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Electronic Communications Act[1]

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RT I 2004, 87, 593
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Amended by the following acts

Passed	Published	Entry into force
15.12.2005	RT I 2005, 71, 545	01.01.2006
11.05.2006	RT I 2006, 25, 187	02.06.2006
14.06.2006	RT I 2006, 31, 234	16.07.2006
07.12.2006	RT I 2006, 58, 439	01.01.2007
21.12.2006	RT I 2007, 3, 12	17.01.2007
24.01.2007	RT I 2007, 12, 64	20.07.2007
24.01.2007	RT I 2007, 12, 66	01.01.2008
24.01.2007	RT I 2007, 15, 76	01.05.2007
25.01.2007	RT I 2007, 16, 77	01.01.2008
15.11.2007	RT I 2007, 63, 397	17.12.2007
15.11.2007	RT I 2007, 63, 397	01.01.2008, subsection 3 of § 111¹ enters into force on 15.03.2009
15.11.2007	RT I 2007, 63, 397	01.06.2008
22.11.2007	RT I 2007, 66, 408	01.01.2008
11.06.2008	RT I 2008, 28, 181	13.07.2008
11.06.2008	RT I 2008, 28, 181	01.01.2009
15.06.2009	RT I 2009, 37, 252	10.07.2009
15.06.2009	RT I 2009, 39, 262	24.07.2009
30.09.2009	RT I 2009, 49, 331	01.01.2010
26.11.2009	RT I 2009, 62, 405	01.01.2010
22.04.2010	RT I 2010, 22, 108	01.01.2011 enters into force on the date which has been determined in the Decision of the Council of the European Union regarding the abrogation of the derogation established in respect of the Republic of Estonia on the basis provided for in Article 140 (2) of the Treaty on the Functioning of the European Union, Council Decision 2010/416/EU of 13 July 2010 (OJ L 196, 28.7.2010, p. 24–26).
20.05.2010	RT I 2010, 29, 151	20.06.2010
20.05.2010	RT I 2010, 31, 158	01.10.2010
10.06.2010	RT I 2010, 38, 230	10.07.2010, in part 01.01.2011, enters into force on the date which has been determined in the Decision of the Council of the European Union regarding the abrogation of the derogation established in respect of the Republic of Estonia on the basis provided for in Article 140 (2) of the Treaty on the Functioning

		of the European Union, Council Decision 2010/416/EU of 13 July 2010 (OJ L 196, 28.7.2010, p. 24–26).
16.12.2010	RT I, 06.01.2011, 1	16.01.2011
22.02.2011	RT I, 23.03.2011, 1	25.05.2011, in part 24.03.2011, 01.01.2012 and 01.01.2016
23.02.2011	RT I, 25.03.2011, 1	01.01.2014, date of entry into force changed to 01.07.2014 [RT I, 22.12.2013, 1]
08.11.2011	RT I, 29.12.2011, 1	01.01.2012
06.06.2012	RT I, 29.06.2012, 2	09.07.2012, in part 01.01.2013
18.10.2012	RT I, 07.11.2012, 1	08.11.2012
19.06.2013	RT I, 05.07.2013, 1	15.07.2013
05.12.2013	RT I, 22.12.2013, 1	01.01.2014
19.02.2014	RT I, 13.03.2014, 4	01.07.2014
23.04.2014	RT I, 10.05.2014, 1	20.05.2014
07.05.2014	RT I, 21.05.2014, 2	31.05.2014, in part 01.07.2014; the words "Competition Authority" and "supervision and organising authorities" are replaced throughout the text of the Act by the words "Technical Surveillance Authority" in the appropriate case form
05.06.2014	RT I, 29.06.2014, 1	01.07.2014
19.06.2014	RT I, 12.07.2014, 1	01.01.2015
19.06.2014	RT I, 29.06.2014, 109	01.07.2014, the titles of ministers substituted on the basis of subsection 4 of § 107^3 of the Government of the Republic Act.
10.12.2014	RT I, 30.12.2014, 1	01.01.2015
11.02.2015	RT I, 12.03.2015, 1	01.01.2016
18.02.2015	RT I, 23.03.2015, 3	01.07.2015
09.12.2015	RT I, 23.12.2015, 1	24.12.2015, in part 01.01.2020
15.12.2015	RT I, 06.01.2016, 1	16.01.2016
04.05.2016	RT I, 17.05.2016, 1	13.06.2016, the word "interoperability" [koostalitusvõime] replaced throughout the Act by the word "interoperability" [koostalitlusvõime] in the appropriate case form.
08.02.2017	RT I, 03.03.2017, 1	01.07.2017
08.03.2017	RT I, 23.03.2017, 1	01.04.2017
14.06.2017	RT I, 01.07.2017, 1	01.09.2017
02.05.2018	RT I, 22.05.2018, 1	23.05.2018
21.11.2018	RT I, 12.12.2018, 3	01.01.2019, the words "Technical Surveillance Authority" replaced throughout the Act by the words "Consumer Protection and Technical Regulatory Authority" in the appropriate case form.
20.02.2019	RT I, 13.03.2019, 2	15.03.2019
18.12.2019	RT I, 08.01.2020, 1	17.01.2020
20.04.2020	RT I, 06.05.2020, 1	07.05.2020, in part implemented retroactively as of 12 March 2020.
12.05.2020	RT I, 20.05.2020, 33	30.05.2020
17.06.2020	RT I, 10.07.2020, 2	01.01.2021
25.11.2020	RT I, 10.12.2020, 1	01.01.2021
13.10.2021	RT I, 22.10.2021, 3	01.11.2021
24.11.2021	RT I, 15.12.2021, 1	01.02.2022, in part 01.03.2022, 28.06.2025 and 01.01.2028
16.02.2022	RT I, 27.02.2022, 1	09.03.2022
07.12.2022	RT I, 20.12.2022, 2	19.01.2023
08.02.2023	RT I, 01.03.2023, 2	01.07.2024
09.04.2024	RT I, 17.04.2024, 1	01.05.2024

25.09.2024	RT I, 08.10.2024, 1	18.10.2024
11.12.2024	RT I, 30.12.2024, 1	01.01.2025; the words "Ministry of Economic Affairs and Communications" replaced throughout the Act by the words "Ministry of Justice and Digital Affairs", except in subsection 2 of § 140.

Chapter 1
GENERAL PROVISIONS

§ 1. Purpose and scope of application of Act

(1) The purpose of this Act is to create the necessary conditions for the development of electronic communications to promote the development of electronic communications networks and electronic communications services without giving preference to specific technologies and to ensure the protection of the interests of users of electronic communications services by promoting free competition and the purposeful and just planning, allocation and use of radio frequencies and numbering.

(2) This Act provides requirements for the public electronic communications networks and publicly available electronic communications services, for the use of electronic contact details for direct marketing, for the conduct of radiocommunication, for the management of radio frequencies and numbering and for radio equipment as well as state supervision over the compliance with these requirements and liability for the violation of these requirements.
[RT I, 17.05.2016, 1 – entry into force 13.06.2016]

(3) This Act does not apply to information society services within the meaning of the Information Society Services Act, unless otherwise provided by this Act.
[RT I 2010, 38, 230 – entry into force 10.07.2010]

(4) The provisions of the Administrative Procedure Act apply to the administrative proceedings prescribed in this Act, taking account of the specifications provided for in this Act.

(5) [Repealed – RT I, 29.06.2014, 1 – entry into force 01.07.2014]

§ 2. Definitions

In this Act, the following definitions are used:
1) local sub-loop means the physical circuit connecting the termination point to an intermediate distribution point in a fixed electronic communications network;
[RT I, 23.03.2011, 1 – entry into force 25.05.2011]
2) [Repealed – RT I, 17.05.2016, 1 – entry into force 13.06.2016]
3) [Repealed – RT I, 17.05.2016, 1 – entry into force 13.06.2016]
4) [Repealed – RT I, 17.05.2016, 1 – entry into force 13.06.2016]
4^1) electromagnetic compatibility means the capability of radio equipment to satisfactorily function in an electromagnetic environment without causing electromagnetic interference to other equipment located in that environment;
[RT I, 17.05.2016, 1 – entry into force 13.06.2016]
4^2) unsuccessful call means an event where connection is established but the call is not answered or an event where connection is not established due to electronic communications network management intervention;
[RT I 2007, 63, 397 – entry into force 17.12.2007]
5) electronic communications undertaking (hereinafter *communications undertaking*) means a person who provides publicly available electronic communications services to the end-user or to another provider of publicly available electronic communications services;
6) electronic communications service means a service provided under agreed conditions on electronic communications networks, being internet access services, interpersonal communications services, or other services which consist wholly or mainly in the conveyance of signals, but which are not media services;
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]
7) user of electronic communications services (hereinafter *user of communications services*) means a person using publicly available electronic communications services;
8) electronic communications network means a transmission system including switching equipment and other support systems for the transmission or conveyance of signals by way of a cable or by radio, optical or other electromagnetic means. Electronic communications networks include also the satellite network, telephone

network, data communication network, mobile telephone network, broadcasting network, cable network and electric cable system, if used for the transmission or conveyance of signals, regardless of the nature of information transmitted over such networks;

8[1]) electronic contact details mean details, which enable the conveyance of information to a person over electronic communications networks, including by fax, electronic mail, SMS or MMS messages;
[RT I 2010, 38, 230 – entry into force 10.07.2010]

8[2]) caller location information means information on the location of a caller's mobile terminal equipment or, in case of non-mobile terminal equipment, the physical location of a termination point of the public electronic communications network;
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

8[3]) emergency connection means a connection between a caller and the Emergency Response Centre by means of interpersonal communications services with the aim of receiving emergency relief;
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

8[4]) internet access service means a publicly available electronic communications service that provides access to the internet, and thereby connectivity to termination points of the internet, irrespective of the network technology or terminal equipment used;
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

9) self-planned radio frequency band means a radio frequency band the use of which is regulated by the user of radio frequencies in accordance with the conditions established by a frequency authorisation;

9[1]) interpersonal communications service means a publicly available electronic communications service which does not include services which enable interpersonal and interactive communication merely as a minor ancillary feature that is intrinsically linked to another service, but enables interpersonal and interactive communication via a public electronic communications network between a finite number of persons, whereby the persons initiating or participating in the communication determine its recipients;
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

9[2]) shared access to the local loop means access of a communications undertaking to the local loop or local sub-loop of another communications undertaking, allowing the use of part of the capacity of the respective electronic communications network infrastructure;
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

10) surveillance equipment means a system of technical facilities used by a surveillance agency or security authority to restrict the right to the confidentiality of messages;

11) cable distribution service means a publicly available electronic communications service which consists in the transmission of television or radio broadcasts or television or radio programmes to end-users for an agreed charge;

12) cable network means an electronic communications network which has been created for the provision of cable distribution services;

12[1]) user ID means an identifier allocated to the subscriber for the purpose of using an Internet access service or Internet service;
[RT I 2007, 63, 397 – entry into force 17.12.2007]

13) [Repealed – RT I, 23.03.2011, 1 – entry into force 25.05.2011]

14) local loop means the physical circuit connecting the termination point to the main distribution frame or other such facility in a fixed electronic communications network;
[RT I, 23.03.2011, 1 – entry into force 25.05.2011]

14[1]) subscriber identity module means a data medium of which the subscriber is granted use by a communications undertaking and which allows the use of publicly available electronic communications services by means of terminal equipment of a public electronic communications network;
[RT I, 23.03.2011, 1 – entry into force 25.05.2011]

15) subscriber means a person using publicly available electronic communications services who has a contract with a communications undertaking for the use of the publicly available electronic communications services;

16) interoperability means the technical and logical compatibility of interconnected public electronic communications networks and similar publicly available electronic communications services provided by means of such networks, or of elements thereof;
[RT I, 23.03.2011, 1 – entry into force 25.05.2011]

17) call means a connection established in the process of providing an interpersonal communications service allowing two-way voice communication;
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

18) call origination means the transmission of a call from the termination point in the public electronic communications network to the interconnection point;
[RT I, 23.03.2011, 1 – entry into force 25.05.2011]

18[1]) call attempt means a call event where connection has not been established;
[RT I 2007, 63, 397 – entry into force 17.12.2007]

19) call termination means the transmission of a call from the interconnection point to the termination point in the public electronic communications network;
[RT I, 23.03.2011, 1 – entry into force 25.05.2011]

20) call transit means the transmission of a call between two interconnection points;

20[1]) cell ID means an identifier which shows from which cell the mobile telephone service has been originated or to which cell it has been terminated;
[RT I 2007, 63, 397 – entry into force 17.12.2007]

21) [repealed – RT I, 15.12.2021, 1 – entry into force 01.02.2022]

22) [repealed – RT I, 15.12.2021, 1 – entry into force 01.02.2022]

23) interface means a shared boundary point between two functional units which is defined by the relevant functions, physical connection, signal exchange and other similar characteristics;
24) line means a set of technical facilities which connects the termination point to the access point;
25) line facility means a part of an electronic communications network permanently attached to subsoil, which includes also underground cables, cables in the bottom of bodies of water, cable conduits or ducts, sets of cables or wires installed on buildings and posts together with switching devices, distribution equipment and cable termination equipment, regenerators, containers for electronic communications equipment and radio masts as well as utility networks and constructions within the meaning of the Law of Property Act;
[RT I, 23.03.2015, 3 – entry into force 01.07.2015]
26) subscription contract means a publicly available electronic communications services contract for the provision of publicly available electronic communications services to the end-user, the content of which is to establish and preserve a necessary connection with the public electronic communications network;
[RT I, 23.03.2011, 1 – entry into force 25.05.2011]
27) end-user means a subscriber who does not provide publicly available electronic communications services;
28) end-to-end connectivity means connectivity between end-users;
29) short number means a decimal number consisting of three to six digits which may be used to provide publicly available electronic communications services or to use simplified dialling when accessing a communications undertaking or other addressees, including the emergency service;
[RT I 2007, 63, 397 – entry into force 17.12.2007]
30) short access code means a digit or sign or a combination of these which is associated with a number of a subscriber in the Estonian numbering plan and which is used for the provision of publicly available electronic communications services to the subscriber;
30^{1}) machine-to-machine communications service means establishing a connection between two or more machines or between a human and a machine via a public electronic communications network without using two-way transfer of speech communications;
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]
31) mobile telephone service means a publicly available electronic communications service for making and receiving national and international calls at an undetermined location and for access to emergency services by using a number or a short access code associated with a number in the Estonian or international telephone numbering plan for establishing partial or complete radiocommunication;
32) mobile telephone network means a public electronic communications network without stationary termination points which enables the transmission of calls and complies with the requirements established for the mobile telephone network;
[RT I, 23.03.2011, 1 – entry into force 25.05.2011]
32^{1}) multiplexer means a device for the transformation of media services or data communication services into an integral digital data flow which is transmitted to radio transmission equipment;
[RT I, 06.01.2011, 1 – entry into force 16.01.2011]
32^{2}) multiplexing service means an electronic communications service whereby the owner of a multiplexer transforms media services or data communication services into an integral digital data flow and transmits it by means of radio transmission equipment;
[RT I, 06.01.2011, 1 – entry into force 16.01.2011]
33) number means, in accordance with ITU Recommendation E.164, a decimal number used for the provision of publicly available electronic communications services;
34) number portability means the possibility of a subscriber to preserve a number of which the subscriber has been granted use on the basis of a subscription contract if the subscriber changes the provider of electronic communications services or the geographical location of use of the communications services;
34^{1}) number-based interpersonal communications service means an interpersonal communications service that allows connecting with numbers in the Estonian or international numbering plan;
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]
34^{2}) number-independent interpersonal communications service means an interpersonal communications service that does not allow connecting with numbers in the Estonian or international numbering plan;
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]
35) numbering means numbers, short numbers, service numbers, identification codes and access codes determined in the numbering plan;
36) access code means a sign, digit or combination of digits which is dialled before a certain number or short number;
37) leased line means a connection for the non-switched transmission of signals between two points in the public electronic communications network;
[RT I, 23.03.2011, 1 – entry into force 25.05.2011]
38) leased line service means a publicly available electronic communications service which consists in grant of use of a leased line to a subscriber;
39) radio interference means an electromagnetic wave which interferes with the operation of equipment and systems, including navigation equipment, or which otherwise interrupts, prevents or seriously distorts other legitimate radiocommunication or the provision of a media service;
[RT I, 06.01.2011, 1 – entry into force 16.01.2011]

39^{1}) radio local area network means a low-power access system operating within a small range and using radio frequencies without a frequency authorisation;
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]
39^{2}) radio interface means the technical norm applicable to the use of radio frequency;
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]
40) radio transmission equipment means equipment used for the transmission of signals on a radio frequency channel;
41) radio frequency means the oscillation frequency of an electromagnetic wave freely propagating in open space in the frequencies of up to 3000 GHz;
[RT I, 17.05.2016, 1 – entry into force 13.06.2016]
42) radio frequency band means a radio frequency range determined for a certain use in the Radio Regulations annexed to the Constitution and Convention of the International Telecommunications Union and in the Estonian radio frequency allocation plan;
43) radio frequency channel means a part of a radio frequency band which is necessary for the transmission of signals by means of radio transmission equipment and which is defined by the centre frequency and bandwidth or by the edge frequencies;
43^{1}) radio frequency sharing means the access of two or more persons to using the same radio frequency band in an agreed procedure;
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]
44) radio equipment means electrical or electronic equipment, which emits or receives radio frequencies for the purpose of radio communication and/or radiodetermination, or electrical or electronic equipment which is completed with an accessory so as to emit or receive radio frequencies for the purpose of radiodetermination;
[RT I, 17.05.2016, 1 – entry into force 13.06.2016]
44^{1}) putting into service of radio equipment means the first use of radio equipment in the European Union by end-users;
[RT I, 17.05.2016, 1 – entry into force 13.06.2016]
44^{2}) radio equipment class means the radio equipment having defined, characteristic and uniform technical specifications and purpose, manner and possibilities of use and the radio interface for which the radio equipment is designed;
[RT I, 17.05.2016, 1 – entry into force 13.06.2016]
45) radiocommunication means the establishment of a connection and the transmission of signals for the purpose of communication of information, in which electromagnetic waves propagating in open space are used as the information carrier;
45^{1}) radiodetermination means the determination of the position, velocity or other characteristics of an object, or the obtaining of information relating to those parameters, by means of the propagation properties of radio frequencies;
[RT I, 17.05.2016, 1 – entry into force 13.06.2016]
46) radio receiving equipment means equipment used for the receipt of signals on a radio frequency channel;
46^{1}) roaming service means a publicly available electronic communications service by which the provider of mobile telephone services allows its subscriber to use mobile telephone services in another mobile telephone network;
[RT I 2007, 63, 397 – entry into force 17.12.2007]
46^{2}) international code of mobile communications terminal equipment (hereinafter *terminal equipment identity code*) means a unique electronic code of mobile telephone network terminal equipment containing information about the equipment manufacturer, model and serial number;
[RT I 2009, 37, 252 – entry into force 10.07.2009]
46^{3}) broadcasting network means a public electronic communications network created for the provision of media services;
[RT I, 06.01.2011, 1 – entry into force 16.01.2011]
47) [Repealed – RT I, 17.05.2016, 1 – entry into force 13.06.2016]
47^{1}) associated service means such service associated with an electronic communications network or with the provision of electronic communications services which enables or supports the provision of electronic communications services by means of the specified network or service. Associated services include also number translation, conditional access system and electronic programme guide as well as identity, location and presence services;
[RT I, 23.03.2011, 1 – entry into force 25.05.2011]
47^{2}) associated facility means those associated services, physical infrastructures and other facilities or elements associated with an electronic communications network or electronic communications services which enable or support the provision of services by means of that network or services or have the potential to do so. Associated facilities include also buildings or entries to buildings, building wiring, antennae, towers and other supporting structures, ducts, conduits, masts, manholes and cabinets;
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]
48) restriction of provision of communications services means partial or full restriction or suspension, pursuant to law or a publicly available electronic communications services contract, of provision or use of publicly available electronic communications services without cancellation of the publicly available electronic communications services contract;
49) [Repealed – RT I, 23.03.2011, 1 – entry into force 25.05.2011]
50) [Repealed – RT I, 23.03.2011, 1 – entry into force 25.05.2011]

51) interconnection line means a leased line used for interconnection which passes through the interconnection point;
52) interconnection point means a point in a public electronic communications network which is used for interconnection of public electronic communications networks and ensures interoperability of the public electronic communications networks and provided communications services;
[RT I, 23.03.2011, 1 – entry into force 25.05.2011]
52[1]) special interpersonal communications service means an interpersonal communications service that provides bidirectional real time transfer of video, text and voice between users in two or more locations;
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]
53) message means a set of signals transmitted over the public electronic communications network between the sender and recipient;
[RT I, 23.03.2011, 1 – entry into force 25.05.2011]
54) intelligent network service means a service which is controlled by a computer system connected to a telephone exchange;
55) consumer means an end-user who is a natural person and who mainly does not use electronic communications services in his or her economic or professional activities;
56) [Repealed – RT I, 23.12.2015, 1 – entry into force 24.12.2015]
57) telephone exchange means a set of technical facilities which enables the switching of calls;
58) telephone service means a publicly available electronic communications service for making and receiving national and international calls by using a number in the Estonian or international numbering plan;
[RT I, 23.03.2011, 1 – entry into force 25.05.2011]
59) telephone network means a public electronic communications network which is used for the provision of telephone services and which enables the making of calls between the termination points in the public electronic communications network;
[RT I, 23.03.2011, 1 – entry into force 25.05.2011]
60) terminal equipment means technical equipment or a part thereof which, connected at the access point, enables to send, process or receive calls or transmit data; a router and a modem are also terminal equipment;
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]
61) conditional access means a set of technical facilities or an authentication system, which enables the use of radio or television services only after the performance of certain acts whereby the person subscribing for the service undertakes to pay for the service;
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]
62) identification code means a combination of digits which is used to organise the use of a public electronic communications network or its parts and to distinguish a communications undertaking upon the provision of communications services;
[RT I, 23.03.2011, 1 – entry into force 25.05.2011]
62[1]) full access to the local loop means access of a communications undertaking to the local loop or local sub-loop of another communications undertaking allowing the use of full capacity of the respective electronic communications network infrastructure;
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]
63) [Repealed – RT I, 23.03.2011, 1 – entry into force 25.05.2011]
64) virtual network service means a publicly available electronic communications service provided by a communications undertaking which is based on a virtual connection or facility established in the public electronic communications network of another communications undertaking;
[RT I, 23.03.2011, 1 – entry into force 25.05.2011]
65) [Repealed – RT I 2007, 63, 397 – entry into force 17.12.2007]
66) network service means an electronic communications service which consists in the creation and management of an electronic communications network and grant of use thereof, in full or in part, to other communications undertakings for provision of electronic communications services;
66[1]) very high capacity communications network means a public electronic communications network which consists wholly of optical fibre elements up to the distribution point at the location of providing the publicly available electronic communications service, or a public electronic communications network having the quality parameters equivalent to those of a network based on optical fibre elements;
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]
66[2]) small-area access point using radio frequencies (*small cell*) means low-power radio network access equipment operating within a small range and used as part of a public electronic communications network;
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]
67) access point means the point where the terminal equipment of the subscriber is connected to a line;
68) publicly available electronic communications service (hereinafter *communications service*) means a service provided by a communications undertaking on the respective communications services market pursuant to the general procedure to all persons, and the persons need not meet any conditions differentiating them from other similar persons. A service is publicly available particularly if provision of the service is continuous and consistent and it is provided essentially under uniform conditions;
69) publicly available electronic communications services contract (hereinafter *communications services contract*) means a contract on the basis of which a communications undertaking provides communications services to a subscriber;

70) termination point in the public electronic communications network (hereinafter *termination point*) means a physically defined point in the public electronic communications network, where subscribers are provided or can be provided with access to the public electronic communications network;
[RT I, 23.03.2011, 1 – entry into force 25.05.2011]
71) public electronic communications network (hereinafter *communications network*) means a network over which publicly available electronic communications services are provided and which enables the transmission of information between the termination points in the electronic communications network.
[RT I, 23.03.2011, 1 – entry into force 25.05.2011]

Chapter 2
ENTRY INTO MARKET

§ 3. Commencement of provision of communications services and conditions for operation on communications services market

(1) Subject to the provisions of the General Part of the Economic Activities Code Act and subsection 3 of this section, each person has the right to commence the provision of communications services pursuant to the provisions of § 4 of this Act.
[RT I, 29.06.2014, 1 – entry into force 01.07.2014]

(2) [Repealed – RT I, 29.06.2014, 1 – entry into force 01.07.2014]

(3) If provision of communications services requires that radio frequencies are used pursuant to a frequency authorisation or that numbering is used pursuant to a numbering authorisation, the person must hold a frequency authorisation to use radio frequencies in accordance with the provisions of § 11 of this Act or a numbering authorisation to use numbering in accordance with the provisions of § 33 of this Act.

§ 4. Notification obligation

(1) A notice of economic activities must be submitted for the provision of communications services, except for number-independent interpersonal communications services.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

(2) A notice of economic activities sets out, in addition to the provisions of the General Part of the Economic Activities Code Act, a description of the provided communications service and the geographical area of the activity as well as the website address of the provider of the communications service if it exists.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

(3) The notification obligation provided for in this section shall be performed only through the Estonian information portal or a notary.
[RT I, 29.06.2014, 1 – entry into force 01.07.2014, subsection 3 is applied as of 1 July 2016.]

(4) The Consumer Protection and Technical Regulatory Authority forwards the notice of economic activities specified in subsection 1 of this section immediately to the Body of European Regulators for Electronic Communications (hereinafter *BEREC*).
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

§ 5. Notification of changes to information and termination of activities

[Repealed – RT I, 29.06.2014, 1 – entry into force 01.07.2014]

Chapter 3
MANAGEMENT AND USE OF RADIO FREQUENCIES

[RT I, 15.12.2021, 1 - entry into force 01.02.2022]

§ 6. Management of radio frequencies

(1) This Chapter provides the requirements for the management and use of radio frequencies and for the conduct of radiocommunication.

(2) The purpose of regulating the management of radio frequencies is to ensure the purposeful, objective, transparent and proportionate management, and the effective and efficient use of radio frequencies for the needs of users of radio frequencies and for the provision of communications services, the creation of possibilities for the development of new technologies and fast elimination of radio interference.

(3) The purposes specified in subsection 2 of this section shall be achieved also by harmonisation of use of radio frequencies of Estonia with those of the European Union.

§ 7. Principles of use of radio frequencies

Radio frequencies are used:
1) on the basis of a frequency authorisation pursuant to the procedure provided for in §§ 11 – 19 of this Act,
2) without a frequency authorisation, on the basis of the provisions of § 20 of this Act or
3) for national defence purposes, on the basis of the provisions of § 21 of this Act.

§ 8. Management of radio frequencies

(1) Radio frequencies are managed by the Ministry of Justice and Digital Affairs and the Consumer Protection and Technical Regulatory Authority.
[RT I 2007, 66, 408 – entry into force 01.01.2008]

(2) Management of radio frequencies consists in international and national planning of radio frequency bands, coordination of radio frequencies and organisation of use of radio frequencies, publication and updating of information concerning the rights and conditions related to the use of radio frequencies and exercising of supervision in accordance with international agreements, the European Union law and this Act. Management of radio frequencies is based on objective, transparent, non-discriminatory and proportionate criteria, taking into account, among other things, the economic, safety, public health and public interests, freedom of expression, cultural, scientific, social and technical aspects of Estonia and the European Union as well as the various interests of users of radio frequencies.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

(3) Radio frequencies shall be managed in adherence to the need to achieve harmonisation of use of radio frequencies across the European Union.

(4) Upon performing their duties, the Ministry of Justice and Digital Affairs and the Consumer Protection and Technical Regulatory Authority shall take account of the recommendations of the European Commission on the management of radio frequencies to the greatest extent possible. If the Ministry of Justice and Digital Affairs and the Consumer Protection and Technical Regulatory Authority do not take such recommendations into account, they shall submit a notice thereof to the European Commission along with the reasons for not taking the recommendation into account.
[RT I, 23.03.2011, 1 – entry into force 25.05.2011]

§ 9. Estonian radio frequency allocation plan

(1) The radio frequency allocation plan determines the general conditions of use of radio frequencies in Estonia in accordance with the European Union law and international agreements. The radio frequency allocation plan determines the manner, regime and purpose of using radio frequencies, including the radio frequencies used for the purposes of rescue work, safety and national defence, and ensures the organisation of efficient and purposeful use of radio frequencies.

(2) The radio frequency allocation plan determines the radio frequency bands for the introduction of new technologies together with restrictions on new and existing users, self-planned radio frequency bands, radio frequency bands with or without a frequency authorisation as well as radio frequency bands the right of use of which is granted by way of public competition or the right of use of which may be transferred pursuant to the procedure provided in § 17 of this Act.

(3) The radio frequency allocation plan is established by a regulation of the minister in charge of the policy sector.

(4) The preparation of the radio frequency allocation plan is based on the principles of neutrality of electronic communications services and technological neutrality, which observance may be derogated from only for the purposes of service quality, maximisation of radio frequency sharing or efficient use of radio frequencies.

(5) Where the regulation specified in subsection 3 of this section significantly restricts the rights of users of radio frequencies, the provisions restricting such rights enter into force two years after the date of publication of the regulation unless otherwise provided by an international agreement or the European Union law.

(6) The Consumer Protection and Technical Regulatory Authority publishes the radio frequency allocation plan on its website.

(7) The Consumer Protection and Technical Regulatory Authority reviews the radio frequency allocation plan at least once a year and submits a proposal for its amendment to the minister in charge of the policy sector if:
1) the development of electronic communications technology requires it;
2) the amendment obligation arises from an international agreement or the European Union law; or
3) it is necessary in order to ensure national defence.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

§ 9[1]. Public competition for grant of right to use radio frequency band

(1) Where, based on a radio frequency allocation plan, the right to use a radio frequency band is granted by way of public competition, the minister in charge of the policy sector establishes:
1) the time and procedure of the competition;
2) the number of frequency authorisations available in the competition and the division of frequency ranges, taking into account the purposes specified in subsection 1[1]of § 11 of this Act;
3) additional conditions for the use of the radio frequency band available in the competition.

(2) A public competition is organised by the Consumer Protection and Technical Regulatory Authority.

(3) A communications undertaking is not qualified in a public competition by the Consumer Protection and Technical Regulatory Authority where:
1) the communications undertaking has tax arrears regarding state taxes, charges or environmental charges within the meaning of the Taxation Act or tax arrears or social security contributions in arrears according to the legislation of its home state;
2) there is good reason to suspect that the communications undertaking itself or a member of its management or supervisory body could pose a risk to national security.

(4) In the legislation specified in subsection 1 of this section, the minister in charge of the policy sector may establish the requirements for economic and financial position as well as technical and professional competence of communications undertakings in order to qualify in the public competition.

(5) In the legislation specified in subsection 1 of this section, the minister in charge of the policy sector may establish the following as additional conditions for the use of the radio frequency band:
1) technical conditions of the communications network which the technology used must comply with;
2) coverage and investment obligation;
3) the dates of completion and deployment of the communications network;
4) sharing of the communications network.

(6) In the legislation specified in subsection 1 of this section, the minister in charge of the policy sector may establish in respect of the frequency authorisation available in the public competition:
1) a one-off authorisation charge of up to 3,000,000 euros;
2) a deposit for participation in the competition.

(7) The one-off authorisation charge is determined as a fixed charge or, in the case of an auction, as a starting price. The conditions provided in clauses 1 and 2 of subsection 4 of § 11 of this Act are taken into account upon determining the amount of the one-off authorisation charge.

(8) The deposit must be equal to all participants in the public competition and must not exceed the one-off authorisation charge taken for the right to use a radio frequency band. The deposit is returned after the winner of the competition is ascertained.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

§ 9[2]. Approval of conditions of public competition for grant of right to use radio frequency band by European Union Radio Spectrum Policy Group

(1) Prior to establishment of the legislation specified in subsection 1 of § 9[1]of this Act, the Ministry of Justice and Digital Affairs notifies the European Union Radio Spectrum Policy Group (*RSPG*) of the draft legislation.

(2) When preparing the legislation specified in subsection 1 of § 9[1]of this Act, the Ministry of Justice and Digital Affairs may cooperate with other Member States of the European Union and the European Union Radio Spectrum Policy Group.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

§ 9[3]. Time limits of public competition for grant of right to use radio frequency band

(1) When issuing the legislation specified in subsection 3 of § 9 and subsection 1 of § 9[1]of this Act, the minister in charge of the policy sector takes into account that in order to comply with the harmonised implementing measures for radio frequencies concerning wireless broadband networks and services issued on the basis of Decision No 676/2002/EC of the European Parliament and of the Council on a regulatory framework for radio spectrum policy in the European Community (OJ L 108, 24.4.2002, p. 1–6) a public competition must be organised and frequency authorisation must be issued no later than 30 months after the adoption of the appropriate European Union measure.

(2) The minister in charge of the policy sector may disregard the time limit specified in subsection 1 of this section when adopting the regulation specified in subsection 3 of § 9 of this Act if this is necessary:
1) in order to ensure national security;
2) due to force majeure;
3) in order to have the use of radio frequencies approved by third countries.

(3) The minister in charge of the policy sector may postpone the time limit specified in subsection 1 of this section in the regulation specified in subsection 3 of § 9 of this Act by up to 30 months if this is necessary in order to:
1) have the use of radio frequencies approved by another Member State of the European Union;
2) replan the frequency allocation.

(4) In the cases specified in subsection 2 or 3 of this section, the Ministry of Justice and Digital Affairs notifies the European Commission, the supervision authorities of other Member States of the European Union and the communications undertakings of the postponement of the time limit and its reason.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

§ 10. Amendment of Estonian radio frequency allocation plan

[Repealed – RT I, 15.12.2021, 1 – entry into force 01.02.2022]

§ 11. Use of radio frequencies based on frequency authorisation

(1) [Repealed – RT I, 15.12.2021, 1 – entry into force 01.02.2022]

(1^1) The use of radio frequencies is regulated by frequency authorisations if this is necessary in order to:
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]
1) avoid radio interference;
2) ensure technical quality of communications services;
3) ensure efficient use of radio frequencies;
3^1) take into account the specific characteristics of radio frequencies;
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]
3^2) enable radio frequency sharing;
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]
3^3) ensure national security;
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]
4) observe the principles provided in subsection 2 of § 8 of this Act.
[RT I, 23.03.2011, 1 – entry into force 25.05.2011]

(2) A frequency authorisation grants the right to use radio frequencies under the conditions determined by the Consumer Protection and Technical Regulatory Authority. For the purposes of this Act, ship and aircraft radio licences and amateur radio station operating authorisations are also frequency authorisations.
[RT I 2007, 66, 408 – entry into force 01.01.2008]

(3) A frequency authorisation, except for frequency authorisations specified in subsections 6 and 7 of this section, shall be granted for a term of up to one year.

(4) The following conditions and requirements shall be established by a frequency authorisation:
1) designation of the technology for which the right to use radio frequencies has been granted;
2) the purpose, manner, area or location of use of radio frequencies;
3) the requirements for the efficient and effective use of radio frequencies;
4) the technical conditions of the use of radio frequencies;
5) the technical conditions for the avoidance of radio interference;
6) the requirements arising from international agreements;
7) the requirements related to the protection of human health and the environment;
[RT I 2007, 63, 397 – entry into force 01.06.2008]
8) the requirements for the shared use of radio frequencies.
[RT I, 23.03.2011, 1 – entry into force 25.05.2011]

(4^1) The Consumer Protection and Technical Regulatory Authority imposes, as a condition of a frequency authorisation, an obligation to use in the communications network only such hardware and software concerning which the notification obligation provided in § 87^3 of this Act or in the legislation established on the basis thereof has been complied with or for which an authorisation for use has been issued.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

(5) [Repealed – RT I 2007, 63, 397 – entry into force 01.06.2008]

(6) The Consumer Protection and Technical Regulatory Authority issues a water craft radio licence or an aircraft radio licence to the owner of a water craft or aircraft for the use of radio frequencies on board water craft or aircraft for a term of up to three years according to the internationally recognised form. The Consumer Protection and Technical Regulatory Authority publishes the specified form on its website.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

(7) The Consumer Protection and Technical Regulatory Authority shall grant an amateur radio station operating authorisation for the use of radio frequencies for the purpose of amateur radiocommunication to a user of radio frequencies for a term of up to five years according to the internationally recognised form. The Consumer Protection and Technical Regulatory Authority shall publish the specified form on its website.
[RT I, 23.03.2011, 1 – entry into force 25.05.2011]

(8) A frequency authorisation may be granted to a frequency authorisation applicant as a joint authorisation for the use of several radio transmission equipment in the radio network.
[RT I, 23.03.2011, 1 – entry into force 25.05.2011]

§ 12. Application for frequency authorisation

(1) In order to receive a frequency authorisation, a person submits a standard format application to the Consumer Protection and Technical Regulatory Authority through the Consumer Protection and Technical Regulatory Information System. Where an application cannot be submitted in this manner, the application is submitted to the Consumer Protection and Technical Regulatory Authority in writing. The application contains at least the following information:
[RT I, 15.12.2021, 1 – entry into force 01.03.2022]
1) the name, residence or seat, date of birth or personal identification code or registry code, the telecommunications numbers and the e-mail address of the applicant;
2) the radio frequency or frequency band being applied for;
3) the purpose of use of the radio frequency or frequency band;
4) the technical conditions of use of the radio frequency or frequency band;
5) the area or location of use of the radio frequency or frequency band;
6) the date of commencement of use of the radio frequency or frequency band.

