

**FEDERAL LAW NO. 126-FZ OF JULY 7, 2003 ON COMMUNICATIONS (with the Amendments and Additions of December 23, 2003, August 22, November 2, 2004, May 9, 2005, February 2, March 3, July 26, 27, December 29, 2006)**

**Passed by the State Duma on June 18, 2003  
Approved by the Federation Council on June 25, 2003**

The present Federal Law establishes the legal principles for activity in the sphere of communications on the territory of the Russian Federation and on the territories put under the jurisdiction of the Russian Federation, and defines the authority of the state power bodies in the sphere of communications, as well as the rights and the duties of the persons who are taking part in this activity or making use of communications services.

**Chapter 1. General Provisions**

**Article 1. Goals of the Present Federal Law**

The goals set in the present Federal Law are as follows:

- creation of conditions for rendering communications services on the entire territory of the Russian Federation;
- rendering assistance in the introduction of promising technologies and standards;
- protection of the interests of the users of communication services engaged in the activity of economic subjects in the sphere of communications;
- providing for efficient and fair competition on the market of communications services;
- creation of conditions for developing the Russian infrastructure of communications and for ensuring its integration with international communications networks;
- provisions for the centralised management of Russia's radio frequency resource, including the orbital-frequency resource and the numeration resource;
- creation of conditions for satisfying the requirements in the communications of the state administration, of the country's defence and of state security, as well as for ensuring law and order.

**Article 2. Basic Concepts Used in This Federal Law**

The following basic concepts are used for the purposes of the present Federal Law:

- **subscriber** - the user of communications services with whom a contract for rendering such services is concluded, while assigning for these purposes a subscription number or a unique identification code;
- **assignment of a radio frequency band** - a written permit for:  
the use of the particular radio frequency band, including for the development, modernisation and manufacture in the Russian Federation and/or for the import to the territory of the Russian Federation of radio-electronic appliances or high -frequency devices with particular technical characteristics;
- **high-frequency devices** - the equipment or instruments intended for generating and utilizing radio frequency energy for industrial, scientific, medical, everyday domestic and other purposes, with the exception of application in the sphere of telecommunication;
- **use of the radio frequency spectrum** - possession of a permit for the use and/or the actual use of a radio frequency band, a radio frequency channel or a radio frequency for rendering telecommunication services and for achieving other goals not prohibited by federal laws or other legal normative acts of the Russian Federation;
- **conversion of the radio frequency spectrum** - the aggregate of actions aimed at widening the application of the radio frequency spectrum through the use of radio-electronic facilities of the civilian profile;
- **linear-cable communications structures** - the electric communication (telecommunication) structures and other objects of the engineering infrastructure, created or adjusted for the placement of communication cables;
- **communications lines** - the transmission lines, physical chains and linear-cable communications structures;
- **fitted capacity** - the magnitude characterizing the technical possibilities of a communications operator for rendering telecommunications services and those involved in connection, as well as the services aimed at letting through traffic measured in accordance with the technical capacity of the equipment introduced into the network of the communications operator;
- **numeration** - the digital, letter or symbol designation or combinations of such designations, including the codes intended for a single-sign definition (for an identification) of the communication network and/or of its junction or end elements;

- **user's equipment (the end equipment)** - the technical facilities for the transmission and/or for the reception of telecommunication signals along the communications lines connected to the subscribers' lines and put into the subscribers' use, or intended for such purposes;

- **operator occupying an important position in a general-use communications network** - the operator who, jointly with the affiliated persons, has at his disposal in the geographically delineated zone of numeration or on the entire territory of the Russian Federation at least twenty-five per cent of the fitted capacity, or who is able to let through at least twenty-five per cent of the traffic;

- **communications operator** - the legal entity or individual businessman rendering communications services on the grounds of the corresponding licence;

- **operator of the universal servicing** - the communications operator rendering communications services in a general-use communications network upon whom is imposed the duty of rendering universal services in accordance with the procedure stipulated in the present Federal Law;

- **communications organization** - the legal entity performing an activity in the sphere of communications as the principal kind of activity. Provisions of the present Federal Law regulating the activity of communications organizations shall be correspondingly applied to the individual businessmen carrying out an activity in the sphere of communications as the principal kind of activity;

- **user of the radio frequency spectrum** - the person to whom a radio frequency band is assigned, or to whom a radio frequency or a radio frequency channel is awarded (assigned);

- **user of communications services** - the person ordering and/or utilizing communications services;

- **awarding (assignment) of a radio frequency or of a radio frequency channel** - the written permit for the use of the particular radio frequency or radio frequency channel with an indication of the particular radio-electronic appliance, as well as of the purposes and the terms for such use;

- **radio interference** - an impact of electromagnetic energy on the reception of radio waves called forth by a single emission or by several emissions, including radiation or induction, and manifesting itself in any deterioration of the communications standard, in the errors or in the losses of information which could have been avoided in the absence of the impact of this energy;

- **radio frequency** - the frequency of electromagnetic vacillations established for designating a unit component of the radio-frequency spectrum;

- **radio-frequency spectrum** - the aggregate of radio frequencies within the limits fixed by the International Telecommunications Union which may be used for the functioning of radio-electronic appliances or of high-frequency devices;

- **radio-electronic appliances** - the technical facilities intended for the transmission and/or for the reception of radio waves, consisting of one or of several transmitting and/or receiving appliances, or of combinations of such appliances incorporating auxiliary equipment;

- **distribution of radio frequency bands** - the definition of the purpose of the radio frequency bands by the entries in the Table for Distributing Radio Frequency Bands Between the Radio Services of the Russian Federation, on the basis of which the permit for the use of the particular radio frequency band is granted and the terms for such use are established;

- **numeration resource** - the aggregate or part of the numeration variants which may be used in the communications network;

- **communications network** - the technological system embracing communications facilities and communications lines intended for telecommunications or for postal communication;

- **modern functional equivalent of a communications network** - the minimum set of modern communications facilities providing for the standard and for the existing volume of services rendered in the communications network;

- **communications installations** - the objects of engineering infrastructure, including the buildings and structures created or adjusted for distributing communications facilities and telecommunications cables;

- **communications facilities** - the technical and software means used for the formulation, reception, processing, storage, transmission and delivery of telecommunications or postal dispatches, and the other technical and software means used in rendering communications services or in providing for the functioning of communications networks;

- **traffic** - the load created by the flow of calls, communications and signals falling onto the communications facilities;

- **universal communications services** - the communications services whose rendering to any user of communications services on the entire territory of the Russian Federation within a fixed term, of the established standard and at a reasonable price, is obligatory for operators of the universal servicing;

- **management of the communications network** - the aggregate of organizational and technical measures aimed at providing for the functioning of the communications network, including the regulation of traffic;

- **communications service** - activity involved in the reception, processing, storage, transmission and delivery of telecommunications or postal dispatches;

- **connection service** - activity aimed at meeting the communications operators' requirement in organizing interaction between communications networks, in which the establishment of the connection and the transmission of information between the users of the interacting telecommunications networks becomes possible;

- **service for letting through the traffic** - activity aimed at meeting the requirement of communications operators in letting through the traffic between the interacting telecommunications networks;

- **telecommunications** - any emission, transmission or reception of signs, signals, vocal information, written text, depictions, sounds or statements of any kind along the radio system or along the wire, optical and other electromagnetic systems;

- **electromagnetic compatibility** - the ability of radio -electronic appliances and/or of high-frequency devices to function in accordance with the fixed standard in the surrounding electromagnetic situation and not to create inadmissible radio interference for other radio-electronic appliances and/or high-frequency devices.

#### **Article 3. Sphere of Action of the Present Federal Law**

1. The present Federal Law regulates relations involved in the creation and operation of all communications networks and communications installations, and in the use of the radio frequency spectrum, as well as in rendering telecommunications and postal services on the territory of the Russian Federation and on the territories under the jurisdiction of the Russian Federation.

2. In respect of communications operators carrying out their activity outside the Russian Federation in conformity with the law of foreign states, the present Federal Law is applicable only as concerns regulating the procedure for their performance of communications works and rendering communications services on the territories under the jurisdiction of the Russian Federation.

3. Relations in the sphere of communications which are not regulated by the present Federal Law shall come under the regulation of other federal laws and of other legal normative acts of the Russian Federation in the sphere of communications.

#### **Article 4. Legislation of the Russian Federation in the Sphere of Communications**

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

2. Relations involved in an activity in the sphere of communications are also regulated by the legal normative acts of the President of the Russian Federation, by the legal normative acts of the Government of the Russian Federation and by other legal normative acts of the federal executive power bodies issued in conformity with them.

3. If an international treaty of the Russian Federation has established the rules differing from those stipulated in the present Federal Law, the rules of the international treaty shall be applied.

### **Chapter 2. Principles of Activity in the Sphere of Communications**

#### **Article 5. Ownership in Communication Networks and in Communication Facilities**

1. Communication organizations are created and carry out their activity on the territory of the Russian Federation on the basis of the uniformity of the economic space and under the conditions of competition and of the multiplicity of the forms of ownership. The state ensures equal competition terms for communications organizations irrespective of their form of ownership.

Communications networks and communications facilities may be in federal ownership, in ownership of the subjects of the Russian Federation, in the municipal ownership and also in the ownership of citizens and legal entities.

The list of the communications networks and communications facilities which may only be in ownership is defined in the legislation of the Russian Federation.

Foreign investors may take part in the privatization of the property of state and municipal unitary communications enterprises on the terms defined in the legislation of the Russian Federation.

2. The form of ownership in communications networks and communications facilities is altered in accordance with the procedure stipulated in the legislation of the Russian Federation, and shall be admissible under the condition that such alteration by no means deteriorates the functioning of the communications networks and the communications facilities, and does not infringe upon the right of citizens and legal entities to the use of communications services.

#### **Article 6. Organizing an Activity Involved in the Placement of Communication Installations and Communication Facilities**

1. In the town planning for the development of territories and settlements, and in building them over shall be determined the composition and the structure of the communications objects - of the communications installations, including the linear-cable installations, individual premises for the

placement of communications facilities, as well as the necessary power capacities in the engineering infrastructures to provide for the functioning of the communications facilities.

2. The state power bodies of the subjects of the Russian Federation and local self-government bodies of municipal districts and urban circuits shall assist communications organizations rendering universal services to the population, in the receipt and/or in the construction of the communications installations and of the premises intended for rendering universal communications services.

3. Under a contract with the owner or with the other possessor of the buildings, of the supports for the power transmission lines, of the contact railway networks, pole supports, bridges, collectors, tunnels, including underground tunnels and railway and motor road tunnels, and of the other engineering objects and technological sites, as well as of the allocated strips of land, including those for railways and for motor roads, communications organizations may carry out on them the construction and the operation of communications facilities and of communications installations.

The owner or the other possessor of the above immovable property has the right to demand from the communications organization a proportionate payment for the use of this property, unless otherwise stipulated in federal laws.

If the immovable property belonging to a citizen or to a legal entity cannot be used in accordance with its purpose as a result of the performance of the construction or of the operation of communication facilities and of communications installations, the owner or the other possessor has the right to file a claim in court for the cancellation of the contract with the communications organization for the use of this property.

4. If the communications lines and communications installations are shifted or rearranged as a result of construction, of expansion of the territory of populated centres, of capital repairs and reconstruction of the buildings, structures, installations, roads and bridges, or as a result of the development of new land, of the reconstruction of land reclamation systems, of the development of deposits of useful minerals and because of other requirements, the outlays involved in such shifting or rearrangement shall be compensated to the communications operator.

Such compensation may be effected under the parties' agreement either in monetary form or by the customer of the construction shifting or rearranging the communications lines and communications installations at his own expense in accordance with the technical conditions supplied by the communications organization, and with standards.

5. Communications operators have the right to place communications cables in the communications linear-cable installations on a paid basis regardless of the ownership of these installations.

#### **Article 7. Protection of Communications Networks and Communications Installations**

1. Communications networks and communications installations are under the protection of the state.

2. In the construction and reconstruction of the buildings, structures and installations of communications networks and communications installations, communications operators and builders shall take into account the need to protect the communications facilities and the communications installations from unsanctioned access to them.

3. As they operate the communications networks and the communications installations, communications operators are obliged to provide for the protection of these communications networks and communications installations from unsanctioned access to them.

#### **Article 8. Registration of the Right of Ownership and of Other Real Rights to Communications Objects**

1. The communications installations closely connected with land the shifting of which is impossible without inflicting unproportionate damage to their purpose, including linear-cable communications installations, are referred to immovable property, state registration of the right of ownership and of other real rights to which is carried out in conformity with the civil legislation. The specifics of the state registration of the right of ownership and the other real rights to the linear-cable communications installations are established by the Government of the Russian Federation.

2. The procedure for the state registration of the right of ownership and other real rights to space communications objects (communications sputniks, including double-purpose ones) is established in federal laws.

3. The transfer of the right of ownership and of the other real rights to space communications objects does not entail the transfer of the right to the use of the orbital -frequency resource.

#### **Article 9. Construction and Operation of Communication Lines on the Territory Adjacent to the State Frontier of the Russian Federation and within the Boundaries of the Territorial Sea of the Russian Federation**

The procedure for the construction and the operation, including the servicing, of the communications lines crossing the State Frontier of the Russian Federation, on the territory along the

State Frontier of the Russian Federation, in the inland sea waters of the Russian Federation and in the territorial sea of the Russian Federation, including for laying cables and for building linear-cable installations, as well as for carrying out construction, emergency and restoration works on the submerged linear-cable communications installations in the territorial sea of the Russian Federation, is defined by the Government of the Russian Federation.

