

Pursuant to Arts. 8, para. 1, item 1), 23, para. 1 and 64, para. 6 of the Law on Electronic Communications (*Official Gazette of RS*, nos. 44/10, 60/13 and 95/18 – other law), Art. 12, para 1, item 1) and Art. 16, item 4) of the Statutes of the Regulatory Agency for Electronic Communications and Postal Services (*Official Gazette of RS*, nos. 125/14 and 30/16),

the Managing Board of the Regulatory Agency for Electronic Communications and Postal Services, in its session held on 10 May 2019, passed the following

RULEBOOK

on minimum content, level of detail and manner of publishing reference offers

Article 1

This Rulebook shall stipulate in detail the minimum content, level of detail and manner of publishing of reference interconnection offers, access and unbundled access to the local loop.

Article 2

The obligation of publishing the reference offer referred to in para. 1 herein shall apply to operators with significant market power (hereinafter: SMP operator) with the obligation of publishing specific data and the obligation of non-discriminatory treatment in regard to the service provision in the relevant market imposed on them by a decision adopted by the Regulatory Agency for Electronic Communications and Postal Services, set out by the Decision on designating relevant markets susceptible to *ex-ante* regulation (*Official Gazette of RS*, no. 78/18), pursuant to the Law on Electronic Communications (*Official Gazette of RS*, nos. 44/10, 60/13 and 95/18 – other law, hereinafter: Law) and this Rulebook.

Article 3

The terms used herein shall have the following meaning:

- 1) **Bitstream access** is a wholesale service entailing that the operator who is the owner of electronic communications infrastructure installs access link to end-user and places such access link at the disposal of a user-operator with the purpose of enabling the user-operator to offer its own broadband service to its end-users. Bitstream access enables user-operator to offer its own services to its end-users without entailing resale of broadband access provided by the operator owning the infrastructure;
- 2) **Virtual colocation** involves placing the equipment within the facilities of the operator offering wholesale service of unbundled access to the local loop, where

the operator installs and maintains the equipment and manages it, while the user-operator of the unbundled access is not allowed to access the equipment;

- 3) **User-operator** is an operator providing electronic communication services, using wholesale services of an SMP operator;
- 4) **Dark fibre** is an unused optical fibre installed on an operator's network, currently laid out within the operator's network but not yet connected to transmission systems or access equipment i.e. without any traffic;
- 5) **Access point** is a physical interface within an electronic communications network of an SMP operator to which interconnection lines may be connected;
- 6) **Demarcation point** is a physical point where the electronic communication network of an SMP operator is interconnected with the electronic communication network of a user-operator and it is a point of liability demarcation between the SMP operator and the user-operator;
- 7) **Call termination** is a wholesale service of forwarding a call to a specific number on a specific network (fixed or mobile), provided by an SMP operator to a user-operator;
- 8) **Remote collocation** entails storing the equipment in the facilities or cabinets leased by user-operator, using the unbundled access service, and/or of the collocation service, from third parties;
- 9) **Physical collocation** entails storing the equipment of the user-operator in the facility where the main distribution frame is located, as well as in the external cabinets or in the separate facilities, ready for collocation, of the operator offering wholesale service of unbundled access to the local loop.

General Principles of Reference Offer

Article 4

An SMP operator shall be required to provide the services from the reference offer in a non-discriminatory and transparent manner and to set the prices in the stipulated manner in case the obligation of price control and application of cost-accounting has been imposed on them by a decision of the Agency.

An SMP operator shall be required to provide the services from the reference offer to all operators using or intending to use these services at equal conditions as those applied to the services used for their own needs, the needs of the related entities and partners.

The reference offer shall be split into single components to a degree such as to enable an interested user-operator to select a specific component of the offer without the obligation to accept other component of the offer, which are not necessary for the service provision.

At the request of the Agency an SMP operator shall prepare their reference offer, publish it on their website and submit it to the Agency, within the timeframe stipulated by the Law.

The reference offer, made in accordance with the Law, this Rulebook and other Agency acts, shall begin to apply as of the first day of the calendar month following the expiration of 30 days from its publication.

Content and the Level of Detail of the Reference Offer

Article 5

The reference offer shall include general provisions, technical requirements and commercial terms and conditions and relevant appendices.

