

*English version translated from Russian original*

**RUSSIAN FEDERATION**  
**FEDERAL LAW**  
**No. 126-FZ of 7 July 2003**  
**ON COMMUNICATIONS**

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The following text contains two different amendment markings:

The red marginal line marks the amendments as per the last official amendment instruction. Red text within such officially amended sections marks the actual new/amended wording as identified by the ALO team.

This Federal Law establishes the legal bases of activities in the field of communications within the territory of the Russian Federation and the territories under jurisdiction of the Russian Federation, specifies the powers of the state authorities in the field of communications, as well as the rights and obligations of the persons who take part in the aforementioned activities or use communications services.

**CHAPTER 1**  
**GENERAL PROVISIONS**

**Article 1 Purposes of this Federal Law**

The purposes of this Federal Law are:

to create the conditions for the provision of communications services all over the territory of the Russian Federation;

to support the implementation of prospective technologies;

to protect the interests of users of communications services and of business entities performing activities in the field of communications services;

to ensure effective and fair competition on the communications services market;

to create the conditions for the development of a communications infrastructure in the Russian Federation, and to ensure its integration into the international communications networks;

to ensure the centralised management of the radio-frequency resource of the Russian Federation, including the orbital frequency resource and the numbering resource;

to create the conditions for addressing the communications needs of state authorities, state defence, state security and law enforcement.

## Article 2. Terms and their definitions in this Federal Law

For the purposes of this Federal Law the following general definitions shall be used:

1) subscriber - user of communications services with whom a contract has been concluded on the provision of such services, and who has been assigned, for that purpose, a subscriber number or a unique identification code

1.1) data base of retained subscriber numbers - system of information about subscriber numbers which have been retained by subscribers concluding a new contract on the provision of communications services with another mobile phone provider, and on the communications service providers who concluded such agreements;

1.2) owner of a special-purpose communications network - a federal executive body, its territorial authority, or a subsection of a federal executive body performing certain powers of this federal executive body, managing the special-purpose communications network (via a corresponding managing centre, if applicable) and owning this network based on the right of operational management;

2) radio-frequency band allotment - written authorisation (permit) to use a certain band, particularly for developing, upgrading, or manufacturing of radio-electronic equipment or high-frequency devices, featuring particular technical characteristics, in the Russian Federation, and (or) for importing such facilities or devices into the Russian Federation;

3) high-frequency devices - equipment or devices intended for generating and using radio frequency power for industry, science, medicine, everyday life or other purposes, except for the use in the field of telecommunication;

3.1) contract on multiple-user radio-frequency spectrum use – agreement between two or more radio-frequency spectrum users, on the basis of which the users share this radio-frequency spectrum ("joint use") in accordance with this Federal Law;

3.2) identification module - electronic data carrier installed in the user equipment (terminal equipment) and identifying the subscriber and (or) the person who uses the subscriber's services and who may be a legal person or an individual entrepreneur, as well as the user equipment (terminal equipment), and providing access of the equipment of the aforementioned subscriber or user to the network of the mobile phone provider;

4) radio-frequency spectrum use - the fact of owning a permit for the use and (or) de facto use of a radio-frequency band, radio-frequency channel or radio frequency for the purposes of providing telecommunications services and other purposes which are not prohibited by Federal Law or other normative legal acts of the Russian Federation;

5) radio-frequency spectrum conversion - economic, organisational and technical measures aimed at enlarging radio-frequency spectrum use by civilian-purpose radio-electronic equipment;

6) cable communications facilities - objects of engineering infrastructure, created or adapted for the allocation of cables;

7) communications lines - transmission links, physical chains or cable communications facilities;

7.1) international legal protection of the assignment of radio frequencies or radio-frequency channels - legal, technical, organisational and research activities carried out in order to ensure international recognition of the assignment of radio frequencies or radio-frequency channels for radio-electronic devices of various radio services of the Russian Federation;

8) mounted capacity - a value which characterises the communications service provider's technological capability to provide telecommunications services, interconnection and traffic transmission services within a specified territory of the Russian Federation, and which is measured through the technical capabilities of the equipment introduced into the communications service provider's network;

9) numbering - representation of numbers, letters or symbols or the combination of them, including the codes intended for unique determination (identification) of the communications network and (or) its nodes or terminal elements;

10) user equipment (terminal equipment) - hardware for the transmission and (or) reception of telecommunication signals via communications lines, which are connected to subscriber lines and used by subscribers, or intended for such purposes;

11) main provider in the public switched communications network - a provider which, along with affiliated persons, possesses at least twenty five per cent of the mounted capacity, or is capable of passing at least twenty five per cent of the traffic within a geographic numbering zone or all over the territory of the Russian Federation;

12) communications service provider - legal person or individual entrepreneur which provide communications services on the basis of a corresponding license;

13) universal communications service provider - communications service provider which provides communications services in the public switched communications network, and which under this Federal Law is assigned liability for providing universal communications services;

13.1) provider of mandatory publicly accessible tele channels and (or) radio channels - communications service provider who, on the basis of a contract with a subscriber, performs communications services for television and (or) radio broadcasting (except for communications services for wired radio broadcasting) and who, under this Federal Law, is responsible to transmit the mandatory publicly accessible tele channels and (or) radio channels, a list of which is established under the legislation of the Russian Federation on mass media;

14) communications entity - legal person operating in the field of communications as its main activity. The provisions of this Federal Law which regulate the activities of communications entities are applicable, accordingly, to individual entrepreneurs operating in the field of communications as their main activity;

14.1) especially dangerous, technically complex communications facilities - communications facilities the design of which provides for characteristics such as height from 75 to 100 meters and (or) burial of the underground part (in whole or in part) below the planning level of the earth from five to ten meters;

15) radio-frequency spectrum user - a person to whom a radio-frequency band is allotted and (or) to whom a radio frequency or a radio-frequency channel is assigned;

16) communications service user - a person which orders and (or) uses communications services;

17) radio frequency or radio-frequency channel assignment - written authorisation (permit) to use a specified radio frequency or radio-frequency channel by the means of specified radio-electronic equipment, for specified purposes and under specified conditions of use;

18) radio interference - impact of electromagnetic energy on radio wave reception, which is caused by one or several emission types, including radiation, induction, and which results in any kind of worsening of communications quality, in errors or loss of information which would have been avoided without impacts of such energy;

19) radio frequency - frequency of electromagnetic oscillations which is established in order to denote a single constituent of a radio-frequency spectrum;

20) radio-frequency spectrum - defined range of radio frequencies within the limits established by the International Telecommunications Union, which may be used for the operation of radio-electronic equipment or high-frequency devices;

21) radio-electronic equipment - hardware intended for transferring and (or) receiving radio waves, which consists of either a single or several transmitting and (or) receiving devices, or a combination of such devices, and which includes accessories;

22) radio-frequency band allocation - determination of the destination of radio-frequency bands by entering them in the Table of allocation of radio-frequency bands between the radio services of the Russian Federation, these entries being the basis on which the permit to use a specified radio-frequency band is issued and the conditions of such use are established;

22.1) messaging via mobile phone network - automatic transmission of short messages to subscribers (messages consisting of letters and (or) characters typed in a certain sequence) via mobile phone network, or transmission of short messages to subscribers using numbers that do not correspond to the Russian system and numbering plan, as well as messages, the transmission of which is not provided for by the agreement on interconnection with foreign communications service providers;

23) numbering resource - the set or a part of the numbering variants which can possibly be used within a communications network

24) communications network - technological system which covers any facilities and communications lines, and is intended for telecommunications or postal services;

25) modern functional communications network equivalent - minimum set of modern communications equipment ensuring quality and current extent of communications network services;

26) [Sub-item revoked]

27) communications facilities - objects of engineering infrastructure (including cable communications facilities), created or adapted to have communications equipment or telecommunication cables allocated;

28) communications equipment - hardware and software used to establish, receive, process, store, transmit and deliver messages via telecommunications or postal service, and other hardware and software to be used to provide communications services or ensure operability of the communications network's operation, including hardware systems and measuring devices;

28.1) tele channel, radio channel - the set of television, radio programmes and (or) respectively other audio-visual or sound messages and materials, created in accordance with the broadcasting network and published under a permanent name and with a fixed frequency;

28.2) transmission of tele channels and (or) radio channels - receiving and delivering to user equipment (terminal equipment) a signal through which tele channels and (or) radio channels are distributed, or receiving and broadcasting this signal;

28.3) shared access device - a piece or a set of communications equipment intended for providing the possibility of using electronic communications services to an unrestricted group of persons, without the use of user equipment of a subscriber;

28.4) access point - a piece or a set of communications equipment intended for providing the possibility of using electronic communications services to an unrestricted group of persons, through the use of user equipment of a subscriber;

28.5) traffic exchange point - the set of hardware, software and (or) communications facilities, through which their proprietor or other kind of owner ensures the possibility of connecting traffic or passing it in unaltered form between communications networks, if the proprietor or other kind of owner of the communications equipment has a unique identifier of the set of communications means and other technical means in the internet;

29) traffic - workload created by the stream of calls, messages and signals, incoming to the communications equipment;

30) universal communications services - communications services which are obligatorily provided by the universal communications service providers to any communications services user all over the territory of the Russian Federation at a specified term, with the established quality and at a moderate price;

31) communications network management - the set of organisational and technical activities aimed at ensuring the operation of the communications network including traffic control;

32) communications service - reception, processing, storage, transmission and delivery of telecommunications messages or postal items;

33) interconnection service - activity aimed at responding the need of communications service providers or owners of special-purpose communications networks in the arrangement of interaction between communications networks, whereby the possibility of connection and information transmission between the interacting telecommunications networks is established;

34) traffic transmission service - activity aimed at responding the needs of communications service providers to pass traffic between interacting telecommunications networks;

34.1) content services - kind of communications services which are technically inseparably connected with the mobile phone services, and aimed at increasing their customer value (particularly services consisting in providing to subscribers the possibility of receiving on their user (terminal) equipment in the communications network background information, entertainment and (or) other kind of paid information, take part in votings, games, competitions and similar activities), the payment for the provision of these services being done by the subscriber in favour of the communications service provider with which the subscriber has signed the contract on the provision of communications services;

35) telecommunication - any emission, transmission or reception of signs, signals, vocal information, written text, graphic representation, sounds, or any kind of messages via radio system, wired, optical or other electromagnetic systems;

36) electromagnetic compatibility - ability of radio-electronic equipment and (or) high-frequency devices to ensure the established operational quality with the given electromagnetic environment and not to induce inadmissible interferences with other radio-electronic equipment and (or) high-frequency devices.

### **Article 3. Scope of application of this Federal Law**

1. This Federal Law regulates the relations in the field of creation and operation of all communications networks and communications facilities, radio-frequency spectrum use, as well as the provision of telecommunications and postal services on the territory of the Russian Federation and territories under the jurisdiction of the Russian Federation.

2. As regards communications service providers operating outside the Russian Federation in accordance with the legislation of foreign states, this Federal Law is applicable only insofar as it regulates the performance of works and the provision of communications services by such providers in territories under the jurisdiction of the Russian Federation.

3. Relations in the field of communications services which are not regulated by this Federal Law, are subject to other Federal Laws and other normative legal acts of the Russian Federation in the field of communications.

#### **Article 4. Legislation of the Russian Federation in the field of communications**

1. The legislation of the Russian Federation in the field of communications is based on the Constitution of the Russian Federation and consists of this Federal Law and other Federal laws.

2. The relations related to activities in the field of communications are also regulated by normative legal acts of the President of the Russian Federation, normative legal acts of the Government of the Russian Federation, and by the corresponding normative legal acts of the federal executive bodies.

3. If any international treaty of the Russian Federation establishes other rules than those provided for by this Federal Law, the rules of the international treaty shall prevail.

### **CHAPTER 2 LEGAL BASES OF ACTIVITIES IN THE FIELD OF COMMUNICATIONS**

#### **Article 5. Ownership of communications networks and communications equipment**

1. On the territory of the Russian Federation, the communications entities are organised and operate on the basis of the unity of the economic space, in a competitive environment and under a variety of forms of ownership. The state provides to the communications entities an equal competitive environment, regardless of their forms of ownership.

Communications networks and communications equipment may be in federal ownership, in ownership of subjects of the Russian Federation, or in municipal ownership; they may also be owned by citizens or by legal persons.

A list of communications networks and communications equipment which may be in federal ownership only shall be established by the legislation of the Russian Federation.

Any foreign investors may take part in privatising the property of state-run and municipal unitary communications enterprises, under conditions determined by the legislation of the Russian Federation.

2. Any change of the form of ownership of a communications network or of communications equipment shall be performed under the procedures determined in the legislation of the Russian Federation, and is permitted, provided that such a change would not worsen the operation of the communications network or the communications equipment, and would not infringe upon the citizen's and legal person's right to use communications services.

#### **Article 6. Organisation of the activities arising from the allocation of communications facilities and communications equipment**

1. During urban planning concerning the development and use of territories and populated areas, the structure and layout of communications units and communications facilities shall be specified, including cable communications facilities, individual premises for allocating

communications equipment, as well as the necessary engineering infrastructures power for ensuring the operation of the communications equipment, **including the allocation of communications networks in apartment buildings.**

2. The state authorities of the subjects of the Russian Federation and the local self-government authorities support the communications entities which provide the universal communications services, in obtaining and (or) erecting communications facilities and premises intended for providing universal communications services; **they are, likewise, entitled to take part in the implementation of other measures intended for the creation, development, and operation of communications networks and communications facilities on the territories of the corresponding subjects or municipalities of the Russian Federation.**

3. The communications entities are entitled to erect and operate communications equipment and communications facilities under a contract concluded with an owner or other proprietor of buildings, power line poles, rail road contact systems, pole supports, bridges, manifolds, tunnels, including underground tunnels, rail roads and highways, other engineering units and technological areas, as well as right-of-way, including rail road right-of-way and highway right-of-way.

However, the owner or other proprietor of the aforementioned immovable properties is entitled to claim an adequate payment to the communications entity for using such properties, unless otherwise stipulated by Federal laws.

In cases where the immovable property owned by a citizen or a legal person may not be used in accordance with its intended use, in consequence of building or operation of communications equipment or communications facilities, the owner or other proprietor may claim in court to dissolve the contract made with the communications entity on the use of the aforementioned immovable property.

4. If any communications line or communications facilities need to be transferred or reconstructed due to the construction or enlargement of populated areas, major repair or reconstruction of houses, buildings, constructions, roads and bridges, development of new areas, reconstruction of melioration systems, mining of mineral fields and other purposes, the communications service provider shall be indemnified for any costs arising from such transfer or reconstruction, unless otherwise stipulated by the legislation on roads and on activities of road design, construction and maintenance.

Such indemnification may be effected – as parties agree upon – in terms of money, or by the builder transferring or rebuilding the communications lines and communications facilities, at its own expense and in conformity with the normative legal acts and the technical conditions set by the communications entity.

5. The communications service providers are entitled to place telecommunication cables in line-cable communications facilities, regardless of their ownership status, on a paid basis.

#### **Article 7. Protection of communications networks and communications facilities**

1. Communications networks and communications facilities are subject to state protection.

2. When erecting and reconstructing houses, buildings and facilities (including communications facilities), and when installing communications networks, communications service providers and builders shall take into account the need to protect the communications equipment and communications facilities from unauthorised access.

3. During operation of communications networks and communications facilities, the communications service providers shall ensure protection of the communications equipment and communications facilities from unauthorized access.

**Article 8. Registration of ownership and other property rights to communications units**

1. Communications facilities which are strongly fixed to the ground and may not be removed without inadequate damage to their intended use, including cable communications facilities, are considered as immovable properties subject to the right of property, the state registration of which is performed in accordance with civil law. The procedure of state registration of the right of property and other proprietary interests of cable communications facilities shall be established by the Government of the Russian Federation.

2. The procedure of state registration of the right of property and other proprietary interests of cosmic space communications units (i.e. communications satellites, including those of double purpose) facilities shall be established by federal laws.

3. The assignment of the right of property and other proprietary interests of cosmic space communications units does not result in assignment of the right to use the orbital frequency resource.

**Article 9. Installation and operation of communications lines on the border territory of the Russian Federation and within the territorial sea of the Russian Federation**

The Government of the Russian Federation shall establish the procedures of installation and operation, including maintenance, of the communications lines at the state border of the Russian Federation, on border territory of the Russian Federation, within the inshore seas of the Russian Federation and within the territorial sea of the Russian Federation, including cabling and installation of cable line facilities, as well as installation and emergency repair works at submarine cable line communications facilities within the territorial sea of the Russian Federation.

**Article 10. Communications lands**

1. According to the land legislation of the Russian Federation, communications lands are land plots which are provided for communications needs for permanent or free-of-charge use, or for rent, or land plots assigned to a foreign land plot under the right of limited use (easement) to have communications facilities built and operated.

2. The land legislation of the Russian Federation shall establish the procedures of granting land plots to communications entities, the order of using such land plots, including the installation of protected areas for communications networks and communications facilities, and the creation of passages for the allocation of communications networks, as well as the conditions and order of withdrawal of such land plots.

**CHAPTER 3  
COMMUNICATIONS NETWORKS****Article 11. Federal communications**

1. Federal communications include all entities and governmental bodies which perform and provide routines of telecommunications and postal services all over the Russian Federation territory.

2. The unified telecommunications network of the Russian Federation and the postal services network of the Russian Federation constitute the material and technical basis of communications in the Russian Federation.



## Article 12. Unified telecommunications network of the Russian Federation

1. The unified telecommunications network of the Russian Federation consists of the territorial telecommunications networks of the Russian Federation which fall in the following categories:

public switched communications network;

dedicated communications networks;

technological communications networks interconnected with the public switched communications network;

special-purpose communications networks and other communications networks intended for data transfer through electromagnetic systems.

1.1. The Government of the Russian Federation shall approve the rules for the preparation and use of the resources of the common telecommunications network of the Russian Federation, in order to ensure functioning of the significant objects of critical information infrastructure.

2. As regards the telecommunications networks representing the unified telecommunications network of the Russian Federation, the Federal executive body in the field of communications shall:

determine the rules for their interaction;

establish the requirements regarding their design, construction, operation, management, and their numbering, regarding the communications equipment to be used, the organisational and technical ensuring of function of the communications networks, particularly in emergency situations, the protection of the communications networks from unauthorised access and unauthorised data transfer, as well as regarding the order of putting the communications networks into service, depending from the category of communications network (except for special-purpose communications networks and dedicated and technological communications networks, if they are not interconnected with the public switched communications network);

establish the mandatory metrological requirements for measurements performed during the operation of the public switched communications network and for the measuring instruments used to ensure the integrity and stability of functioning of the public switched communications network, in accordance with the legislation of the Russian Federation on ensuring uniformity of measurements,

establish the requirements regarding the operation of the communications networks management systems in case of threats to the integrity, security and stability of operation of the internet in the Russian Federation and the public switched communications network.

2.1. The requirements for the implemented communications equipment and their management, the organisational and technical support for the stable functioning of communications networks, particularly in emergency situations, the protection of communications networks from unauthorised access and unauthorised data transfer, and the procedure for putting communications networks into operation are established upon agreement with the federal executive body in the field of security.

3. Communications service providers of all categories of communications networks within the common telecommunications network of the Russian Federation shall create management systems for their communications networks, corresponding to the established order of interaction of these networks.

### **Article 13. Public switched communications network**

1. The public switched communications network is intended for the paid provision of telecommunications services to any communications service user in the Russian Federation; it consists of telecommunications networks which are geographically limited within the borders of the area and the numbering resource to be served, and telecommunications networks which are not geographically limited within the borders of the Russian Federation and the numbering resource, and also communications networks which are determined by the technology of providing communications services.

2. The public switched communications network is a complex of interacting telecommunications networks including television and (or) radio broadcasting networks.

The public switched communications network is interconnected with foreign public switched communications networks.

### **Article 14. Dedicated communications networks**

1. Dedicated communications networks are telecommunications networks intended for the paid provision of telecommunications services to a limited group (to limited groups) of users. Dedicated communications networks may interact among each other. Dedicated communications networks do neither have interconnection with the public switched communications network nor with foreign public switched communications networks. The technologies and communications equipment used for creating dedicated communications networks, as well as the rules of their construction, are established by the owners or other proprietors of these networks.

A dedicated communications network may be interconnected with the public switched communications network by converting it into a network of the public switched communications category, provided that the dedicated communications network meets the requirements established for the public switched communications network. In this case, the dedicated numbering resource is withdrawn and a resource from the public switched communications network numbering resource is provided.

2. Providers of dedicated communications networks shall offer their services on the basis of the relevant licenses, within the limits of the territorial areas indicated in such licenses, and using the numbering assigned to each dedicated communications network in the order established by the Federal executive body in the field of communications.

### **Article 15. Technological communications networks**

1. Technological communications networks are intended to ensure production activities of organisations, as well as the management of technological production processes.

The technologies and communications equipment used for creating technological communications networks, as well as the rules of their construction are established by the owners or other proprietors of these networks.

2. If in the technological communications network there are non-engaged resources available, a part of the network may be connected to the public switched communications network; therefore, the technological communications network is converted into a network of the public switched communications category for providing paid communications services to any user under the relevant license. Such connection is permitted, provided that:

the owner may separate the part of the technological communications network to be connected to the public switched communications network from the technological communications network in a technical or physical way or through software;

the part of the technological communications network to be connected to the public switched communications network meets the functional requirements of the public switched communications network.