#### **Article 10. Communication Lands**

1. In conformity with the land legislation of the Russian Federation, to communications lands shall be referred land plots allocated for the needs of communications into the permanent (the open-ended) or into the gratuitous fixed-term use or on lease, or those handed over by right of the restricted use of an alien land plot (the servitude) for building and operating communications facilities.

2. The allocation of land plots to communications organizations, the procedure (the regime) for the use thereof, including for establishment of protection zones for communications networks and communications facilities and for making through-cuts for the placement of communications networks, as well as the grounds the terms and the procedure for the withdrawal of these land plots are defined in the land legislation of the Russian Federation. The size of such land plots, including the land plots for establishment of protection zones and for making through-cuts, is determined in conformity with the norms for the allocation of land for the performance of the corresponding kinds of activity and with town-planning and design documentation.

### **Chapter 3. Communications Networks**

#### **Article 11. Federal Communications**

1. Federal communications are formed by all the organizations and all the government bodies carrying out and providing for telecommunications and for postal communications on the territory of the Russian Federation.

2. The material and technical base for federal communications is comprised by the uniform telecommunications network of the Russian Federation and by the postal communications of the Russian Federation.

#### **Article 12. Uniform Telecommunications Network of the Russian Federation**

1. The uniform telecommunications network of the Russian Federation consists of telecommunications networks of the following categories situated on the territory of the Russian Federation:

- the general-use communications network;
- isolated communications networks;
- technological communications networks connected to the general-use communications network;
- special-purpose communications networks and other communications networks for transmitting information with the assistance of electromagnetic systems.

2. For the telecommunications networks comprising the uniform telecommunications network of the Russian Federation, the federal executive power body in the sphere of communications shall:

- determine the procedure for their interaction, and in the cases stipulated in the legislation of the Russian Federation - the procedure for centralized control of the general-use communications network;
- depending on the categories of communications networks (with the exception of special-purpose communications networks, as well as of isolated and technological communications networks, if these are not yet connected to the general-use communications network), establish the demands made on their construction, control or numeration, on the applied communications facilities, on the organizational and technical provisions for a stable functioning of the communications networks, including in emergency situations, and for protecting the communications networks against unsanctioned access to them and to information transmitted through them.

3. The communications operators of all the categories of communications networks in the uniform telecommunications network of the Russian Federation are obliged to create the systems for controlling their communications networks which would correspond to the established procedure for their interaction.

#### **Article 13. General-Use Communications Network**

1. The general-use communications network is intended for rendering the paid telecommunications services to any user of communications services on the territory of the Russian Federation; it includes both the telecommunications networks geographically defined in the framework of the serviced territory and of the numeration resource, and those not geographically defined within the boundaries of the territory of the Russian Federation and of the numeration resource, as well as the communications networks defined in accordance with the technology of rendering communications services.

2. The general-use communications network is a complex of interacting telecommunications networks, including the communications network for broadcasting television and radio programmes.

The general-use communications network is connected to the general-use communications networks of foreign states.

#### **Article 14. Isolated Communications Networks**

1. The isolated communications networks are telecommunications networks intended for rendering paid telecommunications services to a restricted group of users or to groups of such users. The isolated communications networks may interact between themselves. They are not connected either to the general-use communications network or to the general-use communications networks of foreign states. The communications technologies and facilities applied for organizing the isolated communications networks, as well as the principles for their building are laid down by the owners or by the other possessors of these networks.

An isolated communications network may be connected to the general-use communications network with its transfer into the category of the general-use communications network if the isolated communications network satisfies the demands, made on the general-use communications network. The isolated numeration resource shall in this case be withdrawn and the numeration resource from the numeration resource of the general-use communications network shall be assigned.

2. communications services shall be rendered by the operators of the isolated communications networks on the grounds of the corresponding licences within the boundaries of the territories indicated in them, and with the use of the numeration awarded to each isolated communications network in accordance with the procedure established by the federal executive power body in the sphere of communications.

#### **Article 15. Technological Communications Networks**

1. The technological communications networks are intended to provide for the production activity of organizations and for controlling the technological processes in the production.

The technologies and communications facilities applied for creating technological communications networks, as well as the principles for building such are established by the owners or by the other possessors of these networks.

2. If there are available resources in the technological communications network, part of this network may be connected to the general-use communications network with its transfer into the category of the general-use communications network for rendering the paid services to any user on the ground of the corresponding licence. Such connection is admissible if:

- the part of the technological communications network intended for connection to the general-use communications network may be separated by the owner, in technical or in software terms, or physically, from the technological communications network;

- the part of the technological communications network connected to the general-use communications network meets the demands made on the functioning of the general-use communications network.

The part of the technological communications network connected to the general-use communications network shall be assigned the numeration resource from the numeration resource of the general-use communications network in accordance with the procedure laid down by the federal executive power body in the sphere of communications.

The owner or other possessor of the technological communications network is obliged, after part of this communications network is connected to the general-use communications network, to keep separate records of the outlays on the operation of the technological communications network and of the part thereof connected to the general-use communications network.

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

#### **Article 16. Special Purpose Communications Networks**

1. The special purpose communications networks are intended for the needs of the state administration, of the country's defence and state security, and for ensuring law and order. These networks cannot be used for rendering paid communications services unless otherwise envisaged in the legislation of the Russian Federation.

2. Communications for the needs of the state administration, including presidential communications, government communications and communications for the needs of the country's defence, of state security and of ensuring law and order, shall be effected in accordance with the procedure defined in the legislation of the Russian Federation.

The provision of communications for the needs of state power bodies, including communications for the President and the Government, communications for the needs of the country's defence and security and for maintaining law and order shall be an expense commitment of the Russian Federation.

3. The preparation and the use of the resources of the uniform telecommunications network of the Russian Federation in order to provide for the functioning of the special-purpose communications networks are effected in accordance with the procedure established by the Government of the Russian Federation.

4. The centres for controlling the special-purpose communications networks shall ensure their interaction with the other networks in the uniform telecommunications network of the Russian Federation in accordance with the procedure established by the federal executive power body in the sphere of communications.

#### **Article 17. Postal Communications Network**

1. The postal communications network is the aggregate of the objects of the postal communications and postal routes of the postal communications operators providing for the receipt, processing, shipment (transmission) and delivery (handing in) of postal dispatches, as well as for making postal transfers of monetary funds.

2. Relations in the postal communications sphere are regulated by the international treaties signed by the Russian Federation, by the present Federal Law, by the Federal Law on Postal Communications, by other federal laws and also by the other legal normative acts of the Russian Federation.

### **Chapter 4. Connection of Communications Networks and Their Interaction**

#### **Article 18. Right to the Connection of Telecommunications Networks**

1. Communications operators have the right to connect their own telecommunications networks to the general-use communications network. Connection of one telecommunications network to another telecommunications network and their interaction are carried out on the grounds of contracts for connecting the telecommunications networks concluded by the communications operators.

2. The operators of the general-use communication network are obliged to render connection services on the grounds of contracts for the connection of telecommunications networks in conformity with the Rules for Connecting Telecommunications Networks and for Their Interaction, approved by the Government of the Russian Federation.

3. The contracts for the connection of telecommunications networks in conformity with the Rules for Connecting Telecommunications Networks and for Their Interaction, approved by the Government of the Russian Federation, shall envisage:

- the rights and the duties of communications operators in the connection of telecommunications networks and in their interaction;
- the duties of the operators occupying an important position in the general-use communications network, as concerns the connection, if a party in the contract is an operator occupying an important position in the general-use communications network;
- the essential conditions for the connection of telecommunications networks and for their interaction;
- the list of the connection services and of the services for letting through traffic, which an operator occupying an important position in the general-use communications network, is obliged to render, and the procedure for rendering such;
- the procedure for the consideration of disputes between communications operators on the issues involved in the connection of telecommunications networks and in their interaction.

Unless otherwise stipulated in the present Federal Law, prices for connection services and for services for letting through traffic shall be defined by the communication operator on his own, proceeding from the demands of common sense and of honesty.

4. Disputes between the communications operators on the issues of signing contracts for connecting telecommunications networks shall be considered in court.

#### **Article 19. Demands Made on the Procedure for Connecting Telecommunications Networks and on Their Interaction with the Telecommunications Network of an Operator Occupying an Important Position in the General-Use Communications Network**

1. Towards a contract for connecting telecommunications networks, defining the terms for rendering connection services and the obligations on the interaction of telecommunications networks and on letting through traffic assumed in this connection shall be applied the provisions on the public agreement in respect of operators occupying an important position in the general-use communications network. Seen as the users of connection services and of the services involved in letting through the traffic for the purposes of the present Article shall be operators of the general-use communications network.

An operator occupying an important position in the general-use communications network, is obliged to establish, for the purposes of ensuring indiscriminate access to the market of communications

services under similar circumstances, equal conditions for connecting telecommunications networks and for letting through traffic for communications operators rendering similar services, as well as to supply information and to render connection services and the services involved in letting through the traffic to these operators under the same terms and of the same standard, like for his own structural subdivisions and/or for the affiliated persons.

An operator occupying an important position in the general-use communications network on the territories of several subjects of the Russian Federation shall establish the terms for connecting telecommunications networks and for letting through traffic separately on the territory of each subject of the Russian Federation.

2. The refusal of an operator occupying an important position in the general-use communications network to conclude a contract for connecting telecommunications networks is seen as inadmissible, with the exception of cases when the connection of the telecommunications networks and their interaction contradict the terms of the licences issued to communications operators, or the legal normative acts determining the construction and the functioning of the uniform telecommunications network of the Russian Federation.

3. The procedure for connecting telecommunications networks and for their interaction with the telecommunications network of an operator occupying an important position in the general-use communications network, as well as his duties involved in the connection of telecommunications networks and in the interaction with the telecommunications networks of the other communications operators are defined in accordance with the rules approved by the Government of the Russian Federation.

Operators occupying an important position in the general-use communications network shall establish the terms for connecting other telecommunications networks to their own telecommunications network on the ground of the Rules for Connecting communications Networks and for Their Interaction as concerns the use of the network resources and letting through traffic; these terms shall incorporate the general technical, economic and informational terms, as well as those defining property relations.

The terms for connecting telecommunications networks shall envisage:

- the technical demands made on the connection of telecommunications networks;
- the volume, the procedure and the time terms for the performance of works involved in connecting telecommunications networks and in their distribution among the interacting communications operators;
- the procedure for letting through traffic along the telecommunications networks of the interacting communications operators;
- the place of location of the points for connecting the telecommunications networks;
- the list of rendered connection services and of services for letting through the traffic;
- the cost of connection services and of those involved in letting through traffic, and the procedure for making settlements for these;
- the procedure for interaction between the control systems of telecommunications networks.

Operators occupying an important position in the general-use communications network are obliged to publish the above-said terms within seven days after the terms for connecting the telecommunications networks are established, and to direct them to the federal executive power body in the sphere of communications.

If the federal executive power body in the sphere of communications, on its own or at an application from the communications operators reveals a lack of correspondence of the terms for connecting other telecommunications networks to the telecommunications network of an operator occupying an important position in the general-use communications network, and for letting through the traffic to the Rules mentioned in the first paragraph of Item 3 of the present Article, or to the legal normative acts, the said federal body shall forward to the operator occupying an important position in the general-use communications network well-motivated instructions on eliminating these discrepancies. These instructions shall be accepted and fulfilled by the communications operator who has received them within thirty days as from the day of their receipt.

The newly established terms for the connection of other telecommunications networks to the telecommunications network of an operator occupying an important position in the general-use communications network, and for letting through the traffic along it shall be published by the operator occupying an important position in the general-use communications network, and shall be directed to the federal executive power body in the sphere of communications in accordance with the procedure envisaged in the present Article.

When new communications facilities are put into operation or new technological decisions in his own telecommunications network are implemented, or when the outmoded communications facilities are taken out of operation or are updated, which exerts a substantial impact upon the terms for connecting other telecommunications networks and for letting through the traffic along the telecommunications network of the operator, occupying an important position in the general-use communications network, the said operator has the right to establish new terms for connecting other telecommunications networks to



his own network in accordance with the procedure envisaged in the present Article. The terms for connecting telecommunications networks cannot be amended more than once a year.

4. An operator occupying an important position in the general-use communications network is obliged to consider the applications of the communications operator for concluding a contract for connecting telecommunications networks within a term not exceeding thirty days as from the day of receiving such application. A contract for connecting telecommunications networks shall be concluded in writing by way of compiling, in conformity with civil legislation, a single document signed by the parties within a term not exceeding ninety days as from the day of receiving the application. Non-observation of the form for such contract shall entail its invalidation.

5. The federal executive power body in the sphere of communications shall keep and publish a register of operators occupying an important position in the general-use communications network.

6. The federal executive power body in the sphere of communications is obliged to consider the applications filed by the communications operators on issues of connecting telecommunications networks and of their interaction, in the course of sixty days as from the day of receiving the said applications, and to publish the decisions adopted on them.

