



**Republika e Kosovës**  
**Republika Kosova-Republic of Kosovo**



**Autoriteti Rregullator i Telekomunikacionit**  
**Telecommunications Regulatory Authority**  
**Regulativni Autoritet Telekomunikacije**

**No. Prot. 012/B/11**

**REGULATION**  
**for**  
**The Provision of Access**

This Regulation is issued based on the Section 1, point 2, Sections 53, 56, 57, of the Law on Telecommunications No.2002/7, and as amended Law on Telecommunications No. 03/L-085 (hereinafter referred to as the Law), point (3.8.4) of the document Telecommunications Sector Policy date 13.06.2007, action plan for European partnership, taking into account Directive 2002/19/EC of the European Parliament and of the Council of 7 March 2002 on access to, and interconnection of, electronic communications networks and associated facilities (the Access Directive).

**Article 1**  
**Scope and aim**

- 1.1. The Regulation for the Provision of Access (hereinafter referred to as the Regulation) shall establish the conditions for publication of the reference offer to provide access and the associated services (hereinafter referred to as reference offer), the requirements for the content of the reference offer, the procedure and conditions for provision of access and the associated services specified in the reference offer and information.
- 1.2. This Regulation seek to ensure that undertakings should not be discriminated and should have equal opportunities under fair, objective and transparent conditions to gain access.

- 1.3. This Regulation shall be applicable in regard to the undertakings, which, according to the procedure, established by legal acts are held undertakings, holding significant power on the corresponding market and which are to execute the obligations, established in Section 57 of the Law.
- 1.4. All the documents, furnished to the Telecommunications Regulatory Authority (Hereinafter referred to as the TRA) shall be submitted according to the procedure, prescribed by the present Regulation shall be in compliance of the requirements, procedures and conditions, prescribed by the Regulation for Submission of Documents to the TRA.

## **Article 2**

### **Definitions**

For the purpose of this regulation:

- 2.1. The meaning or the definition of each word, phrase or term according to the law on Telecommunications will be also applicable for that word, phrase or term in this regulation.
- 2.2. Terms and phrases which follow will have this meaning:

**Location of common use;** means the service on provision of location and technical conditions, provided for appropriate housing of the equipment of the beneficiary and connection of the equipment to the corresponding equipment of the operator according to the requirements, provided in Article 7 of this Regulation.

**Physical Co- location means;** a location of common use, existing in the premises, in which the network element, to which access is granted, is installed.

**Beneficiary;** means an undertaking which has applied in writing in regard to provision of the information, mentioned in paragraph 8.4 and/or 8.7 of this Regulation and/or access and/or a location of common use.

**Remote location of common use;** means a location of common use, which is located not in the premises of installation of the network element, to which access is granted.

**Operator;** means an undertaking providing or authorized to provide a public telecommunications network or an associated facility.

**Virtual location of common use;** means a location of common use, at which the corresponding equipment of the Beneficiary is installed in the same distribution frame nearby a network element, to which access is granted, operated by the Operator.

**Connecting cable;** means the cable, used for connection of the equipment of the Operator with the equipment of the Beneficiary.

**External connecting cable;** means the connecting cable, used for connection of the corresponding inlet point joint of the Operator with the equipment of the Beneficiary, in case of a remote location of common use.

**Undertaking;** a natural or legal person or a group of persons linked by virtue of control or dependency who is engaged in a telecommunications activity in the Republic of Kosovo.

**Reference Offer;** the conditions made public by an operator, under which he makes a commitment to provide access to any undertaking requesting such access.