The part of the technological communications network to be connected to the public switched communications network is given a numbering resource from the public switched communications network numbering resource in the order established by the Federal executive body in the field of communications.

After connection of the communications network to the public switched communications network, the owner or other proprietor of the technological communications network shall maintain separate accounting of the costs for operating the technological communications network and its part connected to the public switched communications network.

Technological communications networks may be connected to the technological communications networks of foreign organisations only for the purposes of providing for a uniform technological cycle.

### **Article 16. Special-purpose communications networks**

1. Special-purpose communications networks are intended for the needs of the state authorities, state defence, state security and law enforcement. Such networks may not be used for the provision of paid services such as communications, interconnection or traffic transmission services, unless otherwise stipulated by the legislation of the Russian Federation.

2. Communications for the needs of the state authorities, state defence, state security and law enforcement shall be established in accordance with the procedure defined in the legislation of the Russian Federation; the provision of this kind of communications is a budgetary obligation of the Russian Federation.

3. Preparation and use of the resources of the common telecommunications network of the Russian Federation for ensuring the functioning of special-purpose communications networks shall be performed in the order established by the Government of the Russian Federation.

3.1. Special-purpose communications networks may be connected to the public switched communications network without being converted into a network of the public switched communications category.

A numbering resource from the public switched communications network numbering resource may be allotted to the owner of a special-purpose communications network.

If a special-purpose communications network is connected to the public switched communications network on the basis of a contract under the provisions of Item 1 of Article 18 of this Federal Law, the contracting parties shall ensure the traffic in these communications networks as provided for by such a contract, taking into account the restriction of use of communications networks specified in Item 1 of this article.

4. The centres managing the special-purpose communications networks shall ensure their interaction with other networks in the common telecommunications network of the Russian Federation, in accordance with the procedure established by the federal executive body in the field of communications.

### Article 17. Postal services network

1. The postal services network consists of the set of objects of postal services and postal routes of the postal service providers ensuring the receipt, processing, shipment (transfer) and delivery (handing over) of postal items, as well as for making postal transfers of monetary funds.

2. Relations in the field of postal services are regulated by international treaties of the Russian Federation, this Federal Law, the Federal Law on postal services, other federal laws and other normative legal acts of the Russian Federation.

## CHAPTER 4 INTERCONNECTION OF TELECOMMUNICATIONS NETWORKS AND THEIR INTERACTION

### Article 18. Right on interconnection with telecommunications networks

1. Communications service providers and owners of special-purpose communications networks have the right to connect their own telecommunications networks to the public switched communications network. Connection of one telecommunications network to another telecommunications network, as well as their interaction, shall be performed on the basis of contracts on connection of the telecommunications networks, concluded by the communications service providers and owners of special-purpose communications networks.

2. The providers of the public switched communications network are obliged to render interconnection services to other communications service providers, on the basis of contracts for the connection of telecommunications networks, in accordance with the *Rules for the interconnection of telecommunications networks and for their interaction* approved by the Government of the Russian Federation.

2.1. The providers of the public switched communications network are obliged to provide interconnection services to the owners of special-purpose communications networks, on the basis of contracts for the connection of telecommunications networks, in accordance with the *Rules for the interconnection of telecommunications networks and for their interaction* approved by the Government of the Russian Federation.

3. The contracts on connection of telecommunications networks in accordance with the *Rules for the interconnection of telecommunications networks and for their interaction*, approved by the Government of the Russian Federation, shall provide for:

the rights and obligations of communications service providers in the connection of telecommunications networks and their interaction;

the rights and obligations of owners of special-purpose communications networks in the interconnection of special-purpose communications networks to the public switched communications network and their interaction;

the obligations of main providers of the public switched communications network, as regards interconnection, if one contract party is a main provider in the public switched communications network;

the essential conditions for the interconnection of telecommunications networks and for their interaction;

a list of interconnection and traffic transmission services which a main provider in the public switched communications network is obliged to provide, as well as the order of provision of such services;

the procedure for the consideration of disputes between communications service providers or between communications service providers and owners of special-purpose communications networks on issues related to the interconnection of telecommunications networks and in their interaction.

Unless otherwise stipulated by this Federal Law, the prices for interconnection and traffic transmission services shall be determined by the communications service providers themselves, proceeding from the requirements of common sense and fairness.

4. Disputes between the communications service providers on the issues of signing contracts for interconnection of telecommunications networks shall be considered in court.

#### **Article 19. Requirements for the interconnection of telecommunications networks and for their interaction with the telecommunications network of a main provider in the public switched communications network**

1. The provisions on the public agreement in respect of main providers in the public switched communications network shall apply to a contract on interconnection of telecommunications networks, defining the terms for the provision of interconnection services and the obligations on interaction of telecommunications networks and traffic transmission services. For the purpose of this article, the operators of the public switched communications network are the consumers of the interconnection services and traffic transmission services.

For the purpose of providing non-discriminatory communications services market access, a main provider in the public switched communications network shall under similar circumstances establish equal terms for interconnection of telecommunications networks and for traffic transmission services, for communications service providers rendering similar services, and provide information, as well as interconnection and traffic transmission services to such operators on the same terms and with the same quality as to its own structural units and (or) affiliated persons.

An operator being a main provider in the public switched communications network in several subjects of the Russian Federation shall establish the terms and conditions for interconnection of telecommunications networks and traffic transmission services individually on the territory of each subject of the Russian Federation.

2. The refusal of a main provider in the public switched communications network to conclude a contract for interconnecting telecommunications networks is inadmissible, except for cases where the interconnection of the telecommunications networks and their interaction contradict the conditions of the licences issued to communications service providers, or the normative legal acts determining the construction and the functioning of the common telecommunications network of the Russian Federation.

3. The rules for the interconnection of telecommunications networks and for their interaction with the telecommunications network of a main provider in the public switched communications network, as well as his obligations regarding the interconnection of telecommunications networks and the interaction with the telecommunications networks of other communications service providers, or the telecommunications networks of other owners of special-purpose communications networks, shall be defined in accordance with the provisions approved by the Government of the Russian Federation.

Main providers in the public switched communications network shall establish their terms and conditions for connecting other telecommunications networks to their own telecommunications network, on the basis of the *Rules for the interconnection of telecommunications networks and for their interaction*, as regards the use of the network resources and traffic transmission services; such terms and conditions shall specify the general technical, economic and informational conditions, as well as the terms defining property relations.

The conditions for the interconnection of telecommunications networks shall provide for:

- the technical requirements for the interconnection of telecommunications networks;
- the volume, the procedure and the deadlines for the performance of works involved in interconnection of telecommunications networks and in their allocation to the interacting communications service providers;
- the procedure of passing traffic through the telecommunications networks of the interacting communications service providers;
- the location of the interconnection points of the telecommunications networks;
- the list of provided interconnection and traffic transmission services;
- the costs of interconnection and traffic transmission services and the payment procedure;
- the order of interaction between the management systems of the telecommunications networks.

Within seven days after establishing the terms for the interconnection of telecommunications networks, the main provider in the public switched communications network shall publish the abovementioned conditions and transmit them to the federal executive body in the field of communications.

If the federal executive body in the field of communications reveals, on its own or upon application from the communications service providers, that the conditions for connecting other telecommunications networks to the telecommunications network of a main provider in the public switched communications network and for traffic transmission services through it are not in conformity with the *Rules* mentioned in the first paragraph of this article or with the normative legal acts, the said federal body shall forward to the main provider in the public switched communications network a well-motivated instruction on eliminating these discrepancies. This instruction shall be accepted and implemented by the communications service provider who has received them, within thirty days from the day of their receipt.

The newly established terms and conditions for the connection of other telecommunications networks to the telecommunications network of the main provider in the public switched communications network and for passing traffic through it shall be published by the main provider in the public switched communications network and directed to the federal executive body in the field of communications, in accordance with the procedure specified in this article.

When new communications equipment are put into operation or new technological decisions in his own telecommunications network are implemented, or when outdated communications equipment are taken out of operation or are updated, which has a substantial impact on the conditions for connecting other telecommunications networks and for passing traffic through the telecommunications network of the main provider in the public switched communications network, the said communications service provider has the right to establish new conditions for connecting other telecommunications networks to his own network, in accordance with the procedure specified in this article. However, the conditions for the interconnection of telecommunications networks may not be amended more than once a year.

4. A main provider in the public switched communications network shall consider the applications of the communications service provider for concluding a contract for the interconnection of telecommunications networks within no more than thirty days from the day of receiving such application. A contract for the interconnection of telecommunications networks shall be concluded in writing by way of compiling, in conformity with civil law, a single docu-

ment signed by the parties, within no more than ninety days from the day of receiving the application. Non-compliance with the form for such a contract shall entail its invalidation.

5. The federal executive body in the field of communications shall maintain and publish a register of main providers in the public switched communications network.

6. The federal executive body in the field of communications is obliged to consider the applications submitted by the communications service providers concerning the interconnection of telecommunications networks and their interaction, within sixty days from the day of receiving such applications, and to publish the decisions adopted on them.

If a main provider in the public switched communications network fails to comply with the instructions of the federal executive body in the field of communications concerning the interconnection of telecommunications networks and their interaction, and also if a main provider in the public switched communications network shirks the conclusion of a contract for interconnection of telecommunications networks, the other party has the right to apply to the court with a claim for the compulsion in signing the contract for interconnection of the telecommunications networks and for recompense of inflicted losses.

#### **Article 19.1. Interconnection of communications networks of providers of mandatory publicly accessible tele channels and (or) radio channels and their interaction with television and (or) radio broadcasting networks**

1. A provider of mandatory publicly accessible tele channels and (or) radio channels shall receive a signal through which the mandatory publicly accessible tele channels and (or) radio channels are transmitted, in the following way:

when technical possibility is given: by interconnection of its own communications network to the communications network of the communications service provider specified in Item 2 of Article 19.2 of this Federal Law;

if it is technically impossible to receive a signal by interconnecting its own communications network to the communications network of the communications service provider specified in Item 2 of Article 19.2 of this Federal Law, confirmed in writing by this provider: by receiving a signal transmitted by radio-electronic means of a telecommunications service provider specified in Item 2 of Article 19.2 of this Federal Law (hereinafter referred to as the signal source) or another telecommunications service provider, without concluding a contract on the connection of communications networks for broadcasting television channels and (or) radio channels, or by connecting its own communications network to the television and (or) radio broadcasting network of another communications service provider.

The conditions for confirming the technical possibility or impossibility to receive a signal by connecting the communications network of the provider of mandatory publicly accessible tele channels and (or) radio channels to the communications network of the communications service provider specified in Item 2 of Article 19.2 of this Federal Law are determined by the federal executive body in the field of communications.

The reception of a signal transmitting a municipal mandatory publicly accessible tele channel, by a provider of mandatory publicly accessible tele channels and (or) radio channels, shall be performed according to the procedure established by the federal executive body in the field of communications.

2. In the case provided for by the second paragraph of Item 1 of this article, the communications service provider specified in Item 2 of Article 19.2 of this Federal Law shall determine the point of interconnection of the communications networks and the parameters of the technical means of reception of the signal of the providers of mandatory publicly accessible tele channels and (or) radio channels in order to ensure that a tele channel and (or) radio channel transmitted through terrestrial broadcasting and other types of broadcasting has the same content within one territory. The communications service provider specified in Item 2 of

Article 19.2 of this Federal Law shall, within thirty days from the date of connection of the communications network of the provider of mandatory publicly accessible tele channels and (or) radio channels, notify the person properly performing television broadcasting and (or) broadcasting of mandatory publicly accessible tele channels and (or) radio channels (hereinafter referred to as the broadcaster of mandatory publicly accessible tele channels and (or) radio channels), indicating the point of interconnection of communications networks and information about the provider of the mandatory publicly accessible tele channels and (or) radio channels, the communications network of which has been interconnected, including the license number, the territory in which telecommunications services are provided through interconnected networks, and the number of subscribers served by this communications network.

3. In the case specified by the third paragraph of Item 1 of this article, the provider of mandatory publicly accessible tele channels and (or) radio channels shall, prior to the beginning of transmission of the mandatory publicly accessible tele channels and (or) radio channels, coordinate the location of the signal source or the point of interconnection of the television and (or) radio broadcasting network with the broadcaster of the mandatory publicly accessible tele channel and (or) radio channel .

4. For determining the technical possibility of interconnection, the point of interconnection of communications networks and the parameters of technical means of signal reception, as stipulated by Items 1 and 2 of this article, the provider of mandatory publicly accessible tele channels and (or) radio channels (hereinafter referred to as the applying provider) shall address to the communications service provider specified in Item 2 of 19.2 of this Federal Law an application in free form, indicating his license number, the parameters of his television and (or) radio broadcasting network, the territory where he performs communications services and the number of subscribers to this communications network. The application may be sent in any way that allows to confirm the fact that it has been dispatched.

Within thirty days from the date the communications service provider specified in Item 2 of Article 19.2 of this Federal Law has received the application, he shall check the application and inform the applying provider on the technical possibility of interconnection, the point of interconnection of the communications networks and the parameters of the technical means of signal reception, or the lack of technical possibility of interconnection.

5. In order to carry out the coordination mentioned in Item 3 of this article, the applying provider shall send to each broadcaster of a mandatory publicly accessible tele channel and (or) radio channel an application in free form, indicating:

his license number, the parameters of his television and (or) radio broadcasting network, the territory where he performs communications services and the number of subscribers to this communications network;

information about the location of the signal source, as chosen by the applying provider, or about the communications service provider to the network of whom interconnection may be performed, and of the location of the point of interconnection of the television and (or) radio broadcasting networks.

The application may be sent in any way that allows to confirm the fact that it has been dispatched. The application shall be accompanied by a conclusion on the lack of technical possibility to receive a signal of mandatory public tele channels and (or) radio channels by connecting the communications network of the applying provider to the communications network of the communications service provider specified in Item 2 of Article 19.2 of this Federal Law, issued in accordance with Item 4 of this article.

6. Within thirty calendar days from the day of reception of the application submitted by the applying provider, the broadcaster of the mandatory publicly accessible tele channel and (or) radio channel shall check the application of the applying provider on coordination of the location of the source signal or the location of interconnection of television and (or) radio broadcasting networks, and notify the applying provider on the coordination of the location of the source signal or the location of the point of interconnection of communications television



and (or) radio broadcasting networks or notify him on the refusal of such coordination, indicating the grounds for such refusal.

In the notification on the refusal of coordination of the location of the signal source or the location of interconnection of television and (or) radio broadcasting networks, the broadcaster of a mandatory publicly accessible tele channel and (or) radio channel is obliged to propose the applying provider another acceptable for him source signal location or location of communications networks interconnection for the transmission of tele channels and (or) radio channels.

If the applying provider does not receive from the broadcaster of the mandatory publicly accessible tele channel and (or) radio channel any reply, within forty five calendar days from the day of sending the application, this shall be deemed as agreement of the broadcaster of the mandatory publicly accessible tele channel and (or) radio channel regarding the source signal location or the location of the interconnection point for transmission for television and (or) radio broadcasting networks, as chosen by the applying provider .

7. The broadcaster of the mandatory publicly accessible tele channel and (or) radio channel has the right to refuse his agreement regarding the source signal location or the location of the interconnection point for television and (or) radio broadcasting networks, as chosen by the applying provider, only in the case if the signal received from the signal source or interconnection point indicated in the application does not ensure the transmission of a mandatory publicly accessible tele channel and (or) radio channel the content of which is intended for the territory in which the applying provider plans to perform transmission of the aforementioned tele channels and (or) radio channels.

#### **Article 19.2. Terrestrial broadcasting of mandatory publicly accessible tele channels and (or) radio channels**

1. Terrestrial broadcasting of mandatory publicly accessible tele channels and (or) radio channels shall be performed by communications service providers on the basis of contracts on the provision of communications services for the purposes of television broadcasting and (or) radio broadcasting, concluded with the broadcaster of mandatory publicly accessible tele channels and (or) radio channels, in accordance with the provisions of Article 28 of this Federal Law.

2. The President of the Russian Federation shall determine the communications service provider to perform terrestrial broadcasting of Russia-wide mandatory publicly accessible tele channels and (or) radio channels, as well as digital terrestrial broadcasting of the tele channels which were granted the right to perform digital terrestrial broadcasting of tele channels by using positions in multiplexors.

#### **Article 20. Prices for interconnection and traffic transmission services performed by main providers in the public switched communications network**

1. The prices for interconnection and traffic transmission services performed by main providers in the public switched communications network are subject to state regulation. The list of interconnection and traffic transmission services the prices for which are subject to state regulation, as well as the procedure for their regulation shall be established by the Government of the Russian Federation.

The amount of the prices subject to state regulation which are to be paid for interconnection and traffic transmission services performed by main providers in the public switched communications network shall enable the creation of conditions for the reproduction of a modern functional equivalent of the part of the telecommunications network which is used in consequence of the additional work load created by the network of the interacting communications service provider, and recompense the costs for the operational maintenance of the used

part or the telecommunications network and include a reasonable rate of return (profit) of the capital spent for the performance of such services.

2. The main providers in the public switched communications network shall maintain separate accounting of the costs for the performed kinds of activities and communications services, and for the parts of the telecommunications networks used therefore.

The procedure how to maintain such a separate accounting for the cases specified by the Federal Law shall be established by the federal executive body in the field of communications.

## **CHAPTER 5 STATE REGULATION OF ACTIVITIES IN THE FIELD OF COMMUNICATIONS**

### **Article 21. Organisation of state regulation of activities in the field of communications**

1. In accordance with the Constitution of the Russian Federation and this Federal Law, state regulation of activities in the field of communications is carried out by the President of the Russian Federation, the Government of the Russian Federation, the federal executive body in the field of communications, and by other federal executive bodies within the scope of their respective competencies.

The Government of the Russian Federation shall determine the powers of federal executive body in the field of communications.

2. The federal executive body in the field of communications:

participates in elaborating the state policy and the normative and legal regulation in the field of communications;

on the basis of and in compliance with the Constitution of the Russian Federation, federal constitutive laws, federal law, and decrees of the President of the Russian Federation and the Government of the Russian Federation, performs legal regulation in the field of communications and informational support, except for issues the legal regulation of which, in accordance with the Constitution of the Russian Federation, the federal constitutive laws, federal laws and decrees of the President of the Russian Federation and the Government of the Russian Federation, is performed exclusively by federal constitutive laws, federal laws and Decrees of the President of the Russian Federation and the Government of the Russian Federation;

cooperates on issues and in the manner established by federal laws with self-regulatory organisations in the field of communications, created in accordance with the legislation of the Russian Federation (hereinafter - self-regulatory organisations);

participates in communications administration of the Russian Federation during performance of international activities of the Russian Federation in the field of communications;

has the right to request information from communications service providers, related to the provision of communications services for the needs of state defence, state security and law enforcement, including the technological capabilities of the communications service provider to provide communications services, about the prospects for the development of communications networks, tariffs for communications services, and also to send mandatory instructions for the execution of their concluded contracts to communications service providers who have entered into a state contract on the provision of communications services for the needs of state defence, state security and law enforcement.

3. [Item revoked]

4. For the purposes of implementation of the Federal Law "On the rules of making foreign investments in business companies which are strategically important for ensuring state defence and state security", a business entity having a main position in the mobile phone services market is a communications service provider established by the competition authority, whose share in this market within the geographical borders of the Russian Federation exceeds twenty-five percent.

## **Article 22. Regulation of radio-frequency spectrum use**

1. Regulation of radio-frequency spectrum use is an exclusive right of the state and is performed in accordance with international treaties of the Russian Federation and the legislation of the Russian Federation by the means of economic, organisational and technical measures relating to radio-frequency spectrum conversion and aimed at accelerating the introduction of prospective technologies, ensuring the efficient use of the radio-frequency spectrum in the social sphere and economy, as well as for the needs of the government, state defence, state security and law enforcement.

2. In the Russian Federation, regulation of radio-frequency spectrum use is performed by the interdepartmental collegial radio-frequency body under the federal executive body in the field of communications (hereinafter referred to as the state radio-frequency commission), having full authority in the field of regulation of the radio-frequency spectrum.

The Regulation on the state radio-frequency commission, as well as its composition shall be approved by the Government of the Russian Federation.

The Regulation on the state radio-frequency commission shall determine the procedure of allocation of radio-frequencies. The aforementioned regulation shall contain, in particular, the procedure of adopting decisions by the radio-frequency commission and the composition of the commission, with the participation of representatives of all interested federal executive bodies, as well as the Russian Federal Space Agency Roscosmos.

If a representative of one of the aforementioned bodies or of the Russian Federal Space Agency Roscosmos has an interest which may exert an impact on the objectivity of his decision on an issue under the commission's consideration, this representative shall not take part in the voting.

