

CROATIAN POST AND ELECTRONIC COMMUNICATIONS AGENCY

4202

Pursuant to Article 12, paragraph 1, Article 34 and Article 49, paragraph 11 of the Electronic Communications Act (Official Gazette 73/2008), the Council of the Croatian Post and Electronic Communications Agency hereby passes the following

ORDINANCE

ON THE MANNER AND CONDITIONS FOR THE PROVISION OF ELECTRONIC COMMUNICATIONS NETWORKS AND SERVICES

I. GENERAL PROVISIONS

Contents of the Ordinance

Article 1

This Ordinance prescribes the manner and conditions for the provision of electronic communications networks and services, standards for the quality of electronic communications networks and services, and, among others, the manner and conditions for the provision of value added services, including also the measures for the prevention of fraudulent and unlawful actions in relation to the provision of value added services and prevention of fraud caused by Internet diallers. The integral part to this Ordinance are: form of the prior notification on the provision of electronic communications networks and services, certificate on the receipt of prior notification, indicators of quality of public communications services in fixed electronic communications network, indicators of quality of public communications services in mobile electronic communications network and Code of Practice for the operators of value added services (hereinafter: Code of Practice).

Terms and Meanings

Article 2

Within the meaning of this Ordinance, individual terms shall have the following meanings:

1. *child*: any person under 18 years of age,
2. *duly filed notification of faults*: notification of interruption, interference or diminishing of the quality of provision of electronic communications services, caused by faults in the

operator's electronic communications network, received by the competent service of the operator, which does not imply faults and interferences in the user or subscriber terminal equipment,

3. *geographic network availability*: network availability in respect of geographic coverage of the Republic of Croatia,

4. *fixed electronic communications network*: electronic communications network which does not include mobile electronic communications network,

5. *response time for directory enquiry services*: time that elapses from the moment the last digit of the directory enquiry service calling number was received until the moment the person in charge of providing the information responds, or until the moment the interactive voice response system responds,

6. *response time for operator service*: time that elapses from the moment the last digit of the competent operator service calling number was received until the moment the competent operator service officer responds,

7. *proportion of card and coin operated public pay-telephones in working order*: the percentage of the total number of days on which public pay-telephones were in working order in the total number of days on which such public pay phones should have been operating,

8. *fault report rate per access line*: a percentage share of properly filed access line faults in a particular period with respect to the average number of network access lines during the same period,

9. *MMS end-to-end failure ratio*: the number of unsuccessfully sent MMS messages divided by the total number of attempted MMS message sending,

10. *unsuccessful call ratio*: unsuccessful call ratio with respect to the total number of attempted calls in a particular time period,

11. *SMS completion failure ratio*: the number of unsuccessfully sent/received SMS messages divided by the total number of attempted SMS message receipt/sending, excluding the repeated and irregular SMS messages,

12. *dropped call ratio*: the percentage ratio of telephone calls unintentionally disconnected due to poor signal power, interaction of signals, congestion or any other reason, with respect to the total number of connections,

13. *general authorisation*: legal framework that stipulates the provision of electronic communications networks and/or services,

14. *operator of value added services*: the operator who provides value added services,

15. *proportion of problems with number portability procedures*: the share of received applications for number portability where there is deviation from the prescribed procedure in the total number of received applications for number porting,

16. *itemised billing*: a document containing all necessary data which enable the subscriber to easily verify and control the costs for a particular time period. The itemised bill is issued in written or electronic form in compliance with the user's request,

17. *mobile electronic communications network*: electronic communications network which enables the establishment of electronic communications connection even in the case when the network service user is physically moving,

18. *bill correctness complaints*: a ratio in percentage between the number of complaints to the charged amount for provided public communications services in electronic communications network and the total number of issued bills for the same services,

19. *prepaid account credit correctness complaints*: the share of prepaid service users' complaints resulting from the users' complaints to the correctness of the bill or charging,

20. *voice over Internet protocol service*: transfer of voice by means of public Internet which does not include publicly available telephone service,

21. *Internet access service*: electronic communications service which enables the user to access the Internet,

22. *MMS end-to-end delivery time*: time that elapses from the moment of sending an MMS message to the moment of receiving the same MMS message by another user,

23. *SMS end-to-end delivery time*: time that elapses from the moment of sending a short text message to the SMS centre to the moment of receiving the same short message to another mobile device,

24. *fault repair time for fixed access lines*: time measured in hours and minutes, which elapses from the moment of receiving the duly filed notification of fault, to the moment of fault repair,

25. *supply time for Internet access*: supply time for Internet access from the moment of receiving duly filed and complete request for the service to the moment of service realization,

26. *supply time for fixed network access*: time from the moment of receiving the duly filed request for the provision of service by the operator, to the moment of realization of the service.

II. GENERAL AUTHORISATION

Rights and Obligations of the Operator

Article 3

(1) The operator or infrastructure operator is entitled to provide electronic communications networks and services in compliance with the manners and conditions referred to in general authorization, which are prescribed by the Electronic Communications Act (hereinafter: the Act) and described in more detail in other subordinate legislation adopted pursuant to the Act and listed in Article 6 of this Ordinance.

(2) The manners and conditions for the provision of particular services which are not stipulated by the Act or other subordinate legislation adopted pursuant to the Act, are described in more detail in Articles of this Ordinance under chapters I General Provisions, II General Authorization, III Relations With Users and Consumer Protection, IV. Additional Requirements for Special Types of Services, V. Construction, Installation and Use of Electronic Communications Infrastructure and Associated Facilities, VI Value Added Services, VII The Quality of Electronic Communications Services, VIII Transitional and Final Provisions, Appendix 1 Prior Notification, Appendix 2 Certificate on the Receipt of Prior Notification, Appendix 3 Indicators of Quality of Public Voice Services in Fixed Electronic Communications Network, Appendix 4 Indicators of Quality of Public Voice Services in Mobile Electronic Communications Network and Appendix 5 Code of Practice.

Prior Notification and the Start of Service Provision

Article 4

(1) The operator or infrastructure operator who intends to provide electronic communications networks and services shall not later than fifteen (15) days in advance notify the Croatian Post and Electronic Communications Agency (hereinafter: the Agency), in writing, about the start, changes and termination of the provision of electronic communications networks and services.

(2) Form of the Prior Notification referred to in paragraph 1 of this Article is an integral part of this Ordinance and is found in Appendix 1.

Certificate

Article 5

Within eight (8) days from the date of receipt of the complete Prior Notification, the Agency shall verify whether all the requirements regarding the issuing of the Notification

referred to in the Act have been met, and accordingly issue the Certificate referred to in Appendix 2 of this Ordinance.

The Manners and Conditions Referred to in General Authorization

Article 6

(1) The operators or infrastructure operators shall perform the activity in compliance with the Act and subordinate legislation, particularly complying with the requirements in relevant subordinate legislation which, depending on the type of activity, prescribe in more detail:

1. calculation and amount of fee and the method of payment of the fee for the use of the radio frequency spectrum, addresses and numbers and fees for the performance of other tasks of the Agency,

2. technical, use and other requirements for particular types of electronic communications networks and electronic communications infrastructure and associated facilities,

3. manners and conditions for determining the zone of electronic communications infrastructure and associated facilities as well as the protective zone and radio corridors,

4. calculation and amount of fee and the method of payment of the fee for the right of way together with the procedure for issuing and the form and content of the right of way certificate form,

5. manner and conditions of access and shared use of electronic communications infrastructure and associated facilities, the degree of availability of free space in such infrastructure, the criteria for selection, procedure, requirements and deadlines for public tendering, the procedure for resolution of disputes and basic components of the agreement on access and shared use of electronic communications infrastructure and associated facilities,

6. manner and conditions for the provision as well as standards for the quality of universal services, together with the content, form and manner of publication of notifications and data,

7. manner and conditions for the establishing and publishing of printed and electronic edition of at least one comprehensive public directory of all subscribers and at least one directory enquiry service,

8. standard offer basic content, degree of data detail and the manner of publication of standard offer together with the content, degree of data detail and manner of publication of standard offer for access to unbundled local loop,

9. Addressing Plan and Numbering Plan,
10. the right to use addresses and numbers,
11. manner, conditions and procedure for the realization of number portability in fixed and mobile electronic communications network,
12. manner and conditions for using the single European Emergency Call Number 112, technical and other requirements for operators in fulfilling the obligations towards the competent central public administration body for protection and rescue and standards for quality of 112 service,
13. management of national top-level domain,
14. allocation and use use of radio frequency spectrum in the Republic of Croatia,
15. radio frequency allocation plans,
16. basic requirements for the allocation and use of radio frequency spectrum and the procedure for issuing licenses for the use of radio frequency spectrum as well as the content of application for issuing individual licenses for the use of radio frequency spectrum on the basis of previously conducted public tender/auction, the procedure, requirements and deadlines for conducting public tender/auction and selection criteria on the basis of which the Agency selects one or more applicants in the public tender/auction procedure,
17. fee for economic value of the right to use the radio frequency spectrum,
18. basic restrictions, reference levels and limit values of the electromagnetic field size, limit values of radio station radiation strength, reference regulations and standards referring to human exposure to electromagnetic field, special requirements for the installation and use of specific types of radio stations as well as the manner and conditions for the calculation and measurement of electromagnetic field values and issuing the certificate of conformity of a radio station,
19. manner and conditions for transition from analogue to digital broadcasting of radio and television programmes and access to multiplex positions in terrestrial digital broadcasting,
20. manner and conditions of efficient prevention and suppression of abuse and fraud in the provision of electronic mail services and the fulfilment of obligations of operators and subscribers regarding unsolicited electronic communication,
21. supervision over the application of safety principles for data retained, collecting of statistical indicators on data retained and annual reporting to the European Commission (hereinafter: the Commission) on access to data retained.

III. RELATIONS WITH USERS AND CONSUMER PROTECTION

SUBSCRIBER RELATIONS

Establishment of Subscription and Content of Subscriber Contract

Article 7

(1) Operators of public communications services shall provide their services to subscribers in compliance with the Act, published General Business Terms and Conditions and subscriber contract.

(2) The rights and obligations from the subscriber relations between the service operator and subscriber shall be regulated by their mutual contract and shall be in compliance with the Act, published General Business Terms and Conditions and tariffs referred to in the Act, and special regulations. Before establishment of subscription, subscribers are entitled to a detailed explanation of all the provisions of the contract.

