

Regulation of issues regarding the provision of Leased Lines

THE HELLENIC TELECOMMUNICATIONS & POST COMMISSION (EETT)

Having regard to:

- a. Law No. 2867/2000 "Organization and Operation of Telecommunications and Other Provisions" (Government Gazette 273/A/2000), in particular article 8, par. 2 and article 3, par. 14, subpar. x of same;
- b. Presidential Decree No. 40/1996 "On the Provision of Open Network to Leased Lines, in accordance to Directive 92/44/EEC, as amended by Decision 94/439/EC" (Government Gazette 27/A/1996);
- c. Presidential Decree No. 156/1999 "On adapting Law No. 2246/1994 and Presidential Decree No. 40/1996 in compliance with Directive 97/51/EC of the European Parliament and of the Council with regard to the amendment of Directives 90/387/EEC and 92/44/EEC of the Council, aimed at adapting the Telecommunications Sector to the Competitive Environment" (Government Gazette 153/A/1999);
- d. its decision No. 211/3/16-3-2001 "Regulation with regard to the Principles Pertaining to Cost Accounting and Tariffs" (Government Gazette 466/B/2001);
- e. the fact that the provisions of this present Decision do not create any cost for the State Budget; it decides:

Article 1 Scope of Application

This present decision regulates issues regarding the provision of Leased Lines in application of the obligations imposed on Organizations having significant market power in the Leased Lines market, as well as more general issues pertaining to the provision of Leased Lines.

Article 2 Definitions

Provision of Retail Leased Lines Services: The provision of Leased Lines services in any other case except for the Provision of Wholesale Leased Lines Services.

Provision of Wholesale Leased Lines Services: The provision of Leased Lines services to telecommunications organizations, which in turn shall provide telecommunications services to third parties.

Offer: The offer made for the provision of Leased Lines (hereunder called the "Offer") for any such type of Leased Lines as described in Annex A of this present Decision. Wherever the term "offer" is mentioned in this present decision, it shall refer to any type of offer of Leased Lines.

Obligated Organization: The organization having significant market power in the Leased Lines market.

Other terms used in this present Decision shall have the meanings ascribed to them in Law No. 2867/2000, or in the case where they are not referred to in the said law, in the relevant Presidential Decrees and the relevant secondary law of the European Union, as applicable at any given time.

Article 3 Obligations of Organizations Having Significant Market Power in the Leased Lines Market

1. Any Organizations that are designated as having significant market power in the Leased Lines market are required to communicate to EETT an Offer within thirty (30) days from the publication of the EETT decision assigning them the status of an Organization having significant market power. Any Organizations that have already been designated as having significant market power in the Leased Lines market are required to communicate to EETT an offer within thirty (30) days from the publication of this present decision.
2. The Offer shall pertain both to the Provision of Wholesale Leased Lines Services and the Provision of Retail Leased Lines Services.
3. EETT shall check the Offer and make changes to the degree absolutely necessary for the application of the provisions of applicable law, pertaining in particular to the principles of open network provision and the principles of sound competition.
4. For the types of Leased Lines referred to in Annex B, the Obligated Organization shall maintain an offer, which it shall communicate to EETT and publish in an appropriate manner, so that all interested parties can be informed about it.
5. The provision of other types of Leased Lines, besides the ones included in Annexes A and B shall not restrict the obligations of the Obligated Organization with regard to the leased lines referred to in Annex A and must be effected in compliance with the provisions set forth in Law No. 703/1977 on competition.

Article 4
Minimum Content of the Offer

1. The Obligated Organization is required to publish an Offer that will contain at least the following:
 - a. Information about the ordering and delivery procedure. A detailed description of the ordering procedure, which starts on the date of the initial application made by a user and ends on the date of the delivery of the ready-to-use leased line. In particular, there must be a clear description of the individual stages of the ordering and delivery procedure, and the relevant application forms must also be included. The said procedures shall ensure immediate and effective service to users. Unjustified delays in replying to an application shall be considered abusive and shall constitute a violation of applicable legislation on telecommunications. If the final reply is negative, the Obligated Organization is required to explain the reasons for its refusal to the user in writing, as well as to recommend an alternative. In any case, upon an application filed by a user, EETT shall be entitled to make a decision, in accordance with the procedure provided for in paragraph 1 of article 12 of this present Decision, as to whether there is an objective reason for the non-fulfillment of the user's request by the Obligated Organization.
 - b. A time schedule for the ordering and delivery procedure. It shall include the reasonable times allowed for the individual stages of the ordering and delivery procedure. In particular, the time allowed for the delivery of the leased line, that is the exact time from the date when an application is filed for the provision of a leased line until the delivery of the ready-to-use leased line, must be included. The times referred to above shall be considered reasonable if they are as long as it is objectively and absolutely necessary for the provision of the requested leased line. Any delays caused by users or Force Majeure shall not be included when calculating delivery time.
 - c. Duration of the agreement. The duration of the agreement is defined as the time period for which a user shall request the provision of the leased line. The Offer must determine a minimum duration of the agreement desired by the Obligated Organization, which a user is required to accept, provided that such a minimum duration can be justified reasonably. In any case, the cost-orientation obligation of the Obligated Organization shall stand regardless of the duration of the agreement.
 - d. Fault reporting procedure: The fault reporting and restoration procedures must be described clearly. The said procedures must ensure immediate and effective service to users and must be completed within the objectively necessary time.
 - e. Repair procedure. The time period from the date when a fault is reported to the Obligated Organization until the full restoration of the leased line must be included. The fault report made to the Obligated Organization and