(2) The Consumer Protection and Technical Regulatory Authority shall publish the form of an application for a frequency authorisation on its website.
[RT I 2007, 66, 408 – entry into force 01.01.2008]

(3) If a person applies for a frequency authorisation for the provision of radio services, the application specified in subsection 1 of this section must be appended an activity licence for the provision of radio services or, if the applicant for a frequency authorisation has not been granted such licence, a written agreement for the transmission of the applicant's programme with a radio service provider holding an activity licence for the provision of radio services.
[RT I, 23.03.2011, 1 – entry into force 24.03.2011]

(4) [Repealed – RT I, 06.01.2011, 1 – entry into force 16.01.2011]

§ 13. Processing of applications for frequency authorisations and grant of frequency authorisations

(1) The Consumer Protection and Technical Regulatory Authority shall issue a frequency authorisation:
[RT I 2007, 66, 408 – entry into force 01.01.2008]
1) within six weeks after the receipt of the respective application if the use of the radio frequencies does not need international co-ordination;
2) within eight months after the receipt of the respective application if the use of the radio frequencies needs international co-ordination or
3) pursuant to the procedure specified in subsection 1 of § 9^1or pursuant to the procedure provided for in § 19 of this Act.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

(2) If the international agreements on the use of radio frequencies or orbital positions provide for terms which are different from the ones set out in subsection 1 of this section, the terms determined in the specified agreements apply.

(3) Before the grant of a frequency authorisation for the provision of air traffic services by radiocommunications, navigation or surveillance equipment or for the use of other radiocommunications services in the given frequency band, if such use may affect air safety, the Consumer Protection and Technical Regulatory Authority shall submit the conditions of the frequency authorisation for approval to the frequency coordinator of the International Civil Aviation Organisation (*ICAO*) in Estonia.
[RT I, 23.03.2011, 1 – entry into force 25.05.2011]

(3^1) Before grant of a frequency authorisation or amendment of its conditions, the Consumer Protection and Technical Regulatory Authority shall submit the conditions of the frequency authorisation for approval to the Health Board, except in the cases provided for in subsection $3^2$of this section.
[RT I 2009, 49, 331 – entry into force 01.01.2010]

(3^2) The following conditions of a frequency authorisation need not be approved by the Health Board:
[RT I 2009, 49, 331 – entry into force 01.01.2010]
1) the conditions for the use of radio frequencies determined by ship or aircraft radio licences;

2) the conditions for the use of radio frequencies determined by a frequency authorisation if the effective radiated power of radio transmission equipment does not exceed 100 W (20 dBW);
[RT I, 23.03.2011, 1 – entry into force 25.05.2011]
3) the conditions for the use of radio frequencies determined by a frequency authorisation for short range devices;
4) the conditions for the use of radio frequencies determined by a frequency authorisation for radio transmission equipment of fixed radio-relay links operating within the radio frequency band above 1 GHz;
5) the conditions for the use of radio frequencies determined by a frequency authorisation for space communications earth stations and satellite broadcasting earth stations;
6) the conditions of a frequency authorisation designed for the use of radio frequencies for the purpose of amateur radiocommunication.
[RT I 2007, 63, 397 – entry into force 01.06.2008]

(3^{3}) A holder of a frequency authorisation using a self-planned radio frequency band has the obligation to submit the conditions for the installation of the radio transmission equipment used on the basis of the frequency authorisation for approval to the Health Board, except in the cases provided for in subsection 3^{2} of this section.
[RT I 2009, 49, 331 – entry into force 01.01.2010]

(3^{4}) The Health Board shall not grant the approval specified in subsections 3^{1} and 3^{3} of this section if the activities of the authorisation applicant could be hazardous for human health or the environment.
[RT I 2009, 49, 331 – entry into force 01.01.2010]

(4) The procedure for the approval of the conditions of frequency authorisations provided for in subsections 3 and 3^{1} and the conditions for the installation of radio transmission equipment specified in subsection 3^{3} of this section as well as the frequency bands subject to approval by the coordinator provided for in subsection 3 shall be established by the minister in charge of the policy sector.
[RT I 2007, 63, 397 – entry into force 01.06.2008]

(5) The Consumer Protection and Technical Regulatory Authority shall inform the applicant for a frequency authorisation within one week after the receipt of the application of the deficiencies contained in the application and grant a term for elimination of the deficiencies.
[RT I 2007, 66, 408 – entry into force 01.01.2008]

(6) Before the issue of a frequency authorisation, the Consumer Protection and Technical Regulatory Authority informs the applicant for a frequency authorisation of the restrictions established pursuant to subsection 4 of § 11 of this Act together with the reasons for applying these and of the amount of the state fee to be paid.
[RT I, 15.12.2021, 1 – entry into force 01.03.2022]

(7) In order to receive a frequency authorisation, an applicant is required to pay the state fee within five working days after the notification provided for in subsection 6 of this section. The grant of a frequency authorisation is decided after receipt of the state fee.
[RT I, 23.12.2015, 1 – entry into force 24.12.2015]

(8) At the written request of the holder of a frequency authorisation, the Consumer Protection and Technical Regulatory Authority shall issue to the applicant a written confirmation regarding the rights and obligations upon use of radio frequencies which are granted to the applicant by the frequency authorisation within three working days after the date of receipt of the respective application.
[RT I 2007, 66, 408 – entry into force 01.01.2008]

(9) The Consumer Protection and Technical Regulatory Authority makes the decision to grant a frequency authorisation and the conditions of the frequency authorisation public in the Consumer Protection and Technical Regulatory Information System within 10 working days after the issue of the frequency authorisation, except in the case provided by law.
[RT I, 15.12.2021, 1 – entry into force 01.03.2022]

(10) The decision to grant a frequency authorisation for an amateur radio station or a ship or aircraft of a natural person and the conditions of the frequency authorisation are not made public in the Consumer Protection and Technical Regulatory Information System.
[RT I, 15.12.2021, 1 – entry into force 01.03.2022]

§ 14. Refusal to grant frequency authorisation

(1) The Consumer Protection and Technical Regulatory Authority shall refuse to grant a frequency authorisation if:
[RT I 2007, 66, 408 – entry into force 01.01.2008]
1) the applicant has submitted false information,
2) the activities of the applicant may be hazardous for human health or the environment,

2[1]) the activities of the applicant or a member of its management or supervisory body could pose a risk to national security;
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]
3) there are no free radio frequency channels,
4) the use of radio frequencies is not in conformity with the Estonian radio frequency allocation plan or the legislation regulating the use of radio frequencies,
5) the use of radio frequencies is not in conformity with the conditions arising from international agreements or the European Union law,
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]
6) the use of radio frequencies may cause radio interference,
7) the use of radio frequencies may interfere with the operation of stationary equipment of the Consumer Protection and Technical Regulatory Authority used for technical supervision in the area where such equipment is located,
[RT I 2007, 66, 408 – entry into force 01.01.2008]
8) the use of radio frequencies is ineffective,
8[1]) the applicant wishes to begin using the radio frequencies later than six months after the submission of the application, unless the right to use radio frequency bands is granted by way of public competition,
[RT I, 23.03.2011, 1 – entry into force 25.05.2011]
9) the use of radio frequencies in not approved in the course of international coordination or
10) the state fee has not been paid.

(2) A decision of the Consumer Protection and Technical Regulatory Authority concerning refusal to grant a frequency authorisation shall be delivered to the applicant within three working days after the decision is made.
[RT I 2007, 66, 408 – entry into force 01.01.2008]

(3) [Repealed RT I, 23.12.2015, 1 – entry into force 24.12.2015]

(4) The areas specified in clause 7 of subsection 1 of this section shall be determined by the minister in charge of the policy sector.

§ 15. Amendment of conditions of frequency authorisation

(1) The Consumer Protection and Technical Regulatory Authority may amend the conditions of a frequency authorisation if after the grant of the authorisation the bases provided for in clauses 2, 4, 5, 6, 7 or 8 of subsection 1 of § 14 of this Act become evident or if the activity licence for the provision of radio services which was the prerequisite for the grant of the frequency authorisation is amended.
[RT I, 06.01.2011, 1 – entry into force 16.01.2011]

(2) A decision to amend the conditions of a frequency authorisation enters into force six months after the decision is made, unless the holder of the frequency authorisation wishes that the decision to amend the frequency authorisation enters into force before the expiry of such term. If the basis for amendment of the frequency authorisation arises from clause 2 of subsection 1 of § 14 of this Act, the decision of the Consumer Protection and Technical Regulatory Authority on amendment of the conditions of the frequency authorisation enters into force at the moment when it is made. Amendment of a frequency authorisation due to amendment of the activity licence for the provision of radio services enters into force at the date specified in the decision to amend the activity licence for the provision of radio services.
[RT I, 06.01.2011, 1 – entry into force 16.01.2011]

(3) If the holder of a frequency authorisation submits an application for amendment of the conditions of the frequency authorisation to the Consumer Protection and Technical Regulatory Authority electronically through the Consumer Protection and Technical Regulatory Information System, the Consumer Protection and Technical Regulatory Authority decides to amend or refuse to amend the conditions within the term provided in subsections 1 and 2 of § 13 of this Act on the basis of the provisions of § 14. Where an application cannot be submitted in this manner, the application is submitted to the Consumer Protection and Technical Regulatory Authority in writing.
[RT I, 15.12.2021, 1 – entry into force 01.03.2022]

(4) The Consumer Protection and Technical Regulatory Authority makes the decision to amend the conditions of the frequency authorisation public in the Consumer Protection and Technical Regulatory Information System within ten working days after the decision is made.
[RT I, 15.12.2021, 1 – entry into force 01.03.2022]

§ 16. Extension of and refusal to extend frequency authorisation

(1) In order to extend a frequency authorisation under the valid conditions, the holder of a frequency authorisation submits an application for the extension of the frequency authorisation electronically through the Consumer Protection and Technical Regulatory Information System not later than one month before the expiry of the frequency authorisation. Where an application cannot be submitted in this manner, the application is submitted to the Consumer Protection and Technical Regulatory Authority in writing. The applicant is required to pay the state fee pursuant to the rate provided in the State Fees Act for the extension of the frequency authorisation.
[RT I, 15.12.2021, 1 – entry into force 01.03.2022]

(2) The Consumer Protection and Technical Regulatory Authority may refuse to extend a frequency authorisation if the basis for refusal to issue the frequency authorisation provided in clause 1, 2, 2^1, 4, 5, 8 or 10 of subsection 1 of § 14 of this Act exists.
[RT I, 15.12.2021, 1 – entry into force 01.03.2022]

(3) The Consumer Protection and Technical Regulatory Authority makes the decision to extend the frequency authorisation public in the Consumer Protection and Technical Regulatory Information System within ten working days after the decision is made.
[RT I, 15.12.2021, 1 – entry into force 01.03.2022]

(4) The decision of the Consumer Protection and Technical Regulatory Authority concerning refusal to extend a frequency authorisation shall be delivered to the applicant within three working days after the decision is made.
[RT I, 23.03.2011, 1 – entry into force 25.05.2011]

§ 17. Transfer of right to use radio frequencies and grant for use on the basis of contract for use

(1) The holder of a frequency authorisation may transfer in part or in full the right to use radio frequencies defined in the frequency authorisation or grant the right for use to another person on the basis of a contract for use if the right to transfer the respective radio frequencies or to grant these for use on the basis of a contract for use is provided for in the Estonian radio frequency allocation plan. The right to use radio frequencies may not be transferred or granted for use on the basis of a contract for use in the case of a frequency authorisation, whereby the right to use radio frequencies in the broadcasting network is granted.

(2) In order to transfer the right to use radio frequencies, an application for the transfer of the right to use radio frequencies granted by the frequency authorisation shall be submitted to the Consumer Protection and Technical Regulatory Authority by the holder of the frequency authorisation and by the person to whom the holder wishes to transfer the right to use radio frequencies.

(2^1) For the purposes of this section, transfer of the right to use radio frequencies means any transfer of a frequency authorisation from one person to another, including in case of merger of undertakings.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

(3) The application specified in subsection 2 of this section shall be processed by the Consumer Protection and Technical Regulatory Authority pursuant to §§ 13 and 14 of this Act.

(4) In order to grant for use the right to use radio frequencies on the basis of a contract for use, the granter for use on the basis of a contract for use must obtain a prior approval of the Consumer Protection and Technical Regulatory Authority.

(5) In order to grant for use the right to use radio frequencies on the basis of a contract for use, the granter for use on the basis of a contract for use must submit a respective written notice to the Consumer Protection and Technical Regulatory Authority ten working days before granting the right for use on the basis of a contract for use.

(6) Upon transfer of the right to use radio frequencies or grant of the right for use on the basis of a contract for use, the conditions of the frequency authorisation continue to apply, unless the Consumer Protection and Technical Regulatory Authority decides otherwise on the basis of subsection 1 of § 15 of this Act.

(7) Upon grant for use of the right to use radio frequencies on the basis of a contract for use, the holder of the frequency authorisation shall be responsible for compliance with the conditions determined by the frequency authorisation.

(8) The Consumer Protection and Technical Regulatory Authority may, if necessary, coordinate the transfer of the right to use radio frequencies or the grant of the right for use on the basis of a contract for use with the Competition Authority. The Consumer Protection and Technical Regulatory Authority has the right to refuse the transfer of right to use radio frequencies or the grant of the right for use on the basis of a contract for use if it distorts competition.

(9) The Consumer Protection and Technical Regulatory Authority shall publish the forms of an application provided for in subsection 2 and of a notice specified in subsection 5 and the information contained in the notice provided for in subsection 5 of this section on its website.

(10) The procedure for the transfer of the right to use radio frequencies and the grant of the right for use on the basis of a contract for use shall be established by a regulation of the minister in charge of the policy sector.
[RT I, 23.03.2011, 1 – entry into force 25.05.2011]

§ 18. Suspension and revocation of frequency authorisation

(1) Upon violation of the conditions of a frequency authorisation, the Consumer Protection and Technical Regulatory Authority may suspend the right to use the radio frequencies granted by the frequency authorisation if the holder of the frequency authorisation has failed to eliminate the violation of the conditions of the frequency authorisation within one month after the Consumer Protection and Technical Regulatory Authority informed the user of radio frequencies of violation of the conditions and granted the user a possibility to provide an opinion or eliminate the violation, unless the Consumer Protection and Technical Regulatory Authority has granted a longer term.
[RT I 2007, 66, 408 – entry into force 01.01.2008]

(2) The Consumer Protection and Technical Regulatory Authority shall revoke a decision on suspension if the holder of the frequency authorisation eliminates the violation within one month after the date when the decision to suspend the right to use radio frequencies was made, unless the Consumer Protection and Technical Regulatory Authority has granted a longer term.
[RT I 2007, 66, 408 – entry into force 01.01.2008]

(3) The Consumer Protection and Technical Regulatory Authority may revoke a frequency authorisation if:
[RT I 2007, 66, 408 – entry into force 01.01.2008]
1) the use of the rights granted by the frequency authorisation has not commenced within six months after the grant of the frequency authorisation or within the term prescribed in the frequency authorisation or if the holder of the frequency authorisation has terminated the use of the rights granted by the frequency authorisation,
2) the holder of the frequency authorisation has materially or repeatedly violated the conditions of the frequency authorisation,
3) after the grant of the frequency authorisation it becomes evident that the bases for refusal to issue the frequency authorisation provided in clauses 1–9 of subsection 1 of § 14 of this Act exist,
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]
4) the use of the radio frequencies has been suspended pursuant to subsection 1 of this section and the user of radio frequencies has not eliminated the circumstances on which the suspension was based within one month after the date on which the decision on suspension was made, unless the Consumer Protection and Technical Regulatory Authority has granted a longer term, or
[RT I 2007, 66, 408 – entry into force 01.01.2008]
5) the activity licence for the provision of radio services which was the basis for grant of the frequency authorisation expires or is revoked.
[RT I, 06.01.2011, 1 – entry into force 16.01.2011]

(4) If the user of radio frequencies has terminated the use of the rights granted to the user by a frequency authorisation, the user is required to promptly inform the Consumer Protection and Technical Regulatory Authority thereof.
[RT I 2007, 66, 408 – entry into force 01.01.2008]

(5) The decision of the Consumer Protection and Technical Regulatory Authority to suspend the right to use the radio frequencies granted by the frequency authorisation or revoke a frequency authorisation shall be delivered to the user of radio frequencies within three working days after the decision on suspension or revocation is made.
[RT I 2007, 66, 408 – entry into force 01.01.2008]

§ 19. Organisation of auction

(1) If several persons have concurrently submitted applications for the use of the same radio frequency, the Consumer Protection and Technical Regulatory Authority shall organise an auction in order to grant a frequency authorisation. Applications which have arrived on the same date are deemed to be applications that have arrived concurrently.
[RT I 2007, 66, 408 – entry into force 01.01.2008]

(2) The Consumer Protection and Technical Regulatory Authority shall inform the applicants of an auction in writing within five working days after the receipt of the applications and the applicants are allowed to submit their tenders within five working days. The winner of the auction shall be granted a frequency authorisation, taking account of the provisions of § 13 of this Act.
[RT I 2007, 66, 408 – entry into force 01.01.2008]

§ 20. Use of radio frequencies without frequency authorisation

(1) The minister in charge of the policy sector has the right, in accordance with the purposes of use of radio frequencies, to determine the possibility to use radio frequencies without a frequency authorisation provided for in § 11 of this Act and establish the conditions for the use of radio frequencies with regard to the specified radio frequencies and the technical requirements necessary to avoid radio interference, ensure interoperability of equipment and ensure protection of the public from the harmful effect of electromagnetic fields.

(2) The Consumer Protection and Technical Regulatory Authority shall publish the conditions for the use of radio frequencies without a frequency authorisation on its website.
[RT I 2007, 66, 408 – entry into force 01.01.2008]

(3) The minister in charge of the policy sector may amend the conditions for the use of radio frequencies established pursuant to subsection 1 of this section if:
1) the Estonian radio frequency allocation plan is amended,
2) the development of electronic communications technology requires it,
3) it arises from an international agreement or
4) it arises from another Act.

(4) The consultation provided for in § 152 of this Act is unnecessary if the amendment specified in subsection 3 of this section does not restrict the existing rights of users of radio frequencies.

(5) A regulation of the minister in charge of the policy sector whereby the conditions for the use of radio frequencies are amended and the existing rights of users of radio frequencies are restricted enters, in the part of the regulation where the rights of the users of radio frequencies are restricted, into force two years after the date of publication of the regulation.

§ 21. Use of radio frequencies for national defence purposes

(1) The procedure and technical requirements for the use of radio frequencies allocated for exclusive use to the Defence Forces of Estonia shall be established by a regulation of the minister in charge of the policy sector in accordance with the Radio Regulations annexed to the Constitution and Convention of the International Telecommunications Union.
[RT I, 12.03.2015, 1 – entry into force 01.01.2016]

(2) The establishment of the technical requirements specified in subsection 1 of this section shall be based on the following:
1) the needs of the Defence Forces of Estonia to use the radio frequencies;
[RT I, 12.03.2015, 1 – entry into force 01.01.2016]
2) international agreements, including coordination agreements;
3) the need to establish possible restrictions in order to ensure electromagnetic compatibility of the radio equipment in civil use and the radio equipment of the Defence Forces of Estonia;
[RT I, 12.03.2015, 1 – entry into force 01.01.2016]
4) the need to avoid radio interference.

(3) The use of radio frequencies for national defence purposes outside of the radio frequencies allocated for exclusive use to the Defence Forces of Estonia shall be based on a frequency authorisation in accordance with §§ 11–18 of this Act. The Consumer Protection and Technical Regulatory Authority shall grant the specified frequency authorisation to the Defence Forces of Estonia as a priority.
[RT I, 12.03.2015, 1 – entry into force 01.01.2016]

(4) The provisions of clause 3 of subsection 1^1 of § 11, clauses 8 and 8^1 of subsection 1 of § 14 and clause 1 of subsection 3 of § 18 of this Act do not apply to the frequency authorisations granted to the Defence forces of Estonia in the frequency bands used for national defence purposes.
[RT I, 12.03.2015, 1 – entry into force 01.01.2016]

§ 21^1. Management and use of radio frequencies during increased defence readiness, state of emergency and state of war

(1) During increased defence readiness, a state of emergency or a state of war, the Consumer Protection and Technical Regulatory Authority may change the conditions of frequency authorisations or suspend the right to use radio frequencies granted by the frequency authorisation if this is necessary in order to ensure public order or national security.

(2) During increased defence readiness, a state of emergency or a state of war, the Consumer Protection and Technical Regulatory Authority may grant a frequency authorisation to a person without observing the procedure provided in § 13 of this Act or change the conditions of a frequency authorisation without observing the procedure provided in § 15 if this is necessary in order to ensure public order or national security.

(3) No state fees are charged for the grant of a frequency authorisation or the change of the conditions of a frequency authorisation or the period of suspension under subsections 1 and 2 of this section.

(4) Upon application of subsection 1 and 2 of this section, the provisions of §§ 12 and 13, clauses 4–10 of subsection 1 of § 14 and §§ 15, 18, 19 and 152 of this Act do not apply.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

§ 22. Incorrect or misleading message and information subject to radiocommunication secrecy

(1) It is prohibited to send, by means of radiocommunication, incorrect or misleading messages which may prejudice the safety of aircraft, ships or vehicles on land or of persons or the functioning of the activities of any rescue service agency.
[RT I 2010, 29, 151 – entry into force 20.06.2010]

(2) Information subject to radio communication secrecy means information concerning the persons engaged in radiocommunication and the messages transmitted by them by radiocommunication. It is prohibited for third persons to procure information subject to radio communication secrecy, except in the cases provided by law.
[RT I, 23.12.2015, 1 – entry into force 24.12.2015]

(3) [Repealed – RT I, 23.12.2015, 1 – entry into force 24.12.2015]

§ 23. Radio interference and elimination thereof

(1) Causing of harmful radio interference is prohibited, except in the cases and pursuant to the procedure provided for in § 115 of this Act.

(2) The user of radio frequencies may submit a complaint in connection with harmful radio interference to the Consumer Protection and Technical Regulatory Authority.
[RT I 2007, 66, 408 – entry into force 01.01.2008]

(3) A person who becomes aware of the fact that, as a result of his or her action or inaction, radio interference is caused must promptly take all measures available to eliminate the interference.

(4) The Consumer Protection and Technical Regulatory Authority shall suspend or restrict the use of the equipment causing radio interference. The demand to suspend or restrict the use of the equipment shall be made in writing.
[RT I 2007, 66, 408 – entry into force 01.01.2008]

(5) If the Consumer Protection and Technical Regulatory Authority has suspended the use of the equipment causing radio interference, the equipment must not be switched on before elimination of the causes for the radio interference and before the Consumer Protection and Technical Regulatory Authority allows resuming the use of the equipment in writing.
[RT I 2007, 66, 408 – entry into force 01.01.2008]

(6) An official of the Consumer Protection and Technical Regulatory Authority who exercises supervision has the right, in order to eliminate radio interference, to enter the territory where the source of radio interference is located together with the possessor of the territory or a representative thereof in order to localise the source of and eliminate the radio interference, and the official also has the right to demand all information concerning the equipment which causes radio interference from the owner, user or possessor of the equipment.
[RT I 2007, 66, 408 – entry into force 01.01.2008]

(7) [Repealed – RT I 2007, 63, 397 – entry into force 17.12.2007]

(8) [Repealed – RT I 2007, 63, 397 – entry into force 17.12.2007]

§ 24. Conduct of amateur radiocommunication

The procedure for the use of radio frequencies for amateur radiocommunication purposes and for the issue of the radio amateur qualification shall be established by the minister in charge of the policy sector.

§ 25. Formation and assignment of radio call signs

(1) Radio call sign is a combination of numbers or letters used for the identification of messages or radio transmission equipment.

(2) The procedure for the formation and assignment of radio call signs shall be established by the minister in charge of the policy sector.

§ 26. Giving notification of information related to radio frequency management

(1) The aviation frequency coordinator of the International Civil Aviation Organisation in Estonia shall notify the Consumer Protection and Technical Regulatory Authority in writing of approved radio frequencies for the organisation of air traffic services in the territory of Estonia and their technical conditions and amendment of the technical conditions within three working days after the date of establishment or amendment of the radio frequencies and the conditions.
[RT I 2007, 66, 408 – entry into force 01.01.2008]

(2) The Consumer Protection and Technical Regulatory Authority shall notify the person who manages state electronic communications networks and the Police and Border Guard Board of the call sign, selective call and

the code of the radio transmission equipment assigned (*Maritime Mobile System Identification, MMSI*) to an Estonian ship within one working day after the receipt of the respective information concerning the water craft.
[RT I, 23.03.2011, 1 – entry into force 25.05.2011]

(3) The Consumer Protection and Technical Regulatory Authority shall notify the Transport Administration of the conditions of an issued ship radio licence and the code of the radio transmission equipment (MMSI) assigned to navigation equipment within one working day after the issue of the specified licence for the purpose of making a corresponding entry in the MARS (*Maritime mobile Access and Retrieval System*) database of the International Telecommunications Union.
[RT I, 10.12.2020, 1 – entry into force 01.01.2021]

(3^1) The Consumer Protection and Technical Regulatory Authority shall notify the International Telecommunications Union of the conditions of radio licences issued to aircraft carrying out search and rescue works (*Search and Rescue aircraft, SAR aircraft*) and the code of the radio transmission equipment (MMSI) within one working day from the issue of the specified licence.
[RT I, 23.03.2011, 1 – entry into force 25.05.2011]

(4) The Consumer Protection and Technical Regulatory Authority shall register the maritime accounting authorities, exercise supervision over them and forward the respective information to the database of the International Telecommunications Union.
[RT I 2007, 66, 408 – entry into force 01.01.2008]

(5) The minister in charge of the policy sector may establish requirements for the maritime accounting authorities specified in subsection 4 of this section and the procedure for the registration of and exercise of supervision over them.

Chapter 4
MANAGEMENT OF NUMBERING RESOURCES

§ 27. Purpose of management of numbering resources

The purpose of management of numbering resources is to ensure the numbering necessary for the provision of communications services and the efficient and expedient use of numbering resources.
[RT I, 23.12.2015, 1 – entry into force 24.12.2015]

§ 28. Management of numbering resources

(1) The numbering resources shall be managed by the Ministry of Justice and Digital Affairs and the Consumer Protection and Technical Regulatory Authority.
[RT I 2007, 66, 408 – entry into force 01.01.2008]

(2) The management of numbering resources consists in the allocation of numbering pursuant to the Estonian numbering plan and supervision over the use of numbering. The Minister of Justice and Digital Affairs and the Consumer Protection and Technical Regulatory Authority shall manage the numbering resources on the basis of objective, transparent, non-discriminatory and proportionate criteria, taking account of the need to achieve harmonised, efficient and effective use of numbering.
[RT I 2007, 66, 408 – entry into force 01.01.2008]

(3) Numbering resources shall be managed and used through the numbering management database.

(4) Upon performing their duties, the Ministry of Justice and Digital Affairs and the Consumer Protection and Technical Regulatory Authority shall take account of the recommendations of the European Commission on the management of numbering resources to the greatest extent possible. If the Ministry of Justice and Digital Affairs and the Consumer Protection and Technical Regulatory Authority do not take such recommendations into account, they shall submit a notice thereof to the European Commission along with the reasons for not taking the recommendation into account.
[RT I, 23.03.2011, 1 – entry into force 25.05.2011]

§ 28^1. Numbering management database

(1) The purpose of the numbering management database is to ensure compliance with the requirements for management of numbering resources, reservation of numbers and number portability provided in this Act.

(2) The numbering management database is founded and its statutes are established by a regulation of the minister in charge of the policy sector.

(3) The controller of the numbering management database is the Consumer Protection and Technical Regulatory Authority. The processor is determined in the statutes of the database.

(4) The following is entered in the numbering management database:
1) information about reserved numbers;
2) information about number portability operations.

(5) Information entered in the numbering management database has legal effect in the cases provided in this Act.

(6) Access to information entered in the numbering management database is restricted, except for information about the status of numbers.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

§ 29. Users of numbering and conditions for use of numbering

(1) A person who provides communications services or uses communications services to provide other services, including information society services within the meaning of the Information Society Services Act, as well as a government authority within the limits of its competence (hereinafter *user of numbering*) have the right to use numbering.

(2) In addition to the conditions for the use of numbering provided for in this Chapter, the minister in charge of the policy sector may establish:
1) [Repealed – RT I, 23.12.2015, 1 – entered into force 24.12.2015]
2) the obligation to publish and the conditions for publishing information on subscribers in the public number directory;
3) the conditions for the transfer of the right to use a number;
4) the conditions arising from international agreements which concern the use of numbering;
5) the conditions for number reservation;
6) the conditions for the use of numbering to ensure public order and national security.

(3) The establishment of the conditions specified in subsection 2 of this section must be objectively justified, non-discriminatory, proportional and transparent.

(4) A number is deemed to be in use if there has been incoming or outgoing traffic to or from the reserved number during the term of validity of the numbering authorisation or there is a valid communications services contract linked to the number and the number can be dialled.
[RT I, 23.12.2015, 1 – entry into force 24.12.2015]

(5) A person is required to take the numbering efficiently into use within six months after obtaining the numbering authorisation.
[RT I, 23.12.2015, 1 – entry into force 24.12.2015]

§ 30. Estonian numbering plan

(1) The Estonian numbering plan shall determine the following in respect of the numbers, short numbers, identification codes and access codes necessary for the provision of communications and other services:
1) the location in the numbering space;
2) the requirements for their length, use and dialling procedure;
3) the conditions for their use; and
4) the services for the provision of which they may be used, including the requirements established for the services.
[RT I, 23.12.2015, 1 – entry into force 24.12.2015]

(2) The Estonian numbering plan does not regulate the use of world-wide and other addresses of international data communication networks.

(3) The Estonian numbering plan shall be established by the minister in charge of the policy sector and it shall be managed by the Consumer Protection and Technical Regulatory Authority.
[RT I 2007, 66, 408 – entry into force 01.01.2008]

§ 31. Amendment of Estonian numbering plan and conditions for use of numbering

(1) The minister in charge of the policy sector shall amend the Estonian numbering plan or the conditions for the use of numbering if:
1) the development of the electronic communications sector requires it or
2) it arises from international agreements.

(2) If a regulation of the minister in charge of the policy sector issued pursuant to subsection 3 of § 30 of this Act restricts the rights of a user of numbering, the part of the regulation in which the rights of the user of numbering are restricted enters into force one year after the date of publication of the regulation.

§ 32. Ensuring of access to numbers and short numbers

(1) A communications undertaking must ensure that calls originating from a subscriber to all numbers and short numbers described in the Estonian numbering plan as well as to a number of the European Telephony Numbering Space (*ETNS*) 3883 and Universal International Freephone Numbers (*UIFN*) used in Estonia are terminated at the point where the subscriber wishes if the communications undertaking terminating the call has made it technically possible or unless the communications undertaking terminating the call has applied restrictions thereto pursuant to § 98 of this Act.

(1^1) A holder of a numbering authorisation must secure the dialling of calls from the numbers described in the Estonian numbering plan or access to the number reserved under § 38 of this Act and taken into use and to the provided communications service or other services provided through it.
[RT I, 23.12.2015, 1 – entry into force 24.12.2015]

(1^2) The holder of a numbering authorisation must ensure the establishment of a free connection to the number 116000.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

(1^3) The holder of a numbering authorisation must provide people with special needs with connection to the number 116000 by means of a special number-based interpersonal communications service.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022, subsection 1^3 is applied as of 28 June 2025]

(2) A communications undertaking must ensure access to numbers issued in other Member States of the European Union, including the European Telephony Numbering Space (*ETNS*) numbers and Universal International Freephone Numbers (*UIFN*) and access to services provided in the Member States of the European Union, unless:
1) the service provider has, for commercial reasons, decided to restrict the access of callers located in a specific geographical area;
2) the communications undertaking has applied restrictions thereto pursuant to § 98 of this Act;
3) access to the service or access to a number specified in this subsection is technically unfeasible or economically unjustified.

(3) A communications undertaking is required to transmit all calls to the European Telephony Numbering Space and from the European Telephony Numbering Space for a similar charge which it applies to calls made to other Member States and from other Member States.

(4) A communications undertaking must ensure the possibility of dialling international calls at least by dialling the international access code 00.

(5) A communications undertaking must ensure the transmission of a connection originated by a subscriber to the pan-European harmonised short number beginning with 116.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

(6) The Consumer Protection and Technical Regulatory Authority is required to publish information concerning the adoption of a pan-European harmonised short number beginning with 116 on its website.
[RT I, 23.03.2011, 1 – entry into force 25.05.2011]

§ 33. Numbering authorisation

(1) A numbering authorisation is a permit for the use of numbering which grants the user of the numbering the right, for the provision of services, to use:
1) the quantity of numbers indicated in the numbering authorisation, reserve single numbers and organise the use thereof;
2) the short number or identification code indicated in the numbering authorisation and organise the use thereof.

(2) In respect of numbers, a numbering authorisation is based on the quantity of numbers and, in respect of identification codes and short numbers, it is based on single numbers.

(3) A numbering authorisation shall set out at least the following:
1) in the case of an identification code or a short number, the short number or identification code allocated and, in the case of a number, the quantity and type of numbers permitted to be used pursuant to the Estonian numbering plan;
2) the date of issue and the date of expiry of the authorisation;
3) the name, date of birth or registry code or personal identification code of the user of the numbering;
4) the conditions for use of the numbering.
[RT I, 23.12.2015, 1 – entry into force 24.12.2015]

(4) A numbering authorisation shall be issued for one year.

§ 34. Application for and processing of numbering authorisation

(1) In order to receive a numbering authorisation, a person submits a standard format application to the Consumer Protection and Technical Regulatory Authority through the Consumer Protection and Technical Regulatory Information System. Where an application cannot be submitted in this manner, the application is submitted to the Consumer Protection and Technical Regulatory Authority in writing. The application contains at least the following information:
[RT I, 15.12.2021, 1 – entry into force 01.03.2022]
1) the name, residence or seat, date of birth or registry code or personal identification code and the telecommunications numbers of the applicant;
2) the planned use of the numbering being applied for and its area of use by country;
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]
3) the quantity of numbers and, in the case of a short number, the specific short number being applied for or the length of the short number;
4) the description of how the person intends to guarantee compliance with the requirement provided in subsection 1^1 of § 32 of this Act.
[RT I, 23.12.2015, 1 – entry into force 24.12.2015]

(2) The Consumer Protection and Technical Regulatory Authority shall publish the form of an application for a numbering authorisation on its website.
[RT I 2007, 66, 408 – entry into force 01.01.2008]

(3) In the course of processing an application for a numbering authorisation, the Consumer Protection and Technical Regulatory Authority may require an applicant to submit more specific information and other data concerning the submitted information, which are necessary for the treatment of the application, and make enquiries to verify the submitted information.
[RT I 2007, 66, 408 – entry into force 01.01.2008]

(4) The Consumer Protection and Technical Regulatory Authority shall issue a numbering authorisation to the user of numbering within 10 working days after the receipt of the application which complies with subsection 1 of this section if the user of the numbering has paid the state fee.
[RT I 2007, 66, 408 – entry into force 01.01.2008]

(5) The Consumer Protection and Technical Regulatory Authority makes the decision to grant a numbering authorisation public in the Consumer Protection and Technical Regulatory Information System within 10 working days after the issue of the numbering authorisation, except in the case provided by law.
[RT I, 15.12.2021, 1 – entry into force 01.03.2022]

(6) A decision of the Consumer Protection and Technical Regulatory Authority concerning refusal to grant a numbering authorisation shall be delivered to the applicant within three working days after the decision is made.
[RT I 2007, 66, 408 – entry into force 01.01.2008]

§ 35. Amendment and extension of numbering authorisation

(1) The holder of a numbering authorisation may apply for an increase in the quantity of numbers set out in the numbering authorisation by submitting an application for amendment of the numbering authorisation to the Consumer Protection and Technical Regulatory Authority electronically through the Consumer Protection and Technical Regulatory Information System, adding the information provided in subsection 1 of § 34 of this Act. Where an application cannot be submitted in this manner, the application is submitted to the Consumer Protection and Technical Regulatory Authority in writing. Upon amendment of the numbering authorisation, the applicant is required to pay the state fee for additional numbers in proportion to the number of full months until the expiry of the numbering authorisation.
[RT I, 15.12.2021, 1 – entry into force 01.03.2022]

(2) A numbering authorisation is extended one year at a time. An application for the extension of a numbering authorisation is submitted electronically through the Consumer Protection and Technical Regulatory Information System at least 20 days before the expiry of the numbering authorisation. Where an application cannot be submitted through the Consumer Protection and Technical Regulatory Information System, the application is submitted to the Consumer Protection and Technical Regulatory Authority in writing. The applicant is required to pay the state fee pursuant to the rate provided in the State Fees Act for the extension of the numbering authorisation before the submission of an application for the extension of the numbering authorisation.
[RT I, 15.12.2021, 1 – entry into force 01.03.2022]

(3) A numbering authorisation shall be extended no later than three working days before the expiry of the valid numbering authorisation.