If an operator occupying an important position in the general-use communications network fails to fulfil the instructions of the federal executive power body in the sphere of communications on the issues involved in the connection of telecommunications networks and of their interaction, and also if an operator occupying an important position in the general-use communications network, shirks the conclusion of a contract for connecting telecommunications networks, the other party has the right to turn to the court with a claim for the compulsion in signing the contract for the connection of the telecommunications networks and for the recompense of inflicted losses.

#### **Article 20. Prices for Connection Services and for Services for Letting Through Traffic Rendered by Operators Occupying an Important Position in the General-Use Communications Network**

1. Prices for connection services and for services involved in letting through traffic rendered by operators occupying an important place in the general-use communications network are subject to state regulation. The list of connection services and services for letting through the traffic, the prices for which are subject to state regulation, as well as the procedure for their regulation, are established by the Government of the Russian Federation.

The amount of the state-regulated prices for connection services and for services for letting through the traffic rendered by operators occupying an important position in the general-use communications network shall facilitate the creation of conditions for the reproduction of the modern functional equivalent of the part of the telecommunications network which is used as a result of an additional load caused by the network of the interacting communications operator, and shall also compensate for outlays made on the operational servicing of the used part of the telecommunications network and incorporate a substantiated norm of profit (profitability) from the capital made use of in rendering the given services.

2. Operators occupying an important position in the general-use communications network are obliged to keep separate records on the incomes and outlays in accordance with the carried out forms of activity, with the rendered communications services and the parts of the telecommunications network used to render these services.

The procedure for keeping such separate records in the cases established in the present Federal Law shall be defined by the federal executive power body in the sphere of communications.

### **Chapter 5. State Regulation of Activity in the Sphere of communications**

#### **Article 21. Organizing the State Regulation in the Sphere of Communications**

1. The state regulation in the sphere of communications in conformity with the Constitution of the Russian Federation and with the present Federal Law shall be carried out by the President of the Russian Federation, by the Government of the Russian Federation and by the federal executive power body in the sphere of communications, as well as by the other federal executive power bodies within the scope of their competence.

The Government of the Russian Federation establishes the authority of the federal executive power body in the sphere of communications.

2. The federal executive power body in the sphere of communications shall:  
exercise the functions of working out the state policy and of normative legal regulation in the area of communications;

on the basis and in pursuance of the Constitution of the Russian Federation, federal constitutional laws, federal laws, acts of the President of the Russian Federation and the Government of the Russian Federation shall independently carry on the legal regulation in the area of communications and computerization, except for the matters that are under the Constitution of the Russian Federation, federal

constitutional laws, federal laws, acts of the President and the Government of the Russian Federation are solely regulated by federal constitutional laws, federal laws, acts of the President of the Russian Federation and the Government of the Russian Federation;

shall interact in respect of the matters and in the procedure established by federal laws with self-regulated organisations in the area of communications established in compliance with the laws of the Russian Federation (hereinafter referred to as self-regulated organisations);

shall exercise the functions of the communications administration of the Russian Federation, when exercising by the Russian Federation international activities in the area of communications;

shall have the right to inquire from communication operators information on the rendering of communication services for the needs of the defence of the country and the security of the State and of the protection of law and order, including on the technological possibilities of the communication operator for rendering communication services, on the prospects of the development of communication networks, on tariffs of communication services, and also to send to communication operators who concluded a government contract for rendering communication services to meet the needs of the defence of the country, the security of the State and the protection of law and order, which are compulsory for the fulfilment of the order in connection with the said contracts.

3. Abolished from January 1, 2005.

## **Article 22. Regulating the Use of the Radio Frequency Spectrum**

1. Regulating the use of the radio frequency spectrum is the exclusive prerogative of the state and is provided for in conformity with the international treaties of the Russian Federation and with the legislation of the Russian Federation by carrying out the economic, organizational and technical measures involved in the conversion of the radio frequency spectrum and aimed at facilitating the introduction of promising technologies and standards, and at providing for the efficient use of the radio frequency spectrum in the social sphere and in the economy, as well as for the needs of the state administration, of the country's defence and of state security, and for the maintenance of law and order.

2. The use of the radio frequency spectrum in the Russian Federation is regulated by the inter-departmental collegiate radio frequencies body under the federal executive power body in the sphere of communications (hereinafter referred to as the State Radio Frequencies Commission), endowed with full powers in the state regulation of the radio frequency spectrum.

The Regulations on the State Radio Frequencies Commission and its composition are approved by the Government of the Russian Federation.

The Regulations on the State Radio Frequencies Commission shall establish the procedure for the distribution of radio frequencies. These Regulations shall contain, in particular, the procedure for adopting decisions by the Radio Frequencies Commission and the composition of the Commission with the participation of representatives from all interested federal executive power bodies.

If a representative from one of the above-mentioned bodies has an interest which may exert an impact on the objectivity in the decision-making on an issue under the Commission's consideration, this representative shall not take part in the voting.

3. The organizational and technical measures providing for proper use of radio frequencies or of radio frequency channels, and of the corresponding radio-electronic appliances or high-frequency devices for civilian uses in the execution of the decisions of the State Radio Frequencies Commission, shall be implemented by the specially authorized service for ensuring the regulation of the use of radio frequencies and of radio-electronic appliances under the federal executive power body in the sphere of communications (hereinafter referred to as the radio frequencies service), the regulations on which are approved by the Government of the Russian Federation.

4. The use of the radio frequency spectrum in the Russian Federation is carried out in accordance with the following principles:

- permissive procedure for the users' access to the radio frequency spectrum;
- rapprochement of the distribution of radio frequencies and of the terms for their use in the Russian Federation with the international distribution of radio frequency bands;
- the right of access for all users to the radio frequency spectrum, taking into account state priorities, including the provision of the radio frequency spectrum for the radio services of the Russian Federation to ensure citizens' safety, presidential and government communications, the country's defence and state security, the ecological welfare and the prevention of technogenic emergency situations;
- the paid character of the use of the radio frequency spectrum;
- inadmissibility of a free-end allocation of radio frequency bands and assignment of radio frequencies or of radio frequency channels;
- conversion of the radio frequency spectrum;
- transparency and openness of the procedures for the distribution and the use of the radio frequency spectrum;

5. The communications facilities and the other radio -electronic appliances and high-frequency devices which are the sources of electromagnetic emission, are subject to registration. The list of the radio-electronic appliances and of the high-frequency devices subject to registration, and the procedure for their registration are defined by the Government of the Russian Federation.

The radio-electronic appliances used for individual reception of teleradio broadcasting programmes, of personal signals for radio calls (the radiopagers), electronic items for personal use and means of personal radio navigation not containing any radio emission devices are used on the territory of the Russian Federation taking account of the restrictions envisaged in the legislation of the Russian Federation, and are not subject to registration.

The use without registration of radio-electronic appliances and high-frequency devices subject to registration in accordance with the rules formulated in the present Article is inadmissible.

#### **Article 23. Distribution of the Radio Frequency Spectrum**

1. The radio frequency spectrum is distributed according to the Table for Distributing Frequency Bands Between the Radio Services of the Russian Federation and to the Plan for the Future Use of the Radio Frequency Spectrum by Radio -Electronic Devices which are developed by the State Radio Frequencies Commission and are approved by the Government of the Russian Federation.

2. The Table for Distributing Frequency Bands Between the Radio Services of the Russian Federation shall be revised at least once every four years, and the plan for the future use of the radio frequency spectrum, at least once in ten years.

Once every two years the State Radio Frequencies Commission shall consider proposals lodged by the self-regulated organizations and by the individual communications operators on revising the Table for Distributing Frequency Bands Between the Radio Services of the Russian Federation and the Plan for the Future Use of the Radio Frequency Spectrum by Radio -Electronic Devices.

3. The radio frequency spectrum incorporates the following categories of radio frequency bands:

- for the priority use of radio-electronic devices for the needs of state administration, including for presidential and government communications, for the needs of the country's defence and of the state security, and for ensuring law and order;
- for the priority use of civilian-purpose radio -electronic devices;
- for a joint use of radio-electronic devices of any profile.

4. For the users of the radio frequency spectrum is fixed a single-time payment and an annual payment for its use to provide for the radio frequencies control system, for the conversion of the radio frequency spectrum and for financing measures for shifting the operating radio-electronic devices to other radio frequency bands.

The procedure for fixing the amount of a one-off payment and of an annual payment, for the collection of such payment, as well as for its distribution and use is defined by the Government of the Russian Federation, proceeding from the fact that the amount of a one-off payment and of an annual payment shall be fixed in a differentiated way, depending on the utilized range of the radio frequencies and on their number, as well as on the applied technologies.

#### **Article 24. Setting Aside Radio Frequency Bands and Assignment (Awarding) of Radio Frequencies or of Radio Frequency Channels**

1. The right to the use of the radio frequency spectrum is presented by setting aside the radio frequency bands and by the assignment (awarding) of radio frequencies or of the radio frequency channels.

The use of the radio frequency spectrum without a corresponding permit is inadmissible.

2. In the radio frequency bands of the categories for the joint use of radio-electronic devices of any profile and for the priority use of civilian-purpose radio-electronic devices, the radio frequency bands for radio-electronic devices of any profile, and in the radio frequency bands for the priority use of radio-electronic devices used for the needs of the state administration, the radio frequency bands for civilian-purpose radio-electronic devices shall be assigned by the State Radio Frequencies Commission.

In the radio frequency bands of the category for the priority use of radio electronic devices applied for the needs of the state administration, the radio frequency bands for radio electronic devices providing for the presidential and government communications, for the country's defence, state security and maintaining law and order, shall be set aside in the Russian Federation by the specially authorized federal executive power body in the sphere of government communications and informatics, and by the federal executive power body in the sphere of defence.

Radio frequency bands are assigned for ten years or for a shorter declared term. At the request of the user of the radio frequency spectrum, this term may be extended or reduced by the bodies which have assigned the radio frequency band.

The right to the use of radio frequency bands granted in conformity with the present Article cannot be handed over by one user of the radio frequency spectrum to another user without the 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 the civilian-purpose radio-electronic devices shall be awarded (allocated) by the federal executive power body in the sphere of communications at the conclusion of the radio frequencies service on the grounds of applications from the citizens of the Russian Federation or from Russian legal entities.

Decisions on the assignment (allocation) of a radio frequency or of a radio frequency channel for the civilian -purpose radio-electronic appliances, as well as those at the other applications from citizens shall be adopted by the federal executive power body in the sphere of communications not later than one hundred and twenty days as from the day of filing such application.

A radio frequency or a radio frequency channel for the radio-electronic appliances used for the needs of the state administration, including the presidential communications and government communications, for the needs of the country's defence and state security, and for maintaining law and order shall be assigned (allocated) by the specially authorized federal executive power body in the sphere of government communications and informatics, and by the federal executive power body in the sphere of defence.

A radio frequency and a radio frequency channel shall be assigned (allocated) for ten years or for a shorter declared term. The term for the assignment (allocation) of a radio frequency or of a radio frequency channel for the orbital -frequency resource may be extended with an account for the guaranteed service life of the space objects used for the creation and functioning of communications networks.

**4.** The decision on setting aside radio frequency bands and on the assignment (allocation) of radio frequencies or of a radio frequency channel shall be adopted in accordance with Items 2 and 3 of the present Article in case of a positive expert conclusion on the possibility of applying the declared radio-electronic devices. The procedure for carrying out an expertise shall be established by the State Radio Frequencies Commission.

**5.** The procedure for considering the materials and for adopting the decision on setting aside radio frequencies and for the assignment (allocation) of radio frequencies or of radio frequency channels within the scope of the set aside radio frequency bands shall be established and published by the State Radio Frequencies Commission.

**6.** The assignment (allocation) of a radio frequency or of a radio frequency channel may be altered in the interests of providing for the needs of the state administration, including for the presidential and government communications, for the needs of the country's defence and state security, and for maintaining law and order, with the recompense of the losses caused by an alteration of the radio frequency or of the radio frequency channel, to the owners of the radio-electronic appliances.

A compulsory alteration of the radio frequency or of the radio frequency channel of the user of the radio frequency spectrum by the federal executive power body in the sphere of communications is admissible only for the purposes of preventing a threat to human life or health and of providing for state security, and also to fulfil the obligations stemming from the international treaties of the Russian Federation. Such alteration may be appealed against by the user of the radio frequency spectrum in court.

**7.** The refusal to set aside radio frequency bands for the civilian-purpose radio-electronic devices to the users of the radio frequency spectrum is admissible for the following reasons:

- non-correspondence of the declared radio frequency band to the Table for Distributing Radio Frequency Bands Between the Radio Services of the Russian Federation;
- non-correspondence of the radiation parameters and of the reception of the declared radio-electronic devices to the demands, norms and national standards in the sphere of providing for the electromagnetic compatibility of radio -electronic appliances and of high-frequency devices;
- negative expert conclusion on the electromagnetic compatibility with the radio-electronic devices currently in use and planned for use.

**8.** Refusal to assign (allocate) radio frequencies or a radio frequency channel to the users of the radio frequency spectrum for civilian-purpose radio-electronic appliances is admissible on the following grounds:

- absence of the documents for the radio-electronic appliances declared for use confirming their correspondence in the cases when such confirmation is obligatory;
- non-correspondence of the declared activity in the sphere of communications to the demands, norms and rules established for the given kind of activity;
- negative expert conclusion on the electromagnetic compatibility with the radio-electronic devices currently in use and planned for use;
- negative results of carrying out an international procedure for coordinating the use of a radio frequency appropriation, if such procedure is envisaged in the Radio Communication Regulations of the International Telecommunications Union and in the other international treaties of the Russian Federation.

