

CROATIAN POST AND ELECTRONIC COMMUNICATIONS AGENCY

2922

Pursuant to Article 12, paragraph 1, item 1 and Article 47, paragraph 7 of the Electronic Communications Act (Official Gazette No. 73/90 and 133/12), the Council of the Croatian Post and Electronic Communications Agency adopted the

ORDINANCE

ON A COMPREHENSIVE PUBLIC DIRECTORY AND ON DIRECTORY INQUIRY SERVICE

I. GENERAL PROVISIONS

Contents of the Ordinance

Article 1

This Ordinance lays down the manner and conditions for the establishment, publication of a printed and electronic edition of at least one comprehensive public directory of all subscribers and manner and conditions for the establishment of at least one directory inquiry service on numbers of all subscribers of publicly available telephone services in the Republic of Croatia.

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. *provider of directory content*: a legal or natural person authorized to provide directory content;
3. *directory content*: activity of providing directory enquiry service and service for enabling or helping end users to search the directory, including subscriber data enquiry service;

4. *public directory*: a list of subscribers of publicly available telephone services of an individual operator with the associated subscriber number, address, type of users (natural or legal person) and type of subscriber number;

5. *directory enquiry service*: publicly available telephone service providing subscriber data;

6. *comprehensive directory of all subscribers*: a directory of all subscribers of publicly available telephone services in the Republic of Croatia, except for subscribers that did not give their consent for the entry of their data into the directory,

7. *universal directory content*: at least one comprehensive public directory and/or at least one directory enquiry service on all subscribers of publicly available telephone services in the Republic of Croatia,

8. *Act*: the Electronic Communications Act (Official Gazette No. 73/08 and 90/11),

II. SELECTION OF PROVIDERS OF UNIVERSAL DIRECTORY CONTENT

Article 4

(1) The Agency shall, at least once in every two years, conduct a procedure to establish:

1. whether universal directory content is provided in an appropriate manner and with the appropriate quality of service,

2. the existence of operators interested for the provision of universal directory content.

(2) If the Agency establishes that universal directory content is not provided in an appropriate manner, the Agency shall not establish the provider of universal directory content or may withdraw obligation to provide universal directory content from an operator that has previously been authorized to provide the service in question.

(3) If it establishes that universal directory content is not provided in an appropriate manner, the Agency shall:

1. adopt a decision determining one or several operators for the provision of universal directory content,

2. adopt a decision on the invitation of a public tender for the provision of universal directory content on the basis of which one or several operators will be selected for the provision of universal directory content.

III. OBLIGATIONS OF OPERATORS OF PUBLICLY AVAILABLE TELEPHONE SERVICES

Provision of subscriber data

Article 5

(1) Operators of publicly available telephone service must grant to an authorized provider of directory content access to all subscriber data published in their own directory in accordance with the principles of impartiality, non-discrimination and cost-orientation in a standard format as laid down in paragraph 3 of this Article and in accordance with the mechanism, periodic character and time limit set out in paragraph 5 of this Article.

(2) The standard format and manner of delivery of subscriber data shall be defined by the selected directory content provider in agreement with all operators of publicly available telephone services. In case of dispute, the Agency shall adopt a decision defining a standard format and manner of delivery of subscriber data.

(3) The standard format shall include the following subscriber data:

1. name and surname or name of a legal person,
2. telephone number or subscriber numbers,
3. subscriber's address,
4. type of subscriber number.

(4) The standard format shall also contain all other important subscriber data if the operator of publicly available service publishes those data in its own directory.

(5) Operators of publicly available telephone services must deliver data about their subscribers to the authorized provider of directory content at least once a year. Changes in subscriber data must be notified to the provider of a comprehensive directory of all subscribers within two (2) business following the change.

(6) If a subscriber ports his or her number to another operator's network, the recipient operator shall be responsible for timely delivery of subscriber data after the number has been ported into its network.

(7) Operators of publicly available telephone services must take into account the protection of personal data of their subscribers whose data they deliver to the authorized provider of comprehensive directory service. The provider of directory content shall not be responsible for the accuracy of delivered subscriber data.