§ 36. Refusal to grant, amend or extend numbering authorisation

[RT I, 23.12.2015, 1 – entry into force 24.12.2015]

(1) The Consumer Protection and Technical Regulatory Authority shall refuse to grant, amend or extend a numbering authorisation if:
1) the state fee has not been paid;
2) the applicant for the numbering authorisation has submitted false information;
3) the applicant for the numbering authorisation does not meet the requirements for the users of numbering provided for in subsection 1 of § 29 of this Act;
4) the planned use or the actual use of the numbering does not comply with the conditions for the use of numbering provided for in the Estonian numbering plan or does not conform to other legislation regulating the use of numbering;
5) the short number or identification code has been issued to another person;
6) the use of the numbering is inefficient;
6^1) the numbering resources are depleted;
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]
7) the person fails to secure the obligation imposed on numbering authorisation holders provided for in subsection 1^1 of § 32 of this Act; or
8) the numbering is planned to be taken efficiently into use later than six months after application for the numbering authorisation.
[RT I, 23.12.2015, 1 – entry into force 24.12.2015]

(2) Clause 6^1 of subsection 1 of this section does not apply to communications undertakings.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

§ 37. Suspension of right to use numbering and revocation of numbering authorisation

[RT I, 23.12.2015, 1 – entry into force 24.12.2015]

(1) The Consumer Protection and Technical Regulatory Authority may suspend the right to use the numbering granted by the numbering authorisation if the holder of the numbering authorisation fails to eliminate a violation of the conditions provided for in this Act, the legislation established on the basis thereof or the numbering authorisation within one month after the time when the Consumer Protection and Technical Regulatory Authority notified the holder of the numbering authorisation of violation of the conditions and gave the holder an opportunity to express its opinion.

(2) The Consumer Protection and Technical Regulatory Authority shall revoke a decision to suspend the right to use the numbering granted by a numbering authorisation immediately after the circumstances which are the bases for the suspension cease to exist.

(3) The Consumer Protection and Technical Regulatory Authority may revoke a numbering authorisation if:
1) the use of the rights granted by the numbering authorisation has not commenced efficiently within six months after the grant of the numbering authorisation or within such other term as prescribed in the numbering authorisation or if the holder of the numbering authorisation has terminated the use of the rights granted by the numbering authorisation,
2) the holder of the numbering authorisation has materially or repeatedly violated the conditions of use of numbering or the numbering authorisation,
3) after the grant of the numbering authorisation it becomes evident that the bases specified in clauses 2–7 of § 36 of this Act existed before the grant of the numbering authorisation,
4) the right to use the numbering has been suspended pursuant to subsection 1 of this section and the holder of numbering authorisation has not eliminated the violation on which the suspension was based within one month after the date on which the decision on suspension was made, unless the Consumer Protection and Technical Regulatory Authority has granted a longer term.

(4) The decision of the Consumer Protection and Technical Regulatory Authority to suspend the right to use the numbering granted by the numbering authorisation or revoke a numbering authorisation shall be delivered to the holder of the numbering authorisation within three working days after the decision on suspension or revocation is made.
[RT I, 23.12.2015, 1 – entry into force 24.12.2015]

§ 38. Number reservation

(1) A person who holds a valid numbering authorisation has the right to reserve a number. Reservation of a number grants the holder of the numbering authorisation the right to use the specific number.

(2) A number is reserved and the reservation of a number is cancelled by the holder of the numbering authorisation through the database created therefor.

(3) A number shall not be reserved if:
1) the number is reserved for another person,

2) the person who wishes to make a reservation does not hold a valid numbering authorisation or the right to use the numbering granted by the numbering authorisation has been suspended, or
[RT I, 23.12.2015, 1 – entry into force 24.12.2015]
3) the quantity of numbers which the person wishes to reserve exceeds the quantity of numbers permitted to be used according to the numbering authorisation.

(4) A number shall be reserved for an unspecified term.

(5) The reservation of a number terminates upon expiry of the numbering authorisation, revocation of the numbering authorisation or cancellation of the reservation.
[RT I, 23.12.2015, 1 – entry into force 24.12.2015]

(6) If a subscriber changes a provider of telephone or mobile telephone services and retains his or her current number, the reservation of the number in respect of the current provider of telephone or mobile telephone services ends and the reservation of the number transfers to the provider of telephone or mobile telephone services with whom the subscriber enters into a subscription contract which sets out as a condition of the contract that the current number is retained.

§ 39. Organisation of auction

(1) If several persons have concurrently submitted applications for numbering authorisations for the use of the same short number or identification code and the applicants cannot be granted joint use of the short number or identification code, the Consumer Protection and Technical Regulatory Authority shall organise an auction for the issue of the numbering authorisation. Applications which have arrived on the same date are deemed to be applications that have arrived concurrently.
[RT I 2007, 66, 408 – entry into force 01.01.2008]

(2) The Consumer Protection and Technical Regulatory Authority shall inform the applicants of an auction in writing within five working days after the receipt of the applications and the applicants are allowed to submit their tenders within five working days. The winner of the auction shall be granted a numbering authorisation within 20 working days after the submission of the applications.
[RT I 2007, 66, 408 – entry into force 01.01.2008]

(3) The procedure for the organisation of an auction specified in § 19 of this Act and in this section shall be established by the minister in charge of the policy sector.

Chapter 5
SECTOR-SPECIFIC REGULATION OF MARKETS OF COMMUNICATIONS SERVICES

§ 40. Purpose of sector-specific regulation of markets of communications services

(1) The purpose of the sector-specific regulation of markets of communications services (hereinafter *market*) is to ensure the pluralism of communications service providers, their equal and non-discriminatory treatment by encouraging competition, and the quality and availability to end-users of the provided services.

(2) [Repealed – RT I 2006, 25, 187 – entry into force 02.06.2006]

(3) The sector-specific regulation of markets must be technologically neutral.

(4) The sector-specific regulation of markets shall be conducted by the Consumer Protection and Technical Regulatory Authority. The Consumer Protection and Technical Regulatory Authority must take account of the general objectives provided for in § 134 of this Act upon performance of sector-specific acts and application of sector-specific measures provided for in this Chapter.
[RT I 2007, 66, 408 – entry into force 01.01.2008]

§ 41. Sector-specific acts and measures

(1) For the sector-specific regulation of markets, the Consumer Protection and Technical Regulatory Authority has the right to perform the following acts:
[RT I 2007, 66, 408 – entry into force 01.01.2008]
1) define markets pursuant to § 43 of this Act;
2) conduct market analyses on the defined markets pursuant to §§ 44–$44^2$of this Act;
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]
3) designate undertakings with significant market power pursuant to § 45 of this Act.

(2) For the sector-specific regulation of markets, the Consumer Protection and Technical Regulatory Authority has the right to apply the following measures:
[RT I 2007, 66, 408 – entry into force 01.01.2008]

1) impose obligations on an undertaking with significant market power pursuant to § 46 of this Act and amend the obligations of an undertaking with significant market power pursuant to the provisions of subsections 4 and 6 of § 49 of this Act;
2) impose obligations on a communications undertaking and release a communications undertaking from obligations in connection with access and interconnection pursuant to §§ 63–$63^2$of this Act.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

§ 42. [Repealed – RT I 2006, 25, 187 – entry into force 02.06.2006]

§ 43. Definition of markets

(1) The Consumer Protection and Technical Regulatory Authority defines the markets of communications services and their geographical area in accordance with the principles of the European Union competition law, taking account of infrastructure-based competition in these areas. Upon defining markets, the Consumer Protection and Technical Regulatory Authority also proceeds from the data in the communications service database provided in § $100^2$of this Act and the recommendations and guidelines of the European Commission concerning the list of markets.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

(1^1) The Consumer Protection and Technical Regulatory Authority has the right, if this is justified by the national competitive situation, to define the communications services market differently from the markets defined in the recommendations of the European Commission. In the specified case, the Consumer Protection and Technical Regulatory Authority shall notify the European Commission of the different definition of the communications services market pursuant to the provisions of § 48 this Act.
[RT I 2007, 66, 408 – entry into force 01.01.2008]

(2) The Consumer Protection and Technical Regulatory Authority may define the whole territory of the Republic of Estonia or a part thereof as the geographical area of a communications service. If the geographical area of a communications service extends beyond the state border of the Republic of Estonia, the Consumer Protection and Technical Regulatory Authority shall inform the European Commission thereof.
[RT I 2007, 66, 408 – entry into force 01.01.2008]

(3) A certain region forms a common geographical area if the competition conditions in the region are similar or sufficiently homogeneous and the region can be differentiated from other regions where the respective competition conditions differ to a significant extent.
[RT I 2006, 25, 187 – entry into force 02.06.2006]

(4) The Consumer Protection and Technical Regulatory Authority has the right, together with a supervision authority of another Member State of the European Union, to submit a reasoned application to BEREC for the definition of a transnational market. Upon defining markets, the Consumer Protection and Technical Regulatory Authority takes account of the guidelines of BEREC.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

(5) The Consumer Protection and Technical Regulatory Authority, together with a supervision authority of another Member State of the European Union, or a communications undertaking has the right to submit a reasoned application to BEREC who conducts an analysis of transnational end-user demand for products and services that are provided in one or more markets listed in the recommendation specified in subsection 1 of this section.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

§ 44. Market analysis

(1) The Consumer Protection and Technical Regulatory Authority conducts an analysis of the competitive situation in the communications services markets defined pursuant to subsections 1 and $1^1$of § 43 of this Act (hereinafter *market analysis*) in order to verify whether competition is present in the respective communications services market, whether there are any undertakings with significant market power and whether there is a need to impose the obligations referred to in clause 1 of subsection 2 of § 41 on any undertaking with significant market power.

(2) The Consumer Protection and Technical Regulatory Authority conducts a market analysis in accordance with the principles of the European Union competition law and the guidelines of the European Commission and BEREC.

(3) Upon conducting a market analysis, the Consumer Protection and Technical Regulatory Authority consults the Competition Board if necessary to ensure the uniform and consistent application of competition law.

(4) The principles and procedure for conducting a market analysis are established by a regulation of the minister in charge of the policy sector.

(5) If the European Commission defines a transnational market on the basis of an application submitted pursuant to subsection 4 of § 43 of this Act, the Consumer Protection and Technical Regulatory Authority and a supervision authority of another Member State of the European Union conduct a joint market analysis, taking account of the recommendations of the European Commission.

(6) If the European Commission does not define a transnational market on the basis of an application submitted pursuant to subsection 4 of § 43 of this Act, the Consumer Protection and Technical Regulatory Authority and a supervision authority of another Member State of the European Union may conduct a joint market analysis if market conditions in the countries are sufficiently homogenous.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

§ 44^{1}. Results of definition of markets and market analysis

(1) The Consumer Protection and Technical Regulatory Authority prepares a report on the definition of markets and market analysis.

(2) If it arises from the market analysis that competition is present in the communications services market, the Consumer Protection and Technical Regulatory Authority prepares a draft decision on not designating an undertaking with significant market power, which includes:
1) the report specified in subsection 1 of this section;
2) a proposal not to designate an undertaking with significant market power.

(3) If it arises from the market analysis that competition is not present in the communications services market, the Consumer Protection and Technical Regulatory Authority prepares a draft decision on designating an undertaking with significant market power in accordance with subsection 1 of § 46 of this Act.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

§ 44^{2}. Time of conduct of market analysis

(1) The Consumer Protection and Technical Regulatory Authority conducts market analyses regularly, but not less frequently than once every five years. If necessary, the Consumer Protection and Technical Regulatory Authority may extend the specified period by one year if it has reasoned the proposed extension and notified the European Commission thereof no later than four months before the end of the five-year term and the European Commission has not objected to it within one month after the receipt of the notice.

(2) If the European Commission revises the recommendation on the list of markets specified in subsection 1 of § 43 of this Act, the Consumer Protection and Technical Regulatory Authority conducts a market analysis for communications services markets not previously notified by the Consumer Protection and Technical Regulatory Authority to the European Commission within three years after the adoption of the revised recommendation of the European Commission.

(3) If the Consumer Protection and Technical Regulatory Authority has not completed the market analysis of the markets defined in the recommendation of the European Commission or finds that it does not complete it within the term provided in subsection 1 or 2 of this section, BEREC may, at the request of the Consumer Protection and Technical Regulatory Authority, assist in preparing the draft decision specified in subsections 1 and 2 of § 44^{1}of this Act. In such case the Consumer Protection and Technical Regulatory Authority notifies the European Commission of the draft decision within six months in accordance with subsection 2 of § 48 of this Act.

(4) If the European Commission does not establish a maximum call termination rate, the Consumer Protection and Technical Regulatory Authority may conduct the market analysis provided in § 44 of this Act in the relevant market.

(5) In addition to the provisions of subsection 1 of this section, the Consumer Protection and Technical Regulatory Authority is required to conduct a market analysis immediately but not later than within three years if circumstances which significantly affect the competitive situation in the relevant communications services market become evident or are identified by a market participant.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

§ 45. Undertaking with significant market power

(1) The Consumer Protection and Technical Regulatory Authority designates one or more undertakings with significant market power in accordance with the provisions of this Chapter if the Consumer Protection and Technical Regulatory Authority establishes in the course of a market analysis provided in §§ 44 and 44^{1}of this Act that competition is not present in the respective communications services market and the undertaking meets the criteria provided in subsection 2 of this section.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

(2) The Consumer Protection and Technical Regulatory Authority shall designate a communications undertaking as having significant market power in the specific communications services market and in the region where the services are provided if, individually or together with other undertakings, the undertaking has significant market power which enables the undertaking to operate to an appreciable extent independently of competitors, contractual partners and end-users.
[RT I 2007, 66, 408 – entry into force 01.01.2008]

(3) The Consumer Protection and Technical Regulatory Authority may choose not designate an undertaking which meets the criteria provided for in subsection 2 of this section as having significant market power in the specific services market if the market of the respective services is new and developing and the imposition of obligations in the market may in the long-term restrict the development of the market and preclude the motivation of the undertaking which meets the criteria for an undertaking with significant market power to develop the respective market.
[RT I 2007, 66, 408 – entry into force 01.01.2008]

(4) Two or more undertakings are in a joint dominant position in a specific communications services market within the meaning of the Competition Act regardless of whether the undertakings are structurally or otherwise connected with each other if the undertakings jointly can operate in the respective market to an appreciable extent independently of competitors, contractual partners and end-users and there is no competition between such undertakings in the market of the respective services.

(5) If an undertaking has significant market power in one communications services market, the undertaking may be designated as having significant market power also in another communications services market closely related to the respective market if the two markets are related such that significant market power in one market increases market power in another market as a result of which competition is not present in the other market.

(5^1) In the case specified in subsection 5 of this section the Consumer Protection and Technical Regulatory Authority may impose, in accordance with Chapter 5 of this Act, on the undertaking with significant market power the obligations of non-discrimination, transparency, accounting separation as well as price control and cost accounting also in another closely related communications services market. If the specified obligations prove to be insufficient, the Consumer Protection and Technical Regulatory Authority may impose obligations on the bases provided for in subsections 2 and 3 of § 54 of this Act.
[RT I, 23.03.2011, 1 – entry into force 25.05.2011]

(6) [Repealed – RT I, 05.07.2013, 1 – entry into force 15.07.2013]

(7) Upon determining that an undertaking has significant market power, the Consumer Protection and Technical Regulatory Authority shall propose to designate the undertaking as having significant market power.
[RT I 2007, 66, 408 – entry into force 01.01.2008]

§ 46. Draft decision to designate undertaking as having significant market power

(1) The Consumer Protection and Technical Regulatory Authority prepares a draft decision to designate an undertaking as having significant market power, which sets out:
[RT I 2007, 66, 408 – entry into force 01.01.2008]
1) the report specified in subsection 1 of § 44^1 of this Act;
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]
2) the proposal specified in subsection 7 of § 45 of this Act;
3) obligations imposed on the undertaking with significant market power pursuant to subsection 2 of this section.

(2) Upon imposing obligations on an undertaking with significant market power, the Consumer Protection and Technical Regulatory Authority shall proceed from the provisions of §§ 50 – 57 of this Act, imposing one or several relevant obligations on the undertaking in the services market in which the proposal to designate the communications undertaking as having significant market power has been made. Upon selecting the obligations the Consumer Protection and Technical Regulatory Authority shall also take account of the recommendations and opinions of the European Commission concerning the electronic communications market as well as the corresponding practices developed in co-operation with the European Union communications market regulators.
[RT I, 21.05.2014, 2 – entry into force 01.07.2014]

§ 47. National consultation

(1) The Consumer Protection and Technical Regulatory Authority makes a draft decision not to designate an undertaking as having significant market power specified in subsection 2 of § 44^1 of this Act or a draft decision to designate an undertaking as having significant market power specified in subsection 1 of § 46 of this Act available to the public on its website, omitting information containing business secret. The Consumer Protection and Technical Regulatory Authority sends the specified draft decision to the communications undertaking which

the Consumer Protection and Technical Regulatory Authority intends to designate as having significant market power by post and electronic means.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

(2) Interested persons can submit opinions on the draft decision specified in subsection 2 of § 44[1]or subsection 1 of § 46 of this Act after the draft decision is made public. The term for submission of opinions must be at least one month. The communications undertaking whom the Consumer Protection and Technical Regulatory Authority intends to designate as having significant market power has the right to submit objections to the draft decision within one month after the receipt thereof.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

(3) The Consumer Protection and Technical Regulatory Authority prepares a draft decision to designate an undertaking as having significant market power or a draft decision not to designate an undertaking as having significant market power, taking account of the opinions submitted concerning the draft decision specified in subsection 2 of § 44[1]or subsection 1 of § 46 of this Act. If the Consumer Protection and Technical Regulatory Authority does not take account of the submitted opinions, the Consumer Protection and Technical Regulatory Authority must justify it in the draft decision.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

(4) The draft decision specified in subsection 3 of this section must contain the information specified in subsection 2 of § 44[1]or subsection 1 of § 46 of this Act.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

§ 48. Consultations with European Commission, BEREC and regulators of Member States of European Union

(1) The Consumer Protection and Technical Regulatory Authority must inform the European Commission, BEREC and the communications market regulators of Member States of the European Union of a draft decision to designate an undertaking as having significant market power or not to designate an undertaking as having significant market power prepared pursuant to subsection 3 of § 47 of this Act.

(2) If performance of an act or application of a measure provided in the draft decision prepared pursuant to subsection 3 of § 47 of this Act may affect trade between Member States of the European Union, the Consumer Protection and Technical Regulatory Authority must grant the European Commission, BEREC and the communications market regulators of Member States of the European Union the possibility to submit their opinions regarding the draft decision within one month. Upon making the decision provided in subsection 1 of § 49, the Consumer Protection and Technical Regulatory Authority takes account of the opinions submitted concerning the draft decision to the greatest extent possible and sends the decision to the European Commission.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

(3) Acts or measures that may have an influence, direct or indirect, actual or potential, on trade between Member States of the European Union in a manner which may hinder the implementation of the principles of the single market are deemed to be acts or measures which affect trade between Member States of the European Union. Such acts or measures may affect prices charged from subscribers of services in other Member States, the ability of undertakings operating in other Member States to provide communications services, the ability to offer services on a transnational basis as well as market structure or access, which may in turn lead to repercussions for communications undertakings in other Member States.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

(4) If the European Commission notifies the Consumer Protection and Technical Regulatory Authority that definition of the communications market planned by the Consumer Protection and Technical Regulatory Authority differs from the recommendation of the European Commission or that designation of an undertaking as an undertaking with significant market power or not designating an undertaking with significant market power hinders the development of the European single market and is contrary to the European Union law, the Consumer Protection and Technical Regulatory Authority shall, if required by the European Commission, suspend the making of the planned decision for two months.

(5) If the European Commission decides within the term of two months specified in subsection 4 of this section that the Consumer Protection and Technical Regulatory Authority must withdraw the draft decision, the Consumer Protection and Technical Regulatory Authority shall withdraw the draft decision or amend it within six months as of the date of the decision of the European Commission. In the case of amendment of the draft decision, the Consumer Protection and Technical Regulatory Authority shall proceed from the provisions of § 47 of this Act and subsections 1, 2 and 4 of this section.

(6) The Consumer Protection and Technical Regulatory Authority may, in exceptional circumstances, in accordance with this Act, impose provisional and proportionate measures, by way of derogation from the procedure provided for in subsections 1, 2 and 4 of this section, if it considers that the performance of corresponding acts or the application of corresponding measures is necessary in order to safeguard competition and protect the interests of end-users. In such case the Consumer Protection and Technical Regulatory Authority must promptly notify the European Commission, BEREC and the communications market regulators of Member States of the European Union of the applied measures and of reasons for the application thereof. If the

Consumer Protection and Technical Regulatory Authority wishes to make such provisional measures permanent or if it wishes to extend the period of application of such measures, it must follow the procedure provided for in subsections 1, 2 and 4.
[RT I, 23.03.2011, 1 – entry into force 25.05.2011]

§ 48[1]. Special requirements for application of obligations of undertaking with significant market power

(1) If the European Commission notifies the Consumer Protection and Technical Regulatory Authority within one month after the receipt of the draft decision provided for in subsection 1 of § 48 of this Act that the obligations to be imposed, amended or withdrawn by the Consumer Protection and Technical Regulatory Authority in the draft decision affect trade between Member States of the European Union or are contrary to the European Union law, the Consumer Protection and Technical Regulatory Authority shall not make a decision within three months after the receipt of the notification from the European Commission. In the absence of such notification the Consumer Protection and Technical Regulatory Authority may make the decision prepared pursuant to subsection 1 of § 49, taking account of the opinions of the European Commission, BEREC and the communications market regulators of Member States of the European Union to the greatest extent possible.

(2) Upon receipt of the notification from the European Commission provided for in subsection 1 of this section the Consumer Protection and Technical Regulatory Authority shall co-operate with the European Commission and BEREC in order to identify the most appropriate and effective measures.

(3) The Consumer Protection and Technical Regulatory Authority may amend, withdraw or maintain the draft decision before the expiry of the three-month term specified in subsection 1 of this section, taking account of the reasons presented in the notification of the European Commission provided for in subsection 1 and the opinion of BEREC to the greatest extent possible.

(4) The European Commission may, within one month after the expiry of the three-month term provided in subsection 1 of this section, make a recommendation to the Consumer Protection and Technical Regulatory Authority to amend or withdraw its draft decision. The European Commission may also make a decision to withdraw the opinions submitted in the notification provided in subsection 1.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

(5) The Consumer Protection and Technical Regulatory Authority shall send the final measures to the European Commission and BEREC within one month after the receipt of the recommendation or decision specified in subsection 4 of this section from the European Commission. The specified one-month term may be extended to undertake a national consultation in accordance with § 47 of this Act.

(6) If the Consumer Protection and Technical Regulatory Authority decides not to amend or withdraw the draft decision on the basis of the recommendation of the European Commission, it shall submit its reasons to the European Commission.

(6[1]) If the European Commission decides within one month after the expiry of the three-month term specified in subsection 1 of this section that the Consumer Protection and Technical Regulatory Authority must withdraw the draft decision provided in subsections 4 and 5 of § 56[1]of this Act, the Consumer Protection and Technical Regulatory Authority withdraws the draft decision or amends it within six months as of the making of the corresponding decision of the European Commission. In the case of amendment of the draft decision, the Consumer Protection and Technical Regulatory Authority proceeds from the provisions of § 47 and subsections 1, 2 and 4 of § 48 of this Act.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

(7) The Consumer Protection and Technical Regulatory Authority may withdraw the draft decision at any stage of the procedure.

(8) If the Consumer Protection and Technical Regulatory Authority finds that, due to exceptional circumstances, obligations not provided for in §§ 51 – 54 of this Act must be imposed on an undertaking with significant market power, it must submit the respective application to the European Commission. The Consumer Protection and Technical Regulatory Authority may impose the planned obligation only after the European Commission has granted permission therefor.
[RT I, 23.03.2011, 1 – entry into force 25.05.2011]

§ 49. Designation of undertaking as having significant market power, imposition of obligations and not designating undertaking with significant market power

(1) The Consumer Protection and Technical Regulatory Authority shall make a decision to designate an undertaking as having significant market power and to impose an obligation thereon (hereinafter *decision to designate an undertaking as having significant market power*) or a decision not to designate an undertaking with significant market power after consultations with the European Commission in accordance with § 48 of this Act.

If the consent of the European Commission is necessary to impose an obligation in accordance with § 48 of this Act, the consent must be appended to the decision.
[RT I 2007, 66, 408 – entry into force 01.01.2008]

(2) A decision to designate an undertaking as having significant market power specified in subsection 1 of this section shall be delivered to the undertaking with significant market power within five days after the decision is made.

(3) The list of undertakings with significant market power and the list of obligations imposed on undertakings with significant market power and a decision not to designate an undertaking with significant market power shall be published on the website of the Consumer Protection and Technical Regulatory Authority and in the official publication *Ametlikud Teadaanded*.
[RT I 2007, 66, 408 – entry into force 01.01.2008]

(4) In the decision specified in subsection 1 of this section, the Consumer Protection and Technical Regulatory Authority shall grant to the undertaking designated as having significant market power a reasonable term for the performance of an obligation provided therein.
[RT I 2007, 66, 408 – entry into force 01.01.2008]

(5) If the Consumer Protection and Technical Regulatory Authority finds that the performance of an obligation imposed on an undertaking by a decision made in accordance with subsection 1 of this section does not ensure competition in the specific market, the Consumer Protection and Technical Regulatory Authority shall prepare a new draft decision for the imposition of a new obligation on the undertaking with significant market power by amending the obligation imposed on the undertaking with significant market power in accordance with this Act.
[RT I 2007, 66, 408 – entry into force 01.01.2008]

(6) If the Consumer Protection and Technical Regulatory Authority, as a result of the market analysis provided in §§ 44 and 441 of this Act, establishes that competition is present in the respective communications services market, it revokes the decision provided in subsection 1 of this section, notifies the undertaking thereof by post or electronic means and publishes a notice concerning revocation of the decision in the official publication *Ametlikud Teadaanded*. If the Consumer Protection and Technical Regulatory Authority has imposed several obligations in one or more communications services markets by the same decision and competition is present in part of the markets or in sectors related to part of the obligations, the Consumer Protection and Technical Regulatory Authority revokes the decision partially.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

(7) Upon making the decision specified in subsection 6 of this section, the Consumer Protection and Technical Regulatory Authority may establish conditions in connection with the current access agreement, setting a reasonable term for compliance therewith.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

§ 50. Obligations related to access and interconnection on undertaking with significant market power

(1) The Consumer Protection and Technical Regulatory Authority may impose on a communications undertaking designated as having significant market power the following obligations related to interconnection and access in the respective market:
[RT I 2007, 66, 408 – entry into force 01.01.2008]
1) the obligation to publish information related to access or interconnection concerning cost accounting, charges, technical specifications, network characteristics and developments, conditions for provision of services, including such conditions which restrict access to services and their application and use, in particular in connection with migration from legacy infrastructure, primarily copper networks or communications networks of equivalent quality, to new infrastructure, primarily fibre optic networks or communications networks of equivalent quality;
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]
2) the obligation to publish a reference offer regarding a specific access or interconnection service which must contain the conditions for the provision of the respective service, including charges, in accordance with § 53 of this Act;
3) the obligation of non-discrimination which must ensure that an undertaking with significant market power and in particular a vertically integrated undertaking with significant market power which provides services, including access products and services, to undertakings with which it competes at the retail level applies equivalent conditions in the same circumstances to other undertakings providing similar services, and that an undertaking with significant market power provides services and discloses information to such undertakings under the same conditions and of the same quality as in the case of itself or its subsidiaries or partners;
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]
4) the obligation to maintain separate records of activities related to interconnection or access in the framework of which the Consumer Protection and Technical Regulatory Authority may require a vertically integrated undertaking to make transparent its wholesale prices and its internal transfer prices, establishing a corresponding form and accounting methodology for this purpose;
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]
5) the obligation to meet a reasonable request of another communications undertaking for access to, and use of, specific buildings, network elements and associated facilities in accordance with § 51 of this Act if refusal

to provide access or access under unreasonable conditions would hinder the development of competition at the retail level or would be to the detriment of the end-users' interest;
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]
6) [Repealed – RT I, 23.03.2011, 1 – entry into force 25.05.2011]
7) the obligation related to the recovery of costs for access or interconnection and price controls as well as the obligation related to cost orientation of charges and cost accounting systems in accordance with § 52 of this Act;
8) the obligation relating to functional separation in accordance with § 55 of this Act.
[RT I, 23.03.2011, 1 – entry into force 25.05.2011]

(2) The Consumer Protection and Technical Regulatory Authority may impose obligations not specified in subsection 1 of this section on an undertaking with significant market power. In such case the Consumer Protection and Technical Regulatory Authority shall take guidance from the provisions provided for in subsection 8 of § 48[1] of this Act.
[RT I, 23.03.2011, 1 – entry into force 25.05.2011]

§ 51. Obligations related to interconnection of networks and equipment and provision of access thereto on undertaking with significant market power

(1) In the framework of the obligation specified in clause 5 of subsection 1 of § 50 of this Act, the Consumer Protection and Technical Regulatory Authority may additionally require an undertaking with significant market power to:
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]
1) provide a communications undertaking with access to specific network elements or network facilities, including full access or shared access to the local loop or local sub-loop;
[RT I, 23.03.2011, 1 – entry into force 25.05.2011]
1[1]) provide another communications undertaking with access to elements and services of an active or virtual communications network;
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]
1[2]) provide another communication undertaking with mandated access to buildings, irrespective of whether the assets that are affected by the obligation are part of the relevant market in accordance with the market analysis, provided that the obligation is necessary and proportionate to meet the objectives provided in § 134 of this Act;
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]
2) negotiate in good faith with communications undertakings requesting access;
3) maintain already granted access;
4) provide specific services on a wholesale basis for resale of such services by communications undertakings;
5) grant open access to technical interfaces, protocols or other key technologies that are indispensable for the interoperability of services or virtual network services;
[RT I, 17.05.2016, 1 – entry into force 13.06.2016]
6) to provide co-location or other forms of facility sharing, including sharing of ducts, buildings or masts;
7) provide services necessary to ensure interoperability of end-to-end services to end-users, including facilities for intelligent network services or roaming service on mobile networks;
[RT I 2007, 63, 397 – entry into force 17.12.2007]
8) provide access to operational support systems or similar software systems necessary to ensure fair competition in the provision of services;
9) interconnect networks or network facilities;
10) [repealed – RT I, 15.12.2021, 1 – entry into force 01.02.2022]
11) [repealed – RT I, 15.12.2021, 1 – entry into force 01.02.2022]
12) provide access to an associated service.
[RT I, 23.03.2011, 1 – entry into force 25.05.2011]

(1[1]) When considering whether the provisions of subsection 1 of this section are necessary and proportionate to the objectives provided in § 134 of this Act, the Consumer Protection and Technical Regulatory Authority analyses whether other forms of access to wholesale services, either on the same or on a related wholesale market, would be sufficient to address the identified problem in the end-user's interest. The specified analysis includes commercial access offers, the access provided in Chapter 6 of this Act or existing or planned access to other wholesale inputs pursuant to this section.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

(2) When conducting the analysis provided in subsection 1[1] of this section, the Consumer Protection and Technical Regulatory Authority asses primarily the following conditions:
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]
1) the technical and economic feasibility of using or installing competing facilities, in the light of the rate of market development and taking into account the nature and type of interconnection and access involved, including feasibility of access to ducts;
[RT I, 23.03.2011, 1 – entry into force 25.05.2011]

1[1]) the expected technological development affecting the design and management of communications networks;
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]
1[2]) the need to ensure technology neutrality enabling the communications undertakings to design and manage their own communications networks;
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]
2) the feasibility of providing the access proposed, in relation to the capacity available;
3) the initial investment by the facility owner, taking account of any public investment made, including investments in very high capacity communications networks, and the risks involved in making the investment;
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]
4) the need to safeguard competition in the long term, with particular attention to competition based on economically efficient infrastructure and new business models that support it;
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]
5) the need to create effective competition at the retail level and ensuring of protection of the rights of end-users;
6) any relevant intellectual property rights;
7) the possibility of providing pan-European services.

(2[1]) When the Consumer Protection and Technical Regulatory Authority considers the imposition of obligations on an undertaking with significant market power, it first assesses whether the imposition of the obligation specified in clause 5 of subsection 1 of § 50 of this Act alone is a proportionate means to promote competition and protect the interests of end-users.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

(3) When imposing an obligation provided for in subsection 1 of this section the Consumer Protection and Technical Regulatory Authority may specify the manner of performance of the obligation.
[RT I 2007, 66, 408 – entry into force 01.01.2008]

§ 52. Obligations related to charges and costs of access and interconnection on undertaking with significant market power

(1) The Consumer Protection and Technical Regulatory Authority may impose on an undertaking with significant market power obligations related to the costs and charges of access and interconnection provided for in clause 7 of subsection 1 of § 50 of this Act, including obligations related to cost orientation and cost accounting system, provided that it has established by a market analysis that due to lack of effective competition the undertaking with significant market power is able to sustain prices at an excessively high or low level, distorting competition and damaging the interests of end-users.
[RT I 2007, 66, 408 – entry into force 01.01.2008]

(2) Upon imposing the obligations specified in clause 7 of subsection 1 of § 50 of this Act and encouraging investment by the communications undertaking in the next generation communications networks, the Consumer Protection and Technical Regulatory Authority takes account of the investments made by the communications undertaking and that an undertaking with significant market power must be allowed a reasonable rate of return on adequate capital employed, taking into account the risks that are involved and specific to investing in such new network project. The Consumer Protection and Technical Regulatory Authority imposes the obligations specified in clause 7 of subsection 1 of § 50 of this Act on communications undertakings also on the basis of the principle that any cost recovery mechanism or pricing methodology that is mandated by the Consumer Protection and Technical Regulatory Authority must serve to promote efficiency and sustainable competition and maximise the benefits of end-consumers related to the deployment of next-generation networks, in particular very high capacity networks. In this regard the Consumer Protection and Technical Regulatory Authority may also take account of prices available in other comparable markets.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

(2[1]) The Consumer Protection and Technical Regulatory Authority may choose not to impose the obligation provided in clause 7 of subsection 1 of § 50 of this Act if it establishes that a retail price constraint is present and all the obligations imposed in accordance with §§ 50 and 51 of this Act, in particular an economic replicability test imposed in accordance with clause 3 of subsection 1 of § 50, ensure effective and non-discriminatory access.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

(2[2]) If the Consumer Protection and Technical Regulatory Authority imposes the obligation provided in clause 7 of subsection 1 of § 50 of this Act in relation to access to existing network elements, it takes account of the benefits of predictable and stable wholesale prices in ensuring efficient market entry and sufficient incentives for all communications undertakings to deploy new and enhanced communications networks.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

(3) Where an undertaking with significant market power has an obligation imposed by the Consumer Protection and Technical Regulatory Authority regarding the cost orientation of its charges provided for in clause 7 of subsection 1 of § 50 of this Act, the undertaking with significant market power must, at the request of the Consumer Protection and Technical Regulatory Authority, prove that its service charges are derived from costs, which are added a reasonable rate of return.

