



## **Subject: Universal services in Slovenia**

Since 11 Mai, 2001 there is a new Telecommunications Act in force in Slovenia. The area of universal services is defined as follows:

### **VIII. UNIVERSAL SERVICES**

#### Article 79

(scope of universal services)

(1) Universal services shall comprise:

1. for any person that so requests, the possibility of access to a fixed public telephone network, including the possibility of making and receiving domestic and international calls, transferring sound information and, as appropriate to the bandwidth, transmitting facsimile messages and sending data by modem
2. unlimited, free-of-charge access to numbers 112 and 113 for emergency services and access to these numbers from public telephone boxes without means for activating the telephone box
3. access to an assistant for help in establishing a connection and to an information service on subscribers
4. appropriate coverage by public telephone boxes

(2) The agency shall via a general act set the level of the access price for services specified in the previous paragraph of this article.

(3) The government may via regulations expand the scope of universal services depending on demand and the development of telecommunications and technology.

(4) The minister shall prescribe quality standards for universal services, and within this framework prescribe transmission and traffic parameters, supply deadlines, availability, coverage by public telephone boxes and deadlines for rectification of errors.

#### Article 80

(provision of universal services)

If the agency determines that universal services are not being provided in a specific area in accordance with the provisions of the previous article of the present act or there is a justifiable expectation that they will not be provided, or the provision of universal services places a disproportionate burden on an individual operator, it shall ensure the provision thereof on the basis of a public tender.

#### Article 81

(public tender)

(1) On the basis of the public tender the agency shall via a ruling add the obligation to provide universal services to a licence specified in Article 27 of the present act.

(2) The sense of the provisions of Articles 5 to 18 of the present act shall apply to the execution of the public tender specified in the previous paragraph.

(3) In selecting an operator the agency shall principally take the level of the subsidy to the operator for providing universal services and the level to which users' needs are satisfied into consideration as selection criteria.

#### Article 82

(charging of obligations)

(1) If it is not possible to ensure the provision of universal services in the manner and under the procedure specified in the previous article of the present act the agency shall as an official duty and via a ruling charge an operator of public telecommunications services that

has significant market strength with the obligation of providing universal services.

(2) In the case specified in the previous paragraph of this article the operator shall be entitled to a subsidy for providing universal services if the costs incurred by the provision of universal services exceed the revenues from such services.

#### Article 83

(subsidy for providing universal services)

(1) An operator of a fixed public telecommunications network/services that provides universal services in accordance with the provisions of Articles 81 and 82 of the present act shall be entitled to a subsidy.

(2) The subsidy to an operator that provides universal services in accordance with the provision of Article 82 of the present act shall comprise reimbursement of the difference between the actual long-term additional costs, including a return on the capital invested, and the revenues from such services. The subsidy to an operator that provides universal services in accordance with Article 81 of the present act shall be set on the basis of the results of the public tender.

(3) Operators of fixed telephone networks or services that hold a market share of more than eighty per cent in terms of total revenue in the country shall be obliged to provide universal services without the right to a subsidy.

(4) The agency may via a general act stipulate the types of costs and method of calculating the subsidy.

#### Article 84

(special services)

(1) At the request of state bodies for social affairs or regional development an operator of telecommunications services for which it is necessary to obtain a licence in accordance with Article 27 of the present act shall be obliged to provide additional telecommunications services, lower prices for certain user groups, and similar services for specific persons or in a specific area at the expense of the person that made the request.

(2) The provision of telecommunications services at the request of the relevant authority for the needs of national security shall also be deemed special services.

(3) The minister shall prescribe the method of providing and charging for the telecommunications services specified in the previous paragraphs of this article with the approval of the minister responsible for social affairs or regional development, the minister responsible for internal affairs, the minister responsible for defence and the director of the Slovene Intelligence and Security Agency.

#### Article 85

(funding of universal services)

(1) The costs of the subsidy for providing universal services specified in Article 83 of the present act shall be covered by operators of telecommunications services the performance of which it is necessary in accordance with the provisions of the present act to obtain a licence for.

(2) The proportion of the contribution made by an individual operator shall be set by the agency with regard to the proportion that the operator's revenue from the performance of telecommunications services represents within the total revenues from the performance of telecommunications services by all operators with licences.

(3) Operators specified in the previous paragraph of this article shall pay their contributions directly to the provider of universal services, and by the deadline stipulated in the act specified in the previous paragraph of this article.

(4) Operators specified in the first paragraph of this article shall each year notify the agency regarding revenues from the performance of telecommunications services.

(5) Should an operator specified in the first paragraph of this article fail to act in accordance with the provisions of the previous paragraph of this article the agency may at the operator's expense review information and estimate revenues under the procedure applying to the assessment of tax liabilities.

(6) Information on the costs of subsidising the provision of universal services, the method of distributing and using such, and the works that were funded shall be public. The agency shall to this end publish an annual report on the costs of subsidising the provision of universal services and on all contributions towards the coverage thereof each year.

Article 86  
(strike)

(1) During a strike operators that are obliged to provide universal services specified in Article 79 of the present act and services for the needs of national security, defence of the realm and protection against natural and other disasters must ensure the uninterrupted provision thereof.

(2) Operators specified in the previous paragraph of this article shall be obliged during the time of a strike to designate via a resolution employees that must facilitate the execution of the tasks specified in the previous paragraph of this article during the strike. Failure to fulfil these tasks shall be deemed a serious breach of work obligations, for which the measure of termination of employment shall be pronounced.

## **XIX. TRANSITIONAL PROVISIONS**

Article 151  
(adaptation of performance of commercial public services)

(3) For the harmonisation of the activities of persons specified in the previous paragraph with the provisions of the present act the agency shall, within one year of its entry into force, without a public tender and as an official duty, issue to the persons specified in the previous paragraph a licence for the performance of public and universal services in accordance with the provisions of the present act in the same extent of rights as they held on the day the present act enters into force.

Article 152  
(adaptation of Telekom Slovenije)

(3) Telekom Slovenije d.d. shall be obliged to provide universal services in accordance with the provisions of the present act without a subsidy until the transfer of the provision of universal services to another operator in accordance with the provisions of Article 80 of the present act, and in any case for at least two years after the entry into force of the present act.

At the time the licence for universal service hasn't been issued yet.

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