General provisions of the reference offer shall include the following:

- 1) name and address of the operator;
- 2) subject of the reference offer;
- 3) description and types of services;
- 4) publishing date and the beginning of the application of the reference offer;
- 5) conditions of the offer;
- 6) reference offer modification procedure;
- 7) application procedure, response timeframes and negotiation procedure;
- 8) conditions under which a request from a user-operator to use relevant services may be refused;
- 9) contract closing timeframe;
- 10) contract modification procedure and grounds for price modification;
- 11) complaint submission and resolution procedure and timeframes;
- 12) liability of both parties, liability demarcation and damage compensation procedure;
- 13) confidentiality and trade secret provisions;
- 14) dispute resolution procedure;
- 15) service provision termination;
- 16) intellectual property rights;
- 17) meaning of terms and abbreviations used.

The technical requirements of the reference offer include all technical information necessary for service realization (standards, interfaces, protocols, etc.) quality of service parameters and the manner of modification of technical parameters.

The commercial conditions of the reference offer shall include the following:

- 1) price of a service form the reference offer;
- 2) payment security instrument;
- 3) compensation in case of service delivery delay;
- 4) discounts on specific services, if applicable, indicating the prices and pricing principles;

- 5) method of calculation, collection and payment security (security instruments), including timeframes, method of invoicing and billing error complaint procedure (refund claim);
- 6) breach of contract compensation.

The reference offer shall also include the following appendices:

- 1) confidentiality statement form;
- 2) text of bank guaranty or other payment security instrument;
- 3) contact information.

Reference Offer for Call Termination on Public Fixed Telephone Network (Interconnection)

Article 6

Reference offer for service provision on the wholesale market of call termination on public fixed telephone network shall include general provisions, technical requirements, commercial terms and conditions and relevant appendices.

The content of general provisions of the reference offer referred to in para. 1 herein is regulated under Art. 5, para. 2 herein.

The reference offer referred to in para. 1 herein shall include the following technical requirements for call termination services:

- 1) information on network and infrastructure necessary for interconnection:
 - (1) interconnection architecture;
 - (2) interfaces, signalling and protocols for all types of connection;
 - (3) synchronization;
 - (4) transmission systems;
 - (5) other technical requirements necessary for interconnection (equipment placement, transmission path, etc.);
- 2) interconnection set-up (access points, lines and interconnection procedure);
- 3) manner and conditions regarding the maintenance of the quality of service and level of the service provided;
- 4) procedures in the event of modifications in the communication network of the SMP operator.

The commercial conditions of the reference offer referred to in para. 1 herein are regulated under Art. 5, para. 4 herein.

The reference offer referred to in para. 1 herein shall include the appendices referred to in Art. 5 para. 5 herein, and also the following:

- 1) List and addresses of interconnection access points,
- 2) Request forms for negotiation and service cancellation,

- 3) Request form for malfunction/interference removal,
- 4) Request form for interconnection capacity planning.

Reference Offer for Call Termination Service on Mobile Networks (Interconnection)

Article 7

Reference offer for service provision in the wholesale market for call termination on mobile network shall include general provisions, technical requirements and commercial terms and conditions and relevant appendices.

The content of the general provisions referred to in para. 1 herein shall be regulated under Art. 5, para. 2 herein.

The reference offer referred to in para. 1 herein shall include the following technical requirements for call termination service:

- 1) information on network and infrastructure necessary for interconnection:
 - (1) interconnection architecture;
 - (2) interfaces, signalling and protocols for all types of connection;
 - (3) synchronization;
 - (4) transmission systems;
 - (5) other technical requirements necessary for interconnection (equipment, placement, transmission path, etc.);
- 2) interconnection set-up (points and interconnection procedure);
- 3) manner and conditions regarding the maintenance of the quality of service and level of the service provided.

The commercial conditions of the reference offer referred to in para. 1 herein are regulated under Art. 5, para. 4 herein.

The reference offer referred to in para. 1 herein shall include the appendices referred to in Art. 5 para. 5 herein, and also the following:

- 1) List and addresses of interconnection access points,
- 2) Request forms for negotiation and service cancellation,
- 3) Request form for malfunction/interference removal,
- 4) Request form for interconnection capacity planning.

