

**THE LAW OF THE REPUBLIC OF ARMENIA
"ON TELECOMMUNICATIONS"**

**CHAPTER I
GENERAL PROVISIONS**

Article 1. The Coal of the Law

This Law is to establish the legal framework of the activity in the sphere of telecommunications on the territory of the Republic of Armenia, the powers and responsibilities of its participants, as well as the rules for the protection of the rights of persons enjoying telecommunication services.

Article 2. Legal Regulation of Relations in the Sphere of Telecommunication

Relations in the sphere of telecommunications in the Republic of Armenia shall be governed by this Law.

Relations in the sphere of TV and radio broadcasting shall be governed by a separate law, except as specified in article 24 of this Law.

If international treaties entered by the Republic of Armenia provide for other rules than those stipulated by this Law, the rules of international treaties shall prevail.

**CHAPTER II
THE STRUCTURE OF THE SPHERE OF TELECOMMUNICATION**

Article 3. Telecommunication and its Objects

Telecommunication is transmission and receipt of voice, signs, signals, written text or image, sound, through wire, cable, optical, magnetic, radio and other electromagnetic systems.

Telecommunication network is the system technical facilities whereby telecommunication is carried out.

Technical facilities of telecommunication are devices and equipment used for receipt, processing and transmission of telecommunication transmissions.

- a) The Ministry of Communications regulating operations in the sphere of telecommunications (hereinafter referred to as the "Regulatory Authority");

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- b) Armenian and foreign physical and legal persons providing services in the sphere of telecommunication (hereinafter referred to as "Telecommunication Operators");
- c) Users of telecommunication services.

Article 5. Public Switched Telecommunications Network and other Public Telecommunications Networks

"public switched telecommunications network" means the telecommunications network, including the former state-owned networks, consisting of a fully interconnected and integrated system of various means of transmission and switching, utilised to provide basic telephone service and other telecommunications services to the general public of the Republic of Armenia.

The Public Switched Telecommunications Network shall operate on the basis of the technological integration of telecommunication networks and technical facilities and with a view to ensure their complex utilisation and the development and operational stability of the system.

„other public telecommunications network" means the system of technical facilities which may provide telecommunications services to the public of the Republic of Armenia, either by interconnection to the Public Switched Telecommunications Network, or on an independent basis. The Public Telecommunications Networks may be created and operated only pursuant to a licence issued in accordance with the provisions of article 17 of this Law.

Interconnection of other Public Telecommunications Networks to the Public Switched Telecommunications Network shall be carried out pursuant to interconnection agreements and in compliance with technical rules of interconnection.

The Public Switched Telecommunications Network and the other Public Telecommunications Networks do not include Governmental and Private telecommunication networks.

Article 6. Governmental and Private Telecommunication Networks

The Governmental telecommunication network is a telecommunication network created to support the activity of State authorities, which has an access to the Public Switched Telecommunications Network. Governmental telecommunication networks shall be created, managed and operated by State bodies. Interconnection of the Governmental telecommunication network with the Public Switched Telecommunications Network, shall be carried out on a contractual basis in compliance with technical rules of interconnection.

State government and national security telecommunication networks are special type Governmental networks, managed and operated in accordance with the procedures stipulated by the Government of the Republic of Armenia.

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Provision of lines and units of the Public Switched Telecommunications Network for the purpose of state government and national security shall be carried out on a rental basis, according to an appropriate contract, on a priority basis.

For the purpose of State government, national security, defence and protection of public order, Telecommunication operators (irrespective of type of ownership) shall provide telecommunication lines and units in accordance with the appropriate contracts, and in case of their breakdown, exercise their repair on a priority basis.

The procedure for use of telecommunication networks and technical facilities to ensure operative actions with a view to protection of national security and public order shall be governed by law.

Article 8. The Use of Languages and Alphabets in the Sphere of Telecommunication

The addresses of written messages received and transmitted by telecommunication operators in the territory of the Republic of Armenia shall be formulated in Armenian, and the text may be formulated by any language or alphabet letters (if technically possible).

Messages transmitted out of the territory of the Republic of Armenia may be formulated by any language or alphabet letters (if technically possible).

Article 9. Time in the Sphere of Telecommunication

In technical operations in the sphere of telecommunication in the territory of the Republic of Armenia, local time shall be deemed as decisive.

