


On the Approval of the Rules for Provision of Universal Electronic Communications Services

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| Type: Order | Number: 1V-889 | Date: 20-09-2011 | Language: Lithuanian |
| Published in: Official Gazette Valstybės Žinios, 2011-09-24, No. 116-5495 | Status: In effect (upon execution of the conditions) in effect upon holding the following documents null and void: Resolution No. 699 of the Government of the Republic of Lithuania of 3 June, 2003; Resolution No. 1670 of the Government of the Republic of Lithuania of 23 December, 2003; Resolution No. 162 of the Government of the Republic of Lithuania of 15 February, 2006 | | |
| 20-09-2011 Adopted by: the Communications Regulatory Authority of the Republic of Lithuania | | | |
| Associated documents | | | |
| Official Word 2003 document  | | | |
| Eurovoc 4.2 terms: | | | |

ORDER
OF THE DIRECTOR OF THE COMMUNICATIONS REGULATORY AUTHORITY OF THE REPUBLIC OF
LITHUANIA

**ON THE APPROVAL OF THE RULES FOR PROVISION OF UNIVERSAL
ELECTRONIC COMMUNICATIONS SERVICES**

20 September, 2011 No. 1V-889
Vilnius

Referring to Paragraph 7 of Article 9, parts 1, 3, 4 and 8 of Article 31 of the Law on Electronic Communications of the Republic of Lithuania (Official Gazette Valstybės Žinios, 2004, No. [69-2382](#); 2011, No. [91-4327](#)) and implementing Directive 2002/22/EC of the European Parliament and of the Council of 7 March, 2002 on the universal services and users' rights relating to electronic communications networks and services (the Universal Service Directive) (OJ L 2004 *special edition*, Section 13, Volume 29, p. 367) with the amendments, effected by Directive 2009/136/EC of the European Parliament and of the Council of 25 November, 2009 (OJ 2009 L 337, p. 11), hereby I:

1. **A p p r o v e** the Rules for Provision of Universal Electronic Communications Services (attached);
2. **E s t a b l i s h** that this Order enters into effect after the Government of the Republic of Lithuania holds the following documents null and void:

2.1. Resolution No. 699 of the Government of the Republic of Lithuania of 3 June, 2003 "On the Approval of the Rules for Provision of Universal Telecommunication Services and Setting the Price Cap for Universal Telecommunication Services" (Official Gazette Valstybės Žinios, 2003, No. [55-2439](#));

2.2. Resolution No. 1670 of the Government of the Republic of Lithuania of 23 December, 2003 "On the Amending of Resolution No. 699 of the Government of the Republic of Lithuania of 3 June, 2003 "On the Approval of the Rules for Provision of Universal Telecommunication Services and Setting the Price Cap for Universal Telecommunication Services"" (Official Gazette Valstybės Žinios, 2003, No. [122-5537](#));

2.3. Resolution No. 162 of the Government of the Republic of Lithuania of 15 February, 2006 "On the Amending of Resolution No. 699 of the Government of the Republic of Lithuania of 3 June, 2003 "On the Approval of the Rules for Provision of Universal Telecommunication Services and Setting the Price Cap for Universal Telecommunication Services"" (Official Gazette Valstybės Žinios, 2006, No. [23-749](#)).

3. **O r d e r** that this Order be published in Official Gazette Valstybės Žinios.

DIRECTOR

FELIKSAS DOBROVOLSKIS

APPROVED by
Order No. 1V-889 of the Director of the
Communications Regulatory Authority of
the Republic of Lithuania of
20 September, 2011

THE RULES FOR PROVISION OF UNIVERSAL ELECTRONIC COMMUNICATIONS SERVICES

I. GENERAL PROVISIONS

1. The Rules for Provision of Universal Electronic Communications Services (hereinafter referred to as the Rules) shall establish the scope, procedure of provision, conditions and quality requirements for universal electronic communications services (hereinafter referred to as universal services), the procedure of setting of obligations to provide universal services on the providers of public electronic communications services (hereinafter referred to as providers), the obligation to provide the subscribers the possibility to receive the information on the subscribers of public telephone communication services by calling to telephone number of the telephone directory service and provide the information to the provider of universal services on the subscribers, which is necessary in order to be able to provide universal service in the appropriate manner.

