

Law of Ukraine

On Telecommunications

No.1280-IV

18 November 2003

This Law establishes the legal framework of operation in the telecommunications field.

The Law identifies the authority of the state in regulating said activities, as well as the rights and responsibilities of natural persons and legal entities involved in this sector or consuming telecommunication services.

Chapter 1. General

Article 1. Terms and Definitions

of artificial conducting environment and capable of integrating in universal use telecommunication networks of the national level;

Totality of technical means designed for transmission of electric signals between two points of a telecommunication network and characterized by frequency band and transmission rate;

buildings, towers, antennae, air and cable lines, intermediate and terminal devices of communication lines and other devices used in communication lines for electric communication organization;

information expressed in a format suitable for its automated processing by computation means;

transmission of information in the data format using telecommunication networks;

Part of the Internet hierarchal address space having a unique identifying name and served by a group of domain names servers and administered in a centralized manner

see "telecommunications"

Telecommunications performed with use of stationary (immovable) terminal equipment

Data expressed in the form of signals, characters, sounds moving or still images or otherwise;

ability of telecommunication networks to ensure protection against information destruction, distortion, blocking and its unauthorized leakage or protection against violations of the set routing procedure;

the global information system logically connected with the global address space and based on the Internet protocol determined by international standards;

an identifier determined subject to international standards governing the Internet and/or symbol-based identifier of domain names in the hierarchal system of domain names;

the totality of sets of the Internet addresses;

a state form document granting rights to and imposing responsibilities on operators with respect to their use of limited resources (radio frequencies, numbering resource, etc.) and authorizing the provision of telecommunication services specified herein;

Issue, reissue, extension of effect, invalidation, annulment of licenses, issue of license copies and duplicates, keeping of license files and license registries, oversight of license conditions observance, issue of instructions to the effect of remedying license conditions violations;

Electric communication making use of radio technologies during which terminal equipment of at least one consumer may freely migrate within the limits of all

	end points of a telecommunication network preserving therewith a unique identifier of mobile station;
monopoly (dominating) telecommunications operator	Operator qualified under laws of Ukraine as occupying monopoly (dominating) position on markets of certain telecommunication services in the country or within a certain region
National Numbering Plan	a legal regulatory act determining the structure and regulating the allocation and use of numbers resource in telecommunication networks of Ukraine
numbers resource	Entirety of digital characters used for identification of networks, services, end points of networks in universal access telecommunication networks;
numbers resource allocation	separation of a numbers resource from a designated numbers range for the purposes of telecommunications services provision
payments scale	the amount determining the level of payment for the use of networks technical and technological resources by telecommunication operators (exercise of access) for the throughput of a traffic unit applied to operators being business entities in Ukraine;
second level domain	part of the Internet address space identified located at the second level of the names hierarchy in this network;
subscriber	telecommunication services consumer receiving telecommunication services subject to contractual terms conditional on their terminal equipment connection to telecommunication networks;
subscription fee	a fixed payment that a telecommunication network operator may set as payable by subscribers for the continuous access to such operator's network irrespective of the volume of services provided to a consumer;
technical means of telecommunications telecommunication market participants telecommunication network	Equipment, stationary and line structures designed for telecommunication networks formation; telecommunication operators, providers, telecommunication services consumers and/or producers of telecommunication technical means; combination of telecommunication technical means and structures designed for routing, switching, transmission and/or reception of characters, signals, written text, images, sounds or messages of any type through radio, wire, optical or other electromagnetic systems between terminals;
telecommunication network end point	a point of connection of telecommunication network and terminal equipment;
telecommunication network resources	A set of numbers (numbers resource) available in telecommunication networks, number and throughput capacity of wire lines with metal threads, optical fibers, radio lines, channels, tracts for information transmission, switching stations and nodes, radio frequencies resource;
telecommunication network's sustainability	Ability of a telecommunication network to retain, in full or in part, its functions under the impact of destabilizing factors;
telecommunication networks interconnection	establishment of physical and/or logical connection between telecommunication networks and enabling consumers connected to different telecommunication networks to exchange data, whether directly or indirectly;
telecommunication operator	a business entity entitled to operate in the telecommunication sector and having the right to telecommunication networks maintenance and operation;
telecommunication provider	a business entity entitled to operate in the telecommunication sector and having the right to telecommunication networks maintenance and operation and to electric communication channels transfer into use;
telecommunication service (service)	product of telecommunication operator/provider's activity aimed at meeting needs of telecommunication operation consumers;
telecommunication services consumer	A legal entity or natural person requiring, ordering and/or receiving telecommunication services for own needs;
telecommunications (electric	