### **Article 3**

#### **The conditions for publication of the Reference Offer**

- 3.1. The Operator shall, not later than within the time period of 3 months from the date of decision of the TRA Board, by which decision the Operator is held an undertaking, holding significant power on the corresponding market and to which (apart from other obligations) the obligation of transparency is set:
  - 3.1.1. Submit to the TRA the draft reference offer, compliant with the requirements, established in Section 4 of this Regulation for approval;
  - 3.1.2. Within 30 days from the date of the receipt of the draft referent offer, the TRA shall review and approve the referent offer or shall require the Operator to introduce changes applying *mutatis mutandis* the procedure established in paragraph 3.2 of this article;

- 3.1.3. Publish the approved referent offer on its Internet website. In case the Operator does not have an Internet website, the Operator shall ensure that the reference offer is publicly and free-of-charge accessible to any person.
- 3.2. The TRA shall have the right to require the Operator, within the time period, established by the TRA to amend the conditions of the reference offer, including the prices, in case the conditions fail to comply with the requirements, prescribed by the Law, this Regulation and other legal acts.
- 3.3. The Operator shall continuously update the reference offer, in case of any technologic and/or market changes.
- 3.4. The Operator shall keep the TRA informed on any amendment of the reference offer, planned by the initiative of the Operator and present the amended reference offer to the TRA according to the procedure established in the article 3 of this Regulation, as well as the table of planned amendments, specifying the amended and/or supplemented and/or cancelled paragraphs of the reference offer.
- 3.5. Upon entering into force of the updated reference offer the Operator shall, at the request of the undertaking to which access has already been provided update the conditions for granting the access according to the valid reference offer.

#### **Article 4**

##### **The requirements for the content of the reference offer**

- 4.1. The Operator shall grant and specify the following in the reference offer:
- 4.1.1. In consideration of the established obligations:
- a) Information about access to specific elements of the network and (or) facilities;
  - b) Information about physical sites of access, access to premises and the telecommunications infrastructure;

- c) Technical conditions related to access, including technical characteristics of access;
- 4.2. Other associated services necessary to ensure the provision of electronic communications services to the users via the access, provided to the Beneficiary;
  - 4.3. Conditions for use of the electronic communications infrastructure of the Operator (cables, channels, towers, masts, etc.), related with provision of access;
  - 4.4. Services, associated with provision of a location of common use, including:
    - 4.4.1. Conditions for provision of physical, remote and virtual location of common use;
    - 4.4.2. Requirements for safety of locations of common use, established by the Operator and the means for ensuring of the said requirements;
    - 4.4.3. Conditions, according to which the Beneficiary shall have the possibility to survey the locations, at which its equipment shall be housed;
    - 4.4.4. Technical parameters, characteristics and restrictions, if available of the equipment, which can be installed at a location of common use;
    - 4.4.5. Conditions of access of employees of the Beneficiary to a corresponding location of common use;
    - 4.4.6. Rules for distribution of the space in a location of common use between beneficiaries in case the area of the location of common use is limited. The rules shall foresee the possibility to use one location of common use for several beneficiaries;
    - 4.4.7. Conditions, according to which the beneficiary shall have the possibility to survey the locations of common use, the request in regard to which has been rejected;
  - 4.5. Information on access to the operational support systems;
  - 4.6. Information on the technical interfaces, protocols and other technologies, necessary for ensuring the compatibility of the services, provided via the granted access;

- 4.7. Conditions, in which the point of access, in case of a wish of the Beneficiary, can be connected to the network, operated by the Beneficiary via radio frequencies;
- 4.8. Restrictions, if they are applied to equipment, which several operators may place in the same site;
- 4.9. Management of data traffic of the Beneficiary;
- 4.10. Access quality parameters;
- 4.11. Measures ensuring integrity and security of the network of the Operator;
- 4.12. Standards, necessary for granting of access;
- 4.13. The conditions and procedure for provision of each service, specified in paragraphs 4.1.1.-4.7. of this Regulation, including:
  - a) Standard form of request regard provision of each service (hereinafter referred to as the Request);
  - b) Time period for response to a Request;
  - c) Time period for delivery of services and equipment;
  - d) The maximum time period for elimination of faults;
  - e) Service level agreements, in case the Operator offers any, including the procedure, applicable in case the ordinary service level is recommenced;
  - f) Standard conditions of access provision agreement, the procedure for indemnification in case the response to a Request to provide a certain service is delayed, the standard form of confidentiality commitment, including the provision of the fault repair;
- 4.14. Prices of each service (including the initial connection fee, periodical fees and other fees, in case the prices are differentiated, the fact shall be specified) and/or prices calculation formulas (algorithms), the time periods and conditions for payment.
- 4.15. Specific requirements for the content of the reference offer to grant Unbundled access to a local loop shall be set by the Operator, Obligated to provide unbundled access to local loop in Article 3 of the Conditions for Publication of the reference offer (hereinafter referred to as the Description).