2. The definitions, used for the purpose of these Rules:

Braille means the reformed Lithuanian Braille alphabet, approved by Order No. 878 of the Minister of Education and Science of 29 June, 2000 (Official Gazette Valstybės Žinios, 2000, No. [55-1620](#));

Quality of services means the universal characteristic of provision of services, which characterizes the degree of satisfaction of service user's demand for the services;

Text payphone means a payphone, used for provision of public telephone communication services and the services of communication by text messages.

Other definitions, used in these Rules shall be construed in the manner they are defined in the Law on Electronic Communications of the Republic of Lithuania (Official Gazette Valstybės Žinios, 2004, No. [69-2382](#)) and the Law on the Single Emergency Response Centre of the Republic of Lithuania (Official Gazette Valstybės Žinios, 2004, No. [90-3306](#)).

II. THE SCOPE OF UNIVERSAL SERVICES

3. The providers, obliged to provide universal services, must provide the following universal services, in case they are not individually obliged to provide one or several of the following services:

3.1. Connection to the public telecommunication network, provided at a fixed location and public telephone communication services;

3.2. Public telephone communication services, provided by public payphones or at other points of access to public telephone communication services;

3.3. The services of provision of information on subscribers of public telephone communication services;

3.4. A possibility to use universal services to service users with disability.

4. The providers, obliged to provide the universal services, listed in Paragraph 3 of these Rules, must:

4.1. Provide the connection to public communications network, provided at a fixed location and public telephone communication services:

4.1.1. According to the established technical requirements to implementation of termination points of a public communications network, provided at a fixed location, implement termination points of the public

communications network, provided at a fixed location in order to connect the terminal equipment of each user of universal services in the appropriate location, coordinated with the user of universal services;

4.1.2. Ensure that the public communications network, provided at a fixed location can be used for sending and receiving local, national and international telephone calls, fax messages and data in the capacity, ensuring an efficient Internet access, taking into consideration the technologies, used by the majority of the subscribers and the technological possibilities, and ensure no less than 144 kb per second data upstream and downstream speed rate;

4.1.3. Provide bills for the provided universal services free of charge. The degree of detail of bills is set in the Rules for Provision of Electronic Communications Services, approved by Order No. 1V-1160 of the Director of the Communications Regulatory Authority of the Republic of Lithuania (hereinafter referred to as the Communications Regulatory Authority) of 23 December, 2005 (Official Gazette Valstybės Žinios, 2005, No. [152-5627](#); 2006, No. 2);

4.1.4. In case required by the subscriber, to, free of charge or by applying cost based tariffs, provide additional details of the bills, mentioned in Paragraph 4.1.3 of these Rules and detailed bills;

4.1.5. Create the possibility for the subscriber to block calls of a certain type or calls to telephone numbers of a certain type, free of charge;

4.1.6. Ensure to the user the right to pay the charge for connection to the public telephone communications network, provided at a fixed location in installments and in advance and to pay for the public telephone communication services in advance;

4.1.7. Create for the subscribers the possibility to call to the single emergency response number 112 and/or other short telephone numbers of emergency services free of charge;

4.2. When providing public telephone communication services by public payphones or at other points of access to public telephone communication services, to:

4.2.1. Ensure the performance of the obligations, established by the Communications Regulatory Authority, guaranteeing a sufficient geographical coverage, number and /or density of public payphones;

4.2.2. Ensure that the public payphones are used for provision of the services of the scope and quality, established by the Communications Regulatory Authority;

4.3. When providing the information on the subscribers of public telephone communication services, to observe the provisions of Article 67 of the Law on Electronic Communications of the Republic of Lithuania and:

4.3.1. Ensure that all the users of universal services have access to at least one comprehensive list of subscribers of public telephone communication services, stating the name and surname of the subscriber (in case the subscriber is a legal person – the name of the legal person), the address (in case required by a natural person subscriber only a part of the address may be specified) and the telephone number; the list may be printed, provided in the electronic form on the Internet or be presented in both of the said ways;

4.3.2. In case a printed list of subscribers of public telephone communication services is formed, provide to the users of universal services the printed territorial lists against districts (the lists of the districts, specified in the Law on the Administrative Units of the Territory of the Republic of Lithuania and their Limits (Official Gazette Valstybės Žinios, 1994, No. [60-1183](#)), stating the name and surname of the subscriber (in case the subscriber is a legal person – the name of the legal person), the address (in case required by a natural person subscriber only a part of the address may be specified) and the telephone number;