[RT I 2007, 66, 408 – entry into force 01.01.2008]

(4) For the purpose of calculating the costs for the provision of the services provided for in subsection 3 of this section, the Consumer Protection and Technical Regulatory Authority may, if necessary, use cost accounting methods which are different from those used by the undertaking. If it becomes evident that charges are not derived from the costs for the provision of the services, the Consumer Protection and Technical Regulatory Authority has the right to require that the charges be brought into conformity with the costs for the provision of the services.
[RT I 2007, 66, 408 – entry into force 01.01.2008]

(5) The cost accounting methods specified in subsection 4 of this section used by the Consumer Protection and Technical Regulatory Authority for the verification of the costs shall be established by the minister in charge of the policy sector.
[RT I 2007, 66, 408 – entry into force 01.01.2008]

(6) If the Consumer Protection and Technical Regulatory Authority has imposed on an undertaking with significant market power an obligation to use a specific cost accounting system in accordance with clause 7 of subsection 1 of § 50 of this Act, the Consumer Protection and Technical Regulatory Authority or a qualified independent person commissioned by the communications undertaking with the approval of the Consumer Protection and Technical Regulatory Authority shall verify compliance with the requirements of the cost accounting system each year. If compliance with the cost accounting system is confirmed by a qualified independent person, the costs of the person shall be covered by the undertaking with significant market power.
[RT I 2007, 66, 408 – entry into force 01.01.2008]

(7) The Consumer Protection and Technical Regulatory Authority publishes a statement concerning compliance of an undertaking with significant market power with the requirements of the cost accounting system on its website once a year. The corresponding statement must, among other things, set out the categories under which costs are grouped and the rules used for the allocation of costs.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

(8) The Consumer Protection and Technical Regulatory Authority may verify whether an undertaking with significant market power complies with the cost accounting system correctly.
[RT I 2007, 66, 408 – entry into force 01.01.2008]

§ 53. Obligation to publish reference offer regarding access and interconnection on undertaking with significant market power

(1) If the Consumer Protection and Technical Regulatory Authority imposes on an undertaking with significant market power the obligation to publish a reference offer for the access or interconnection service in accordance with clause 2 of subsection 1 of § 50 of this Act, the specified undertaking must prepare the reference offer regarding the access or interconnection.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

(2) [Repealed – RT I, 15.12.2021, 1 – entry into force 01.02.2022]

(3) Upon mutual agreement, communications undertakings have the right to enter into an access or interconnection agreement under the conditions different from those of the reference offer, unless the conditions of the agreement to be entered into are contrary to the objectives of the obligation to publish the reference offer.

(4) A communications undertaking on whom the obligation to publish a reference offer has been imposed, is required to publish the reference offer on its website or, in the absence thereof, in any other reasonable manner and submit a copy of the access or interconnection agreement entered into to the Consumer Protection and Technical Regulatory Authority at the request of the latter.
[RT I 2007, 66, 408 – entry into force 01.01.2008]

(5) If the reference offer specified in subsection 1 of this section does not conform to the objectives of the obligation to publish the reference offer, the Consumer Protection and Technical Regulatory Authority has the right to require that the communications undertaking amend the reference offer.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

(6) A communications undertaking must submit a copy of an access or interconnection agreement entered into under the conditions different from those of the reference offer to the Consumer Protection and Technical Regulatory Authority.
[RT I 2007, 66, 408 – entry into force 01.01.2008]

(7) The composition of data of the reference offer for the access or interconnection service is established by a regulation of the minister in charge of the policy sector.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

§ 54. Obligations on retail market of services on undertaking with significant market power

(1) If, as a result of a market analysis conducted in accordance with §§ 44 and 44[1]of this Act, the Consumer Protection and Technical Regulatory Authority determines that a retail market defined pursuant to subsection 1 of § 43 of this Act is not effectively competitive and imposition of the obligation of access and interconnection provided in subsection 1 of § 50 on a communications undertaking does not ensure competition, the Consumer Protection and Technical Regulatory Authority imposes on the undertaking designated as having significant market power in the relevant service market one or more obligations provided in subsections 2 and 2[1]of this section.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

(2) On the basis provided for in subsection 1 of this section, the Consumer Protection and Technical Regulatory Authority may require that an undertaking with significant market power avoid:
[RT I 2007, 66, 408 – entry into force 01.01.2008]
1) applying excessively high prices;
2) preventing competitors from entering a market or restricting competition by applying excessively low prices;
3) showing undue preference to certain end-users;
4) linking the provided services to each other without reason such that, upon use of one service, a subscriber is also forced to use another service and pay for it.

(2[1]) In addition to the obligation specified in subsection 2 of this section, the Consumer Protection and Technical Regulatory Authority may establish a retail price cap, price control measures or measures to orient prices towards costs or prices on comparable markets in order to protect the interests of end-users and ensure efficient competition.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

(3) The Consumer Protection and Technical Regulatory Authority may impose obligations not listed in subsections 2 and 2[1]of this section only pursuant to the procedure provided in subsection 8 of § 48[1]of this Act.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

(4) If obligations are imposed on an undertaking with significant market power pursuant to this section, the undertaking with significant market power must use the necessary and appropriate methodology of cost accounting. The Consumer Protection and Technical Regulatory Authority has the right to determine the methodology of cost accounting and the reporting forms.
[RT I 2007, 66, 408 – entry into force 01.01.2008]

(5) The performance of the obligations imposed on an undertaking with significant market power on the basis of this section is verified each year by the Consumer Protection and Technical Regulatory Authority or, on the order of the Consumer Protection and Technical Regulatory Authority, by a qualified independent person. The Consumer Protection and Technical Regulatory Authority publishes a statement concerning compliance of an undertaking with significant market power with the obligations on its website once a year.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

(6) Without prejudice to §§ 74 and 79 of this Act, the Consumer Protection and Technical Regulatory Authority does not apply the obligations specified in subsections 2 and 2[1]of this section to the geographical markets or retail markets where competition is present.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

§ 55. Obligation to ensure functional separation on undertaking with significant market power

(1) If, as a result of market analysis conducted pursuant to §§ 43–44[2]of this Act, the Consumer Protection and Technical Regulatory Authority concludes that the appropriate obligations imposed on the basis of §§ 51–53 have failed to achieve effective competition and that there are important and persisting competition problems or market failures identified in relation to the market of wholesale provision of certain access products, the Consumer Protection and Technical Regulatory Authority may, as an exceptional measure, impose an obligation on vertically integrated undertakings to place activities related to the wholesale provision of relevant access products in an independently operating business entity.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

(2) The independently operating business entity must supply access products and services to all undertakings, including to other business entities of the parent company, on the same timescales, terms and conditions, including those relating to price and service levels, and by means of the same systems and processes.

(3) If the Consumer Protection and Technical Regulatory Authority intends to impose the obligation of functional separation, it submits such proposal to the European Commission, setting out:
1) evidence justifying the conclusions specified in subsection 1 of this section;
2) a reasoned assessment that there is no or little prospect of effective and sustainable infrastructure-based competition within reasonable time;
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

3) an analysis of the expected impact of imposing the obligation of functional separation on the activities of the Consumer Protection and Technical Regulatory Authority and the undertaking, in particular on the workforce of the separated undertaking and the electronic communications sector as a whole;
4) an analysis of the impact of imposing the obligation on the motivation to invest in the sector as a whole, particularly with regard to the need to ensure social and territorial cohesion, as well as the accompanying impact on other interested persons, including consumers, and the expected impact on the functioning of the competition as a whole;
5) an analysis to confirm that this obligation is the most efficient means to address the competition problems and market failures.

(4) The draft decision of the Consumer Protection and Technical Regulatory Authority shall include the following parts:
1) the precise nature and level of separation, specifying in particular the legal status of the separate business entity;
2) information concerning the assets of the separate business entity and the products or services to be supplied by it;
3) the governance arrangements to ensure the independence of the staff employed by the separate business entity and the respective remuneration structure;
4) the rules for ensuring performance of the obligations;
5) rules for ensuring transparency of operational procedures, in particular towards other interested persons;
6) the procedure for exercising supervision over the performance of the obligations to be imposed on the business entity.

(5) The Consumer Protection and Technical Regulatory Authority may impose on an undertaking which is subject to functional separation the obligations of an undertaking with significant market power in accordance with §§ 51 – 53 of this Act.

(6) If the European Commission, by its decision, notifies the Consumer Protection and Technical Regulatory Authority about its consent to imposing the obligation specified in subsection 1 of this section, the Consumer Protection and Technical Regulatory Authority shall conduct an analysis of the different markets related to the access network and may impose obligations on an undertaking with significant market power on such markets in accordance with §§ 43 – 53 of this Act.
[RT I, 23.03.2011, 1 – entry into force 25.05.2011]

§ 56. Voluntary separation of vertically integrated undertaking

(1) An undertaking which has been designated as having significant market power in one or more relevant markets pursuant to this Act notifies the Consumer Protection and Technical Regulatory Authority at least three months in advance of its intention to transfer its local access network assets or a substantial part thereof to a separate business entity under different ownership or to establish a separate business entity. The notification must allow the Consumer Protection and Technical Regulatory Authority to assess the impact of the intended changes.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

(2) The undertaking specified in subsection 1 of this section shall notify the Consumer Protection and Technical Regulatory Authority of any change in the specified intention and of the final result of the separation process.

(2^1) The undertaking specified in subsection 1 of this section may offer commitments regarding access conditions that are to apply to its communications network during and after the implementation of the separation process in order to ensure effective and non-discriminatory access by third parties. The offer of commitment may include commitments which are effective for more than five years and must be sufficiently detailed, including in terms of timing of implementation and duration in order to allow the Consumer Protection and Technical Regulatory Authority to perform its functions in accordance with subsection 3 of this section.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

(3) The Consumer Protection and Technical Regulatory Authority assesses the impact of the intended transaction and the commitment specified in subsection $2^1$of this section on the already existing obligations of the undertaking with significant market power.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

(3) The Consumer Protection and Technical Regulatory Authority shall assess the impact of the intended transaction on the already existing obligations of the undertaking with significant market power.

(4) The Consumer Protection and Technical Regulatory Authority shall conduct an analysis of different markets related to the access network and may impose on the undertaking's legally or operationally separate business entity the obligations of an undertaking with significant market power in accordance with §§ 43 – 53 of this Act.
[RT I, 23.03.2011, 1 – entry into force 25.05.2011]

(5) When conducting the analysis specified in subsection 4 of this section, the Consumer Protection and Technical Regulatory Authority takes account of all the commitments offered by an undertaking with significant market power pursuant to subsection 2^{1}, consulting beforehand with all the relevant third parties pursuant to the procedure provided in § 47 of this Act.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

(6) As a result of the analysis specified in subsection 4 of this section, the Consumer Protection and Technical Regulatory Authority may amend the decision on designating an undertaking with significant market power specified in § 49 of this Act, applying § 56^{3}if necessary. The Consumer Protection and Technical Regulatory Authority may, by its decision, make the commitments specified in subsection $2^{1}$of this section binding on the communications undertaking either wholly or in part. The effective term of the commitments may differ from the term established for the conduct of the market analysis specified in subsection 1 of section § $44^{2}$of this Act.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

(7) The Consumer Protection and Technical Regulatory Authority monitors the implementation of the commitments offered by the communications undertaking which it has made binding in accordance with subsections 4 and 6 of this section and considers their extension if necessary.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

§ 56^{1}. Co-investment in very high capacity communications network

(1) An undertaking with significant market power may propose to the Consumer Protection and Technical Regulatory Authority in accordance with § $56^{2}$of this Act that it assumes an obligation to offer communications undertakings an opportunity to co-invest in a new, very high capacity communications network that it opens for co-investment up to the base station or end-user premises. Such co-investment includes for example co-ownership or long-term risk sharing through co-financing or through purchase agreements giving rise to specific rights of a structural character for other communications undertakings.

(2) Upon assessing the commitment specified in subsection 1 of this section, the Consumer Protection and Technical Regulatory Authority proceeds from the following criteria:
1) the undertaking with significant market power provides access to the full capacity of the communications network on fair, reasonable and non-discriminatory terms, flexibility in terms of the value and timing of the participation of each co-investor, the possibility of a co-investor to increase its participation in the future, and reciprocal rights awarded by the co-investors after the deployment of the co-invested infrastructure;
2) the undertaking makes the co-investment offer public in a timely manner and, where the communications undertaking does not comply with the conditions specified in clause 1 of § $56^{3}$of this Act, at least six months before deployment of the new communications network;
3) communications undertakings not participating in the co-investment are provided with the same quality, speed, conditions and end-user reach as before the deployment of the new very high capacity communications network that is accompanied by a mechanism of adoption over time approved by the Consumer Protection and Technical Regulatory Authority in light of developments on the related retail markets and that maintains the incentives to participate in the co-investment;
4) the co-investment offer is open to all communications undertakings over the lifetime of the network built under a co-investment offer on a non-discriminatory basis;
5) the undertaking designated as having significant market power may include in the offer reasonable conditions regarding the financial capacity of any undertaking, so that for instance potential co-investors need to demonstrate their ability to deliver phased payments on the basis of which the deployment is planned and to accept a strategic plan on the basis of which medium-term deployment plans are prepared;
6) the co-investment offer is published on the website of the undertaking with significant market power;
7) full detailed terms are made available without undue delay to any potential bidder that has expressed an interest, including the legal form of the co-investment agreement and, when relevant, the heads of term of the governance rules of the co-investment vehicle;
8) the procedure for making available specified in clause 7 of this subsection as well as the road map for the establishment and development of the co-investment project are established in advance and each potential co-investor is provided with an opportunity to present written explanations thereon and all significant milestones are clearly communicated to all communications undertakings without any discrimination;
9) all communications undertakings are provided with fair, reasonable and non-discriminatory terms and conditions upon joining the co-investment, including in terms of financial consideration required for the acquisition of specific rights, in terms of the protection awarded to the co-investors by those rights both during the building phase and during the exploitation phase, and in terms of the conditions for joining and potentially terminating the co-investment agreement;
10) the co-investment offer allows flexibility in terms of the value and timing of the commitment provided by each co-investor;
11) the determination of the financial consideration to be provided by each co-investor needs to reflect the fact that early investors accept greater risks and engage capital sooner;
12) a premium increasing over time is considered to be justified for commitments made at later stages and for new co-investors entering the co-investment after the commencement of the project;
13) the co-investment agreement allows the assignment of acquired rights by co-investors to other co-investors, or to third parties willing to enter into the co-investment agreement subject to the transferee undertaking being obliged to fulfil all original obligations of the transferor under the co-investment agreement;

14) the co-investment offer ensures a sustainable investment and meets all future needs by deploying new network elements that contribute to the deployment of very high capacity networks.

(3) In addition to the criteria specified in subsection 2 of this section, the Consumer Protection and Technical Regulatory Authority may consider upon assessment any additional criteria to the extent they are necessary to ensure accessibility of potential investors to the co-investment, in light of specific local conditions and market structure.

(4) If the Consumer Protection and Technical Regulatory Authority reaches a conclusion during the analysis specified in clauses 4–6 of § 56^{2}of this Act that the co-investment offer specified in subsection 1 of this section meets the criteria provided in subsections 2 and 3, it imposes the corresponding obligation on the undertaking with significant market power on the basis of subsections 7 and 8 of § 56^{2}of this Act and does not impose the obligations specified in clause 1 of subsection 2 of § 41 of this Act in respect of a new very high capacity communications network to which the obligations provided in this section apply if at least one potential co-investor has entered into a co-investment agreement with the undertaking designated as having significant market power.

(5) In addition to the obligation specified in subsection 4 of this section, the Consumer Protection and Technical Regulatory Authority may, in justified circumstances, establish, maintain or change the obligations provided in §§ 50–52 of this Act in respect of new very high capacity networks if the Consumer Protection and Technical Regulatory Authority establishes that, given the specific characteristics of the market, those competition problems cannot otherwise be addressed.

(6) The Consumer Protection and Technical Regulatory Authority monitors the performance of the obligation specified in subsection 4 of this section and may demand a statement concerning the performance of the obligation from the undertaking with significant market power once a year.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

§ 56^{2}. Commitments procedure

(1) An undertaking with significant market power may propose to the Consumer Protection and Technical Regulatory Authority the imposing of an obligation on its communications network regarding conditions for access, co-investment, or both.

(2) The obligation specified in subsection 1 of this section may be, among other things:
1) a co-operation agreement between the undertaking with significant market power and a communications undertaking seeking access;
2) attraction of co-investments in very high capacity networks on the basis of § 56^{1}of this Act;
3) providing of access to other communications undertakings on the basis of § 56 of this Act, both during an implementation period of voluntary separation by a vertically integrated undertaking and after the proposed form of separation is implemented.

(3) The proposal specified in subsection 1 of this section must also include the timing, scope and duration of performance of the obligation.

(4) The Consumer Protection and Technical Regulatory Authority conducts an analysis of the obligations and a public consultation with interested parties to assess the obligation specified in subsection 2 of this section unless the obligation is not related to the activities specified in subsection 2. The effective term of the obligation may exceed the term established for the conduct of the market analysis specified in subsection 1 of section § 44^{2}of this Act.

(5) Upon assessment of the proposal specified in subsection 1 of this section, the Consumer Protection and Technical Regulatory Authority takes into account, in particular:
1) the fair and reasonable character of the obligation;
2) the openness of the obligation to all market participants;
3) access on fair, reasonable and non-discriminatory terms;
4) the adequacy of the obligation to facilitate cooperative deployment of very high capacity networks and promote competition in the downstream retail market.

(6) As a result of the analysis specified in subsection 4 of this section, the Consumer Protection and Technical Regulatory Authority may amend the decision on designating an undertaking with significant market power granted on the basis of § 49 of this Act and make the obligations of subsection 1 of this section offered by a communications undertaking binding on it, taking account of the circumstance that the co-investment obligation must be effective at least seven years.

(7) Upon making the obligations binding, the Consumer Protection and Technical Regulatory Authority takes account of their impact on market developments and further relevance of the obligations provided in §§ 50–53 of this Act.

(8) The Consumer Protection and Technical Regulatory Authority monitors the performance of the obligations made binding in accordance with subsection 6 of this section and considers the extension of their term if necessary.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

§ 56[3]. Specifications to undertaking with significant market power engaging only in wholesale

(1) When designating an undertaking with significant market power engaged only in wholesale, the Consumer Protection and Technical Regulatory Authority assesses compliance of the undertaking with the following conditions:
1) all business units of the undertaking and companies that are controlled by the same owner and all shareholders capable of exercising control over the undertaking act in the European Union in the wholesale market for communications services and not in any retail market for communications services provided to end-users;
2) the undertaking is not bound to deal with a single and separate undertaking operating downstream that is active in any retail market for communications services provided to end-users, because of an exclusive agreement, or an agreement which de facto amounts to an exclusive agreement.

(2) If the conditions specified in subsection 1 of this section are fulfilled, the Consumer Protection and Technical Regulatory Authority may impose on the undertaking only obligations provided in clauses 1 and 5 of subsection 1 of § 50 and in § 51 of this Act or relative to fair and reasonable pricing if justified on the basis of a market analysis including a prospective assessment of the likely behaviour of the undertaking designated as having significant market power.

(3) The Consumer Protection and Technical Regulatory Authority reviews the obligations specified in subsection 2 of this section if the conditions specified in subsection 1 are no longer fulfilled. An undertaking must notify the Consumer Protection and Technical Regulatory Authority immediately of changes in the conditions specified in subsection 1 of this section.

(4) The Consumer Protection and Technical Regulatory Authority reviews the obligations specified in subsection 2 of this section if on the basis of an analysis of the terms and conditions offered by the undertaking to its downstream customers it concludes that competition problems have arisen or are likely to arise to the detriment of end-users which require the imposition of the obligations provided in clauses 1–5 of subsection 1 and in subsection 2 of § 50, in subsections 1–7 of § 52, in subsections 1 and 4 of § 53 and in subsections 4 and 5 of § 54 of this Act or the amendment of the obligations imposed in accordance with subsection 2 of this section.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

§ 56[4]. Migration from legacy infrastructure

(1) An undertaking with significant market power is required to notify the Consumer Protection and Technical Regulatory Authority in advance and in a timely manner of its plan to decommission legacy infrastructure or replace it with a new infrastructure.

(2) The Consumer Protection and Technical Regulatory Authority ensures that the commissioning or replacement of legacy infrastructure includes a transparent timetable and conditions, including an appropriate notice period for transition and alternative products for access to the upgraded network infrastructure, which are of at least comparable quality with access products used in the legacy infrastructure and enable to reach the same end-users where necessary to safeguard competition and the rights of end-users. For this purpose, the Consumer Protection and Technical Regulatory Authority may impose obligations related to migration from the legacy infrastructure on undertakings with significant market power.

(3) In case of decommissioning or replacement of legacy infrastructure by the undertaking specified in subsection 1 of this section, the Consumer Protection and Technical Regulatory Authority may withdraw the obligations imposed in respect of access to legacy infrastructure assets if the undertaking with significant market power has:
1) established adequate conditions for migration in order to provide an alternative access product of at least comparable quality with the legacy infrastructure to reach the same end-users;
2) fulfilled the obligations related to migration from the legacy infrastructure provided in subsection 2 of this section imposed by the Consumer Protection and Technical Regulatory Authority.

(4) If the obligations related to access to legacy infrastructure assets are withdrawn, the Consumer Protection and Technical Regulatory Authority must observe the consultation requirements provided in §§ 47–48[1]of this Act.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

§ 57. Obligations of undertaking with special or exclusive rights

[RT I, 05.07.2013, 1 – entry into force 15.07.2013]
A communications undertaking which has special or exclusive rights for the provision of services in another sector in Estonia or in another Member State of the European Union shall keep separate accounts of the expenditure and revenue relating to the provision of communications services and of the expenditure and revenue relating to the activities in another sector to the extent that would be required if these activities were carried out by legally independent undertakings. The communications undertaking which has the specified special or exclusive rights shall also separate the structural units which engage in the provision of communications services.
[RT I, 05.07.2013, 1 – entry into force 15.07.2013]

§ 58. Obligations related to cable networks

[Repealed – RT I, 05.07.2013, 1 – entry into force 15.07.2013]

Chapter 6
ACCESS AND INTERCONNECTION

§ 59. Purpose of regulation of access and interconnection

This Chapter provides for the rights and obligations of communications undertakings in connection with the access of one communications undertaking to the equipment, networks or services of another communications undertaking in order to ensure competition, efficient investment and innovation, the interoperability of communications services and the protection of the interests of end-users.
[RT I, 23.03.2011, 1 – entry into force 25.05.2011]

§ 60. Access

(1) Access consists in the making available of the networks, line facilities and network facilities of or services provided by one communications undertaking to another communications undertaking for the purpose of providing communications services.

(2) The access specified in subsection 1 of this section includes access to:
1) network elements and associated facilities, in particular the local loop, and to facilities and services necessary to provide services over the local loop,
[RT I, 23.03.2011, 1 – entry into force 25.05.2011]
2) infrastructure and line facilities, including buildings, masts and ducts,
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]
3) relevant software systems or databases, including support systems,
[RT I, 23.03.2011, 1 – entry into force 25.05.2011]
4) number translation systems or systems offering equivalent functionality,
5) communications networks, in particular for roaming service or
[RT I 2007, 63, 397 – entry into force 17.12.2007]
6) virtual network services and conditional access systems for digital television and radio services.

(3) It is prohibited to route a call from one communications network to another by means of terminal equipment, unless there is a respective written access agreement with the communications undertaking to whose communications network the call is routed.
[RT I 2009, 37, 252 – entry into force 10.07.2009]

§ 61. Interconnection and obligation to negotiate interconnection

(1) Interconnection is a special type of access which consists in the technical and logical linking of two or more communications networks in a manner which allows providing communications services to the subscribers of the connected communications networks.

(2) A communications undertaking providing network services is required, at the request of another communications undertaking, to negotiate the interconnection in good faith if this is necessary for the provision of communications services.

(3) In order to perform the obligation provided for in subsection 2 of this section, a communications undertaking is required to disclose to the party with whom it has commenced to negotiate the interconnection, among other things, all the information necessary for the interconnection, including the parameters of the network interfaces.

(4) A communications undertaking which obtains information from another communications undertaking before, during or after the process of negotiating access or interconnection arrangements must use that information only for the purpose for which it was supplied and respect the confidentiality of the information, which has been delivered or is stored. A communications undertaking must not pass on the obtained information to third parties, in particular other structural units, subsidiaries or partners, for whom such information could provide a competitive advantage.
[RT I 2007, 63, 397 – entry into force 17.12.2007]

§ 62. Freedom to enter into access or interconnection agreement and its form

Communications undertakings have the right to agree on the technical and commercial conditions for access and interconnection, taking account of the provisions of §§ 63–63^{2} of this Act and the possible obligations imposed on the communications undertakings pursuant to §§ 50–53 of this Act. The agreement specified in this section is entered into in writing or in a form reproducible in writing.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

§ 63. Imposition of access and interconnection obligations

[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

(1) The Consumer Protection and Technical Regulatory Authority may impose on a communications undertaking providing network services and controlling access by end-users obligations necessary for ensuring end-to-end connectivity, including for the interconnection of networks or the ensuring of interoperability of communications services.

(2) In justified cases, the Consumer Protection and Technical Regulatory Authority may impose obligations on providers of number-independent interpersonal communications services which reach a significant level of coverage and user uptake in order to make the interpersonal communications services interoperable and to ensure end-to-end connectivity between end-users.

(3) The Consumer Protection and Technical Regulatory Authority may impose the obligations specified in subsection 2 of this section if the European Commission has established implementing measures specifying the nature and scope of the obligations. The obligations may include the obligation of the service provider to publish and allow the use, modification and redistribution of relevant information by the state or local government or other service providers, or to use or implement standards or specifications.

(4) The Consumer Protection and Technical Regulatory Authority may impose on a communications undertaking providing network services the obligation to ensure access to the application program interfaces (*API*) and electronic programme guides (*EPG*) on fair, reasonable and non-discriminatory conditions if this is necessary to ensure accessibility for end-users to digital radio and television programmes.

(5) If a communications undertaking providing network services is entitled, pursuant to the legislation, to install facilities on, above or below public or private property, the Consumer Protection and Technical Regulatory Authority may impose on a communications undertaking providing network services the obligations for shared use or co-location of network equipment or other assets installed on such basis and used for the provision of network services, including line facilities and cabling inside or outside of buildings, up to the intermediate distribution point, pursuant to the provisions of clauses 1 and 2 of subsection 2 of § 60 of this Act. The Consumer Protection and Technical Regulatory Authority may impose the obligations provided in this subsection particularly if other communications undertakings do not have alternative possibilities for access due to environmental, health protection, building or planning requirements or public security.

(6) The obligation specified in subsection 5 of this section may mean that a communications undertaking providing network services must cover a proportional share of the costs related to sharing or co-location or tolerate that line facilities, equipment or other assets are used by another communications undertaking.

(7) The Consumer Protection and Technical Regulatory Authority may impose obligations specified in this section on a communications undertaking providing network services regardless of whether the undertaking has been designated as having significant market power.

(8) Before imposing the obligations provided in this section and in §§ 63^{1} and 63^{2} of this Act, it is consulted pursuant to the procedure provided in §§ 47–48^{1}.

(9) The Consumer Protection and Technical Regulatory Authority informs a communications undertaking of a decision specified in this section or in §§ 63^{1} and 63^{2} of this Act within five working days by post or electronic means and publishes the decision on its website within seven working days after the decision is made.

(10) The Consumer Protection and Technical Regulatory Authority is required to provide information about the type, availability and geographical location of the facilities specified in clauses 1 and 2 of subsection 2 of § 60 of this Act to an interested person on the basis of an application from such person. The specified facilities and conditions for access thereto are not deemed to be a business secret.

(11) The Consumer Protection and Technical Regulatory Authority reviews the obligations imposed on the basis of subsections 1–4 of this section, subsections 1 and 2 of § 63[1] and subsections 1, 3 and 5 of § 63[2] of this Act when five years have passed from their imposition and decides on the need to modify or withdraw the specified obligations.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

§ 63[1]. Imposition of access obligation to communications networks inside buildings

(1) The Consumer Protection and Technical Regulatory Authority has the right, upon a reasonable request of an interested party, to impose an obligation on a communications undertaking or the owner of network elements to grant access to wiring and cables and associated facilities and services belonging thereto inside buildings or up to the first concentration or distribution point of the wiring outside the building, where duplication of such network elements is economically inefficient or physically impracticable, taking into account transparency, non-discrimination and sharing of access costs. If justified on technical or economic grounds, the Consumer Protection and Technical Regulatory Authority may impose access obligations on active or virtual communications networks.

(2) If it appears as a result of a market analysis that the obligation specified in subsection 1 of this section is not sufficient, the Consumer Protection and Technical Regulatory Authority may extend the scope of the specified obligation beyond the first concentration or distribution point, to a point that it determines to be the closest to end-users, capable of hosting a sufficient number of end-user connections to be commercially viable for efficient access seekers. Upon extending the specified obligation, the Consumer Protection and Technical Regulatory Authority takes into account the guidelines of BEREC.

(3) The Consumer Protection and Technical Regulatory Authority does not exercise the right to extend the obligation specified in subsection 2 of this section where:
1) imposition of the obligation would compromise the economic viability of deployment of a new network;
2) the communications undertaking fulfils the conditions provided in subsection 1 of § 56[3] of this Act and makes available a viable and similar alternative means of reaching end-users by providing access to a very high capacity network to other communications undertakings on fair, non-discriminatory and reasonable terms and conditions.

(4) The Consumer Protection and Technical Regulatory Authority may apply the exemption specified in clause 2 of subsection 3 of this section also to other communications undertakings offering access to a very high capacity network on fair, non-discriminatory and reasonable terms and conditions.

(5) The Consumer Protection and Technical Regulatory Authority may choose not to apply the right provided in clause 2 of subsection 3 of this section if construction of the communications network has been partially or wholly financed from the state or local government budget.

(6) Upon determining the location of the communications network termination point, the Consumer Protection and Technical Regulatory Authority takes into account the guidelines of BEREC.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

§ 63[2]. Imposition of sharing obligation of radio communications network

(1) The Consumer Protection and Technical Regulatory Authority has the right to impose obligations on communications undertakings in relation to the sharing of passive infrastructure of radio communications networks or entry into localised roaming access agreements if necessary for the provision of communications services which rely on the use of radio frequencies and provided that no access to end-users is offered to any communications undertaking on fair and reasonable terms and conditions.

(2) The Consumer Protection and Technical Regulatory Authority has the right to impose the obligations specified in subsection 1 of this section if this is provided in the terms and conditions of the frequency authorisation and if market-based deployment of communications services or networks using radio frequencies is subject to economic or physical obstacles in the area designated by the frequency authorisation due to which access to communications services by end-users is restricted or absent.

(3) If implementation of the obligations specified in subsection 1 of this section yields no results, the Consumer Protection and Technical Regulatory Authority may impose an obligation on communications undertakings to share active infrastructure.

(4) Upon imposing the obligations specified in subsections 1 and 3 of this section, the Consumer Protection and Technical Regulatory Authority takes into account:
1) the need to increase connectivity along major transport paths and in specific territorial areas of the European Union;
2) the possibility of increasing choice and quality of communications services for end-users;

3) the efficient use of radio frequencies;
4) the technical feasibility of sharing infrastructure and associated conditions;
5) the state of infrastructure-based as well as communications services-based competition;
6) technological innovation;
7) the readiness of the infrastructure owner to deploy infrastructure.

(5) The Consumer Protection and Technical Regulatory Authority may impose an obligation on the communications undertakings benefiting from the obligation of sharing passive infrastructure or the access obligation to share a radio frequency with the owner of the infrastructure of such area in the relevant area.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

§ 64. Conditions for performance of access and interconnection obligations

(1) If the Consumer Protection and Technical Regulatory Authority has imposed an access or interconnection obligation on a communications undertaking in accordance with clause 5 of subsection 1 of § 50 or §§ 63–$63^2$of this Act, the respective communications undertaking is required to enter into an interconnection or access agreement and ensure access to networks, equipment or services and interconnect the networks and equipment within a reasonable term set by the Consumer Protection and Technical Regulatory Authority, taking into account that the communications undertaking obliged to provide access or interconnection may need to create technical conditions, including to install equipment, for the provision of interconnection or access.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

(2) A communications undertaking whereon the Consumer Protection and Technical Regulatory Authority has imposed an access or interconnection obligation is required, upon performance of the access or interconnection obligation, to comply with the following requirements in accordance with the nature of the obligation:
[RT I 2007, 66, 408 – entry into force 01.01.2008]
1) ensure the use of the network equipment, buildings and line facilities under equal conditions and with equal quality as compared to these offered by the undertaking to its parent company or subsidiaries, subscribers or business partners;
2) enable an undertaking which has submitted an application for access or interconnection to obtain information necessary for access and interconnection;
3) use the information obtained in connection with access or interconnection only for the provision of the respective service and not to disclose it to third parties, in particular other structural units, subsidiaries or partners, for whom such information could provide a competitive advantage, unless otherwise provided by law;
[RT I 2007, 63, 397 – entry into force 17.12.2007]
4) not to restrict the access of its subscribers to the services provided by another communications undertaking.

(3) The list set out in subsection 2 of this section does not preclude the obligation to comply with the requirements not listed therein if the obligation arises from law or the obligation to negotiate in good faith.

§ 65. Refusal to provide access or interconnection

(1) A communications undertaking may terminate pre-contractual negotiations and refuse to enter into an access or interconnection agreement if:
1) the creation of technical conditions for interconnection or access is unreasonably burdensome or
2) the interconnection or access damages the integrity of its network.

(2) A communications undertaking which, pursuant to this Act, has the obligation to ensure access to the local loop may refuse to provide access in addition to the bases specified in subsection 1 of this section also if the end-user using the respective local loop has not consented thereto or the access endangers the inviolability of private life.
[RT I, 23.03.2011, 1 – entry into force 25.05.2011]

§ 66. Restriction of access

(1) A communications undertaking which has entered into an access or interconnection agreement may restrict access to the communications network by the other party to the contract if:
1) the other party has failed to pay for the provided services in a timely manner,
2) the other party has connected to the communications network terminal equipment which is not in working order or is not in compliance with the requirements and it interferes with the operation of the communications network or other subscribers of the communications undertaking,
3) the restriction of the provision of communications services is necessary for the installation, repair, exchange or maintenance of the equipment or line facilities of the communications network,
4) the other communications network connected or interconnected to the communications network which enables provision of services does not conform with the access or interconnection requirements and smooth interoperability of such networks is not ensured,
5) the integral operation of the communications network is endangered,
6) this is necessary to ensure the protection of personal data and other data to the extent provided by law,
7) this is necessary due to an emergency situation, a state of emergency or a state of war,
8) this is prescribed in the access or interconnection agreement or
9) this arises from legislation.

(2) Restriction of access on the bases prescribed in clauses 1 and 4 of subsection 1 of this section is permitted on the condition that a communications undertaking notifies the other party to the agreement of the restriction of access at least 30 days in advance.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

(3) Upon restricting access to a communications network, a communications undertaking must observe that the restriction is based on an objective assessment of the situation and that the extent of such restriction is minimum in order to ensure the normal operation of the communications network, except if the restriction is applied on the basis of clause 1 of subsection 1 of this section. The communications undertaking must provide an opportunity for eliminating the reason for applying the restriction.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

(4) A communications undertaking must notify, directly or through media, the party to the agreement affected by the application of the restriction specified in subsection 1 of this section of the reason for and nature, extent and duration of applying such restriction as soon as possible and take all measures to ensure restoring of the availability of communications services.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

§ 67. Systems of conditional access to digital television and radio services

(1) A communications undertaking which provides conditional access systems is required to ensure that the conditional access systems allow the technical conduct of cost-oriented cross-checks of services provided by other communications undertakings by means of conditional access systems.