## Article 5

### The Procedure and Conditions for Provision of Services and Information

- 5.1. The Operator can refuse to grant access to the Beneficiary only on the basis of objective criteria, such as technical feasibility or the need to maintain network integrity. The burden of substantiation of impossibility to provide a specific service shall be borne by the Operator.
- 5.2. The Operator shall not limit the Beneficiary's possibilities to provide services to other undertakings by using the granted access.
- 5.3. Where the Operator refuses to provide the services, specified in a reference offer to the Beneficiary, motivating such refusal by lack of technical feasibilities, the Operator shall present to the Beneficiary a comprehensive explanation of the reasons for refusal and specify the exact time period, upon expiry of which the Request shall be satisfied. In cases where the Operator refuses to provide the services, specified in a reference offer to the Beneficiary due to other criteria, mentioned in Paragraph 5.1 of this Regulation, the Operator shall additionally specify the conditions to be satisfied by the Beneficiary in order for the Operator to be able to satisfy the Request. In each case, specified in the present Paragraph the Operator, when presenting the explanations to the Beneficiary shall submit copies of such explanation to the TRA.
- 5.4. In case any of the services, specified in the reference offer is delayed to be provided by the Operator not due to the fault on behalf of the Beneficiary, the Operator shall inform the Beneficiary on the issue immediately, by presenting a comprehensive explanation on the reasons for such a delay and specifying the exact period of time, upon expiry of which the Operator shall deliver the delayed service to the Beneficiary.
- 5.5. When providing the services specified in the reference offer, the Operator shall not apply any restrictions to the network elements, used for provision of the services, which have not been established in the applicable standards and technical characteristics, submitted by the Operator, including the restrictions for interconnection and connection of elements with public electronic communication networks.

- 5.6. The operator must, not later than within the time period of 6 months from the date of publication of the reference offer create the possibility for the Beneficiary to present requests and receive the information, related with the Requests, supervision of services and elimination of faults by electronic means.
- 5.7. The conditions of the reference offer shall not limit the duration of provision of services, established in the reference offer. Provision of a service, mentioned in the reference offer can be suspended or terminated unilaterally in the following cases:
- a) The Beneficiary refuses the provided services;
  - b) The time period of operation of the network element, to which access is provided to the Beneficiary and the Operator informs the Beneficiary on the issue, as prescribed in Paragraph 9.3 of this Regulation;
  - c) The Operator infringes essential conditions of the access provision agreement;
- 5.8. The Operator and the Beneficiary shall immediately inform each other and the TRA in case of interruption of operation of the interconnected electronic communication networks in cases of force majeure and emergency situations.

## **Article 6**

### **Special Conditions for Provision of Services, Specified in a Reference Offer**

- 6.1. Special conditions for provision of the services, specified in a reference offer to provide unbundled access local loop are established in Special Regulation for LLU.

## **Article 7**

### **Location of Common Use Services and the General Provision and Conditions for Provision of the said Services and the Associated Facilities**

Location of Common Use Services and the General Provision and Conditions for Provision



- 7.1. The Operator shall provide the Beneficiary the possibility to install the equipment, necessary for provision of the services, mentioned in the reference offer in a location of common use.
- 7.2. The Operator shall offer all the ways for implementation of a location of common use, specified in Paragraphs 7.5, 7.6 and 7.10 of this Regulation at each point within the network, to which access can be provided.
- 7.3. The Operator shall provide a virtual location of common use in case the Operator does not have technical feasibilities to allocate that physical location of common use, in regard to which the Beneficiary has submitted a Request. In case of a virtual location of common use the installation and supervision of all the equipment of the Beneficiary shall be executed by the staff of the Operator.
- 7.4. The Operator shall allocate a physical location of common use in its premises, in which the network element, to which access is provided is installed according to the following priority:
  - 7.4.1. Without installation of partitions or other protective structures;
  - 7.4.2. The Beneficiary or the Operator, on behalf of the Beneficiary installs a partition or another protective structure.
- 7.5. The Operator shall allocate a remote location of common use in its premises according to the following priority:
  - 7.5.1. In a special room, however in a room, different from that of installation of the main or intermediate distribution frame;
  - 7.5.2. In non-equipped rooms of the Operator, the installation is performed by the Operator at the expense of the Beneficiary or by the Beneficiary at its own expense by equipping or adapting the rooms. Where the Operator refuses to execute the aforementioned works, the Operator shall allow the Beneficiary to execute the works.
- 7.6. Where the Beneficiary installs a location of common use in its own premises, the Operator shall:
  - 7.6.1. Offer an external connecting cable. In case the Beneficiary decides to purchase the service from another operator or lay the cable itself, the