3. [Item revoked]

4. The radio-frequency spectrum in the Russian Federation shall be used in accordance with the following principles:

permissive procedure for the users' access to the radio-frequency spectrum;

convergence of radio-frequency band allocation and of the conditions for their use in the Russian Federation with the international radio-frequency band allocation;

the right of access to the radio-frequency spectrum for all users, taking into account state priorities, particularly the provision of the radio-frequency spectrum for the radio services of the Russian Federation to ensure citizens' security, and to ensure communications for the need of state authorities, state defence and state security, law enforcement, ecological security, and the prevention of man-made emergency situations;

the paid character of the use of the radio-frequency spectrum;

inadmissibility of termless allotment of a radio-frequency band or assignment of radio frequencies or radio-frequency channels;

radio-frequency spectrum conversion;

transparent and open procedures for allocation and use of the radio-frequency spectrum;

5. Communications equipment and other radio-electronic equipment and high-frequency devices which are sources of electromagnetic emissions, are subject to registration. The List of radio-electronic equipment and high-frequency devices subject to registration, as well as the procedure for their registration shall be defined by the Government of the Russian Federation.

Radio stations used on sea ships, inland vessels, mixed (river-sea) vessels, and airborne radio stations used on aircraft are not subject to registration and shall be used on the basis of ship radio stations permits or airborne radio stations permits. The issuing of permits for ship radio stations and permits for airborne radio stations, as well as the approval of templates for such permits and of the procedure of handing them out shall be performed by the federal executive body authorised therefore by the Government of the Russian Federation.

radio-electronic equipment used for the individual reception of tele channel and (or) radio channel signals, signals of personal radio calls (radio pagers), electronic items for personal use and means of personal radio navigation, which do not contain any radio-emission devices, are used on the territory of the Russian Federation under consideration of the restrictions provided for by the legislation of the Russian Federation, and are not subject to registration.

The use without registration of radio-electronic equipment and high-frequency devices which are subject to registration in accordance with this article is inadmissible.

radio-electronic equipment and high-frequency devices which are subject to registration shall be installed in the location indicated during registration of the radio-electronic facility or high-frequency device no later than thirty days from their registration.

6. The validity of the permit for a ship radio station is terminated by the federal executive body exercising control and supervision in the field of mass media, mass communication, information technologies and communications, in extrajudicial proceeding, under the following conditions:

application of the ship owner who is the person operating the ship on his own behalf, regardless of whether he is the proprietor of the ship or uses it on any other legal basis, and to whom a permit for a ship radio station has been issued;

a ship's loss of the right of sailing under the state flag of the Russian Federation;

expiration of a permit for a ship radio station if this period has not been extended in the prescribed manner.

If the documents submitted by the applicant contain false or distorted information that has influenced the decision to issue the permit for a ship radio station, the *Federal executive body exercising control and supervision in the field of mass media, mass communication, information technologies and communications* has the right to apply to the court with a claim to terminate the validity of the permit for the ship radio station.

### **Article 22.1. Radio-frequency service**

A specially authorised service for regulating the use of radio frequencies and radio-electronic equipment, operating under the federal executive body in the field of communications (hereinafter referred to as the radiofrequency service), shall execute organisational and technical measures to ensure the proper use of radio frequencies or radio-frequency channels and the corresponding civilian-purpose radio-electronic equipment or high-frequency devices, in accordance with the decisions of the state radio-frequency commission, and also execute

other powers provided for by this Federal Law, other federal laws and the Regulation on the radio-frequency service approved by the Government of the Russian Federation.

### **Article 23. Allocation of the radio-frequency spectrum**

1. Allocation of the radio-frequency spectrum shall be performed in accordance with the *Table of frequency-bands allocation to the radio services of the Russian Federation* and with the *Plan for the prospective radio-frequency spectrum use by radio-electronic devices* which shall be established by the state radio-frequencies commission and approved by the Government of the Russian Federation.

2. The *Table of frequency-bands allocation to the radio services of the Russian Federation* shall be revised at least once every four years, the *Plan for the prospective radio-frequency spectrum use by radio-electronic devices* shall be revised at least once in ten years.

Once every two years, the state radio-frequencies commission shall consider proposals submitted by self-regulated organisations and by individual communications service providers on revising the *Table of frequency-bands allocation to the radio services of the Russian Federation* and the *Plan for the prospective radio-frequency spectrum use by radio-electronic devices*.

3. The radio-frequency spectrum comprises the following categories for radio-frequency bands:

- for the priority use of radio-electronic equipment for the needs of state authorities, including for presidential and government communications, for the needs of state defence, state security, and law enforcement;

- for the priority use of civilian-purpose radio-electronic equipment;

- for the combined use of radio-electronic equipment intended for any purpose.

4. Radio-frequency spectrum users shall pay a one-off payment and an annual payment for the use of the radio-frequency spectrum; the payment is intended for the purposes of the radio-frequencies control system, for the radio-frequency spectrum conversion and for financing measures for shifting the operating radio-electronic equipment to other radio-frequency bands.

The procedure for determining the amount of the one-off payment and of the annual payment, for the collection of such payment, as well as for its distribution and use shall be defined by the Government of the Russian Federation, taking in the account that the amount of the one-off payment and of the annual payment shall be determined in a differentiated way, depending on the utilised frequency range and the number of radio frequencies, as well as on the applied technologies.

### **Article 24. Allotment of radio-frequency bands and assignment of radio frequencies or radio-frequency channels**

1. The right to use a radio-frequency spectrum is granted through allotment of radio-frequency bands and (or) assignment of radio frequencies or radio-frequency channels.

Radio-frequency spectrum use without the corresponding permit is inadmissible, unless otherwise stipulated by this Federal Law.

2. In radio-frequency bands of the categories for the combined use of radio-electronic equipment intended for any purpose and for the priority use of civilian-purpose radio-electronic equipment, the radio-frequency band allotment for radio-electronic equipment for

any purpose, and in radio-frequency bands of the categories for the priority use of radio-electronic devices used for the needs of the state authorities, the radio-frequency band assignment for civilian-purpose radio-electronic equipment shall be carried out by the state radio-frequencies commission, taking into account the conclusions on the possibility of such allotment, submitted by the members of the state radio-frequencies commission.

In radio-frequency bands of the categories for the priority use of radio-electronic equipment for the needs of state authorities, the radio-frequency band allotment for radio-electronic equipment supporting the state authorities, state defence, state security and law enforcement, shall be carried out in the Russian Federation by the federal executive body in the field of state protection and the federal executive body in the field of state defence.

Radio-frequency bands shall be allotted for ten years or for a shorter specified term. Upon application of the user of the radio-frequency spectrum, this term may be extended or reduced by the bodies who have allotted the radio-frequency band.

A user of a particular radio-frequency spectrum may not transfer his right to the use of radio-frequency bands, granted in conformity with this article, to another user, without decision of the state radio-frequencies commission or of the body which has granted this right.

3. A radio frequency or a radio-frequency channel for civilian-purpose radio-electronic equipment shall be assigned by the federal executive body in the field of communications upon applications of citizens of the Russian Federation or upon applications of legal persons of the Russian Federation, taking into account the results of examination carried out by the radio-frequency service on the possibility to use the radio-electronic equipment in question and on their electromagnetic compatibility with radio-electronic equipment (examination of electromagnetic compatibility) which is operating or planned to be put in operation.

Radio frequencies or radio-frequency channels for civilian-purpose radio-electronic equipment for joint radio-frequency spectrum use shall be assigned, provided that there is a contract on multiple-user radio-frequency spectrum use, and in the manner prescribed by the state radio-frequency commission, within the limits of the radio-frequency bands allotted to the contracting parties on one and the same territory and stipulated in the contract on multiple-user radio-frequency spectrum use.

The federal executive body in the sphere of communications shall, within forty working days from the day of reception of the corresponding application from a citizen of the Russian Federation or from a Russian legal entity (from Russian legal entities):

decide on the assignment of a radio frequency or a radio-frequency channel for civilian-purpose radio-electronic equipment

publish the information on adoption of such a decision on the official internet site of the federal executive body in the field of communications;

prepare the permit for the use of radio frequencies or radio-frequency channels.

Radio frequency or radio-frequency channel assignment for radio-electronic equipment used for the needs of state authorities, state defence, state security and law enforcement shall be carried out by the federal executive body in the field of state protection and the federal executive body in the field of state defence.

Radio frequencies or radio-frequency channels shall be assigned for ten years or for a shorter specified term, however, within the limits of the validity period of the corresponding decision on radio-frequency band allotment. The term of radio frequency or radio-frequency channel assignment for the orbital frequency resource may be extended, taking into account the service life of cosmic space objects used for the creation and operation of communications networks.

Permits for ship radio stations, as stipulated in the second paragraph of Item 5 of Article 22 of this Federal Law, shall be issued taking into account the conclusions of the radio-frequencies service on conformity of the ship radio stations with the requirements of international treaties of the Russian Federation and with the requirements of the legislation of the Russian Federation in the field of communications.

For decisions on the allotment of radio-frequencies and the assignment of radio frequencies or radio-frequency channels, for which no validity period has been established yet, a validity period shall be determined until 31 December 2019.

3.1. A contract on multiple-user radio-frequency spectrum use shall include:

1) information about the radio-frequency band which has been allotted to the radio-frequency spectrum users being the contracting parties and which is foreseen for joint use;

2) the rights and obligations of the radio-frequency spectrum users, particularly the obligations of the radio-frequency spectrum users to comply with the conditions established by the corresponding decision on radio-frequency band allotment;

3) the procedure for mutual settlements between the users of the radio-frequency spectrum for its joint use, and the corresponding amount to pay;

4) the procedure for resolving disputes between the users of the radio-frequency spectrum regarding its joint use;

5) the procedure for terminating the contract on multiple-user radio-frequency spectrum use.

3.2. If the radio-frequency spectrum is used to provide communications services, the parties of the contract on multiple-user radio-frequency spectrum use shall own a license on the provision of communications services of the same name.

4. [Item revoked]

5. The procedure of examining electromagnetic compatibility, for considering materials and for adopting decisions on the allotment of radio-frequency bands and on the assignment of radio frequencies or radio-frequency channels within the limits of the allotted radio-frequency bands, and also for renewing or modifying such decisions, shall be established and published by the state radio-frequency commission.

6. Radio frequency or radio-frequency channel assignment may be changed in the interests of meeting the needs of state authorities, state defence, state security and law enforcement, with recompense to the owners of radio-electronic equipment for losses caused by a change in the radio frequency or radio-frequency channel.

A forced change of the radio frequency or radio-frequency band of a radio-frequency spectrum user by the federal executive body in the field of communications is admissible only in order to prevent threats to human life or health, to ensure state security, or in order to fulfil the obligations resulting from international treaties of the Russian Federation. Such change may be appealed in court by the radio-frequency spectrum user.

7. Refusal to allot a radio-frequency band to radio-frequency spectrum users for civilian-purposes radio-electronic equipment is admissible on the following grounds:

non-conformity of the claimed radio-frequency band with the *Table of frequency-bands allocation to the radio services of the Russian Federation*;

non-conformity of the parameters of radiation and reception of the radio-electronic equipment intended for use, with the requirements, standards and national standards of the

Russian Federation in the field of electromagnetic compatibility of radio-electronic equipment and high-frequency devices;

a negative conclusion on the possibility of radio-frequency band allotment, submitted by one of the members of the state radio-frequencies commission.

8. Refusal to assign a radio frequency or a radio-frequency channel to radio-frequency spectrum users for civilian-purpose radio-electronic equipment is admissible on the following grounds:

lack of documents for the radio-electronic equipment intended for use, on conformity confirmation in cases where conformity confirmation is mandatory;

non-conformity of the intended activities in the field of communications with the requirements, standards and rules established for this kind of activities;

a negative conclusion of the examination on electromagnetic compatibility;

negative results of the international procedure to coordinate radio-frequency assignment, if such a procedure is provided for by the Regulation on radio communications of the International Telecommunications Union or other international treaties of the Russian Federation.

Refusal to assign a radio frequency or a radio-frequency channel to radio-frequency spectrum users for civilian-purpose radio-electronic equipment within the framework of joint radio-frequency spectrum use also admissible if a contract on multiple-user radio-frequency spectrum use is lacking.

9. Refusal to assign a radio frequency of a radio-frequency channel for radio-electronic devices used for the needs of state authorities, state defence, state security and law enforcement, shall be carried out in the manner prescribed by the federal executive body in the field of state protection and the federal executive body in the field of state defence.

10. If a violation of the conditions established during the allotment of a radio-frequency band or the assignment of a radio frequency or a radio-frequency channel, the permit for the use of the radio-frequency spectrum by the users of the radio-frequency spectrum for civilian-purpose radio-electronic equipment may be suspended by the body who has allotted the radio-frequency band or assigned the radio frequency or radio-frequency channel in accordance with Items 2 and 3 of this article, for the period of time necessary for eliminating this violation, but for no longer than ninety days.

11. The authorisation for radio-frequency spectrum use shall be terminated out of court, or the validity period of such permit shall not be extended on the following grounds:

application of the radio-frequency spectrum user;

annulment of the licence for performing activities in the field of communications services, if such activities are connected with the use of the radio-frequency spectrum;

expiry of the validity period fixed during the assignment of the radio frequency or the radio-frequency channel, if this period was not extended in the prescribed manner or if the application for its extension was not submitted in good time, that is at least thirty days before the end of the validity period;

use of the radio-electronic equipment and (or) high-frequency devices for illegal purposes causing harm to the interests of individuals, the society and the state;

non-compliance of the radio-frequency spectrum user with the conditions established in the decision on allotment of a radio-frequency band or assignment of a radio frequency or a radio-frequency channel;



failure of the radio-frequency spectrum user to pay for the use thereof within thirty days from the deadline fixed for the payment;

liquidation of the legal entity to which the permit for the use of the radio-frequency spectrum was issued;

failure to eliminate the violation which has served as grounds for suspending the permit for radio-frequency spectrum use;

non-compliance of the legal successor of a reorganised legal entity with the requirement, stipulated by Items 15 and 16 of this article, to have the decision on radio-frequency band allotment and the authorisation to use radio frequencies or radio-frequency channels reissued;

adoption by the state radio-frequency commission of a well-motivated decision to terminate the use of radio-frequency bands specified in the decision of the state radio-frequency commission, with recompense to the owner of the radio-electronic equipment for losses caused by the preterm termination of the decision to allot radio-frequency bands.

11.1. The permit for the use of a radio frequency or a radio-frequency channel issued to radio-frequency spectrum users for the purposes of joint radio-frequency spectrum use shall also be terminated out of court if the contract on multiple-user radio-frequency spectrum use expires.

12. If the documents submitted by the applicant contain false or distorted information that has influenced the decision to allot a radio-frequency band or to assign a radio frequency or a radio-frequency channel, the body which has allotted the radio-frequency band or assigned the radio frequency or the radio-frequency channel, has the right apply to the court with a claim to terminate or not to extend the validity period of the permit for the use of the radio-frequency spectrum.

13. If the permit for radio-frequency spectrum use is terminated or suspended, the payment made for its use shall not be returned.

14. If a legal entity is reorganised in the form of merger, acquisition, or transformation, the decision on radio-frequency band allotment and the permit for the use of radiofrequencies or radio-frequency channels shall be reissued upon application of the legal successor or the reorganised legal entity.

If a legal entity is reorganised in the form of division or separation, the decision on radio-frequency band allotment and the permit for the use of radio frequencies or radio-frequency channels shall be reissued upon application of the legal successor(s) of the reorganised legal entity, taking into account the provisions of the transfer act.

Reissuance of decisions on radio-frequency band allotment and permits for the use of radio frequencies or radio-frequency channels for another natural person shall be performed upon their personal application or upon application by their inheritor(s), in the manner stipulated by Items 15 and 16 of this article and in compliance with the requirements of civil law. Applications on reissuance of the aforementioned documents shall be submitted by the inheritor(s) within thirty days from the day of accepting inheritance. The application of the inheritor(s) shall be accompanied by copies of the documents attesting the acceptance of inheritance.

If other legal successors contest the right of the concerned legal successor on radio-frequency band use and assignment of radio frequencies or radio-frequency channels, the dispute between the parties shall be resolved in court. Hence the legal successor's right on reissuance of the decision on radio-frequency band allotment and of the permit for the use of radio frequencies or radio-frequency channels arises from an effective court decision.

15. In the case of reorganisation of a legal entity, its legal successor is obliged to submit applications, within forty five days from entering the corresponding modifications into the Unified state register of legal entities, in order to reissue the following documents:

decision on allotment of a radio-frequency band; the corresponding application shall be sent to the state radio-frequencies commission;

permit to use radiofrequencies or radio-frequency channels; the corresponding application shall be sent to the federal executive body in the field of communications.

16. The application stipulated by Item 15 of this article shall be accompanied by documents confirming succession; it may also be accompanied by an excerpt from the Unified state register of legal entities or by a notary approved copy of such an excerpt. If a legal successor's application is not accompanied by an excerpt from the Unified state register of legal entities or a notary approved copy of such an excerpt, the federal executive body in the field of communications shall request from the authority performing state registration of legal entities and legal persons acting as individual entrepreneurs, information confirming the fact that information on the applicant has been entered in the Unified state register of legal entities.

Reissuance of the decision on radio-frequency band allotment shall be performed within ten days from the day of receiving the corresponding application, without considering the issue on meeting of the state radio-frequencies commission.

Reissuance of the permit for the use of radio frequencies or radio-frequency channels shall be performed by the federal executive body in the field of communications, within ten days from the day of receiving the corresponding application.

Reissuance of the aforementioned documents shall be performed under the conditions which were established during allotment of radio-frequency bands and assignment of radio frequencies or radio-frequency channels to the legal entity.

If the legal successor submits incomplete or false information, the reissuance of the decision on radio-frequency band allotment and of the permit to use radio frequencies or radio-frequency channels may be refused within ten days from the day of receiving the corresponding application.

Notification on the refusal of reissuing the documents in question shall be sent to the applicant or handed him out in written form, with indication of the grounds for refusal, within ten days from the day of receiving the corresponding decision.

Until reissuance of the aforementioned documents is completed, the legal successor has the right to use the radio-frequency spectrum in accordance with the earlier issued documents.

## **Article 25. Control of radiation emitted from radio-electronic equipment and (or) high-frequency devices**

1. Control of radiation emitted from radio-electronic equipment and (or) high-frequency devices is performed for the following purposes:

verification of compliance of a radio-frequency spectrum user with the rules of using this radio-frequency spectrum; detection of unauthorised radio-electronic equipment and termination of its operation;

detection of the sources of radio interferences;

detection of infractions of the order and the rules for radio-frequency spectrum use, of national standards of the Russian Federation, or of the requirements for the parameters of broadcast (reception) of radio-electronic equipment and (or) high-frequency devices;

ensuring electromagnetic compatibility; ensuring operational availability of the radio-frequency spectrum.

2. Radio monitoring is a part of the state management of radio-frequency spectrum use and of the international legal protection of the assignment of radio frequencies or radio-frequency channels.

Radio monitoring of civilian-purpose radio-electronic equipment is carried out by the radio-frequency service. The rules for carrying out radio monitoring shall be determined by the Government of the Russian Federation.

During radio monitoring for studying the parameters of radiation of radio-electronic equipment and (or) high-frequency devices, or for confirming violations of the established rules of radio-frequency spectrum use, it is possible that signals of the radiation sources to be verified are recorded.

Such recording may only serve as evidence for infraction of the rules of radio-frequency spectrum use and shall be deleted in the order, established by the legislation of the Russian Federation.

The use of such records for other purposes is inadmissible, and persons who are guilty of such use shall bear liability for breach of privacy and violation of personal, family, commercial and other secrets protected by law, as established by the legislation of the Russian Federation.

## **Article 26. Regulation of the numbering resource**

1. Regulation of the numbering resource is an exclusive right of the state. The government of the Russian Federation shall determine the procedure of allocation and use of the numbering resource of the common telecommunications network of the Russian Federation, including the Russian segments of the international communications network, taking into account the recommendations of international organisations which the Russian Federation is a member of, in accordance with the Russian numbering system and plan.

During allocation of the numbering of the Russian segments of international communications networks, the generally accepted international practice of the activities of self-regulatory organisations in this field shall be taken into account.

2. A national tax shall be collected from the communications service provider for the allotment of a numbering resource, in accordance with the legislation of the Russian Federation on taxes and fees.

In particular cases established by this Federal Law, the federal executive body in the field of communications has the right to change or to withdraw, in total or in part, the numbering resource allotted to the communications service provider. The information on the upcoming change in numbering and the date of its implementation is subject to publication. In the case of full or partial withdrawal of the numbering resource allotted to the communications service provider, recompense is not paid to the communications service provider.

Withdrawal of a numbering resource earlier allotted to a communications service provider is performed on the following grounds:

application of the communications service provider to whom the corresponding numbering resource was allotted;

termination of the license issued to the communications service provider;

violation of the numbering system and plan by the communications service provider using the numbering resource;

non-use or partial non-use of the allotted numbering resource by the communications service provider during two years form the day of allotment;

non-compliance by the communications service provider with the obligations assumed by him at the tender provided for by this Federal Law;

[Item revoked]

The communications service provider shall be notified in writing about the decision to withdraw the numbering resource, thirty days before the withdrawal, with indication of the grounds for such a decision.

2.1. The federal executive body in the field of communications has the right to withdraw, in full or in part, the numbering resource allotted to the owner of a special-purpose communications network.