International telecommunications time shall be determined by compatible international time (CIT) unless otherwise stipulated by international treaties of the Republic of Armenia.

CHAPTER III OPERATIONS IN THE SPHERE OF TELECOMMUNICATION

Article 10. The Principles of Operation in the Sphere of Telecommunication

Operation in the sphere of telecommunications in the Republic of Armenia shall be carried out according to the following principles:

Article 12. Certification of Telecommunication Facilities

Telecommunication facilities (including terminal facilities) used in the Public Switched Telecommunications Network, other Public Telecommunication Networks, Governmental and Private telecommunication networks in the Republic of Armenia shall be subject to mandatory certification.

Certification of telecommunication facilities in the Republic of Armenia shall be carried out according to the law and international treaties entered into by the **Republic** of Armenia.

Certification of technical facilities of telecommunications shall not be unreasonably withheld.

Article 13. Use of Radio Frequency Spectra and Trajectory Positions of Telecommunication Satellites

Regulation, terms and procedures of the use of radio frequency spectra allocated to the telecommunications sector and the trajectory positions of telecommunication satellites shall be an exclusive right of the State and shall be exercised by the Regulatory Authority, according to the provisions of Article 22(g) of this Law.

To ensure electromagnetic compatibility and protection from interference between radio-electronic facilities, the Government of the Republic of Armenia shall set out the rules for separation of the radio frequency spectrum and special terms of acquisition., importation, and operation and in the case of local production, rules for the processing, designing, production of high frequency equipment.

Telecommunication facilities which are the sources of electromagnetic radiation shall be registered in accordance with regulations to be adopted **by** the Government of the Republic of Armenia. Provision and change of radio frequencies for the purpose of State government and national security shall be carried out in accordance with the procedure stipulated by the Government of the Republic of Armenia.

Article 14. Operation of Telecommunication Networks in states of Emergency

In states of emergency, the power to use telecommunication networks and technical facilities and to suspend their operation is delegated to the Regulatory **Authority**.

Works for elimination of the results of breakdowns in telecommunication networks include restoration of technical facilities and property so damaged, conduct of required environmental actions as well as restoration of property owned by other persons or equal reimbursement thereof within one month from commencement of the related works.

Article 16. Tariffs for Telecommunication Services

Tariffs for telecommunication services provided on an exclusive right basis, shall be approved by the Regulatory Authority, in accordance with the procedure stipulated by the Government of the Republic of Armenia and shall be stated in the respective licence for operation in the sphere of telecommunication. Tariffs shall be determined on the basis of requirements for coverage of costs for operation, re-equipment and development of telecommunication networks, capital, investment returns, provision of profitability, and other market requirements to be stated in the licence for operation in the sphere of telecommunication. Uncharged sums shall be accounted in the tariffs for other telecommunication services.

Tariffs of Telecommunication Services provided on a "non exclusive basis" shall be determined by Telecommunication Operators.

Operative and emergency telecommunication services, such as fire service (01), police (02), ambulance (0i), gas service (04) and rescue service (003) shall not be charged, but shall be accounted in the tariffs for other telecommunication services.

CHAPTER IV LICENSING OF OPERATIONS IN THE SPHERE OF TELECOMMUNICATION

Article 17. The Object, Purpose and Terms of Licensing

Operations in the sphere of telecommunication in the Republic of Armenia, except for State Government, national security, Governmental and Private telecommunication networks, Shall be licensed. Licensing shall be carried out with a view to regulation and supervision over the provision of telecommunication services.

Licences to carry on operations in the sphere of telecommunication in the Republic of Armenia (hereinafter referred to as "licence") shall be issued by the Regulatory Authority. A license shall not provide for any exclusive right, except in the instance stipulated by the transitory provisions of this Law.

Assignment of a licence to other persons shall be prohibited without prior approval of the

Requirements in regard with the said documents shall be determined by the Regulatory Authority.

A decision to issue or reject a licence shall be taken within 60 days from the date of receipt. of the required documents.

Within 5 days after reaching the decision to issue a licence, the applicant shall be issued the licence or a copy of the decision rejecting the issuance of the licence. A failure to adopt a decision within this period, shall imply issuance of the licence, unless this violates **the** provisions of this Law.