(3) General Business Terms and Conditions shall, among others, include:

1. conditions included in the Act,
2. provisions on discontinuation of provision of public communications service, as well as on conditions for contract termination in case of non-payment of issued bills, in compliance with the Act,
3. provisions regarding the rights and obligations of subscribers, particularly the provisions regarding the claims which the subscribers are required to settle to operators of public communications services in case of number porting,
4. content of application form/forms for establishment/change/termination of subscription,
5. content of contract form/forms for establishment/change/termination of subscription,
6. data on user services and competent operator service for the resolution of service subscriber disputes,
7. provisions on handling service user personal data,
8. complete, detailed, accurate and not misleading description of services easy to understand for an average user, and particularly the following:
 - Care shall be taken of complaints regarding data transfer rates. Operators of public communications services shall provide a detailed explanation of reasons due to which the contracted data transfer rate has not been attained,

– operators of public communications services shall provide a detailed explanation of limitations to subscribers’ ability to access or distribute lawful content or run applications, or use services they requested,

– operators of public communications services shall describe special offers and packages, such as discounts, unlimited traffic, unique calling time, completely and clearly, specifying, among other things, what is included in the offer and what is excluded from it, time limits and consequences of reaching them, and rates for the service offered,

– operators of public communications services shall inform subscribers about additional services included in the selected package,

– in case of provision of voice over Internet protocol service, the operator shall inform the user on all limitations to making emergency calls in the General Business Terms and Conditions.

9. Information on options to bar and method of barring access to contents unsuitable for children, in compliance with Articles 26 and 27 of the Ordinance

(4) General Business Terms and Conditions and subscriber contracts shall warn the subscribers of their obligation to respect the intellectual property rights.

(5) Operators of public communications services shall inform subscribers in timely manner in written or electronic form on changes to contractual terms and their right to contract termination in compliance with this Ordinance and General Business Terms and Conditions.

(6) General Business Terms and Conditions and the provisions of subscriber contract shall be written in easily intelligible manner, understandable to average user, who shall not be required to have special education to understand such provisions.

(7) The Agency may render a decision to change, supplement or revoke certain provisions of General Business Terms and Conditions should it establish that they are contrary to the Act.

Application for Establishment of Subscription

Article 8

(1) Operator of public communications services shall, in case the application of a physical or legal person for establishment of subscription is accepted, enable access to its public communications network.

(2) The application form referred to in paragraph 1 of this Article, determined by the operator, shall include in particular:

1. name and seat for legal persons, or name and address for applicants who are natural persons,
2. company registration number of a legal person,
3. activity,
4. connection point address where the subscriber shall be provided with access to public communications network,
5. address for delivery of notifications and address for delivery of bills for provided electronic communications services.

(3) The operator shall comply with the usual procedures for the verification of service subscriber's identity, observing the provisions of special laws.

(4) The operator may reject the application referred to in paragraph 1 of this Article when it assesses that the applicant shall not be able, or has no intention to settle his future or already due debts for services provided. The operator shall accept the application referred to in paragraph 1 of this Article provided that the applicant submits appropriate security for the payment of services, including but not limited to:

1. security for advance payment sufficient for coverage of the bill for the first month of using the service (the advance payment secured by the subscriber to the operator of public communications services shall be used for the payment of bill for services used),
2. provision of bank guarantee or any other instrument of payment acceptable to the operator,
3. acceptance of monthly limit for service use determined by the operator,
4. when applicable, acceptance of service use under conditions for users of pre-paid service.

(5) The operator may determine other reasons for non-acceptance of applications referred to in paragraph 1 of this Article in its General Business Terms and Conditions.

(6) The provisions of paragraphs 4 and 5 of this Article also appropriately apply to the application for the provision of new services.

Contract on Provision of Public Communications Services

Article 9

(1) Contract on provision of public communications services shall particularly include

1. name and seat of the operator, and name and seat, or name and address of the subscriber,
2. type of electronic communications service to be contracted,
3. charge for the service or name of valid price list of the operator, according to which the contracted service shall be charged,
4. clear and appropriate description of the degree of quality of the provided service,
5. time of establishing connection point,
6. deadlines for establishment of service,
7. maintenance services on offer,
8. contract duration and conditions for contract renewal and termination,
9. compensation of damage or manner of recovery of funds in cases when the contracted levels of quality of service have not been met,
10. manner of resolution of disputes,
11. provision by which the operator of public communications services determines in a clear, understandable and easily noticable manner the conditions of use of equipment associated with the subscription, as follows:
 - whether the subscriber is entitled to and under which conditions to continue using such equipment,
 - under which conditions shall the subscriber change the equipment in case of loss or fault.
12. information on options on offer and the manner of barring access to contents unsuitable for children, in compliance with Articles 26 and 27 of the Ordinance.

(2) Contract referred to in paragraph 1 of this Article shall be considered concluded for additional services available to the subscriber through publicly announced procedures, as determined by the operator. The operator is required in that case to send to the subscriber a written certificate on the activation of additional service together with the conditions for

its use and the instruction about the right to terminate contract in compliance with special laws or sending of electronic certificate where it is not possible to send a written certificate.

(3) Legal or natural person is required to provide for proper subscriber installation and to procure telecommunications terminal equipment which meets prescribed technical requirements and standards, and such telecommunications terminal equipment shall have proper conformity certificate.

(4) The operator shall not refuse to connect the subscriber telecommunications terminal equipment which complies with the regulations adopted pursuant to the Act.

(5) At subscriber's request, the operator shall make the subscriber contract available in other formats designed to meet the needs of people with visual disabilities.

(6) In case of concluding a contract which includes a specified service test period within which the subscriber is allowed to cancel the service free of charge, the operator is required to inform the service subscriber, in writing or verbally, within eight (8) days prior to the test period expiration, that from the particular date on, it shall be impossible to terminate the contract without a fee.

Distance Contract Conclusion

Article 10

(1) The contract concluded over the Internet shall be considered the contract referred to in Article 9 of this Ordinance under the following conditions:

1. operator's Internet page, via which the service user concludes the contract, shall particularly include the data on:

– necessary conditions for meeting the requirements for contract conclusion, including the timeframe within which the contract is to be concluded,

– format in which the contract shall be available to the service user,

– manner of identification and correction of mistakes before the request for contract conclusion is sent,

– conditions for contract conclusion, which shall be available to service users to save and print from their computers,

– operator's legal personality and address,

- main characteristics of electronic communications services to be contracted,
- charge for electronic communications service (including statutory taxes),
- charge for terminal equipment and its delivery,
- conditions of payment (e.g. in instalments, charged to credit cards and similar) and payment dates,
- period of validity of application for contract conclusion,
- possibility to withdraw the application for contract conclusion sent by service user within a limited period,
- minimum contract validity period.

2. To the service user who wishes to send the application for contract conclusion the following data shall be sent by electronic mail or in writing:

- operator's legal personality and address,
- main characteristics of electronic communications services to be contracted,
- charge for electronic communications service (including statutory taxes),
- charge for terminal equipment and its delivery,
- conditions of payment (e.g. in instalments, charged to credit cards and similar) and payment dates,
- guarantees, when applicable,
- address to which complaints are to be sent,
- possibility to withdraw the application for contract conclusion sent by service user within a limited period,
- manner of contract termination.

(2) After having received the application for contract conclusion the operator shall without delay send an electronic or written confirmation of the receipt, depending on how the application has been received.

(3) Service user is entitled to correct mistakes in the application for contract conclusion at any time until the application for contract conclusion is sent.

(4) The operator shall comply with the customary procedures for service subscriber identity verification, complying with the provisions of special laws.

(5) The provisions of special laws shall appropriately apply to distance contracts.

Unfair Provisions of Subscriber Contract

Article 11

(1) Subscriber contracts shall not contain any terms that are unfair or provisions which cause a significant imbalance in the rights and obligations of the parties to the contract, to the detriment of the subscriber. Terms of contracts for public communications services that are likely to be unfair include, but are not limited to:

1. charging the subscriber a reconnection fee after a disconnection which was caused by the operator's error,
2. possible temporary suspension of service provision or termination of subscriber contract, if the subscriber has breached a different contract between the parties,
3. possible avoidance or limitation of the performance of obligations under the contract, to the subscriber's detriment.

Applicability of Subscriber Contracts

Article 12

(1) A subscriber to a pre-paid service shall be entitled to terms and conditions that are no less favourable than those that are applied to a subscriber to the post-paid service, providing that the type of service is the same and if applicable in the specific case.

(2) Operators of public communications services are required to notify in written or electronic form, in plain language understandable to an average user, both pre-paid and post-paid service users about the changes to General Business Terms and Conditions and tariffs that affect them, in compliance with the Act. Such notification shall be free of charge for all users.

Allocation and Change of Subscriber Numbers

Article 13

- (1) When establishing subscription, the operator of public communications services shall allocate to the subscriber a subscriber number (secondary allocation) from the range of numbers allocated in primary allocation by the Agency to the operator of public communications services.
- (2) In case of modification of Addressing Plan and Numbering Plan due to which the subscriber number is changed, in compliance with the Act, the subscriber shall not be entitled to reimbursement of costs.
- (3) In case of change of subscriber number, operators of public communications services shall notify the subscriber whose number is changed about the change, in writing, not later than sixty (60) days before the change is completed if the subscriber is a legal person, or not later than thirty (30) days before the change is completed if the subscriber is a natural person.
- (4) In case of change of subscriber number, except for the change of subscriber number at subscriber's request, operators of public communications services shall notify about the change the callers of the former subscriber number at least three (3) months from the date of the completed change.
- (5) The operators of public communications services shall enable the subscribers to their services, at their request, to keep the number allocated to them in public telephone network regardless of the change of operator, in compliance with the Act.

Transfer of Subscription

Article 14

- (1) Subscription may be transferred to other natural or legal person if such person, as the new subscriber, continues to use electronic communications services through the same network connection point and subscriber number, with the change of subscriber's name.
- (2) The change of subscriber's name implies the change of the name and family name or name of the business in case of a natural person, or the change of the company name in case of a legal person.
- (3) In case of transfer of rights to the real estate (residential or business premises), the subscription may be transferred to the new owner or real estate user, provided that such person continues to use the existing network connection point at the same location.
- (4) In case of subscribers' death or in case of dissolution of subscriber legal persons, their successor or family household member, i.e. the person who shall continue to use the

service through the same network connection point and subscriber number shall file an application with the operator of public communications services for the change of subscriber's name.

(5) At subscriber's request, the operator of public communications services shall transfer the subscription to a member of the family household.

(6) In case of leasing the residential or business premises, the lessor is entitled to temporarily transfer the rights and obligations from the subscriber relations, relating to the corresponding network connection point and subscriber number, to the lessee, in compliance with their mutual contract. Under such contract and under the contract with the operator of public communications services, the lessee shall become the temporary subscriber. The lessor is required to notify without delay the operator of public communications services about the termination or cancellation of contract between the lessor and the lessee, with the aim of transferring the subscriber rights and obligations from the lessee to the lessor, which shall enter into force at the moment of contract termination or cancellation.

(7) The charge for the transfer of subscription service, together with the change of subscriber's name, shall be determined in the operator's tariff list.

Temporary Connection of Subscriber Telecommunications Terminal Equipment

Article 15

(1) The operator of public communications services may enable, at service user's request, a temporary connection of subscriber telecommunications terminal equipment, together with associated subscriber installations, and the use of public communications services, in case of special or extraordinary events, and particularly during major and/or important public assemblies of limited duration (political, economical, cultural and religious assembling and ceremonies, sports events and similar).