2.2. Withdrawal of a numbering resource earlier allotted to an owner of a special-purpose communications network is performed on the following grounds:

application of the owner of a special-purpose communications network to whom the corresponding numbering resource was allotted;

violation of the numbering system and plan by the owner of the special-purpose communications network using the numbering resource;

non-use or partial non-use of the allotted numbering resource by the owner of the special-purpose communications network during two years form the day of allotment.

2.3. In the case of full or partial withdrawal of the numbering resource allotted to

the owner of a special-purpose communications network, there is no recompense paid to the owner of the special-purpose communications network.

The procedure of withdrawing a numbering resource allotted to a communications service provider or owner of a special-purpose communications network shall be established by the Government of the Russian Federation.

The Government of the Russian Federation shall determine the federal executive body empowered to control the use of the numbering resource allotted to the owner of a special-purpose communications network.

3. The federal executive body in the field of communications shall:

1) propose to the Government of the Russian Federation a procedure for the allocation and use of the numbering resources of the common telecommunications network of the Russian Federation for approval;

2) ensure the organisation of the works on allocation and accounting of the numbering resource, and also on allotment of the numbering resources;

3) establish normative requirements for the communications networks as regards the activation of the numbering resources, as well as requirements mandatory for the communications service providers concerning building and administration of communications networks, numbering, protection of communications networks from unauthorised access and information transfer, radio-frequency spectrum use, the order of traffic transmission services, including

traffic between special-purpose communications networks and the public switched communications network, the conditions for interaction of communications networks, provision of communications services, the *Rules for ensuring organisational and technical interaction of mobile phone providers during the transfer of subscriber numbers*;

4) approve the numbering system and plan of the Russian Federation;

5) alter the numbering of the communications networks, in technically substantiated cases, with preliminary publication of the grounds and the dates of implementation of the upcoming changes, in accordance with the order of allocation and use of the numbering resource of the common telecommunications network of the Russian Federation;

6) ensure availability of a free numbering resource;

7) provide information, upon inquiry of interested parties, on the allocation of the numbering resource;

8) verify that the use by the communications service providers of the numbering resource allotted to them is in conformity with the established order of using numbering resource of the common telecommunications network of the Russian Federation, particularly that the communications service providers fulfil their obligations assumed by them at the tender provided for by this Federal Law.

4. It is inadmissible to limit a certain communications service provider's access to information on allotment, change and withdrawal of the numbering resource.

5. A numbering resource for a communications network shall be allotted by the federal executive body in the field of communications, upon application by the communications service provider or the owner of the special-purpose communications network, within a period of no more than sixty days, if the volume of numberings allotted to all communications service providers in the concerned territory comprises less than ninety percent of the available resource. When determining the numbering resource to be tendered, the requests for the tender provided for by Article 31 of this Federal Law shall be taken into account.

6. Communications service providers to whom has been allotted or for whom has been changed a numbering resource, are obliged to start the use of the allotted numbering resource or to change the numbering of the network within the established period of time, as well as to pay all necessary fees.

Subscribers shall not bear any costs connected to the allotment or change of communications networks numberings, except for fees connected to the change of subscriber numbers or identification codes in documents and information materials.

7. The communications service provider may transfer the numbering resource allotted to him or part thereof to another communications service provider or owner of a special-purpose communications network only by consent of the federal executive body in the field of communications.

If a subscriber decides to retain his subscriber number when concluding a new contract on the provision of communications services with other mobile phone providers, there is no consent required from the federal executive body in the field of communications, regarding the transfer of the subscriber number to the new communications service provider for the validity period of this contract.

8. If a legal entity is reorganised in the form of merger, acquisition, or transformation, the title documents on the allotted numbering resource shall be reissued upon application of the legal successor.

If a legal entity is reorganised in the form of division or separation, reissuance of the title documents on the numbering resource shall be performed upon application of the legal successors.

If other legal successors contest the right of the concerned legal successor on the use of the numbering resource, the dispute between the parties shall be resolved in court.

9. Mobile phone providers shall ensure that the operator of the data base of retained subscriber numbers is provided the necessary information on the subscribers' numbers retained by their subscribers and used during the conclusion of new contracts on the provision of communications services.

The operator of the data base of retained subscriber numbers shall be determined by the Government of the Russian Federation.

Entering modifications in the data base of retained subscriber numbers by the operator of the data base is subject to payment. The amount to be paid by the mobile phone provider with whom the subscriber concludes a new contract on the provision of communications services, for entering modifications in the aforementioned data base, the procedure of collection of this fee, the functioning of the data base and the procedure of being provided access to the data base and its resources shall be established by the Government of the Russian Federation.

Information from the data base of retained subscriber numbers shall be provided free of charge.

#### **Article 27. State supervision in the field of communications**

1. State supervision in the field of communications comprises the activities of the authorised federal executive bodies, aimed at prevention, detection and suppression of infractions by legal entities and natural persons of the requirements established by this Federal Law, other federal laws and other normative legal acts of the Russian Federation adopted in accordance with the aforementioned laws in the field of communications (hereinafter referred to as mandatory requirements), by means of organising and performing audits of the specified entities/persons, implementation of actions provided for by the legislation of the Russian Federation for the purposes of suppression and (or) elimination of the consequences of detected infractions, as well as the systematic monitoring of compliance with mandatory requirements, analysis and forecasting of compliance with the specified requirements by the aforementioned federal executive bodies when legal entities and natural persons perform their activities.

2. State supervision in the field of communications shall be performed by the authorised federal executive bodies (hereinafter referred to as state supervisory authorities) according to their competence and in the order established by the Government of the Russian Federation.

3. The relations arising from state supervision activities in the field of communications and from the organisation and performance of audits of legal entities and natural persons are subject to the provisions of Federal Law No. 294-FZ of 26 December 2008 "On the protection of rights of legal entities and individual entrepreneurs during state control (supervision) and municipal control", taking into account the conditions of organising and performing audits, as stipulated in Items 4-7 of this article.

4. The grounds for including a scheduled audit in the annual plan of scheduled audits are:

1) expiration of three years from the date of state registration of legal entities or individual entrepreneurs performing activities in the field of communications, if their activities are not subject to licensing;

2) expiration of two years from the date of completion of the last scheduled audit.

5. The grounds for performing an unscheduled audit are:

1) expiration of the period of time set by the state supervisory authority in order to eliminate a detected infraction of mandatory requirements;

2) receipt, at the state supervisory authority, of requests and applications from citizens, including individual entrepreneurs and legal entities, or of information from state authorities, local self-government authorities, or from mass media, on facts of violations of the integrity, stability of operation and security of the common telecommunications network of the Russian Federation, according to the list of such violations established by the Government of the Russian Federation;

3) detection of infractions of the mandatory requirements, revealed by the state supervisory authority through systematic surveillance and radio monitoring;

4) order (ordinance) of the head (deputy head) of the state supervisory authority to perform an unscheduled audit, such order (ordinance) being issued upon order of the President of the Russian Federation or the Government of the Russian Federation or upon request of the prosecutor to perform an unscheduled audit within the framework of surveillance over compliance with the laws, according to materials and requests received by the prosecution authorities.

6. An unscheduled field inspection (audit) on the grounds of Sub-item 2 of Item 5 of this article, may be performed by the state supervisory authority immediately, with notification of the prosecution authorities in the manner, prescribed by Part 12 of Article 10 of the Federal Law No. 294-FZ of 26 December 2008 "On the protection of rights of legal entities and individual entrepreneurs during state control (supervision) and municipal control".

7. Preliminary information of a legal entity or a natural person on the performance of an unscheduled field inspection (audit) as stipulated in Sub-item 2 or 3 of Item 5 of this article is inadmissible.

8. Officials of state supervisory authorities have the following rights, according to the legislation of the Russian Federation:

1) to request and to receive, on the basis of well-motivated written inquiries from legal entities and natural persons, information and documents necessary for the performance of audit (inspection);

2) to visit and examine the buildings, premises, structures and other similar objects, and the hardware used by the communications entity, as well as to carry out the necessary research, testing, investigations, examinations and other verification activities, without hindrance, upon presentation of their official service card and a copy of the order (ordinance) of the head (deputy head) of the state supervisory authority on appointment of an audit (inspection);

3) to issue instructions to eliminate detected infractions of mandatory requirements, to take measures to ensure the prevention of harm to communications equipment intended for state authorities, state defence, state security and law enforcement, as well as preventing violations of the integrity, stability of operation and security of the common telecommunications network of the Russian Federation;

4) to draw up protocols on administrative offenses, connected with infractions of mandatory requirements, consider cases of administrative offenses and take measures to prevent such infractions;

5) to send to the authorised bodies materials related to infractions of mandatory requirements, in order to resolve issues related to initiating criminal proceedings on the grounds of crimes.

9. State supervisory authorities may be involved by the court in a case or may intervene on their own initiative to give an opinion on a claim for compensation for damage resulting from infractions of mandatory requirements.

#### **Article 28. Tariff regulation for communications services**

1. Tariffs for communications services are established by the communications service provider on his own, unless otherwise stipulated by this Federal Law and the legislation of the Russian Federation on natural monopolies.

2. Tariffs for public accessible telecommunications and postal services are subject to state regulation in accordance with the legislation of the Russian Federation on natural monopolies. A list of public accessible telecommunications and postal services the tariffs of which are subject to state regulation shall be established by the Government of the Russian Federation. Tariffs for universal communications services are subject to regulation according to this Federal Law.

3. State regulation of the tariffs for communications services (except for tariff regulation for universal communications services) shall create conditions which ensure for communications service providers recompense of their economically-motivated expenses arising from the provision of communications services, as well as recovery of a reasonable rate of return (profit) from the capital spent to provide communications services the tariffs for which are set by the state.

### **CHAPTER 6**

#### **LICENSING OF ACTIVITIES IN THE FIELD OF COMMUNICATIONS SERVICES AND CONFORMITY ASSESSMENT IN THE FIELD OF COMMUNICATIONS**

#### **Article 29. Licensing of activities in the field of communications services**

1. Legal entities and individual entrepreneurs may provide paid communications services only on the basis of a license on activities in the field of communications services (hereinafter referred to as license). A list of the designations of communications services to be entered in a license and the corresponding lists of licensing conditions shall be established by the Government of the Russian Federation and shall be annually revised.

The list of licensing conditions to be entered into the licenses for activities in the field of communications services for television and (or) radio broadcasting (except for communications services for wired radio broadcasting) if said activity is carried out on the basis of contracts with subscribers, regardless of the use communications networks, shall include the conditions of transmission of the mandatory publicly accessible tele channels and (or) radio channels without contract and free of charge for the broadcasters of such channels and also free of charge for the subscribers having the right of watching and (or) listening such tele channels and (or) radio channels, in accordance with Item 4 of Article 46 of this Federal Law.

2. Licensing of activities in the field of communications services shall be performed by the federal executive body in the field of communications (hereinafter referred to as the licensor)

who:

1) establishes the licensing conditions according to the List of licensing conditions as stipulated in Item 1 of this article, and enter into them amendments and supplements;

2) registers applications of granting of licenses;



- 3) issues license in accordance with this Federal Law;
- 4) supervises compliance with the licensing conditions, issues instructions to eliminate detected infractions of mandatory requirements, and issues cautions about suspension of licenses;
- 5) refuses the issuance of licenses;
- 6) suspends and renews the validity of licenses;
- 7) cancels licenses;
- 8) reissues licenses;
- 9) maintains the license register and publishes information from said register in accordance with this Federal Law.

3. Licenses are issued subject to the results of consideration of applications, and in cases stipulated by Article 31 of this Federal Law, subject to the results of tender (bidding, competition).

### **Article 30. Requirements for the application for being granted a license**

1. For being granted a license, the license applicant shall submit his application to the licensing authority; the application shall comprise:

- 1) designation (company name), business form, address of the legal entity, name of the bank, bank account (for legal entities);
- 2) name, first name, patronymic, residence, references of the personal identification document (for individual entrepreneurs);
- 3) designation of the communications service;
- 4) territory where the communications service is intended to be provided and the communications network is intended to be created;
- 5) category of communications network
- 6) period of time within the license applicant intends to perform activities in the field of communications service.

2. The application shall be accompanied by a construction scheme for the communications network and a description of the communications service. The license applicant may be a legal entity or an individual entrepreneur and has the right to submit a document, along with his application, confirming payment of the state fee for the issuance of a license, and also an extract from the Unified state register of legal entities or an extract from the Unified state register of individual entrepreneurs.

2.1. If the license applicant did not submit on his own the documents stipulated in Item 2 of this article, then, upon interdepartmental inquiry of the licensing authority, the federal executive body performing state registration of legal entities or natural persons acting as individual entrepreneurs, shall provide information confirming the entry of the license applicant into the Unified register of legal entities or into the Unified register of individual entrepreneurs, and the federal executive body exercising supervision and control over compliance with the legislation on taxes and fees shall provide information confirming registration at the tax authority in electronic form, in the manner and within the terms prescribed in accordance with

the legislation of the Russian Federation on state registration of legal entities and individual entrepreneurs and with the legislation of the Russian Federation on taxes and fees.

If the license applicant did not submit on his own any document confirming payment of the state fee for being granted a license, then the licensing authority shall verify that the applicant has paid the state fee, through the information on payment of the state fee in the State information system on municipal payments.

3. If in the process of providing communications services it is assumed to use the radio-frequency spectrum, particularly for the purposes of television and radio broadcasting, cable television broadcasting and wired radio broadcasting, transmission of vocal information, including through a data communication network, provision of transmission links extending beyond or located beyond the territorial borders of one subject of the Russian Federation, or located beyond the borders of the Russian Federation, or for the purposes of activities in the field of postal services, then the license application shall submit, along with the documents stipulated in Items 1 and 2 of this article, a description of the communications network and the communications equipment with which he intends to provide the communications services, as well as the development plan and its economical basis for the communications network. The requirements for the content of such a description and such a development plan and its economical basis shall be established by the federal executive body in the field of communications.

4. For being granted a license including the use of the radio-frequency spectrum during the provision of communications service, the decision of the state radio-frequency commission on allotment of a radio-frequency band shall be submitted as well. If the license applicant does not submit the document stipulated in this Item, the state radio-frequency commission shall submit the information on allotment of a radio-frequency band to the license applicant, upon interdepartmental inquiry of the licensing authority.

5. It is inadmissible to require from the license applicant other documents than those stipulated in Sub-items 1, 4 and 5 of Item 2 and in Item 3 of this article.

6. The license applicant bears liability for submission of false or misleading information to the licensing authority, in accordance with the legislation of the Russian Federation.

7. The application for a license and the documents stipulated in Items 2, 3 and 4 of this article may be submitted on paper or in the form of electronic documents (a package of electronic documents) signed by an enhanced qualified electronic signature of the license applicant.

### **Article 31. Tender (bidding, competition) for licenses**

1. Licenses are issued on the basis of tender (bidding, competition), under the following circumstances:

1) the communications service is supposed to be provided by using the radio-frequency spectrum, whereas the state radio-frequency commission determines that the radio-frequency spectrum available for communications services limits the possible number of communications service providers within the territory in question. The winner of the tender (bidding, competition) is granted the license and allotted the corresponding radio frequencies;

2) there are limited resources of the public switched communications network in the territory in question, including a limited numbering resource, and the federal executive body in the field of communications determines that the number of communications service providers in this territory must be limited.

2. The procedure how to perform tenders (biddings, competitions) shall be established by the Government of the Russian Federation.

The decision whether to perform tenders (biddings, competitions) shall be adopted by the federal executive body in the field of communications, in the established order.

Tenders (biddings, competitions) shall be organised by the federal executive body in the field of communications, no later than six months after adoption of the corresponding decision.

3. Any license providing for radio-frequency spectrum use during the provision of communications services, shall not be issued, pending the adoption of the decision on the possibility to issue such license (on the basis of a decision subject to the results of examination of the application to grant a license, or on the basis the results of tender (bidding, competition)).

4. The provisions of this article do not extend to dealings relating to radio-frequency use during the provision of communications services for the purposes of television and radio broadcasting.

### **Article 32 Examination of applications to grant and issue licenses**

1. The licensing authority shall adopt the decision to issue or the refuse a license as follows:

within a period of time no longer than thirty days from the date of adopting the decision according to the results of tenders (biddings, competitions);

in cases stipulated in Item 3 of Article 30 of this Federal Law, within a period of time no longer than seventy five days from the reception of the application from the license applicant, comprising all necessary documents as specified in Items 1-3 of Article 30 of this Federal Law, except for cases where a license is issued subject to the results of tenders (biddings, competitions);

in other cases, within a period of time no longer than thirty days from the days of reception of the application from the license applicant, comprising all necessary documents as specified in Items 1 and 2 of Article 30 of this Federal Law, subject to the results of examination of the application.

1.1. The licensing authority shall adopt the decision on issuance or refusal of a license on the basis of the documents specified in Article 30 of this Federal Law, and on the basis of the results of tenders (biddings, competitions); in the case of issuance of a license for communications services for the purposes of terrestrial television and (or) radio broadcasting, the decision shall additionally be subject to information provided to the licensing authority on whether the license applicant owns a license for television and (or) radio broadcasting.

2. The licensing authority shall notify the license applicant about the decision to issue or to refuse a license, within ten days from adoption of the decision. The notification on the issuance of a license shall be sent or handed out to the license applicant in written form. The notification on refusal of a license shall be sent or handed out to the license applicant in written form and with indication of the reasons for refusal.

3. The issuance of a license, the extension of its validity period and (or) reissuance of a license is subject to a state fee; the amount of the fee and the procedure of paying it shall be determined by the legislation of the Russian Federation on taxes and fees.

4 - 5. [revoked]

6. The licensing authority shall indicate in the license the territory on which the license entitles to perform communications services.

7. A licensee may not transfer the license or any of his granted rights, neither in full nor in part, to another legal entity or natural person.

### **Article 33. Validity period of a license**

1. A license may be issued for a period from three to twenty five years; the validity period is determined by the licensing authority, taking into account:

the period of time indicated in the application by the license applicant;

the character of the communications services for which the license is applied;

the period of time indicated in the decision of the state radio-frequency commission on allotment of a radio-frequency band, in the case if a communications service is performed by using the radio-frequency spectrum;

technical limitations and technical conditions in accordance with the Rules for the interconnection of telecommunications networks and for their interaction.

2. Upon application of the license applicant, a license may be issued for a period of time shorter than three years.

3. The validity period of a license may be extended, upon application by the licensee, by the same period for which it was initially issued, or by another period of time which, however, may not exceed the period of time stipulated in Item 1 of this article. The application for extension of the validity period of the license shall be submitted to the licensing authority no later than two months and no earlier than six months prior to the expiry date of the license. For extension of the validity period of the license, the licensee shall submit the documents specified in Article 30 of this Federal Law. The decision on extension of the validity period of a license shall be adopted by the licensing authority on the basis of the submitted documents and within a period of time no longer than five days from the day of reception of the aforementioned documents.

3.1. The application on extension of the validity period of the license and the documents specified in Items 2, 3 and 4 of Article 30 of this Federal Law may be submitted on paper or in the form of electronic documents (a package of electronic documents) signed by an enhanced qualified electronic signature of the licensee.

4. Extension of the validity period of a license may be refused in the case if, on the day the application is submitted, infractions of the licensing conditions are detected but not eliminated.

### **Article 34 Refusal of a license**

1. The grounds for refusal of a license are:

1) non-conformity of the documents attached to the application with the requirements of Article 30 of this Federal Law;

2) failure by the license applicant to submit the necessary documents as specified by Sub-items 1, 4 and 5 of Item 2, as well as Item 3 of Article 30 of this Federal Law;

3) false or distorted information in the documents submitted by the license applicant;

4) non-conformity of the activities intended by the license applicant with the conditions and rules established for this kind of activities;

5) non-acceptance of the license applicant by the winner of the tender (bidding, competition) in the case if the license is subject to tender (bidding, competition);

6) cancellation of the decision of the state radio-frequency commission on allotment of a radio-frequency band;

7) technical impossibility to realise the intended communications services.

2. The license applicant has the right to appeal against the refusal to issue a license or against the lack of action of the licensing authority in a judicial procedure

### **Article 35 Reissuance of a license**

1. Upon application of the licensee, a license may be reissued for his legal successor.

For this purpose, the legal successor shall submit, besides the documents specified in Items 1 and 2 of Article 30 of this Federal Law, also documents confirming that the communications network and communications equipment necessary for providing communications services according to the reissued license have been transferred to him; the legal successor may also submit documents which confirm the reissuance on his name of the permit to use radio-frequencies, in case radio-frequencies are used for the provision of communications services under the reissued license.

When adopting a decision on reissuance of a license, the licensing authority shall verify, on the basis of information available at the federal executive body in the field of communications, whether the license applicant owns documents confirming the reissuance on his name of the permit to use radio-frequencies, in case radio-frequencies are used for the provision of communications services under the reissued license, unless otherwise stipulated by this Federal Law and unless such documents have been submitted by the legal successor upon his own initiative.

2. If a legal entity is reorganised in the form of merger, acquisition, or transformation, the license shall be reissued upon application of the legal successor. The application shall be accompanied by the documents specified in Items 1 and 2 of Article 30 of this Federal Law.

3. If a legal entity is reorganised in the form division or separation, the license shall be reissued upon application of the interested legal successor(s).