universal access information system	Entirety of telecommunication networks and means of data accumulation, processing, storage and transmission
universal telecommunication services (universal access)	A minimum set of standard quality services as defined herein and accessible to all consumers across the whole of Ukraine;
universal use telecommunication network	a telecommunication network accessible to all consumers
voice telephony	Voice data exchange in real time making use of telecommunication networks;
wireless access to telecommunication networks (wireless access)	Electric communication making use of radio technologies during which terminal equipment of at least one consumer may freely migrate within the limits of all end points of a telecommunication network preserving a unique identification number within the limits of end points of telecommunication networks connected to the same switching center;
wire electric communications	transmission and reception of information based on wire lines with metal or fiber-optical threads.

Article 2. Purpose of the Law

1. The purpose of this Law is ensure universal coverage by telecommunication services of sufficient range, amount and quality through limited regulation of market relations to promote effective operation of the open and fair competitive market. The Law determines legal grounds for consumers rights protection and the state regulation of the telecommunications market.

Article 3. Purpose of Telecommunications

1. Telecommunications constitute a component of Ukraine's communication industry.
 2. Telecommunications constitute an inseverable component of production and social infrastructure of Ukraine designed for meeting requirements of natural persons and legal entities, state administration (governance) authorities in telecommunication services.

Article 4. Laws Governing Telecommunications

1. The legislation of Ukraine governing telecommunications consists of the Constitution of Ukraine, this Law and other laws and regulations governing relations in this sphere.

Article 5. Scope of Applicability of the Law

1. The effect hereof shall apply to relations between subjects of the telecommunications market with respect to provision and consumption of telecommunication services and exploitation of the general use telecommunication services.

2. The telecommunication services provision in Ukraine shall be an exclusive right of legal entities based in Ukraine and duly registered in accordance with the law of Ukraine, and/or of natural persons being business entities permanently based in Ukraine.

amount of payment (tariffs) for establishing the land servitude for the purposes of laying underground telecommunication networks and/or removal of damages in such networks for land owners and/or users shall be established by the Cabinet of Ministers of Ukraine.

Article 11. Interaction of Telecommunications Operators with State Power Authorities, Local Self-governments and Other Persons

1. Telecommunications operators shall build and maintain their interaction with state power authorities and local self-governments in connection with their obtaining of telecommunication services subject to contractual relations governed by applicable laws of Ukraine.
2. Owners of railroad terminals, airports, river and sea ports, piers and motor vehicle terminals (stations), as well as of checkpoints at the state border of Ukraine, technical maintenance stations, hotels, motels shall be responsible for ensuring the provision of telecommunication services in adequate amounts.

3. CEPAT shall make a decision with respect to a list of technical means that may be applied in general use telecommunication networks and shall publish same, at least twice a year, in NCCR's official newsletter.
4. The use of technical means of telecommunications not entered on said list shall be coordinated by telecommunications operators/providers with CEPAT according to the procedure required under the law.
5. A decision on approval of technical means of telecommunications to be used in telecommunication networks shall proceed from the following criteria:
 - 1) unification and integrity of general use telecommunication networks;
 - 2) securing telecommunication networks reliability and safety;
 - 3) potential for telecommunication networks operational and technical control automation;
 - 4) ensuring conformance with applicable rules in telecommunications and technical regulations confirming compliance;
 - 5) harmonization of national legal and regulatory acts concerning compliance confirmation in the field of telecommunications with international and European acts;
 - 6) other technical and economic parameters as determined by the Law of Ukraine.
6. Within 60 calendar days following the date of receipt of a telecommunications operator/provider's application, CEPAT shall make a decision with respect to approval of a technical means of telecommunications that may be used in telecommunication networks. In case the approval decision is made, the means of telecommunications in question must be entered on the list referred to in Para. 3 of this Article.
7. The oversight of observance of conditions of technical means use in general use telecommunication networks shall be made a responsibility of NCCR.
8. The procedure of use of telecommunication services duration meters installed at terminal equipment shall be established by NCCR. NCCR shall be also responsible for settling disputes arising between telecommunications operators/providers and their subscribers in regard to differences in meters readings of service duration.