(2) Service user referred to in paragraph 1 of this Article shall file a written application for temporary connection of subscriber terminal equipment with the operator of public communications services, together with detailed explanation.

(3) The charge for the temporary connection service of subscriber telecommunications terminal equipment shall be determined in the operator's tariff list.

Temporary Disconnection of Subscriber Telecommunications Terminal Equipment

Article 16

(1) The operator of public communications services may temporarily disconnect subscriber telecommunications terminal equipment from the public electronic communications network if it establishes that any of the following conditions have been met:

1. defective subscriber telecommunications terminal equipment,
2. the subscriber refused to allow direct verification of subscriber telecommunications terminal equipment and associated subscriber installations, for which there is reasonable doubt to cause interferences in public electronic communications network, about which the subscriber has been notified in writing,
3. performance of works in public electronic communications network to which the subscriber telecommunications terminal equipment is connected, in the duration of less than three days – until the completion of such works, with prior notification to the subscriber,
4. the subscriber has not paid the bill for provided electronic communications services even after the previously delivered dunning letter indicating temporary disconnection in case of non-payment and if the subscriber failed to file a complaint to the charged amount, in compliance with the provisions of this Ordinance,
5. pursuant to final decision of the court having jurisdiction.

(2) Operators of public communications services are entitled to determine other reasons in their General Business Terms and Conditions, in addition to the reasons referred to in paragraph 1 of this Article, due to which subscriber telecommunications terminal equipment may be temporarily disconnected from the public electronic communications network.

(3) In case the subscriber has not paid the bill for the provision of electronic communications service, the operator of public communications services shall deliver to the subscriber a written dunning letter with the warning that if the total amount owed by the subscriber is not settled within thirty (30) days from the delivery date of the dunning letter, the subscriber telecommunications terminal equipment shall be temporarily disconnected from public electronic communications network. For the duration of temporary disconnection of subscriber telecommunications terminal equipment, the subscriber shall be entitled to receive incoming calls when in the territory of the Republic of Croatia, outgoing calls to emergency services and free of charge calls to the operator's customer service. The operators of mobile electronic communications networks are required to notify the subscribers by an SMS message that they are unable to receive

incoming calls when out of the territory of the Republic of Croatia in case of temporary disconnection referred to in this paragraph.

(4) Temporary disconnection of the subscriber telecommunications terminal equipment must be, as far as it is technically feasible, limited only to those services for which the bills have not been paid.

(5) If the subscriber does not pay the bill even after the expiry of 30 days from the date of temporary interruption of service, the operator shall be entitled to permanently disconnect the subscriber terminal equipment from the electronic communications network and terminate the subscription in accordance with the general business terms and conditions.

(6) The operator of public communications services is required to temporarily disconnect, at the subscriber's request, subscriber telecommunications terminal equipment from public electronic communications network at least once a year, in the duration of not more than three (3) months. The General Business Terms and Conditions may determine a longer period for temporary disconnection of the subscriber telecommunications terminal equipment at subscriber's request.

(7) During the temporary disconnection of subscriber telecommunications terminal equipment referred to in paragraph 6 of this Article, the subscriber shall not pay monthly or quarterly fee for access to public electronic communications network.

(8) The charge for the reconnection of temporary disconnected subscriber telecommunications terminal equipment shall be determined in the operator's tariff list.

Termination of Subscription

Article 17

(1) The subscription between the subscriber and the operator of public communications services may be terminated in the following cases:

1. if the subscriber requests the termination of subscription in writing,
2. in case of filing an application for the transfer of subscriber number in compliance with special regulations,
3. if the subscriber fails to repair the established defect of subscriber telecommunications terminal equipment within thirty (30) days,
4. if the subscriber refuses to allow the verification of the subscriber telecommunications terminal equipment upon the expiration of thirty (30) days from the date of temporary disconnection of subscriber telecommunications terminal equipment from public electronic communications network,

5. if the subscriber fails to pay the bill for the provided electronic communications services within thirty (30) days from the date of temporary disconnection of subscriber telecommunications terminal equipment from public electronic communications network,

6. on the basis of final decision of the court having jurisdiction.

(2) Operator of public communications services is entitled to determine other reasons in its General Business Terms and Conditions, in addition to the ones referred to in paragraph 1 of this Article, due to which subscription may be terminated or subscriber telecommunications terminal equipment permanently disconnected from public electronic communications network.

(3) Prior to permanent disconnection of subscriber telecommunications terminal equipment, a period of not less than thirty (30) days shall be provided during which the subscriber is entitled only to incoming calls when the subscriber is in the territory of the Republic of Croatia, outgoing calls to emergency services and free of charge calls to the operator's customer service. The operators of mobile electronic communications networks shall notify the subscribers by an SMS message that they are unable to receive incoming calls when they are out of the territory of the Republic of Croatia in case of cancellation of subscription.

PRICING SYSTEMS

Pricing System Specification

Article 18

(1) Pricing systems shall be specified in such a way that users will know in advance the amount for which they may be charged.

(2) The publication of pricing systems as prescribed by the Act and this Ordinance shall include all the elements necessary for the exact calculation of costs for the use of service, and particularly as follows:

1. any individual cost charged for the call duration, quantity of data transferred or per service,

2. the minimum cost of call (the cost of the first billing control unit when there is difference between the first and successive billing control units),

3. the unit used to calculate the service usage price (duration, quantity of data transferred or any other measure for usage),

4. billing control unit (second, minute, MB, GB, etc.),

5. any rounding of service usage price (it is necessary to emphasize whether the amount is rounded up or down to the nearest decimal).

Comparison of Pricing Systems

Article 19

In order to facilitate the comparison of pricing systems of different operators, except in the manner specified in the Act, the Agency may determine the formats of use and request the operators to calculate aggregate costs resulting from each published pricing system for each usage format; such calculated costs shall be submitted to the Agency for user notification purposes.

SUBSCRIBER BILLS

Protection against Abuse and Fraud in Public Electronic Communications Network

Article 20

(1) In order to protect the users of their services, operators of public communications services shall take utmost account of the following:

1. they are required to control the regular behaviour of users during service usage, and to notify them of any unusual and sudden increase of costs for particular service, which may indicate abuse or unauthorized use. The user shall be warned if the use is double the average use of service in the course of previous three (3) months (unless determined otherwise by a decision rendered by the competent regulatory body),
2. operator of public communications services may, upon having warned the subscriber, discontinue the provision of a particular service.

(2) Operators of public communications services are required to, upon request by the subscriber, present to the subscriber itemised bill for provided services (hereinafter: bill) free of charge, and particularly as follows:

1. bill for each call and text message shall include date and time of the establishment of connection, the number dialled, duration of call, quantity of transferred data and other basis for service calculation,
2. records of calls to value added services which shall include data on the provider of value added services and, when applicable, data on the type of service,

3. free of charge services, freephone and calls to emergency telephone numbers shall not be recorded on the bill, unless otherwise requested by the subscriber.

(3) Operators of public telecommunications services must allow their subscribers, upon their request and free-of-charge, the barring of outgoing calls when monthly costs of these calls exceed a certain predetermined amount, in accordance with the Act, and barring of certain types of outgoing calls or calls to certain types of numbers or groups of numbers, and particularly as follows:

1. possible barring of outgoing calls refers exclusively to calls which are charged. The operator is required to enable calls to emergency services and freephone of the operator's customer service,

2. subscribers who requested barring of outgoing calls when their monthly costs exceeded a certain predetermined amount are entitled to be informed about their consumption at any time and in a simple manner, and shall be informed if the use of service during one month approaches the particular predetermined amount,

3. operators shall regularly inform all subscribers in writing about all the possibilities for barring of calls available to them, and particularly about the possibilities referred to in this Article.

(4) Operators of public telecommunications services must allow subscribers, without delay and upon their request, a simple, complete and free of charge barring of certain types of outgoing calls or calls to certain types of numbers or groups of numbers.

(5) The obligation referred to in paragraph 1 of this Article shall apply within 6 months from the date of entry into force of this Ordinance.

Format and Content of Subscriber Bill

Article 21

(1) The content of subscriber bill shall be clear, easily intelligible and legible to an average subscriber.

(2) Upon request, subscriber bill shall be available in an alternative form designed to meet the needs of people with visual disabilities.

(3) Each subscriber bill shall include a clear indication of the date by which the amount charged is to be paid, as well as acceptable methods of payment and clearly indicated details regarding the conditions and time-limits for complaints as well as customer service contact details.

(4) Printed bill shall be available to all subscribers. Electronic bills in compliance with special regulations (separately or together with the printed bill) may also be offered as an option.

COMPLAINTS AND COMPENSATIONS CLAIMS

Obligations of Operators of Public Communications Services

Article 22

(1) Operators of public communications services shall, in their General Business Terms and Conditions, stipulate in detail the procedure of complaining and resolution of complaints by subscribers to the amount charged to the subscriber for the provided service, as well as complaints to the quality of service provided in compliance with the Act.

(2) Operator of public communications services shall make the service subscriber aware, by means of the bill for the provided services and in any other suitable way, of the conditions for complaining referred to in paragraph 1 of this Article in compliance with the General Business Terms and Conditions, and particularly of the deadlines and methods of complaining, name and seat, and telephone and fax numbers of the competent service of the operator of public communications services responsible for the resolution of complaints, and of the possibility to obtain the complaint form.

(3) Deadlines shall be calculated in days, in such a manner that the day when the written notification was delivered shall not be included in the deadline, but the first following day shall be taken as the beginning of the deadline. The deadlines shall begin and run irrespective of Sundays and public holidays. If the last day of the deadline is a Sunday or public holiday, the deadline shall expire on the expiration of the first following working day. A complaint is filed within a deadline if it is received by the competent body before the expiration of the deadline. When the complaint is sent by registered mail, the date of its receipt at the post office shall be considered the date of the receipt of the complaint by the competent body.

(4) Operators of public communications services are required to record the receipt of each written complaint during working day. Such records shall include the date of the receipt of the complaint, the name and contact number of the person in charge of complaint resolution and the date by which the written answer to the complaint is to be sent.

(5) In case of filing a complaint referred to in paragraph 1 of this Article, competent services of the operator of public communications services shall carry out an administrative verification of the amount charged (among others, it includes verification of all information on subscriber and his/her consumption of services as recorded in

operator's data bases), as well as detailed technical verification of electronic communications network and subscriber terminal equipment for provided electronic communications service, together with the availability of subscriber line to unauthorized use outside subscriber's area. The verification of availability, among others, includes the availability at connection point on building's common premises, street; it also refers to unauthorized use by operator's employees.

(6) Following completed verification, the operator is required to submit a written answer to the subscriber concerning the foundation of complaints together with detailed explanation of the reasons for rejecting, or accepting the complaint, and to confirm the amount charged or adjust it to the correct amount. The operator is required to enclose to the answer the evidence (e.g. technical control official report), on which the decision on rejection was based. The answer shall also include instruction on subscriber's rights to file complaint to the competent consumer complaints commission. Operators of public communications services are required to keep records on dispatch date of such written replies to subscriber complaints.