For this purpose, the interested legal successor(s) shall submit, besides the documents specified in Items 1 and 2 of Article 30 of this Federal Law, also documents confirming that the communications network and communications equipment necessary for providing communications services according to the reissued license have been transferred to him (to them); the interested legal successor(s) may also submit documents which confirm the reissuance on his (their) name of the permit to use radio-frequencies, in case radio-frequencies are used for the provision of communications services under the reissued license.

When adopting a decision on reissuance of a license, the licensing authority shall verify, on the basis of information available at the federal executive body in the field of communications, whether the license applicant owns documents confirming the reissuance on his name of the permit to use radio-frequencies, in case radio-frequencies are used for the provision of communications services under the reissued license, unless otherwise stipulated by this Federal Law and unless such documents have been submitted by the legal successor upon his own initiative.

If other legal successors contest the right of the concerned legal successor(s) on reissuance of the license, the dispute between the parties shall be resolved in court.

3.1. The documents specified in Items 1-3 of this article may be submitted on paper or in the form of electronic documents (a package of electronic documents) signed by an enhanced qualified electronic signature of the legal successor.

4. In the case of reorganisation of a legal entity or change of the coordinates of a legal entity or an individual entrepreneur indicated in the license, the licensee shall, within thirty days, submit an application for reissuance of the license, along with the documents confirming the modifications indicated in the application. If such an application is not submitted in due time, the validity of the license expires.

If any confirming documents are not attached to the application on reissuance of a license due to reorganisation of a legal entity or change of the coordinates of a legal entity or an individual entrepreneur, then, upon interdepartmental inquiry of the licensing authority, the federal executive body performing state registration of legal entities and natural persons acting as individual entrepreneurs shall provide information on changes entered in the Unified stated register of legal entities or the Unified state register of individual entrepreneurs due to reorganisation of a legal entity or change of the coordinates of a legal entity or an individual entrepreneur.

5. Reissuance of a license shall be performed by the licensing authority within thirty days from the days of receiving the corresponding application.

5.1. If a legal successor needs to submit the documents stipulated in Item 2 of Article of this Federal Law, this shall be done taking into account the provisions of Item 2.1 of Article 30 of this Federal Law.

6. [Item revoked]

7. If a license is reissued, the licensing authority shall enter the corresponding modifications into the *Register of licenses in the field of communications*.

8. In the case of refusal of reissuance of a license, the licensee shall bear liability to the communications service users, in accordance with the legislation of the Russian Federation and with the contracts on the provision of communications services, concluded with the communications network users.

### **Article 36 Entry of modifications and supplements into a license**

1. A licensee may apply to the licensing authority for having entered modifications or supplements into a license including the licensing conditions.

The licensing authority shall consider such an application and notify the applicant on their decision, no later than within sixty days.

[Paragraph revoked]

2. If it is necessary to enter into the license modifications or supplements concerning the designation of the communications service, the territory where the license is applicable, or the radio-frequency spectrum use, then a new license shall be issued in the manner prescribed therefore.

3. If the legislation of the Russian Federation is amended, the licensing authority is entitled to enter modifications and supplements into the licensing conditions, upon its own initiative, and notify the licensee thereof, within thirty days. The notification shall indicate the reasons for such decision.

### **Article 37 Suspension of a license**

1. The licensing authority is entitled to issue cautions about suspension of licenses, prior to the actual suspension, in the following cases:

1) infractions related to compliance with standards established by federal laws and other normative legal acts of the Russian Federation in the field of communications, detected by the state authorities authorised therefore;

2) infractions of the licensing conditions committed by the licensee, detected by the state authorities authorised therefore;

3) failure to provide communications services for more than three months, including failure to provide communications services from the day indicated in the license as the beginning of such services.

2. The licensing authority is entitled to suspend a license in the following cases:

1) detection of infractions which might violate the rights or interests of people, or cause harm to their life and health, or interfere with the needs of the state authorities, state defence, state security or law enforcement;

2) annulment of the permit of the state radio-frequency commission for the use of radio frequencies by the licensee, if such annulment leads to impossibility to provide communications services;

3) failure by the licensee to fulfil, in due time, instructions of the licensing authority to eliminate detected infractions, including instructions issued when cautioning the suspension of the license.

3. A caution about the suspension of a license, as well as a decision to suspend a license, shall be communicated to the licensee in written form by the licensing authority, with indication of the reasons for such decision or for issuance of the caution, no later than ten days after the date of such a decision or caution.

4. The licensing authority shall set a reasonable period of time for the licensee to eliminate the infractions which lead to the issuance of the caution on suspension of the license. Such period of time may not exceed six months. If the licensee fails to eliminate the infraction within the set period of time, the licensing authority is entitled to suspend the license and to apply to the court with a claim to annul the license.

### **Article 38 License renewal**

1. If the licensee eliminates the infraction that led to suspension of the license, the licensing authority is obliged to adopt the decision to renew the license.

2. The conclusion of the state supervisory authority in the field of communications, issued within no less than ten days from the day of eliminating the detected infraction, is considered as the confirmation that the licensee has eliminated the infraction which led to suspension of the license. The decision to renew the license shall be adopted no later than ten days from the day of receiving such conclusion from the licensing authority.

### **Article 39 Annulment of a license**

1. A license is annulled in juridical order, upon claims from interested persons or from the licensing authority in the following cases:

1) detection of false information in the documents on the basis of which the decision on issuance of a license has been adopted;

2) failure to eliminate the conditions, in due time, which led to suspension of the license;

3) failure of the licensee to fulfil the obligations assumed by him at the tender (bidding, competition) (if the license was issued subject to the results of tender (bidding, competition)).

2. A license is annulled by the licensing authority in the following cases:

1) liquidation of the legal entity or termination of their activities due to reorganisation, except for reorganisation in the form of transformation;

2) expiration of the validity of the certificate on state registration of a citizen acting as an individual entrepreneur;

3) application of the licensee to annul the license;

4) [Sub-item revoked]

3. [Item revoked]

4. The decision of the licensing authority to annul a license shall be brought to the licensee's notice within ten days from the day of its adoption and may be appealed in court.

#### **Article 40 Creating and maintaining the Register of licenses in the field of communications**

1. The licensing authority shall create and maintain the Register of licenses in the field of communications. The register shall contain the following data:

1) the licensee's data;

2) designation of the communications services for which the license was issued, and of the territory where the provisions of communications services is permitted;

3) date of issue and license number;

4) validity period of the license;

5) reasons and date of suspension and renewal of the license;

6) reasons and date of annulment of the license;

7) other information to be specified by the licensing authority subject to the designation of the communications services.

2. Information from the Register of licenses in the field of communications shall be published in the amount, form and manner prescribed by the licensing authority, taking into account the modifications to be entered in to this register.

#### **Article 40.1. Information on the broadcaster, the transmission of tele channels and (or) radio channels of which is carried out by the communications service provider**

1. The communications service provider carrying out the transmission of television channels and (or) radio channels under a contract with the broadcaster, in the manner prescribed by the federal executive body in the field of communications, shall notify the licensing



authority on the broadcaster, no later than ten days from the date the transmission of tele channels and (or) radio channels began; in the case of cancelling the contract with the broadcaster, the notification shall be submitted no later than thirty days from the date the transmission of tele channels and (or) radio channels terminated;

in other cases of termination of the contract with the broadcaster, the notification on termination of the contract with the broadcaster shall be submitted within three working days from the day the reasons for terminating the transmission of tele channels and (or) radio channels have occurred.

2. The licensing authority is obliged to ensure the possibility of receiving from the licensee the information stipulated in this article in the form of electronic documents through the internet.

#### **Article 41 Conformity confirmation of communications equipment and communications services**

1. For the purposes of ensuring integrity, stability of operation and security of the common telecommunications network of the Russian Federation, confirmation of conformity of the following communications equipment with the established requirements is mandatory:

1) communications equipment used in the public switched communications network;

2) communications equipment used in technological communications networks and in special-purpose communications networks connected to the public switched communications network.

2. Conformity confirmation of the communications equipment specified in Item 1 of this article, with regard to the Technical Regulation adopted in accordance with the legislation of the Russian Federation on technical regulation, and the requirements stipulated by the normative legal acts of the federal executive body in the field of communications concerning the use of communications equipment, shall be performed through mandatory certification or adoption of a declaration of conformity.

The communications equipment subject to mandatory certification shall be provided by the manufacturer or seller, in order to perform certification.

Documents on conformity confirmation of the means of confirmation with regard to the established requirements and test reports of the communications equipment issued outside the Russian Federation shall be recognised in accordance with the international treaties of the Russian Federation.

The manufacturer has the right to adopt a declaration of conformity of those communications equipment which are not subject to mandatory certification.

3. The *List of communications equipment subject to mandatory certification* to be approved by the Government of the Russian Federation shall comprise:

communications equipment performing functions of switching systems, digital transport systems, management and monitoring systems, and also communications equipment with measuring functions, taking into account the amount of communications services provided by communications service providers in public switched communications networks;

terminal equipment which might lead to malfunction of the public switched communications network;

communications equipment of technological communications networks and special-purpose communications networks as regards their interconnection to public switched communications networks;

radio-electronic communications equipment;

communications equipment, including software, ensuring the performance of established actions during operational investigative measures.

In the case of modification of software which is part of a piece of communications equipment, the manufacturer may, in the established procedure, adopt a declaration of conformity of the given communications equipment with the requirements of the earlier issued certificate of conformity or the adopted declaration of conformity.

4. Certification of communications services and quality management systems is voluntary.

5. The Government of the Russian Federation shall determine the order of organisation and performance of works on mandatory conformity confirmation of communications equipment and approve the rules of performing certification. Accreditation of the certification bodies and test laboratories (centres) carrying out certification tests of communications equipment, shall be performed in accordance with the legislation of the Russian Federation on accreditation within the national system of accreditation.

The federal executive body in the field of communications services is assigned to perform surveillance over compliance of the holders of certificates and conformity declarations with their obligations to ensure conformity of the provided communications equipment with the certification requirements and conditions, and also to perform registration of the declarations of conformity adopted by manufacturers.

The federal executive body in the field of communications is also assigned to organise the certification system in the field of communications which shall include certification bodies and test laboratories (centres) regardless of their legal forms of ownership.

6. Registration of declarations of conformity is subject to payment of a state fee, in accordance with the legislation of the Russian Federation on taxes and fees.

7. The holder of a certificate of conformity or a declaration of conformity is obliged to ensure conformity of the communications equipment and its quality management system, and of the communications service and its quality management system, with the requirements of the normative documents on the basis of which certification was performed or the declaration of conformity was adopted.

8. If the case of detection of any non-conformity of communications equipment in operation covered by a certificate of conformity or a declaration of conformity, with regard to the established requirements, the holder of the certificate or declaration shall eliminate the detected non-conformity on their own expenses. The deadline for eliminating the detected non-conformity shall be established by the federal executive body in the field of communications.

#### **Article 42 Issuance and termination of certificates of conformity in the case of mandatory certification of communications equipment**

1. For the performance of mandatory certification of any piece of communications equipment, the applicant shall submit to the certification body an application on the performance of certification, as well as the technical description in Russian which allows for identification of the communications equipment and contains the technical parameters according to which it is possible to evaluate whether the communications equipment is in conformity with the established requirements.

If a seller acts as the applicant, he shall, additionally, submit to the certification body a document of the manufacturer which confirms that he is the manufacturer of the communications equipment supposed to be certified.

2. The period of time for considering the application for certification shall not exceed thirty days from the day that the certification body received the documents specified in Item 1 of this article.

3. No later than thirty days after receiving the documented results of the certification tests, the certification body shall decide whether to issue a certificate of conformity or a well-motivated refusal.

A certificate of conformity is issued for one year or for three years, depending on the certification scheme stipulated by the *Rules for performing certification*.

4. A certificate of conformity shall be refused or terminated in the case of non-conformity of the communications equipment with the established requirements, or in case of non-compliance of the applicant with the *Rules for performing certification*.

5. The federal executive body in the field of communications shall publish the information about the entry of a certificate of conformity into the *Register of certificates of conformity of the certification system in the field of communications*, or on deletion of a certificate of conformity from said register.

#### **Article 43 Adoption and registration of declarations of conformity**

1. A declaration of conformity shall be adopted by the applicant on the basis of own evidences and evidences obtained with participation of an accredited test laboratory (centre).

The following may be used as proof materials: the technical documentation, the results of the applicant's own examinations (tests) and measurements and other documents, serving as well-motivated grounds for the confirmation of conformity of the communications equipment with regard to the established requirements. The applicant shall replenish the compilation of proof materials with reports of examinations (tests) and measurements carried out in an accredited test laboratory (centre).

2. The declaration of conformity shall be drawn up in Russian and shall contain the following information:

name and address of the applicant;

name and address of the manufacturer of the communications equipment;

technical description of the communications equipment in Russian, which allows for identification of the communications equipment;

statement of the applicant confirming that the communications equipment, while being used in accordance with its designation and subject to the applicant's measures taken to ensure the conformity of the communications equipment with the established requirements, will not harm the integrity, stability of operation and security of the common telecommunications network of the Russian Federation;

information on the performed examinations (tests) and measurements, and also on the documents having served as grounds for the confirmation of conformity of the communications equipment with regard to the established requirements;

validity period of the declaration of conformity;

The form of the declaration of conformity shall be approved by the federal executive body in the field of **communications**<sup>\*)</sup>.

<sup>\*)</sup> ALO editorial note: Translation corrected.

3. A declaration of conformity drawn up according to the established rules shall be registered by the federal executive body in the field of communications within three days.

A declaration of conformity is valid from the day of its registration.

4. The applicant shall store the declaration of conformity and the proof materials joint to it, as long as the declaration of conformity is valid, and furthermore, for three years after expiry of its validity. A duplicate of the declaration of conformity shall be stored at the federal executive body in the field of communications.

[Articles 43.1 - 43.2. revoked]

## **CHAPTER 7 COMMUNICATIONS SERVICES**

### **Article 44. Provision of communications services**

1. Communications services shall be provided, on the territory of the Russian Federation, to communications service providers and communications service users, on the basis of a contract on the provision of communications services concluded in accordance with civil law and with the Rules for the provision of communications services.

The communications service provider or the person authorised by him to conclude mobile phone contracts shall use:

premises or parts of premises owned, operated, managed or leased by the communications service provider;

equipped trading places in stationary trading facilities or in areas intended for carrying out trading activities and located in other stationary facilities, or trading facilities having trading floors designed for one or more workplaces.

Conclusion of mobile phone contracts in non-stationary trading facilities is forbidden, except for contracts, either with a communications service provider or with a person authorised by him to conclude mobile phone contracts, concluded in vehicles which are especially equipped for serving subscribers and the requirements for which are established by the federal executive body in the field of communications, and also except for contracts on the provision of mobile phone services concluded via internet by using an enhanced quality electronic signature or a simple electronic signature, provided that the identity of the individual is personally established when issuing the key of the simple electronic signature.

Mobile phone services are provided to subscribers who may be natural persons, legal entities or individual entrepreneurs, as well as to users of communications services provided by the aforementioned subscribers, whereas information about such services shall be provided to the communications service provider in accordance with the Rules for the provision of communications services, unless otherwise stipulated by this Federal Law. Subscribers being a legal entity or an individual entrepreneur are obliged to provide to the communications service provider information on their communications service users, in accordance with the Rules for the provision of communications services. The requirements of this paragraph do not extend to mobile phone contracts concluded in accordance with the legislation of the Russian Federation on the contract system in the field of procurement of goods, works and services for state and municipal purposes, and in accordance with the legislation of the Russian Federation on the procurement of goods, works and services by particular kinds of legal persons.

The *Rules for the provision of communications services* may determine cases where there is no need for notifying the communications service provider on the persons using the communications services of the subscriber being a legal entity or an individual entrepreneur.

2. The *Rules for the provision of communications services* shall be established by the Government of the Russian Federation.

The *Rules for the provision of communications services* shall regulate the interaction between the communications service users and the communications service providers during conclusion and execution of a contract on the provision of communications services, the procedure of identification of the persons using the communications services for data communication and internet access and of their terminal equipment, and also the procedure of terminating communications services under a contract and cancelling such a contract, the particular rules for providing communications services, the rights and obligations of communications service providers and communications service users, the form and procedure of accounting, the procedure how to submit and consider complaints and claims from communications service users, and the liability of the parties.

3. In the case of non-compliance of the communications service user with the requirements established by this Federal Law, by the *Rules for the provision of communications services*, or by the contract on the provision of communications services, including non-compliance with the terms of payments for the communications services, determined by the conditions of the contract on the provision of communications services, the communications service provider has the right to suspend the provision of communications services until the non-compliance is remedied, save for exceptional cases provided for by this Federal Law.

If such non-compliance is not remedied within six months from the days the communications service user was cautioned by the communications service provider, in written form, of the intention to suspend the communications services, the communications service provider is entitled to terminate the contract on the provision of communications services unilaterally, save for exceptional cases provided for by this Federal Law.

4. A subscriber who was assigned a subscriber number on the basis of a contract on the provision of communications services has the right to pertain his subscriber's number, within the territory determined by the Government of the Russian Federation, upon terminating of the actual contract on the provision of communications services, extinguishment of obligations to pay for communications services, and conclusion of a new contract on the provision of communications services with another mobile phone provider.

The amount to be paid by the subscriber for the use of the pertained subscriber number shall be determined by the mobile phone provider at conclusion of the new contract on the provision of communications services and may not exceed one hundred roubles.

5. If the communications service provider involves other persons in the provision of content services, except for communications services provided through the common portal of state and municipal services, the communications service provider shall, upon request by the subscriber, create a separate personal account intended only for the payment of these communications services within the limits of the funds on the specified personal account. If there is no such request, the payment for these communications services shall be made in the manner stipulated in the third paragraph of this Item.

The provision of other services which are technically inseparable linked to mobile phone services and aimed at increasing their customer value, shall be performed upon the subscriber's agreement declared in form of actions which unambiguously identify the subscriber and allow for ascertaining the subscriber's will to receive such services.

Before receiving the subscriber's consent on the provision of other services which are technically inseparable linked to mobile phone services and aimed at increasing their customer value, including content services, the communications service provider shall notify the subscriber about the service tariffs and provide him or her a summary of the supposed services, and also about the person providing the specific service and the account from which the payment for these services will be debited.

Accounting for the services provided to the subscriber shall be carried out by the communications service provider.

6. The person acting on behalf of the communications service provider is obliged to include in the contract on the provision of mobile phone services reliable data about the subscriber, a list of which is established by the *Rules for the provision of communications services*, and send one exemplary of the signed contract to the communications service provider, within ten days from its subscription, unless a shorter period of time is stipulated by the contract.

The communications service provider is obliged to verify the reliability of the subscriber's data and the data of legal entities or individual entrepreneurs using the subscriber's services, particularly the data received from the person acting on behalf of the communications service provider, in accordance with this Federal Law and the Rules for the provision of communications services.

Verification of the reliability of the data about the natural person being the subscriber, or the data of the legal entity or individual entrepreneur using the subscriber's communications services, is performed by determining the name, first name and patronymic (if any), date of birth and other information specified in the personal identification documents of the subscriber or communications service user, whereas this information shall be confirmed in one of the following ways:

submission of a personal identification document;

use of the state federal information system "Unified system of identification and authentication in the infrastructure providing information exchange between the information systems used to provide state and municipal services in electronic form";

use of an enhanced quality electronic signature;

use of the unified portal of state and municipal services;

use of information systems of state authorities, provided that the communications service provider is interconnected with these systems through the shared network of interdepartmental electronic communication.

If the reliability of data about the subscriber or the legal entities or individual entrepreneurs using the subscriber's services, provided by the person acting on behalf of the communications service provider, cannot be confirmed, the communications service provider shall suspend the provision of services, according to the procedure stipulated by the Rules for the provision of communications services.

In the case of liquidation of the legal entity being the subscriber, or if a natural person quits his or her activities as individual entrepreneur, the subscriber numbers assigned to these subscribers by contracts on the provision of communications services may be reissued to the actual communications service user by concluding a contract on the provision of communications services with this user, in the manner prescribed by the *Rules for the provision of communications services*.

The communications service provider shall notify the subscriber, via internet, on contracts on the provision of mobile phone services concluded with the subscriber, in the manner prescribed by the Government of the Russian Federation.

7. Legal entities and natural persons who are not communications service providers are allowed to conclude mobile phone contracts with subscribers, and to account for such services, provided that there are written documents confirming that said legal entities or natural persons are entitled to act on behalf of the communications service provider.

### **Article 44.1. Messaging via mobile phone network**

1. Messaging via mobile phone network (hereinafter referred to as messaging) is performed upon the subscriber's preliminary consent declared in form of actions which unambiguously identify the subscriber and allow for ascertaining the subscriber's will to receive messages. Messaging is considered to be performed without the subscriber's preliminary consent if the sender of the message (if the message was sent upon his initiative) or the communications service provider (if the message was sent upon the initiative of the mobile phone provider) does not prove that he has received such a consent.

2. Messaging via mobile phone network upon the initiative of the message sender is performed on the basis of a contract concluded with the mobile phone provider whose subscriber is intended to receive the message. The object of such a contract are messaging services performed by the communications service provider.