Article 25. Standardization in Telecommunications

1. Standardization in telecommunications shall pursue the objective of putting in place a unified system of state and sectoral standards and other regulatory documents setting forth requirements posed to telecommunication networks, technical means and telecommunication services quality, as well as harmonization of these requirements with international regulations.
2. Requirements of state and sectoral standards and other regulations applied to technical means of telecommunications shall be binding on all producers and suppliers of technical means, research and development, designing and construction organizations, as well as on telecommunications operators. Requirements applying to services quality shall be binding on telecommunications operators providing telecommunication services in Ukraine.
3. Sectoral standards and other regulatory documents shall be approved in compliance with relevant provisions of Ukraine's legislation governing standardization with account for recommendations issued by international organizations.

Article 26. Metrological Support in Telecommunications

1. The metrological support in telecommunications shall be provided by CEPAT with the view of ensuring the uniformity and the necessary accuracy of measurements based on the Law of Ukraine On Metrology and Metrological Activities.
2. State standards and other regulatory documents of the state measurement uniformity system, as well as a package of sector-specific regulations shall serve as a regulatory basis for metrological support in telecommunication networks and radio frequencies resource use.
3. Requirements of the metrological support in telecommunications and radio frequencies resource use shall be binding on all telecommunications operators/providers, producers of technical means of telecommunications, other organizations and institutions engaged in the testing of technical means of telecommunications.

Chapter V. Telecommunication Networks

Article 27. Telecommunication Network of Ukraine

1. The development and improvement of the general use telecommunication networks shall be pursued in accordance with provisions of the Concept of Ukraine's Telecommunications Development with reliance on advanced technologies in telecommunications sector meeting international standards with account for technological integrity of

all networks and means of telecommunications, efficiency and operational sustainability improvement. The Concept of Ukraine's Telecommunications Development pursues a key objective of harmonious and dynamic advancement of the telecommunication networks across the whole of Ukraine's territory and primarily in regions featuring inadequate degree of coverage by universal access local telecommunication networks.

2. The ownership right and right to technical maintenance and operation of telecommunication networks may be possessed by any natural person being a business entity, or by a Ukrainian resident legal entity, irrespective of the ownership form.
3. General use telecommunication networks shall be controlled by telecommunications operators operating such networks subject to unified standards, rules and norms.
4. The responsibility for securing general use telecommunication networks operation sustainability shall be vested in telecommunications operators operating such networks.
5. At building and furnishing general use telecommunication networks, sustainability criteria must be taken into account.
6. State power authorities and local self-governments must, within their respective competences, create favorable conditions for the general use telecommunication networks operation and development and adequate provision of telecommunication services.
7. Irrespective of their ownership form, telecommunications operators shall provide their network resources, on a contractual basis, into use by the state system of governmental communication, national confidential communication system, emergency response, security, defense and law enforcement agencies following the procedure established by CEPAT.
8. Restricted access regime shall be imposed at telecommunications facilities and structural units of telecommunications operators/providers where restricted access information owned by the state is transmitted, processed or stored.