the announcement of the restoration of the leased line must be made in writing. The said procedure must ensure immediate and effective service to users and must be completed within the objectively necessary time.

- f. Procedure for the refund of fees paid. A description must be given of the procedure followed by a user when he/she is entitled to request, by filing an application, the refund of fees paid.
 - g. Test measurement procedure. A detailed description must be given of the individual stages of the testing procedure, where it is objectively necessary, accompanied by corresponding time schedules. The time spent for test measurements shall be included when calculating delivery time. The said procedure must ensure immediate and most effective service to users and shall be completed within the objectively necessary time.
 - h. Technical characteristics of Leased Lines. A description must be given of the technical characteristics of each type of Leased Lines, along with the requirements for the connecting of terminal equipment.
 - i. Determination of the competent Service. A clear description must be given of the specific Service of the Obligated Organization which shall undertake exclusively the processing of all requests relevant to the provision of Leased Lines, and users must also be informed about the address of the said service along with sufficient numbers for electronic and telephone access to it.
2. In the case where the Obligated Organization uses the services of other undertakings for fulfilling its obligations pertaining to the provision of Leased Lines, the Obligated Organization shall still have all the obligations provided for in this present decision and applicable law.

Article 5 Validity of Offers

Offers shall become valid on the date when they are approved by EETT. In any case where a new Offer is submitted, the procedure provided for in article 3 of this present Decision shall be followed.

Article 6 Interruption of the Provision of Leased Lines

The provision of Leased Lines Services may be interrupted by the Obligated Organization only in the case where the agreement is terminated due to a user's culpability or due to Force Majeure. In any other case, the interruption of the provision of Leased Lines Services constitutes a breach of Law No. 2867/2000 and shall bring about the imposition of the sanctions provided for in the said law.

Article 7 Billing

1. The Obligated Organization shall not unjustifiably refuse to send to a user summary bills including all the charges made for each leased line allocated to the said user, upon a relevant request made by the user.
2. The provision of discount by the Obligated Organization in connection with leased lines is only permitted to the extent that this does not violate the principles of open network provision or/and restriction of competition. In any case, the discount policy of the Obligated Organization with regard to the Leased Lines referred to in Annexes A and B shall be communicated to EETT forty five (45) days prior to its application, and the latter shall be entitled to request its amendment in objectively justified cases. The amount of discount must be clearly indicated in the corresponding bill issued for a leased line.

Article 8 Notice of Agreements

All Obligated Organizations that enter agreements for the provision of Leased Lines shall have to notify the relevant agreements to EETT.

Article 9 Publicity

The Obligated Organization shall publish all its offers in its Website and shall see to it that relevant information and printed matter is available at the locations where its services are sold. In any case, all offers must be available and accessible to all users.

Article 10 Competition

1. The Obligated Organization must comply with the principles of competition, as enforced by applicable law. In particular, it shall apply similar terms in similar cases to Organizations that provide similar services. In addition, it shall provide Leased Lines to other Telecommunications Organizations under the same terms and the same level of quality as those of the lines provided for its own telecommunications services or, depending on the case, for the telecommunications services provided by its Subsidiaries or for the telecommunications services provided by its partners.
2. The provision of Retail Leased Lines Services may not be effected under conditions that are more advantageous than those of Wholesale Leased Lines Services.

3. The Obligated Organization, when calculating the time of services provided and the necessary procedures described in this present Decision, must act as an objectively effective Organization.

Article 11 Provision of Information

All Organizations providing Leased Lines Services must notify to EETT, upon a relevant request from the latter, detailed statistics pertaining to the provision of Leased Lines. The minimum content of the statistics (per type of leased line) shall be as follows:

- Delivery time (allocation of delivery time per leased line).
- Fault restoration time (allocation of repair time per leased line).
- Availability of leased line [the total time (in hours) of non-availability of all Leased Lines of the same type divided by the product of the monitoring time (in hours) multiplied by the number of Leased Lines of the same type].

The above statistics shall be used for monitoring the market and, in particular, for monitoring the existence of competitive conditions and maintenance of the principles of open network.