3. Messaging via mobile phone network performed in contravention of the requirements of this Federal Law is considered illegal, except for messages sent for the purposes of information in connection with transfer of a subscriber number and other information which the communications service provider is obliged to provide, according to the legislation of the Russian Federation, and also messages distributed upon initiative of the federal executive bodies, the Russian Federal Space Agency Roscosmos, bodies of state extra-budgetary funds, state authorities of the subjects of the Russian Federation, local administrations and other local self-government authorities exercising executive and administrative powers in accordance with the legislation of the Russian Federation.

### **Article 45. Provision of communications services**

1. Contracts on the provision of communications services concluded with citizens are considered public contracts. The conditions of such a contract shall meet the Rules for the provision of communications services.

2. In all cases of change of a subscriber number, the communications service provider is obliged to notify the subscriber and to advise him of a new subscriber number, no later than sixty days in advance, unless the need to change the number was caused by unforeseeable circumstances or emergency situations.

3. Without the subscriber's written consent, the communications service provider does not have the right to change the connection scheme of the subscriber's terminal equipment working on a separate subscriber line.

4. The subscriber has the right to claim the switch of the subscriber's number, and the communications service provider is obliged, subject to the technical possibility, to switch the subscriber number on a subscriber line in the premises located at another address and owned by the same subscriber. Switching the subscriber number is an additional service.

5. If the subscriber loses the right to own and use the premises where his terminal equipment is installed (hereinafter referred to as telephone room), the contract on the provision of communications services concluded with the subscriber terminates.

In this case, the communications service provider of the terminating contract on communications service is obliged, upon request of the new owner of the telephone room, to conclude with him or her a new contract on the provision of communications services within thirty days.

If any family members of the subscriber keep living in the telephone room, the contract on the provision of communications services shall be reissued for one of these persons, in accordance with the *Rules for the provision of communications services*.

Before the expiration of the period of time set by the Civil Code of the Russian Federation for acceptance of the inheritance, the communications service provider does not have the

right to deal with the corresponding subscriber number. If the telephone room is part of the inheritance, a contract on the provision of communications services shall be concluded with the inheritor. The inheritor is obliged to pay the costs to the communications service provider for the communications services provided until the entry into inheritance.

6. The subscriber has the right to request the mobile phone provider to terminate the transmission of short messages to his or her user equipment (terminal equipment), indicating the subscriber number or the unique identification code included in such messages and which the subscriber does not wish to receive anymore, except for messages the transmission of which is performed by the mobile phone provider in accordance with the legislation of the Russian Federation.

The mobile phone provider shall terminate messaging from the subscriber number or the unique identification code indicated in the subscriber's request, via mobile phone network to the user equipment (terminal equipment) of the subscriber, without charging any fees therefrom from the subscriber.

#### **Article 46. Obligations of communications service providers**

1. communications service providers are obliged to:

provide communications services to the communications service user, in accordance with the legislation of the Russian Federation, with the technical standards and regulations, with their license, and with the contract on the provision of communications services;

follow the normative legal acts of the federal executive body in the field of communications during construction, reconstruction, putting into service and operation of communications networks; construct communications networks, taking into account the requirements to ensure their stable and safe functioning, and also with due account to the requirements stipulated in Item 2 of Article 64 of this Federal Law. The costs therefore, as well as the costs for creating and operating a management system for the communications networks and their interaction with the unified telecommunications network of the Russian Federation shall be borne by the communications service providers;

[Item revoked]

comply with the requirements concerning the organisational and technical interaction with other communications networks, concerning traffic transmission services and traffic routing, and with the requirements established by the federal executive body in the field of communications, and also with the requirements for accounting and mandatory payments;

submit statistical reports in the form and according to the procedure prescribed by the federal laws and other normative legal acts of the Russian Federation;

upon inquiries of the federal executive body in the field of communications services for the purposes of implementing their powers - provide information, particularly about the technical state, development prospects, of the communications networks and the communications equipment, about the conditions for providing communications services, interconnection services and traffic transmission services, about actual tariffs and settlement rates, in the form and according to the procedure prescribed by the federal laws and other normative legal acts of the Russian Federation;

terminate the provision of services comprising the passage, by their network, of traffic which contains messaging that violates the requirements of this Federal Law;

terminate the provision of communications services, upon receipt of a corresponding inquiry from an authority engaged in operational investigative activities, or upon instruction from the federal executive body, performing control and supervision in the sphere of mass media, mass communication, information technologies and communications, established as a



consequence of supervision activities, in the case of lack of confirmation, within fifteen days, that the personal data of the actual user correspond to the data specified in the subscriber's contracts, and also for the purposes of prevention and defeat of crimes committed through communications networks and communications equipment;

if there are means installed in the telecommunications network, used for the organisation of interaction between objects of critical information infrastructure of the Russian Federation, intended for the search of indicators for computer attacks on such telecommunications networks - ensure maintenance of the order and the technical installation and operation conditions, as well as the security of such means, according to the provisions approved in accordance with the Federal Law "On the safety of the critical information infrastructure of the Russian Federation";

comply with the requirements stipulated by Articles 56.2 and 65.1 of this Federal Law.

2. communications service providers shall ensure conditions for barrier-free access to communications facilities for disabled persons, in accordance with the legislation of the Russian Federation on the social protection of disabled persons, particularly in the following fields:

equipping communications facilities designed for users of communications services with inscriptions and other textual and graphic information carried out in large print, including the use of braille code;

providing disabled persons with the possibility to move around the communications facility independently, for the purposes of using the publicly available communications services;

information of disabled persons, by the employees of the communications service provider, about communications services in alternative ways, accessible for these persons.

Communications service providers shall provide the following services on communications facilities to disabled persons, free of additional charges:

translation of audio and visual information indispensable for disabled persons;

admission of guide dogs, provided there is a document confirming its special training, issued in the form and in the manner determined by the federal executive body performing development and implementation of state policy and legal regulation in the field of social protection of the population;

help with the use of user equipment (terminal equipment) by communications service provider assistants.

The *Rules for the provision of access to communications facilities and services for disabled persons by communications service providers* shall be established by the federal executive body in the field of communications services in coordination with the federal executive body, performing development and implementation of state policy and legal regulation in the field of social protection of the population.

3. In order to inform the communications service users on the actual numbering operating in this communications network, communications service providers shall create a free-of-charge customer service, and also provide paid information on the subscribers of their communications network, based on economically reasonable costs, to persons who are interested in creating their own customer service.

4. Communications service providers performing communications services for television and (or) radio broadcasting (except for communications services for wired radio broadcasting) are obliged to transmit the mandatory publicly accessible tele channels and (or) radio channels, on the basis of a contract with the subscriber, and in accordance with their license, within the communications networks operated by them, in unaltered form and on their own

charge (without concluding contracts with the broadcasters of the mandatory publicly accessible tele channels and (or) radio channels and without charging them fees for the transmission of the mandatory publicly accessible tele channels and (or) radio channels, and also without charging fees from the subscribers of the communications network for the right to watch and (or) to listen the mandatory publicly accessible tele channels and (or) radio channels.

The sequence of the positions of the mandatory publicly accessible tele channels and (or) radio channels of the Russian Federation shall be determined by the President of the Russian Federation (positions 1 to 10 for tele channels and positions 1 to 3 for radio channels), and for other publicly accessible tele channels - according to the results of tender (biddings, competitions) on the right of performing digital terrestrial broadcasting using positions in multiplexes throughout the Russian Federation (positions 11 to 20 for tele channels).

Mandatory publicly accessible tele channels of subjects of the Russian Federation are transmitted by providers of mandatory publicly accessible tele channels and (or) radio channels (except for operators transmitting mandatory publicly accessible tele channels and (or) radio channels using satellite broadcasting networks) through the communications networks operated by them, in the territory of the respective subject of the Russian Federation, on the 21-st position.

Municipal public accessible tele channels are transmitted by providers of mandatory publicly accessible tele channels and (or) radio channels (except for providers performing transmission of mandatory publicly accessible tele channels and (or) radio channels using satellite broadcasting networks) through the communications networks operated by them, in the territory of the respective municipal unit, on the 22-st position, in the manner prescribed by the Government of the Russian Federation.

Requirements for the picture and (or) sound quality and for compliance with the positioning sequence of the mandatory publicly accessible tele channels and (or) radio channels shall be determined by the federal executive body in the field of communications.

Providers of mandatory publicly accessible tele channels and (or) radio channels shall perform their services, such as provision of access to their communications network and other services making part of communications services for television and (or) radio broadcasting, to the subscribers on a paid basis.

4.1. Communications service providers performing services for television and (or) radio broadcasting (except for telecommunications services for wired radio broadcasting) are not entitled to alter tele channels and (or) radio channels, including the set of television and radio programmes and (or) other audio-visual, sound or text messages and other kinds of content transmitted in their communications networks, except for cases of preliminary agreement with the broadcasters of the tele channels and (or) radio channels on the possibility of such modification, and for cases defined by the legislation of the Russian Federation.

4.2. Providers of mandatory publicly accessible tele channels and (or) radio channels, performing communications services for television and (or) radio broadcasting with the use of satellite broadcasting networks, do not have the right to deny to citizens living in settlements situated outside the area of coverage of the digital terrestrial broadcast network of mandatory public accessible tele channels and (or) radio channels a contract on the provision of access to their communications network in order to get the possibility to watch and (or) listen the mandatory publicly accessible tele channels and (or) radio channels of the Russian Federation, and also the tele channels which were granted the right to perform digital terrestrial broadcasting using positions in multiplexes throughout the Russian Federation without charging fees for the right to watch and (or) listen to such channels.

Providers of mandatory publicly accessible tele channels and (or) radio channels, providing communications services for television and (or) radio broadcasting using satellite broadcasting networks, do not have the right to charge any fees, for the provision of the possibility to watch and (or) listen the tele channels and (or) radio channels specified in the first paragraph of this Item, from citizens living in settlements situated outside the area of cover-

age of the digital terrestrial broadcast network of mandatory public accessible tele channels and (or) radio channels, except for a one-off payment to the operator, for the provision of access to their communications network, to be charged at the conclusion of the contract stipulated by the first paragraph of this Item.

The *List of the settlements situated outside the zone of coverage of the digital terrestrial broadcast network of mandatory public accessible tele channels and (or) radio channels, including for each settlement a list of providers of mandatory publicly accessible tele channels and (or) radio channels rendering communications services for television and (or) radio broadcasting using satellite television and radio broadcasting networks in such settlements* shall be approved by the federal executive body in the field of communications and published on its official internet site

4.3. The contract stipulated by the first paragraph of Item 4.2 of this article may be concluded by the parties, subject to simultaneous fulfilment of with the following conditions:

1) the citizen lives in a settlement stipulated in Item 4.2 and addresses to the provider of mandatory publicly accessible tele channels and (or) radio channels who performs communications services for television and (or) radio broadcasting using the satellite television and radio broadcasting network, in this settlement;

2) the citizen owns user equipment (terminal equipment) which may be used in the communications network of the respective provider of mandatory publicly accessible tele channels and (or) radio channels performing communications services for television and (or) radio broadcasting with the use of the satellite television and radio broadcasting network to whom he addresses;

3) the citizen and (or) members of his family living with him at the same residence do not own a valid contract, as stipulated in the first paragraph of Item 4.2 of this article, concluded with any provider of mandatory publicly accessible tele channels and (or) radio channels performing communications services for television and (or) radio broadcasting with the use of the satellite television and radio broadcasting network.

4.4. If the citizen with whom the contract stipulated by the first paragraph of Item 4.2 of this article has been concluded, moves to another residence, or if he dies, the contract may be passed over the any of the citizen's family members specified in Sub-item 3 of Item 4.3 of this article, without charging any fees for the provision of access to the operator's communications network.

4.5. Providers of mandatory publicly accessible tele channels and (or) radio channels performing communications services for television and (or) radio broadcasting using the satellite television and radio broadcasting network have the right to exchange information on earlier concluded and terminated contracts as stipulated in the first paragraph of Item 4.2 of this article.

Providers of mandatory publicly accessible tele channels and (or) radio channels performing communications services for television and (or) radio broadcasting using the satellite television and radio broadcasting network have the right to unilaterally terminate a contract as stipulated in the first paragraph of Item 4.2 of this article and to cancel the access to their communications network, in the case of non-fulfilment of the conditions stipulated in Sub-items 1-3 of Item 4.3 of this article.

5. Communications service providers performing services related to the provision of internet access are obliged to restrict and renew the access to information provided via internet, in the manner established by Federal Law No. 149-FZ of 27 June 2006 "On information, information technologies, and on the protection of information", and also to install specific hardware in their communications network, as stipulated by the *Federal executive body exercising control and supervision in the field of mass media, mass communication, information technologies and communications*, this hardware being intended for supervising compliance of the communications service provider or the owner or other proprietor of a technological com-

munications network, with the requirements of this Federal Law and of Federal Law No. 149-FZ of 27 July 2006 "On information, information technologies, and on the protection of information", and providing for restriction of internet access.

5.1. Communications service providers performing services related to the provision of internet access are obliged to install specific hardware in their communications network, intended to protect from threats to integrity, stability of operation and security of the internet on the territory of the Russian Federation, as well as of the public switched communications network (hereinafter referred to as threat protection technology), provide information to the *Federal executive body exercising control and supervision in the field of mass media, mass communication, information technologies and communications*, on the actual location of the threat protection technology, within three days from its installation, and to fulfil the technical conditions stipulated by Item 3 of Article 65.1 of this Federal Law for the installation of threat protection technology, and also the requirements for communications networks.

The rules for the installation, operation and upgrading of threat protection technology in the communications network of the communications service provider shall be approved by the Government of the Russian Federation.

communications service providers performing services related to the provision of internet access are not obliged to restrict access to information provided via internet, which is supposed to be restricted under Federal Law No. 149-FZ of 27 July 2006 "On information, information technologies, and on the protection of information", if access to such information in the communications network of the communications service provider is restricted by the threat protection technology of a centrally managed public switched communications network.

The communications service provider may not be held responsible, and no response measures may be applied to him, for violation of licensing conditions due to interruptions in the communications network caused by the functioning of the threat protection technology.

6. Upon conclusion of a contract on the provision of communications services with a subscriber who decided to retain his subscriber number, the mobile phone provider shall include this number in his numbering resource and ensure the provision of mobile phone services during the validity period of the corresponding contract in the manner and under the conditions stipulated by the *Rules of the provision of mobile phone services*. The mobile phone provider who earlier provided this subscriber with mobile phone services and who had assigned him a subscriber number from his numbering resource upon conclusion of that mobile phone contract shall ensure the transfer of the given subscriber number into the network of the other mobile phone provider, in the manner and within the terms stipulated by the *Rules for ensuring organisational and technical interaction of mobile phone providers during the transfer of subscriber numbers*.

7. If a mobile phone provider fails to transfer the subscriber number which the subscriber decided to retain, to the network of the other mobile phone provider, within the terms stipulated in Item 6 of this article, then the mobile phone provider shall provide the subscriber with the possibility to use, free of charge, the mobile phone network under the conditions of the former mobile phone contract, pending the definite transfer of the given number into the network of the mobile phone provider of the subscriber's choice.

8. A mobile phone provider performing transmission of a short message from a subscriber shall transmit, along with the short message, the unaltered subscriber number assigned to this subscriber on the basis of the contract on the provision of communications services.

9. A communications service provider from the communications network of whom a telephone call is initiated shall transmit to the communications network of the other communications service provider taking part in establishing the telephone connection, the unaltered subscriber number which the subscriber initiating the telephone call has been assigned on the basis of the contract on the provision of communications services.

A communications service provider taking part in establishing a telephone connection shall transmit the received subscriber number, in unaltered form, to the communications network of the other communications service provider.

A communications service provider from the data communication network of whom a connection has been initiated for the purpose of vocal information transfer, shall transmit to the data communication network of the other communications service provider taking part in establishing the connection, the unaltered unique identification code assigned on the basis of the contract on the provision of communications services to the subscriber who has initiated the connection for the purpose of vocal data transfer.

10. If during the provision of traffic transmission services a communications service provider reveals violations of the requirements stipulated by Items 8 and 9 of this article, he shall terminate the transmission of traffic into his communications network.

11. Within the territory of the Russian Federation, mobile phone providers shall create, for their communications networks, equal conditions of providing mobile phone services to any subscriber, independently of whether or not the subscriber is located within the territory of the subject of the Russian Federation indicated in the decision on allotting to this communications service provider the numbering resource which includes the subscriber number assigned to this subscriber.

#### **Article 47. Benefits and privileges related the use of communications services**

1. International treaties of the Russian Federation, federal laws and laws of subjects of the Russian Federation may grant benefits and privileges to certain groups of communications service users, with regard to priority of the provision of communications services, and the procedure and amount of fees to be charges.

2. The communications service users specified in Item 1 of this article shall pay the total amount for the provided communications services and will subsequently be compensated therefore, directly at the expense of budget funds in the corresponding amount.

#### **Article 48. Use of languages and alphabets during the provision of communications services**

1. In the Russian Federation, any business documents in the field of communications shall be drawn up in Russian.

2. Any interactions of communications service providers with communications service users, arising from the provision of communications services within the territory of the Russian Federation, shall be carried out in Russian.

3. The addresses of senders and recipients of telegrams, postal items and postal money transfers sent within the Russian Federation shall be indicated in Russian. The addresses of senders and recipients of telegrams, postal items and postal money transfers, sent within the territories of the republics being part of the Russian Federation, may be indicated in the state languages of respective republic, provided that their translation into Russian is indicated, as well.

4. The wording of telegrams shall be written in letters of the alphabet of the Russian language or letters of the Latin alphabet.

5. International communications transmitted through the telecommunications and postal services networks shall be treated in the languages determined by international treaties of the Russian Federation.

**Article 49. Time coordination in the field of communications**

1. In the technological processes of transmission and reception of messages via telecommunications and postal services, and of their processing within the territory of the Russian Federation by telecommunications and postal services service providers, Moscow Time shall apply uniformly.

2. International communication shall be scheduled in the manner specified by the international treaties of the Russian Federation.

3. If one or more users of communications services need to be informed about a point of time to perform a particular communications service requiring their personal interaction, the communications service provider shall indicate this point of time as per the time zone of location of the communications service user(s).

**Article 50. Service telecommunications**

1. Service telecommunications are used for the purposes of technical and administrative management of communications networks and may not be used for the provision of communications services on the basis of a contract for paid communications services.

2. communications service providers shall provide service telecommunications in the manner prescribed by the federal executive body in the field of communications.

**Article 51. Communications services, interconnection and traffic transmission services provided for supporting state and municipal needs**

The provision of communications, interconnection and traffic transmission services for state and municipal needs shall be performed on the basis of a state or municipal contract concluded in the manner established by civil law and by the legislation of the Russian Federation on the system of concluding contracts in the field of procurement of goods, works and services for state and municipal purposes, and in the amount corresponding to the budgetary funds foreseen for communications services.

**Article 51.1. Provision of communications, interconnection and traffic transmission services for the needs of state authorities, state defence, state security and law enforcement**

1. The federal executive body in the field of communications is entitled to establish additional requirements to the communications networks being part of the public switched communications network and used for providing communications services for the needs of the state authorities, as well as for the purposes of state defence, state security and law enforcement, in coordination, however, with the federal executive body maintaining the special-purpose communications networks for the needs of the state authorities, as well as for the purposes of state defence, state security and law enforcement.

[Paragraph revoked]

2. The prices for communications, interconnection and traffic transmission services performed for the needs of the state authorities, as well as for the purposes of state defence, state security and law enforcement shall be determined by a state contract, taking into account the necessity of recompense of the economically-motivated expenses arising from the provision of communications services, as well as the recovery of a reasonable rate of return (profit) from the capital spent to provide communications services.

3. Price changes for communications services, interconnection and traffic transmission services performed for the needs of the state authorities, and for the purposes of state de-

fence, state security and law enforcement, as well as changes of the conditions of payment for the provided services, are allowed subject to the provisions of the state contract and no more than once per year.

4. As regards the provision of communications, interconnection and traffic transmission services for the needs of the state authorities, as well as for the purposes of state defence, state security and law enforcement, a communications service provider who concluded such contracts does not have the right to suspend and (or) terminate the provision of the communications, interconnection and traffic transmission services without written consent of the state customer.

#### **Article 52. Accident emergency calling**

1. communications service providers are obliged to provide the communications services user with the possibility of round-the-clock and free-of-payment accident emergency calling (fire protection, police, ambulance, emergency gas service and other services, the full list of which shall be determined by the Government of the Russian Federation).

A free-of-payment accident emergency call shall be provided to any communications service user dialling the unique accident emergency number, or the numbers of the respective emergency services as established by system and the numbering plan of the Russian Federation.

The period of time foreseen for communications service providers in order to transmit calls coming in to the accident emergency calling support system under the unique emergency number shall be determined by the federal executive body in the field of communications for each subject of the Russian Federation.

The communications service provider shall provide the operators of the accident emergency calling system under the unique emergency number, with the information about the location of the user equipment (terminal equipment) from where the call or the emergency information came in, as well as other information necessary for remediating to the call or emergency information under the unique emergency number, whereas the rules for remediating to such calls or information, and the set of actions to be undertaken, particularly the location of rescue equipment, shall be specified by the federal executive body in the field of communications. There is no consent required from the communications service user who made an emergency call or initiated emergency information under the unique accident emergency number, to the processing and provision of personal data stipulated in this Item.