(2) If the access of a provider of television or radio services to the potential viewers and listeners depends on the conditional access services, a communications undertaking which provides services of conditional access to the provider of television and radio services is required to:
1) provide to the provider of television or radio services on a fair, reasonable and non-discriminatory basis, technical services, which allow the viewers or listeners equipped with decoding devices to receive the digitally transmitted services of the provider of television or radio services;
2) keep separate accounts of its activities as a provider of conditional access services.
[RT I, 23.03.2011, 1 – entry into force 24.03.2011]

(3) If the Consumer Protection and Technical Regulatory Authority finds as a result of a market analysis conducted on the basis of §§ 44–44^{2}of this Act that a communications undertaking does not have significant market power in the relevant market, the Consumer Protection and Technical Regulatory Authority may modify the obligations imposed on the communications undertaking by subsection 2 of this section or release the communications undertaking from these if this does not damage:
1) the access of end-users to the services defined in accordance with § 90 of this Act; and
2) competition in the markets related to retail sale of media services and conditional access system.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

§ 68. Resolution of complaints related to access and interconnection

(1) Any complaints related to access or interconnection shall be resolved by the Consumer Protection and Technical Regulatory Authority pursuant to § 149 of this Act.
[RT I 2007, 66, 408 – entry into force 01.01.2008]

(2) A complaint related to application of the restrictions provided for in § 66 of this Act shall be resolved on the basis of the procedure for resolution of complaints provided for in § 149 of this Act, taking account of the following specifications:
1) a person which has applied a restriction must give a written explanation to the Consumer Protection and Technical Regulatory Authority concerning the application of the restriction within five days after the receipt of a respective demand from the Consumer Protection and Technical Regulatory Authority;
[RT I 2007, 66, 408 – entry into force 01.01.2008]
2) the Consumer Protection and Technical Regulatory Authority shall resolve the complaint within 10 working days as of the receipt of the application;
[RT I 2007, 66, 408 – entry into force 01.01.2008]
3) if the Consumer Protection and Technical Regulatory Authority decides that a restriction established with regard to another communications undertaking is unlawful, it shall issue to the undertaking which has applied the restriction a precept for immediate termination of the violation.
[RT I 2007, 66, 408 – entry into force 01.01.2008]

Chapter 7

UNIVERSAL SERVICE

Subchapter 1
Provision of universal service

§ 69. Definition and objective of universal service

A universal service is a set of services which conforms to the technical and quality requirements established by the European Union law, which is of specified quality and available to all end-users requesting it to the extent provided for in this Chapter, regardless of the location of the end-user, uniformly and at an affordable price. The following are universal services:
1) connection to a communications network in a fixed location enabling telephone services;
2) public pay-phone service or other publicly accessible communications service enabling calls;
3) the availability of a universal electronic public number directory and directory enquiry services.
[RT I, 23.03.2011, 1 – entry into force 25.05.2011]

§ 70. Connection to communications network at fixed location

The connection to a communications network specified in clause 1 of § 69 of this Act must enable:
1) the making and receiving of calls;
2) the sending or receiving of faxes;
3) the use of data communication services at data rates sufficient to permit functional Internet access, taking into account the hardware and software used by most of the end-users.
[RT I, 23.03.2011, 1 – entry into force 25.05.2011]

§ 71. Public pay-phone service or other publicly accessible communications service

(1) Public pay-phone service or other publicly accessible communications service enabling calls means a possibility to make and receive calls using public terminal equipment.

(2) Public pay-phone service or other publicly accessible communications service enabling calls must ensure that it is possible to make free calls to the emergency number 112 without using any means of payment.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

§ 72. Universal service obligation

(1) The universal service obligation means provision of the services specified in clauses 1–3 of § 69 of this Act to the end-users pursuant to the procedure provided for in this Act. The conditions for the provision of a universal service shall be set out in a universal service contract between the state and an undertaking.

(2) A universal service contract regarding services provided for in clauses 1 and 2 of § 69 of this Act may be entered into only with a communications undertaking.

(3) The universal service obligation shall be based on a universal service contract entered into between a communications undertaking and the state represented by the minister in charge of the policy sector or, on the authorisation of the minister in charge of the policy sector, by the Consumer Protection and Technical Regulatory Authority.
[RT I 2007, 66, 408 – entry into force 01.01.2008]

(4) A universal service contract shall, among other things, set out the following:
1) the obligation to provide a service provided for in clauses 1–3 of § 69 of this Act to the end-users requesting it within the territory specified in the contract;
2) a term during which a communications undertaking with the universal service obligation is required to enter into a subscription contract which complies with the requirements provided in §§ $95^{1}$and 96 of this Act for the provision of a service provided in clause 1 of § 69 of this Act with the end-users;
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]
3) an affordable charge payable for the provision of the universal service by the end-users for the establishment and preservation of a connection with the communications network pursuant to § 74 of this Act and for the services provided for in clauses 2 and 3 of § 69 of this Act;
[RT I, 23.03.2011, 1 – entry into force 25.05.2011]
4) the maximum charge payable for providing the universal service;
5) the term of validity of the contract;
6) the provisions concerning the termination and amendment of the contract;
7) sanctions for violation of the contract.

§ 73. Designation of undertaking with universal service obligation

(1) The provider of the services provided in clauses 1–3 of § 69 of this Act is designated by way of a public competition the conditions of which are established by the minister in charge of the policy sector. If the

presumed charge payable for the provision of the universal services based on the contract for the provision of universal services is higher than the amount specified in subsection 2 of § 14 of the Public Procurement Act, a public procurement is organised pursuant to the procedure provided in the Public Procurement Act.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

(2) If the public competition or public procurement provided for in subsection 1 of this section fails, the Consumer Protection and Technical Regulatory Authority shall make a decision whereby the universal service obligation is imposed on the provider of universal services who had the universal service obligation at the time of organising the public competition or public procurement specified in subsection 1 of this section under the conditions effective at the time of organising the public competition or public procurement until the contract specified in subsection 3 of § 72 of this Act is entered into.
[RT I, 23.03.2011, 1 – entry into force 25.05.2011]

(3) A public competition or public procurement provided for in subsection 1 of this section shall be organised by the Ministry of Justice and Digital Affairs or the Consumer Protection and Technical Regulatory Authority on the authorisation of the minister in charge of the policy sector.
[RT I 2007, 66, 408 – entry into force 01.01.2008]

(4) Upon designation of a communications undertaking with the universal service obligation pursuant to the procedure provided for in subsections 1 and 2 of this section, the need to ensure provision of the universal services in a cost-effective manner which does not prejudice competition, at an affordable price and, in short-term and long-term perspective, in accordance with the objectives provided for in § 134 of this Act shall be taken into account.

(5) A provider of the services provided for in clauses 1–3 of § 69 of this Act may be designated separately:
1) for each specified service within the territory specified by the person who organises the competition provided for in subsection 1 of this section or a public procurement or
2) for each specified service within the territory provided for in subsection 2 of this section where the communications undertaking is in control of essential facilities within the meaning of the Competition Act.
[RT I, 05.07.2013, 1 – entry into force 15.07.2013]

(6) The bases for determining the territories provided for in clauses 1 and 3 of subsection 5 of this section shall be established by the minister in charge of the policy sector.

(7) A provider of the service provided for in clause 2 of § 69 of this Act shall be designated only if the specified service is not reasonably available for the end-users at an affordable price, taking account of the residences or seats of end-users, the number of public pay-phones and availability of the service for people with special social needs.

(8) A provider of the service provided for in clause 3 of § 69 of this Act shall be designated only if the specified service is not reasonably available for the end-users at an affordable price.

(9) If the provider of universal services designated pursuant to subsection 1 or 2 of this section intends to transfer its entire access network or a part thereof to a separate legal person, it must give a prior notice thereof to the Consumer Protection and Technical Regulatory Authority, which shall assess the impact of the intended transaction on the provision of access in the determined territory and on the provision of telephone services in accordance with the provisions of § 70 of this Act and, if necessary, establish, amend or revoke the corresponding special obligations.
[RT I, 23.03.2011, 1 – entry into force 25.05.2011]

(10) The Consumer Protection and Technical Regulatory Authority is required to notify the European Commission of an undertaking with the universal service obligation and of the obligations imposed thereon. The Consumer Protection and Technical Regulatory Authority shall publish the specified information on its website.
[RT I, 23.03.2011, 1 – entry into force 25.05.2011]

§ 74. Charge payable for universal service by end-user

(1) The conditions of the competition or the source documents of the public procurement specified in subsection 1 of § 73 of this Act must set out the affordable charge to be paid for the services provided for in clauses 1 and 3 of § 69 of this Act by end-users to the provider of universal service.
[RT I, 01.07.2017, 1 – entry into force 01.09.2017]

(2) The affordable charge specified in subsection 1 of this section shall be determined by the minister in charge of the policy sector on the proposal of the Consumer Protection and Technical Regulatory Authority uniformly throughout the territory of the state for both of the services specified in clauses 1 and 3 of § 69 of this Act.
[RT I 2007, 66, 408 – entry into force 01.01.2008]

§ 75. Costs related to performance of universal service obligation

(1) A communications undertaking with the universal service obligation may submit an application to the Consumer Protection and Technical Regulatory Authority for compensation for the unreasonably burdensome costs related to the performance of the universal service obligation.
[RT I 2007, 66, 408 – entry into force 01.01.2008]

(2) Upon assessment of the costs related to the performance of the universal service obligation, the Consumer Protection and Technical Regulatory Authority shall verify whether the costs related to the performance of the universal service obligation by the communications undertaking with the universal service obligation are justified.
[RT I 2007, 66, 408 – entry into force 01.01.2008]

(3) If, as a result of the assessment provided for in subsection 2 of this section, the Consumer Protection and Technical Regulatory Authority finds that performance of the universal service obligation is unreasonably burdensome for the communications undertaking with the universal service obligation, taking account of the revenue and any market benefit arising from the performance of the specified obligation for the communications undertaking, the Consumer Protection and Technical Regulatory Authority shall decide on compensating for the costs related to the universal service obligation to the extent provided for in subsection 4 of this section.
[RT I 2007, 66, 408 – entry into force 01.01.2008]

(4) The costs specified in subsection 3 of this section shall be compensated for communications undertakings with the universal service obligation only to the extent to which the charge specified in § 74 of this Act to be paid by end-users does not enable covering of the costs related to performance of the universal service obligation and ensuring reasonable profit.

(5) The procedure for the assessment of and compensation for the costs specified in subsections 2–4 of this section shall be established by the minister in charge of the policy sector.

§ 76. Specifications for designation of provider of universal service

(1) The conditions of the competition or the source documents of the public procurement specified in subsection 1 of § 73 of this Act must include the obligation of the tenderer to submit at least the following information:
[RT I, 01.07.2017, 1 – entry into force 01.09.2017]
1) the incremental costs of and revenue involved in the provision of universal service;
2) the costs specified in clause 1 of subsection 1 of this section, ordinary business expenses incurred without the universal service obligation and charges for establishment and preservation of a connection with the communications network for end-users and charges for the services specified in clauses 2 and 3 of § 69 of this Act which are planned on the basis of the expenses made so far;
[RT I, 23.03.2011, 1 – entry into force 25.05.2011]
3) the combined tariff schemes for the connection of end-users to the communications network and for services provided over the network and possibilities for advance payments and payment in instalments;
[RT I, 23.03.2011, 1 – entry into force 25.05.2011]
4) information on increase of the number of subscribers of the communications undertaking and the satisfaction of subscribers during the year preceding the tender.

(2) Upon determining the costs specified in clause 1 of subsection 1 of this section:
1) only the costs necessary for performance of the universal service obligation shall be taken into account;
2) the costs which the communications undertaking would incur also without the universal service obligation (ordinary business expenses), and costs which have been incurred before the beginning of the calendar year of submission of the tender shall not be taken into account.

§ 77. Entry into subscription contract with end-user

The provisions of Chapter 9 of this Act apply to a subscription contract between an end-user and a communications undertaking with the universal service obligation.

§ 78. Publication of information concerning universal services

(1) A communications undertaking with the universal service obligation shall make available to the public at least the following information concerning the provision of universal services:
[RT I, 10.05.2014, 1 – entry into force 20.05.2014]
1) the supply time for initial connection;
2) the fault rate per access line;
3) the fault repair time;
4) the response times for operator services;
5) the response times for directory enquiry services;
6) the proportion of public pay-phones in working order;
7) the number of bill correctness complaints.

(2) Information which is made available to the public must be submitted to the Consumer Protection and Technical Regulatory Authority. The correctness and comparability of information submitted to the Consumer Protection and Technical Regulatory Authority may be verified on the order of the Consumer Protection and Technical Regulatory Authority by a qualified independent person at the expense of the communications undertaking with the universal service obligation if the communications undertaking does not agree with the results of the verification of information conducted by the Consumer Protection and Technical Regulatory Authority.
[RT I 2007, 66, 408 – entry into force 01.01.2008]

(3) If the information submitted to the Consumer Protection and Technical Regulatory Authority has been verified pursuant to subsection 2 of this section at the expense of the communications undertaking with the universal service obligation and the results of the verification confirm the correctness and comparability of the information submitted by the communications undertaking, the Consumer Protection and Technical Regulatory Authority shall compensate to the communications undertaking for the amount paid for the verification to a reasonable extent.
[RT I 2007, 66, 408 – entry into force 01.01.2008]

(4) In order to ensure access to information, the minister in charge of the policy sector may specify the content and form of information to be made available to the public pursuant to subsection 1 of this section and the manner of making the specified information available to the public.

(5) The Consumer Protection and Technical Regulatory Authority may require that a communications undertaking with the universal service obligation reduce the supply time provided for in clause 1 of subsection 1 of this section and the fault rate provided for in clause 2 of subsection 1 of this section within a reasonable term, taking account of the technical or economic possibilities of the communications undertaking.
[RT I 2007, 66, 408 – entry into force 01.01.2008]

§ 79. Verification of expenditure

(1) Upon provision of a universal service, a communications undertaking with the universal service obligation must provide the end-users with the following possibilities to verify expenditure related to the universal service:
1) submission of itemised bills such that they separately set out charges for the establishment and preservation of a connection to the communications network and for the use of the telephone service;
[RT I, 23.03.2011, 1 – entry into force 25.05.2011]
2) possibility to bar outgoing calls of defined types or to defined types of numbers;
3) advance payment for the use of the communications network and telephone service;
[RT I, 23.03.2011, 1 – entry into force 25.05.2011]
4) payment for connection to the communications network by instalments in accordance with the contract.
[RT I, 23.03.2011, 1 – entry into force 25.05.2011]

(2) The possibilities provided for in clauses 3 and 4 of subsection 1 of this section must be provided only to consumers.

(3) The use of the possibilities provided for in subsection 1 of this section shall be free of charge for consumers. The service provided for in clause 2 of subsection 1 of this section shall be free of charge for other end-users.

§ 80. Communication of information to number directory and directory enquiry services

(1) If, pursuant to § 73 of this Act, the obligation to provide the service provided for in clause 3 of § 69 of this Act has been imposed on an undertaking, the provider of the telephone or mobile telephone service shall communicate the information concerning the name and numbers of the subscriber of the telephone or mobile telephone service provided by it to the undertaking specified in § 73 of this Act at least once during a calendar year if the subscriber has consented to disclosure of the information.

(2) A provider of the telephone or mobile telephone service may require a reasonable charge for the communication of information specified in subsection 1 of this section. The specified fee shall be cost-oriented and may include a reasonable profit.

Subchapter 2
Financing of universal service

§ 81. Source of financing

(1) The costs specified in § 75 of this Act shall be compensated for out of the universal service charge payable by communications undertakings with the obligation to pay the universal service charge (hereinafter *financing obligation*).

(2) Only costs incurred for the provision of universal services provided for in clauses 1 and 2 of § 69 of this Act shall be compensated for out of the universal service charge.

§ 82. Universal service charge

Universal service charge means a payment made by a communications undertaking with the financing obligation to compensate for the costs specified in § 75 of this Act.

§ 83. [Repealed – RT I, 23.03.2011, 1 – entry into force 25.05.2011]

§ 83[1]. Rate of universal service charge

[Repealed – RT I, 15.12.2021, 1 – entry into force 01.02.2022]

§ 84. Communications undertaking with financing obligation

(1) A communications undertaking which has the obligation to submit a notice provided for in subsection 1 of § 4 of this Act and whose turnover for communications services exceeds 383 500 euros per calendar year has the financing obligation.
[RT I 2010, 22, 108 – entry into force 01.01.2011]

(2) The financing obligation of a person specified in subsection 1 of this section arises as of the moment when the specified person submits or should submit the notice specified in subsection 1 of § 4 of this Act.

(3) The financing obligation of a person specified in subsection 1 of this section terminates as of the moment when the person submits a notice concerning termination of activities specified in § 34 of the General Part of the Economic Activities Act.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

(4) If the financing obligation arises or terminates before the fifteenth day of a calendar month, the financing obligation is deemed to have arisen or terminated as of the beginning of the calendar month.

(5) If the financing obligation arises or terminates after the fifteenth day of a calendar month, the financing obligation is deemed to have arisen or terminated as of the following calendar month.

§ 85. Payment of universal service charge

(1) Universal service charge shall be paid, in instalments of one-third of the total amount, by 15 May, 15 September and 15 January.

(2) For universal service charge to be paid, the Consumer Protection and Technical Regulatory Authority shall send a respective notice not later than 30 days before the due date for payment of the universal service charge.
[RT I 2007, 66, 408 – entry into force 01.01.2008]

(3) If the universal service charges paid during a calendar year exceed the costs compensated during the calendar year to the communications undertaking with the universal service obligation pursuant to § 75 of this Act, the universal service charges paid but not used during the calendar year are deemed as prepayments for future charges.

(4) The paid universal service charges shall not be refunded upon termination of the financing obligation.

§ 86. Receipt and use of universal service charge

(1) Universal service charge is paid into the state budget.

(2) The procedure for payment of the universal service charge into the state budget and for the use thereof shall be established by the minister in charge of the policy sector.

Chapter 8
REQUIREMENTS FOR PROVISION OF COMMUNICATIONS SERVICES

§ 87. Requirements for provision of communications services and communications networks, quality of communications services

(1) Upon provision of communications services, communications undertakings shall be guided by the following principles and objectives:
1) ensuring of security of operation of the communications network;
2) preservation of integrity of the communications network;
3) ensuring of protection of transmitted or stored information;

4) ensuring of interoperability of communications networks and services;
5) compliance with health and environmental requirements;
6) compliance with planning and land readjustment requirements;
7) ensuring of quality of communications services;
8) avoidance of harmful and interfering effects between other space-based or terrestrial technical systems;
9) ensuring of public order and national security;
10) monitoring of compliance with applicable requirements, submitting of information and organisation of statistics;
11) avoidance of activities which prejudice free competition on the communications market.

(2) Based on the principles and objectives provided for in subsection 1 of this section, the Government of the Republic may establish technical requirements for the communications networks and requirements for the provision of communications services if this is necessary for:
1) protection of subscribers;
2) publication of information on subscribers in the number directory and through directory enquiry services;
3) ensuring connection to the emergency number 112 and determining the location of the person who has connected to the emergency number 112,
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]
4) ensuring public order and national security;
5) providing communications services for people with special needs;
6) interconnection and ensuring interoperability of communications networks or
7) determining the locations of interconnection points,
8) promoting the ensuring of connection to a pan-European harmonised short number beginning with 116.
[RT I, 23.03.2011, 1 – entry into force 25.05.2011]

(2^1) [Repealed – RT I, 15.12.2021, 1 – entry into force 01.02.2022]

(2^2) [Repealed – RT I, 15.12.2021, 1 – entry into force 01.02.2022]

(3) A communications undertaking must make information on the quality of the communications services provided to end-users and measures taken to ensure equivalence in access for people with special needs publicly available on its website or in the absence thereof, in any other reasonable manner.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

(4) Service providers, whose services are consumed by at least 10,000 end-users, shall be providers of the vital services specified clauses 5–7 of subsection 1 of § 36 of the Emergency Act in respect of the corresponding service.
[RT I, 03.03.2017, 1 – entry into force 01.07.2017]

(5) Providers of multiplexing services and communications undertakings providing cable distribution services shall be providers of the services of general interest within the meaning of the General Part of the Economic Activities Code Act.
[RT I, 03.03.2017, 1 – entry into force 01.07.2017]

(6) Where a provider of internet access services or interpersonal communications services submits an invoice to a consumer for the time or data volume consumption, it provides the consumer with a reasonable facility to monitor the data volume of use of the service and notifies the consumer of the used data volume before the data volume agreed in the communications services agreement is reached.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

§ 87^1. Requirements for use of subscriber identity module and terminal equipment

(1) It is prohibited to clone or change a subscriber identity module.

(2) A subscriber identity module may be used only under the conditions prescribed in the subscription contract.

(3) It is prohibited to change the terminal equipment identity code, except by the producer of the terminal equipment or by a person authorised by the producer in writing.
[RT I 2009, 37, 252 – entry into force 10.07.2009]

§ 87^2. Ensuring of security and integrity of communications networks and services

(1) A communications undertaking is required to take appropriate technical and organisational measures to manage the risks related to security and integrity of the communications services and network. The measures must be proportionate to the potential emergency situation and ensure minimum impact of cyber incidents which pose a risk to the ensuring of security and integrity on users of communications services as well as networks and service and ensure continuity of the provided services.

[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

(2) A communications undertaking is required to notify the Information System Authority immediately of all cyber incidents which pose a risk to the ensuring of security and integrity of the communications network and services which to a significant extent affect the functioning of the communications services or network and of measures taken to eliminate such cyber incidents.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

(2^1) Upon assessing the impact of a cyber incident, a communications undertaking takes into account in particular the following, where such information is available:
1) the estimated number of users affected by the cyber incident;
2) the duration of the cyber incident;
3) the geographical spread of the area affected by the cyber incident;
4) the extent to which the functioning of the networks and services are affected;
5) the extent of impact on economic and societal activities.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

(3) If necessary, the Information System Authority reports the cyber incidents specified in subsection 2 of this section to foreign supervision authorities and the European Network and Information Security Agency (*ENISA*). If the Information System Authority finds that due to public interest it is justified to make the violation public, it may inform the public thereof or require the communications undertaking to do it.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

(4) The Estonian Information System Authority shall submit a summary report on the notices submitted pursuant to subsection 2 of this section and on measures applied to the European Commission and ENISA once per calendar year.
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(5) The Estonian Information System Authority is entitled to require a communications undertaking to:
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]
1) provide information needed to assess the security and integrity of their communications services and networks, including security policies;
2) order a security audit carried out by a qualified independent body or a competent national authority and make the results thereof available to the Estonian Information System Authority. The cost of the audit shall be covered by the communications undertaking.
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(6) Instead of the requirements provided in subsections 1–5 of this section, the requirements provided in and established on the basis of §§ 7 and 8 of the Cybersecurity Act apply to the communications undertakings providing vital services, cable distribution services consumed by no less than 10,000 end-users, or broadcasting network services.
[RT I, 22.05.2018, 1 – entry into force 23.05.2018]

§ 87^3. Requirements for communications networks and services to ensure national security

(1) The hardware and software used in provision of communications services in a communications network must not pose a risk to national security.

(2) The hardware and software used in provision of communications services in a communications network may pose a risk to national security due to:
1) a high risk arising from its producer or provider of maintenance or support services (hereinafter *high risk hardware or software*);
2) a risk arising from the technical characteristics or configuration of the hardware or software.

(3) Upon assessing high risk hardware or software, account is taken, among other things, of information on whether:
1) the producer or provider of maintenance or support services has its registered office or head office in a country (hereinafter *country of domicile*), which is not a member state of the European Union, the North Atlantic Treaty Organisation (hereinafter *NATO*) or the Organisation for Economic Co-operation and Development (hereinafter *OECD*);
2) the principles of democratic rule of law are not observed or human rights are not respected in the country of domicile of the producer or provider of maintenance or support services;
3) the intellectual property, personal data or business secrets of persons of other countries are not protected in the country of domicile of the producer or provider of maintenance or support services;
4) the country of domicile of the producer or provider of maintenance or support services exhibits aggressive behaviour in cyberspace;
5) the member states of the European Union, NATO or OECD have attributed cyber-attacks to the country of domicile of the producer or provider of maintenance or support services;
6) the producer or provider of maintenance or support services is subjected to the government or state authority of the country of domicile or other foreign country that has no independent judicial control;
7) the country of domicile of the producer or provider of maintenance or support services or another foreign country may oblige it to act in a manner posing a risk to the national security of Estonia;

8) the economic activities of the producer or provider of maintenance or support services are not based on market-based competition or no adequate conditions have been created for this in the country of domicile;
9) the ownership structure, organisational structure or management structure of the producer or provider of maintenance or support services is not transparent;
10) financing of the producer or provider of maintenance or support services is not transparent;
11) the products or services of the producer or provider of maintenance or support services include vulnerabilities and no adequate security measures have been implemented to eliminate these;
12) the producer or provider of maintenance or support services is not able to secure continued deliveries of products or services, except due to force majeure.

(4) To ensure national security, a communications undertaking is obliged to notify the Consumer Protection and Technical Regulatory Authority of the hardware and software used in the communications network.

(5) The extent of the notification obligation specified in subsection 4 of this section as well as the specific requirements, the term for compliance with the obligation and the procedure for notification is established by a regulation of the Government of the Republic.

(6) To ensure national security, a communications undertaking is obliged to apply for an authorisation for use of hardware or software of a communications network (hereinafter *authorisation for use of hardware or software*) from the Consumer Protection and Technical Regulatory Authority.

(7) The extent of the obligation to apply for an authorisation for use of hardware or software, the specific requirements, the term and procedure of the proceedings and the specifications concerning the term of the authorisation for use are established by a regulation of the Government of the Republic.

(8) Upon issuing the regulations specified in subsections 5 and 7 of this Act the Government of the Republic takes account of the significance of the communications network, its hardware or software and communications services provided in the network as well as the potential risks arising therefrom to the national security.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

§ 87^{4}. Proceedings of authorisation for use of hardware or software

(1) Upon receipt of an application for the authorisation for use of hardware or software, the Consumer Protection and Technical Regulatory Authority asks for opinions of security authorities and the Information System Authority on whether the hardware or software specified in the application of the communications undertaking for the authorisation for use of hardware or software poses a risk to national security. If the hardware or software may pose a risk to national security according to the received opinion, the Consumer Protection and Technical Regulatory Authority asks for an approval from the authority specified in the statutes of the Security Committee of the Republic of Estonia (hereinafter *administrative authority*) before resolving the application of the communications undertaking for the authorisation for use of the hardware or software.

(2) In the approval process specified in subsection 1 of this section the administrative authority assesses whether the use of the hardware or software specified in the application for the authorisation for use of the hardware or software poses a risk to national security. In the approval process the administrative authority may propose to prohibit the use of the hardware or software specified in the application for the authorisation for use of hardware or software or to establish conditions on their use. The conditions for use of hardware or software may include, among other things, a time limit for use, use in certain parts or functions or with certain configuration of the communications network.

(3) Considering the provisions of subsections 1 and 2 of this section, the Consumer Protection and Technical Regulatory Authority decides on the approval, conditional approval or refusal to approve the application for the authorisation for use of hardware or software.

(4) Where hardware or software does not pose a risk to national security, an authorisation for use is granted for eight years. Where hardware or software poses a risk to national security, no authorisation for use is granted or a conditional authorisation for use is granted.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

§ 87^{5}. Auditing

(1) A communications undertaking on whom obligations have been imposed on the basis of § 87^{3}of this Act orders a compliance audit about its activities at least every three years after the imposition of the obligation, for assessment in the audit report whether the communications undertaking has performed the obligations imposed on the basis of the same section.

(2) The person conducting the audit must be an independent auditor who holds a certified information systems auditor certificate from ISACA or a similar certificate.

(3) The person conducting the audit submits the audit to the Consumer Protection and Technical Regulatory Authority.

(4) The costs of conducting the audit are covered by the communications undertaking.

(5) The content of the auditing obligation specified in subsection 1 of this section and the time and procedure for submission of the audit are established by a regulation of the Government of the Republic.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

§ 88. Placement of calls to emergency number and security authority and determining of location of caller

[RT I 2007, 63, 397 – entry into force 17.12.2007]

(1) A communications undertaking providing a number-based interpersonal communications service must organise the operation of the communications network such that establishing of an emergency connection to the emergency number 112 is guaranteed free of charge over each communications network.

(2) Upon providing mobile telephone services, a communications undertaking must ensure access to the emergency number 112 by the short message service (*SMS*) for notification of emergencies over its communications network.

(3) The communications undertaking specified in subsection 1 of this section must make available to the Emergency Response Centre immediately after the emergency connection and during the processing of the emergency notification, free of charge, the telephone number of the person who has connected to the emergency number 112, the international identity of the mobile communications terminal equipment (*International Mobile Equipment Identity – IMEI*) and information on the location of the terminal equipment.

(4) For calls placed to a number of the security authority specified by the security authority, the communications undertaking specified in subsection 1 of this section must make available to the security authority, free of charge, the telephone number of the caller and information on the location of the caller.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

§ 89. Requirement for number portability and change of provider of internet access service

[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

(1) A subscriber has the right to keep the number the use of which has been granted to the subscriber by the communications undertaking and which belongs to the Estonian numbering plan upon changing the communications undertaking or the geographical location of the subscriber's access point.
[RT I, 23.03.2011, 1 – entry into force 25.05.2011]

(2) The right of the subscriber specified in subsection 1 of this section does not extend to:
1) switching from telephone services to mobile telephone services;
2) switching from mobile telephone services to telephone services;
3) communications services contracts where the subscriber is not identified;
4) numbers determined by the conditions for the use of numbering established by the minister in charge of the policy sector on the basis of subsection 2 of § 29 of this Act.

(3) A communications undertaking is required to provide a consumer with free information concerning number portability through telephone enquiries and on its website.
[RT I, 23.03.2011, 1 – entry into force 25.05.2011]

(4) The charge for number portability must be cost-oriented. The charge shall be paid by the communications undertaking with whom the subscriber has entered into a new subscription contract providing as a condition the keeping of the current telephone number.

(5) In the case of changing the communications undertaking, compliance with the number portability requirement shall be ensured by making use of the numbering management database. In the case of changing the geographical location of the subscriber's access point, compliance with the number portability requirement shall be ensured by making use of the respective database or information system of the communications undertaking.
[RT I, 23.03.2011, 1 – entry into force 25.05.2011]

(6) The requirements necessary for ensuring number portability shall be established by a regulation of the minister in charge of the policy sector.
[RT I, 23.03.2011, 1 – entry into force 25.05.2011]

(7) [Repealed – RT I 2007, 63, 397 – entry into force 17.12.2007]

(8) If a subscriber cancels a communications services contract, the communications undertaking must retain the number issued to the subscriber at least within one month after cancellation of the contract so that it can be transferred to another communications undertaking unless the subscriber has waived such right.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

(9) If technically feasible, a subscriber has the right to change the internet access service provider such that uninterrupted internet access service is ensured.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

(10) The requirements for the change of the internet access service provider are established by a regulation of the minister in charge of the policy sector.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

§ 90. Special requirement for provision of cable distribution services

(1) A communications undertaking which provides cable distribution services must guarantee the continuous retransmission of the following programmes:
1) television programmes of the Estonian public provider of media services;
2) television programmes transmitted by a provider of television services with unrestricted access that are received in the cable network area at a signal intensity compatible with the technical requirements and for the transmission of which the provider of television services requires no charge.
[RT I, 06.01.2011, 1 – entry into force 16.01.2011]

(1^1) A provider of television services with unrestricted access has the right to require a reasonable charge for retransmission of television programmes from the communications undertaking which provides cable distribution services.
[RT I, 07.11.2012, 1 – entry into force 08.11.2012]

(2) The programmes specified in subsection 1 of this section shall be transmitted as a single package based on a subscription contract entered into between the communications undertaking which provides cable distribution services and the end-user.

(3) The programmes not specified in subsection 1 of this section shall be transmitted based on an agreement between the communications undertaking and the end-user.

(4) A communications undertaking must ensure the end-user with the possibility to view the programmes offered by way of cable distribution services to the full extent of the duration of the broadcasting time, unless the contracting parties agree otherwise.

(5) The requirements for the provision of the cable distribution services provided for in clause 2 of subsction 1 of this section shall be established by the minister in charge of the policy sector.

§ 90^1. Special requirement for provision of multiplexing services

(1) A provider of multiplexing services must ensure, at the request of a public provider of media services, the transmission of television programmes of the latter. A public provider of media services must give the provider of multiplexing services an advance written notice of its wish for transmission of its television programmes at least six months prior to the commencement of transmission.
[RT I, 23.03.2011, 1 – entry into force 25.05.2011]

(2) A provider of multiplexing services who transmits television programmes of a public provider of media services or a provider of television services with unrestricted access may change the transmission parameters such that the reception of television programmes is guaranteed in accordance with the requirements provided in this Act and legislation issued on the basis thereof.
[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

(3) The requirements for the transmission and retransmission of television programmes with both conditional access and unrestricted access shall be established by the minister in charge of the policy sector.
[RT I, 06.01.2011, 1 – entry into force 16.01.2011]

§ 90^2. Guaranteeing of integrity of audiovisual media services upon transmission and retransmission of services

(1) It is prohibited for communications undertakings transmitting or retransmitting the audiovisual media services specified in subsection 1 of § 4 of the Media Services Act to shorten, interrupt, otherwise alter or overlay such services for commercial purposes without a clear consent of the provider of such audiovisual media service.

(2) The provisions of subsection 1 of this section do not apply to:
1) overlays solely initiated or authorised by the recipient of the service for private use;
2) control elements of any user interface necessary for the operation of the device or programme navigation;
3) warning notices;

4) general public interest information;
5) subtitles;
6) commercial notices provided by the given provider of the audiovisual media service;
7) data compression techniques which reduce the size of a data file without any modification of the content of the service;
8) other techniques used to adapt a service to the distribution means, such as resolution and coding.
[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

§ 90^{3}. Special requirement for provision of broadcasting network services

A communications undertaking that provides national broadcasting network services to the public provider of media services is deemed a provider of the vital service specified in clause 2 of subsection 2^{1}of § 36 of the Emergency Act.
[RT I, 08.10.2024, 1 – entry into force 18.10.2024]

Chapter 9
PROVISION OF COMMUNICATIONS SERVICES TO END-USERS AND PROTECTION OF RIGHTS OF END-USERS

§ 91. Communications services contracts

(1) Communications services are provided to end-users on the basis of communications services contracts.

(2) Communications services contracts are subscription contracts or other contracts for the provision of communications services.

(3) The provisions of the Law of Obligations Act apply to communications services contracts insofar as they are not regulated by the provisions of this Act.

(4) This Chapter does not apply to micro undertakings who are providers of number-independent interpersonal communications services unless the specified undertaking offers other services.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

§ 92. Freedom of entry into communications services contract

(1) Taking account of the restrictions arising from this Act and the restrictions established for the protection of the rights of end-users, communications undertakings and end-users are free to agree on the conditions of a communications services contract.

(2) Any condition of a communications services contract which restricts the rights of the end-user, as compared to the rights provided for in this Act, is null and void.

§ 93. Obligation to enter into subscription contract with end-user

(1) A communications undertaking who provides connection to a communications network is required to enter into a subscription contract with a person based on an application to this effect submitted by the person. A subscription contract is entered into in writing at the request of a party.

(2) Entry into a subscription contract specified in subsection 1 of this section may be refused only if:
1) at the time of submitting the application, connection of terminal equipment to the communications network is not technically possible in the requested area or in the requested manner;
2) the applicant has failed to provide information necessary for his or her identification or for communication with him or her, or the address of the location of connection to the communications network allowing the provision of requested communications services;
3) the applicant provides incorrect information upon submitting the application or upon entering into a requested subscription contract;
4) the applicant owes collectable arrears for provided communications services or
5) the applicant is subject to bankruptcy proceedings.

§ 94. Procedure for entry into subscription contract

(1) A communications undertaking specified in subsection 1 of § 93 of this Act shall send, within 30 days after submission by a person of an application for entry into a subscription contract, a notice whereby the undertaking informs the applicant of the possibility to enter into a subscription contract and of the term of such contract.

(2) If the provision of communications services is technically possible, the communications undertaking must set out in the notice specified in subsection 1 of this section and sent to the person that the person may enter into a subscription contract with the communications undertaking. A communications undertaking may not delay the entry into a subscription contract without good reason.

(3) If provision of communications services to a person is technically impossible, the communications undertaking must register the application submitted by the person for entry into a subscription contract and notify the person, by way of the notice specified in subsection 1 of this section, of the absence of a technical possibility.

(4) When the provision of communications services becomes possible, subscription contracts shall be entered into in the order of receipt of the applications. The date of submitting the application shall be the basis for satisfaction of the application also in the cases where the person submitting the application assigns the rights arising from the application to another person or where the place of connection to the communications network which enables the provision of the communications services indicated in the application by the person is changed.

(5) If two or more applications are received at the same time, priority to enter into a subscription contract shall be given to an application submitted by a person with a profound or severe disability within the meaning of the Social Benefits for Disabled Persons Act or by his or her caregiver for the provision of communications services in the place of residence of a disabled person. Such preferential right is not transferable.

§ 95. Creation of possibility to use electronic communications service

A communications undertaking must create a possibility to the end-user to commence the use of electronic communications services within 10 working days after entry into a subscription contract provided that the end-user has performed the obligations assumed by the subscription contract.

