

## Adaptation of the Existing Secondary Regulating Framework to the New Law on Electronic Communications

EETT, has completed the processing of the overwhelming majority of the Regulations, that need to be published. All of the above regulation pertained to the adaptation of the existing secondary regulating framework to the provisions of the new Law on Electronic Communications. Also the processing of the proposals has been completed and forwarded to the Ministry of Transport and Communications (MTC), in order for the Hellenic legislation to be harmonized with the new European Framework.

### Specifically:

1. The following have been published in a GG Issue:
  - a) General Licensing Regulation.
  - b) Regulation on the Use of Radio-fre-

quencies and Granting of Rights for Radio-frequencies Use under the General Licensing status.

2. A number of public consultations have already been completed. These consultations pertain to:
  - a) The Regulation on the Management and Assigning Numbering Resources on behalf of the National Numbering Plan.
  - b) The Regulation on Terms of Use of Individual Radio-frequencies or Radio-frequencies Zones.

*(The texts of those consultations are under the final editing stage.)*

3. Public consultations regarding the proposals to the MTC have already been completed. Those proposals regard the following issues:

- a) National Numbering Plan.
- b) Definition of Universal Service (US) Content.
- c) Universal Service Provider (USP) Selection Criteria.
- d) Allocation of Universal Service (US) Net Cost.

*(The texts of those consultations are under the final editing stage.)*

4. Public consultation on the following issues is in progress:
  - a) Regulation on Paying an Annual Installation and Operation Antenna Mast Constructions Fee.
  - b) Regulation on Land-based Antenna Mast Constructions.



and their substitution by the General Authorization framework.

Special Licences for the allocation of radio-frequency spectrum are exempted. These Licences are substituted by the General Authorization framework and the granting of relevant rights to use radio-frequencies. For the migration from the existing to the new licensing framework and the adaptation of the existing General and Special Licences to the stipulations of the new framework, EETT has proceeded to the adjustment of the existing Registration Declarations to the provisions of the new Regulation on General Authorization, mapping the Telecommunication Services Activities Codes provided in the former Regulation on General Authorizations to the Activity Codes for the Provision of Networks and/or Electronic Communications Services, as specified in the New Regulation on General Authorizations.

The mapping of the services, as well as the new services for all the parties registered in Networks and Electronic Communications Providers Register, are published in the web site of EETT. Note that the providers may apply for any necessary corrections of the current Registration Statement until 7-8-2006, according to the aforementioned adjustments, submitting a new Registration Declaration, without paying any administrative fee. It is expected that the adjustment of all the Special Licences will soon take place according to the stipulations of the new Regulation with the exception of those licences that concern the allocation of radio-frequencies spectrum zones. This adjustment is substantially equal to the substitution of the existing Special Licences by specific Services, which shall have to be added to the Registration Declaration of the holders of the Special Licences. Finally, for the complete transfer to the new framework, EETT shall proceed to the substitution of Special Licence regarding the allocation of radio-frequencies spectrum zones.

Another important difference, compared to the former framework, is the obligation for submission of a Registration Declaration by parties, which, although they do not possess their own Electronic Communications infrastructure, they provide Electronic Communications services under a different trademark and business organization, based on the infrastructure of other parties.

Any persons submitting the Registration Declaration, shall submit to EETT the Registration Declaration for Electronic Communications Activities under the General Authorization Status, by which:

- a) They declare their intention to proceed to the initiation of one or more Electronic Communications activities, which are described according to Annex A of the Regulation on General Authorization.
- b) They apply for registration in the Networks and Electronic Communications Providers Register of EETT.

In case the Registration Declaration is not complete, it will not be registered in the Networks and Electronic Communications Providers Register. The Registration Declaration for which no relevant administrative fee has been paid, is considered as non complete.

The Networks and Electronic Communications Services Provider shall submit to EETT a supplementary Registration Declaration or a modifying one in the following cases:

- a) In order to proceed to the provision of other Electronic Communications services and/or networks, apart from the ones that have been specified in the initial Registration Declaration.
- b) When the Provider intends to cease the provision of certain or all of the Electronic Communications services and/or networks for which it has already submitted a Registration Declaration.
- c) Upon the change of any of the data that had been notified through the initial Registration Declaration. Every data modification is communicated within (15) days from the day the modification takes place.