6. Seeking to provide for an ability to perform functions vested in the National Center for Operational and

Article 34. Protection of Information On Consumers

1. Telecommunications operators/providers must ensure and shall be responsible for protecting the inaccessibility of information concerning subscribers which information was made available to them at the time of entering into an agreement, concerning the provided telecommunication services, including receiving of telecommunication services, their duration, content, transmission routing, etc.
2. Telephone directories including their electronic versions, as well as information and directory services data bases, may contain information concerning a subscriber's full personal or corporate name, address and a telephone number only as long as an agreement on telecommunication services provision expressly states the subscriber's agreement to posting such information. During the subscriber's data automated processing, a telecommunications operator shall ensure its protection under the law. Consumers shall have the right to removal of their data in full or in part from electronic information directory services on a free of charge basis.
3. Information concerning the consumer and concerning the services they have received may be provided subject to written requests in cases and in observance of the procedure defined by the law. In all other cases the above described information may only be disclosed subject to the consumer's written consent thereto.

Article 35. Protection of Consumers Interests in Case of Telecommunications Operators/Providers Termination

1. Telecommunications operators/providers terminating their activity with respect to telecommunication services provision shall be obliged to serve an at least three-month's prior notice to consumers.
2. In case of a license withdrawal or invalidation, the removal of the numbering/radio frequency resource as a result of telecommunications operators/providers' violation of law, the provider in default shall be obliged to compensate to the subscribers all losses associated with the telecommunication services provision termination following the procedure set by the law.

Article 36. Liability of Telecommunication Services Consumers

1. Telecommunication services consumers shall be held liable for violations hereof and of the Rules of Telecommunication Services Provision and Reception to the extent as defined by applicable laws of Ukraine.
2. In the event of a delayed payment for the telecommunication services having been provided by an operator/provider, consumers shall pay fine calculated on the basis of unpaid services in the amount of the discount rate set by the National Bank of Ukraine effective as at the period for which the fine is calculated.
3. The payment by a consumer of the fine, legal termination or reduction by the provider of their lists of telecommunication services shall not relieve the consumer of an obligation to pay for telecommunication services consumed by them.
4. In the event that damages to telecommunication networks through the consumer's default have been detected, all costs borne by the operator in connection with such damage rectification, as well as compensation of other damages and losses (including the lost profit) shall be paid by the consumer in default.

Chapter VII. Telecommunication Operators**Article 37. Legal Grounds for Telecommunication Operators Activities**

1. Telecommunication operators shall perform their activities in compliance with laws governing the telecommunications sector.
2. The following shall constitute legal grounds for telecommunication operators activities:
 - 1) equal right to all telecommunication operators in Ukraine irrespective of their type and volume of services provided;
 - 2) priority of telecommunication services consumers' interests;
 - 3) development of competition on the basis of operation of telecommunications operators/providers of different forms of ownership;
 - 4) prevention from discrimination actions and attempts from the side of operators holding monopoly (dominating)

3) fixed communication operators using wireless access to telecommunication networks entitled to provide telephony services including international, long-distance, local communication subject to the availability of a license to respective types of activities and a license authorizing the use of radio frequencies resource.

4. The qualification of telecommunication operators as operators holding monopoly (dominating) position in the telecommunications market and their operation regulation shall be a responsibility of the Antimonopoly Committee of subject to laws on economic competition protection.

Article 38. Rights of Telecommunication Operators

Telecommunication operators shall enjoy the following rights:

- 1) to perform their activities in the telecommunication sector in compliance with applicable laws;
- 2) to obtain licenses;
- 3) to obtain the numbers resource;
- 4) to plan and develop own networks;
- 5) to set tariffs to telecommunication services provided by them save for services tariffs to which are regulated by the state hereunder;
- 6) to allocate telephone numbers to consumers within the limits of the numbers resource as allotted to the operator;
- 7) to connect telecommunication networks owned or used by such operators with telecommunication networks owned or operated by other operators in observance of requirements hereof;
- 8) to reduce a list of or completely terminate telecommunication services provided to consumers being in breach of an

Article 41. Personnel of Telecommunication Operators

1. The personnel of telecommunication operators shall include all employees having labor relations with them.
2. Telecommunication operators' personnel shall be held liable for any violations of the law of Ukraine applying to the protection of secrecy of telephone communications, cable or other types of correspondence transmitted by means of communication or through computer systems, as well as of restricted access information with respect to organization and operation of telecommunication networks in the interests of national security, defense and law enforcement.
3. The telecommunications operators/providers personnel shall be prohibited from participating in strikes to the extent that such participation ensues telecommunication networks operation termination or telecommunication services disruption obstructing the protection of national safety, public health and human rights and freedoms.
4. Telecommunication operators/providers shall create jobs for disabled persons accounting for four percent of the total of such operator's staff number less the staff members employed in capacities with hard, life hazardous or life threatening conditions.
5. Managers of electric communication enterprises and their branches may be employed on a contract basis.