Article 12 Resolution of Disputes

1. In the case where a dispute arises from the application of this present Decision between users and the Obligated Organization, either involved party may file an application with EETT to resolve the dispute. A well-documented decision made by EETT shall be issued within six (6) weeks from the filing of the application, shall be notified to the parties involved within seven (7) business days from the date it is made, and shall not be applied earlier than its notice.
2. In the case where there is a violation of certain terms of this present Decision, EETT is entitled to make a well-documented decision, upon hearing the parties involved, and impose the administrative sanctions set forth in article 12 of Law No. 2867/2000.

Article 13 Entry into force

This present Regulation shall enter into force on the day of its publication in the Government Gazette.

ANNEX A Definition of a Minimum Set of Leased Lines with Harmonized Technical Characteristics

Type of leased line	Technical Characteristics	
	Interface specifications	Interconnection characteristics and performance specifications
Analogue, ordinary quality voice bandwidth	2 wire ⁽¹⁾ – ETS 300 448 ⁽³⁾ or 4 wire ⁽²⁾ – ETS 300 451 ⁽⁴⁾	2 wire – ETS 300 448 ⁽³⁾ or 4 wire – ETS 300 451 ⁽⁴⁾
Analogue, special quality voice bandwidth	2 wire ⁽¹⁾ – ETS 300 449 ⁽⁵⁾ or 4 wire ⁽²⁾ – ETS 300 452 ⁽⁶⁾	2 wire – ETS 300 449 ⁽⁵⁾ or 4 wire – ETS 300 452 ⁽⁶⁾
Digital 64Kbps ⁽⁷⁾	ETS 300 288 ETS 300 288/A ⁽⁸⁾	ETS 300 289
Digital, unstructured 2 048Kbps ⁽⁹⁾	ETS 300 418	ETS 300 247 ETS 300 247/A1
Digital, structured 2 048Kbps ⁽¹⁰⁾	ETS 300 418 ⁽¹¹⁾	ETS 300 419 ⁽¹²⁾

- ⁽¹⁾ The incorporation requirements for terminal equipment to be connected with the said leased lines are described in Common Technical Regulation 15 (CTR 15)
- ⁽²⁾ The incorporation requirements for terminal equipment to be connected with the said leased lines are described in Common Technical Regulation 17 (CTR 17)
- ⁽³⁾ Previously provided in accordance with ITU-T Recommendation M.1040 (1988 version), instead of ETS 300 448.
- ⁽⁴⁾ Previously provided in accordance with ITU-T Recommendation M.1040 (1988 version), instead of ETS 300 451.
- ⁽⁵⁾ Previously provided in accordance with ITU-T Recommendation M.1020/M.1025 (1988 version), instead of ETS 300 449.
- ⁽⁶⁾ Previously provided in accordance with ITU-T Recommendation M.1020/M.1025 of (1988 version), instead of ETS 300 452.
- ⁽⁷⁾ The incorporation requirements for terminal equipment to be connected with the said leased lines are described in Common Technical Regulation 14 (CTR 14)
- ⁽⁸⁾ For an interim period following 31 December 1997, the said leased lines may be provided using other interfaces, based on X.21 or X.21 bis, instead of ETS 300 288.
- ⁽⁹⁾ The incorporation requirements for terminal equipment to be connected with the said leased lines are described in Common Technical Regulation 12 (CTR 12)
- ⁽¹⁰⁾ The incorporation requirements for terminal equipment to be connected with the said leased lines are described in Common Technical Regulation 13 (CTR 13)
- ⁽¹¹⁾ Previously provided in accordance with the ITU-T Recommendations G.703 E G.704 (excluding part 5) and G.706 (cyclic redundancy checking) (1988 version), instead of ETS 300 452.
- ⁽¹²⁾ Previously provided in accordance with the relevant ITU-T

Recommendations series G.800 (1988 version), instead of ETS 300 419.

The specifications referred to for the above mentioned types of Leased Lines shall also determine the Network Termination Points (NTP), based on the definition given in article 2 of Directive 90/387/EEC.

ANNEX B

Definition of Leased Lines, the provision of which is encouraged taking into consideration relevant demand in the market

Type of leased line	Technical Characteristics	
	Interface specifications	Interconnection characteristics and performance specifications
Digital structured 34,368 Kbps	ETS 300 686	ETS 300 687
Digital unstructured 34,368 Kbps	ETS 300 686	ETS 300 687
Digital structured 139,264 Kbps	ETS 300 686	ETS 300 688
Digital unstructured 139,264 Kbps	ETS 300 686	ETS 300 688
digital 155 Mbps (STM-1)	ITU-T G.708	ITU-T G.708

This present Regulation shall be published in the Government Gazette.

Marousi, 14 June 2002
The Chairman
EMM. A. GIAKOUMAKIS

FROM THE NATIONAL PRINTING HOUSE