Operator shall inform the Beneficiary on the possibility to use its cable ducts and other associated facilities;

- 7.6.2. Offer a possibility to install an antenna system for connection of the access point with the network, operated by the Beneficiary by way of radio communication.
- 7.7. In case the location of common use in the access point, selected by the Beneficiary is installed in the ways, mentioned in Paragraph 7.4.2. Or 7.5.2. of this Regulation, the Operator shall:
- 7.7.1. Not later than within the time period of 15 business days from the date of receipt of the Request, in the cases, mentioned in paragraphs 7.4.2. And 7.5.2. of the present Regulation, prepare and present to the Beneficiary the estimation of the costs of the works, necessary for installation of a location of common use;
- 7.7.2. Not later than within the time period of 36 business days in the case, mentioned in Paragraph 7.2. of this Regulation or not later than within the time period of 60 business days in the case, mentioned in Paragraph 7.5.2. of this Regulation from the moment of the Beneficiary's consent with the estimation, presented by the Operator, fully equip the location of common use.
- 7.8. In case a location of common use in a specific premises of common use, installed at the expense of the Beneficiary in the ways, mentioned in paragraphs 7.4.2 and 7.5.2. of this Regulation is granted to another Beneficiary, the Operator shall establish the rules for indemnification of the expenses, incurred with regard to equipment of the location of common use to the former Beneficiary, for the purpose of distribution of all the expenses, related with execution of the aforementioned works in proportion among all the Beneficiaries according to the occupied area of the location of common use.
- 7.9. A virtual location of common use shall be in all cases provided in the premises of the Operator without installation of partitions or other protective structures, in case no other agreement is reached between the Operator and the Beneficiary in this regard.
- 7.10. In all the cases, with the exception of those mentioned in paragraphs 7.4.2 and 7.5.2 of this Regulation the Operator shall provide a location of common use

within the time period no shorter than 15 business days from the date of signing of the agreement on access provision.

- 7.11. The Beneficiary can use the provided location of common use for receiving of access services of different types. The allocated location of common use can be used for interconnection of beneficiaries' networks.

## **Article 8**

### **Procedure, Scope and Conditions for Provision of Information**

- 8.1. The Operator and the Beneficiary shall, not later than within the time period of 5 five business days from the date of submission of the request, sign the confidentiality commitment of the standard form, mentioned in Paragraph 4.13.a) of this Regulation, in case no other agreement is reached between the Operator and the Beneficiary in this regard.
- 8.2. The Operator, upon signing the confidentiality commitment, mentioned in this paragraph of this Regulation, in case no other agreement is reached between the Operator and the Beneficiary in this regard, shall, without any additional conditions and restrictions, provide the Beneficiary the information, mentioned in paragraphs 8.3 and 8.6 of this Regulation, without prejudice of the time periods, established in paragraphs 8.4 and 8.7 of this Regulation.
- 8.3. The Operator, when providing the Beneficiary the general information on the operated network, shall present a detailed list of all its network elements, to which access can be provided, specifying the following in regard to each network element:
- 8.3.1 the address, specifying the following:
- a) the name of the inhabited locality;
  - b) the name of the street;
  - c) the number of the plot of land, building or complex of buildings on the street or in the inhabited locality;
  - d) the number of housing or uninhabited premises in the building;
  - e) the zip code, if available;
- 8.3.2 The topology of the operated network, to which access is provided;
- 8.3.3 The territory, serviced by the network element;