Chapter VIII. Regulation of Access to Telecommunications Market**Article 42. General Licenses and Permits**

Article 45. Documents Filed for Obtaining Licenses

1. A business entity intending to engage in a licensed activity in telecommunications shall personally or through

5. In case of the license re-issue, NCCR shall decide upon the invalidation of the original license with entering respective changes in the license registry not later than during the following business day.
6. The validity period of the re-issued license may not exceed the validity period of the original license.
7. A business entity filing an application complete with respective documents requesting the license re-issue may pursue its business subject to a certificate issued by NCCR to the effect of acceptance of the respective application until the time of obtaining a re-issued license until the time of issue of the re-issued on a new letterhead license of acceptance of a decision to the effect of the license refusal.
8. The license not filed for re-issue within deadlines as specified herein shall be invalidated.

Article 51. Changes in Data Indicated in Documents Attached to Application for License

1. A business entity must forward to NCCR written notices of all changes in data indicated in documents attached to an application requesting a license issue within the most of 30 business days following the occurrence of such changes, complete with documents or copies of documents attesting to the reported changes.

Article 52. License Duplicate Issuance

1. The following events shall serve grounds for the license duplicate issuance:
 - 1) loss of a license;
 - 2) damage to a license letterhead.
2. In the event of the license lost or damage, a business entity shall apply to NCCR requesting the license duplicate issuance. Should the license letterhead appear to be unfit for use as result of a damage to it, the license holder shall then attach a damaged license when applying to NCCR.
3. The validity period of the license duplicate may not exceed the validity period that was indicated in the lost or damaged license.
4. NCCR must, within 5 business days following the date of receipt of the application, issue a duplicate of the lost or damaged license conditional on availability of documents confirming the completion of necessary payment for the duplicate issuance.
5. In case when NCCR issues a license duplicate in lieu of the lost or damaged license, NCCR shall make a decision on invalidating the lost or damaged license entering therewith respective amendments in the licensing registry not later than on the next business day.
6. A business entity having filed the application complete with documents requesting the issue of the license duplicate in lieu of the lost or damaged license may pursue its business subject to a respective certificate issued by NCCR.

Article 53. Fees Collected for License Issue, Re-issue, Issue of License Duplicates and Copies, License Validity Period Extension

1. A fee shall be collected for licenses issue, re-issue, issue of license duplicates and copies, license validity period extension with the amount and procedure of entering thereof to the National Budget of Ukraine being established by the Cabinet of Ministers of Ukraine.
2. The amount of fees collected for license issue, re-issue, issue of license duplicates and copies, license validity period extension may not exceed the amount of administrative costs associated with the completion of said procedures.
3. Ten percent of receipts to the National Budget of Ukraine as a payment of fees for licenses issue shall be entered to the special fund of the National Budget and used by NCCR for recovering costs associated with maintaining the telecommunications licenses registry and licenses let eiv an Article 52. License D a(s in th.8(ight0958 042 Tw[s737e)6(re-is6(r0 -

- 7) to use measures to ensure sustainable and quality work of interconnected telecommunication networks during a 24-hour cycle, to inform each other of all and any damages to telecommunication networks or emergence of other events leading or capable of leading to deterioration below the admissible values of telecommunication services quality parameters;
- 8) to exchange inventory data on telecommunication services having been provided through their networks interconnection points;
- 9) to adhere to the schedule routing procedure set by applicable legal and regulatory acts.