4.3.3. Continuously, not less frequently than one time per year, renew the list, mentioned in Paragraph 4.3.2;

4.3.4. Ensure to all the subscribers of public telephone communication services the right to be entered on the public printed and/or electronic lists of subscribers, get familiarized with the said lists, verify them and require corrections or deletion of the subscriber data according to the procedure and on the conditions,

established in the Law on Legal Protection of Personal Data of the Republic of Lithuania (Official Gazette Valstybės Žinios, 1996, No. [63-1479](#); 2008, No. [22-804](#));

4.3.5. By using the telephone number of the service of directory of subscribers of public telephone communication services, inform the users of universal services and public payphones on the telephone numbers of all the subscribers of public telephone communication services, entered into the public printed and/or electronic lists of subscribers;

4.3.6. Continuously, not less frequently than one time per week, update and further handle the information, provided by the Service of information on the subscribers of public telephone communication services according to the procedure and conditions, prescribed by the Law on Legal Protection of Personal Data of the Republic of Lithuania and the electronic list of subscribers of public telephone communication services on the Internet, in case such a list is available;

4.3.7. In case the aim of public list of subscribers is more than provision of the possibility to search the subscribers' contact data against their names/surnames, ensure that the personal data are included into the list only upon receiving the consent from the subscriber in question;

4.4. When providing public telephone communication services over public payphones or at other points of access to public telephone communication services to service users with disability, ensure the observance of the requirements for provision of such services, established by the Communications Regulatory Authority;

4.5. To a blind or partially sighted subscriber of universal services, in case calls are made from the telephone communication line, registered to his/her name:

4.5.1. Provide information on the content of bills for universal services by telephone free of charge;

4.5.2. Provide information on telephone numbers of subscribers of public telephone communication services by telephone free of charge.

5. When providing additional services, the providers, designated to provide universal services, shall, apart of the services, specified in Paragraph 3 of these Rules establish the conditions and requirements, ensuring that users of universal services do not need to pay for the means and services, not necessary for the requested universal services, and the universal services, provided to the disabled are not more expensive than similar services, provided to other users of universal services.

6. The providers, designated to provide universal services, together with bills shall, to a blind or partially sighted subscriber of universal services – in Braille and/or by telephone and to a deaf or partially hearing subscriber of universal services – in writing, present the updated information on the conditions for provision of universal services, the possibilities to make calls to single emergency response number 112 and/or short telephone numbers of other emergency services.

7. All the providers of public telephone communication services shall ensure to their subscribers the possibility to receive the information on telephone numbers of all subscribers of public telephone communication services, entered into the public printed and/or electronic lists of subscribers by dialing the telephone number of the directory service, providing information on all the subscribers of public telephone communication services at the prices, not exceeding the price cap for universal services.

8. All the providers of public telephone communication services, allocating telephone numbers to subscribers, shall ensure to their subscribers of public telephone communications the right to be entered into the public printed and/or electronic lists of subscribers, as well as satisfy all the grounded requests from providers of universal services in a fair, cost-based and non-discriminative way according to the procedure and conditions, prescribed by the Law on Legal Protection of Personal Data of the Republic of Lithuania and receive the subscriber list information of the said providers of public telephone communication services, necessary for the purpose of execution of the obligations, established in Paragraph 4.3.1 – 4.3.5 of these Rules.

9. The providers of the services, specified in paragraphs 4.3.1 – 4.3.5 of these Rules, when processing and presenting the information of lists of subscribers, provided by other providers shall present the said information without discriminating the said providers.

III. THE PROCEDURE, CONDITIONS FOR PROVISION OF UNIVERSAL SERVICES AND THE QUALITY REQUIREMENTS

10. Provision of universal services shall be ensured to all the users of public electronic communications services on the entire territory of the Republic of Lithuania.

11. The providers, designated to provide universal services, wishing to terminate provision of universal services or a part thereof in a certain geographic area shall, 12 months prior to the date of execution of such intention, inform the Communications Regulatory Authority on the issue. The providers, designated to provide universal services due to their significant power on the market for connection to public telephone communications network, provided at a fixed location (hereinafter referred to as the market), shall execute the obligations, prescribed by these Rules, till such obligations are abolished by the Communications Regulatory Authority.