**9.** The refusal to assign (allocate) radio frequencies or radio frequency channels for the radio-electronic appliances used for the needs of the state administration, including for the presidential and government communications, for the needs of the country's defence and of state security, as well as for

providing for law and order, shall be made in accordance with the procedure defined by the specially authorized federal executive power body in the sphere of government communications and information, and by the federal executive power body in the sphere of defence.

**10.** If a violation of the terms established when setting aside a radio frequency band or when allocating (assigning) a radio frequency or a radio frequency channel is exposed, a permit for the use of the radio frequency spectrum by the users of the radio frequency spectrum for civilian-purpose radio-electronic devices may be suspended by the body which has set aside the radio frequency band or which has assigned (allocated) the radio frequency or the radio frequency channel in conformity with Items 2 and 3 of the present Article for a term necessary for eliminating this violation, but for no longer than ninety days.

**11.** A permit for the use of the radio frequency spectrum shall be terminated out of court, or the term of validity of such permit shall not be extended for the following reasons:

- an application from the user of the radio frequency spectrum;
- the cancellation of the licence for the performance of an activity in the sphere of rendering communications services, if such activity is connected with the use of the radio frequency spectrum;
- an expiry of the term fixed when the radio frequency or the radio frequency channel was assigned (allocated), if this term was not extended in the established order or if an application for its extension was not filed in good time, that is, at least thirty days before the end of the said term;
- the use of the radio-electronic appliances and/or of the high-frequency devices for illegal purposes, causing harm to the interests of the person, state and society;
- the failure on the part of the user of the radio frequency spectrum to fulfil the terms formulated in the decision on the assignment (allocation) of the radio frequency or of the radio frequency channel;
- non-making by the user of the radio frequency spectrum of the payment for the use thereof within thirty days as from the day of the term fixed for the payment;
- the liquidation of the legal entity to which the permit for the use of the radio frequency spectrum was issued;
- the failure to eliminate the violation which has served as a ground for suspending the permit for the use of the radio frequency spectrum.

**12.** If in the documents submitted by the applicant there is unauthentic or distorted information which has exerted an impact on the decision-making on setting aside a radio frequency band or on assigning (allocating) a radio frequency or a radio frequency channel the body which has set aside the radio frequency band or which has assigned (allocated) the radio frequency or the radio frequency channel, has the right to turn to the court with a claim for the termination or for the non-extension of the term of validity of the permit for the use of the radio frequency spectrum.

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

## **Article 25.** Control over the Emissions of Radio-Electronic Appliances and/or of High-Frequency Devices

**1.** Control over the emissions of radio-electronic appliances and/or of high-frequency devices (radio control) shall be exerted for the following purposes:

- checking the observation by the user of the radio frequency spectrum of the rules for its use;
- exposure of the radio-electronic devices not permitted for use, and termination of their operation;
- identifying the sources of radio interferences;
- revealing a violation of the procedure and of the rules for the use of the radio-electronic spectrum, of the national standards and of the demands for the emission parameters (reception) of the radio-electronic appliances and/or of the high-frequency devices;
- providing for electromagnetic compatibility;
- ensuring the operational preparedness of the radio frequency spectrum.

**2.** The radio control is a component part of the state management of the use of the radio frequency spectrum and of the protection of the assignment (allocation) of radio frequencies or of radio frequency channels by international law. Radio control over civilian-purpose radio -electronic appliances is exerted by the radio frequencies service. The procedure for the exertion of radio control shall be defined by the Government of the Russian Federation.

In the process of exerting radio control, a record may be made of the signals of the controlled emission sources for the study of the radiation parameters of the radio-electronic appliances and/or of the high-frequency devices, and also for confirming a violation of the established rules for the use of the radio frequency spectrum.

This record may serve only as proof of the violation of the procedure for the use of the radio frequency spectrum and shall be destroyed in accordance with the procedure established by the legislation of the Russian Federation.

The use of this record for any other purposes is inadmissible, and persons guilty of such use shall bear the responsibility established in the legislation of the Russian Federation, for violating the inviolability of private life and of personal, family, commercial and other law-protected secrets.

**Article 26. Regulation of the Numeration Resource**

**1.** The regulation of the numeration resource is the prerogative of the state.

The Government of the Russian Federation lays down the procedure for the distribution and use of the numeration resources of the uniform telecommunications network of the Russian Federation, including of the Russian segments of the international telecommunications networks, taking account of the recommendations of the international organizations of which the Russian Federation is a member, in conformity with the Russian system and with the plan of numeration.

When distributing the numeration of the Russian segments of the international communications networks, the generally accepted international practice of activity of the self-regulated organizations in this sphere shall be taken into account.

**2.** For the receipt of a numeration resource, from the communication operator shall be collected the state duty in compliance with the legislation of the Russian Federation on taxes and fees.

The federal executive power body in the sphere of communications has the right in the cases established in the present Federal Law to alter and to completely or partially withdraw the numeration resource set aside for a communications operator. Information on the forthcoming change of the numeration and on the term for effecting it is subject to publication. In case of the complete or partial withdrawal of the numeration resource assigned to the communications operator, the communications operator is not entitled to any compensation.

The numeration resource which was earlier set aside for the communication operators shall be withdrawn on the following grounds:

- an application from the communications operator to whom the corresponding numeration resource is assigned;
- the end of the validity of the licence issued to the communications operator;
- the use of the numeration resource by the communications operator with a violation of the system and of the plan of numeration;
- the failure on the part of the communications operator to make use of the numeration resource in the course of two years as from the day of its assignment;
- the failure on the part of the communications operator to fulfil the obligations he has assumed at the bidding envisaged in the present Federal Law;

The communications operator shall be notified about the adopted decision to withdraw from him the numeration resource in writing, thirty days before the time of the withdrawal sets in, with the substantiation of the reasons behind the adoption of such decision.

**3.** The federal executive power body in the sphere of communications is obliged:

1) to present to the Government of the Russian Federation the procedure for the distribution and use of the numeration resources of the uniform telecommunications network of the Russian Federation for approval;

2) to ensure organizing the work for the distribution and for recording the numeration resources, as well as for setting aside the numeration resources;

3) to establish normative demands to be made on the communication networks as concerns the activation of the numeration resources, these demands obligatory for the communications operators connected with building communications networks, with controlling the communications networks, with the numeration and with protecting the communications networks from an unsanctioned access to information transmitted through them, as well as the demands made on the use of the radio frequency spectrum, on the procedure for letting through the traffic and on the terms for interaction of communications networks and for rendering communications services;

4) to approve the Russian system and the plan of numeration;

5) to alter in the technically substantiated cases the numeration of communications networks with the preliminary publication of the reasons and the terms for the forthcoming changes in accordance with the procedure for the distribution and use of the numeration resources of the uniform telecommunications network of the Russian Federation;

6) to ensure the existence of an available numeration resource;

7) to present information on distributing the numeration resource at the enquiries from the interested persons;

8) to control correspondence between the use by the communication operators of the numeration resource set aside for them, and the established procedure for the use of the numeration resources of the uniform telecommunications network of the Russian Federation, including the fulfilment by the communications operator of the obligations he has assumed at the bidding, stipulated in the present Federal Law.

4. Information on the allocation, the alteration and the withdrawal of the numeration resource of the particular communications operator is not a commercial secret.

5. A numeration resource for the communications networks is set aside by the federal executive power body in the sphere of communications by application from the communications operator within a term of sixty days at the most, if the volume of the numeration set aside for all communications operators on the concrete territory comprises less than ninety per cent from the available resource. When determining the numeration resource presented for the bidding, the applications which have come in for the bidding, envisaged in Article 31 of the present Federal Law shall be taken into account.

6. The communications operators for whom the numeration resource is set aside or altered are obliged to start the use of the set aside numeration resource or to change the numeration of the network within the established term and to cover all the necessary expenditures.

The subscribers shall not bear the expenditures involved in setting aside and in altering the numeration of the communications network, with the exception of those involved in replacing the subscribers' numbers or identification codes in the documents and in the informational materials.

7. The communications operator has the right to hand over the numeration resource set aside for him, or a part thereof to another communications operator only with the consent of the federal executive power body in the sphere of communications.

8. When a legal entity is reorganized in the form of merger, affiliation or transformation, the law-establishing documents on the numeration resource assigned to it shall be reformed at an application from its legal successor.

When a legal entity is reorganized in the form of division or branching off, the law-establishment documents on the numeration resource shall be reformed by applications from the legal successors.

If other successors put in doubt the rights of the interested legal successor to the use of the numeration resource, the dispute between the parties shall be resolved in court.

#### **Article 27. State Supervision of Activity in the Sphere of Communications**

1. The Government of the Russian Federation shall determine the procedure for exercising the state supervision over the activities in the area of communications. The state supervision over the activities in the area of communications shall be exercised by the federal executive body in charge of supervision in the area of communications.

2. Ensuring the state supervision over the activities in the area of communications shall be an expense commitment of the Russian Federation.

3. Official persons from the federal executive body in charge of supervision in the area of communications authorized to compile protocols on the administrative law offences in the sphere of communications and informatics, shall be seen as state inspectors for supervision over the communications.

A state inspector for supervision over communications shall discharge the functions imposed upon him in accordance with the legislation of the Russian Federation.

In accordance with the procedure and in the cases established in the legislation of the Russian Federation, a state inspector for supervision over communications shall apply measures of impact against the perpetrators or shall make the corresponding presentation to the body endowed with the right to draw to responsibility.

4. If a violation of obligatory demands in the sphere of communications is exposed which has been established in federal laws or in other legal normative acts of the Russian Federation adopted in conformity with them, the federal executive body in the area of communications shall issue an instruction on the elimination of this violation at the presentation of the state inspector for supervision over the communications. This instruction is subject to obligatory execution within the time term fixed in it.

5. The decisions of the state inspector for supervision over communications may be appealed against in accordance with the procedure laid down in the legislation of the Russian Federation.

#### **Article 28. Regulating Tariffs on Communication Service**

1. Tariffs on communications services are established by the communications operator on his own, unless otherwise stipulated in the present Federal Law and in the legislation of the Russian Federation on natural monopolies.

2. Tariffs on the services of the generally available telecommunications and of generally available postal communications are subject to state regulation in conformity with the legislation of the Russian Federation on natural monopolies. The list of services of the generally available telecommunications and generally available postal communication, the tariffs on which are regulated by the state, as well as the procedure for their regulation, are established by the Government of the Russian Federation. Tariffs on the universal communications services are regulated in accordance with the present Federal Law.

3. The state regulation of tariffs on communications services (with the exception of the regulation of tariffs on the universal communication services) shall create conditions ensuring for the communication operators the compensation for their economically substantiated expenses involved in rendering communications services, as well as the recompense of the substantiated norm of profit (the profitability) from the capital used in rendering the communications services, the tariffs on which are established by the state.

## **Chapter 6. Licensing Activity in the Sphere of Rendering Communications Services and Confirmation of the Correspondence of Communications Facilities**

### **Article 29. Licensing Activity in the Sphere of Rendering Communications Services**

1. The activity of legal entities and individual businessmen in the paid rendering of communications services is carried out only on the grounds of a licence for the performance of an activity in the sphere of rendering communications services (hereinafter referred to as the licence). The list of the names of communications services entered in the licences, and the corresponding lists of licensing terms are established by the Government of the Russian Federation.

2. The activity in the sphere of rendering communications services is licensed by the federal executive power body in the sphere of communications (hereinafter referred to as the licensing body), which:

- 1) establishes the licensing terms in conformity with the lists of licensing terms mentioned in Item 1 of the present Article, and introduces amendments and addenda into them;
- 2) registers the applications for granting licences;
- 3) issues licences in conformity with the present Federal Law;
- 4) exerts control over the observation of the licensing terms and issues instructions on the elimination of the exposed violations and warnings about the suspension of the licences' validity;
- 5) refuses in issue of licences;
- 6) suspends the licences' validity and reinstates their validity;
- 7) cancels the licences;
- 8) reformalizes the licences;
- 9) keeps a register of licences and publishes information from this register in conformity with the present Federal Law.

3. Licences are issued in accordance with the results of considering the applications, and in the cases envisaged in Article 31 of the present Federal Law - in accordance with the results of bidding (of an auction or a tender).

### **Article 30. Demands Made on an Application for Granting a Licence**

1. To obtain a licence, the licence seeker shall file an application to the licensing body, in which he shall indicate:

- 1) the name (the official designation), the legal organizational form, the place of location of the legal entity and the name of the bank, with an indication of the account (for a legal entity);
- 2) the surname, name and patronymic, the place of residence and the data from the document identifying the person (for an individual businessman);
- 3) the name of the communications service;
- 4) the territory on which the communications service will be rendered and the communications network will be created;
- 5) the category of the communications network;
- 6) the time term in the course of which the licence seeker intends to perform an activity in the sphere of rendering communications services.