The communications service provider shall provide disabled persons with the possibility to pass an accident emergency call by sending a short message via mobile phone.

2. The expenses of communications service providers resulting from the support of accident emergency calls, including the expenses resulting from the provision of services for connecting the communications networks of emergency services to the public switched communications network, and also the transmission and reception of messages from such services, shall be reimbursed on the basis of contracts concluded by the communications service providers with the authorities and organisations that have created the respective emergency services.

#### **Article 53. Data base on the subscribers of communications service providers**

1. Information about subscribers and about the services provided to them, which communications service providers became aware of, by virtue of performing the contract on the provision of communications services, is subject to restricted access and to protection in accordance with the legislation of the Russian Federation.

Subscriber data includes the name, surname and patronymic (if any) or the pseudonym of subscribers who are natural persons, or the designation (company name) of subscribers who are legal entities, the name, surname and patronymic (if any) of the director and the employees of this legal entity, and also the address of the subscriber or the address where the terminal equipment is located, the subscriber number, and other information allowing for identification of the subscriber and his terminal equipment, information of the data base of systems related to accounting for the provided communications services, including information on connections, traffic and payments of the subscriber.

Any data of subscribers who are natural persons may be disclosed to third persons only upon the subscriber's consent, save for exceptional cases provided for by this Federal Law and other federal laws.

It is the communications service provider's liability to provide evidence that the subscriber being a natural person has given his consent to disclosure of his data to a third person.

The communications service provider has the right, in accordance with Item 3 of Article 6 of Federal Law No. No. 152-FZ "On personal data", to commission third persons with the processing of the personal data of the subscriber being a natural person.

If the communications service provider commissions a third person with the processing of the personal data of the subscriber being a natural person, for the purposes of concluding and (or) executing a contract on the provision of communications services to which this natural person is a party, and (or) for the purposes of executing the rights and legal interests of the communications service provider or the subscriber being a natural person, there is no consent required from the subscriber being a natural person, for this commissioning, including disclosure of his personal data to such a third person and processing of personal data by such a third person under the commissioning of the communications service provider.

There is no consent required from persons using communications services provided to them by subscribers who are legal entities or individual entrepreneurs, for disclosure of their personal data by the subscriber to the communications service provider, in accordance with this Federal Law.

2. Communications service providers are entitled to create publicly accessible subscriber databases for the purposes of customer service. Such databases may contain:

name, surname, patronymic (if any), subscriber numbers of a subscriber being a natural person (subject to his written consent);

designation (company name), subscriber number, address where

the terminal equipment is located, as indicated in the contract on the provision of communications services of a subscriber being a legal entity.

Upon written request of the subscriber, the subscriber data shall immediately be updated by the communications service provider. Subscriber data of natural persons shall at any time be excluded from the public accessible subscriber database, upon request of the subscriber or upon decision of a court or another competent state authority of the Russian Federation.

#### **Article 54. Payment for communications services**

1. Payment for communications services may be carried out by cash or cashless settlements - either immediately after the provision of such services, or by making an advance payment, or with a deferment of payment.



The procedure and form of payment for communications services shall be determined by the contract on the provision of communications services, unless otherwise stipulated by the legislation of the Russian Federation. If the tariffs for the services of a communications service provider are subject to state regulation, then, at the request of a subscriber being a natural person, the communications service provider shall offer this subscriber the possibility of paying for the provision of access to the communications network with a deferment of payment of no less than six months from the initial payment of no more than thirty per cent of the established fee.

The subscriber shall not pay for telephone connections established as a result of a call by another subscriber, except for cases where the telephone connection is established:

with assistance of a telephone operator, at the expense of the communications service user being called up;

with use of access codes for telecommunications services, set by the federal executive body in the field of communications;

with a subscriber calling from outside the Russian Federation.

The payment for local telephone connections shall be made, at the option of the subscriber being a natural person, either on the basis of a subscriber flat rate, or time based.

2. Accounting for communications services shall be based on the readings of the measurement equipment or communications equipment with measurement functions recording the volume of the communications services performed by the communications service provider, and also on the conditions of the contract on the provision of communications services concluded with the communications service user.

3. [Item revoked]

4. The money deposited by a subscriber being a natural person, by a subscriber being a legal entity and (or) by a natural person using communications services, may be used to increase the balance of electronic money of such natural persons being subscribers or users of communications services, in accordance with Federal Law No. 161-FZ of 27 June 2011 "On the national payment system".

5. Other communications services which are technically inseparable linked to mobile phone services and intended to increase their customer value, particularly content services, are not subject to payment if they have been provided in contravention of the requirements established by this Federal Law.

6. Payment for mobile phone services provided to subscribers being legal entities or individual entrepreneurs shall be carried out by cashless settlements only, by transferring funds from the settlement accounts of such subscribers at commercial banks and other credit institutions, licensed by the Central Bank of the Russian Federation.

The limitations set by this Item shall not apply with regard to payments for mobile phone services provided to their users by subscribers who are legal entities or individual entrepreneurs; the aforementioned subscribers, however, shall communicate the data of such users to the communications service provider, in accordance with this Federal Law.

### **Article 55. Filing of complaints and claims, and their consideration**

1. Users of communications services have the right to claim, by administrative or judicial procedure, the decisions and actions (lacks of action) of authorities, authorised persons or communications service providers, related to the provision of communications services, and also to operational readiness of the radio-frequency spectrum.

2. Communications service providers are obliged to maintain a register of complaints and suggestions, and to disclose it right away upon request by a communications service user.

3. Complaints from communications service users shall be handled in the manner prescribed by the legislation of the Russian Federation.

4. In the case of non-fulfilment of obligations arising from the contract on the provision of communications services, the communications service user has to submit his complaint to the communications service provider, still before claiming in court.

5. Any claims shall be filed within the following terms:

1) within six months from the day of provision of a communications service, of refusal of such service, or of accounting for such service - complaints concerning refusal to provide communications services, or improper execution of the obligations arising from the contract on the provision of communications services, or non-execution or improper execution of works in the field of telecommunications (except for complaints related to telegrams);

2) within six months from the day of sending a postal item or performing postal money transfer - claims concerning non-delivery, delivery not in time, damage or loss of a postal item, non-payment or untimely payment of transferred funds;

3) within one month from the day a telegram has been sent - claims concerning telegrams which have not been delivered, or which were delivered not in time or, or the text of which was distorted so that its meaning was changed.

6. The claim shall be accompanied by a copy of the treaty on the provision of communications services or another document confirming that such a contract has been concluded (receipt, inventory of investments and the like), and other documents which are necessary to consider the claim, and in which shall be indicated information on non-execution or improper execution of the obligations arising from the contract on the provision of communications services, and in case of claims for recompense for damage, information on the fact and the volume of the damage occurred.

7. The claim shall be registered by the communications service provider, no later than one working day following the day of its reception. The communications service provider shall, within thirty days from the registration of the claim, consider it and communicate the results of the consideration to the person who submitted the complaint. The respective message shall be sent as a document in paper form, or in electronic form, signed by simple electronic signature, if so required in the claim.

8. For certain kinds of claims, there are particular deadlines provided for their consideration:

1) claims related to postal services and postal money transfer, sent (transferred) within one settlement, shall be considered within five days from the day of registering the complaint;

2) claims related to any other kinds of postal services and postal money transfer shall be considered within the terms stipulated by Item 7 of this article;

3) claims related to the provision of inter-urban and international telephone services including offering of the possibility, by the communications service provider, that the subscriber uses mobile phone services outside of the Russian Federation and rendered by another communications service provider with whom the subscriber did not conclude any contract on the provision of mobile phone services, shall be considered by sixty days from the day of registering the claim.

8.1. If in the course of considering a claim it turns out that the non-execution or improper execution of the obligations arising from the contract on the provision of communica-

tions services may be due to interruptions in the communications network caused by the functioning of the threat protection technology, then the communications service provider has the right to submit a request to the *Federal executive body exercising control and supervision in the field of mass media, mass communication, information technologies and communications*, demanding the presentation of information on the functioning of the threat protection technology; such inquiry shall be submitted under the procedure of organisational and technical interaction stipulated in Item 5 of Article 65.1 of this Federal Law.

9. In the case of deviation of the claims, in full or in part, or if the communications service user does not receive any reply within the terms determined for consideration of the claim, then the communications service user has the right file a claim in court.

#### **Article 56. Persons who have the right to claim, and the place of claims**

1. The following persons have the right to file a claim:

subscribers - for obligations arising from the contract on the provision of communications services;

communications service users who were denied the provision of such services;

senders or recipients of postal items specified in Sub-items 2 and 3 of Item 5 of Article 55 of this Federal Law.

2. Claims shall be submitted to the communications service provider who concluded the contract on the provision of communications services or refused the conclusion of such contract.

Claims which are related to the reception or handing-out of postal items and telegrams may be submitted to the communications service provider who accepted the postal item or telegram, or to the communications service provider at the place of destination of the postal item or telegram.

### **CHAPTER 7.1 INTEGRITY, SECURITY AND STABILITY OF OPERATION OF THE INTERNET IN THE RUSSIAN FEDERATION**

#### **Article 56.1. Organisation of activities aimed at ensuring integrity, security and stability of operation of the internet in the Russian Federation**

1. Activities aimed at ensuring integrity, security and stability of operation of the internet in the Russian Federation shall be carried out by communications service providers, owners and other proprietors of technological communications networks, owners and other proprietors of traffic exchange points, owners and other proprietors of communications lines crossing the state border of the Russian Federation, and other persons owning a unique identifier for their set of communications equipment and other hardware in the internet (hereinafter referred to as autonomous system number).

2. The *Federal executive body exercising control and supervision in the field of mass media, mass communication, information technologies and communications*, shall coordinate the activities aimed at ensuring integrity, security and stability of operation of the internet in the Russian Federation.

3. For the purposes of acquisition of the practical skills enabling to ensure integrity, security and stability of operation of the internet in the Russian Federation and the public switched communications network, the persons specified in Article 56.2 of this Federal Law shall take part training courses; the Government of the Russian Federation shall schedule

such training courses, determine their purposes and objectives, and draw up the list of participants.

4. The *Federal executive body exercising control and supervision in the field of mass media, mass communication, information technologies and communications* shall define the rules of compiling the information received in accordance with Article 56.2 of this Federal Law.

**Article 56.2. Obligations of communications service providers, owners and other proprietors of technological communications networks, owners and other proprietors of traffic exchange points, owners and other proprietors of communications lines crossing the state borders or the Russian Federation, and other persons owning an autonomous system number**

1. If a communications line crossing the state border of the Russian Federation is transferred to possession or use, the contract on such transfer shall contain information about the purpose of using this communications line and about the communications equipment installed in the communications line. The owners or other proprietors of the aforementioned communications line shall submit the information about the purposes of using the communications line and about the communications equipment installed in the communications line, in electronic form, to the federal executive body exercising control and supervision in the field of mass media, mass communication, information technologies and communications, within the terms and in compliance with the procedure, content and format defined by said federal executive body. The rules of monitoring reliability and completeness of the provided information shall be approved by the federal executive body exercising control and supervision in the field of mass media, mass communication, information technologies and communications.

2. The owners or other proprietors of traffic exchange points are obliged to notify the *Federal executive body exercising control and supervision in the field of mass media, mass communication, information technologies and communications*, on the beginning of operation of a traffic exchange point.

3. The Government of the Russian Federation shall approve the rules according to which the *Federal executive body exercising control and supervision in the field of mass media, mass communication, information technologies and communications* shall maintain a *Register of traffic exchange points* including the rules of submitting notification by owners or other proprietors of traffic exchange points, and of entering such information into the *Register of traffic exchange points*.

4. The owners and other proprietors of traffic exchange points do not have the right to interconnect to traffic exchange points the communications networks of any proprietors who do not comply with the requirements stipulated by Sup-Item 3 of Item 9 of this article and Item 2 of Article 64 of this Federal Law. The rules for monitoring compliance with the aforementioned requirements shall be approved by the federal executive body exercising control and supervision in the field of mass media, mass communication, information technologies and communications.

5. The federal executive body in the field of communications shall, in coordination with the federal executive body in the field of security, establish requirements for the operation of traffic exchange points, comprising, as well, requirements for ensuring stable functioning of communications hardware and software, and of communications facilities, as well as the rules for complying with the requirements of Item 4 of this article.

6. The requirements of Items 2-5 of this article shall not apply with regard to the interconnection of the communications networks specified by Articles 18 and 19 of this Federal Law.

7. Communications service providers, owners or other proprietors of technological communications networks, or other persons using communications lines crossing the state

border of the Russian Federation shall submit information on the communications equipment ensuring interaction with such communications lines, including interaction through other communications lines, in electronic form, to the federal executive body exercising control and supervision in the field of mass media, mass communication, information technologies and communications, within the terms and in compliance with the procedure, content and format defined by said federal executive body.

8. If communications service providers or owners or other proprietors of technological communications networks own an autonomous system number, they are also obliged:

1) to comply with the requirements established by the federal executive body in the field of communications, with regard to the stable functioning of communications equipment which ensure interaction with the communications equipment of other communications service providers, owners or other proprietors of technological communications networks, including those which are situated outside the Russian Federation;

2) if they use traffic exchange points intended for interaction with communications service providers or owners or other proprietors of technological communications networks and other persons who own an autonomous system number, in order to transmit telecommunications messages: to use the traffic exchanges points which are included in the Register of traffic exchange points. The rules for monitoring compliance with the aforementioned obligation shall be approved by the federal executive body exercising control and supervision in the field of mass media, mass communication, information technologies and communications.

3) in order to identify network addresses in the internet, corresponding to domain names: to use hardware and software (including communications equipment) operating in accordance with the requirements established by the federal executive body in the field of communications, and also with the national domain name system;

4) to submit information on the following concerns, in electronic form, to the *Federal executive body exercising control and supervision in the field of mass media, mass communication, information technologies and communications*, within the terms and in compliance with the procedure, content and format defined by said federal executive body:

their autonomous system number and the network addresses belonging to this autonomous system;

interaction with communications service providers or owners or other proprietors of technological communications networks, or with other persons, who own an autonomous system number;

place of interconnection of their communications equipment with communications lines crossing the border of the Russian Federation;

place of installation of their communications equipment interconnected with communications lines located outside the Russian Federation;

routing of the telecommunication messages;

hardware and software as per Sub-item 3 of this Item;

infrastructure of their communications network.

9. The owners and other proprietors of technological communications networks, owning an autonomous system number shall also ensure the following:

1) if the technological communications network is used to provide internet access: compliance with the requirements of Article 15.8 of Federal Law No. 149-FZ of 27 July 2006 "On information, information technologies, and on the protection of information" with regard to the persons listed in Item 1 of Article 15.8 of said Federal Law;

2) installation of specific hardware in their communications network, intended for supervising compliance of communications service providers or the owners or other proprietors of technological communications networks, with the requirements of this Federal Law and of Federal Law No. 149-FZ of 27 July 2006 "On information, information technologies, and on the protection of information", and providing for restriction of access to information. The requirements for such supervision hardware, and also the requirements for their installation and operation in technological communications networks shall be established by the federal executive body exercising control and supervision in the field of mass media, mass communication, information technologies and communications;

3) implementation of the requirements for networks and communications equipment, established by the federal executive body in the field of communications, in coordination with the competent state authorities engaged in operational investigative activities or in protection of the security of the Russian Federation, for the purposes of activities performed, in certain cases defined by federal laws, to exercise their tasks, and also to take measures to prevent the disclosure of organisational and tactical techniques of conducting these activities;

4) collaboration with the competent state authorities during their investigate actions, in accordance with criminal law.

10. The procedure of interaction of owners or other proprietors of technological communications networks owning an autonomous system number with the competent state authorities engaged in operational investigative activities or in protection of the security of the Russian Federation shall be established by the Government of the Russian Federation.

11. On the basis of the information received as per Sub-item 4 of Item 8 of this article, the *Federal executive body exercising control and supervision in the field of mass media, mass communication, information technologies and communications* shall identify the autonomous system numbers the owners of which did not submit the required information to said federal executive body. Owners of autonomous system numbers shall, upon request by the federal executive body exercising control and supervision in the field of mass media, mass communication, information technologies and communications, submit the information as per Sub-item 4 of Item 8 of this article, in electronic form, within the terms and in compliance with the procedure, content and format defined by said federal executive body.

## **CHAPTER 8 UNIVERSAL COMMUNICATIONS SERVICES**

### **Article 57. Universal communications services**

1. The provision of universal communications services is guaranteed in the Russian Federation.

Universal communications services provided according to this Federal Law comprise the following services:

telephone services provided through shared access devices (payphones, multifunction devices, interactive kiosks (telekiosks) and similar devices);

services in data communication and provision of internet access, provided through the use of access points;

mobile phone services provided through the use of access points.

2. The rules and the deadline for beginning the provision of universal communications services, the rules for providing such services to disabled persons, and also the rules of regulating the tariffs for universal communications services, the rules for providing interconnection services and traffic transmission services through communications infrastructure (communica-

tions equipment, communications lines and communications facilities) intended for the provision of universal communications services, and also the rules of regulating tariffs for providing interconnection services and traffic transmission services through the use of the aforementioned communications infrastructure and for the use of this communications infrastructure shall be established by the Government of the Russian Federation as per proposal of the federal executive body in the field of communications, on the basis of the following principles:

the time which a communications service user needs to arrive at a shared access device for telephone services, without use of vehicle, shall not exceed one hour;

in each settlement, there shall be installed at least one shared access device for telephone services, providing free accident emergency calling and a function for alerting the population about the threat of occurrence or the actual occurrence of a natural or man-made emergency situation; the alert function shall be coordinated with the *Federal executive body performing functions of state property management and the provision of public services in the field of telecommunications and postal services, including the creation, development and use of communications networks, satellite communications systems, television and radio broadcasting systems*, the regional authority of the *Federal executive body fulfilling the functions of elaborating and implementing state policy, normative regulation, supervision and control in the sphere of protecting population and territory from natural and man-made emergency situations*, and the local self-government authority;

in settlements with 100 to 500 inhabitants, in which there are not rendered any data communication services or internet access provision services, there shall be installed at least one access point for rendering data communication services and internet access provision services;

in settlements with 100 to 500 inhabitants, in which there are access points installed in accordance with this Article, and where no mobile phone services are provided, at least one access point shall be equipped with communications equipment for the provision of mobile phone services;

taking into account the provisions of this article, the access point shall be connected through a fibre optic communications line and offer the possibility of data communication to user equipment with a rate of at least 10 MBit/s.

3. The federal executive body in the sphere of communications shall specify, in accordance with the principles defined in this Article:

a list of the settlements where access points may be interconnected through communications lines other than fibre optic communications lines;

a list of the settlements with 100 to 500 inhabitants where access points shall be installed, including access points intended to be equipped with communications equipment for the provision of mobile phone services.

### **Article 58. Universal communications service providers**

1. Universal communications services shall be rendered by universal communications service providers which shall be determined according to the procedure stipulated in Item 2 of this article.

2. The obligation to render universal communications services in the Russian Federation shall be assigned by the Government of the Russian Federation on a provider considered as a main provider in the public switched communications network in at least two thirds of the subjects of the Russian Federation. The Government of the Russian Federation is entitled to appoint as universal communications service provider in the territories of the Republic of Krym and the City of Federal meaning Sevastopol, according to the proposal of the federal executive body in the sphere of communication, a main provider in the public switched com-

munications network in the aforementioned territories, or another communications service provider rendering services in these territories.

The communications service provider who has been appointed as universal communications service provider has no right to refuse the imposed obligations to render universal communications services.

*The Federal executive body performing functions of state property management and the provision of public services in the field of telecommunications and postal services, including the creation, development and use of communications networks, satellite communications systems, television and radio broadcasting systems shall, in coordination with the federal executive body in the field of communications, conclude a contract with the universal communications service provider on the conditions of providing universal communications services for a period of no less than three years. The contracting parties shall, in coordination with the federal executive body in the sphere of communications, enter the respective amendments into the contract about the rules of providing universal communications services within three months after the entry into force of the Federal Law on the Federal budget for the current financial year and for the planning period.*

The following conditions shall be determined in the contract on the provision of universal communications services, concluded with the universal communications service provider who was assigned the obligation to provide universal services:

a list of the settlements where shared access devices and access points shall be established, indicating the number of shared access devices and access points to be installed in the settlements;

the amount of financial support for the provision of universal communications services, with due account of the forecasted amount of economically-motivated expenses of the universal communications service provider for the provision of universal communications services, and a reasonable rate of return (profit) of the universal communications service provider for the provision of universal communications services during the validity period of this contract;

the accounting procedure, providing for annual payment of a fixed financial support for the provision of universal communications services from the universal communications service fund in favour of the universal communications service provider;

the deadline for the beginning of the provision of universal communications services, especially in the territories where the universal communications service provider must undertake organisational and technical measures for the purposes of universal communications services;

requirements for reporting about the execution of the contract, and for the calculation made for the purposes of determining the amount of the financial support for the universal communications services, with regard to the economically-motivated expenses of the universal communications service provider for the provision of universal communications services, and to the reasonable rate of return (profit) of the universal communications service provider for the provision of universal communications services;

other conditions in accordance with the legislation of the Russian Federation.