Article 59. Catalog of Proposals Concerning Telecommunication Networks Interconnection

1. NCCR shall approve and publish, on an at least annual basis, in its official newsletter a catalog of proposals concerning telecommunication networks intercommunication. The published proposals shall include lists of the existing points of networks interconnection, organizational, technical and te95(i-c9cn)4,(d r) ca4.7(p.1(i)6.4(5(f)-4.3(-5(s ierco)-5(nnectio)1e)

4. The procedure of reviewing appeals and materials pertinent thereto, the rendering of a decision on the dispute between the parties shall be approved by NCCR.

5. In case that NCCR makes a decision failing to accommodate interests of both parties, the dissatisfied party shall have the right to bring the dispute for the judicial review.

Chapter X. Telecommunication Services

Article 62. Universal access Telecommunication Services

1. Universal access telecommunication services include fixed telephony (local, long-distance, international) communication except for services provided based on wireless access including emergency calls, directory and information services, communication using payphones and public call-boxes, facsimile and cable communication.

Article 63. Procedure of Telecommunication Services Provision and Consumption

1. Telecommunication services shall be provided in accordance with the law.

2. Telecommunication services shall be provided in observance of the following conditions:

- 1) entering into an agreement between a telecommunication operator/provider and telecommunication services consumer to be concluded in meeting the requirements to an agreement on telecommunication services provision as approved by NCCR;
- 2) payment for services ordered by a customer.

3. Telecommunication services to consumers eligible under the law to benefits in payment for such services shall be provided by telecommunication operators/providers in observance of applicable laws of Ukraine.

Article 64. Development, Provision and Funding of Universal access Telecommunication Services

1. The universal telecommunication services shall pursue an objective of provision to citizens of Ukraine of a possibility to satisfy, subject to regulated tariffs, their needs in telecommunication services as defined herein and to take a full-fledge part in the political, economic and social life of the society.

2. The universal telecommunication services shall be developed in conformity with the Concept of Ukraine's Telecommunications Development. The Concept must envisage, in the first instance, the procedure and timeframes for provision of access to universal telecommunication services for consumers residing in rural and mountainous areas, as well as for vulnerable categories of consumers including low income households, pensioners and disabled persons. The Concept must also envisage deadlines for the attaining the capacity of universal access for the whole of Ukraine's population to universal services, volumes of telecommunication networks construction and amounts of investment required for achieving the set objectives.

3. In areas with inadequate level of technical means availability in universal access telecommunication networks, applications requesting provision of universal access telecommunication services shall be satisfied in the following order of priority:

- 1) state power authorities and local self-governments, Security Service of Ukraine and military institutions of Ukraine;
- 2) medical establishments, firefighting units, organizations notifying of occurrence of emergencies (earthquakes, floods, tornados, etc.), state preschool educational establishments, state science and culture institutions;
- 3) diplomatic missions and consular institutions of foreign states;
- 4) citizens eligible under Ukrainian laws to receiving telecommunication services subject to preferential conditions;
- 5) enterprises, institutions and organizations, citizens.

4. Natural persons and legal entities investing in construction of telecommunication networks to which their terminal equipment is connected shall have the right to extraordinary receipt of services of this network's operation within the amount being not less than the cost of a respective number of subscribers' numbers, without the observance of the above described procedure.

5. In case of an inadequate coverage of consumers' demand for universal telecommunication services in individual regions of Ukraine, NCCR shall have the right to make a decision to the effect of vesting in telecommunication operators occupying monopoly (dominating) position on the telecommunication services market and whose activity covers the whole of the territory of Ukraine, as well fixed wired communication operators performing or intending to perform their activity in these regions of obligations with respect to development and provision of universal access telecommunication services to consumers based on losses compensation mechanism approved by the Cabinet of Ministers of Ukraine.