(7) In case of filing a complaint referred to in paragraph 1 of this Article, and when the complaint refers to services provided by the operator other than the operator who issued the bill, the operator who issued the bill is required to comply with paragraphs 3 and 4 of this Article and if it establishes that there is no administrative or technical error on its part, the subscriber complaint together with complete documentation shall be referred to the operator who provided the service to which the complaint refers. Upon the receipt of the complaint, the operator who provided the disputed service is required to comply with this Ordinance, and to notify the person filing the complaint and the operator who issued the bill on the procedure that has been carried out.

(8) In case of filing a complaint to the written answer referred to in paragraph 5 of this Article, the operator is required to carry out additional verifications taking everything into account, and particularly the objections mentioned by the subscriber. The written answer on the decision of the Consumer Complaints Commission shall also include detailed explanation of the reasons for rejecting, or accepting the complaint together with enclosed evidence on which the decision on rejection was based, and instruction that if the subscriber is not satisfied with the Commission's answer, he/she may refer to the Agency. Operators of public communications services are required to keep records on the dispatch date of such written replies to subscriber complaints.

(9) In case of filing a request for the resolution of dispute to the Agency, the operator of public communications services is required to suspend all proceedings until the dispute before the Agency is resolved. In case the decision is made or opinion given that the subscriber's complaint is not founded, the operator of public communications services may claim the charged amount by sending a written dunning letter in compliance with the Act.

(10) To the subscriber who filed the complaint referred to in paragraph 1 of this Article, the operator shall issue a new bill for provided services if the verification establishes that

in the period to which the complaint refers there was technical or any other irregularity, fraud or abuse for which it is established that it had been the cause of increased bill. If the bill has already been paid, the subscriber shall be refunded for the amount charged in excess or the bill for first following period shall be decreased by the amount.

(11) The subscriber who submitted a complaint referred to in paragraph 1 of this Article concerning the quality of the provided service may ask for the compensation of damage from the operator of public communications service if it is established that the quality of the provided service is lower than the level of quality of service prescribed by this Ordinance, general business conditions of the operator or the subscription contract concluded with the operator.

(12) The operator of public communications services shall not be obliged to compensate the damage referred to in paragraph 11 of this Article if the level of quality of the provided service is lower than the prescribed or agreed level of quality due to objective causes that could not be predicted, avoided or removed (force majeure). Operators of public communications services are required to provide to the subscribers a detailed explanation regarding the rejection of complaint to the quality of service in case of force majeure.

(13) If the subscriber was unable to access or use services due to technical interference in the area of responsibility of the operator, and which the operator failed to remove within twenty four (24) hours from the moment of it being established, the subscriber's fee for monthly or quarterly access to communications system shall be reduced or the user shall be indemnified in any other way, in proportion to the number of days of the duration of technical interference. Technical interference referred to in this paragraph does not constitute the non-coverage of a certain area with useful signal of the communications network operator, and thus the subscribers who find themselves in this area, are not entitled to the reduced fee as established in this paragraph.

(14) Operators of public communications services are required to keep record of all the complaints submitted by subscribers, together with the complete documentation that has been considered in the course of making the decision, and the decisions rendered, which shall be delivered to the Agency upon request. The complaint records shall be kept in such a manner that they enable simple collection of data required for various statistics and analysis (e.g. statistical analysis of complaints by the type of communications service, parts of communications network, reasons for accepting the complaint and groups of technical interferences and their duration).

(15) Operators of public communications services are required to systematically analyse the reasons for subscriber complaints, and to implement improvements in compliance with obtained conclusions in order to remove or reduce the causes of the complaints.

IV. ADDITIONAL REQUIREMENTS FOR SPECIAL TYPES OF SERVICES

6. SERVICES FOR PEOPLE WITH DISABILITIES

Principles of Inclusion, Consultation and Marketing

Article 23

(1) Operators are required in compliance with the Act and this Ordinance, if technically feasible, to provide equal availability of their services to people with disabilities.

(2) Operators referred to in paragraph 1 of this Article are required to consult with institutions representing the interests of people with disabilities at least once a year, in order to establish the level to which the needs of people with disabilities for public communications service have been met and what improvements are needed. This consultation may take place through a body or bodies representing the interests of a larger number of operators.

(3) Operators are encouraged to promote the equipment and services they offer which could be useful for people with disabilities.

Facilities and Services which have to be Provided

Article 24

(1) In order to provide equal possibilities of access to public communications services for persons with disabilities, and to make them immediately technically feasible by all operators of public communications services, the necessary equipment and services shall be considered the appropriate equipment adapted to assist persons with disabilities, which includes not less than:

1. end user equipment for use of public communications services adapted for persons with impaired hearing, vision or dexterity. Suitable adaptations are likely to include, but are not limited to, options for:

- higher than usual sound levels for signalling incoming calls or messages,
- amplification, inductive coupling or other manners of facilitating use of telephone for persons using hearing aids,
- replacing audible signalling of incoming calls or messages by visible signals,
- Keypads designed for use by people with impaired vision or dexterity.

(2) Operator is required to provide a contact point and person qualified for assisting persons with disabilities. Suitable adaptations are likely to include, but are not limited to, options for:

1. two-way text communications instead of voice communication,
2. direct access to persons who have received special training in assisting people with such impairments.

(3) Operator is required to provide for the possibility to receive subscriber contracts and bills in alternative forms, in compliance with the needs of persons with disabilities.

(4) Operators are required to offer equipment and services referred to in paragraph 1 from the moment of putting the service into operation or not later than six (6) months from the date of entry into force of this Ordinance.

Article 25

(1) The following services are considered to be necessary to achieve equal level of availability of public communications services to people with disabilities:

1. Access to emergency services for deaf people,
2. Access to special directory enquiry services for people with disabilities provided by a directory enquiry services operator.

(2) Operator of public communications services is required to offer the services referred to in paragraph 1 of this Article within one year from the date of entry into force of this Ordinance.

SERVICES IN THE MOBILE ELECTRONIC COMMUNICATIONS NETWORK

Operator's Obligations

Article 26

(1) The Agency encourages the operators of services in mobile electronic communications network to apply, immediately upon entry into force of this Ordinance, the Regulation EC 717/2007 on charging for international mobile roaming, in such a manner that they achieve reciprocity with international operators who have already implemented the said Regulation.

(2) Operators of mobile electronic communications networks are required to set up and announce to subscribers and users a contact point at which the loss or theft of electronic communications equipment (SIM cards) may be reported. Upon receiving such report, the operator of mobile electronic communications network is required to immediately block the lost or stolen electronic communications equipment (SIM cards) in its network.

(3) Operators of mobile electronic communications networks are required to, if technically feasible, provide an option to all subscribers of barring access to contents unsuitable for children, as defined in Code of Practice. Operators of mobile electronic communications networks or their authorized sales agents are required to offer such an option on the occasion of the first signing of the subscriber contract. If the subscriber chooses such an option, it may be used at any time during the term of the contract, and it shall remain in force until its removal is requested by the subscriber.

(4) Operators referred to in paragraph 3 of this Article are required to keep records on access numbers and addresses the content of which is unsuitable for children. They are required to harmonize the new data or change the existing data on a daily basis, and to exchange them among themselves at every new entry.

(5) Operators of mobile electronic communications networks and/or services are required to inform their users via official web site and customer service about roaming tariffs and by providing a practical example of comparing the same volume of national traffic with roaming traffic.

PUBLICLY AVAILABLE TELEPHONE SERVICES

Establishing criteria

Article 27

(1) Publicly available telephone service is electronic communications service which at the same time satisfies the following four criteria:

1. such service shall be the object of commercial offer, i.e. the service offered on market basis, with the intention of generating profit;
2. such service shall be offered publicly, i.e. it shall be available to all on the basis of equal and published conditions;
3. such service shall be provided to and from public communications network end points, whereby voice communication is established between two end points of public communications network at the same time. Such end points represent service users who are using numbers in compliance with the Addressing Plan and Numbering Plan;

4. such service shall include direct transmission and voice commutation in real time, including the use of internet protocol within network over which entire call path control exists, i.e. such service shall provide for limited and guaranteed signal time delays.

(2) In case of doubt about meeting any of the criteria referred to in paragraph 1 of this Article, the Agency shall, where necessary, determine whether the following additional criteria have been met:

1. whether such service is advertised as a replacement for publicly available telephone service in public telephone network,

2. whether the operator provides for the quality of voice for the entire call path,

3. whether such service represents the only means for service users to access public telephone network.

(3) Operators of fixed electronic communications networks must, if technically feasible, offer an option to all subscribers of barring access to contents unsuitable for children, as defined in Code of Practice. Operators of fixed electronic communications networks or their authorized sales agents are required to offer such an option on the occasion of the first signing of the subscriber contract. If the subscriber chooses such an option, it may be used at any time during the term of the contract, and it shall remain in force until its removal is requested by the subscriber.

(4) Operators of public communications services are required to provide access to customer service free of charge for their users.

PUBLIC PAY TELEPHONES

Operator's obligations

Article 28

(1) All operators of public communications services may erect public pay telephones.

(2) Public pay telephones shall be illuminated in such a manner that users are able to read the information referred to in paragraph 4 of this Article at all times.

(3) All public pay telephones shall have free-of-charge access to emergency service numbers.

(4) All public pay telephones shall have in a visible place, next to the telephone, the following:

1. instructions on how to use the telephone, and manners of payment that are available, whether change for unused amount is returned and how, and (if coins are used as manner of payment) how to get refund in case the user has paid but has not received the required service,

2. numbers for emergency services, directory enquiry services and assistance by the operator who has erected the public pay telephone,

3. tariffs for calls placed from public pay telephone,

4. public pay telephone calling number or information that it is impossible to call the number of the public pay telephone in question.

(5) When erecting new public pay telephones or carrying out works on the improvement of the existing public pay telephones, operators of public communications services must pay attention to various needs of persons who will use such telephone, and are required to ensure that such telephones are, as far as possible, available to everyone, particularly to persons with disabilities.

(6) The operator undertakes:

1. to replace pre-paid cards for public pay telephones whose validity has expired with new card of corresponding value or to refund the unused card value,

2. to refund to the user the unused value on the telephone card with which it is impossible to make connection.

PRE-PAID SERVICES

User's Accounts

Article 29

(1) A pre-paid service account (voucher) is a user's account with the sum intended for use of public communications services, which may be recharged with additional credit after the initial purchase.

(2) When activating the pre-paid service or when recharging the credit to the account, the user shall be informed in a simple, understandable and readily apparent way about the duration of subscriber relation. If no subscription term is determined, it shall be deemed that subscription is for an indefinite term. In case the voucher validity has expired or the subscription is terminated, the subscriber is entitled to refund or compensation for unused sum of the account.