§ 95^{1}. Pre-contractual information about communications services and concise summary of contract

(1) A communications undertaking other than a provider of machine-to-machine communications services provides a consumer wishing to enter into a communications services contract, prior to entry into a contract, with the pre-contractual information and a concise summary of the contract about the service that the communications undertaking offers. The information is provided in a clear and understandable manner on a durable medium or, where this is not feasible, in an easily downloadable format, drawing the consumer's attention to the fact that the document is available and that it is important to download it for documentation purposes.

(2) The pre-contractual information specified in subsection 1 of this section contains at least the following information:
1) information provided in §§ 14^{1}, 48 or 54 of the Law of Obligations Act, depending on the manner of entry into the contract;
2) specific quality parameters of the communications service, except in the case of internet access service, and the minimum quality level of the provided service;
3) where no minimum levels of quality of service are offered, a statement to this effect must be made;
4) the price package, charges for services, a discount if it exists and the procedure for settlement of accounts;
5) duration of the contract, including minimum duration required to benefit from promotional conditions, and conditions for extension of the contract;
6) any charges and duration related to switching, and compensation and refund arrangements for delay of switching, as well as information about the respective procedure;
7) information on the right of a consumer using pre-paid services to a refund, upon request, of any remaining credit in case of number portability in accordance with § 89 of this Act and the changing of the internet access service provider;
8) conditions of termination of the contract and, where appropriate, any fees due on early termination of the contract, including fees related to terminal equipment;
9) specifications of payment and possibilities for compensation for damage in the event that the service does not conform to the agreed conditions or if the communications undertaking responds inadequately to cyber incidents;
10) measures taken by the communications undertaking to ensure integrity of the communications networks and services and prevent cyber incidents in accordance with § 87^{2}of this Act.

(3) In addition to the information specified in subsection 2 of this section, the providers of internet access services and interpersonal communications services submit the following as pre-contractual information:
1) upon provision of internet access services, as information about the minimum quality level of the services, at least latency, jitter and packet loss;
2) upon provision of interpersonal communications services, as information about the minimum quality level of the services, at least the time for the initial connection, failure probability and call signalling delays if the service provider exerts control over at least some elements of the network or has a service level agreement to that effect with an undertaking providing access to the communications network;
3) any restrictions imposed by the service provider on the use of terminal equipment supplied;

4) the price list or the details of the tariff plan and the type of services offered, including, where applicable, the volume of data communications included in the price list per billing period and the price per additional communication unit;
5) in the case of a tariff plan with a pre-set volume of data communications, the possibility for the consumer to defer any unused volume from the preceding billing period to the following billing period, where this option is included in the contract;
6) information about a reasonable facility to monitor the data volume of use of the services as specified in subsection 6 of § 87 of this Act;
7) numbers or services to which special charges apply;
8) for bundled services and bundles including both services and terminal equipment the price of the individual elements of the bundle to the extent they are also marketed separately;
9) maintenance services offered to the consumer by the communications undertaking, including types of maintenance services, and support service offered to the consumer as well as the manner of ordering these services;
10) the means by which up-to-date information on all applicable tariffs and maintenance charges may be obtained;
11) information on the duration of the contract for bundled services as well as renewal and termination of the contract and the conditions of termination of the bundle or of elements thereof;
12) the personal data to be provided before the provision of the service or collected during the provision of the service;
13) the terms and conditions of a product or communications service intended for people with special needs and the possibility to receive relevant information;
14) the procedures for the resolution of national and cross-border disputes;
15) the procedure for asking for a consent if a communications undertaking wishes to offer public access through the radio local-area network in the possession of an end-user.

(4) In addition to the information provided in subsections 2 and 3 of this section, the providers of number-based interpersonal communications services submit the following as pre-contractual information:
1) where the service provider does not provide in the communications network an opportunity to establish an emergency connection to the emergency number 112 or access to caller location information, explicit exclusion of such opportunity;
2) the conditions for disclosure of information on the end-user pursuant to §§ 102–107, 111^1, 112 and 113 of this Act, including the procedure for obtaining the consent of the end-user for disclosure, transmission or other processing of information concerning the end-user, and the conditions for refusal to grant it;
3) the procedure for payment of compensation in the event of breach of the requirements specified in subsections 1–8 of § 89 of this Act.

(5) In addition to the information provided in subsections 2 and 3 of this section, the providers of internet access service submit the following as pre-contractual information:
1) the procedure for payment of compensation in the event of breach of the requirement specified in subsection 9 of § 89 of this Act;
2) information in accordance with Article 4(1) of Regulation (EU) 2015/2120 of the European Parliament and of the Council laying down measures concerning open internet access and amending Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services and Regulation (EU) No 531/2012 on roaming on public mobile communications networks within the Union (OJ L 310, 26.11.2015, p. 1–18).

(6) The information specified in subsections 2–5 of this section is submitted, upon request, in a format suitable for people with special needs.

(7) The concise summary of a contract specified in subsection 1 of this section must contain at least the following information:
1) the name, address and other contact details of the communications undertaking;
2) a description of the communications service and possibilities to use other related services;
3) the price package, charges for services, a discount if it exists and the procedure for settlement of accounts;
4) the duration and conditions of termination of the contract, including any fees due on early termination of the contract and fees related to extension of the contract, where appropriate;
5) the terms and conditions of the service intended for people with special needs;
6) upon provision of the internet access service, the summary of information specified in points (d) and (e) of Article 4(1) of Regulation (EU) 2015/2120 of the European Parliament and of the Council.

(8) The pre-contractual information and the concise summary of the contract specified in subsection 1 of this section become integral parts of the contract upon entry into the contract and can be amended only if explicitly agreed by the parties.

(9) The information provided in subsections 1–7 of this section is also submitted to end-users who are micro or small undertakings and to non-profit associations unless they have waived it.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022, subsection 6 is applied as of 28 June 2025]

§ 96. Mandatory terms and conditions of communications services contract

(1) In addition to the terms and conditions specified in § 95[1]of this Act, a communications services contract must set out:
1) the location of the communications network termination point, except where connection to the communications network is based on the use of radio frequencies;
2) the time of and conditions for connection to the communications network.

(2) A provider of internet access service or interpersonal communications service is required to make available to the public on its website or in the absence thereof, in any other reasonable manner, the terms and conditions specified in clause 1 of subsection 1 of section 48 of the Law of Obligations Act and in clauses 2–6 of subsection 2, clauses 3, 9, 13 and 14 of subsection 3, clauses 1 and 2 of subsection 4 and clause 2 of subsection 7 of § 95[1]of this Act, the terms and conditions specified in clause 2 of subsection 1 of this section and other standard terms and conditions established by it for the provision of communications services. The specified information is made available in a clear and understandable document and in a machine-readable manner.

(3) The information specified in subsection 2 of this section is submitted, upon request, in a format suitable for people with special needs.

(4) A provider of number-independent interpersonal communications services must publish on its website information about enabling access to emergency connection.

(5) Upon entering into a communications services contract, communications undertakings other than providers of number-independent interpersonal communications services or machine-to-machine services are required to inform the consumer of an opportunity to enter into a communications services contract for a maximum term of one year.

(6) A fixed-term communications services contract entered into with a consumer other than a contract for number-independent interpersonal communications services or machine-to-machine communications services may not have a term of more than two years.

(7) Subsections 5 and 6 of this section do not apply to the duration of an instalment contract where the consumer has agreed in a separate contract to instalment payments exclusively for deployment of a physical connection. The instalment contract for deployment of a physical connection does not include terminal equipment.

(8) Subsections 5–7 of this section also apply to end-users who are micro or small undertakings and to non-profit associations unless they have waived it.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022, subsection 3 is applied as of 28 June 2025]

§ 96[1]. Bundles

(1) Where a bundle of services or a bundle of communications services and terminal equipment include internet access services or number-based interpersonal communications services, the provisions of § 89, subsection 7 of § 95[1]and §§ 96, 99 and 100 of this Act apply to the whole bundle of services or the bundle of communications services and terminal equipment.

(2) A bundle of services means the provision of at least two or more communications services by a communications undertaking to a consumer on the basis of the same communications services contract.

(3) If a consumer orders an additional service or terminal equipment from a provider of internet access services or number-based interpersonal communications services, the duration of the consumer's communications services contract is not extended unless the consumer has consented thereto upon ordering the additional service or terminal equipment.

(4) Subsections 1–3 of this section also apply to end-users who are micro or small undertakings and to non-profit associations unless they have waived it.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

§ 97. Elimination of communications network faults

(1) An end-user of communications services must inform the repair service of the communications undertaking of any fault in the communications network. A communications undertaking must organise the receipt from end-users of communications services and recording of information concerning faults, inform the end-users of communications services of the procedure and times for the receipt of such information and, after receiving information on a fault, provide information about the time period needed for elimination of the fault.

(2) A communications undertaking shall eliminate a fault in the communications network or a line of an end-user within a reasonable period of time after becoming aware of the fault.

(3) In the case of a fault in the communications network, an end-user of communications services must provide access for the representative of the communications undertaking to the equipment which forms part of the network, to the terminal equipment and to other terminal equipment connected to the communications network through such terminal equipment for inspecting the equipment and for determining the location of the fault.

(4) The costs of elimination of faults in the line, terminal equipment or other terminal equipment connected to the communications network through such terminal equipment, if belonging to an end-user of communications services, shall be covered by the end-user of communications services, except in the cases where the communications undertaking is responsible for causing the fault.

§ 98. Restriction of provision of communications services

(1) A communications undertaking may restrict the provision of communications services to an end-user only if:
1) the end-user has delayed payment for the services provided to the end-user for more than 14 days or has exceeded the credit limit extended to the user;
2) the end-user has connected faulty or non-conforming terminal equipment to the communications network;
3) the end-user interferes, by using the terminal equipment, with the operation of the communications network or other users of communications services;
4) the restriction of the provision of communications services is necessary for installation, repair, exchanging or maintenance of communications network equipment or a line facility;
5) the end-user materially violates the terms or conditions of the communications services contract or
6) the restriction arises from law.

(2) A communications undertaking may restrict the provision of communications services only after notifying the end-user thereof by appropriate means and specifying the duration of and reasons for the restriction. A communications undertaking must give at least five working days' notice of the work prescribed in clause 4 of subsection 1 of this section.

(3) [Repealed – RT I, 17.05.2016, 1 – entry into force 13.06.2016]

(4) A communications undertaking must not restrict the provision of communications services if the end-user eliminates the circumstances which constitute the basis for the restriction prior to restricting the provision of communications services and the undertaking is aware thereof.

(5) Upon restricting the provision of communications services, free connection to the emergency number 112 must be maintained.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

(6) A communications undertaking must not restrict the provision of communications services if the end-user contests the amount of the charge payable for provided communications services in writing before the due date for payment and pays, in a timely manner, for the part of the communications services the charge for which is not contested. If the contesting of the charge for the communications services by the end-user is unjustified, the communications undertaking has the right to require a fine for delay from the end-user payable at the rate of 0.15 per cent per day for the period from the due date for payment of the contested amount until actual payment thereof.

(7) The communications undertaking must restore the provision of communications services to the end-user to the former extent within two working days after the elimination of the circumstances which constituted the basis for restricting the provision of communications services.

(8) An end-user has the right to require that the provision of communications services be restricted to the extent requested. The communications undertaking is required to apply the restriction requested by the end-user within one working day after the receipt of the respective application. If the service of restriction of communications services is provided for a charge, the communications undertaking is required to inform the end-user thereof, allowing the end-user at least one working day during which the end-user may withdraw the request.

(9) The Consumer Protection and Technical Regulatory Authority has the right to require a communications undertaking to restrict the access of a subscriber to a communications service or to restrict the dialling of a number if this is justified due to fraud or misuse. In the specified case the Consumer Protection and Technical Regulatory Authority may require the communications undertaking to terminate the interconnection agreement entered into pursuant to § 62 of this Act.
[RT I, 23.03.2011, 1 – entry into force 25.05.2011]

§ 99. Amendment of terms and conditions and extension of communications services contract

[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

(1) A communications undertaking may amend the terms and conditions of a communications services contract unilaterally if the need for amendment arises from amendments to legislation, or if the circumstances which constitute the basis for entry into the contract change after the contract is entered into and such change involves a significant increase in the costs of performance of the contract for the communications undertaking.

(2) In addition to the provisions of subsection 1 of this section, a communications undertaking may amend a communications services contract pursuant to the terms and conditions established in the contract.

(2^1) A communications undertaking may not change the charges of a communications services contract involving a fixed-term obligation and the main characteristics of the communications service unilaterally to the detriment of the consumer during the binding term unless the change is caused by amendment of the legislation or a resolution of a governmental authority.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

(3) Communications undertakings other than providers of number-independent interpersonal communications services give the end-user a notice of the intended amendment of the communications services contract on a durable medium at least one month in advance in the manner agreed on in the contract. The notice is titled "Lepingu muutmine" [Amendment of contract] and the notice sets out the amended terms and conditions, the right of the end-user to cancel the contract without any additional costs upon disagreement with the amendments within one month after receipt of the notice and the reason and legal basis for amendment of the terms and conditions. If the terms and conditions of a contract are amended in the interests of end-users, the amendment is of a purely administrative nature only and has no negative effect on the end-user or the terms and conditions of the contract are amended due to legislation, the communications undertaking may demand compensation for additional costs from the end-user upon cancellation of the contract.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

(3^1) In order to comply with the obligation provided for in subsection 3 of this section, a communications undertaking shall give the end-user of a prepaid SIM card a notice by a text message to the prepaid SIM card number and by a notice on the website of the communications undertaking. The text message shall be added a direct link to further details about the contents of the amendment on the website of the communications undertaking.
[RT I, 17.05.2016, 1 – entry into force 13.06.2016]

(4) [Repealed – RT I, 17.05.2016, 1 – entry into force 13.06.2016]

(5) Prior to automatic extension of a communications services contract, communications undertakings other than providers of number-independent interpersonal communications services or machine-to-machine services notify the end-user clearly and timely and on a durable data medium of termination of the contractual obligation and of the opportunity to cancel the contract without additional costs.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

(6) Communications undertakings other than providers of number-independent interpersonal communications services or machine-to-machine services give advice to end-users about the best price of the communications services at least once per calendar year and in the case specified in subsection 5 of this section.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

§ 100. Cancellation of communications services contract

(1) A consumer has the right to cancel a communications services contract at any time without prior notice by informing the communications undertaking of cancellation of the contract. In respect of a communications undertaking, the cancellation of a contract is deemed to enter into force as of the following working day after the receipt of the notice unless a later date is indicated in the notice.

(2) A communications undertaking has the right to cancel a contract without prior notice if the provision of communications services has been restricted pursuant to clauses 1–3 or 5 of subsection 1 of § 98 of this Act and the basis for the restriction has not ceased to exist within one month after the date when the basis for applying the restriction arose.

(3) A consumer has the right to cancel a communications services contract other than a contract for internet access services or number-independent interpersonal communications services at any time free of charge if the actual performance of the communications service differs significantly from the performance provided in the contract.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

(4) If an end-user has the right, based on legislation, to terminate a communications services contract, except for number-independent interpersonal communications services contract, before the end of the term agreed in the contract, the communications undertaking may demand compensation from the end-user only for the

terminal equipment remaining to the end-user. Where the end-user chooses to retain terminal equipment bundled at the moment of entry into the contract, the amount of the compensation may not exceed its pro rata temporis value or the sum of instalments payable for the terminal equipment until the end of the contract, whichever is the smaller.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

(5) In the case specified in subsection 3 of this section, a communications undertaking shall not restrict the use of the terminal equipment in the communications network of another communications undertaking after payment of the compensation specified in subsection 4 of this section.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

(6) Subsection 3 of § 99 of this Act and subsections 1, 3 and 4 of this section apply only to consumers, micro and small undertakings and non-profit associations.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

§ 100^{1}. Comparison of prices of communications services

[Repealed – RT I, 15.12.2021, 1 – entry into force 01.02.2022]

§ 100^{2}. Comparison of price, quality, coverage and features of communications services

[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

(1) A comparison of the price, quality, coverage and features of communications services is organised through the communications service price, quality, coverage, use and features mapping information system.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

(2) The communications service price, quality, coverage, use and features mapping information system (hereinafter *communications service database*) is a database belonging to the state information system which is maintained for the purposes of comparing the prices and quality of communications services, mapping the features and technical parameters of data communications services offered at the address objects in the territory of Estonia and identifying the geographical areas or address objects which lack data communications services. The communications service database enables to monitor the historical coverage of data communications services.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

(2^{1}) The communications service database is founded and its statutes are established by a regulation of the minister in charge of the policy sector.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

(3) The controller of the communications service database is the Consumer Protection and Technical Regulatory Authority. The processor is determined in the statutes of the database.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

(4) The composition of the communications service database includes:
1) a database of address objects together with the potential data transfer rates offered there;
2) a database of geographical coverage and technical parameters of the data communications services offered by communications undertakings;
3) a database of results of the communications service quality measurements conducted by the Consumer Protection and Technical Regulatory Authority;
4) a database of analyses of the extent of market failures;
5) a database of authenticated users;
5^{1}) a database of prices and quality of internet access services and number-based interpersonal communications services;
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]
6) a map of Estonia with administrative and settlement divisions.

(5) A communications undertaking submits data about the prices and quality of communications services and the geographical coverage, features and capacity parameters of data communications services to the communications service database with the frequency specified in the statutes of the communications service database.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

(6) The data entered in the communications service database are informative.
[RT I, 17.05.2016, 1 – entry into force 13.06.2016]

(7) Access to the data entered in the communications service database is restricted, except for:
1) consolidated data about the indicators of maximum upload and download speeds of the internet connection;
2) consolidated data about the address objects without internet connection;
3) consolidated data of statistical reports about the extent of market failures;
4) data about the measuring results of the Consumer Protection and Technical Regulatory Authority;

5) data about the prices and quality of communications services.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

Chapter 9[1] STATE COMMUNICATIONS

[RT I, 03.03.2017, 1 - entry into force 01.07.2017]

§ 100[3]. Critical communications

(1) Critical communications mean electronic communications services provided to the authorities and persons determined by the Government of the Republic for the uninterrupted and reliable fo rwarding of messages.

(2) The list of authorities and persons to whom critical communications are provided and the security classes shall be approved by an order of the Government of the Republic.

(3) Providers of critical communications services are required, for the purposes of ensuring security of the network and information systems used for provision of the services, to comply with the requirements provided in and established on the basis of §§ 7 and 8 of the Cybersecurity Act.
[RT I, 22.05.2018, 1 – entry into force 23.05.2018]

(4) The requirements for critical communications and the procedure for ensuring critical communications shall be established by a regulation of the minister in charge of the policy sector.
[RT I, 03.03.2017, 1 – entry into force 01.07.2017]

§ 100[4]. Marine radio communications

(1) Marine radio communications mean electronic communications services that are provided through the marine radio communications network and the purpose of which is to provide communications for safe vessel traffic in the area of responsibility of the Republic of Estonia in accordance with the requirements of the International Convention for the Safety of Life at Sea and the Global Maritime Distress and Safety System (GMDSS).

(2) Providers of marine radio communications services are required, for the purposes of ensuring security of the network and information systems used for provision of the services, to comply with the requirements provided in and established on the basis of §§ 7 and 8 of the Cybersecurity Act.
[RT I, 22.05.2018, 1 – entry into force 23.05.2018]

§ 100[5]. Operational communications network service

(1) Operational communications network service ESTER (hereinafter *ESTER service*) means an electronic communications service which enables to make and receive group calls and individual calls and to send and receive messages at an undetermined location within the territory of the Republic of Estonia and at an undetermined time between user terminals within the network.

(2) The provider of ESTER service is required, for the purposes of ensuring security of the network and information systems used for provision of the service, to comply with the requirements provided in and established on the basis of §§ 7 and 8 of the Cybersecurity Act.
[RT I, 22.05.2018, 1 – entry into force 23.05.2018]

Chapter 10 SECURITY AND PROTECTION OF DATA

§ 101. Requirement of security

(1) A communications undertaking must guarantee the security of a communications network and prevent third persons from accessing the data specified in subsection 1 of § 102 of this Act without legal grounds.

(2) If a specific hazard exists to a communications service or the security of the communications network, the communications undertaking must immediately inform the subscriber of such hazard in a reasonable manner and, unless the hazard can be eliminated by measures taken by the undertaking, also of possible remedies and of any costs related thereto.

§ 102. General principles of data protection

(1) A communications undertaking is required to maintain the confidentiality of all information which becomes known thereto in the process of provision of communications services and which concerns subscribers as well as other persons who have not entered into a contract for the provision of communications services but who use communications services with the consent of a subscriber; above all, it must maintain the confidentiality of:
1) information concerning specific details related to the use of communications services;
2) the content and format of messages transmitted over the communications network;
3) information concerning the time and manner of transmission of messages.

(2) The information specified in subsection 1 of this section may be disclosed only to the relevant subscriber and, with the consent of the subscriber, to a third person, except in the cases specified in §§ 112, 113, $114^1$and $114^2$of this Act. A subscriber has the right to withdraw his or her consent at any time.
[RT I, 23.03.2017, 1 – entry into force 01.04.2017]

(3) A communications undertaking may process the information provided for in subsection 1 of this section if the undertaking notifies the subscriber, in a clear and unambiguous manner, of the purposes of processing the information and gives the subscriber an opportunity to refuse the processing.

(4) The obligation of a communications undertaking specified in subsection 3 of this section does not restrict the right of the undertaking to collect and process, without the consent of a subscriber, information which processing is necessary for the purposes of recording the transactions made in the course of business and for other business-related exchange of information. In addition to the above, the restriction provided for in subsection 3 of this section does not limit the right of a communications undertaking to store or process information without the consent of a subscriber if the sole purpose thereof is the provision of services over the communications network, or if it is necessary for the provision, upon a direct request of the subscriber, of information society services within the meaning of the Information Society Services Act.
[RT I 2006, 31, 234 – entry into force 16.07.2006]

§ 102^1. Protection of personal data

(1) Personal data breach means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed in connection with the provision of communications services.

(2) In the event of personal data breach, a communications undertaking is required to notify the Data Protection Inspectorate thereof at the earliest opportunity.

(3) The notice specified in subsection 2 of this section must also include, in addition to the information provided for in subsection 5, the potential consequences of the personal data breach and the measures proposed or taken.

(4) If the personal data breach may adversely affect the personal data or privacy of a subscriber or a user whose data have been submitted to the communications undertaking by the subscriber, the communications undertaking is required to notify the subscriber thereof at the earliest opportunity.

(5) The notice specified in subsection 4 of this section shall contain at least the following information:
1) a description of the personal data breach;
2) the contact details, where additional information can be obtained;
3) the recommendations for mitigating the potential adverse effects of the personal data breach.

(6) A communications undertaking is not required to notify the person specified in subsection 4 of this section of a personal data breach if it has proven to the Data Protection Inspectorate that due technological protective measures were applied after the breach became evident. Application of the specified protective measure must ensure that the respective information is rendered illegible for all persons who have no right to access such information.

(7) In the case specified in subsection 6 of this section, the Data Protection Inspectorate may still require notification of the subscriber considering the adverse effect of the breach.

(8) A communications undertaking is required to maintain records of personal data breaches, which must include at least:
1) a description of the breach;
2) a description of the potential adverse effect of the breach;
3) an outline of protective measures applied to eliminate the breach.
[RT I, 23.03.2011, 1 – entry into force 25.05.2011]

§ 103. Processing of information for marketing purposes

If a communications undertaking wishes to process, with the subscriber's consent, information specified in subsection 1 of § 102 of this Act for marketing purposes, the undertaking is required to inform the subscriber,

prior to obtaining the consent, of the type of information needed for such purposes and the duration of the intended use of such information. A communications undertaking is entitled to use for marketing purposes information which the undertaking is permitted to use only until it is necessary for achieving the relevant goal. If the subscriber so desires, the communications undertaking must provide the subscriber with details concerning the use of the information.

§ 103[1]. Use of electronic contact details for direct marketing

(1) The use of electronic contact details of a subscriber or user of communications services, who is a natural person, for direct marketing is allowed only with the person's prior consent. The consent must correspond to the conditions provided in Regulation (EU) 2016/679 of the European Parliament and of the Council on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1–88).
[RT I, 13.03.2019, 2 – entry into force 15.03.2019]

(2) The use of electronic contact details of a subscriber or user of communications services, who is a legal person, for direct marketing is allowed if:
1) upon use of contact details, a clear and distinct opportunity is given to refuse such use of contact details free of charge and in an easy manner;
2) the person is allowed to exercise its right to refuse over an electronic communications network.

(3) If a person obtains the electronic contact details of a buyer, who is a natural or legal person, in connection with selling a product or providing a service, such contact details may still be used, regardless of the provisions of subsection 1 of this section, for direct marketing of its similar products to the buyer if:
1) the buyer is given, upon the initial collection of electronic contact details, a clear and distinct opportunity to refuse such use of its contact details free of charge and in an easy manner;
2) the buyer is given, each time when its electronic contact details are used for direct marketing, a clear and distinct opportunity to refuse such use of its contact details free of charge and in an easy manner;
3) the buyer is allowed to exercise its right to refuse over an electronic communications network.

(4) It is prohibited to use electronic contact details for direct marketing if:
1) the person on whose behalf the information is communicated cannot be identified;
2) the communicated information does not include any such instruction or information allowing the user of communications services, subscriber or buyer to exercise its right to refuse.
3) the communicated information does not comply with the requirements provided for in subsection 2 of § 5 of the Information Society Services Act;
4) the communicated information encourages people to visit websites where information is provided which does not comply with the requirements referred to in clause 3 of this subsection;
5) the user of communications services, subscriber or buyer has refused the use of electronic contact details of the person for direct marketing.

(5) The burden of proof of the consent specified in subsection 1 of this section rests with the person on whose behalf direct marketing is conducted.

(6) The provisions of this section do not apply to multi-party voice calls in real time.
[RT I 2010, 38, 230 – entry into force 10.07.2010]

§ 104. Processing of information necessary for billing subscribers

A communications undertaking may process the information provided for in subsection 1 of § 102 of this Act without the subscriber's consent if it is necessary for billing the subscriber, including for the determination and calculation of interconnection charges.

§ 105. Processing of location data of subscribers and roaming service users
[RT I, 06.05.2020, 1 – entry into force 07.05.2020]

(1) A communications undertaking has the right to process subscribers' and roaming service users' location data, the processing of which is not provided for in §§ 104, 105[1]and 111[1]of this Act, only if such data are rendered anonymous prior to processing.
[RT I, 20.12.2022, 2 – entry into force 19.01.2023]

(2) A communications undertaking may also process, with the consent of the subscriber, the data provided for in subsection 1 of this section to provide other services in the process of using the communications services to an extent and during the term necessary for processing and without rendering the data anonymous.

(3) Before obtaining the consent of a subscriber, a communications undertaking is required to inform the subscriber of the data it wishes to use for the provision of the service, the purpose and term of using such data

and whether such data are forwarded to third persons for the purposes of providing the service. A subscriber has the right to withdraw his or her consent at any time.

(4) A subscriber who has granted consent for the processing of the data provided for in subsection 1 of this section must have an opportunity to temporarily refuse, free of charge and in an easy manner, the processing of the data in the part of establishment of a connection or transmission of information as indicated by the subscriber.

(5) [Repealed – RT I, 20.12.2022, 2 – entry into force 19.01.2023]

§ 105[1]. Rapid danger notification based on danger area

(1) Instructions for safe conduct (hereinafter *danger notification*) may be forwarded to mobile telephone service subscribers and roaming service users located in a defined geographical area in the following cases:
1) where decided so by a governmental authority, a person in charge of emergency situation or a person in charge of emergency situation work, when the life or health of mobile telephone service subscribers and roaming service users is endangered or such danger ends, given that the danger to life or health is primarily an imminent or already occurring rescue event, catastrophe or other unexpected situation that endangers a large number of people;
2) during increased defence readiness, a state of emergency or a state of war, where decided so by a governmental authority, a person in charge of emergency situation, a person in charge of emergency situation work or the prime minister, in the case of an event which endangers national security or when such event ends;
3) where decided so by the Government of the Republic or a governmental authority designated thereby, upon carrying out the exercise specified in subsection 3 of § 18 of the Emergency Act and not more frequently than once a year, where decided so by the Defence Forces, upon carrying out military training specified in subsections 3 and 3[1]of § 69 of the Military Service Act.
[RT I, 17.04.2024, 1 – entry into force 01.05.2024]

(2) The danger notification and the defined geographical area where the danger notification must be forwarded to the mobile telephone service subscribers and roaming users are communicated to the communications undertaking that provides mobile telephone services by the Emergency Response Centre using the danger notification system which is part of the database of emergency notifications and help and information notifications.

(3) The communications undertaking that provides mobile telephone services ensures immediate forwarding of the danger notification to the mobile telephone service subscribers and roaming service users located in the geographical area defined in accordance with subsection 2 of this section.

(4) The Ministry of the Interior compensates the communications undertaking that provides mobile telephone services for the costs of forwarding the danger notification provided in subsection 3 of this section from the state budget.

(5) In the event of failure of the danger notification system, the Emergency Response Centre communicates the danger notification to the communications undertaking that provides mobile telephone services immediately in another manner.

(6) The conditions and procedure for compensating communications undertakings that provide mobile telephone services for the costs related to the forwarding of the danger notification shall be established by a regulation of the minister in charge of the policy sector.
[RT I, 20.12.2022, 2 – entry into force 19.01.2023]

§ 106. Persons authorised to process data and deletion of data

(1) The data provided for in subsection 1 of § 102 and in §§ 103–105 of this Act may be processed only by communications undertakings and persons duly authorised thereby who are engaged in organising settlements or processing of the data specified in subsection 1 of § 102, answering to subscriber enquiries, detection of fraud, marketing of communications services, resale of communications services or provision of other services, which are provided in the process of use of communications services. Processing of the data is permitted only to the extent necessary for the activities specified above.
[RT I 2009, 37, 252 – entry into force 10.07.2009]

(2) Communications undertakings and persons duly authorised thereby are required to delete or render anonymous the data provided for in subsection 1 of § 102 of this Act and in §§ 103 and 105 of this Act within one calendar month after the need to store such data ceases to exist or the purpose of processing such data has been achieved. The data provided for in § 104 of this Act must be deleted or rendered anonymous immediately when one year has passed from payment for the communications services prescribed in the communications services contract or payment of the arrears by the subscriber.

(3) The data specified in subsections 2 and 3 of § 111[1]of this Act and requests submitted and information given pursuant to § 112 must be deleted immediately after the expiry of the term specified in subsection 4 of § 111[1].
[RT I, 29.06.2012, 2 – entry into force 01.01.2013]

§ 107. Publication of data in number directories and through directory enquiry services

(1) Undertakings wishing to publish data on subscribers in number directories or through directory enquiry services are required, prior to publication of data on subscribers in number directories or through directory enquiry services, to provide the subscribers with information concerning the purposes of the databases of the number directories or directory enquiry services free of charge. If the data are to be published by electronic means, the communications undertaking is required to inform the subscriber also of the possibilities to use the databases by means of search engines.

(2) Undertakings wishing to publish data on subscribers in number directories or through directory enquiry services must provide the subscribers with an opportunity to decide on whether and to which extent they wish such data to be published. Subscribers must also have an opportunity to verify and amend the data which concerns them, and to terminate the publication of such data.

(3) Refusal by subscribers to publish their data in number directories or through directory enquiry services, the verification or amendment by subscribers of such data, and termination of the publication of such data in number directories and through directory enquiry services shall be free of charge to the subscribers. Subscribers have no right to require the amendment or deletion of the data already published concerning them in a number directory on paper.

§ 108. Presentation and restriction of calling line and connected line identification

(1) If a communications undertaking offers the presentation of calling line identification as a part of communications services, the communications undertaking must provide the subscriber making the call with a possibility to eliminate, in an easy manner and free of charge, the presentation of the calling line identification, if technically possible, with respect to each separate call and number. A communications undertaking is required to guarantee that the identity and telephone number of the caller is not disclosed to the person receiving the call even after the call is ended.

(2) If a communications undertaking offers the presentation of calling line identification specified in subsection 1 of this section, the communications undertaking must provide the end-user receiving the call with a possibility to eliminate in an easy manner and, provided that this function is used reasonably, free of charge the presentation of the calling line identification if technically possible.

(3) If a communications undertaking offers the presentation of calling line identification specified in subsection 1 of this section and the number of the calling line is presented prior to connecting the call, the communications undertaking must provide the end-user with a possibility to prevent the establishing of a connection if the caller has eliminated the presentation of calling line identification if technically possible.

(4) If a communications undertaking offers the presentation of connected line identification as a part of communications services, the communications undertaking shall provide the end-user who receives a call with a possibility to eliminate, in an easy manner and free of charge, the presentation of the connected line identification to the end-user who has made the call if technically possible.

(5) Subsection 1 of this section applies also to calls to third countries originated in other Member States of the European Union. Subsections 2–4 of this section also apply to incoming calls to the Member States of the European Union originated in third countries.

(6) A communications undertaking is required to inform the public of the possibilities provided in this section on its website or, in the absence thereof, in any other reasonable manner.

(7) The possibility provided in subsection 1 of this section cannot be used in the case of calls placed to the emergency number 112 and the number of the security authority.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

§ 109. Termination of automatic call forwarding

A communications undertaking is required, if technically possible, to provide the end-user with a possibility to terminate, in an easy manner and free of charge, automatic forwarding of calls by a third person to the subscriber's terminal equipment.

§ 110. Waiver of itemised bill

A subscriber has the right to request that a bill presented to the subscriber does not reflect the details of provision of the service.

§ 111. [Repealed – RT I, 23.03.2011, 1 – entry into force 25.05.2011]

§ 111[1]. Obligation to preserve data

[RT I 2007, 63, 397 – entry into force 01.01.2008]

(1) A communications undertaking is required to preserve the data that are necessary for the performance of the following acts:
1) tracing and identification of the source of communication;
2) identification of the destination of communication;
3) identification of the date, time and duration of communication;
4) identification of the type of communications service;
5) identification of the terminal equipment or presumable terminal equipment of a user of communications services;
6) determining of the location of the terminal equipment.

(2) The providers of telephone or mobile telephone services and telephone network and mobile telephone network services are required to preserve the following data:
1) the number of the caller and the subscriber's name and address;
2) the number of the recipient and the subscriber's name and address;
3) in the cases involving supplementary services, including call forwarding or call transfer, the number dialled and the subscriber's name and address;
4) the date and time of the beginning and end of the call;
5) the telephone or mobile telephone service used;
6) the international mobile subscriber identity (*IMSI*) of the caller and the recipient;
7) the international mobile equipment identity (*IMEI*) of the caller and the recipient;
8) the cell ID at the time of setting up the call;
9) the data identifying the geographic location of the cell by reference to its cell ID during the period for which data are preserved;
10) in the case of anonymous pre-paid mobile telephone services, the date and time of initial activation of the service and the cell ID from which the service was activated.

(3) The providers of Internet access, electronic mail and Internet telephony services are required to preserve the following data:
1) the user IDs allocated by the communications undertaking;
2) the user ID and telephone number of any incoming communication in the telephone or mobile telephone network;
3) the name and address of the subscriber to whom an Internet Protocol (IP) address, user ID or telephone number was allocated at the time of the communication;
4) the user ID or telephone number of the intended recipient of an Internet telephony call;
5) the name, address and user ID of the subscriber who is the intended recipient in the case of electronic mail and Internet telephony services;
6) the date and time of beginning and end of the Internet session, based on a given time zone, together with the IP address allocated to the user by the Internet service provider and the user ID;
7) the date and time of the log-in and log-off of the electronic mail service or Internet telephony service, based on a given time zone;
8) the Internet service used in the case of electronic mail and Internet telephony services;
9) the number of the caller in the case of dial-up Internet access;
10) the digital subscriber line (*DSL*) or other end point of the originator of the communication.
[RT I 2007, 63, 397 – entry into force 15.03.2009]

(4) The data specified in subsections 2 and 3 of this section shall be preserved for one year from the date of the communication if such data are generated or processed in the process of provision of communications services. Requests submitted and information given pursuant to § 112 of this Act shall be preserved for two years. The obligation to preserve the information provided pursuant to § 112 rests with the person submitting the request.

(5) The data specified in subsections 2 and 3 of this section shall be preserved in the territory of a Member State of the European Union. The following shall be preserved in the territory of Estonia:
1) the requests and information provided for in § 112 of this Act;
2) the log files specified in subsection 5 of § 113 and the applications provided for in subsection 6 of § 113 of this Act;
3) the single requests provided for in § 114[1]of this Act.

