

## **NEW ELECTRONIC COMMUNICATIONS POLICY OF THE REPUBLIC OF BULGARIA**

### **NEW POLICY IN THE FIELD OF ELECTRONIC COMMUNICATIONS**

On December 29, 2010 the Council of Ministers adopted new Policy in the Field of Electronic Communications of the Republic of Bulgaria.

The Policy envisages a number of short term, mid-term and long-term measures in the sector, which will affect the activity of electronic communications operators and electronic media.

### **SHORT TERM MEASURES (TO BE IMPLEMENTED TILL 2012)**

- harmonization of the legal regime with the 2009 EU Regulatory Framework providing for more relaxed notification/authorisation regime (the existing framework in Bulgaria is harmonised with the 2002 EU Regulatory Framework);
- update of the general terms and conditions and of issued permits for use of scarce resource in accordance with the amended legal framework, not later than December 19, 2011;
- finalisation of the process of establishing harmonised use by the EU member states of the radio frequency ranges 900 MHz and 1800 MHz;
- freeing radio frequency bands in the range 2,5 GHz and 3,5 GHz, designated for harmonised use within the Community;
- analysis of the necessity of structural changes of the National Numbering Plan and determining of particular approach, if necessary;
- finalization of the switch from analogue to digital TV broadcasting by the end of 2012 and creation of a single national network designated for distribution of programs of public operators (such as the Bulgarian National TV), five national and a number of regional networks for terrestrial digital TV broadcasting designated for distribution of programs of commercial operators;
- facilitating the administrative regime concerning building and repairing of electronic communications infrastructure;
- safekeeping by a competent national institution of specialised maps and registers for underground or terrestrial electronic communications infrastructure (as created by the electronic communications operators);
- creation and maintenance of unified information system about the electronic communications infrastructure;
- preparing annually lists of priority

- standards and standardisation documents for translation in Bulgarian, which to be provided for public discussions and joint financing of the translation by state institutions and the participants on the market of electronic communications services;
- legal mechanism ensuring reference to standards or standardisation documents adopted by European or international standardisation agencies to have the same effect as if to Bulgarian standards or standardisation documents;
  - popularisation and providing services through the „116XYZ“ number;
  - control over the projected additional reduction of the price of outgoing calls in roaming, reduction of fees for data transfer to EUR 1 per MB, as the maximum wholesale price for data transfer must be reduced to EUR 0.50 in 2011, control over the compliance with the reduction of the price per text message sent from abroad to EUR 0.11;
  - possibility for companies to assign their rights to use part of the radio-frequency spectrum, which is not used or not effectively used by them, and for ensuring quick access to such parts of RFS by new enterprises for the offering of innovative services;
  - allowing the use of RFS for devices using UWB technology in a harmonised manner within EU;
  - determining numbering ranges for new networks and services (VoIP, nomad services, GSM-R, etc.);
  - applying tariff principles and maximum prices to specific numbering ranges for the purpose of guaranteeing consumers protection;
- introducing “functional split” as a new instrument for ex-ante regulation of the access of vertically integrated enterprises; introducing possibilities for ensuring access to already built-up infrastructure, such as: (i) voluntary split from vertically integrated enterprise and (ii) imposition of specific obligation for a functional split from vertically integrated enterprise with SMP as an extraordinary measure;
  - interconnection - using Bottom-Up Long Run Incremental Cost (LRIC) as a cost accounting method. In this regard the CRC is about to develop a new model corresponding to the EC requirements;
  - number portability - right of clients to transfer fixed-line and mobile numbers to another carrier in one business day. Introducing new rules according to which the maximum duration of agreements between the client and the respective carrier cannot be longer than 24 months. Operators are obliged to offer agreements with maximum duration of 12 months.

#### MID TERM MEASURES (TO BE IMPLEMENTED TILL 2015)

Mid term measures include:

- freeing radio frequency bands 790 and 862 MHz for digital dividend spectrum;
- freeing radio frequency band 169,4 – 169,8125 MHz;

- ensuring broadband access in the scope of universal service and remote locations;
- ensuring special technical means to disabled users;
- stimulating the development of NGN networks and, if necessary, financing the development via public funds;
- simplification and better regulation of the procedures concerning the construction of new electronic communications networks or network facilities through amendments to the legislation and improving the coordination between the competent state bodies;
- improving the conditions for access and interconnection not only to the fixed network of the historic operator, but also to the networks of all other operators through creation of competitive conditions for joint use of the channel network and mutual placement of facilities and towers;

#### LONG TERM MEASURES (TO BE IMPLEMENTED AFTER 2015)

These include:

- building of national network for digital mobile TV and radio broadcasting;
- building of national public network for terrestrial digital audio broadcasting at the T-DAB standard;
- use of radio frequency range 87,5 – 108 MHz under the standard DRM+;
- developing (in the radio frequency ranges 150 – 253 kHz, 500 – 1620 kHz and 1620 – 30 000 kHz) national terrestrial digital networks for radio broadcasting through building of low power synchronized sub-networks for the middle wave range, as well as local and regional networks for the middle wave and short wave range.

*We do not intend to give any legal advice with the present Newsletter. It provides a general insight to the subject matter and should not be treated or relied on as a substitute for specific formal legal advice concerning individual circumstances.  
Borislav Boyanov & Co., 2011*

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