(3) In case of refund or compensation for unused sum in the fixed electronic communications network, the subscriber must submit the telephone card.

(4) When terminating the subscription in the mobile electronic communications network, and when the subscriber requests the refund or compensation for unused sum, the subscriber must submit the bill for the purchased voucher, SIM card, PUK number, voucher and identification document.

(5) In case of a refund or compensation for unused sum for not activated voucher in the mobile electronic communications network, the subscriber must submit both the bill for the purchased voucher and the voucher.

(6) Subscriber shall not be entitled to refund of unused sum if such sum is the result of payment made by the operator as part of operator's special promotional campaign.

(7) When activating pre-paid service, the user shall be informed about the pricing system of the operator of public communications services in simple, understandable and readily apparent way.

INTERNET ACCESS SERVICE

Operator's Obligations

Article 30

(1) When activating Internet access service, the operator must secure the user's account from unauthorized use in such a manner that only the service users have access to the Internet through their users' account.

(2) In case when there are works to be carried out on user's telecommunications terminal equipment in order to secure the user's account from unauthorized use, the operator is required to supply the user with the installation medium by which the user shall be able to easily activate Internet access service in accordance with paragraph 1.

(3) In case the operator of public communications services referred to in paragraph 1 of this Article, or the user referred to in paragraph 2 of this Article during installation cannot carry out all the activities due to the non-compliance of user's telecommunications terminal equipment with installation programmes or self-installation on user's request, immediately upon becoming aware, the operator is required to provide to the user a written instruction on the possible protection of user account against unauthorized use, and on all the consequences of using Internet access without necessary protection. The user shall confirm by signing that he/she was informed of the instructions in a clear and unambiguous manner and has received them.

(4) In case of user's complaint to the bill, the operator of public communications services must present, in addition to the data prescribed for detailed bill, a detailed list of IP addresses which have been accessed from the user's account as well as the duration and time of access and recorded traffic.

(5) Operators of public communications services shall, when subscription is established or terminated, inform the subscribers of the following:

1. for the use of this type of service the subscriber will receive several identification markings (user accounts),

2. method of handling such information,

3. need to request the disconnection of all allocated identification indications (user accounts) when terminating the contract on service use, i.e. the possibility for the users, if they wish, to keep their user accounts for which they are ready to bear future costs.

SERVICES OF SOCIAL IMPORTANCE

Characteristics of Services of Social Importance

Article 31

(1) Services of social importance, for which the 116 xxx numbers are reserved in compliance with the Numbering Plan shall be considered the following:

1. services intended for individuals by satisfying particular social needs which contribute considerably to the well-being or security of citizens or particular group of people, or which help citizens in distress, and which may be useful to foreign guests,

2. services by means of which information and/or assistance (support) are provided and/or which are intended for informing the population,

3. services which are available to all citizens and for access to which no preliminary request or registration is required.

(2) Use of services referred to in paragraph 1 of this Article shall not have time limitation and shall not include the provision of temporary services, e.g. services related to a particular event.

Conditions for Use of Services of Social Importance

Article 32

(3) Services referred to in paragraph 1 of Article 32 of this Ordinance are not intended for commercial purposes, and are accessed through a free-of-charge number.

(4) When using services referred to in paragraph 1 of this Article the following activities are not allowed: advertising, entertainment, marketing and selling and use of calls for future sale of commercial services.

Charges for Calls to 116 XXX Numbers

Article 33

Organizations which provide services of social important and which use 116 XXX numbers, shall bear the charges of incoming calls in compliance with the contract concluded with the operator.

V. CONSTRUCTION, INSTALLATION AND USE OF ELECTRONIC COMMUNICATIONS INFRASTRUCTURE AND ASSOCIATED FACILITIES

Operator's Obligations

Article 34

(1) Infrastructure operator is required to submit to the Agency data about its constructed electronic communications infrastructure within ninety (90) days from entry into force of this Ordinance, namely for:

1. ducts

- topographical surveying of lines,
- current status technical documentation for each individual line which shall clearly show the available capacity of completed ducts and current line engagement.

2. masts

- addresses (where applicable) and geodetic coordinates of masts,

– current status technical documentation with current engagement of each individual mast.

3. buildings and other accompanying structures and equipment

– addresses (if they are not available, then geodetic coordinates),

– current status technical documentation showing which areas are for general purposes and which are intended for provision of electronic communications service.

(2) Infrastructure operators are required to submit to the Agency data on currently leased and/or free capacities of constructed electronic communications infrastructure within 90 days from entry into force of this Ordinance for:

1. ducts:

– list of leased ducts line segments with:

- address or geodetic coordinates for initial and end points
- length in metres
- leased cross-section in cm²
- type of cable
- price per linear metre
- information on beneficiary operator

2. masts:

– list of masts where free capacity is leased with:

- address (where applicable) and geodetic coordinates of the mast
- list of equipment installed into leased space
- price
- data on beneficiary operator

3. buildings and other accompanying structures and equipment:

– list of buildings and accompanying structures where free space is leased with:

- addresses (if they are not available, then geodetic coordinates)
- leased surface area in m² or volume in m³
- type of installed equipment
- price
- data on beneficiary operator

(3) Infrastructure operator must submit to the Agency data referred to in paragraph 1 of this Article within thirty (30) days from construction, extension or expansion of electronic communications infrastructure and associated facilities.

(4) Infrastructure operator shall submit to the Agency report on modifications in electronic communications infrastructure and associated facilities containing data referred to in paragraph 2 of this Article four times a year, quarterly (by 31 March, by 30 June, by 30 September and by 31 December).

(5) All data referred to in this Article shall be in electronic form and format defined by the Agency so as to fit the unique information system of electronic communications infrastructure.

VI. VALUE ADDED SERVICES

Code of Practice of Operators of Value Added Services

Article 35

(1) The manner and conditions for the provision of value added services, including measures for the prevention of deceitful and unlawful actions in relation to the provision of value added services, shall be described in detail in the Code of Practice.

(2) The Code of Practice is an integral part of this Ordinance (Appendix 5) as its inseparable and binding segment.

Preventive Action and Implementation Measures for the Purpose of Promotion of Service Users' Interests

Article 36

(1) Special department of the Agency shall record and monitor all the complaints to value added services of which it may become aware. With regard to any type of complaint, the Agency may, in justified cases and for the purpose of protection of end users, take

preventive action by means of implementation measures referred in this Article. Preventive action shall be considered justified in case of large number of complaints of a particular type, or in any other case which according to the opinion of the Agency may cause damage to the end user.

(2) The Agency shall, before carrying out implementation measures referred to in paragraph 5 of this Article, notify the operator of value added services about the complaints referred to in paragraph 1 of this Article and request that the operator of value added services within 5 working days or less, if it deems so justified considering the circumstances, harmonizes the provision of value added services with the Act and other subordinate legislation.

(3) The operator of value added services shall reply to the Agency's notification referred to in paragraph 2 of this Article, within the determined time limit, about the circumstances specified in the Agency's notification.

(4) The Agency shall, depending on actions and/or reply of the operator referred to in paragraph 3 of this Article, and in other circumstances as determined, using emergency procedure, decide on carrying out implementation measures or notify the operator to proceed with the provision of service.

(5) The Agency's implementation measures are:

1. request from all operators of public communications services to immediately, until further notice, bar access from their networks to the number or numbers to which the complaints refer to all subscribers;
2. request from all operators of public communications services who provide calculation and billing service, to suspend income referring to the abovementioned service to the operator of value added services to whom the complaints refer, from the date of request until further notice;
3. initiate the supervision procedure in compliance with the Act.

(6) The Agency's special department shall keep records of all implementation measures referred to in this Article and regularly publish data thereof. This report shall make an integral part of the Agency's annual activity report.

VII. THE QUALITY OF ELECTRONIC COMMUNICATIONS SERVICES

General Provisions on Quality of Electronic Communications Services

Article 37

(1) Operators and infrastructure operators are responsible for ensuring the quality of electronic communications networks and services they provide, in accordance with the Act, subordinate legislation and Agency's decisions.

(2) Operators and infrastructure operators shall perform the tasks of identifying the location and the cause of interferences and faults in their own electronic communications system and shall take measures to repair them, whereby they shall particularly take care of the promptitude and efficiency in repairing such interferences and faults.

(3) Operators shall particularly take care of the promptitude and efficiency of removing the faults and interferences for special subscriber categories, such as: nursing homes, old people's homes, elderly and/or disabled persons living in a house or apartment, and similar.

(4) Operators shall, in compliance with the General Business Terms and Conditions, establish the manner of sale, organization, deployment and working hours of its points of sale or other contacts depending on the type of service sale, taking account of the needs of service users.

Availability of Correct Data for Itemised Bill

Article 38

Each operator is required to:

1. issue bill or debit an account for services used in such a manner that any charge in the bill or debit does not exceed in number or value the amount charged for services used, except to the extent allowed in paragraphs 2 and 4 of Article 42 of this Ordinance,
2. keep records that will serve as confirmation of correctness of bill or debit, taking into account special personal data protection regulations,
3. make the records available for verification upon request by the subscriber, the Agency or the Consumer Complaints Commission, within twelve (12) months from the date of issuing the bill.

MEASURING AND REPORTING

Measuring of Service Quality and Certification of Calculation and Billing System

Article 39

(1) Operators whose revenue exceeds 2% of the total revenues in the relevant market of electronic communications services or when so requested by the Agency, shall at their own expense:

1. not less than every six (6) months, or exceptionally in shorter intervals when so requested by the Agency, ensure the assessment and testing of their calculation and billing system for the aforementioned services,
2. not less than every six (6) months, or exceptionally in shorter intervals when so requested by the Agency, carry out service quality measuring,
3. implement any improvements in compliance with the Agency's request, necessary to have the calculation and billing systems certified as being fit for purpose.

(2) The Agency may independently or through authorized legal person referred to in Article 43 of this Ordinance carry out supervision of measuring referred to in paragraph 1 and paragraph 7 of this Article.

(3) Operator or authorized legal person referred to in Article 43 of this Ordinance shall submit to the Agency every six (6) months a declaration that metering systems referred to in paragraph 1 of this Article meet the requirements referred to in this Ordinance, together with a detailed description and analysis of completed measurements in compliance with Article 42 of this Ordinance.

(4) The assessment, testing and certification referred to in paragraph 1 of this Article shall be performed by an authorized legal person referred to in Article 43 of this Ordinance.

(5) The Agency or authorized legal person referred to in Article 43 of this Ordinance shall certify that metering systems referred to in paragraph 1 of this Article correspond to their intended purpose only if such systems meet the criteria specified in Article 42 of this Ordinance.

(6) Operator or authorized legal person referred to in Article 43 of this Ordinance shall carry out the measuring of the service quality indicators, defined in the Appendix 3 and Appendix 4 of this Ordinance. The report on measuring shall be submitted to the Agency by the operator or authorized legal person referred to in Article 43 of this Ordinance within 30 days from its completion in compliance with Article 41 of this Ordinance

(7) The Agency is entitled to verify the credibility of submitted data referred to in this Article within twelve (12) months from the date of delivery of such data.