2. To the application shall be enclosed:

- 1) the copies of the constituent documents contained in the registration file of the legal entity certified by the state bodies keeping the uniform state register of legal entities, and a copy of the document confirming that an entry on the legal entity is made in the uniform state register of legal entities certified by the body which has issued the said document, or by a notary (for legal entities);
- 2) a copy of the certificate on the state registration in the capacity of an individual businessman certified by the body which has issued the said document, or a notarially certified copy of this document (for individual businessmen);
- 3) a notarially certified copy of the certificate on the legal entity or the individual businessman being put onto the records in the tax body;
- 4) the plan for the construction of the communications network and a description of the communications service;



5) the document confirming the payment of the fee for considering the application for being granted a licence.

3. If in the course of rendering communications services it is supposed to use the radio frequency spectrum, including for the purposes of telecasting and radio broadcasting; to carry out the cable telecasting and the wire radio broadcasting; to transmit vocal information, including along the network for transmitting the data; and to present communications channels going beyond the territory of one subject of the Russian Federation (to perform an activity in the sphere of postal communications), the licence seeker shall submit, alongside with the documents mentioned in Items 1 and 2 of the present Article, also a description of the communications network and of the communication facilities, with the use of which communications services are going to be rendered, as well as the plan and the economic substantiation for the development of the communications network. The demands made on the content of such description shall be formulated by the federal executive power body in the sphere of communications.

4. To receive a licence, envisaging the use of the radio frequency spectrum in rendering the communications service, the decision of the State Radio Frequencies Commission on the assignment of a radio frequency band shall also be required.

To obtain a licence for rendering communications services for the purposes of the telecasting, of the radio broadcasting and of broadcasting additional information, the licence seeker shall also submit a notarially certified copy of the licence for the broadcasting.

5. To demand from the licence seeker any other document in addition to those pointed out in the present Article, is inadmissible.

6. The licence seeker bears responsibility in conformity with the legislation of the Russian Federation for the supply to the licensing body of unauthentic or distorted information.

#### **Article 31.** Bidding (an Auction or a Tender) for Obtaining a Licence

1. Licences shall be issued in accordance with the results of the bidding (of the auction or the tender), if:

1) the communications service is going to be rendered with the use of the radio frequency spectrum, while the State Radio Frequencies Commission has it established that the radio frequency spectrum available for rendering communications services restricts the possible number of communications operators on the given territory. The winner in the bidding (in the auction or in the tender) shall be issued a licence and shall be assigned the corresponding radio frequencies;

2) the resources of the general-use communications network on the territory are restricted, including the restricted numeration resource, and the federal executive power body in the sphere of communications has it established that the number of communications operators on the given territory shall also be restricted.

2. The procedure for holding the bidding (the auction or the tender) is established by the Government of the Russian Federation.

The decision on holding the bidding (the auction or the tender) shall be adopted by the federal executive power body in the sphere of communications in accordance with the established procedure.

Arrangements for holding the bidding (the auction or the tender) shall be made by the federal executive power body in the sphere of communications not later than six months after such decision is passed.

3. Before the decision is adopted on the possibility of the issue of a licence (on the grounds of the decision taken in accordance with the results of considering an application for granting a licence or with the results of holding the bidding /the auction or the tender/), a licence envisaging the use of the radio frequency spectrum in rendering communications services shall not be issued.

4. The provisions of the present Article shall not be spread to relations, involved in the use of radio frequencies for the purposes of the telecasting and of the radio broadcasting.

#### **Article 32.** Procedure for Considering an Application for Granting a Licence and for the Issue of a Licence

1. The decision on the issue of a licence or on the refusal of its issue shall be adopted by the licensing body:

- within a term not exceeding thirty days as from the day of the decision-making in accordance with the results of the held bidding (auction or tender);

- in the cases pointed out in Item 3 of Article 30 of the present Federal Law, within a term not exceeding seventy five days as from the day of receiving an application from the licence seeker with all the necessary documents named in Items 1-3 of Article 30 of the present Federal Law, with the exception of cases when the issue of the licence takes place in accordance with the results of holding the bidding (the auction or the tender);

- in the other cases within a term not exceeding thirty days as from the day of receiving an application from the licence seeker with all the necessary documents indicated in Items 1 and 2 of Article 30 of the present Federal Law, in accordance with the results of considering the application.

2. The licensing body is obliged to notify the licence seeker about taking the decision on the issue of the licence or about the refusal to issue such within ten days as from the day of passing the corresponding decision. The notification of the issue of the licence shall be directed or handed in to the licence seeker in written form, with an indication of the requisites of the bank accounts and of the term fixed for the payment of the licence fee. The notification of the refusal to issue the licence shall be forwarded or handed in to the licence seeker in writing, pointing out the reasons behind the refusal.

3. For considering an application for the issue of a licence, a fee shall be collected in the amount of three hundred roubles.

For the issue of a licence shall be collected a licence fee. After receiving the notification on the issue of a licence, the licence seeker is obliged to pay the licence fee. The licence shall be issued within three days after the licence seeker submits the document confirming the payment of the licence fee.

4. For the issue of a licence is established the payment of a licence fee in the amount of:

- 15,000 roubles, multiplied by the number of subjects of the Russian Federation on whose territories (parts of territories) communications services will be rendered in accordance with this licence - in the cases mentioned in Item 3 of Article 30 of the present Federal Law;

- that fixed in the terms of the bidding (of the auction or of the tender) - if the licence is issued in accordance with the results of the held bidding (auction or tender);

- 1,000 roubles, multiplied by the number of subjects of the Russian Federation on whose territories (parts of territories) communications services will be rendered in accordance with this licence - in the other cases.

The sums of the licence fee and of the fee for considering an application for the issue of a licence shall be entered in the federal budget.

5. If the licensee has not paid the licence fee within three months, the licensing body has the right to cancel the licence.

6. The territory on which it is permitted to render communications services in accordance with the licence shall be pointed out in the licence by the licensing body.

7. The licensee has no right to hand over, fully or in part, the licence or any rights it grants to another legal entity or natural person.

### **Article 33. Term of the Licence Validity**

1. A licence may be issued for a term of three to twenty five years, which is established by the licensing body with an account for:

- the time term the license seeker has indicated in his application;

- the content of the communications services, for rendering which the licence is sought;

- the time term pointed out in the decision of the State Radio Frequencies Commission on the assignment of a radio frequency band, if the communications service is rendered with the use of the radio frequency spectrum;

- the technical restrictions and technological conditions in accordance with the rules for connecting telecommunications networks and for their interaction.

2. A licence may be issued for a term of less than three years at the request of the licence seeker.

3. The term of the licence's validity may be extended at the licensee's application for the same term for which it was issued, or for a different term, which shall not exceed that established in Item 1 of the present Article. An application for an extension of the term of the licence validity shall be filed with the licensing body not later than two months, and not earlier than six months, before the end of the licence validity. For extending the term of the licence's validity, the licensee shall submit the documents named in Article 30 of the present Federal Law. The decision on the extension of the term of the licence validity shall be adopted by the licensing body on the basis of the submitted documents within a term not exceeding forty five days as from the day of arrival of the said documents.

4. An extension of the term of the licence's validity may be refused, if violations of the licensing terms have been established but have not been eliminated.

### **Article 34. Refusal to Issue a Licence**

1. The following are seen as the grounds for refusal to issue a licence:

1) non-correspondence of the documents enclosed to the application, to the demands formulated in Article 30 of the present Federal Law;

2) non-presentation of the documents which are necessary in conformity with the present Federal Law;

3) existence of unauthentic or of distorted information in the documents submitted by the licence seeker;

4) non-correspondence of the activity the licence seeker has declared, to the standards, demands and rules established for the given kind of activity;

5) non-recognition of the licence seeker as the winner in the bidding (in the auction or tender), if the licence is issued in accordance with the results of the bidding (of the auction or of the tender);

6) cancellation of the decision of the State Radio Frequencies Commission on the assignment of a radio frequency band;

7) absence of the technical possibility for implementation of the declared communications service.

2. The licence seeker has the right to appeal in court against the refusal to issue a licence or against the licensing body's inaction.

#### **Article 35. Reformalizing a Licence**

1. A licence may be reformalized for the legal successor at an application from its holder.

In this case, the legal successor is obliged to submit, in addition to the documents mentioned in Items 1 and 2 of Article 30 of the present Federal Law, also the documents confirming that the communication networks and communications facilities necessary for rendering communications services in accordance with the licence under reformalization have been handed over to him and that to his name has been reformalized the permit for the use of the radio frequencies, if these have to be used for rendering communications services on the grounds of the reformalized licence.

2. If the legal entity is reorganized in the form of the merger, affiliation or transformation, the licence shall be reformalized by application from its legal successor. To the application shall be enclosed the documents mentioned in Items 1 and 2 of Article 30 of the present Federal Law.

3. If the legal entity is reorganized in the form of division or branching off, the licence shall be reformalized at an application from the interested legal successor or legal successors. The interested legal successor or legal successors are in this case obliged to present, in addition to the documents indicated in Items 1 and 2 of Article 30 of the present Federal Law, also the documents confirming that to them have been handed over the communications networks and communications facilities necessary for rendering communications services in conformity with the reformalized licence and that to their name has been reformalized the permit for the use of the radio frequencies if these have to be used for rendering communications services on the grounds of the reformalized licence.

If the other legal successors call into question the rights of the interested legal successor or legal successors to the reformalization of the licence, the dispute between the parties shall be resolved in court.

4. In case of the reorganization of the legal entity or of an alteration of the requisites of the legal entity or of the individual businessman named in the licence, the licensee is obliged to file within thirty days an application for reformalizing the licence, with an enclosure of the documents confirming the changes pointed out in this application. If such application is not lodged within the fixed time term, the licence validity shall be stopped.

5. A licence shall be reformalized by the licensing body within thirty days as from the day of receiving the corresponding application.

6. For reformalizing a licence a fee shall be collected in the amount of one thousand roubles, which shall be entered to the federal budget.

7. If the licence is reformalized, the licensing body shall introduce the corresponding changes into the register of licences in the sphere of communications.

8. If he refuses to reformalize the licence, the licensee shall bear responsibility to the users of communications services in conformity with the legislation of the Russian Federation and with the contracts for rendering communications services concluded with the users of communications services.

#### **Article 36. Introduction of Amendments and Addenda into a Licence**

1. A licensee may apply to the licensing body for an introduction of amendments and addenda into the licence, including into the licence terms.

The licensing body is obliged to consider such application and to notify the applicant of the adopted decision within a term not exceeding sixty days.

For the actual introduction of the amendments and addenda into the licence shall be collected a fee in the amount of one hundred roubles, which shall be entered into the federal budget.

2. If it is necessary to introduce into the licence the amendments and addenda concerning the name of the communications services, the territory on which the licence is valid or the use of the radio frequency spectrum, a new licence shall be issued in accordance with the procedure envisaged for the issue thereof.

3. If the legislation of the Russian Federation is amended, the licensing body has the right to introduce the amendments and addenda into the licensing terms at its own initiative, while notifying to this effect the licensee within thirty days. In the notification shall be explained the grounds for the adoption of such decision. In this case, the amendments and addenda are introduced into the licence free of charge.

**Article 37. Suspension of the Licence Validity**

1. Before the licence validity is suspended, the licensing body has the right to issue a warning about the suspension of the licence validity, if:

1) the duly authorized state bodies have exposed a violation connected with the failure to observe the norms established in the federal laws and in the other legal normative acts of the Russian Federation in the sphere of communications;

2) the duly authorized state bodies have revealed that the licensee has violated the licence terms;

3) no communications services have been rendered for over three months, including as from the day of the start for rendering such services indicated in the licence.

2. The licensing body has the right to suspend the licence validity if:

1) violations are exposed which may entail infliction of damage upon the man's rights, lawful interests, life and health, or upon the provisions for the needs of the state administration, including of presidential and government communications, for the needs of the country's defence and of state security, as well as for ensuring law and order;

2) cancellation of the permit of the State Radio Frequencies Commission for the use by the licensee of radio frequencies, if such cancellation makes the rendering of communications services impossible;

3) the licensee's failure to fulfil on time the instruction of the licensing body which has obliged him to eliminate the exposed violation, including an instruction issued as a warning about the suspension of the licence validity.

3. A warning about the suspension of the licence validity, as well as the decision on the suspension of the licence validity shall be brought up by the licensing body to the licensee's knowledge in writing, with an indication of the reasons behind passing such decision or behind making the warning, not later than ten days after the adoption of such decision or of the issue of such warning.

4. The licensing body is obliged to establish a reasonable term for the licensee to eliminate the violation which has entailed the issue of a warning about the suspension of the licence validity. The said term shall not exceed six months. If the licensee has not eliminated this violation within the given term, the licensing body has the right to suspend the licence validity and to file a claim to the court for the cancellation of the licence.

**Article 38. Resumption of the Licence Validity**

1. If the licensee has eliminated the violation which has entailed the suspension of the licence validity, the licensing body is obliged to take the decision on the resumption of its validity.

2. Seen as the confirmation of the elimination by the licensee of the violation which has entailed the suspension of the licence validity is the conclusion of the state body for supervision over the communications issued not later than ten days as from the date of eliminating the above-mentioned violation. The decision on the resumption of the licence validity shall be adopted not later than ten days as from the day of receipt of this conclusion by the licensing body.

**Article 39. Cancellation of the Licence**

1. A licence shall be cancelled in court at the claims filed by the interested persons or by the licensing body, if:

1) unauthentic data has been exposed in the documents which have served as the grounds for taking the decision on the issue of the licence;

2) the circumstances which have caused the suspension of the licence validity have not been eliminated within the fixed term;

3) the licensee has failed to fulfil the obligations he has assumed upon himself as he was taking part in the bidding (in the auction or in the tender) (if the licence is issued in accordance with the results of the held bidding (auction or tender).