- 8.3.4 The dates of expiry of time periods of operation of the network element and its composite parts;
  - 8.3.5 The area of the premises, in which the network element, to which access is provided, is installed in square meters and technical description of the premises;
  - 8.3.6 The possibilities to provide and/or install a physical and/or remote and/or virtual location of common use in the premises, mentioned in Paragraph 8.3.5 of this Regulation in the specified premises or in nearby premises.
- 8.4. The Operator shall present all the general information, mentioned in Paragraph 8.3 of This Regulation in a secure website, the access to which shall be implemented via an encrypted channel. The access to a secure website shall be granted to the Beneficiary immediately upon signing of the confidentiality commitment of a standard form, mentioned in Paragraph 4.13.f) of this Regulation, in case no other agreement is reached between the Operator and the Beneficiary in this regard.
- 8.5. The Operator shall ensure provision of the general information, specified in Paragraph 8.4 of this Regulation from the date of publication of the reference offer. The Operator shall update the information in the way ensuring that the information reflects the existing network capacities and possibility to provide the services, specified in the reference offer.
- 8.6. The Operator, when providing the Beneficiary with the detailed information on the characteristics of the specific network element, to which access is provided shall specify the following:
- 8.6.1. Electric and physical characteristics;
  - 8.6.2. Transmission characteristics;
  - 8.6.3. Technical and quality parameters, and in case of provision of access to a twisted metallic pair local loop, additional results of measurements of the corresponding technical and quality parameters;
  - 8.6.4. Characteristics of the used signaling;

- 8.6.5. All the disadvantages of the network element, to which the Beneficiary requests to provide access, which the Operator is aware of;
- 8.6.6. Information on the possible connection capacities.
- 8.7. The Operator shall present the detailed information, mentioned in Paragraph 8.6 of this Regulation and other information, related with the provision of the services, in the reference offer to the Beneficiary not later than within the time period of 10 business days from the date of receipt of the request to provide the information.
- 8.8. Upon commencement of the negotiations with regard to provision of the services, specified in the reference offer, the Operator shall provide the Beneficiary with all the information, related with the services not later than within the time period of 5 business days from the date of receipt of the request to provide the information.
- 8.9. The special requirements for the scope of information, related with the provision of the services, specified in the reference offer to provide unbundled access to a local loop for provision of the specified services are established in the Article 8 of this Regulation.

## **Article 9**

### **The Conditions for Maintenance of Provision and Elimination of Faults of the Services, Specified in the Reference Offer**

- 9.1. The Operator, upon delivering the services, specified in the reference offer to the Beneficiary shall perform maintenance of the network elements, to which access is provided and eliminate faults.
- 9.2. The Operator, when providing the services, specified in the reference offer to the Beneficiary, shall inform the Beneficiary in advance on the planned network maintenance or other works in the network of the Operator, able to have impact to the quality of the services, provided by the Beneficiary by granting the Beneficiary the possibility to respond and inform its users.
- 9.3. The Operator shall inform the Beneficiary on the expiry of time periods of operation of each network element, to which access is provided and the composite parts of the network elements, mentioned in Paragraph 8.3.4 of these

Rules in writing not later than 36 months prior to the date of expiry of the corresponding operation time period.

**Article 10**  
**Final Provisions**

- 10.1. Action or omission of the TRA related to application and implementation of this Regulation may be appealed against in the procedure established by the laws that are applicable in Republic Kosovo.
- 10.2. In case no other provision is foreseen by the laws of the Republic of Kosovo in this regard the management body of the Operator shall be responsible for the timely submission of the documents and data of the Operator and other information to be provided to the TRA according to this Regulation.
- 10.3. The Operator shall be responsible for the failure to observe this Regulation according to the procedure, prescribed by the legal acts of the Republic of Kosovo.

**Article 11**  
**Entry into force and validity**

This regulation enters into force after its approval with a decision from the TRA Board and remains in force until another regulation is issued.

**Class: 01/11**  
**Reg. No.: 6**

**Prishtina,**

**11/02/2011**

**Ekrem Hoxha**  
**Chairman of the Board of TRA**

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