(8) Operators shall start monitoring quality indicator *supply time for Internet access* within three months from the date of entry into force of this Ordinance.

Comparability of Measurements and Service Quality Parameters

Article 40

(1) Measurements carried out by operators referred to in Article 39 of this Ordinance shall be comparable.

(2) Measurements carried out by operators referred to in paragraph 1 of this Article shall be carried out continuously during the entire data collection period.

(3) Measurements shall be sufficient to provide necessary results, in compliance with Appendix 3 and Appendix 4 of this Ordinance.

Publication of Data on Service Quality

Article 41

(1) The data submitted by the operator to the Agency in compliance with Article 39 of this Ordinance include tables which, for each service quality parameter for electronic communication service provided by an operator, contain:

1. the name of the service provided by the operator,
2. the measuring most recently reported by the operator, rounded down in the direction of worse service quality to two significant figures,
3. any explanatory remarks submitted by the operator,
4. any other information the Agency determines to be appropriate.

(2) Upon the completion of verification of operator's explanatory remarks referred to in paragraph 1 point 3 and paragraph 3 of this Article, and acceptance thereof, the Agency shall not later than every six (6) months publish the information on the operator's service quality referred to in paragraph 1 of Article 39 of this Ordinance necessary for informing users about the quality of electronic communications services.

(3) In the procedure of verification of explanatory remarks by the operator referred to in paragraph 2 point 3 of this Article, the Agency may take into account parameters including but not limited to:

1. any service deficiencies that arise partly or entirely from the services of another operator,
2. any changes in environmental or operating conditions that could not have been foreseen by the operator,
3. expected service quality appropriate for the pricing systems for services or which distinguishes one service from another provided by the same operator under a different name.

Criteria to be Met by Calculation and Billing Systems Certified as Fit for Purpose

Article 42

(1) A charge shall be regarded as having proper metering in the following cases:

1. where the charge is dependent upon a duration of a maximum of 5.000 seconds, the duration is recorded between +0,5 seconds and –1,0 seconds,
2. where the charge is dependent upon a duration of a minimum of 5.000 seconds, the duration is recorded between +0,01% (1:10.000) and –0,02% (1:5.000),
3. where the charge is dependent upon the time of day, the time is recorded between +1,0 seconds and –1,0 seconds, traceable to an appropriate time reference,
4. where the charge is dependent upon a count of events, the count of events shall be accurate between +0,004% (1:25.000) and –0,1% (1:1.000).

(2) In case when the criteria of the measuring system deviate from paragraph 1 of this Article, the operator is required to appropriately and in understandable way indicate such deviation in its pricing system.

(3) If there is a charge that is not determined by the pricing system or for which proper measuring in the sense of paragraph 1 of this Article cannot be carried out, the charge shall be regarded as being properly measured in the following cases:

1. where the charge is dependent upon a duration of a maximum of 5.000 seconds, the duration is recorded between +0,5 seconds and –1,0 seconds,
2. such charges shall not amount to more than 0,004% (1:25.000) in number of the charges issued in bills or debited from accounts,
3. such charges shall not amount to more than 0,002% (1:50.000) in value of the charges issued in bills or debited from accounts.

(4) The Agency may render a decision determining other criteria than the criteria prescribed in paragraphs 1, 2 and 3 of this Article, as well as criteria for services the charge of which is not dependent upon parameters referred to in this Article.

AUTHORISATION

Criteria for Obtaining Authorization

Article 43

(1) The Agency may issue special authorisation to a legal person for conducting service quality examination, assessment, testing and verification of the measuring and billing systems, upon the presentation of evidence of meeting the following requirements:

1. a detailed plan for conducting the examination,
2. qualified staff and facilities,
3. evidence that the legal person is independent of operator,
4. evidence that legal person's staff have the highest degree of expert and technical competence and are free from all possible influences, in any way, upon their expert opinion or the results of the examinations, and that they shall not use examinations for their personal profit or the profit of an associated person, any benefits or rights and entering into legal deals, or to favour in any other way themselves or other associated person,
5. evidence that legal person's staff has appropriate experience in such examinations,
6. declaration that legal person's staff shall receive fee that does not depend on the number of repeated measurements, assessments and tests nor test results,
7. declaration that legal person's staff shall treat all the information gathered during conducting such examinations as business or professional secret in compliance with special regulations.

(2) The Agency may, for the purpose of realizing regulatory principles, impose the obligation on the operator to hire, at its own expense, one of the authorized legal persons referred to in paragraph 1 to examine the measuring and billing system and/or conduct service quality measurements.

VIII. TRANSITIONAL AND FINAL PROVISIONS

Entry into Force of the Ordinance

Article 44

(1) Current operators are required to submit to the Agency within 30 days from entry into force of this Ordinance a filled-in form of the prior notification referred to in Appendix 1 of this Ordinance.

(2) This Ordinance shall enter into force on the eight day following its publication in the Official Gazette.

(3) Upon the entry into force of this Ordinance, the provisions of the Ordinance on Telecommunications Services (Official Gazette No. 183/04 and 108/05) shall cease to be valid, with the exception of parts referring to regulatory obligations of operators with significant market power,.

(4) Upon the entry into force of this Ordinance the Ordinance on Concessions and Licenses for the Provision of Telecommunications Services (Official Gazette No. 49/04, 57/04, 123/04, 26/05 and 106/07) shall cease to be valid. The proceedings initiated under the provisions of the Ordinance on Concessions and Licenses for the Provision of Telecommunications services shall be completed under the provisions thereof.

Class: 011-01/08-01/00007
Reg No.: 376-11-08-1
Zagreb, 12 December 2008

Chairman of the Agency's Council
Gašper Gaćina, B.Sc.El., m.p.

APPENDIX 1

PRIOR NOTIFICATION

About Provision of Electronic Communications Networks and Services

Pursuant to Article 32 of the Electronic Communications Act (Official Gazette No. 73/08)

Filled-in by HAKOM

Operator's code	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
BASIC DATA ON OPERATOR						
To be filled-in by natural person (business)						
Full name of business:						
Abbreviated name of business:						
Street and number:						
Postal code:						
Place:						
Register number (MB):						
Phone:						
Mobile:						
Fax:						
E-mail:						
Business owner:						
Contact persons:						
<input type="text"/>						
To be filled-in by legal person						
Full name of company:						
Abbreviated name of company:						
Street and number:						
Postal code:						
Company identification no. (MBS):						
Register number (MB)						

Phone:
Mobile:
Fax:
E-mail:
Authorized representative:
Contact persons:

TYPE OF NOTIFICATION			ACTIVITY		ENVISAGED DATE OF START, CHANGES or TERMINATION OF PROVISION	GEOGRAPHIC AREA OF PROVISION
Start	Change	Termination	Activity code	Name		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16	Publicly available telephone service in fixed electronic communications network		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17	Publicly available telephone service in mobile electronic communications network		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18	Leasing of electronic communications network and/or lines		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	19	Transfer of image, voice and sound by means of electronic communications		

				network services (excluding broadcasting services)		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	20	Private mobile network services (PMR)		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	21	Value added services		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	22	Internet access services		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	23	Voice over Internet protocol services		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	24	Multiplex management in broadcasting services		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	25	Transfer, transmission and/or reception of image, voice, sound and other data intended for direct reception in public in terrestrial broadcasting services		
			26	Satellite service services		
			27	Access and shared use of electronic communications infrastructure and associated facilities		

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	28	Other services		
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Data on the activity of electronic communications networks and services

Place a mark for the type of notification for the provision of electronic communications networks and services, and fill in the envisaged date of start, change or termination of provision of electronic communications networks and services as well as the geographic area of the provision of electronic communications networks and services.

A short description of the provision of electronic communications networks and services, which includes network and equipment technical characteristics and the method of their construction:*

--

DECLARATION

By signing this document we guarantee the truth, integrity and authenticity of data specified in this notification.

Place	Date		Seal and signature of authorized person

The following documents shall be enclosed to the form:

1. order on entry into the court register or company registration or trade license
2. power of attorney for authorized person (if the notification is submitted by authorized person)

Correctly filled-in form together with the enclosures shall be submitted or sent by registered mail to the following address: Croatian Post and Electronic Communications Agency, Jurišićeva 13, P.O. Box 162, 10 002 Zagreb or by any other means providing there is a secure method to verify the signatory's identity.

* Current operators fill-in only this field by entering codes for the activity they already perform

APPENDIX 2

<p>REPUBLIC OF CROATIA</p> <p>CROATIAN POST AND ELECTRONIC COMMUNICATIONS AGENCY</p> <p>Jurišićeva 13, P.O. Box.162, 10 002 ZAGREB</p> <p><i>Phone: (01) 489 60 00, (01) 458 17 21, Fax: (01) 492 02 27, http://www.telekom.hr MB:1865862</i></p>
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CERTIFICATE ON THE RECEIPT OF PRIOR NOTIFICATION

This is to certify the receipt of the Prior Notification about the provision of the electronic communications networks and services. This certificate is not an administrative decision.

Place and date Seal Signature of authorized person

APPENDIX 3

INDICATORS OF QUALITY OF PUBLIC COMMUNICATIONS SERVICES IN FIXED ELECTRONIC COMMUNICATIONS NETWORK

Operators of public communications services in fixed electronic communications network shall conduct at their own expense measurements of the service quality indicators specified in FORM 1 established by the Agency's Council. The measurements of service quality indicators shall be conducted in the manner and according to the procedure determined in ETSI instructions EG 201 769-1, EG 202 057-1 and EG 202 057-3 in compliance with Table 1. The measurements of service quality indicators include:

- supply time for fixed network access
- fault report rate per fixed access line
- fault repair time for fixed access line
- response time for operator services

- response time for directory enquiry services
- proportion of card and coin operated public pay-telephones in working order
- bill correctness complaints
- prepaid account credit correctness complaints (pre-paid user)
- supply time for Internet access
- proportion of problems with number portability procedures
- unsuccessful call ratio

Table 1

Name of service quality indicator	Description of service quality indicator	Method of measuring
Supply time for fixed network access	ETSI EG 202 057-1	ETSI EG 202 057-1
Fault report rate per fixed access line	ETSI EG 202 057-1	ETSI EG 202 057-1
Fault repair time for fixed access line	ETSI EG 202 057-1	ETSI EG 202 057-1
Response time for operator services	ETSI EG 202 057-1	ETSI EG 202 057-1
Response time for directory enquiry services	ETSI EG 202 057-1	ETSI EG 202 057-1
Proportion of card and coin operated public pay-telephones in working order	ETSI EG 201 769-1	ETSI EG 201 769-1
Bill correctness complaints	ETSI EG 202 057-1	ETSI EG 202 057-1
Prepaid account credit correctness complaints (pre-paid users)	ETSI EG 202 057-1	ETSI EG 202 057-1
Supply time for Internet access	ETSI EG 202 057-1	ETSI EG 202 057-1
Proportion of problems with number portability procedures	ETSI EG 202 057-1	ETSI EG 202 057-1
Unsuccessful call ratio	ETSI EG 201 769-1	ETSI EG 201 769-1

