints for the provided universal services	% in one year	%

We hereby confirm that all the provided data is correct and assume full civil and criminal responsibility for the data and their correctness.

Place and date:

Stamp and signature of responsible person