Reference Offer for Unbundled Access to the Local Loop

Article 8

Reference Offer for Unbundled Access to the Local Loop shall include general provisions, technical requirements and commercial terms and conditions and relevant appendices.

The reference offer referred to in para. 1 herein shall include the general provisions regulated under Art. 5, para. 2 herein, and also the following:

- 1) conditions for the transition of a user-operator from a full to a shared unbundled access to the local loop;
- 2) conditions for the using the infrastructure;
- 3) conditions for the access of the user-operator's staff;
- 4) notification procedures and synchronization of the operation in the event of planned network or infrastructure modifications;
- 5) rights and obligations of the operator in respect to the end-user;
- 6) description of the service of full and shared access to the local loop and/or sub-loop accompanied by a list of all elements, equipment and documentation related to the given service.

Technical requirements of the reference offer referred to in para. 1 herein shall include the following:

- 1) conditions for access and usage of the local loop accompanied by technical regulations pertinent to the full unbundled access which shall include the following: availability, transmission technologies, interfaces, physical prerequisites, usage of each connection, operational back-up and specific demarcation point of liability;
- 2) conditions for access and usage of the local loop accompanied by technical descriptions pertinent to the shared unbundled access which shall include the following: responsibility for technical equipment, interfaces and usage of higher frequencies for data transmission;
- 3) conditions pertinent to the protection from harmful interference and EM compatibility;
- 4) description and conditions pertinent to the access to information system so as to enable efficient service provision of the access to the unbundled local loop, whereby the system shall enable the user-operator to perform the following: send and track the requests, report interferences and have access to issued bills;
- 5) procedures and conditions pertinent to interoperability testing;
- 6) procedures and conditions pertinent to maintaining the QoS and the level of service provided;

The reference offer referred to in para. 1 herein shall include the commercial conditions regulated under Art. 5, para. 4 herein, and also the following:

- 1) prices of services with specified scope of work, list of all elements, equipment and documentation required for the provision of specific service;
- 2) prices for:
 - (1) one-off set-up fee for a single unbundled access to the local loop;
 - (2) monthly charge for unbundled access to the local loop;

- (3) cancellation and disconnection;
- (4) revocation of request;
- (5) transition from shared to full unbundled access to the local loop;
- (6) unjustified request for interference removal.

The reference offer referred to in para. 1 herein shall include the appendices pursuant to Art. 5, para. 5 herein, and also the following:

- 1) Request by an operator to close a contract on unbundled access to the local loop ;
- 2) Request form for a single access to the local loop;
- 3) Statement by a subscriber on the intention to close a contract with the user-operator;
- 4) Statement on the obligation to pay any outstanding debt to the operator that provided the services used;
- 5) Request form for malfunction/interference removal.

Reference Offer for the Services of Access to Network Elements and Associated Facilities

Article 9

Reference offer for the services of access to network elements and associated facilities (collocation, cable duct access and dark fibre leasing) shall include general provisions, technical requirements and commercial conditions and relevant appendices.

The reference offer referred to in para. 1 herein shall include the general provisions regulated under Art. 5, para. 2 herein, and also the following:

- 1) conditions for collocation that may be physical, virtual or remote collocation;
- 2) conditions for the usage of the associated infrastructure;
- 3) rules for the usage of the collocation space;
- 4) access conditions for staff of the user-operator;
- 5) conditions for the installation and usage of cable ducts;
- 6) conditions for dark fibre leasing;
- 7) notification procedures and synchronization of the operation in the event of planned network or infrastructure modifications;

The technical requirements of the reference offer referred to in para. 1 herein shall include the following:

- 1) conditions for the commencement and termination of collocation service;
- 2) conditions for connecting to electronic communication network and power supply;
- 3) conditions for the space allocation at the locations where collocation space is limited and definition of alternative technical requirements for the access to and the usage of the local loops;
- 4) conditions for the installation and usage of cable ducts and possible limitations;
- 5) conditions for installation and use of the dark fibre leasing service;

- 6) requirements pertinent to the protection from harmful interferences and EM compatibility;
- 7) procedures and conditions pertinent to maintaining the QoS and the level of service provided;
- 8) possible usage limitations in the collocation spaces;
- 9) human life and health protection measures;
- 10) compliance with the fire prevention requirements.