FORM 1

Report on Values of Service Quality Indicators of Public Communications Services in Fixed Electronic Communications Network

Name of company: _____

Data for period: from _____ to _____

Parameter	Measure	Statistics
1.1 Supply time for fixed network access	for 95 % of realized connections in examined period	(days)
	% of established services by the agreed date	%
	time for receipt of applications	from to on working days from to on Saturdays fromto on Sundays
1.2 Fault report rate per fixed access line	For 100 lines in examined period	%
1.3 Fault repair time for fixed access line	for 80% of faults on access line in examined period	(hours)
	for 95% of faults on access line in examined period	(hours)
	for 80% of other faults	(hours)
	for 95% of other faults	(hours)
	% of removed faults on targeted day	%
	time for receipt of notification of faults	from to on working days from to

	 on Saturdays from to on Sundays
1.4 Response time for operator services	average response time within examined period	(seconds)
	% of answered calls in the period of up to 20 seconds	%
1.5 Response time for directory enquiry services	average examined time in examined period	(seconds)
	% of answered calls in the period of up to 20 seconds	%
1.6 Proportion of card and coin operated public pay-telephones in working order	% in examined period	%
1.7 Bill correctness complaints	% in examined period	%
1.8 Prepaid account credit correctness complaints (pre-paid user)	% in examined period	%
1.9 Supply time for Internet access	average supply time for Internet access in examined period for dial-up	(days)
	average supply time for Internet access in examined period for broad-band Internet access	(days)
1.10 Proportion of problems with number portability procedures	Number of rejected (and deferred) requests for number portability divided by the total number of submitted requests	%
1.11 Unsuccessful call ratio	% in examined period	%

By signing this Form we confirm the truth, integrity and authenticity of all of the above mentioned data. We take full financial and criminal responsibility for the data and the authenticity thereof.

Place and date:

Seal Signature of authorized person

APPENDIX 4

INDICATORS OF QUALITY OF PUBLIC COMMUNICATIONS SERVICES IN THE MOBILE ELECTRONIC COMMUNICATIONS NETWORK

Operators of public communications services in the mobile electronic communications network shall conduct at their own expense measurements of the service quality indicators specified in the FORM 2 established by the Agency's Council. The measurements of service quality indicators shall be conducted in the manner and according to the procedure determined in ETSI instructions EG 202 057-1, EG 202 057-3 and TS 102 250-2, in compliance with Table 2. The measurements of service quality indicators include:

- response time for operator services
- response time for directory enquiry services
- bill correctness complaints
- prepaid account credit correctness complaints (pre-paid user
- proportion of problems with number portability procedures
- dropped call ratio
- SMS completion failure ratio
- MMS end-to-end failure ratio
- SMS end-to-end delivery time
- MMS end-to-end delivery time
- geographic network availability

Table 2

Name of service quality indicator	Description of service quality indicator	Method of measuring
Response time for operator services	ETSI EG 202 057-1	ETSI EG 202 057-1

Response time for directory enquiry services	ETSI EG 202 057-1	ETSI EG 202 057-1
Bill correctness complaints	ETSI EG 202 057-1	ETSI EG 202 057-1
Prepaid account credit correctness complaints (pre-paid user)	ETSI EG 202 057-1	ETSI EG 202 057-1
Proportion of problems with number portability procedures	ETSI EG 202 057-1	ETSI EG 202 057-1
Dropped call ratio	ETSI EG 202 057-3	ETSI EG 202 057-3
SMS completion failure ratio	ETSI TS 102 250-2	ETSI TS 102 250-2
SMS end-to-end delivery time	ETSI TS 102 250-2	ETSI TS 102 250-2
MMS end-to-end failure ratio	ETSI TS 102 250-2	ETSI TS 102 250-2
MMS end-to-end delivery time	ETSI TS 102 250-2	ETSI TS 102 250-2
Geographic network availability	ETSI EG 202 057-3	ETSI EG 202 057-3

FORM 2

Report on Values of Service Quality Indicators of Public Communications Services in the Mobile Electronic Communications Network

Name of company: _____

Data for period: from _____ to _____

Parameter	Measure	Statistics
1.1 Response time for operator services	average response time in examined period	_____(seconds)
1.2 Response time for directory enquiry services	average response time in examined period	_____(seconds)
1.3 Proportion of problems with number portability procedures	Number of rejected requests for number portability which deviate from defined number portability procedure/total number of submitted	%

	applications in examined period	
1.4 Bill correctness complaints	% in examined period	____%
1.5 Prepaid account credit correctness complaints (pre-paid user)	% in examined period	____%
1.6. SMS end-to-end delivery time	message transfer average time in examined period	____(seconds)
1.7 SMS completion failure ratio	% in examined period	____%
1.6. MMS end-to-end delivery time	message transfer average time in examined period	____(seconds)
1.7 MMS end-to-end failure ratio	% in examined period	____%
1.9 Dropped call ratio*	dropped call and total number of realized connections ratio	____%
1.10 Geographic network availability	network availability considering geographic coverage of the Republic of Croatia	____%

* Dropped call is defined as a telephone call which is unintentionally dropped due to weak signal, interaction of signals, congestion or any other reason.

By signing this Form we confirm the truth, integrity and authenticity of all of the above mentioned data. We take full financial and criminal responsibility for the data and the authenticity thereof.

Place and date:

Stamp Signature of authorized person

APPENDIX 5

CODE OF PRACTICE FOR OPERATORS OF VALUE ADDED SERVICES

I. INTRODUCTION

(1) Code of Practice prescribes the behaviour of all operators while providing value added services (hereinafter: operator of value added services), for the purpose of protection of users against any abuse or damage in accordance with the provisions of valid laws and subordinate legislation in the Republic of Croatia.

(2) Operator of value added services shall conclude a contract directly with each caller for each call. The contract and the fulfilment of its provisions are subject to the provisions of valid laws and subordinate legislation in the Republic of Croatia.

(3) Operator of value added services is responsible for the provision of value added services (hereinafter: the Service) in compliance with the Code of Conduct for operators of value added services (hereinafter: Code of Conduct).

(4) If the value added services operator subcontracts with another party for any role in providing or promoting the service, the value added services operator must ensure that the other party provides the contracted services in accordance with the Code of Practice, irrespective of separation of responsibility between the contracting parties defined by this contract.

(5) Operator of value added services is required to provide protection to the users of such services in the following manner:

1. provide clear and indisputable information on the services provided by the operator and the price and how the service is to be charged,
2. provide service advertising with clear and transparent information on the service provider, type of service and price,
3. ensure that promotional activities of the value added services operator are in no way deceiving or misleading to potential users,
4. ensure that the content of services complies with regulations of the Republic of Croatia,
5. provide for special protection for children.

II. SERVICE NUMBERING

Number formats

Article 2

(1) The services shall be provided only on special numbers allocated in accordance with the Act, the Ordinance on Allocation of Addresses and Numbers and the Numbering Plan.

(2) Promotions of the service numbers must be presented in the same format prescribed by the Agency, so as not to mislead the users. For example, if the Agency stresses the meaning of the code 060, then the code 060 must be shown as a unit, separate from the rest of the number, and not as 06 0xxx xxx or in any alternative format which could obscure its meaning.

III. PRINCIPLES AND GENERAL RULES FOR THE PROVISION OF SERVICES

Principles of the Provision of Services

Article 3

(1) Services as well as the activities for their promotion shall be legal and in compliance with social moral values, for the purpose of protection of users.

(2) Services shall not be provided nor promoted in such a manner as to offend or abuse the position and/or characteristics of individuals or group of persons, e.g. persons with disabilities, persons with special needs, children.

General Rules for Service Promotion

Article 4

(1) In all promotional activities, the service shall be described in detail and it shall include the service price; the service description shall be clear, easily intelligible and legible to an average user.

(2) It is prohibited to deceive service users by providing wrong, incomplete or other deceiving information which may mislead an average user, or to withhold information necessary to an average user to decide on service use.

(3) If further payment is required, beyond the price of the value added service, in order to gain the promoted benefit, then this further payment must be made clear in an easily intelligible and legible manner in promotional activities referred to in paragraph 1 of this Article.

(4) Services shall not be described as "free of charge", unless determined as such in the Addressing Plan and the Numbering Plan. The in-kind benefits realized through use of services shall not be described as "free of charge" but as a gift for the use of the service.

(5) Promotional activities shall contain the name and contact details of the value added services operator, and the contact telephone number which shall not be from the value added number category, or information on a simple, free of charge way for the user to find out these details.

(6) Service price shall be inclusive of Value Added Tax. Where service access charges from fixed and mobile electronic communications network are different, both charges shall be specified separately.

(7) Services must not be promoted through "missed call marketing", in which a user who returns a missed call is connected to, or is invited to call, a value added service.

(8) Visual promotional material must include pricing information that is easy to find and to read and which is clear, easily intelligible and legible to an average user. Service price shall be written in the same way (font, size, colour, background, form, etc.) as the service telephone number or address.

(9) Promotional material that is only audible, without visual support (for example on broadcast radio), must include pricing information spoken clearly and slowly.

(10) For promotions transmitted on television or other audiovisual media, pricing information must be presented both visually and audibly, and repeated when the number being promoted is repeated. Visual presentations must be large enough and slow enough to be read and understood at a normal viewing distance from the screen. Audible presentations must be spoken slowly and clearly.

(11) Services with exclusively adult content shall, before the service provision begins, together with the information about the call price and when the charge is to begin include a warning message.

For example, "If you are under 18 and do not have permission from your parent/guardian, terminate the call immediately."

Content of Service Advertisement

Article 5

(1) Each service advertisement must include a detailed description of the service.

(2) The service shall be described in a manner clear, easily intelligible and legible to an average user. Deception of service users by giving false, incomplete or misleading information

or by concealing parts of the information necessary to an average user to decide on service use is prohibited.

(3) Each advertisement shall include the price indication, which shall be located next to the telephone number or address, written in the same way (font, size, form, colour, background colour... etc.).

(4) Advertisement for services the content of which is provision of professional assistance and information shall include the identity and appropriate professional qualifications of a person or professional organization responsible for the provision of particular information.

(5) Each advertisement for the service published in public papers shall be accompanied with the name, full registered office address and company identification number of the operator of value added services, and contact telephone number which shall not be from the value added number category.

Information on Price and Manner of Charging

Article 6

(1) Operators of value added services are required, when advertising their services, to provide information in suitable and easily intelligible way about the price of service.

(2) Information about the price shall be next to the service telephone number or address, written in the same way (font, size, form, colour, background colour... etc.).