2. The licensing body shall cancel a licence, if:

1) the legal entity is liquidated or its activity is terminated as a result of the reorganization, except for its reorganization in the form of transformation;

2) the validity of the certificate on the state registration of the citizen in the capacity of an individual businessman has ended;

3) the licensee has filed an application with a request to cancel the licence;

4) the licence fee has not been paid in the course of three months as from the day of notification of the licence seeker about the issue of the licence.

3. If a licence is cancelled, the licence fee shall not be returned.

4. The licensing body's decision on the cancellation of a licence shall be brought to the licensee's knowledge within ten days as from the day of its adoption and may be appealed against in court.

**Article 40. Formation and Maintenance of a Register of Licences in the Sphere of Communications**

1. The licensing body shall form and maintain a register of licences in the sphere of communications. In this register shall be contained the following information:

- 1) information on the licensees;
- 2) the names of the communications services for rendering which the licence is issued, and the territory on which the rendering of the corresponding communications services is permitted;
- 3) the date of issue and the number of the licence;
- 4) the term of the licence validity;
- 5) the grounds for and the time term of the suspension and of the resumption of the licence validity;
- 6) the grounds for and the date of the cancellation of the licence;
- 7) other information established by the licensing body depending on the names of the communications services.

2. Information supplied in the register of licences in the sphere of communications, is subject to publication in the volume, in the form and in the order to be defined by the licensing body, with an account for the amendments introduced into this register.

#### **Article 41.** Confirmation of the Correspondence of Communication Facilities and of Communication Services

1. To provide for the integrity, stability in the functioning and security of the uniform telecommunications network of the Russian Federation, it is obligatory to confirm the correspondence to the established demands made on the communications facilities, applied:

- 1) in the general-use communications network;
- 2) in the technological communications networks and in the special-purpose communications networks, if they are connected to the general-use communications network.

2. Confirmation of the fact that the communications facilities mentioned in Item 1 of the present Article correspond to the technical regulations adopted in conformity with the legislation of the Russian Federation on technical regulation, and to the demands envisaged in the legal normative acts of the federal executive power body in the sphere of communications on the issues involved in the application of communications facilities shall be effected by way of their obligatory certification or by the adoption of a declaration on correspondence.

The communications facilities, subject to obligatory certification, shall be presented for the performance of the certification by the manufacturer or by the seller.

The documents on the confirmation of the correspondence of communications facilities to the demands and the protocols of the tests of communications facilities received outside the territory of the Russian Federation, shall be recognized in conformity with the international treaties of the Russian Federation.

The manufacturer has the right to adopt a declaration on correspondence on those communications facilities which are not subject to obligatory certification.

3. The list of communications facilities subject to obligatory certification, which is approved by the Government of the Russian Federation, incorporates:

- communications facilities fulfilling the function of commutation systems, of digital transportation systems and of control and monitoring systems, as well as the equipment for recording the volume of rendered communications services in general-use communications networks;
- end equipment which may lead to a fault in the functioning of the general-use communications network;
- communications facilities of the technological communication networks and of the special-purpose communications networks as concerns their connection to the general-use communications networks;
- radio-electronic communications facilities;
- communications facilities equipment, including software which provides for the performance of established actions in carrying out the operational-search measures.

As he modifies the software which is a part of a communications facility, the manufacturer may adopt in accordance with the established procedure a declaration on the correspondence of the given communication facility to the demands of the earlier issued certificate of conformity or of the earlier issued declaration on correspondence.

4. Communication services and the systems for controlling the standard of communications services are certified on the voluntary basis.

5. The Government of the Russian Federation defines the procedure for organizing and carrying out work for obligatory confirmation of the correspondence of communications facilities and the procedure for the accreditation of the certification bodies and the testing laboratories (centres) carrying out certification tests, and approves the rules for carrying out the certification.

Exertion of control over the observation by the holders of the certificates and by the declarants of their obligations to provide for the correspondence of the supplied communications facilities to the certification demands and terms, and the registration of declarations on correspondence adopted by the manufacturers shall be imposed upon the federal executive power body in the sphere of communications.

Onto the federal executive power body in the sphere of communications shall also be imposed the duty to organize the certification system in the sphere of communications, which would incorporate the certification bodies and testing laboratories (centres) regardless of legal organizational forms and of the forms of ownership.

**6.** For registering a declaration of correspondence the state duty shall be collected in compliance with the laws of the Russian Federation on taxes and fees.

**7.** The holder of the certificate of conformity or the declarant is obliged to provide for the correspondence of the communications facility, of the system for controlling the standard of the communications facility, of the communications service or of the system for controlling the standard of the communications service to the demands of the normative documents for correspondence to which the certification was carried out or the declaration was adopted.

**8.** If it is discovered that the operated communications facility, while possessing the certificate of conformity or the declaration on correspondence, does not satisfy the established demands, the holder of the certificate or the declarant is obliged to eliminate the exposed non-correspondence at his own expense. The term for the elimination of the exposed non-correspondence shall be fixed by the federal executive power body in the sphere of communications.

#### **Article 42.** Issue and Termination of the Operation of Certificates of Conformity When Carrying out Obligatory Certification of Communications Facilities

**1.** For carrying out obligatory certification of a communication facility, the seeker shall forward to the certification body an application for the certification and a technical description of this facility in the Russian language, making it possible to identify the communications facility and containing technical parameters by which the correspondence of the communications facility to the established demands may be estimated.

The applicant who is selling shall also present to the certification body the manufacturer's document confirming the fact of the manufacture of the communications facility he has submitted for the performance of the certification.

**2.** The term for considering an application for carrying out the certification shall not exceed thirty days as from the day of receipt by the certification body of the documents mentioned in Item 1 of the present Article.

**3.** After receiving the documentally formalized results of the certification tests, the certification body shall pass, within a term of no longer than thirty days, the decision on the issue or on the motivated refusal in the issue of the certificate of conformity. The certificate of conformity is issued for one year or for three years, depending on the certification scheme stipulated in the rules for carrying out the certification.

**4.** The refusal in the issue of the certificate of conformity or the termination of its validity shall take place, if the communications facility does not satisfy the established demands, or if the applicant has violated the rules for carrying out the certification.

**5.** The federal executive power body in the sphere of communications shall publish information on the entry of the certificate of conformity into the register of certificates of conformity of the certification system in the sphere of communications, or on the removal of the certificate of conformity from this register.

#### **Article 43.** Declaration on Correspondence and Registration of Declarations on Correspondence

**1.** The correspondence shall be declared by the adoption by the applicant of the declaration on correspondence on the basis of his own proof and of those obtained with the participation of an accredited testing laboratory (centre).

By way of his own proof the applicant shall make use of the technical documentation, of the results of his own studies (tests) and measurements and of the other documents serving as a motivated basis for confirming the correspondence of the communications facilities to the established demands. The applicant shall also include into such proving materials the protocols of the studies (tests) and measurements conducted in an accredited testing laboratory (centre).

**2.** The declaration on correspondence shall be formalized in the Russian language and shall contain:

- the name and place of location of the applicant;
- the name and place of location of the manufacturer of the communications facility;
- the technical description of the communications facility in the Russian language, making it possible to identify this communication facility;

- the applicant's statement that the given communications facility will not exert a destabilizing impact upon the integrity, stability of the functioning and security of the uniform telecommunications network of the Russian Federation, if it is used in accordance with its goal-oriented purpose and if the applicant takes measures to provide for the correspondence of the facility to the established demands;

- information on the carried out studies (tests) and measurements, as well as on the documents which have served as a ground for the confirmation of the fact that the communications facility satisfies the established demands;

- the term of validity of the declaration on correspondence.

The form of the declaration on correspondence shall be approved by the federal executive power body in the sphere of communications.

3. The declaration on correspondence formalized in accordance with the established rules, is subject to registration by the federal executive power body in the sphere of communications within three days.

The declaration on correspondence is valid as from the day of its registration.

4. The declaration on correspondence and the component proving materials shall be kept at the applicant's within the term of validity of this declaration and within three years after the end of the term of its validity. The second copy of the declaration on correspondence shall be kept in the federal executive power body in the sphere of communications.

## **Chapter 7. Communications Services**

### **Article 44. Rendering Communications Services**

1. On the territory of the Russian Federation, communication services are rendered by communications operators to the users of communications services on the grounds of a contract for rendering communications services, signed in conformity with the civil legislation and with the rules for rendering communications services.

2. The rules for rendering communications services are approved by the Government of the Russian Federation.

The rules for rendering communications services regulate relationships of the users of communications services with communication operators when concluding and when executing a contract for rendering communications services, as well as the procedure and the grounds for a suspension of rendering communications services under the contract and for the cancellation of such contract, the specifics in rendering communications services, the rights and the duties of communication operators and of the users of communications services, the form and the procedure for making settlements for the rendered communications services, as well as the procedure for filing and for considering the complaints and the claims of the users of communications services, and the parties' responsibility.

3. If the user of communications services violates the demands established in the present Federal Law, in the rules for rendering communications services or in a contract for rendering communication services, including the time terms fixed for the remuneration of communications services rendered to him, the communications operator has the right to suspend the rendering of communications services until the violation is eliminated, with the exception of the cases established by the present Federal Law.

If the said violation is not eliminated within six months as from the day when the user of communications services received a written notification from the communications operator about his intention to suspend the rendering of communications services, the communication operator has the right to unilaterally cancel the contract for rendering communications services, except for the cases established by the present Federal Law.

### **Article 45. Specifics in Rendering Communications Services to Citizens**

1. A contract for rendering communications services signed with citizens is a public contract. The terms for such agreement shall correspond to the rules for rendering communications services.

2. In all cases of the replacement of a subscriber's number, the communications operator is obliged to notify the subscriber and to award him a new subscriber's number at least sixty days in advance, unless the necessity of the replacement was called forth by unforeseen or emergency circumstances.

3. The communications operator has no right to alter the connection scheme of the subscriber's end equipment working on a separate subscriber's line without the latter's written consent.

4. The subscriber has the right to demand the commutation of the subscriber's number, and the communications operator is obliged, if there is a technical possibility for doing so, to re-switch the subscriber's number onto the subscriber's line in premises situated at a different address and possessed by the given subscriber. The commutation of a subscriber's number is seen as an additional service.

5. If the subscriber's right to the possession and to the use of the premises in which the end equipment is installed (hereinafter referred to as the telephonized premises), is terminated, the contract for rendering communications services signed with the subscriber shall also be terminated.

In this case, the communications operator, a contract for rendering communications services with whom is terminated, is obliged to conclude a contract for rendering communications services with the new owner of the telephonized premises at the latter's demand within thirty days.

If the family members of the subscriber go on residing in the telephonized premises, the contract for rendering communications services shall be reformed to the name of one of them in conformity with the rules for rendering communications services.

Until the term fixed in the Civil Code of the Russian Federation for the acceptance of an inheritance into whose composition are included the telephonized premises comes to an end, the communications operator has no right to dispose of the corresponding subscriber's number. If the said premises are inherited, a contract for rendering communication services shall be concluded with the heir. The heir is obliged to remunerate to the communications operator the cost of the rendered communications services for the period up to his entry into the rights of inheritance.

#### **Article 46. Duties of Communications Operators**

1. A communications operator is obliged:

- to render communications services to the users of communication services in conformity with the legislation of the Russian Federation, with the national standards, the technical norms and the rules, as well as with the licence and with the contract for rendering communication services;

- to be guided in the design, construction and reconstruction, as well as in the operation of communications networks and communications installations by the legal normative acts of the federal executive power body in the sphere of communications, and to build communications networks taking account for the demands for ensuring the stability and security of their functioning. The involved expenditures, as well as the outlays on the creation and operation of controlling systems for their own communications networks and on their interaction with the uniform telecommunications network of the Russian Federation, shall be borne by the communications operators;

- to observe the demands concerning the organizational -technical interaction with the other communications networks, letting through traffic and defining its routes which are established by the federal executive power body in the sphere of communications, as well as the demands made on making mutual settlements and on obligatory payments;

- to submit statistical reports made out in accordance with the form and the procedure established in federal laws and other legal normative acts of the Russian Federation;

- to supply information at the enquiries from the federal executive power body in the sphere of communications for exercising the latter's powers, including on the technical condition and on the development prospects of communications networks and of communications facilities, on the terms for rendering communications services, connection services and those for letting through the traffic, as well as on the applied tariffs and settlement rates, which shall be made out in accordance with the form and the procedure established in the federal laws and in the other legal normative acts of the Russian Federation.

2. A communications operator is obliged to create conditions for an unobstructed access of invalids to the communications objects intended for work with the users of communications services, including to the places of rendering communications services and to the places for the remuneration thereof at the communications objects.

3. To inform the users of communications services about the numeration operating in his communications network, the communication operator is obliged to set up a system for a free of charge informational-reference servicing, and to supply on a paid basis proceeding from the economically substantiated outlays, information on the subscribers of his communications network to organizations interested in the establishment of their own systems for the informational -reference servicing.

#### **Article 47. Privileges and Advantages in the Use of Communication Services**

1. The international treaties of the Russian Federation, the federal laws and the laws of the subjects of the Russian Federation may establish privileges and advantages as concerns priority in rendering communication services, as well as in the procedure and the size of the remuneration thereof for the individual categories of the users of communication services.