The universal communications service provider has not the right to deny to another communications service provider the use of communications infrastructure (communications equipment, communications lines and communications facilities) intended for the provision of universal communications services, nor may he refuse to conclude contracts on the interconnection of other electronic communications networks to their own electronic communications network intended for the provision of electronic communications through access points, except for the cases where the interconnection of electronic communications networks and their interaction conflict with the conditions of licenses issued to the communications service providers or with the normative legal acts regulating the establishing and functioning of the single



electronic communications network of the Russian Federation. During the provision of traffic transmission services through communications infrastructure (communications equipment, communications lines and communications facilities) intended for the provision of universal communications services, priority use of such infrastructure for the provision of universal communications services shall be ensured.

#### **Article 59. Universal communications services fund**

1. A financial fund shall be created for the purposes of financial support of the provision of universal communications services, and also for the creation and maintaining of the data base of retained subscriber numbers (i.e. the universal communications service fund).

2. All financial resources entered into this universal communications service fund shall be used exclusively for the purposes defined by this Federal Law, and in the manner established by the Government of the Russian Federation. Correctness and timeliness of the mandatory payments of the public switched communications network providers (non-tax payments) in favour of the universal communications services fund shall be monitored by the federal executive body in the field of communications.

#### **Article 60. Source for creation of the universal communications services fund**

1. The sources for the creation of the universal communications services fund are mandatory payments (non-tax payments) from the public switched communications network providers, fines for late or incomplete payment of the mandatory payments (non-tax payments) from the public switched communications network providers, and other sources not prohibited by law.

2. Calculation of the mandatory payments (non-tax payments) shall be based on the income earned during a quarter by providing communications services to subscribers and other users of the public switched communications network, except for the taxes charged by the public switched communications network provider to the subscriber and other users of the public switched communications network, in accordance with the legislation of the Russian Federation on taxes and fees. The income shall be determined in accordance with the accounting procedure established in the Russian Federation.

3. The rate of mandatory payment (non-tax payment) of public switched communications network providers is set at 1.2 percent.

4. The amount of mandatory payment (non-tax payment) shall be calculated by the public switched communications network providers on their own, as percentage, corresponding to the rate indicated in Item 3 of this article, of the income determined in the manner provided for by this article.

5. The public switched communications network providers shall contribute the mandatory payment (non-tax payment) to the universal communications service fund no later than thirty days after the end after quarter in which the income was received. Quarters shall be counted from the beginning of the calendar year.

6. If public switched communications network providers contribute their mandatory payment (non-tax payment) to the universal communications service fund either late or incompletely, then the *Federal executive body performing functions of state property management and the provision of public services in the field of telecommunications and postal services, including the creation, development and use of communications networks, satellite communications systems, television and radio broadcasting systems* shall be entitled to file a claim in court on collection of the mandatory payment (non-tax payment) and of fines for late or incomplete payment of the mandatory payment (non-tax payment) to the universal communications service fund.

**Article 61. Use of financial resources from the universal communications service fund**

1. Universal communications service providers shall receive financial support from the universal communications service fund in the amount provided for by the contract on the provision of universal communications services.

2. The procedure of financing the creation and maintenance of the data base of retained subscriber numbers shall be established by the Government of the Russian Federation.

**CHAPTER 9  
PROTECTION OF RIGHTS OF COMMUNICATIONS SERVICE USERS****Article 62. Rights of communications service users**

1. Communications service users have the right to transmit messages, send postal items and carry out postal money transfer, receive telecommunications messages, postal items and postal money transfer, or refuse reception of the latter, and also to exercise other rights established by this Federal Law, unless otherwise stipulated by federal laws.

2. Protection of the rights of communications service users during the provision of telecommunications and postal services, guarantees of receiving such services in proper quality, and the right on the necessary and trustworthy information on communications services and on the communications service providers, the basis, amount and order of recompense for non-execution or improper execution of the obligations arising from the contract on the provision of communications services, and also the rules for the enforcement of rights of communications service users shall be determined by this Federal Law, by civil legislation, the legislation of the Russian Federation on the protection of consumer rights and other normative legal acts of the Russian Federation issued in accordance with the aforementioned laws and legal acts.

**Article 63. Secrecy of communications**

1. On the territory of the Russian Federation, protection of the secrecy of correspondence, telephone calls, postal items, telegrams and other messages transmitted via telecommunications and postal services networks is guaranteed.

Any restriction of the right on secrecy of correspondence, telephone calls, postal items, telegrams and other messages transmitted via telecommunications and postal services networks is admissible only in certain cases defined by federal laws.

2. Communications service providers are obliged to ensure compliance with the secrecy of communications.

3. Inspection of postal items by persons not being authorised assistants of the communications service provider, opening of postal items, inspection of their content, or familiarisation with information and document correspondence via telecommunications and postal services networks shall be performed only on the basis of a court decision, save for exceptional cases defined by federal laws.

4. Information on the messages transmitted via telecommunications and postal services networks, on postal items and postal money transfer, as well as these messages, postal items and funds themselves, may be handed out only to the senders and the recipients or their authorised representatives, unless otherwise stipulated by federal laws.

**Article 64. Obligations of communications service providers, and restrictions of the rights of communications service users during operational investigative measures, measures aimed at ensuring security of the Russian Federation, and criminal prosecution**

1. Communications service providers are obliged to store on the territory of the Russian Federation:

1) information on the reception, transmission, delivery and (or) processing of vocal information, text messages, graphic representations, audio, video or other messages from communications service users - within three years from the moment where these activities were performed;

2) text messages from communications service users, vocal information, graphic representations, audio, video and other messages - until six months from the moment where their reception, transmission, delivery and (or) processing was finished. The procedure, the terms and the amount of storing the aforementioned information shall be determined by the Government of the Russian Federation.

1.1. Communications service providers shall furnish the aforementioned information to the competent state authorities exercising operational investigative measures or ensuring security of the Russian Federation, as well as information on communications service users and on the communications services provided to them, and other information necessary for the execution of the tasks imposed to these authorities, in certain cases defined by federal laws.

2. Communications service providers shall ensure implementation of the requirements for networks and communications equipment, established by the federal executive body in the field of communications, in coordination with the competent state authorities exercising operational investigative measures or ensuring security of the Russian Federation, so that, in the cases defined by federal laws, these authorities may execute the tasks imposed on them, and take actions to prevent the disclosure of organisational and tactical measures for conducting these activities.

3. Communications service providers shall suspend the provision of communications services to legal entities and natural persons, upon a well-motivated decision in written form by one of the directors of the authority exercising operational investigative measures or ensuring security of the Russian Federation, in certain cases defined by federal laws.

Communications service providers shall renew the provision of communications services, upon decision by a court or upon a well-motivated decision in written form by one of the directors of the authority exercising operational investigative measures or ensuring security of the Russian Federation which made the decision on suspension of the communications services.

4. The rules for collaboration of the communications service providers with the competent state authorities exercising operational investigative measures or ensuring security of the Russian Federation shall be established by the Government of the Russian Federation.

5. During measures of criminal prosecution carried out by the competent state authority, the communications service providers shall collaborate in accordance with the requirements of criminal law.

## CHAPTER 10 COMMUNICATIONS NETWORK MANAGEMENT IN SPECIAL CASES

### **Article 65. Public switched communications network control in emergency situations and during state of emergency**

1. In emergency situations, the public switched communications network shall be controlled by the federal executive body in the field of communications, in collaboration with the control centres of special-purpose communications networks and of technological communications networks connected to communications networks.

2. For coordination of the works on eliminating the conditions which lead to a state of emergency and its consequences, temporary special control bodies may be created, in accordance with the normative legal acts of the Russian Federation on establishment of the state of emergency, who will be transferred the corresponding powers of the federal executive body in the field of communications.

### **Article 65.1. Communications networks management in case of threats to the integrity, security and stability of operation of the internet in the Russian Federation and the public switched communications network**

1. In order to detect threats to integrity, security and stability of operation of the internet in the Russian Federation and the public switched communications network, the *Federal executive body exercising control and supervision in the field of mass media, mass communication, information technologies and communications* shall supervise the operation of the aforementioned networks.

2. In the case of threats to integrity, security and stability of operation of the internet in the Russian Federation and the public switched communications network, the Federal executive body exercising control and supervision in the field of mass media, mass communication, information technologies and communications may take over centralised control of the public switched communications network.

3. The *Federal executive body exercising control and supervision in the field of mass media, mass communication, information technologies and communications* shall supply the communications service providers with threat protection technology for free. The aforementioned federal executive body shall create the technical conditions for the installation of the threat protection technology, and also the requirements for communications networks using threat protection technology.

4. Centralised control of the public switched communications network shall be by using threat protection devices and (or) by mandatory instructions to communications service providers, owners or other proprietors of technological communications networks, owners and other proprietors of traffic exchange points, owners or other proprietors of communications lines crossing the border of the Russian Federation, and other persons owning an autonomous system number (hereinafter referred to as persons involved in centralised control).

5. The Government of the Russian Federation shall approve the rules of centralised control of the public switched communications network, particularly with regard to the following circumstances:

1) kinds of threats to the integrity, security and stability of operation of the internet in the Russian Federation and public switched communications network;

2) regulation of determining the threats listed in Sub-item 1 of this Item, and the measures aimed at eliminating them, including the cases of use of threat protection devices and issuance of mandatory instructions;

3) requirements on organisational and technical collaboration within the framework of centralised control over the public switched communications network, including the procedure and the terms for the consideration of complaints of communications service providers with regard to the operation of threat protection devices, and inquiries from communications service providers on the provision of information concerning the operation of threat protection devices in the public switched communications network;

4) methods of the Federal executive body exercising control and supervision in the field of mass media, mass communication, information technologies and communications to determine the technical feasibility to fulfil the instructions issued within the framework of centralised control of the public switched communications network;

5) conditions and cases where the communications service provider has the right not to route traffic through threat protection devices.

6. In the case where centralised control over the public switched communications network is implemented, the persons involved in centralised control are obliged to comply with the *Rules for routing telecommunications messages* established by the *Federal executive body exercising control and supervision in the field of mass media, mass communication, information technologies and communications*. The *Rules for routing telecommunications messages* shall apply to telecommunications messages in the case where the recipient or the sender of such a message is a communications service user on the territory of the Russian Federation.

7. If there appear threats to integrity, security and stability of operation, on the territory of the Russian Federation, of Internet and the public switched communications network, the *Federal executive body exercising control and supervision in the field of mass media, mass communication, information technologies and communications* shall notify the persons involved in centralised control.

8. The communications equipment with the help of which the persons involved in centralised control execute the instructions issued within the framework of centralised control of the public switched communications network shall be located in the territory of the Russian Federation. The Government of the Russian Federation shall approve the *Rules for supervising that persons involved in centralised control comply with the obligations of location on the territory of the Russian Federation of communications equipment used to execute the instructions in the context of centralised control of the public switched communications network*.

9. The organisational and technical measures which are necessary for the *Federal executive body exercising control and supervision in the field of mass media, mass communication, information technologies and communications* to implement the powers provided for by Item 5.1 of Article 46 of this Federal Law and Items 1-4 and 7 of this article shall be adopted by the *Centre of monitoring and control of the public switched communications network at the radio-frequency service*; the regulation on said centre and on the rules on implementation of the listed measures by said centre shall be approved by the aforementioned federal executive body. The organisational and technical measures which are necessary to record the information transmitted to the *Federal executive body exercising control and supervision in the field of mass media, mass communication, information technologies and communications*, in accordance with Article 56.2 of this Federal Law shall be adopted by the *Centre of monitoring and control of the public switched communications network at the radio-frequency service*.

#### **Article 66. Priority use of communications networks and communications equipment**

1. If there is a risk of a natural or man-made emergency situation, or if such an emergency situation is already present, the competent state authorities, defined by the legislation of the Russian Federation, have the right on priority use of any communications network and any communications equipment, in the manner prescribed by the Government of the Russian

Federation, and also the right to terminate or to restrict the use of communications networks and communications equipment.

2. The communications service providers shall offer absolute priority to all messages which concern human security on water and earth, in the air and in outer space, and also to messages on major accidents, catastrophes, outbreaks of epidemic or epizootic diseases, and natural disasters, connected to immediate measures in the field of state authorities, state defence, state security and law enforcement.

3. In case of dangers related to the risk of a natural or a man-made emergency situation, or to an emergency situation which is actually present, and in the case of military operations or as a result from such operations, communications service providers shall, upon request from federal executive bodies, from executive bodies of the constituent entities of the Russian Federation and (or) from local self-government authorities to communications service providers, within the territory in which they provide their communications services, ensure the transmission of warning signals and (or) emergency information on emerging dangers, regarding the rules of conduct of the population and the need for protective measures, to communications services users on their user equipment (terminal equipment); in the case where communications services are provided for the purposes of terrestrial television and (or) radio broadcasting, the communications service provider shall ensure on-air transmission of the aforementioned information to the communications services users. The procedure for interaction between federal executive bodies, executive bodies of the constituent entities of the Russian Federation and local self-government authorities with communications service providers and for transmitting warning signals and (or) emergency information on emerging dangers, regarding the rules of conduct of the population and the need for protective measures shall be established by the Government of the Russian Federation.

4. The expenses of communications service providers for execution of the requirements of Item 3 of this article are not subject to recompense.

As regards communications services for television and (or) radio broadcasting, the transmission by communications service providers, of alerts and (or) emergency information on the dangers related to the risk of a natural or man-made emergency situation, or to an emergency situation which is actually present, or during military operations or as a result from such operations, on the rules of conduct of the population and the need for protective measures, in accordance with Item 3 of this article, is not considered as interruption of the provision of communications services. Communications service providers who render communications services for television and (or) radio broadcasting, are not to held liable for improper execution of their obligations arising from contracts with broadcasters on the provision of services for television and (or) radio broadcasting, if the improper execution is related to execution by the communications service provider of the requirements of Item 3 of this article.

Article 67. [Item revoked]

## **CHAPTER 11 LIABILITY FOR BREACH OF THE LEGISLATION OF THE RUSSIAN FEDERATION IN THE FIELD OF COMMUNICATIONS**

### **Article 68. Liability for breach of the legislation of the Russian Federation in the field of communications**

1. Persons who violated the legislation of the Russian Federation in the field of communications shall bear criminal, administrative and civil liability, in the cases and according to the procedure provided for by the legislation of the Russian Federation.

2. Losses caused by illegal actions (lack of action) of state bodies, local self-government authorities or officials of these authorities shall be compensated to communications service providers and communications service users in accordance with civil law.

3. Communications service providers shall bear property liability for loss of or damage to valuable postal items or loss of content of postal items, in the amount of the declared value, as well as for distortion of a telegram text that changed the telegrams meaning, or non-delivery of a telegram, or delivery of a telegram to the recipient later than 24 hours from the moment of its submission, in the amount of the payment for the telegram, except for telegrams addressed to settlements where telecommunications is lacking.

4. The extent of liability for non-execution or improper execution, by communications service providers, of the obligations to send and deliver other registered postal items shall be determined by federal laws.

5. Employees of communications service providers are to be held materially liable towards their employers for loss or late delivery of all kinds of postal items and telegrams, or damage of the content of postal items, occurred by their fault during exercise of their obligations, in the extent corresponding to the liability of the communications service provider towards the communications service user, unless any other penalty is not provided for by federal laws.

6. Communications service providers do not bear liability for non-execution or improper execution of the obligations to deliver or to receive messages or to send or to deliver postal items, provided there is proof that such non-execution or improper execution of obligations has occurred by the fault of the communications service user or as a result of force majeure.

7. In the cases stipulated by Item 3 of Article 44 of this Federal Law, the communications service user is obliged to reimburse the communications service provider for the losses incurred.

8. Communications service providers are liable towards their subscribers for violation of the requirements provided for by Item 5 of Article 44 of this Federal Law with regard to the interconnection or provision of other communications services which are technically inseparable linked to mobile phone services and aimed at increasing their customer value, including content services.

9. In the case of late or incomplete payment, by the provider of the public switched communications network, of the mandatory payments (non-tax payments) into the universal communications service fund, this public switched communications network provider shall pay penalties for each calendar day of delay in fulfilling the obligation to contribute the mandatory payments (non-tax payments) into the universal communications service fund as from the day following the days which was fixed for the contribution of the mandatory payments (non-tax payments) into the universal communications service fund by the public switched communications service provider.

The penalties for each day of delay shall be determined in per cent of the non-contributed sum of mandatory payments (non-tax payments) into the universal communications service fund.

The per cent rate of the penalties shall correspond to one three hundredth of the refinancing rate by the Central Bank of the Russian Federation, applicable on the day the penalty is charged.

## CHAPTER 12 INTERNATIONAL COLLABORATION OF THE RUSSIAN FEDERATION IN THE FIELD OF COMMUNICATIONS

### **Article 69. International collaboration of the Russian Federation in the field of communications**

1. International collaboration of the Russian Federation in the field of communications shall be performed on the basis of common principles and standards of international right, and also on the basis of the international treaties of the Russian Federation.

During international activities in the field of telecommunications and postal services, the federal executive body in the field of communications shall act as the communications administration of the Russian Federation.

The communications administration of the Russian Federation shall, within the scope of their authority, represent and protect the interests of the Russian Federation in the field of telecommunications and postal services, collaborate with the communications administrations of foreign states and intergovernmental and international non-governmental communications entities, and also coordinate issues of international collaboration in the field of communications, to be performed by the Russian Federation and by the citizens and organisations of the Russian Federation, and ensure execution of the obligation of the Russian Federation arising from international treaties of the Russian Federation in the field of communications.

2. Foreign organisations and foreign citizens performing activities in the field of communications on the territory of the Russian Federation shall be subject to the legal regime established for the citizens and organisations of the Russian Federation, to the extent as this legal regime is applied by the corresponding foreign state to the citizens and organisations of the Russian Federation, unless otherwise stipulated by international treaties of the Russian Federation of federal laws.

3. *The Rules of performing activities, in the Russian Federation, concerning international protection of the right of assignment of radio frequencies or radio-frequency channels, including works related to the application for, coordination and registration with the International Telecommunications Union, of such radio frequencies or radio-frequency channels and the corresponding positions of satellites in the geostationary orbit or the corresponding specifications of satellites in other orbits shall be established by the Government of the Russian Federation.*

### **Article 70. Regulation of activities in the field of international communications**

1. Relations concerning activities in the field of international communications on the territory of the Russian Federation shall be regulated by international treaties of the Russian Federation in the field of communications, by this Federal Law, other federal laws, and other normative legal acts of the Russian Federation.

2. The accounting procedure between international telecommunications providers shall be established on the basis of international operational agreements and taking into account the recommendations of international telecommunications entities to which the Russian Federation which the Russian Federation is a member of.

3. For the provision of communications services within the global information and telecommunications networks on the territory of the Russian Federation, the following is mandatory:

creation of Russian segments of global **and regional**) satellite communications systems for the purposes of ensuring interaction with the unified telecommunications network of

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<sup>\*)</sup> ALO editorial note: Translation completed.



the Russian Federation, and reliability that the Russian segments of the global and regional satellite communications networks are controlled from the territory of the Russian Federation;

creation of Russian communications service providers complying with the requirements provided for by this Federal Law;

ensuring economic, civil, defence, ecological, information and other kinds of security.

4. The rules for the use, in the territory of the Russian Federation, of satellite communications networks which fall under the jurisprudence of foreign states shall be established by the Government of the Russian Federation.

#### **Article 71. Import of radio-electronic equipment and high-frequency devices in the Russian Federation and export of radio-electronic equipment and high-frequency devices from the Russian Federation**

Import of radio-electronic equipment and high-frequency devices in the Russian Federation and export of radio-electronic equipment and high-frequency devices from the Russian Federation shall comply with the international treaties of the Russian Federation, the customs legislation of the Customs Union under the EurAsEC, and the legislation of the Russian Federation.

#### **Article 72. International postal services**

The communications administration of the Russian Federation shall organise postal services, particularly establish the locations of international postal interchange on the territory of the Russian Federation.

### **CHAPTER 13 FINAL AND TRANSITIONAL PROVISIONS**

#### **Article 73. Bringing legislative acts in alignment with this Federal Law**

To deem repealed from 1 January 2004:

Federal Law No. 15-FZ of 16 February 1995 "On communications" (Corpus of Legislative Acts of the Russian Federation, 1995, No. 8, Art. 600); Federal Law No. 15-FZ of 16 February 1995 "On communications" (Corpus of Legislative Acts of the Russian Federation, 1995, No. 8, Art. 600);

Federal Law No. 8-FZ of 6 February 1999 "On amendments and supplements to the Federal Law "On communications"" (Corpus of Legislative Acts of the Russian Federation, 1999, No. 2, Art. 235);

Item 2 of Article 42 of Federal Law No. 176-FZ of 17 July 1999 "On postal services" (Corpus of Legislative Acts of the Russian Federation, 1999, No. 29, Art. 3697).

#### **Article 74. Entry into force of this Federal Law**

1. This Federal Law shall enter into force on 1 January 2004, except for Item 2 of Article 47 of this Federal Law.

2. Item 2 of Article 47 of this Federal Law shall enter into force on 1 January 2005.

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