The reference offer referred to in para. 1 herein shall include commercial conditions regulated under Art. 5, para. 4 herein, and also the following:

- 1) prices of services with specified scope of work, list of all elements, equipment and documentation required for the provision of specific service;
- 2) prices of:
 - (1) one-off collocation set-up fee;
 - (2) monthly collocation charge, access to cable ducts and dark fibre leasing;

The reference offer referred to in para. 1 herein shall include the appendices in accordance with Art. 5, para. 5 herein, and also the following:

- 1) Request for collocation service provision;
- 2) Request for cable duct leasing;
- 3) Request for dark fibre leasing.

Reference Offer for Broadband Services

Article 10

Reference offer for broadband services shall include general provisions, technical requirements and commercial terms and conditions and relevant appendices.

The reference offer referred to in para. 1 herein shall include general provisions regulated under Art. 5, para. 2 herein, and also the following:

- 1) conditions for service commencement and provision;
- 2) possible reasons for the request denial and/or service provision termination;
- 3) procedure for migration of a user-operator from one service to another;

The technical requirements referred to in para. 1 herein shall include the following:

- 1) ways of broadband service realization;
- 2) access points for all types of broadband services;
- 3) types and description of all available interfaces and relevant protocols;
- 4) types of access lines;
- 5) standard level of service in regard to set-up of access and data transmission, data transmission and authentication;

- 6) conditions and the procedure for connecting the user-operator to electronic communication network of an SMP operator;
- 7) modification of technical parameters;
- 8) list of terminal equipment which is compatible with the SMP operator's equipment;
- 9) conditions for access to operation support systems, information systems and data bases;
- 10) manner and conditions for the maintenance of the quality of service and level of service provided;
- 11) service migration procedure for user-operator;
- 12) reference conditions of the contract on broadband service usage including maintenance, interference detection and removal, suspension and/or termination of service provision.

Commercial terms and conditions of the reference offer referred to para. 1 herein shall be regulated in accordance with Art. 5, para. 4 herein, and shall also include the prices of:

- 1) one-off set-up fee for a single broadband access provision;
- 2) monthly charge for broadband access service per connection, excluding traffic distribution link;
- 3) monthly charge for traffic distribution link leasing;
- 4) monthly charge for separate logical channels (including video on demand service) and voice service provision;
- 5) other charges for bitstream access provision service.

The reference offer referred to in para. 1 herein shall include the appendices in accordance with Art. 5, para. 5 herein, and also the following:

- 1) List of regional access points;
- 2) Bitstream access service request;
- 3) Request form for the procedure of migration by a user-operator to another technology applicable to service provision;
- 4) Request form for malfunction/interference removal.

Reference Offer Publication and Modification Procedure

Article 11

The reference offer shall be liable to modifications, in line with the technological and market changes.

An SMP operator shall be required to publish any modification of the reference offer on their website and to submit it to the Agency.

Reference offer and modified reference offer, made in line with the Law, this Rulebook and other Agency acts, shall begin to apply as of the first day of the calendar month following the expiration of 30 days from its publication.

Should the Agency find that the reference offer has not been made and published in accordance with the Law, this Rulebook and other Agency acts, the Agency may request modification of the reference offer.

SMP operator shall be required to modify the reference offer in line with the Agency request, and/or to remove all flaws identified by the Agency and to publish such modified reference offer without delay.

The modified standard offer referred to in the previous paragraph herein shall begin to apply as of the first day of the calendar month following the expiration of 30 days from its publication.

The Agency shall publish reference offers on its website.

Transitional and Final Provisions

Article 12

The day this Rulebook enters into force the Rulebook on minimum content, level of detail and manner of publishing reference offers (*Official Gazette of RS*, no. 70/11) shall cease to apply.

Article 13

The contracting parties, where at least one is an SMP operator, shall be required to align any closed contracts regulating interconnection, access and unbundles access to the local loop with the reference offers prepared in accordance with this Rulebook, no later than 30 days following the beginning of application of the relevant reference offer.

Article 14

This Rulebook shall enter into force on the eighth day following the publication in the *Official Gazette of the Republic of Serbia*.

Ref. no. 1-03-3400-1/19-3

Done in Belgrade, 10 May 2019

**Chairman of the
Managing Board**

Dragan Kovačević