2. The users of the communications services mentioned in Item 1 of the present Article are obliged to enter the payment for the communication services rendered to them in full volume, with the subsequent compensation for the outlays they have made directly at the expense of the funds from the budget of the corresponding level.



**Article 48. The Use of Languages and of Alphabets in Rendering Communications Services**

1. Office work in the sphere of communications is carried out in the Russian Federation in the Russian language.

2. Relationships of communications operators with users of communications services arising as communications services are rendered on the territory of the Russian Federation, are maintained in the Russian language.

3. Addresses of the senders and of the receivers of telegrams, postal dispatches and postal money transfers transferred within the boundaries of the Russian Federation shall be formalized in the Russian language. Addresses of the senders and of the receivers of telegrams, postal dispatches and postal money transfers transferred within the boundaries of the territories of the Republics in the composition of the Russian Federation, may be formalized in the state languages of the corresponding Republics under the condition that the addresses of the senders and of the receivers are doubled in the Russian language.

4. The text of a telegram shall be written in letters of the Russian alphabet or in letters of the Latin alphabet.

5. International communications transmitted along the telecommunications networks and along the networks of the postal communication, shall be processed in the languages defined in the international treaties of the Russian Federation.

**Article 49. Recording-Accounting Time in the Sphere of Communications**

1. In the technological processes for the transmission and receipt of communications in the telecommunications and postal communications, and for their processing within the boundaries of the territory of the Russian Federation, telecommunications operators and operators of postal communications shall apply the uniform recording-accounting time - Moscow time.

2. In international communications, recording-accounting time shall be determined in the international treaties of the Russian Federation.

3. The user or users of communications services shall be informed about the time of rendering a communications service requiring their direct participation, by the communications operator with an indication of the time operating in the time belt at the place of location of the user or of the users of communications services.

**Article 50. Official Telecommunications**

1. Official telecommunications is used for the purposes of the operational-technical and the administrative management of the communications networks, and cannot be used to render communication services under the terms of a contract for rendering communication services for a payment.

2. Communication operators shall provide the official telecommunications in accordance with the procedure defined by the federal executive power body in the sphere of communications.

**Article 51. Rendering Communication Services to Meet State or Municipal Needs**

Communication services to meet state or municipal needs shall be rendered on the basis of a contract of payable rendering of communication services to be made in the form of a state or municipal contract in the procedure, established by the civil legislation and the legislation of the Russian Federation on placement of orders to supply goods, carry out works and render services for meeting state or municipal needs, in the volume corresponding to the amount of financing outlays on payment for communication services provided for by the appropriate budgets.

**Article 51.1. The Special Features of the Rendering of Communication Services to Meet the Needs of the Defence of the Country, the Security of the State and the Protection of Law and Order**

1. The federal executive body in the sphere of communication, by agreement with the federal executive bodies in charge of the networks of special designation, intended for the needs of the defence of the country, the security of the State and the protection of law and order, shall have the right to make additional requirements for communication network, which are a part of the network of communication for public use and are used for rendering communication services to meet the needs of the defence of the country, the security of the State and the protection of law and order.

If the Government of the Russian Federation vests the communication operator with the duty of rendering such communication services in accordance with the legislation of the Russian Federation for placing orders in the deliveries of goods, the performance of works and the rendering services to meet state and municipal needs, the said requirements shall be fulfilled during the time fixed by the respective government contract to render communication services for the needs of the defence of the country, the security of the State and the protection of law and order.

2. Prices for communication services rendered to meet the needs of the defence of the country, the security of the State and the protection of law and order shall be determined by a government contract proceeding from the need to compensate the economically justified costs associated with the rendering of the given communication services and the reimbursement of the justified profit rate (profitability) from the capital used to render the given communication services.

3. Changes in the prices for communication services rendered to meet the needs of the defence of the country, the security of the State and the protection of law and order and in the terms of the payment for rendered communication services shall be allowed in the order established by a government contract at least once in a year.

4. During the fulfilment of a government contract for the rendering communication services to meet the needs of the defence of the country, the security of the State and the protection of law and order, the communication operator who concluded the said government contract shall not have the right to suspend and/or stop the rendering of services without the consent in written form of the government customer.

#### **Article 52. Calling Emergency Operational Services**

1. A communications operator is obliged to ensure for the user of communications services the free of charge possibility to call emergency operational services (the fire service, militia, medical first aid, emergency gas service and other services, the complete list of which is compiled by the Government of the Russian Federation) round the clock.

The free of charge calling of emergency operational services shall be ensured for every user of communications services by dialling a uniform number on the entire territory of the Russian Federation for all emergency operational services.

2. The outlays of the communications operators they have made to provide for calling emergency operational services including those involved in rendering services for connecting the communications network of emergency operational services to the general-use communication network and in the transmission and the reception of communications of these services, shall be recompensed on the ground of contracts signed by the communications operators with the bodies and organizations which have created the corresponding emergency operational services.

#### **Article 53. Data Bases on the Subscribers of Communications Operators**

1. Information on the subscribers and on communications services rendered by them which have become known to communications operators by force of execution of a contract on rendering communications services is in fact confidential information and is subject to protection in conformity with the legislation of the Russian Federation.

To information about the subscribers is referred the surname, name and patronymic, or the assumed name of the subscriber - a citizen, the name (official designation) of the subscriber - a legal entity, the surname, name and patronymic of the head and of the workers of this legal entity, as well as the address of the subscriber or the address of the installation of the end equipment, the subscription numbers and the other data, making it possible to identify the subscriber or his end equipment, and information of the data bases of the systems for settlements for the rendered communications services, including on the subscriber's connections, traffic and payments.

2. Communication operators have the right to make use of the data bases on the subscribers they have set up for the informational-reference servicing, including for preparing and disseminating information in various ways, in particular on magnetic carriers and with the use of telecommunications facilities.

When preparing the data for the informational-reference servicing may be used the surname, name and patronymic of the subscriber - a citizen and his subscriber's number, the name (official designation) of the subscriber - a legal entity, and the numbers and the addresses of the installation of the end equipment he has pointed out.

Information on individual subscribers without their consent in written form cannot be included in the data for the informational-reference servicing and cannot be used for rendering reference and other informational services by a communications operator or by a third person.

Supply to third persons of information on individual subscribers may be effected only with the written consent of the subscribers, with the exception of the cases stipulated in the federal laws.

#### **Article 54. Remuneration of Communications Services**

1. The payment for the communications services shall be carried out by cash or cashless settlements - either directly after the rendering of such services, or by way of paying an advance, or with a deferment of payment.

The procedure and form for the payment for communications services shall be determined by an agreement on the rendering of communications services, unless established otherwise by legislation of the Russian Federation. If the tariffs for the services of a telecom provider are subject to state regulation, then, at the demand of a subscriber-citizen, the telecom provider must give that subscriber-citizen the possibility of paying for the furnishing of access to the communications network with a deferment of payment of not less than for six months with the initial instalment of not more than thirty per cent of the established fee.

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

with the help of a telephone operator with payment at the expense of the communications services user being called up;

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

with a subscriber who is beyond the borders of the territory of an entity of the Russian Federation indicated in a decision on the assignment to the telecom provider of a numeration resource including the subscriber number assigned to the subscriber, unless the agreement on the rendering of communications services establishes otherwise.

The payment for local telephone communications shall be carried out at the option of a subscriber-citizen with application of the subscriber or the time system of payment.

2. Seen as a ground for making settlements for communications services are the readings of the communications equipment recording the volume of communications services rendered by the communications operators, as well as the terms of the contract for rendering communication services signed with the user of communications services.

3. Abolished from January 1, 2005.

#### **Article 55. Filing Appeals and Presenting Claims, and Their Consideration**

1. The user of communications services has the right to file appeals in the administrative order or in court against the decisions and the actions (inaction) of the body or of the official person, or of the communications operator involved in rendering communications services, as well as in providing for the operational fitness of the radio frequency spectrum.

2. The communications operator is obliged to keep a complaints and proposals book, and to present it at the first demand of the user of communications services.

3. Complaints of the users of communications services are considered in accordance with the procedure established in the legislation of the Russian Federation.

4. If the communications operator has failed to execute the obligations stemming from the contract on rendering communication services, or has executed them improperly, before turning to the court the user of communications services shall present a claim to the operator.

5. Claims shall be presented within the following terms:

1) within six months as from the day of rendering the communication service or of the refusal to render such, or as from the day of presenting a bill for the rendered communications service - on the issues involved in the refusal to render the communications service, in an untimely or an improper execution of obligations stemming from the contract for rendering communications services, or in the failure to fulfil or in an improper fulfilment of work in the sphere of telecommunications (with the exception of complaints connected with telegraph communications);

2) within six months as from the day of sending over a postal dispatch, of making a postal money transfer - on the issues involved in the non-delivery, untimely delivery, damage or loss of a postal dispatch, or in the non-payment out or an untimely payment out of the transferred monetary funds;

3) within a month as from the day of sending a telegram - on the issues involved in the non-delivery or untimely delivery of the telegram, or in the distortion of the text of the telegram, changing its meaning.

6. To the claim shall be enclosed a copy of the contract for rendering communication services or of another document certifying the fact of the conclusion of such contract (a receipt slip, an inventory of the enclosure, etc.), and other documents necessary for the consideration of the claim on merit, in which shall be supplied information on the non-execution or improper execution of obligations under the contract on rendering communications services, and if a claim for the recompense of a loss is presented - on the fact and on the size of the inflicted loss.

7. The claim shall be considered not later than sixty days from the day of its registration. The person who has filed a claim shall be informed about the results of the consideration of his claim in writing.

8. Special terms shall be fixed for the consideration of the individual kinds of claims:

1) the claims involved in postal dispatches and in postal money transfers sent over (transferred) within the boundaries of a single populated centre shall be considered within five days as from the day of the registration of the claims;

2) the claims connected with all the other postal dispatches, as well as with postal money transfers, shall be considered within a time term fixed in Item 7 of the present Article.

9. If a claim is rejected, fully or in part, or if no answer is received within the time term fixed for its consideration, the user of communications services has the right to lodge a claim in court.

#### **Article 56. Persons Having the Right to Present Claims, and the Place for Presenting Claims**

1. The right to present claims is possessed by:

- a subscriber concerning the obligations stemming from a contract for rendering communications services;

- a user of communications services who has refused rendering such services;

- a sender or the receiver of postal dispatches in the cases mentioned in Subitems 2 and 3 of Item 5 of Article 55 of the present Federal Law.

2. Claims shall be presented to a communications operator who has concluded a contract for rendering communications services or who has refused to conclude such contract.

The claims connected with the receipt or with handing in of postal or of telegraph dispatches may be presented both to the communication operator who has accepted the dispatch and to the communications operator at the place of destination of the dispatch.

### **Chapter 8. Universal Communications Services**

#### **Article 57. Universal Communications Services**

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

In conformity with the present Federal Law, to universal communications services are referred:

- those of telephone communications with the use of coin-box telephones;

- those for transmitting data and for giving access to the Internet with making use of the points for collective access.

2. The procedure and terms for the start of rendering universal communications services, as well as the procedure for the regulation of the tariffs on universal communications services are defined by the Government of the Russian Federation at the presentation of the federal executive power body in the sphere of communications, proceeding from the following principles:

- the time in the course of which the user of communications services may reach a coin-box telephone without making use of a transportation facility shall not exceed one hour;

- in every settlement shall be installed at least one coin-box telephone with a free of charge access to emergency operational services;

- in settlements with the population of no less than five hundred people shall be organized at least one point for collective access to the Internet.

#### **Article 58. Operator for Universal Servicing**

1. Universal communications services shall be rendered by operators for universal servicing, who are selected in accordance with the results of a competition or are appointed in conformity with Item 2 of the present Article for every subject of the Russian Federation.

2. The number of operators for universal servicing functioning on the territory of a subject of the Russian Federation taking account of its specifics shall be determined proceeding from the need to supply universal services to all potential users of such services.

The right to render universal communications services is granted to operators of the general-use communications network in accordance with the results of the competition held in the order defined by the Government of the Russian Federation.

If there are no applications for taking part in the competition, or if it is impossible to identify the winner, rendering of universal communications service on a particular territory shall be imposed by the Government of the Russian Federation at the presentation of the federal executive power body in the sphere of communications upon an operator occupying an important position in the general-use communications network.

The operator occupying an important position in the general-use communications network has no right to refuse the duty involved in rendering universal communications services imposed upon him.

#### **Article 59. Reserve of Universal Servicing**

1. For the purposes of ensuring for the operators of universal servicing the recompense of the losses inflicted by rendering universal services, a reserve of universal servicing is formed.

2. The resources of the reserve of the universal service shall be spent exclusively on the purposes provided for by the present Federal Law in the order determined by the Government of the Russian Federation. The correctness and the timeliness of the making by the operators of the network of

communication for general use of obligatory assignments (non-tax payments) to the reserve of the universal service shall be controlled by the federal executive body in the sphere of communication.

3. Abrogated from January 1, 2007.

**Article 60. The Sources of the Formation of the Reserve of the Universal Service**

1. Obligatory assignments (non-tax payments) by the operators of the network of communication for public use and other sources not prohibited by law shall be the sources of the formation of the reserve of the universal service.