(3) It is necessary to make a clear distinction between the information on the price charged by the duration of conversation or traffic volume and the price charged by call.

Announcement of Call Price, Beginning of Charge and Service Charging

Article 7

(1) Operators of value added services are required to ensure that at the beginning of every call, and before the start of provision of service, the call price and the start of the charge are announced.

(2) It is necessary to enable the termination of the call after the announcement referred to in the previous paragraph within not less than two seconds and before the start of the charging period, in order for the user to be able to terminate the service use on time.

(3) The provisions of paragraphs 1 and 2 of this Article do not apply to the service of televoting.

(4) The establishing of call to value added numbers shall not be unreasonably delayed, i.e. the caller must not be held in a queue, unless the time spent in a queue is not charged for.

(5) The service price from the beginning of provision to the end shall be uniform, unless the user has expressly confirmed to agree to its change.

(6) If it is possible for the charge for a call to a value added service to exceed the amount of maximum monthly bill determined by the user, then, before such sum is spent, the user shall be informed of the charge so far and invited to confirm continuation of the call. In the absence of active confirmation of a desire to continue, the call shall be terminated.

(7) Operator of value added services is required to inform the user free of charge on the cost for each call to a service number which exceeds the amount of HRK 250.00 or to terminate the call when its duration reaches 30 minutes. Upon termination, the callers may, if they so desire, repeat the call.

(8) Calls must not be unreasonably prolonged or delayed. Unreasonable prolonging or delaying may be, but is not limited to:

1. giving misleading information to users that they will communicate with a particular person, if the conversation continues,

2. giving misleading information to users that they will acquire certain intangible gain or in-kind benefit, if they continue the conversation long enough,

3. giving information on interferences or difficulties regarding the service provision, and accordingly inviting the user to continue the conversation as the elimination of interferences is expected.

(9) Services charged by the minute shall not be provided by maliciously keeping callers in a queue. Calls which are held in a queue must inform each caller on entry and at least every minute thereafter of the call's position in the queue and the likely wait to reach the head of the queue.

(10) When providing value added services realized via SMS, it is necessary to clearly indicate how the service use is to be terminated. This means that, together with the number and the price, it is necessary to clearly indicate to the service user the manner of terminating the service, and that the user may at any moment by sending the message of a particular content (e.g. "STOP") terminate the service usage. For the service referring to SMS, the information about the price must be displayed on the screen before access to the requested service, as well as the notification that in addition to the value added service charge, the transmission of data is also charged, thus giving the user the possibility to terminate the service before incurring the charge.

(11) Every call which is charged for must have a fair opportunity of achieving the promoted benefit.

(12) It is prohibited to charge for calls to services in periods when such calls may not achieve purpose (e.g. in interactive quiz games with direct bringing in of the caller, when such quiz games are not broadcasted).

Content and Quality of Service

Article 8

(1) The service content shall comply with the advertised content for such service.

(2) For services the content of which is the provision of information, information shall be correct, time adjusted, and the user shall be clearly be made aware of the time the information was last updated.

(3) The call content shall comply with the laws and subordinate legislation of the Republic of Croatia and it shall not encourage or help the user to act illegally. The call content shall comply with the laws and subordinate legislation regulating the electronic media area.

(4) Services may not violate users' privacy, or induce unnecessary fear, anxiety or distress.

(5) Services must not be of a kind that encourages fraud, unauthorised use or unreasonable levels of repeat calling.

(6) Services which require certain personal data from the caller shall be in compliance with the Act and special regulations that regulate the protection of data protection. The Agency is entitled to access such data for the purpose of carrying out activities within its competence.

(7) The Agency shall publish a classification list of particular service content numbers for the registration purposes of the operators of value added services.

Service Records

Article 9

(1) For each value added service provided, the value added service operator must keep records of its operation, including traffic and revenue records, and statistics of successful and unsuccessful call attempts and other data on request by the Agency.

(2) These records must be kept for at least twelve (12) months after the date to which they refer and must be supplied to the Agency on request.

Value Added Services Operator Directory

Article 10

(1) The public directory of services shall indicate the type of service, its price, the data on number owner, data on service content provider, company register number of the service operator and content provider, full address and telephone number which shall not be from the added value number category.

IV. GENERAL RULES RELATING TO BENEFITS FROM SERVICES

Benefits and Service Quality

Article 11

(1) Benefits that the user receives as a result of using a value added service, which is paid for by an amount in addition to the payment for the electronic communication itself. Benefits may include, but are not limited to:

1. information or entertainment provided in the course of a telephone call or within a text message or multimedia message, for example a live conversation with a technician providing computer help, or sports results;
2. registering an opinion or preference;
3. an opportunity to win additional benefit by entering a competition, or taking part in a broadcast programme;
4. goods and/or services on offer which the user is entitled to,
5. leaving a name and address or other contact details in the expectation of hearing again later from the VAS operator;
6. enhanced communications facilities
7. quality of service must provide for the delivery of expected benefit referred to in paragraph 1 of this Article.

V. RULES RELATING TO SPECIAL TYPE OF SERVICES

Internet Diallers

Article 12

- (1) The Act restricts Internet dialler software to special dialling codes established by the Numbering Plan, and to connecting calls only after obtaining the subscriber's prior consent.
- (2) The consent referred to in paragraph 1 of this Article must be renewed each and every time the dialler software is used. The operator of value added services shall not be held responsible for the reconfiguration of the user's computer so that it automatically uses the Internet dialler software to connect to the Internet. The operator must inform the user thereof.

Special Service Payment Types

Article 13

- (1) Special service payment types include:
 1. *Prepaid*: the service entails pre-payment of a particular amount that enables the user to use the service for a particular period (e.g. daily newspapers main topics for the period of one month),
 2. *Pay as you go*: the service where the request for service activation (e.g. by means of SMS) results in a series of usages and payments for activated services (e.g. when the service of daily top news supply for one day is paid, this automatically leads to the supply of daily top news on the following day; such system of payment and service provision continues until the moment the user terminates the use of service).
- (2) The terms and conditions for special service payment types must be made clear to users before making the service activation request to the operator of value added services.
- (3) The operator of value added services is required to enable the user who is paying for the service referred to in this Article to terminate the service at any time (typically by sending the STOP command). The STOP command must lead to immediate cessation of service delivery, and contracted charge for the service.

Broadcast Programme Participation

Article 14

- (1) The operator of value added services promoted within broadcast programmes must provide the reception of a certain number of calls corresponding to the expected number of calls.

(2) The provisions of this Ordinance stipulating the manner and conditions of the provision of public communications services shall apply to the operators referred to in paragraph 1 of this Article.

(3) The operators referred to in paragraph 1 of this Article must inform potential callers, in promotional activities, of the number of lines available for taking calls and enable that a call that is charged for may achieve the promoted benefit, and the opportunity must correspond with the expectations reasonably formed by average users/callers.

(4) The operator referred to in paragraph 1 of this Article must keep statistical records for at least twelve (12) months following each broadcast programme in which a value added service was promoted, to demonstrate compliance with the requirements of this Article. The records must include information on the programme itself, the duration, the number of calls made and of attempts to call the service, and the number of calls broadcast during the programme, and must be supplied to the Agency on request

Competitions, Quizzes and Games of Chance

Article 15

(1) Competitions, quizzes and games of chance are defined by a special law that regulates games of chance and competitions, and appropriate subordinate legislation.

(2) The operator must, upon finishing the value added service referred to in paragraph 1 of this Article, make the promoted number unobtainable or replace it by a short free of charge message saying that the service is no longer available.

(3) The operator of value added services shall keep records of the provided services referred to in paragraph 1 of this Article at least twelve (12) months after the termination of service. The records shall include information on the duration of the call, number of calls made or short text or multimedia messages sent, and must be supplied to the Agency on request.

Pay-for-Product Service

Article 16

(1) Pay-for-product services are subject to laws and subordinate legislation in the Republic of Croatia on contractual obligations of distance contracts.

Protection of Children

Article 17

(1) The operator of value added services must take all reasonable steps to prevent children from accessing the service which could harm the child's physical, mental or moral development.

(2) Reasonable steps include but are not limited to:

1. limiting promotion for service available to children,
2. including, at the start of the service, a statement that the service provides content exclusively for adults (e.g. "If you are under 18 and do not have permission of your parent/guardian, terminate the call immediately."),
3. verifying the user's age before starting the service (e.g. confirmation of the user's age – child, adult).

Children's Services

Article 18

(1) The operator of value added services must ensure that children's services shall not be allowed to the child user in the amount exceeding HRK 50.00, except when otherwise agreed between the operator and child's parent/guardian. After such amount or the amount contracted is spent, the service provision shall be discontinued.

(2) Children's services and promotions for them must not encourage repeated calling to the same number or to other value added services.

(3) A children's service must be such as a reasonable parent would consider appropriate to the age group which is likely to use the service.

Donations

Article 19

(1) Where a value added service is used for collection of donations, the promotion of such service shall clearly indicate how much of the service revenue will be donated to the cause in question. If such donation is collected for charitable or humanitarian purposes, the promotion shall clearly indicate how much refers to the coverage of costs of the operator of value added services, which must be cost-justified.

(2) The value added service operator must keep records of services referred to in paragraph 1 of this Article at least twelve (12) months after ending the service. The

records shall include information on charged amounts with specification of donation and cost share, call duration, number of calls made or short textual or multimedia messages sent. The records must be delivered to the Agency upon request.

VI. PROTECTION OF USERS IN CASE OF COMPLAINTS

User Complaints

Article 20

(1) The operator of value added services must ensure customer service via telephone, e-mail, and in writing. Telephone service for customer support run by natural persons shall be available at least on working days from 8 a.m. to 4 p.m. At all other times, the operator (service provider) must ensure at least customer service with voice mail service, giving clear information on working hours and notification that the customer will be contacted on the first working day.

(2) Telephone number used for customer complaints must be either free of charge (0800) or charged at the price of publicly available telephone service in national network, meaning that the number shall not be a value added number (060 etc.) or an international number.

(3) For complaints about disputed charge or the quality of electronic communications service, the complaint shall be submitted to the operator of public communications services.

(4) The operator of public communications services shall conduct the administrative and technical verification.

(5) If it is established that there are no administrative or technical irregularities, the operator of public communications services shall forward the complaint together with all available documentation on the user and conducted verifications to the operator of value added services within 15 days from the date of the receipt of complaint. The subscriber must be notified about the proceedings, as well as about forwarding the case.

(6) The operator of value added services shall resolve the complaint referred to in paragraph 1 of this Article in compliance with the Act.

(7) After reaching a decision on the complaint, the value added service operator submits the decision to the subscriber and the operator of publicly available telephone services referred to in paragraphs 3 and 4 of this Article. If the complaint is accepted, the operator of publicly available telephone services must act in accordance with the decision, i.e. in

accordance with the General Business Terms and Conditions issue a new bill or repay the amount paid.

(8) Upon the completion of the procedure, the user is allowed to file a request for resolution of dispute before the Agency.