Article 65. Telecommunication Services Provision in Emergencies, During the Periods of State of Emergency and Martial Law

1. In emergencies, during the periods of state of emergency and martial law, telecommunication operators/providers must ensure quality communication and public notification according to the procedure determined by the Cabinet of Ministers of Ukraine.
2. Telecommunication operators shall be obliged to ensure the preparedness to perform their functions in emergencies. In the emergency period, all communication means and networks irrespective of their ownership shall be used to secure timely and organized mobilization and meeting the needs of national security, defense and law enforcement. In so doing, telecommunication operators shall interact with the National Center for Operational and technical Control of Telecommunication Networks with respect to matters referred to its competence.
3. In emergencies, seeking to notify the public and to provide telecommunication services to participants of emergencies effects mitigation, reconstruction works and with the view of performance of respective measures by the Council of Ministers of the Autonomous Republic of Crimea, oblast, Kyiv and Sevastopol City State Administrations and local self-governments subject to approval of CEPAT, telecommunication operators may set temporary restrictions on provision of telecommunication services to consumers until the time of liquidation of emergencies effects and cancellation of the state of emergency.
4. The Council of Ministers of the Autonomous Republic of Crimea, oblast, Kyiv and Sevastopol City State Administrations and local self-governments acting within their respective jurisdictions shall provide telecommunication operators and their local units with assistance in liquidation of emergencies effects caused by Acts of God, and in acquisition of necessary material resources, as well as assist them in obtaining the necessary labor, transportation and other resources.

Chapter XI. Tariffs and Payments Regulation

Article 66. Tariffs Regulation

1. Tariffs to telecommunication services shall be set by telecommunication operators/providers independently

- 1) openness, non-discrimination and impartiality, equality of rights to access to the numbers resource for all telecommunication operators;
- 2) the numbers resource use on the permits and charge basis;
- 3) creation of redundancy numbers capacity;
- 4) ensuring rational use of the numbers resource;
- 5) ensuring conformity of the National Numbering Plan of Ukraine with international requirements.

5. For the benefit of expansion and securing adequate capacity of the numbers resource and its harmonization with international requirements, CEPAT decides on modifications in the numbers resource and numbering space structure.

6. CEPAT's decisions to the effect of modifications in the numbers resource and numbering space structure shall be reported to NCCR and published in its official newsletter.

7. NCCR must notify telecommunication operators/providers of any modifications in the numbering structure and space of the awarded numbers resource furnishing an at least six-month notice prior to entering into effect of such modifications.

Article 70. Allocation and Use of Numbers Resource

1. The numbers resource shall be allocated to a telecommunication operator for the period of effect of a respective license, without the right of transfer to other persons except for cases of secondary allocation under the law, subject to a permit issued by NCCR.

2. NCCR shall consider a telecommunication operator's request to allocate an additional numbers resource within a month following the date of its receipt. NCCR's decision to the effect of additional numbers resource allocation shall be made with account for the effectiveness of use of the previously allocated resource, and shall be communicated to telecommunication operators/providers within three business days following the decision date. Grounds motivating the decision shall be indicated in the decision.

3. A permit authorizing the numbers resource use shall be issued to a telecommunication operator within three days following the submission of documents attesting to the payment completion.

4. NCCR shall have the right to make its decision with respect to withdrawing a numbers resource (in full or in part) from an operator in the following events of:

- 1) failure to meet the deadlines of the allocated numbers resource engagement as specified in the permit;
- 2) failure to use the numbers resource according to the stated designation, as well as in cases of its unlawful transfer to third parties;
- 3) annulment, invalidation or expiration of a respective license, or in case of submission of the telecommunications operator.

5. The issue of the numbers resource withdrawal shall be reviewed with a mandatory prior invitation of the telecommunications operator or their representatives.

6. The decision on the numbers resource withdrawal shall be published by NCCR within ten days following its date of effect.

7. A permit authorizing the numbers resource use shall be cancelled while the awarded numbers resource shall be returned subject to an NCCR's decision made according with the law.

8. Telecommunication operators shall furnish to NCCR information with respect to the status of their use of the numbers resource of public networks following the procedure specified herein.

9. NCCR shall determine conditions required for the obtaining of the right to use the numbers resource in Ukraine publishing same in its official newsletter.

10. With the view of ensuring compliance with international commitments and sufficient accessibility of the numbers resource, NCCR may modify numbering and numbers allocation structure and space serving an at least six months notice thereof to telecommunication operators.