An annual administrative fee is imposed to all parties operating under the General Authorization Status providing Public Communications Networks or Electronic Communications Services. It is calculated as

a percentage of the total gross revenues from the provision of public communications networks or Electronic Communications services, under General Authorization Status, such as:

Total Annual Gross Revenues Zone (€), in million EUROS	Administrative Fees Coefficient per Zone
$E \leq 0.15$	0
$0.15 < E \leq 250$	0.0025
$250 < E \leq 750$	0.004
$750 < E$	0.0005

For every calendar year, the annual administrative fee, as calculated according to the above Table, is paid, until June 30<sup>th</sup> of the next calendar year at latest. No relevant written notification from EETT is required.

Apart from the payment of the aforementioned annual administrative fees, upon the submission of the initial Registration Declaration an administrative fee of 300 Euros is imposed, while upon the submission of every modification of the initial Registration Declaration pertaining exclusively to the registration of new services, an administrative fee of 100 Euros is imposed.

The annual administrative fees must be based on the total of gross annual revenues, certified by the chartered auditor / accountant who signs the balance sheet of the enterprise, and which have resulted from the provision of public communications networks or electronic communications services in the form of General Authorization of the enterprises to which the relevant fee is imposed. Out of the total annual gross revenues the allowances received by the enterprises due to their participating in European Union programs or other respective National programs are deducted and so are the interconnection and roaming expenses. In case there is no provision for publication of balance sheet certified by a chartered auditor / accountant, the statement for the total gross annual revenues is signed by the Chief Financial Officer, or other competent person with respective responsibilities in the enterprise.

In case of parties which, are at the first zone based on their gross revenues of the above Table and hence owe no annual administrative fees, no statement submission is required for the total of gross revenues to EETT.

## Regulation on General Authorizations (for the Provision of Networks and/or Electronic Communications Services)

The draft of Regulation on General Authorizations was first published by EETT on March 30, 2006, when the relevant public consultation begun. That consultation lasted until May 3, 2006. In total 16 bodies participated in the consultation and the results were published in the web site of EETT, which on June 13, 2006 announced its position pertaining to the main points referred to by the participants in the consultation. EETT, taking into account the comments of the participants in the public consultation, has proceeded to the final editing of the Regulation, which has been published in the Government Gazette Issue (GG issue) on June 21, 2006 (GG issue 748/B/21-6-2006).

The new Regulation on General Authorizations fully harmonizes the licensing procedure of Network Providers and/or Electronic Communications services in Greece, applies the European Framework and focuses on the provisions of Directive "2002/20/EC of the European Parliament and Council, as of March 7, 2002, on network and Electronic Com-

munications services licensing (Directive on licensing)". The new Regulation on General Authorizations consists of three parts.

The General Authorizations status includes every type of Electronic Communications activity pertaining to the provision of networks and/or electronic communications services. The submission, however, of a Registration Declaration, according to the new Regulation, is only allowed to parties providing Public Communication Networks or Electronic Communications Services, as well as to parties operating Special Radio Networks. The non submission of a Registration Declaration does not mean that the aforementioned parties do not come under the General Authorizations framework. On the contrary, as any other enterprise providing services to the public, they shall abide by and respect the Regulation on General Authorizations. Besides, as it is clear from the text of the Regulation, Chapter 1 "Obligations for the Provision of Networks and Electronic Communications Services" of An-

nex B, applies to any party deploying their business activity in the Electronic Communications Sector, regardless of whether they provide services to the public or not.

It has to be stressed that if for exerting any Electronic Communications activity, the granting of rights for the use of numbers or frequencies is required, the interested party prior to proceeding to exerting the said activity, apart from the General Authorizations, has to acquire any necessary rights for the use of numbers or frequencies. More specifically, apart from what is specified in the Regulation on General Authorizations, when the use of frequencies, does not require any individual Right granting, due to the fact that the risk of detrimental interferences is negligible, the terms of their use are specified in the Regulation of Radio-frequencies Use Terms issued by EETT.

The basic change introduced by the new Regulation on General Authorizations compared to the former framework, is the termination of the existence of Special Licences