12. The providers, designated to provide universal services (providers of universal services) shall ensure that:

12.1. The users of public electronic communications services are given transparent and updated information on the prices, tariffs, applicable in regard to universal services and the conditions for usage of universal services;

12.2. Charges for the provided universal services are received without any additional fee at each populated locality, which has no less than 2000 subscribers, receiving universal services from the providers;

12.3. The quality of the provided universal services, the indicators of which are established according to the Rules for establishing of indicators of quality of public telephone communication services, provided at a fixed location and provision of data, approved by Order No. 1V-261 of the Director of the Communications Regulatory Authority of 24 February, 2006 (Official Gazette Valstybės Žinios, 2006, Nr. [27-926](#)) complies with the requirements to quality of universal services, established by the Communications Regulatory Authority;

12.4. Prices, not dependent on the geographic location of the user and not exceeding the price cap, set for universal services shall be applicable in regard to universal services.

13. The general principles for regulation of the prices of electronic communications services, foreseen in articles 23, 31, 32 and 34 of the Law on Electronic Communications of the Republic of Lithuania shall be applicable in regard to the prices of universal services.

IV. THE PROCEDURE AND CASES OF PROVIDERS' DESIGNATION TO PROVIDE THE UNIVERSAL SERVICES

14. The providers, recognized as holding significant power on the market according to the procedure, established by legal acts, shall, starting from the date of their recognition as holding significant market power, provide the universal services. In case more than one provider is recognized as holding significant market power, the Communications Regulatory Authority shall, upon hearing the motives of the said providers, decide on the extent of provision of the universal services or composite parts thereof by the providers.

15. Providers shall have the right to apply to the Communications Regulatory Authority with regard to their designation as providers of universal services or composite parts thereof.

16. Not less frequently than one time per year the Communications Regulatory Authority shall:

16.1. Publish proposals to providers to express their wish to provide the universal services without any compensation in the Information Supplement to Official Gazette Valstybės Žinios;

16.2. Perform the analysis in order to identify whether the universal services, specified in these Rules, are provided on the entire territory of the Republic of Lithuania to the extent, established in Paragraph 4 of these Rules (hereinafter referred to as the analysis), as well as whether the extent, established in Paragraph 4 of these Rules corresponds to the needs of users of the universal services (including the disabled users of the service).

17. In case, within the time period of 30 days from the application, mentioned in Paragraph 15 of these Rules and/or proposal, mentioned in Paragraph 16.1 of these Rules the provider or providers, able to provide universal services, agree to provide the universal services, specified in Paragraph 3 of these Rules or parts thereof without any compensation, the Communications Regulatory Authority shall designate them as providers of the universal services or composite parts thereof and oblige them to provide the universal services or composite parts thereof.

18. In case one or more providers, in the cases, specified in paragraphs 15 and 16.1 of these Rules express the wish to provide the universal services without any compensation, the Communications Regulatory Authority shall, upon hearing the motives of the said providers, decide on the appointment to or distribution of the designation to provide the universal services or composite part thereof among the providers.

19. Providers of the universal services, upon notifying the Communications Regulatory Authority, shall have the right to conclude agreements on provision of the universal services with other undertakings. In this case providers of the universal services shall be held responsible for observance of the requirements, provided by these Rules.

20. The Communications Regulatory Authority, when performing the analysis and designating providers to provide the universal services or abolishing the said designation shall act in observance of the principles of regulation of electronic communications activities, prescribed by the Law on Electronic Communications of the Republic of Lithuania.

21. Upon designating one provider with provision of the universal services, the Communications Regulatory Authority can abolish the obligations of a corresponding scope, established in regard to other providers by request of such providers.

22. In case the Communications Regulatory Authority establishes that provision of the universal services or composite parts thereof is ensured by an electronic communications services market, which has formed on a competitive basis, the Communications Regulatory Authority shall have the right to abolish the obligations to provide the universal services to the providers of the universal services on a part of or the entire territory of the Republic of Lithuania. Prior to abrogation of the obligations the Communications Regulatory Authority shall arrange public consultation according to Part 2 of Article 11 of the Law on Electronic Communications of the Republic of Lithuania.