11. Fee shall be collected for the numbers resource in the amount and following the procedure established by the Cabinet of Ministers of Ukraine and entered to a special budget of the National Budget of Ukraine to be used by NCCR and CEPAT for recovering costs associated with the numbers resource administration, formation and allocation.

Article 71. Radio Frequencies Resource Allocation and Use

1. Radio frequencies resource of Ukraine shall be allocated and used for the performance of activities in the telecommunications sector in adherence to the Law of Ukraine On Radio Frequencies Resource of Ukraine.

Chapter XIII. International Cooperation

Article 72. Goal and General Principles of International Cooperation

1. The goal of the international cooperation in telecommunications shall comprise promotion of integration of Ukraine in the global telecommunication network, with due account of political and economic interests of Ukraine.

2. International cooperation of Ukraine in the telecommunications sector shall be implemented through:

- 1) making international treaties;
- 2) participation in the activities of international organizations;
- 3) participation in the implementation of international projects dealing with development of global and regional

1) prepare and submit for review by the Verkhovna Rada of Ukraine proposals on introducing changes in legislative

license effect extension must be forwarded to the applicant within the most of two months prior to the date of expiry of the current license.

CRFA decision on declining the application to extend the license effect may be appealed to court. Should the applicant file a complaint with court prior to the expiration of the current license, CRFA's decision shall be suspended until the time of the court review of the complaint. ";

A new paragraph shall be added after paragraph 8 reading as follows:

"9. The following circumstances shall serve grounds for re-issuing a license authorizing the radio frequencies use:

- 1) change in the name of a legal entity or full name of the natural person using the radio frequencies resource;
- 2) change in location of a legal entity or place of residence of the natural person using the radio frequencies resource;
- 3) reorganization of a legal entity being a business entity using radio frequencies resource through modification of an organizational and legal form, conversion, merger, acquisition. In case of such reorganization, licenses received by radio frequencies resource users shall be reissued to its successors.

In case of emergence of grounds for the license reissue, a radio frequencies resource user must within 30 days file with CFRA an application requesting reissue of a license to radio frequencies resource use complete with the license subject to reissue and the package of necessary documents or their notarized copies attesting to the changes.

CRFA, within ten business days following the date of registration of application to reissue the license to radio frequencies resource use, must issue, against with documents attesting to payment for the reissue, a license reissued on a new letterhead with account for all modifications described in the application requesting the license reissue, or decline such reissue in the event of absence of grounds for such reissue or in case of inaccurate data in the submitted documents. Concurrently with the license reissued on a new letterhead authorizing the radio frequencies resource use, CFRA shall issue to the business entity certified copies of such license for branches, separate units using radio frequencies resource.

In case of reissuing licenses to radio frequencies resource use CFRA shall make a decision on invalidation of the license being reissued with entering respective amendments in the licenses registry not later than on the following business day.

The effect of the reissued license to radio frequencies resource use may not exceed the period of effect of the license being reissued.

The amount of fee payable for reissuing a license to radio frequencies resource use shall be set by the Cabinet of Ministers of Ukraine ".

"Article 19. Protection of Interests of the State

The Open Joint Stock Company "Ukrtelecom" may not transfer transportation-based general use telecommunication networks into other persons' ownership or control.

In case that the Open Joint Stock Company "Ukrtelecom" is declared bankrupt, the preferential right to acquisition of transportation-based general use telecommunication networks accounted for on its books shall be owned by the state.

8. The following acts shall be invalidated:

 ⌘ The Law of Ukraine On Communication (Vidomosti Verkhovnoyi Rady Ukrainy, 1995, N 20, p. 143; 1997, N 9, p. 71; 2000, N 6 - 7, p. 40, N 41, p. 341; 2001, N 9, p. 38; 2002, N 15, p. 103, N 35, p. 257; 2003, N 15, p. 106, N 24, p. 156, N 30, p. 247, N 39, p. 333);

 b) Resolution of the Verkhovna Rada of Ukraine of 16 May 1995 On Procudure of Enactment of the law of Ukraine On Communication (Vidomosti Verkhovnoyi Rady Ukrainy, 1995, N 20, p. 144).

President of Ukraine

L. KUCHMA

City of Kyiv