IV. OBLIGATIONS OF AN UNIVERSAL PROVIDER OF A COMPREHENSIVE PUBLIC DIRECTORY OF ALL SUBSCRIBERS

Article 6

(1) An universal provider of a comprehensive public directory of all subscribers must present and publish all subscriber data in a comprehensive public directory of all subscribers in the same manner regardless of which operator is providing the publicly available telephone service. The comprehensive public directory of all subscribers must be available to all users of services in an appropriate electronic and/or printed form.

(2) Changes in subscriber personal data must be available in the comprehensive public electronic directory of all subscribers within two (2) business days from the receipt of the changed data. The operator of a comprehensive public directory of all subscribers must renew and publish a printed comprehensive public directory of all subscribers at least every two years.

(3) Subscriber data from the comprehensive public directory of all subscribers must be available to all authorized providers of directory content, only for the purpose of publication of directory content in compliance with the principles of objectivity, transparency, impartiality, non-discrimination and cost-orientation. The Agency shall regularly publish and update data about authorized providers of a comprehensive directory of all subscribers on its website.

(4) Usage of subscriber data must be subject to subscriber's consent for the use of such data. The consent for the entry of subscriber personal data must be ensured by the operator providing the publicly available telephone service.

V. OBLIGATIONS OF AN UNIVERSAL PROVIDER OF A COMPRENEHSIVE DIRECTORY ENQUIRY SERVICE

Article 7

(1) The selected provider of a comprehensive directory enquiry service must ensure to its users the possibility to obtain the requested subscriber data by means of a fast and efficient searching of the comprehensive directory of all subscribers, at any moment in the following manner:

1. by dialling the associated short code (118xx), which is available from all terminal devices in any public telephone network in the Republic of Croatia,

2. by sending a text message to the associated short code, which is available from all terminal devices in any public telephone network in the Republic of Croatia offering the possibility to send texts,

3. by accessing the website, free of charge.

(2) The directory enquiry service referred to in paragraph 1, item 1 of this Article must be available to users of public payphones free of charge.

(3) The dialling of the directory enquiry service referred to in paragraph 1, item 1 of this Article must also be provided, free of charge, to blind persons.

(4) The directory enquiry service referred to in paragraph 1, item 2 of this Article must be available, free of charge, to a user who has lost his or her hearing and may not use a voice call to the directory enquiry service referred to in paragraph 1, item 1 of this Article.

(3) Directory enquiry service referred to in paragraph 1, item 1 of this Article must be in compliance with quality standards, in accordance with other bylaws, which apply to the provider of the directory enquiry service who has been designated as the universal service operator.

(6) Subscriber data for the purposes of the directory enquiry service must be updated regularly within the time limits referred to in Article 5.5. and Article 6.2. of this Ordinance.

VI SUBSCRIBER REQUESTS

Article 8

(1) Any subscriber of a publicly available telephone service in public communications networks shall be entitled to request to be included, to withdraw his or her consent, or to request for the deletion of all or parts of their data from the published directories or to update, free of charge, all or just parts of data referring to its subscription. A subscriber of a publicly available telephone service in public communications networks shall submit such a request only to its provider of a publicly available telephone services.

(2) Any subscriber of a publicly available telephone service shall be entitled to correct, free of charge, any error in the directory referring to the subscription within the time limits laid down in Article 6.2.

VII. TRANSITIONAL AND FINAL PROVISIONS

Article 9

(1) This Ordinance shall enter into force within eight (8) days following its publication in the Official Gazette, except for the provision of Article 5, paragraph 2, item 4 of this Ordinance, which shall enter into force within sixty (60) days from the date of entry into force of this Ordinance.

(2) On the date of entry into force of this Ordinance, the provision of the Ordinance on the directory and directory enquiry services (Official Gazette No. 23/09) shall cease to be valid.

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Zagreb, 5 December 2012

President of the Council

Miljenko Krvišek m.p.