23. The Communications Regulatory Authority, when examining whether a provider of the universal services executes the designated obligations, shall have the right, at the expense of the provider of the universal services to order an independent investigation and/or audit of accuracy and comparability of the data on the activities of the provider of the universal services. Such an independent investigation and/or audit can be ordered at the expense of the provider of the universal services not more frequently than one time per calendar year, with the exception of the cases where the Communications Regulatory Authority has reasons to believe that the provider of the universal services has violated legal acts or in case the provider wishes to receive the indemnification of losses, incurred when providing the universal services. An auditor or audit company shall be selected by way of tender. The conditions and procedure for the tender shall be established by the Communications Regulatory Authority.

V. ENSURING OF PROVISION OF ACCESS TO THE PUBLIC COMMUNICATIONS NETWORK, PROVIDED AT A FIXED LOCATION

24. In case the provider of universal services plans to transfer the title of ownership to all or a large part of its assets, relating to access to the public communications network, provided at a fixed location to another undertaking, the provider shall, in advance, not later than 3 months prior to the foreseen date of the transaction, notify the Communications Regulatory Authority in order for it to be able to evaluate the influence of the foreseen transaction on the provision of access to the public communications network, provided at a fixed location and public telephone communication services.

25. A provider of universal services, who, according to the procedure, established in Paragraph 24 of the Rules, notifies on its plans to transfer the title of ownership to all or a large part of its assets, relating to access to the public communications network, provided at a fixed location to another undertaking according to the procedure, established in Paragraph 24 of the Rules, shall provide to the Communications Regulatory Authority the following information, relating to such transfer, including the draft of the planned transaction, if available:

25.1. The characterization of the transferred property, in case the provider of universal services transfers a large part of the assets, relating to access to the public communications network, provided at a fixed location, specifying the number of lines, planned to be transferred to another undertaking;

25.2. The data of the undertaking, to whom the provider intends to transfer the title of ownership to all or a large part of its assets, relating to access to the public communications network, provided at a fixed location (the name of the enterprise or the name and surname; the registration number in the register of legal entities and the number of payer of the value added tax (in case the undertaking is a payer of the value added tax), the address of the headquarters of the undertaking/the address of the natural person, the telephone number, the fax number and electronic mail address;

25.3. The nature of the relation with the person, to whom the provider intends to transfer the title of ownership to all or a large part of its assets, relating to access to the public communications network, provided at a fixed location;

25.4. The forecast of the influence of the transfer of the title of ownership to all or a large part of the provider's assets, relating to access to the public communications network, provided at a fixed location, to another undertaking on the provision of the universal services;

25.5. Other information.

26. In case the Communications Regulatory Authority does not receive all the information, mentioned in Paragraph 25 of these Rules, the Communications Regulatory Authority shall have the right to set to the provider of the universal services the time period of 14 days in order to provide the missing information.

27. The Communications Regulatory Authority, upon receiving all the information, stated in Paragraph 25 of these Rules and upon evaluating it within the time period, specified in Paragraph 24 of these Rules, shall have the right to make the decision to commence the market analysis according to the procedure and on the conditions, established in Article 16 of the Law on Electronic Communications of the Republic of Lithuania and in the Rules for Market Analysis, approved by Order No. 1V-297 of the Director of the Communications Regulatory Authority of the Republic of Lithuania of 17 September, 2004 (Official Gazette Valstybės Žinios, 2004, No. [141-5174](#)).

VI. FINAL PROVISIONS

28. All the documents, provided to the Communications Regulatory Authority according to these Rules, must be compliant with the requirements, set in the Rules for Provision of Documents to the Communications Regulatory Authority of the Republic of Lithuania, approved by Order No. 1V-292 of the

Director of the Communications Regulatory Authority of the Republic of Lithuania of 16 September, 2004 (Official Gazette Valstybės Žinios, No. [141-5171](#); 2005, No. [73-2675](#)).

29. The Communications Regulatory Authority shall, each year, till 1 May, publish annual reports on provision of the universal services and price changes in the Information Supplement to the Official Gazette Valstybės Žinios and on its website.

30. The provider of the universal services shall be liable for the failure to observe these Rules according to the procedure, established by legal acts.