(6) In the interest of public order and national security the Government of the Republic may extend, for a limited period, the term specified in subsection 4 of this section.

(7) In the case specified in subsection 6 of this section the minister in charge of the policy sector shall immediately notify the European Commission and the Member States of the European Union thereof. In the absence of an opinion of the European Commission within a period of six months the term specified in subsection 4 shall be deemed to have been extended.

(8) The obligation to preserve the data provided for in subsections 2 and 3 of this section also applies to unsuccessful calls if those data are generated or processed upon providing telephone or mobile telephone services or telephone network or mobile telephone network services. The specified obligation to preserve data does not apply to call attempts.

(9) Upon preserving the data specified in subsections 2 and 3 of this section, a communications undertaking must ensure that:
1) the same quality, security and data protection requirements are met as those applicable to analogous data on the electronic communications network;
2) the data are protected against accidental or unlawful destruction, loss or alteration, unauthorised or unlawful storage, processing, access or disclosure;
3) necessary technical and organisational measures are in place to restrict access to the data;
4) no data revealing the content of the communication are preserved.

(10) The expenses related to the preserving or processing of the data specified in subsections 2 and 3 of this section shall not be compensated to communications undertakings.

(11) The data specified in subsections 2 and 3 of this section are forwarded to:
1) an investigative body, a surveillance agency, the Prosecutor's Office or a court pursuant to the Code of Criminal Procedure;
2) a security authority;
3) the Data Protection Inspectorate, the Financial Supervision Authority, the Consumer Protection and Technical Regulatory Authority, the Environmental Board, the Police and Border Guard Board, the Estonian Internal Security Service and the Tax and Customs Board pursuant to the Code of Misdemeanour Procedure;
[RT I, 10.07.2020, 2 – entry into force 01.01.2021]
4) the Financial Supervision Authority pursuant to the Securities Market Act;
5) a court pursuant to the Code of Civil Procedure;
6) a surveillance agency in the cases provided for in the Organisation of the Defence Forces Act, the Taxation Act, the Police and Border Guard Act, the Weapons Act, the Strategic Goods Act, the Customs Act, the Witness Protection Act, the Imprisonment Act and the Aliens Act.
[RT I, 01.03.2023, 2 – entry into force 01.07.2024]

(12) The data specified in clause 3 of subsection 3 of this section are forwarded in accordance with the requirements of the Product Conformity Act to the market supervision authority specified in the same Act.
[RT I, 22.10.2021, 3 – entry into force 01.11.2021]

§ 112. Obligation to provide information

(1) If an agency or authority specified in subsection 11 of § 111[1]of this Act submits a request, a communications undertaking is required to provide at the earliest opportunity, but not later than ten hours after receiving an urgent request or within ten working days after receipt of the request if the request is not urgent, if adherence to the specified terms is possible based on the substance of the request, the agency or authority with information concerning the data specified in subsections 2 and 3 of § 111[1]of this Act.

(2) A request specified in subsection 1 of this section shall be submitted in writing or by electronic means. Requests concerning the data specified in clauses 1 and 2 of subsection 2 and clause 3 of subsection 3 of § 111[1]of the Act may also be submitted in oral form confirming the request with a password. Access to the data specified in subsection 1 of this section may be ensured, on the basis of a written contract, by way of continuous electronic connection.

(3) A communications undertaking providing mobile telephone services is required to provide a surveillance agency and security authority and the Police and Border Guard Board on the bases provided for in the Police and Border Guard Act with real time identification of the location of the terminal equipment used in the mobile telephone network.

(4) Access to the data specified in subsection 3 of this section must be ensured on the basis of a written contract and by way of continuous electronic connection.
[RT I, 29.06.2012, 2 – entry into force 01.01.2013]

§ 112[1]. Notification of European Commission

(1) A communications undertaking is required submit to the Consumer Protection and Technical Regulatory Authority by 1 February each year the following information concerning the requests submitted in accordance with § 112 of this Act during the previous calendar year:
1) the number of requests which resulted in providing information;
2) the period, in days, between the date of preserving the data specified in subsections 2 and 3 of § 111[1]of this Act and the date of the request;

3) the number of requests where providing information was not possible.

(2) The Consumer Protection and Technical Regulatory Authority shall submit the information specified in subsection 1 of this section to the European Commission by 1 April each year.

(3) The information specified in subsections 1 and 2 of this section shall not contain personal data.

(4) The Consumer Protection and Technical Regulatory Authority shall publish the form for presenting the information specified in subsection 1 of this section on its website.
[RT I, 29.06.2012, 2 – entry into force 01.01.2013]

§ 113. Obligation to grant access to communications network

(1) A communications undertaking must grant a surveillance agency or security authority access to the communications network for the conduct of surveillance activities or for the restriction of the right to confidentiality of messages, correspondingly.

(2) In connection with granting access to the communications network, a communications undertaking is required to submit information concerning the technical parameters of the communications network to a surveillance agency or security authority, if they so request. Upon modification of technical parameters of the communications network or launching of new services, a communications undertaking is required, if this may interfere with the performance of the obligations specified in subsection 3 of this section, to immediately notify the surveillance agency or security authority thereof and to commence the performance of the obligation specified in subsection 3 of this section with regard to all offered services within a reasonable period of time.

(3) Upon granting access to the communications network, a communications undertaking is required to:
1) enable the surveillance agency or security authority to select messages and ensure their transmission to a central or portable surveillance device of the surveillance agency or security authority in an unchanged form and in real time;
2) ensure the quality of message transmission which must be equivalent to the quality of the regular services provided by the communications undertaking;
3) ensure the protection of the messages and of the data related to their transmission.

(4) Transmission by a communications undertaking of messages to a central or portable surveillance device of a surveillance agency or security authority shall be decided by the surveillance agency or security authority. A surveillance agency or security authority shall inform the Ministry of Justice and Digital Affairs of communications undertakings who transmit messages to central or portable surveillance devices of the surveillance agency or security authority.

(5) Messages are transmitted to a central surveillance device using a message splitting interface and appropriate hardware and software, which ensures the preservation of independent log files concerning the actions by means of the central surveillance device (time, type, object and number of action) for a period of at least five years. A communications undertaking is required to delete or destroy the log files which are older than five years and to forward to the Consumer Protection and Technical Regulatory Authority, the special security authorities surveillance committee of the *Riigikogu*and the Office of the Prosecutor General a statement which sets out the time period of creation of the deleted or destroyed log files, the time and place of their deletion or destruction and the name, personal identification code and position of the representative of the communications undertaking who has performed this act.
[RT I, 23.12.2015, 1 – entry into force 24.12.2015]

(6) For transmission of messages to a portable surveillance device, a surveillance agency or security authority shall submit to a communications undertaking in writing or by electronic means an application for access to the communications network and set out therein the date, number and term of validity of the authorisation of a court for the conduct of a surveillance activity or for the restriction of the right to the confidentiality of messages. The communications undertaking is required to preserve the specified applications for at least five years. A communications undertaking is required to delete or destroy the applications which are older than five years and to forward to the Consumer Protection and Technical Regulatory Authority, the special security authorities surveillance committee of the *Riigikogu*and the Office of the Prosecutor General a statement which sets out the time period of creation of the deleted or destroyed applications, the time and place of their deletion or destruction and the name, personal identification code and position of the representative of the communications undertaking who has performed this act.
[RT I, 23.12.2015, 1 – entry into force 24.12.2015]

(7) In the event of termination of the provision of communications services by a communications undertaking, as well as upon dissolution, including as a result of a merger or division, or in the case of bankruptcy or death, the data medium containing the log files specified in subsection 5 of this section, the applications specified in subsection 6 of this section as well as the data preserved on the basis of § $111^1$and the requests submitted pursuant to § 112 of this Act shall be immediately delivered to the Consumer Protection and Technical Regulatory Authority. The procedure for the preservation, delivery to the Consumer Protection and Technical Regulatory Authority, deletion and destruction of the log files, applications, data and requests shall be established by the minister in charge of the policy sector.
[RT I 2007, 66, 408 – entry into force 01.01.2008]

(8) A Prosecutor's Office, in order to exercise supervision over the activities of surveillance agencies, and the special security authorities surveillance committee of the *Riigikogu*, in order to exercise supervision over the activities of surveillance agencies and security authorities, have the right to examine the applications specified in subsection 6 of this section and in the case of transmission of messages to a central surveillance device, also with the log files which are preserved.
[RT I 2009, 37, 252 – entry into force 10.07.2009]

(8[1]) The Consumer Protection and Technical Regulatory Authority has the right to examine the log files preserved upon transmitting messages to a central surveillance device in the presence of representatives of the special security authorities surveillance committee of the *Riigikogu*and the communications undertaking in order to exercise supervision over the activities of the communications undertaking.
[RT I, 23.12.2015, 1 – entry into force 24.12.2015]

(9) A communications undertaking is required to preserve the confidentiality of information related to the conduct of surveillance activities and activities which restrict the right to inviolability of private life or the right to the confidentiality of messages.

(10) Any extraordinary unavoidable acts which are to be performed to provide access to a communications network and which interfere with the provision of communications services as well as work to be performed by a communications undertaking on the communications network which interferes with the transmission of messages to the surveillance devices shall be carried out under the conditions agreed upon between the communications undertaking and the surveillance agency or security authority in writing.

§ 114. Compensating for costs of providing information and enabling access to communications network

(1) A communications undertaking shall be compensated for the costs incurred thereby in relation to the provision of the information specified in subsections 1 and 3 of § 112 to a surveillance agency or security authority, the enabling of access to the communications network specified in subsection 3 of § 113 of this Act and the transmission of messages to the surveillance device of a surveillance agency or security authority.
[RT I, 29.06.2012, 2 – entry into force 01.01.2013]

(2) The costs specified in subsection 1 of this section consist of the cost of the hardware and software specified in subsection 5 of § 113, the cost of maintenance thereof, the cost of transmission of messages to the surveillance devices and the cost of providing the information specified in subsections 1 and 3 of § 112 of this Act.
[RT I 2009, 37, 252 – entry into force 10.07.2009]

(3) The cost of the hardware and software specified in subsection 5 of § 113 of this Act and the cost of maintenance thereof are compensated to the communications undertaking out of the state budget fees sector through the budget of the Ministry of Justice and Digital Affairs. The need to acquire or replace hardware or software, the manner of acquisition and the costs of the acquisition and maintenance are subject to approval by the Ministry of Justice and Digital Affairs before the acquisition or replacement of the hardware or software. The fees are paid in accordance with the contract entered into between the Ministry of Justice and Digital Affairs and the communications undertaking.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

(4) The costs related to transmission of messages and provision of information shall be compensated to the communications undertaking out of the state budget through the budget of the ministry in the area of government to which the surveillance agency or security authority belongs. Such costs shall be compensated for in accordance with the contract entered into between the surveillance agency or security authority and the communications undertaking.

(5) The procedure for compensation for the costs provided for in subsections 3 and 4 of this section shall be established by the Government of the Republic.

§ 114[1]. Obligation to provide information to courts

In order to establish the truth, a communications undertaking must provide the court, on the basis of single written requests thereof, with information at its disposal which is specified in subsections 2 and 3 of § 111[1]of this Act on the bases and pursuant to the procedure prescribed in the Code of Civil Procedure and within the term specified by the court. For the purposes of this section, single request means a request for obtaining the information specified in subsections 2 and 3 of § 111[1]concerning a particular telephone call, a particular electronic mail, a particular electronic commentary or another communication session related to the transmission of a single message.
[RT I 2007, 63, 397 – entry into force 01.01.2008]

§ 114[2]. Obligation to provide information to the Tax and Customs Board

A communications undertaking is required to provide the Tax and Customs Board, on the basis of its order, in order to ascertain the facts relevant to tax proceedings, with the data of the bill presented to the subscriber for the communications services, except for the information concerning the details of the communications services used.
[RT I, 23.03.2017, 1 – entry into force 01.04.2017]

§ 114[3]. Obligation to provide information to Estonian Information System Authority

A communications undertaking is required, when inquired by the Estonian Information System Authority, to submit the following information for the purpose of determining the devices which have caused or are compromised by a cyber incident:
1) the dates and times of beginning and end of the Internet session, based on a given time zone, together with the IP address allocated to the device by the provider of the data communication services;
2) the device's IP address protocol, the destination port of packets sent to the device and the source port of response packets.
[RT I, 22.05.2018, 1 – entry into force 23.05.2018]

§ 115. Restriction of radiocommunication

(1) The following authorities are allowed to restrict radiocommunication in the interests of public order and national security in the following cases:
1) the Defence Forces, within the territory of objects which serve a national defence purpose and are marked correspondingly;
2) the prisons, within their territory;
3) [Repealed – RT I, 03.03.2017, 1 – entry into force 01.07.2017]
4) the authorities responsible for internal security, for providing security protection in the areas of occurrence of events which require heightened security;
5) the authorities responsible for internal security, for prevention of explosion in the areas of potential explosion risk.

(2) The list of objects specified in clause 1 of subsection 1 of this section, the list of events which require heightened security specified in clause 4 of subsection 1 of this section and the procedure for the restriction of radiocommunication shall be established by the Government of the Republic.

(3) The requirements for electromagnetic radiation and radio receiving parameters, and for the restriction of radiocommunication in the cases specified in subsection 1 of this section shall be established by the minister in charge of the policy sector.

Chapter 11
LINE FACILITY

[Repealed –RT I, 23.03.2015, 3 - entry into force 01.07.2015]

§ 116.–§ 120.[Repealed – RT I, 23.03.2015, 3 – entry into force 01.07.2015]

Chapter 11[1]
REQUIREMENTS FOR RADIO EQUIPMENT

[RT I, 17.05.2016, 1 - entry into force 13.06.2016]

§ 120[1]. Scope of application of this Chapter

(1) This Chapter provides for the requirements for radio equipment, conformity assessment of radio equipment and of software allowing radio equipment to be used, registration of types of radio equipment, notification of interfaces and state supervision.

(2) The provisions of the Product Conformity Act apply to the obligations of the manufacturer, authorised representative of the manufacturer, importer and distributor of radio equipment, to the notified body, to the conformity assessment of radio equipment as well as to market supervision, taking account of the specifications arising from this Act.

§ 120[2]. Requirements for radio equipment and assessment and attestation of conformity therewith

(1) Essential requirements for certain radio equipment classes and particular types of equipment may be established by a regulation of the minister in charge of the policy sector on the basis of legal acts of the European Commission, with an aim to ensure:

1) interoperability of radio equipment with accessories, primarily a common charger, and with other radio equipment through communications networks and an option to connect radio equipment to appropriate interfaces used in the European Union;
2) interoperability of radio equipment and communications networks;
3) that radio equipment is equipped with safety devices in order to protect the confidentiality of messages and personal data of users;
4) prevention of fraud;
5) access for rescue service agencies;
6) adaptability of radio equipment for the use of persons with special needs;
7) compatibility of radio equipment and its software.

(2) Technical requirements for radio equipment used on the basis of a frequency authorisation provided for in § 11 of this Act may be established by a regulation of the minister in charge of the policy sector in order to avoid radio interference, ensure interoperability of the equipment and protect human health and the environment from the harmful effect of electromagnetic fields.

(3) The requirements for radio equipment and the procedure for attesting compliance with the requirements shall be established by a regulation of the minister in charge of the policy sector.

(4) A manufacturer of radio equipment and of software allowing radio equipment to be used must, pursuant to the procedure established on the basis of subsection 3 of this section, in the case of radio equipment belonging to radio equipment classes provided for in a legal act of the European Commission:
1) assess the compliance of radio equipment and of software allowing radio equipment to be used with the requirements;
2) submit information concerning the conformity assessment conducted in accordance with clause 1 of this subsection to the Member States of the European Union and the European Commission pursuant to the procedure provided for in a legal act of the European Commission.

§ 120^{3}. Registration of radio equipment type

(1) A manufacturer of radio equipment is required to register a radio equipment type belonging to the radio equipment class established in a legal act of the European Commission in the central system of the European Commission before placing the radio equipment on the market.

(2) The procedure for registration of radio equipment types may be established by a regulation of the minister in charge of the policy sector.

§ 120^{4}. Notification of interfaces

(1) A communications undertaking shall publish the specifications of the types of interfaces offered to the end-users in the process of provision of communications services prior to the commencement of the provision of communications services via such interfaces. A communications undertaking shall update the specifications at least once a year. A communications undertaking shall notify the Consumer Protection and Technical Regulatory Authority of publication or updating of interfaces within three working days.

(2) The procedure for publication and updating of the specifications of the types of interfaces provided for in subsection 1 of this section shall be established by a regulation of the minister in charge of the policy sector.

(3) The European Commission shall be notified of the radio interfaces regulated by the Estonian legislation pursuant to the procedure provided for in § 43 of the Product Conformity Act.

(4) The notification provided for in subsection 3 of this section is not necessary if:
1) the radio interfaces fully comply with the decisions of the European Commission on harmonised use of radio frequencies adopted pursuant to Decision No 676/2002/EC of the European Parliament and of the Council;
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]
2) the radio interfaces, in accordance with legal acts of the European Commission, correspond to the radio equipment which can be put into service and used without restrictions in the European Union.

§ 120^{5}. Safeguard measures and exchange of information

(1) If the Consumer Protection and Technical Regulatory Authority finds that radio equipment may present a risk to the health or safety of persons or to other aspects of public interest protection covered by this Chapter, the Consumer Protection and Technical Regulatory Authority shall assess the compliance of the radio equipment with the requirements provided for in this Chapter and in the Product Conformity Act.

(2) If the Consumer Protection and Technical Regulatory Authority finds as a result of the assessment specified in subsection 1 of this section that radio equipment fails to meet the requirements, it shall require the appropriate

undertaking to take safeguard measures to bring the radio equipment into conformity with the requirements or to withdraw the radio equipment from the market or to recall the radio equipment from the consumers within the term set by the Consumer Protection and Technical Regulatory Authority.

(3) The Consumer Protection and Technical Regulatory Authority shall notify the appropriate notified body of the non-compliant radio equipment.

(4) If non-compliance of the radio equipment also concerns other Member States of the European Union, the Consumer Protection and Technical Regulatory Authority shall notify the European Commission and other Member States of the European Union of the results of the assessment and the safeguard measures taken on the basis of subsection 2 of this section.

(5) An undertaking shall ensure that the safeguard measures required therefrom on the basis of subsection 2 of this section are taken in respect of the radio equipment concerned that it has made available on the market.

(6) If an undertaking fails to take the safeguard measures within the term set on the basis of subsection 2 of this section, the Consumer Protection and Technical Regulatory Authority shall impose provisional safeguard measures in order to prohibit or restrict the making of the radio equipment available on the market.

(7) The Consumer Protection and Technical Regulatory Authority shall notify the European Commission and other Member States of the European Union of implementation of the provisional safeguard measures specified in subsection 6 of this section. The notification shall set out:
1) the information necessary for identification of the radio equipment;
2) the origin of the radio equipment;
3) the contents of the non-compliance;
4) the existence of direct hazard;
5) the taken safeguard measures and their duration;
6) the position of the appropriate undertaking;
7) the reasons for implementing the safeguard measure;
8) whether the non-compliance of the radio equipment with the requirements arises from deficiencies in the harmonised standards.

(8) If, within three months after receipt of the information specified in subsection 7 of this section, no objection has been raised by other Member States of the European Union or the European Commission to the provisional safeguard measure imposed by the Consumer Protection and Technical Regulatory Authority, the measure shall be deemed justified.

(9) If the initiator of a provisional safeguard measure is another Member State of the European Union, the Consumer Protection and Technical Regulatory Authority shall notify the European Commission and other Member States of the European Union of the provisional safeguard measure and provide other information at its disposal concerning the non-conformity of the appropriate radio equipment.

(10) If the Consumer Protection and Technical Regulatory Authority does not agree with a provisional safeguard measure imposed by another Member State of the European Union, it shall submit its objections to the European Commission and other Member States of the European Union.

(11) If a manufacturer fails to meet the requirements for technical documentation prepared upon assessment of compliance of radio equipment under the legislation established on the basis of subsection 3 of § 120^{2} of this Act, the Consumer Protection and Technical Regulatory Authority has the right to require the manufacturer or the importer to have the compliance of the radio equipment with the essential requirements for radio equipment tested at the expense of the manufacturer or importer by a body acceptable to the Consumer Protection and Technical Regulatory Authority and within the term set by the Consumer Protection and Technical Regulatory Authority.

§ 120^{6}. European Union safeguard procedure

(1) If the European Commission finds that a provisional safeguard measure imposed by the Consumer Protection and Technical Regulatory Authority is inappropriate, the Consumer Protection and Technical Regulatory Authority shall withdraw the measure.

(2) If the European Commission finds that a safeguard measure taken in another Member State of the European Union is appropriate, the Consumer Protection and Technical Regulatory Authority shall ensure the withdrawing or recalling of the non-compliant radio equipment and notify the European Commission thereof.
[RT I, 17.05.2016, 1 – entry into force 13.06.2016]

Chapter 12
REQUIREMENTS FOR APPARATUSES

[Repealed –RT I, 17.05.2016, 1 - entry into force 13.06.2016]

§ 121.–§ 132.[Repealed – RT I, 17.05.2016, 1 – entry into force 13.06.2016]

Chapter 13 STATE ORGANISATION OF ELECTRONIC COMMUNICATIONS SECTOR

§ 133. State and administrative supervision

[RT I, 03.03.2017, 1 – entry into force 01.07.2017]

(1) State supervision of the electronic communications sector over compliance with this Act and legislation established on the basis thereof shall be exercised by the Consumer Protection and Technical Regulatory Authority within the limits of competence provided by this Act and the Consumer Protection Act.
[RT I, 12.12.2018, 3 – entry into force 01.01.2019]

(2) State supervision over compliance with this Act shall also be exercised by the Competition Authority within the limits of competence provided by the Competition Act.

(3) [Repealed – RT I, 12.12.2018, 3 – entry into force 01.01.2019]

(4) State supervision and administrative supervision over compliance with the personal data processing requirements provided for in this Act and over the use of electronic contact details provided for in § 103^{1}of this Act shall be exercised and administrative coercion shall be applied by the Data Protection Inspectorate pursuant to the procedure provided for in Chapter 5 of the Personal Data Protection Act.
[RT I, 13.03.2019, 2 – entry into force 15.03.2019]

(5) State and administrative supervision over ensuring of security and integrity of the communications networks and services provided for in § 872 of this Act and compliance with the requirements provided in subsection 6 of § 87^{2}, subsection 3 of § 100^{3}, subsection 2 of § 100^{4}and subsection 2 of § 100^{5}of this Act shall be exercised by the Estonian Information System Authority within the limits of competence provided by this Act and the Cybersecurity Act.
[RT I, 22.05.2018, 1 – entry into force 23.05.2018]

(6) The state organisation of the electronic communications sector shall be exercised by the Ministry of Justice and Digital Affairs and the Consumer Protection and Technical Regulatory Authority within the limits of competence provided by this Act and the Competition Authority within the limits of competence provided by the Competition Act.

(7) Upon performing the duties arising from this Act and exercising supervision, guidance shall also be taken from European Union law.
[RT I, 21.05.2014, 2 – entry into force 01.07.2014]

§ 133^{1}. State supervision

Law enforcement authorities may apply the special measures for state supervision provided for in §§ 30, 31, 32, 49, 50, 51, 52 and 53 of the Law Enforcement Act for exercise of the state supervision provided for in this Act on the bases of and pursuant to the procedure provided for in the Law Enforcement Act.
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

§ 134. Objectives of state organisation

(1) The objective of state organisation of the electronic communications sector is to promote competition in the provision of electronic communications services and services related thereto. The achievement of the specified objective shall be ensured, among other things, by means of:
1) protecting subscribers, including people with special needs and the elderly, in particular regarding the range of services, quality and price;
2) preventing distortion or hindering of competition in the market of communications services;
3) promoting effective use of radio frequencies and numbering and ensuring effective management thereof.

(2) The objective of state organisation of the electronic communications sector is to promote the development of the communications market, among other things, by means of:

1) removing obstacles to the provision of communications services within the European Union, including any obstacles in the area of offering communications networks and facilities related thereto;
2) supporting the creation and development of pan-European communications networks as well as the interoperability and end-to-end connectivity of pan-European communications services;
3) transparent co-operation with other supervision authorities operating in the area of communications services, the European Commission and BEREC in order to guarantee the uniform nature and consistency of regulatory practices and the consistent application of European Union law regulating the electronic communications sector.

(3) The objective of state organisation of the electronic communications sector is to protect the rights of users of communications services, among other things, by ensuring:
1) the access of end-users to universal services;
2) the protection of the interests of end-users;
3) the protection of personal data and inviolability of private life;
4) the provision of information by communications undertakings and above all, ensuring the transparency of the charges for and conditions of providing communications services;
5) the taking account of the interests of various social groups, including people with special needs and the elderly;
6) the integrity and safety of communications networks;
7) the ability of end-users to access information of their choice, to its distribution as well as to the use of applications and services.

(4) The objectives of state organisation of the electronic communications sector provided for in subsections 1–3 of this section shall be pursued on the basis of objective, transparent, non-discriminatory and proportionate regulatory principles, among other things, the following:
1) the promotion of foreseeability of regulation by ensuring uniform regulatory approach also after regulatory amendments;
2) the ensuring of equal and non-discriminatory treatment of communications undertakings;
3) the promotion of infrastructure-based competition;
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]
4) the promotion of investment in communications networks and other units of electronic communications infrastructure, the supporting of innovation and the protection of investments;
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]
5) the taking account of existing competition and the peculiarities of locations of end-users upon access to services;
6) the establishment of the requirements provided for in Chapter 5 of this Act only in the absence of effective and sustainable competition.

(5) The implementation of and compliance with this Act shall be based on the principle of technological neutrality.
[RT I, 23.03.2011, 1 – entry into force 25.05.2011]

§ 135. Obligations of Consumer Protection and Technical Regulatory Authority upon performance of acts and application of measures

[RT I 2007, 66, 408 – entry into force 01.01.2008]

(1) Upon performing an act or applying a measure on the basis of this Act, regardless of whether an administrative act is issued to this effect, the Consumer Protection and Technical Regulatory Authority must ensure that the act or measure:
1) is reasonable and expedient;
2) is objectively considered, non-discriminatory and impartial;
3) is transparent;
4) serves the purpose of achieving a specific objective provided for in § 134 of this Act and is in proportion to the objective sought.
[RT I, 23.03.2011, 1 – entry into force 25.05.2011]

(2) If a communications undertaking which has notified of commencement of activities or a holder of a frequency authorisation or numbering authorisation has violated the conditions for notification of commencement of activities or the conditions of a frequency authorisation or a numbering authorisation such that it represents immediate or serious threat to public safety, public security or public health or if it may cause serious economic or operational problems for other providers or users of communications networks or communications services or users of radio frequencies, the Consumer Protection and Technical Regulatory Authority may apply temporary measures to eliminate the violation without regard to the provisions of §§ 18 and 37 of this Act. Temporary measures may be applied for a period of six months.
[RT I, 23.03.2011, 1 – entry into force 25.05.2011]

§ 136. Participation of Consumer Protection and Technical Regulatory Authority in legislative drafting

[RT I 2007, 66, 408 – entry into force 01.01.2008]
The Consumer Protection and Technical Regulatory Authority has the right to make proposals for amendment of this Act and legislation established on the basis thereof. The Consumer Protection and Technical Regulatory Authority shall make the respective proposal to the Ministry of Justice and Digital Affairs.

[RT I 2007, 66, 408 – entry into force 01.01.2008]

§ 137. Notification of changes in electronic communications sector

[RT I, 23.12.2015, 1 – entry into force 24.12.2015]

(1) The Consumer Protection and Technical Regulatory Authority shall prepare and publish on its website by 1 April each year a summary of the changes that have taken place in the electronic communications sector in the preceding calendar year.

(2) The summary specified in subsection 1 of this section must include:
1) the changes in the electronic communications sector, a description thereof and an analysis of the situation;
2) an overview of the quality of the services in the electronic communications sector;
3) an overview of the manner the fees received for universal services are used and the rate of such fees;
4) the estimated reasonable rate for the fees payable for universal services for the next calendar year.

(3) The Consumer Protection and Technical Regulatory Authority shall prepare and submit a summary of changes in the electronic communications sector along with the statistical data concerning the main indicators of the communications services market to the Ministry of Justice and Digital Affairs once every three months.
[RT I, 23.12.2015, 1 – entry into force 24.12.2015, clauses 3 and 4 of subsection 2 apply as of 01.01.2020]

(4) The Consumer Protection and Technical Regulatory Authority shall submit a report on the application of Chapter 11^1 of this Act to the European Commission at least every two years.
[RT I, 17.05.2016, 1 – entry into force 13.06.2016]

§ 138. [Repealed – RT I, 23.03.2011, 1 – entry into force 25.05.2011]

§ 139. Special clothing of official of Technical Surveillance Authority

[Repealed – RT I, 12.12.2018, 3 – entry into force 01.01.2019]

§ 140. Supervisory control over Consumer Protection and Technical Regulatory Authority

[RT I 2007, 66, 408 – entry into force 01.01.2008]

(1) The minister in charge of the policy sector exercises supervisory control over the Consumer Protection and Technical Regulatory Authority pursuant to the procedure provided by the Government of the Republic Act. Supervisory control must not restrict the independence of the Consumer Protection and Technical Regulatory Authority upon performing the duties thereof pursuant to this Act.
[RT I, 23.03.2011, 1 – entry into force 25.05.2011]

(2) Information concerning the decision on the release from service of the head of the Consumer Protection and Technical Regulatory Authority shall be published on the website of the Ministry of Economic Affairs and Communications. The reason for the release from service shall be published if so requested by the head of the Consumer Protection and Technical Regulatory Authority.
[RT I, 23.03.2011, 1 – entry into force 25.05.2011]

§ 141. Explanations by Consumer Protection and Technical Regulatory Authority

[RT I 2007, 66, 408 – entry into force 01.01.2008]

(1) In order to clarify and introduce this Act, the Consumer Protection and Technical Regulatory Authority may provide explanations and instructions which are not binding and which serve the objective of ensuring uniform application of this Act. Such explanations and instructions shall be published on the website of the Consumer Protection and Technical Regulatory Authority or as a periodical printed publication.
[RT I, 23.03.2011, 1 – entry into force 25.05.2011]

(2) The Consumer Protection and Technical Regulatory Authority must inform the European Commission of its intention to issue the explanations and instructions specified in subsection 1 of this section and of the reasons therefor and extent thereof if these relate to Chapter 10 of this Act.
[RT I, 23.03.2011, 1 – entry into force 25.05.2011]

(3) Upon issuing the explanations and instructions specified in subsection 2 of this section, the Consumer Protection and Technical Regulatory Authority shall take account of the proposals of the European Commission to the greatest extent possible.
[RT I, 23.03.2011, 1 – entry into force 25.05.2011]

§ 142. Competence of Consumer Protection and Technical Regulatory Authority in foreign relations

[RT I 2007, 66, 408 – entry into force 01.01.2008]

(1) The Consumer Protection and Technical Regulatory Authority shall organise, within the limits of their competence, performance of the obligations of the Republic of Estonia arising from international agreements related to the electronic communications sector.
[RT I 2007, 66, 408 – entry into force 01.01.2008]

(2) The Consumer Protection and Technical Regulatory Authority shall submit the standards concerning the electronic communications sector adopted by the European standards organisation to the Estonian standards organisation for transposition thereof into Estonian standards.
[RT I 2010, 31, 158 – entry into force 01.10.2010]

(3) The Consumer Protection and Technical Regulatory Authority shall represent, within the limits of their competence, Estonia in international electronic communications organisations and respective international and European standardisation organisations.
[RT I 2007, 66, 408 – entry into force 01.01.2008]

§ 143. Co-operation of Consumer Protection and Technical Regulatory Authority with experts, other supervision authorities, European Commission, European Union Radio Spectrum Policy Group and BEREC

[RT I, 15.12.2021, 1 – entry into force 01.02.2022]
In order to perform the duties provided in this Act, the Consumer Protection and Technical Regulatory Authority involves independent experts if necessary and co-operates with other supervision authorities of Estonia and of foreign states as well as with the European Commission, the European Union Radio Spectrum Policy Group and BEREC.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

§ 144. Co-operation of Consumer Protection and Technical Regulatory Authority with Competition Authority

[RT I, 21.05.2014, 2 – entry into force 01.07.2014]

(1) The Consumer Protection and Technical Regulatory Authority and the Competition Authority shall co-operate in the area of market regulation and exercising of supervision in the electronic communications sector and, if necessary, exchange appropriate information. The Consumer Protection and Technical Regulatory Authority and the Competition Authority may specify the conditions for and organisation of their co-operation by way of a protocol concerning co-operation between such authorities.

(2) The Consumer Protection and Technical Regulatory Authority shall promptly provide the Competition Board with the following information:
1) the results of the market analyses provided in §§ 44 and 44[1] of this Act, including the results of the analysis conducted for defining the markets;
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]
2) decision on declaration of an undertaking as an undertaking with significant market power, or a decision to revoke such declaration;
3) decisions on imposition of the obligations specified in §§ 50 – 56 of this Act.

(3) The Consumer Protection and Technical Regulatory Authority and the Competition Authority may also exchange confidential business information if necessary. In such case the obligation provided for in subsection 5 of § 148 of this Act applies to the officials of the Consumer Protection and Technical Regulatory Authority and the Competition Authority.

(4) Co-operation between the Consumer Protection and Technical Regulatory Authority and the Competition Board in the area of electronic communications shall ensure uniform and consistent interpretation of the competition situation and shall prevent the passing of contradictory decisions.
[RT I, 21.05.2014, 2 – entry into force 01.07.2014]

§ 144[1]. Co-operation of Consumer Protection and Technical Regulatory Authority with Statistical Office

In producing official statistics the Consumer Protection and Technical Regulatory Authority shall co-operate with the Statistical Office pursuant to the procedure provided for in the Official Statistics Act. The Consumer Protection and Technical Regulatory Authority may also forward confidential information to the Statistical Office. In such case the obligation provided for in subsection 5 of § 148 of this Act extends to the officials of the Statistical Office. The Statistical Office and the Consumer Protection and Technical Regulatory Authority may specify the conditions for and organisation of their co-operation by way of a protocol concerning co-operation between such authorities.
[RT I 2007, 63, 397 – entry into force 17.12.2007]

§ 145. Administrative acts of Consumer Protection and Technical Regulatory Authority

[RT I 2007, 66, 408 – entry into force 01.01.2008]
In order to perform the duties provided for in this Act, the Consumer Protection and Technical Regulatory Authority shall issue administrative acts. The administrative acts of the Consumer Protection and Technical Regulatory Authority are issued in the format of a precept or decision.
[RT I 2007, 66, 408 – entry into force 01.01.2008]

§ 146. Precept of supervision and organising authorities

[Repealed – RT I, 13.03.2014, 4 – entry into force 01.07.2014]

§ 147. Decision of Consumer Protection and Technical Regulatory Authority

[RT I 2007, 66, 408 – entry into force 01.01.2008]

(1) The Consumer Protection and Technical Regulatory Authority shall make a decision in the cases provided for in this Act, and also in the cases where the Consumer Protection and Technical Regulatory Authority has the obligation to issue an administrative act pursuant to a provision of law which however, does not specify whether the administrative act must be issued in the form of a precept or a decision. The Director General of the Consumer Protection and Technical Regulatory Authority and an official authorised by the Director General have the right to make a decision of the Consumer Protection and Technical Regulatory Authority.
[RT I 2007, 66, 408 – entry into force 01.01.2008]

(2) [Repealed – RT I, 21.05.2014, 2 – entry into force 01.07.2014]

§ 148. Obligation to provide information to Consumer Protection and Technical Regulatory Authority

[RT I 2007, 66, 408 – entry into force 01.01.2008]

(1) The Consumer Protection and Technical Regulatory Authority has the right to require information needed for performance of the duties assigned to the supervision and organising authorities by this Act from communications undertakings and other persons.
[RT I 2007, 66, 408 – entry into force 01.01.2008]

(2) Persons are required to provide the Consumer Protection and Technical Regulatory Authority with information needed for performance of the duties assigned thereto by this Act, except in the case of information on specific messages and information on the users of communications services the disclosure of which is restricted pursuant to §§ 102 – 107 of this Act.
[RT I 2007, 66, 408 – entry into force 01.01.2008]

(3) Information requested by the Consumer Protection and Technical Regulatory Authority must be necessary for performance of a specific duty and in proportion thereto.
[RT I 2007, 66, 408 – entry into force 01.01.2008]

(4) In order to obtain information or a document, the Consumer Protection and Technical Regulatory Authority shall prepare a written request. The Consumer Protection and Technical Regulatory Authority must provide in the request an explanation on the duty for the performance of which information is requested and on the manner it will be used. The Consumer Protection and Technical Regulatory Authority must grant in the request a reasonable term for a person to submit information, which may not be shorter than 10 working days as of the date of receipt of the request for information.
[RT I 2007, 66, 408 – entry into force 01.01.2008]

(5) Officials of the Consumer Protection and Technical Regulatory Authority are required to maintain the confidentiality of state secrets, classified information of foreign states and confidential information which have become known to them in the course of performing their service duties and they have the right to use such information only for the performance of their service duties.
[RT I 2007, 66, 408 – entry into force 01.01.2008]

§ 149. Resolution of disputes by Consumer Protection and Technical Regulatory Authority

(1) If resolution of a dispute by the Consumer Protection and Technical Regulatory Authority is provided for in this Act, a party to the dispute must submit a written petition to such effect. A dispute which is in the competence of supervision authorities of more than one Member State of the European Union is a cross-border dispute.