In a decision to reject a licence, the reasons for rejection shall be stated. The following. shall be reasons for rejection of licence:

- a) Non conformity of the submitted documents with the provisions of this Law and requirements set by **the** Regulatory Authority;
- b) Presentation of incomplete or false information;
- c) Non conformity of the telecommunication operation designed by the applicant to the currently applied standards and norms in the Republic of Armenia;
- d) Lack of technical possibility to carry on telecommunication operation designed by the applicant;
- c) Infringement of the terms of any existing licence;
Other reasons stipulated by law.

Article 19. Suspension and Termination of Licence.

A licence may be suspended in accordance with the terms and procedures stipulated by the licence.

A licence may be terminated:

- a) in accordance with the terms and conditions stipulated by the license;
- b) At the request of the telecommunications operator; in accordance with the terms and conditions stipulated by the licence;
- c) in case of liquidation of a telecommunications operator, in accordance with the law;
- d) by the Government of the Republic of Armenia (if the licence provides exclusive rights for the telecommunications operator) or the regulatory authority, in the case of serious breach of the provisions of the licence resulting to termination in accordance with its terms.
- e)

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TRANSLATION

- c) conformity of telecommunication networks and technical facilities with the certification requirements;
- d) performance of contractual obligations, standards and terms of the licence to carry on operations in the sphere of telecommunication.
- c) first priority for transmission of messages (information) regarding human life, national security, major accidents, technological disasters, epidemic and epizootic accidents and ratu-31 disasters;
- f) Performance of the terms of contracts entered into with the users of telecommunication services. In case of breach of contract from the part of the users of telecommunication services, the telecommunications operator has the right to terminate the provision of telecommunication services, except in the instances stipulated by clause (e) of this Article.

Article 21. The Rights and Obligations of the Users of Telecommunication Services

The users of telecommunication services shall have:

- a) An equal right to enjoy telecommunication services;
- h) The right to receive a statement of the charges assessed for telecommunication services;
- c) The right of confidentiality of calls and other messages.

The users of telecommunication services shall observe the Law of the Republic of Armenia and the provisions of contracts entered into with telecommunication operators.

CHAPTER VI
STATE GOVERNANCE AND REGULATION OF OPERATIONS IN THE SPHERE OF
TELECOMMUNICATIONS

Article 22. State Governance and Regulation in the Sphere of Telecommunications

State governance and regulation in the sphere of telecommunication in the Republic of Armenia shall be carried out by the Regulatory Authority.

The Regulatory Authority shall:

- a) Implement the State policy in the sphere of telecommunications;
- h) Carry on licensing in the sphere of telecommunication and approve the rules of executing and filing documents for licensing;
- c) Approve telecommunication regulations, standards for protection and maintenance of

- j) Exercise other powers delegated to it by this Law.

**CHAPTER VII
LIABILITY FOR BREACH OF THE PROVISIONS OF THIS LAW**

Article 23. Liability in the Sphere of Telecommunication

Persons breaching the provisions of this Law shall be subject to liability in accordance with the procedure stipulated by law.

**CHAPTER VIII
TRANSITORY PROVISIONS**

Article 24. Transitory provisions

Licence No 60, stipulating certain exclusive rights to provide telecommunications services together with broadband video transmission services (including cable T.V.) over ArmenTel's network, for a period of fifteen (15) years, issued by the Ministry of Communications and approved by the Government of the Republic of Armenia by virtue of the Resolution No 218/25.6.1997, prior to the enactment of this Law, in favour of the Armenian Telephone Closed Joint Stock Company (ArmenTel), who is the legal owner of the public switched telecommunications network in the Republic of Armenia, is valid in accordance to its terms and the provisions of this Law. Any legislation (including antimonopoly legislation in the Republic of Armenia shall observe all the rights of the aforesaid Licence.

All other telecommunication licenses issued prior to the enactment of this Law in the Republic of Armenia shall be put into conformity with this Law by 1st June 1998.

**CHAPTER IX
COMING INTO FORCE**

Article 25. Coming into Force

This Law shall come into force from the date of its official publication.

Title: _____

TRANS - WORLD TELECOM,, LTD.

By: _____

Name: _____

Title: _____

HELLENIC TELECOMMUNICATIONS ORGANISATION S.A.

By: _____

Name: _____

Title: _____

THE ARMENIAN TELEPHONE COMPANY

By: _____

Name: _____

Title: _____