2. The incomes received during a quarter from the rendered services of communication to subscribers and other users in the network of communication for public use, except for the sums of the taxes presented by the operator of the network of communication for public use to the subscribers and other users in the network of communication for public use in accordance with the legislation of the Russian Federation on taxation shall be the basis for the calculation of obligatory assignments (non-tax payments). Incomes shall be estimated in the order established in the Russian Federation for the procedure of keeping accountancy.

3. The rate of the compulsory assignment (non-tax payment) by the operator of the network of communication for public use shall be established at the rate of 1.2 per cent.

4. The amount of the obligatory assignment (non-tax payment) by the operator of the network of communication for public use shall be calculated by him independently as the percentage share of incomes estimated in keeping with the present Article as corresponding to the rate indicated in Item 3 of this Article.

5. Within 30 days since the end of the quarter in which incomes are received the operators of the network of communication for public use shall be obliged to make obligatory assignments (non-tax payments) to the reserve of the universal service. The counting out of quarters shall be made since the beginning of a calendar year.

6. If obligatory assignments (non-tax payments) by the operators of the network of communication for public use to the reserve of the universal service are not made in the established times or are made not in a full scope, the federal executive body in the sphere of communication shall have the right to make recourse to a court of law with a suit on the recovery of compulsory assignments (non-tax payments).

**Article 61. Recompense of the Losses Caused by Rendering Universal Communications Services**

1. The losses of the operators for universal servicing caused by rendering universal communications services are subject to compensation in an amount not exceeding the amount for the compensation of losses established in accordance with the results of the competition or, if no competition was held, the maximum amounts of recompense of the losses and within a term not exceeding six months after the end of the financial year, unless otherwise envisaged in the terms of the competition.

The maximum amount of compensation for the losses caused by rendering universal communications services shall be defined as the difference between the incomes and the economically substantiated expenditures of the operator for universal servicing, and the incomes and the expenditures of the communications operator if no obligations for rendering universal services were imposed upon him, unless otherwise established in the present Federal Law.

2. The operator for universal servicing shall keep separate records on the incomes and on the expenditures in accordance with the performed kinds of activity, with the rendered communications services and with the parts of the telecommunications network used for rendering these services.

3. The procedure for the recompense of the losses inflicted by rendering universal communications services shall be defined by the Government of the Russian Federation.

**Chapter 9. Protecting the Rights of the Users of Communications Services**

**Article 62. Rights of the Users of Communications Services**

1. The user of communications services has the right to transmit a communication, to send over a postal dispatch or to make a transfer of the monetary funds, to receive a telecommunication, a postal dispatch or a postal transfer of the monetary funds, or to refuse their receipt, unless otherwise envisaged in federal laws.

2. Protection of the rights of the users of communications services when rendering telecommunications services and postal services, guarantees for the receipt of these communications services of the proper standard, the right to receive the necessary and authentic information on communications services and on communications operators, the grounds, size and procedure for the recompense of the losses inflicted as a result of the non-execution or of an improper execution of the obligations arising from a contract for rendering communication services as well as the mechanism for the exercise of the rights of the users of communications services, are defined in the present Federal Law, in civil legislation, in the legislation of the Russian Federation on the protection of consumers' rights and in other legal normative acts of the Russian Federation issued in conformity with them.

**Article 63. Confidentiality of Communications**

1. On the territory of the Russian Federation the confidentiality of correspondence, telephone conversations, postal dispatches, telegraph and other communications transmitted along telecommunications networks and along postal communications networks is guaranteed.

Restriction of the right to the confidentiality of correspondence, telephone conversations, postal dispatches, telegraph and other communications transmitted along telecommunications networks and along postal communications networks is admissible only in the cases stipulated in the federal laws.

2. Communications operators are obliged to provide for the observation of the confidentiality of communications.

3. Examination of postal dispatches by persons who are not the authorized workers of the communications operator, the opening of postal dispatches, the examination of the enclosures and getting acquainted with information and with the documental correspondence transmitted along the telecommunications networks and along the postal communications networks shall be made only on the grounds of a court decision, with the exception of the cases established in the federal laws.

4. Information on communications transmitted along telecommunications networks and postal communications networks, on the postal dispatches and postal transfers of monetary funds, as well as these communications, postal dispatches and transferred monetary funds themselves may be issued only to the senders and to the receivers, or to their authorized representatives, unless otherwise stipulated in federal laws.

**Article 64. Duties of Communications Operators and Restriction of the Rights of the Users of Communications Services in Carrying Out Operational-Search Measures, Measures for Ensuring the Security of the Russian Federation and in Performing Investigatory Actions**

1. Communications operators are obliged to supply to the authorized state bodies performing operational-search activity or ensuring the security of the Russian Federation, information on the users of communications services and the communications services rendered to them, as well as other information necessary for carrying out the tasks imposed upon these bodies, in the cases established in federal laws.

2. Communications operators are obliged to provide for the satisfaction of the requirements applicable to communication networks and facilities established by the federal executive power body in the sphere of communications in agreement with the authorized state bodies engaged in operational-search activity or ensuring the security of the Russian Federation, for the purpose of these bodies' implementing in the cases established by federal laws measures in order to fulfil the tasks vested therein, and to take measures aimed at precluding the revelation of the organizational and tactical methods applied in carrying out these measures.

3. Rendering communications services to legal and natural persons is suspended by communications operators on the grounds of a motivated written decision of one of the managers of the body performing operative investigation activity or ensuring the security of the Russian Federation in the cases established by federal laws.

Communications operators are obliged to resume rendering communications services on the grounds of a court decision or of the motivated written decision of one of the managers of the body engaged in operational-search activity or ensuring the security of the Russian Federation who has adopted the decision on the suspension of rendering communications services.

4. The procedure for the communications operators' interaction with the authorized state bodies carrying out operational-search activity or ensuring the security of the Russian Federation shall be established by the Government of the Russian Federation.

5. When the authorized state bodies are carrying out investigatory actions, communications operators are obliged to render assistance to these bodies in conformity with the demands of the criminal-procedural legislation.

**Chapter 10. Management of Communications Networks in Emergency Situations and under the Conditions of a State of Emergency****Article 65. Management of the General-Use Communications Network**

1. In emergency situations, the management of the general-use communications network shall be carried out by the federal executive power body in the sphere of communications in interaction with the centres for controlling the special -purpose communications networks, which have connections to the general-use communications network through the technical communications networks.

2. To coordinate the work aimed at the elimination of the circumstances which have served as a basis for the introduction of a state of emergency, and the consequences of their introduction, in

conformity with the legal normative acts of the Russian Federation on the introduction of a state of emergency may be formed provisional special management bodies, to which shall be handed over the corresponding authority of the federal executive power body in the sphere of communications.

**Article 66. Priority Use of Communications Networks and of Communications Facilities**

1. During the states of emergency of natural and the technogenic character defined in the legislation of the Russian Federation, the state bodies authorized in accordance with the procedure laid down by the Government of the Russian Federation shall have the right to priority use of any communications networks and communications facilities, as well as suspension or to the restriction of the use of these communications networks and communications facilities.

2. Communications operators are obliged to provide for an absolute priority to all communications concerning man's safety on water, on land, in the air and in the cosmic space, as well as to the communications about serious accidents and catastrophes, about epidemics and epizootics, as well as about natural calamities connected with carrying out urgent measures in the sphere of the state administration, of the country's defence and of state security, and of ensuring law and order.

**Article 67.** Abolished from January 1, 2005.

**Chapter 11. Responsibility for Violating the Legislation of the Russian Federation in the Sphere of Communications**

**Article 68. Responsibility for Violating the Legislation of the Russian Federation in the Sphere of Communications**

1. In the cases and in accordance with the procedure established in the legislation of the Russian Federation, the persons who have violated the legislation of the Russian Federation in the sphere of communications shall bear administrative and civil-law responsibility.

2. The losses inflicted as a result of illegal actions (inaction) of the state bodies, of local self-government bodies or official persons of these bodies are subject to the compensation to communications operators and to the users of communications services in conformity with the civil legislation.

3. Communications operators shall bear property responsibility for the loss or damage of a declared-value postal dispatch and for a shortage of the enclosures into postal dispatches in the amount of the declared value, and for the distortion of the text in a telegram which has changed its meaning, for failure to deliver a telegram or for handing over a telegram to the addressee after the expiry of twenty-four hours as from the moment of its submitting - in the amount of the made payment for the telegram except for telegrams, addressed to the populated centres where there is no telecommunications network.

4. The amount of responsibility for the non-execution or for an improper execution by communications operators of their duties involved in sending over or in the delivery of the other registered postal dispatches shall be determined in the federal laws.

5. The workers of communications operators shall be held materially responsible to their employers for the loss or for a delay in the delivery of all kinds of postal and telegraph dispatches and for the damage of the enclosures into the postal dispatches, which have taken place through their guilt as they performed their official duties, in the amount of the communications operator's responsibility to the user of communications services, unless a different measure of responsibility is envisaged in the corresponding federal laws.

6. A communication operator shall not be held responsible for the failure to fulfil or for an improper fulfilment of the duties involved in the transmission or reception of communications or in sending over or delivery of postal dispatches, if it is proved that such failure to fulfil or improper fulfilment of the duty has occurred through the guilt of the user of communications services or as a result of the action of a force-majeure.

7. In the cases envisaged in Item 3 of Article 44 of the present Federal Law, the user of communications services is obliged to compensate the communications operator for the losses he has inflicted upon him.

**Chapter 12. International Cooperation of the Russian Federation in the Sphere of Communications**

**Article 69. International Cooperation of the Russian Federation in the Sphere of Communications**

1. The Russian Federation carries out international cooperation in the sphere of communications on the basis of the observation of the generally accepted principles and norms of international law, as well as of the international treaties of the Russian Federation.

In the international activity in the sphere of telecommunications and postal communications, the federal executive power body in the sphere of communications shall be the communications administration of the Russian Federation.

The communications administration of the Russian Federation represents and protects within the scope of its powers the interests of the Russian Federation in the sphere of telecommunications and of postal communications, interacts with the communications administrations of foreign states, with the inter-governmental and international non-governmental communications organizations, coordinates the questions of international cooperation in the sphere of communications carried out by the Russian Federation, and provides for the discharge of the obligations of the Russian Federation stemming from the international treaties of the Russian Federation in the sphere of communications.

2. Foreign organizations or foreign citizens performing an activity in the sphere of communications on the territory of the Russian Federation are entitled to the use of the legal regime established for the citizens of the Russian Federation and for Russian organizations in the same measure in which the said regime is granted in the corresponding state to the citizens of the Russian Federation and to Russian organizations, unless otherwise established in the international treaties of the Russian Federation or in the federal laws.

#### **Article 70. Regulation of the Activity in the Sphere of International Communications**

1. Relations involved in the activity in the sphere of international communications on the territory of the Russian Federation are regulated by the international treaties of the Russian Federation; by the present Federal Law; by the other federal laws and by the other legal normative acts of the Russian Federation.

2. The procedure for making settlements between the operators of the international telecommunications is laid down on the basis of international operational agreements and taking account of the recommendations of the international telecommunications organizations of which the Russian Federation is a member.

3. For rendering communications services within the scope of the informational-telecommunications networks on the territory of the Russian Federation, it is obligatory:

- to create Russian segments of the world communications networks, to provide for interaction with the uniform communication network of the Russian Federation;
- to create Russian communications operators satisfying the demands made on them in the present Federal Law;
- to ensure the economic, public, defence, ecological, informational and other kinds of security.

#### **Article 71. Taking the End Equipment Across the Customs Border of the Russian Federation**

1. Taking the end equipment across the customs border of the Russian Federation, including the import of the end equipment to the customs territory of the Russian Federation by natural persons for the purposes of its operation in the communications networks for the personal, family, domestic and other needs not connected with the performance of business activity shall be effected in accordance with the customs legislation of the Russian Federation without obtaining a special permit for the import of the said equipment.

2. The list of the end equipment and the procedure for its use on the territory of the Russian Federation are defined by the Government of the Russian Federation.

#### **Article 72. International Postal Communications**

The communications administration of the Russian Federation shall organize the international postal communications and shall establish, among other things, the places for an international postal exchange on the territory of the Russian Federation.

### **Chapter 13. Final and Transitional Provisions**

#### **Article 73. Adjustment of Legislative Acts to the Present Federal Law**

To recognize as invalidated as from January 1, 2004:

- Federal Law on Communications, No. 15-FZ of February 16, 1995 (Sobraniye Zakonodatelstva Rossiiskoi Federatsii, No. 8, 1995, Item 600);
- Federal Law on the Introduction of Amendments and Addenda into the Federal Law on Communications (Sobraniye Zakonodatelstva Rossiiskoi Federatsii, No. 2, 1999, Item 235);
- Item 2 of Article 42 of Federal Law on Postal Communications, No. 176-FZ of July 17, 1999 (Sobraniye Zakonodatelstva Rossiiskoi Federatsii, No. 29, 1999, Item 3697).

#### **Article 74. Entry of the Present Federal Law into Force**

1. The present Federal Law shall enter into force as from January 1, 2004, with the exception of Item 2 of Article 47 of the present Federal Law.

2. Item 2 of Article 47 of the present Federal Law shall enter into force as from January 1, 2005.

President of the Russian Federation



Moscow, the Kremlin  
July 7, 2003  
No. 126-FZ