(2) The Director General of the Consumer Protection and Technical Regulatory Authority or an official authorised by the Director General must participate in hearing the petition specified in subsection 1 of this section.

(3) The Consumer Protection and Technical Regulatory Authority shall resolve a cross-border dispute in cooperation with the respective supervision authorities of Member States of the European Union, consulting with BEREC if necessary.

(4) The Consumer Protection and Technical Regulatory Authority shall inform the other party to the dispute within ten working days as of the submission of the petition specified in subsection 1 of this section and require explanations. The Consumer Protection and Technical Regulatory Authority shall grant a reasonable term for providing explanations which may not be shorter than ten working days as of the date of receipt of the request.

(5) The Consumer Protection and Technical Regulatory Authority must resolve the dispute specified in subsection 1 of this section without undue delay but not later than within four months after the receipt of the petition specified in subsection 1 of this section. If the dispute is particularly complicated, the Consumer Protection and Technical Regulatory Authority is not required to observe the term of four months. In such event the Consumer Protection and Technical Regulatory Authority must explain why the dispute is considered to be particularly complicated and communicate the term for resolution of the dispute.

(6) If, upon resolving a cross-border dispute, the opinion of BEREC is requested, the Consumer Protection and Technical Regulatory Authority, when resolving the dispute specified in subsection 3 of this section, must wait for the opinion of BEREC before making the determination specified in subsection 5 of this section.
[RT I, 21.05.2014, 2 – entry into force 01.07.2014]

(7) If the Consumer Protection and Technical Regulatory Authority has failed to resolve a cross-border dispute within the term specified in subsection 5 of this section and the dispute has not been brought before the courts by the party seeking redress and if either party requests it, the Consumer Protection and Technical Regulatory Authority shall proceed from the provisions of § 134 of this Act, taking account of any opinion adopted by BEREC to the greatest extent possible.

(8) The Consumer Protection and Technical Regulatory Authority shall resolve a dispute by making a determination to satisfy or to deny the petition specified in subsection 1 of this section. The determination shall be made in the form of a decision or precept of the Director General of the Consumer Protection and Technical Regulatory Authority. The determination shall be made in the form of a precept if the resolution of the dispute involves issuing instructions for future conduct to one of the parties of the dispute. The Consumer Protection and Technical Regulatory Authority shall forward such determination immediately to the parties of the dispute.

(9) Where the Consumer Protection and Technical Regulatory Authority issues a precept to a communications undertaking upon resolving a cross-border dispute, it takes account of the opinion of BEREC to the greatest extent possible. The specified precept is issued within one month after receipt of the opinion of BEREC.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

(10) If the petitioner so desires, the Consumer Protection and Technical Regulatory Authority may participate in the dispute as the conciliator without making the binding determination specified in subsection 8 of this section. In this case the petitioner must set out in the petition specified in subsection 1 that it wishes the Consumer Protection and Technical Regulatory Authority to participate in the dispute as the conciliator.

(11) The Consumer Protection and Technical Regulatory Authority shall collect information concerning the content, number and duration of resolution of complaints and the number of decisions to apply temporary measures.

(12) The Consumer Protection and Technical Regulatory Authority does not settle private law disputes between end-users and communications undertakings.
[RT I, 12.12.2018, 3 – entry into force 01.01.2019]

§ 150. Exchange of information with European Commission, BEREC and supervision authorities of Member States of European Union

(1) The Ministry of Justice and Digital Affairs and the Consumer Protection and Technical Regulatory Authority are required to provide information to the European Commission and BEREC if such request is submitted.

(2) The Consumer Protection and Technical Regulatory Authority may also provide information to the supervision authorities of other Member States of the European Union.

(3) If information provided by the Consumer Protection and Technical Regulatory Authority to the European Commission and BEREC includes data which the Consumer Protection and Technical Regulatory Authority has obtained from a communications undertaking, the Consumer Protection and Technical Regulatory Authority must inform the communications undertaking about forwarding such information to the European Commission and BEREC and undertake all measures to protect the confidentiality of the information entrusted to them by the communications undertaking also after it has been forwarded.

[RT I, 21.05.2014, 2 – entry into force 01.07.2014]

(4) If the Consumer Protection and Technical Regulatory Authority finds that disclosure to the supervision authorities of other Member States of the European Union of information provided to the European Commission and BEREC is not justified, the Consumer Protection and Technical Regulatory Authority must inform the European Commission and BEREC at the time of submission of such information to the European Commission and BEREC that it does not wish that the information is communicated to the supervision authorities of the Member States and present the reasons for wishing the non-disclosure of the information.

(5) If the Consumer Protection and Technical Regulatory Authority has provided information to the supervision authority of one Member State of the European Union, it is also required to provide, upon a reasoned request, the information to the supervision authorities of other Member States.
[RT I, 23.03.2011, 1 – entry into force 25.05.2011]

§ 151. Publication of information concerning electronic communications sector

(1) The Consumer Protection and Technical Regulatory Authority shall, pursuant to their competence and in adherence to the requirement of confidentiality of business secrets, make the following information publicly available on their website:
[RT I 2007, 66, 408 – entry into force 01.01.2008]
1) decisions to designate undertakings as having significant market power;
2) decisions to impose obligations on undertakings;
3) decisions on defining communications services markets;
4) determinations made in disputes between undertakings,
5) other information and decisions which publication arises from this Act.

(2) The Consumer Protection and Technical Regulatory Authority shall publish the information specified in subsection 1 of this section in adherence to the provisions of § 152 of this Act, unless otherwise provided by this Act.
[RT I 2007, 66, 408 – entry into force 01.01.2008]

(3) A state fee is charged for certified copies of documents issued by the Consumer Protection and Technical Regulatory Authority.
[RT I 2007, 66, 408 – entry into force 01.01.2008]

(4) The Consumer Protection and Technical Regulatory Authority may provide to interested persons, on the basis of their request, statistical information concerning the number of subscribers of publicly available electronic communications services provided by communications undertakings at the retail level and the market shares calculated on the basis of the number of subscribers of communications undertakings providing the service. The specified information cannot be regarded as business secret. If the disclosure of such information contradicts stock exchange rules, such information may be disclosed only in accordance with the stock exchange rules.
[RT I, 23.03.2011, 1 – entry into force 25.05.2011]

§ 152. Consultation obligation

(1) Prior to performing an act, imposing an obligation or applying a measure provided in this Act, and prior to establishing legislation which significantly affects the relevant communications services market or the rights of end-users and consumers, the interested persons, including end-users and people with special needs, and communications undertakings must be given an opportunity to present their opinions on the planned decision or legislation.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

(2) In order to obtain the opinions specified in subsection 1 of this section, the governmental authority planning the issue of a decision or legislation makes a brief description of the draft document publicly available, provides the time and place for receiving additional information and sets a reasonable term for the submission of opinions which may not be shorter than 30 calendar days. The governmental authority planning the issue of a decision or legislation makes the summaries of received opinions publicly available.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

(3) The Consumer Protection and Technical Regulatory Authority shall inform the Ministry of Justice and Digital Affairs of any current consultation and the results thereof. The Ministry of Justice and Digital Affairs shall provide, at the respective request, the specified information to the interested persons.
[RT I, 23.03.2011, 1 – entry into force 25.05.2011]

(4) The single point for consultations of this section is the Consumer Protection and Technical Regulatory Authority.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

(5) The consultation provided in subsection 1 of this section is not necessary if the legislation to be adopted does not restrict the rights of the persons using radio frequencies or when the requirements provided in § 21 of this Act are being established.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

Chapter 14
LIABILITY

§ 153. Failure to submit notice and submission of incorrect data

[Repealed – RT I, 29.06.2014, 1 – entry into force 01.07.2014]

§ 154. Failure to submit information

[RT I, 12.07.2014, 1 – entry into force 01.01.2015]

(1) Failure to submit information specified in subsection 2 of § 148 of this Act
is punishable by a fine of up to 100 fine units.

(2) The same act, if committed by a legal person,
is punishable by a fine of up to 2000 euros.
[RT I, 12.07.2014, 1 – entry into force 01.01.2015]

§ 155. Unlawful use of radio frequencies

(1) Unlawful use of radio frequencies or violation of conditions for use thereof
is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person,
is punishable by a fine of up to 3200 euros.
[RT I 2010, 22, 108 – entry into force 01.01.2011]

§ 155[1]. Failure to submit conditions for installation of radio transmission equipment to Health Board for approval

[RT I 2009, 49, 331 – entry into force 01.01.2010]

(1) Failure to submit the conditions for the installation of radio transmission equipment to the Health Board for approval by a holder of a frequency authorisation using self-planned radio frequency band
is punishable by a fine of up to 300 fine units.
[RT I 2009, 49, 331 – entry into force 01.01.2010]

(2) The same act, if committed by a legal person,
is punishable by a fine of up to 3200 euros.
[RT I 2010, 22, 108 – entry into force 01.01.2011]

§ 156. Causing of radio interference

[Repealed – RT I, 12.07.2014, 1 – entry into force 01.01.2015]

§ 157. Use of incorrect or inaccurate radio call sign

[Repealed – RT I, 12.07.2014, 1 – entry into force 01.01.2015]

§ 158. Violation of confidentiality of radiocommunication

[Repealed – RT I, 23.12.2015, 1 – entry into force 24.12.2015]

§ 159. Sending of incorrect and misleading message

(1) Sending, by means of radiocommunication, of incorrect or misleading messages which may prejudice the safety of aircraft, ships or vehicles on land or of persons or the functioning of the activities of any rescue service agency
is punishable by a fine of up to 300 fine units.
[RT I 2010, 29, 151 – entry into force 20.06.2010]

(2) The same act, if committed by a legal person,
is punishable by a fine of up to 3200 euros.
[RT I 2010, 22, 108 – entry into force 01.01.2011]

§ 160. Preventing of access to radio equipment

[Repealed – RT I, 12.07.2014, 1 – entry into force 01.01.2015]

§ 161. Interrupting of lawful radio transmission session

[Repealed – RT I, 12.07.2014, 1 – entry into force 01.01.2015]

§ 162. Unlawful use of numbering

(1) Using of numbering without a numbering authorisation or reservation
is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person,
is punishable by a fine of up to 3200 euros.
[RT I 2010, 22, 108 – entry into force 01.01.2011]

§ 163. Violation of conditions for use of numbering

(1) Violation of the conditions for use of numbering
is punishable by a fine of up to 100 fine units.

(2) The same act, if committed by a legal person,
is punishable by a fine of up to 3200 euros.
[RT I 2010, 22, 108 – entry into force 01.01.2011]

§ 164. Violation of requirements for number portability and change of provider of internet access service

[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

(1) Violation of the requirements for number portability or change of a provider of the internet access service
is punishable by a fine of up to 300 fine units.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

(2) The same act, if committed by a legal person,
is punishable by a fine of up to 3200 euros.
[RT I 2010, 22, 108 – entry into force 01.01.2011]

§ 165. Failure by communications undertaking to grant access to numbers, short numbers or numbers of European Telephony Numbering Space 3883

[Repealed – RT I, 12.07.2014, 1 – entry into force 01.01.2015]

§ 166. Violation of obligation imposed on undertaking with significant market power

(1) Violation of the obligation imposed on an undertaking with significant market power
is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person,
is punishable by a fine of up to 3200 euros.
[RT I 2010, 22, 108 – entry into force 01.01.2011]

§ 166^1. Violation of access or interconnection obligation

(1) Violation by a communications undertaking providing network services of the obligation imposed on the basis of §§ 63–63^2 of this Act
is punishable by a fine of up to 300 fine units.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

(2) The same act, if committed by a legal person,
is punishable by a fine of up to 3200 euros.
[RT I 2010, 22, 108 – entry into force 01.01.2011]

§ 166^2. Unlawful restriction of access

(1) Imposing by a communications undertaking of an unlawful restriction of access on a communications undertaking with whom it has entered into an access or interconnection agreement

is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person,
is punishable by a fine of up to 3200 euros.
[RT I 2010, 22, 108 – entry into force 01.01.2011]

§ 166[3]. Unlawful routing of call by means of terminal equipment

[Repealed – RT I, 12.07.2014, 1 – entry into force 01.01.2015]

§ 167.–§ 170.[Repealed – RT I, 12.07.2014, 1 – entry into force 01.01.2015]

§ 170[1]. Violation of requirements established for security and integrity of communications networks and services

(1) Violation of the requirements established for the security and integrity of communications networks and services
is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person,
is punishable by a fine of up to 3200 euros.
[RT I, 23.03.2011, 1 – entry into force 25.05.2011]

§ 170[2]. Violation of electronic security requirements

[Repealed – RT I, 22.05.2018, 1 – entry into force 23.05.2018]

§ 170[3]. Violation of obligations imposed for purposes of national security

(1) Violation of the obligations imposed on the basis of § 87[3]or 87[5]of this Act
is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person,
is punishable by a fine of up to 50,000 euros.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

§ 171. Violation of special requirement for provision of cable distribution services

[Repealed – RT I, 12.07.2014, 1 – entry into force 01.01.2015]

§ 171[1]. Violation of roaming service requirements

(1) Violation of roaming service requirements
is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person,
is punishable by a fine of up to 3200 euros.
[RT I 2010, 22, 108 – entry into force 01.01.2011]

§ 171[2]. Violation of requirements for provision of multiplexing services

[Repealed – RT I, 12.07.2014, 1 – entry into force 01.01.2015]

§ 172.–§ 175.[Repealed – RT I, 12.07.2014, 1 – entry into force 01.01.2015]

§ 176. Unlawful restriction by communications undertaking of communications services for end-user of communications services

(1) Unlawful restriction by a communications undertaking of communications services for an end-user of communications services
is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person,
is punishable by a fine of up to 3200 euros.
[RT I 2010, 22, 108 – entry into force 01.01.2011]

§ 177. Failure to enable establishing of connection to emergency number 112 during restriction of provision of communications services

[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

(1) Failure to enable the establishing of a connection to the emergency number 112 during the restriction of the provision of communications services
is punishable by a fine of up to 300 fine units.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

(2) The same act, if committed by a legal person,
is punishable by a fine of up to 3200 euros.
[RT I 2010, 22, 108 – entry into force 01.01.2011]

§ 178. Violation of requirements for amendment of terms and conditions of communications services contract

(1) Violation of the requirements for amendment of the terms and conditions of the communications services contract provided for in § 99 of this Act
is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person,
is punishable by a fine of up to 50,000 euros.
[RT I, 12.07.2014, 1 – entry into force 01.01.2015]

§ 179. Damaging of communications network, line facility and line

[Repealed – RT I, 12.07.2014, 1 – entry into force 01.01.2015]

§ 180. [Repealed – RT I, 23.03.2015, 3 – entry into force 01.07.2015]

§ 181. [Repealed – RT I 2010, 31, 158 – entry into force 01.10.2010]

§ 182. Failure to submit notice on placing of radio equipment on market

[Repealed – RT I, 17.05.2016, 1 – entry into force 13.06.2016]

§ 183. Failure to publish and untimely publication of and failure to update and untimely updating of specifications of types of interfaces offered to end-users

[Repealed – RT I, 12.07.2014, 1 – entry into force 01.01.2015]

§ 184. Violation of terms and conditions of technical licence for third generation mobile telephone network

[Repealed – RT I, 12.07.2014, 1 – entry into force 01.01.2015]

§ 184[1]. Violation of obligation to preserve data

(1) Violation of the obligation to preserve the data specified in § 111[1], the log files specified in subsection 5 of § 113 or the application specified in subsection 6 of § 113 of this Act
is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person,
is punishable by a fine of up to 3200 euros.
[RT I 2010, 22, 108 – entry into force 01.01.2011]

§ 184[2]. Violation of requirements established for use of electronic contact details

[Repealed – RT I, 12.07.2014, 1 – entry into force 01.01.2015]

§ 185. Violation of obligation to provide information to surveillance agency and security authority and grant access to communications network

(1) Violation of the obligation to provide information to a surveillance agency or security authority or to grant access to the communications network provided for in §§ 112 and 113 of this Act
is punishable by a fine of up to 200 fine units.

(2) The same act, if committed by a legal person,
is punishable by a fine of up to 2600 euros.
[RT I 2010, 22, 108 – entry into force 01.01.2011]

§ 186. Violation of obligation to maintain confidentiality of information related to conduct of surveillance activities and activities which restrict right to inviolability of private life or right to confidentiality of messages

(1) Violation of the obligation to maintain the confidentiality of information related to the conduct of surveillance activities and activities which restrict the right to inviolability of private life or the right to the confidentiality of messages provided for in subsection 9 of § 113 of this Act
is punishable by a fine of up to 200 fine units.

(2) The same act, if committed by a legal person,
is punishable by a fine of up to 2600 euros.
[RT I 2010, 22, 108 – entry into force 01.01.2011]

§ 187. Violation of obligation to maintain confidentiality of information

(1) Violation of the obligation to maintain the confidentiality of information concerning the user which has become known in the process of provision of communications services or failure to give notice thereof
is punishable by a fine of up to 200 fine units.
[RT I, 23.03.2011, 1 – entry into force 25.05.2011]

(2) The same act, if committed by a legal person,
is punishable by a fine of up to 2000 euros.
[RT I 2010, 22, 108 – entry into force 01.01.2011]

§ 188. Proceedings

(1) [Repealed – RT I, 12.07.2014, 1 – entry into force 01.01.2015]

(2) The Consumer Protection and Technical Regulatory Authority may confiscate, in accordance with the provisions of the Penal Code, the thing which was the direct object of commission of the misdemeanours provided for in §§ 155 and 159 of this Act.
[RT I, 23.12.2015, 1 – entry into force 24.12.2015]

(3) Extra-judicial proceedings concerning the misdemeanours provided in §§ 154, 155, 159, 162–164, 166–166^2, 170^3, 171^1, 176–178 and $184^1$of this Act are conducted by the Consumer Protection and Technical Regulatory Authority.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

(4) [Repealed – RT I, 12.12.2018, 3 – entry into force 01.01.2019]

(5) Extra-judicial proceedings concerning the misdemeanours provided for in §§ 185 and 186 of this Act shall be conducted by the Police and Border Guard Board. If the elements of a misdemeanour specified in § 185 or § 186 of this Act are established by the Estonian Internal Security Service in the course of offence proceedings, extra-judicial proceedings shall be conducted by the Estonian Internal Security Service.
[RT I, 23.12.2015, 1 – entry into force 24.12.2015]

(6) Extra-judicial proceedings concerning the misdemeanours provided for in § 187 of this Act shall be conducted by the Data Protection Inspectorate.
[RT I, 12.07.2014, 1 – entry into force 01.01.2015]

(7) Extra-judicial proceedings concerning the misdemeanour provided for in § 155 1 of this Act shall be conducted by the Health Board.
[RT I, 12.07.2014, 1 – entry into force 01.01.2015]

(8) Extra-judicial proceedings concerning the misdemeanour provided for in § 1701 of this Act shall be conducted by the Estonian Information System Authority.
[RT I, 22.05.2018, 1 – entry into force 23.05.2018]

Chapter 15
IMPLEMENTING PROVISIONS

§ 189. Revocation of activity licences

(1) Upon entry into force of this Act, activity licences issued pursuant to the Telecommunications Act and the Cable Distribution Act prior to the entry of this Act into force are revoked.

(2) Communications undertakings which have submitted a notice of commencement of activities before the entry into force of this Act are deemed to have submitted the notice of commencement of activities provided for in § 4 of this Act with regard to the communications services and geographical area notified before the entry into force of this Act.

(3) Communications undertakings which hold a valid activity licence at entry into force of this Act are deemed to have submitted the notice of commencement of activities provided for in § 4 of this Act with regard to the communications services and geographical area defined in the activity licence.

(4) The Consumer Protection and Technical Regulatory Authority is required to make the information specified in subsections 2 and 3 of § 4 of this Act available to the public on its website within three months after the entry into force of this Act.
[RT I 2007, 66, 408 – entry into force 01.01.2008]

§ 190. Transition to frequency authorisation

(1) The permits for the use of radio transmitting equipment, ship radio licences, aircraft radio licences and amateur radio station operating authorisations issued before the entry into force of this Act are valid until the date of expiry indicated in the permits, licences and authorisations.

(2) The permits for the installation of radio transmission equipment issued before the entry into force of this Act are valid until the date of expiry indicated in the permits, but not for longer than until 31 December 2005.

(3) [Repealed – RT I 2006, 25, 187 – entry into force 02.06.2006]

(3^1) The frequency authorisations for third generation mobile telephone networks (*Universal Mobile Telecommunication System– UMTS*) shall be amended and the terms and conditions of technical licences for third generation mobile telephone networks shall be entered thereon. Section 15 of this Act does not apply to the specified amendment. Upon amendment of the frequency authorisation, the technical licence for a third generation mobile telephone network shall be revoked.

(4) [Repealed – RT I 2006, 25, 187 – entry into force 02.06.2006]

(5) The transfer of the right to use radio frequencies provided for in § 17 of this Act shall not be applied earlier than on 31 December 2006.

(6) As an exception, the Consumer Protection and Technical Regulatory Authority shall issue, without a competition, the first three national frequency authorisations for digital broadcasting to the undertaking specified in subsection 1 of § 21 of the Broadcasting Act. Additional frequency authorisations for digital broadcasting shall be issued pursuant to the procedure provided for in §§ 12–14 of this Act.
[RT I 2007, 66, 408 – entry into force 01.01.2008]

(7) The undertaking specified in subsection 6 of this section is required, for digital broadcasting purposes, to launch one national digital broadcasting network not later than on 31 December 2007 and the next two digital broadcasting networks not later than on 31 December 2009.
[RT I 2007, 3, 12 – entry into force 17.01.2007]

§ 190^1. Issue of frequency authorisation for third generation mobile telephone network

(1) The Consumer Protection and Technical Regulatory Authority shall issue the fourth national frequency authorisation for a third generation mobile telephone network within the radio frequency band 1900 to 2170 MHz for a term of ten years.
[RT I, 23.03.2011, 1 – entry into force 25.05.2011]

(2) The authorisation specified in subsection 1 of this section shall be issued by way of public competition established on the basis of subsection 4 of § 9 of this Act at a base price of 4,473,815 euros.
[RT I 2010, 22, 108 – entry into force 01.01.2011]

(3) The following are the conditions of the authorisation specified in subsection 1 of this section:
1) to launch, not later than during the seventh year after the issue of the frequency authorisation, a third generation mobile telephone network covering at least 30 per cent of the population of Estonia which, as to its network architecture and planned services, complies with the standards set by the European standards organisations for third generation mobile telephone networks;
2) the network specified in clause 1 of this subsection shall provide a data transfer rate of at least 144 kbit/sec in cities and at least 64 kbit/sec elsewhere.

(4) Persons who hold a valid frequency authorisation for a third generation mobile telephone network issued prior to the competition cannot participate in the public competition specified in subsection 2 of this section.
[RT I 2006, 25, 187 – entry into force 02.06.2006]

§ 190[2]. Charge for use of frequency band of third generation mobile telephone network

(1) The holder of a frequency authorisation for a third generation mobile telephone network granting the right to use the radio frequency band 1900 to 2170 MHz is required to pay each year, except the years of issuing or extending the frequency authorisation, by the date of issue of the licence, a charge for the use of the respective frequency band in the amount provided for in clause 2.1 of Annex 3 to the State Fees Act, taking account of the provisions of clause 4 of subsection 5 of § 206 of the State Fees Act.
[RT I, 30.12.2014, 1 – entry into force 01.01.2015]

(2) Upon failure to perform the obligation to pay the charge provided for in subsection 1 of this section, the Consumer Protection and Technical Regulatory Authority shall revoke the specified authorisation.
[RT I 2007, 66, 408 – entry into force 01.01.2008]

§ 191. Transition to numbering authorisation

(1) The permits for the use of a numbering block, identification code or short number issued before the entry into force of this Act remain valid until the date of expiry set out therein and the numbers booked by a communications undertaking before the entry into force of this Act are deemed to be reserved. The person specified in subsection 1 of § 29 of this Act must submit an application for a numbering authorisation to the Consumer Protection and Technical Regulatory Authority one month before the expiry of a permit for the use of a numbering block, identification code or short number.
[RT I 2007, 66, 408 – entry into force 01.01.2008]

(2) The holder of a permit for the use of a numbering block, identification code or short number issued prior to the entry into force of this Act may apply, after the entry into force of this Act, for the replacement of the permit for the use of a numbering block, identification code or short number issued prior to the entry into force of this Act with a numbering authorisation under the conditions specified in subsection 1 of this section.

(3) Before the establishment of the numbering management database provided for in subsection 3 of § 28 of this Act, the Consumer Protection and Technical Regulatory Authority shall grant a numbering authorisation to a person specified in subsection 1 of § 29 of this Act within one month after receipt of an application to this effect, and shall reserve a respective number. The Consumer Protection and Technical Regulatory Authority shall change or annul a reservation within 10 days after the receipt of an application to this effect.
[RT I 2007, 66, 408 – entry into force 01.01.2008]

(4) The obligation of the Consumer Protection and Technical Regulatory Authority to reserve numbers provided for in subsection 3 of this section ends after the establishment of the numbering management database specified in subsection 3 of § 28 of this Act.
[RT I 2007, 66, 408 – entry into force 01.01.2008]

(5) Upon the grant of a numbering authorisation pursuant to this Act before the expiry of the previous authorisation, the state fee to be paid shall be set off against the paid state fee for the overlapping period in the cases specified in subsections 2 or 9 of this section.

(6) The procedure for the set-off of the state fee specified in subsection 5 of this section shall be established by the Government of the Republic.

(7) The Consumer Protection and Technical Regulatory Authority shall establish the numbering management database provided for in subsection 3 of § 28 of this Act within nine months after the entry into force of this Act, consulting beforehand with the interested persons pursuant to the procedure provided for in § 152 of this Act.
[RT I 2007, 66, 408 – entry into force 01.01.2008]

(8) Upon establishing the numbering management database, the Consumer Protection and Technical Regulatory Authority shall enter the reserved numbers in the database in accordance with subsection 3 of this section.
[RT I 2007, 66, 408 – entry into force 01.01.2008]

(9) After the establishment of the numbering management database, the holders of permits for the use of a numbering block, identification code or short number issued prior to the entry into force of this Act have the right to submit an application for the replacement of such permit with a numbering authorisation, specifying the quantity of numbers the applicant wishes to use. The applicant for a numbering authorisation must to modify, within fifteen days after the submission of the application, the quantity of numbers reserved thereto such that it would not be higher than the quantity requested in the application.

§ 191[1]. Review of frequency and numbering authorisations

The frequency and numbering authorisations granted before 25 May 2011 shall be brought into conformity with this Act not later than by 19 September 2011.
[RT I, 23.03.2011, 1 – entry into force 25.05.2011]

§ 192. Transition to market regulation

The obligations of undertakings with significant market power in accordance with Article 27 of the Directive 2002/21/EC of the European Parliament and of the Council on a common regulatory framework for electronic communications networks and services (Framework Directive) (OJ L 108, 24.4.2002, p. 33 – 50) remain valid with regard to undertakings which have been designated as having significant market power for the year 2005 prior to the entry into force of this Act pursuant to the Telecommunications Act until the making of the decision specified in § 49 of this Act to designate an undertaking as having significant market power or a decision not to designate an undertaking with significant market power. The Communications Board shall conduct the market analysis provided for in § 44 and make the decisions provided for in § 49 not later than by 31 December 2007.
[RT I 2005, 71, 545 – entry into force 01.01.2006]

§ 193. Provision of universal service

(1) The obligation to provide universal services pursuant to the Telecommunications Act which was effective prior to the entry into force of this Act remains valid under the conditions applicable before the entry into force of this Act until a communications undertaking with the universal service obligation is designated pursuant to § 73 of this Act, but not for longer than until 31 December 2006.

(2) The rate of the universal service charge provided for in subsection 1 of § 83 of this Act shall be established by the Government of the Republic not later than on 30 September 2006.

§ 193[1]. Reporting by Consumer Protection and Technical Regulatory Authority on universal service

Clauses 3 and 4 of subsection 2 of § 137 of this Act apply as of 1 January 2028.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

§ 194. Bringing of communications services contract into conformity with this Act

(1) If a communications services contract entered into with the end-user before the entry into force of this Act does not conform to the requirements of this Act, the communications undertaking is required to bring the communications services contract into conformity with the provisions of this Act within one year after the entry into force of this Act.

(2) For bringing a communications services contract into conformity with this Act, a communications undertaking shall propose amendment of the contract to the end-user and grant the end-user a reasonable term for acceptance or refusal of the proposal. If the end-user fails to give an answer within this term, the contract shall be deemed to be amended.

(3) If the end-user refuses to amend the contract, the communications undertaking has the right to terminate the communications services contract entered into with the end-user.

§ 195. Bringing of access and interconnection agreements into conformity with this Act

(1) If an access or interconnection agreement entered into before the entry into force of this Act does not conform to the requirements of this Act, the communications undertaking is required to bring the access or interconnection agreement into conformity with the provisions of this Act within one year after the entry into force of this Act.

(2) For bringing an access or interconnection agreement into conformity with this Act, the communications undertaking shall propose amendment of the contract to the other communications undertaking and grant a reasonable term thereto for acceptance or refusal of the proposal. If the other communications undertaking fails to give an answer within this term, the contract shall be deemed to be amended.

(3) If the communications undertaking refuses to amend the agreement, the communications undertaking who proposed amendment has the right to terminate the access or interconnection agreement.

(4) Access or interconnection agreements entered into in oral form remain valid until the agreed date, but not for longer than until 1 June 2008.
[RT I 2007, 63, 397 – entry into force 17.12.2007]

§ 195[1]. Use of electronic contact details

The obligation provided for in clause 1 of subsection 3 of § 103 1 of this Act is not applied in the manner specified in subsection 3 in the case of contact details obtained before the entry into force of § 103[1].
[RT I 2010, 38, 230 – entry into force 10.07.2010]

§ 196. Termination of state register of telecommunications systems

The operation of the state register of telecommunications systems shall be terminated pursuant to the procedure provided for in the Public Information Act.
[RT I 2007, 12, 66 – entry into force 01.01.2008]

§ 196[1]. Transition to electronic notification obligation

Subsection 3 of § 4 of this Act applies from 1 July 2016.
[RT I, 29.06.2014, 1 – entry into force 01.07.2014]

§ 196[2]. Implementation of requirements for radio equipment

[RT I, 17.05.2016, 1 – entry into force 13.06.2016]

(1) Subsection 1 of § 120[3] of this Act applies from 12 June 2018.

(2) The first report specified in subsection 5 of § 137 of this Act shall be submitted to the European Commission by 12 June 2017.

(3) Radio equipment which complies with the requirements of the version of this Act in force before 13 June 2016 and the requirements for electrical equipment established on the basis of subsection 4 of § 5 of the Product Conformity Act and which is placed on the market before 13 June 2017 may be made available on the market and put into service regardless of compliance of the radio equipment with the requirements for radio equipment established on the basis of subsection 4 of § 5 of the Product Conformity Act.
[RT I, 17.05.2016, 1 – entry into force 13.06.2016]

§ 196[3]. Implementation of notification obligation

The information provided in subsection 4 of § 4 of this Act is submitted to BEREC for the first time no later than by 8 February 2022.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

§ 196[4]. Implementation of obligation

Subsection 1[3] of § 32, subsection 6 of § 95[1] and subsection 3 of § 96 of this Act apply as of 28 June 2025.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

§ 196[5]. Implementation of §§ 87[3] and 87[4] of this Act

(1) The obligation to apply for an authorisation for use of hardware or software specified in subsection 6 of § 87[3] of this Act applies in the case of hardware or software deployed before 1 February 2022 if a function of the 5G non-stand alone (hereinafter *5G NSA*) or a newer generation mobile communications network standard has been or would be deployed in the hardware or software.

(2) High risk hardware or software where a function of the 5G NSA or a newer generation mobile communications network standard is used or would be deployed and which does not have a critical function may be used on the basis of an authorisation for use until 31 December 2025. An authorisation for use is not issued to the high risk hardware or software specified in the first sentence after 31 December 2025. The time limit for submission of applications for the authorisation for use of high risk hardware or software specified in the first sentence is determined in the regulation specified in subsection 7 of § 87[3] of this Act.

(3) The hardware or software which does not have a function of the 5G NSA or a newer generation mobile communications network standard or a critical function may be used until 31 December 2029 without applying for an authorisation for use specified in subsection 6 of § 87[3] of this Act.

(4) If the hardware or software specified in subsection 3 of this section is intended to be used after 31 December 2029, an application for the authorisation for use must be submitted no later than on 1 July 2029. An authorisation for use is not issued to the high risk hardware or software specified in the first sentence after 31 December 2029.

(5) Critical functions of hardware and software are the following:
1) the core network function in accordance with the standards of the European Telecommunications Standards Institute regardless of the location of the function in the communications network;
2) the function which has the aim of enabling security authorities and surveillance agencies to conduct surveillance activities or restrict the right to the confidentiality of messages in the cases prescribed by law.
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]

§ 197.–§ 203.[Omitted from this text.]

§ 204. Repeal of Cable Distribution Act

(1) The Cable Distribution Act is repealed.

(2) Legislation issued on the basis of subsection 4 of § 3, subsection 3 of § 4, subsection 4 of § 12, subsection 7 of § 18, subsection 4 of § 19 and subsection 4 of § 26 of the Cable Distribution Act and valid at the entry into force of this Act remain valid after the entry into force of this Act in so far as it does not contradict this Act until it is repealed.

§ 205. Repeal of Telecommunications Act

(1) The Telecommunications Act is repealed.

(2) Legislation issued on the basis of subsection 23 of § 3, subsection 5 of § 4, subsection 8 of § 6, subsection 2 of § 7, subsection 7 of § 18, subsection 8 of § 19, subsections 4 and $4^1$of § 31, subsections 3 and 4 of § 37, subsection 3 of § 47, subsection 7 of § 51, subsection 6 of § 53, subsection 1 of § 56, subsections 3 and 4 of § 57, subsection 5 of § 58, subsections 2 and 4 of § 64, subsection 3 of § 65, subsection 4 of § 66, subsections 1 and 5 of § 69, subsection 10 of § 74, subsections 3 and 4 of § 80, subsection 5 of § 82, subsection 6 of § 84, subsection 12 of § 95 and subsection 10 of § 113 of the Telecommunications Act and valid at the entry into force of this Act remain valid after the entry into force of this Act in so far as it does not contradict this Act until it is repealed.

§ 206. Entry into force of Act

This Act enters into force on 1 January 2005.
[RT I, 17.05.2016, 1 – entry into force 13.06.2016]

[1]Directive 2002/58/EC of the European Parliament and of the Council of concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications) (OJ L 201, 31.7.2002, p. 37–47), amended by Directive 2006/24/EC (OJ L 105, 13.4.2006, p. 54–63) and Directive 2009/136/EC (OJ L 337, 18.12.2009, p. 11–36); Commission Directive 2002/77/EC on competition in the markets for electronic communications networks and services (OJ L 249, 17.9.2002, p. 21–26); Commission Directive 2008/63/EC on competition in the markets in telecommunications terminal equipment (OJ L 162, 21.6.2008, p. 20-26); Directive 2014/53/EU of the European Parliament and of the Council on the harmonisation of the laws of the Member States relating to the making available on the market of radio equipment and repealing Directive 1999/5/EC (OJ L 153, 22.5.2014, p. 62–106), amended by Regulation (EU) 2018/1139 (OJ L 212, 22.8.2018, p. 1–122); Directive (EU) 2018/1972 of the European Parliament and of the Council establishing the European Electronic Communications Code (OJ L 321, 17.12.2018, p. 36–214).
[RT I, 15.12.2021, 1 – entry into force 01.02.2022]