Text consolidated by Valsts valodas centrs (State Language Centre) with amending decisions of:

20 December 2018 [shall come into force from 1 January 2019].

If a whole or part of a paragraph has been amended, the date of the amending regulation appears in square brackets at the end of the paragraph. If a whole paragraph or sub-paragraph has been deleted, the date of the deletion appears in square brackets beside the deleted paragraph or sub-paragraph.

Decision No. 1/32 of the Board of the Public Utilities Commission

Adopted 30 November 2017

**Regulations Regarding the Registration of Electronic Communications Merchants and the List of Electronic Communications Networks and Services**

*Issued pursuant to*

*Section 32, Paragraph one and Section 33, Paragraph one of the Electronic Communications Law, and Section 25, Paragraph one of the law On Regulators of Public Utilities*

1. Regulations regarding the registration of electronic communications merchants and the list of electronic communications networks and services (hereinafter – the Regulation) determines the list of electronic communications networks and electronic communications services prior to commencing the ensuring and provision of which the merchant shall send a notification on registration to the Public Utilities Commission (hereinafter – the Regulator), and prescribes the procedures by which an electronic communications merchant shall send a notification on registration or a notification on the termination of activities of an electronic communications merchant to the Regulator.

2. The following terms are used in this Regulation:

2.1. **voice telephony service using a specialised software – application** – a domestic or international voice telephony service which enables a user to make and receive calls, using a terminal equipment with a specialised software or application, between the terminal equipment of such user and the terminal equipment without a specialised software or application connected to the public electronic communications network;

2.2. **data transmission service** – an electronic communications service which ensures the transmission or routing of signals within an electronic communications network and which does not include the service of public Internet access, voice telephony, electronic messages and radio or television programme distribution in public electronic communications networks;

2.3. **electronic messaging service**– an electronic communications service which enables to send and transmit SMS (Short Message Service) within an electronic communications network between the end-user termination points of electronic communications merchants of the Republic of Latvia in the territory of the Republic of Latvia;

2.4. **electronic messaging service using a specialised software – application** – an electronic messaging service which enables a user to send and receive electronic messages, using a terminal equipment with a specialised software or application, between the terminal equipment of such user and the terminal equipment without a specialised software or application connected to the public electronic communications network;

2.5. **domestic voice telephony service** – a voice telephony service which is ensured between the end-user termination points of electronic communications merchants of the Republic of Latvia in the territory of the Republic of Latvia;

2.6. **core network** – a part of the public electronic communications network in which the equipment (transmission, switching, routing, multiplexing or equivalent equipment) of the core network is connected, to which the access network is connected and which ensures connection with the electronic communications network of another operator;

2.7. **access to the core electronic communications network** – a service provided to another electronic communications merchant to access, under specific conditions, the transmission, routing, multiplexing or equivalent equipment and cables of the core network necessary for ensuring the electronic communications services, including shared use of the equipment and cables;

2.8. **access to the access electronic communications network** – a service provided to another electronic communications merchant to access, under specific conditions, the network equipment and cables necessary for ensuring the electronic communications services, including shared use of facilities and cables;

2.9. **access to associated facilities** – a service provided to another electronic communications merchant to access, under specific conditions, the physical infrastructure necessary for ensuring the electronic communications services, including a cable duct, post, distribution point, internal installation of the building, cross of shielded twisted pair and optical fibre cables or equivalent equipment, antenna masts and tower or other construction serving as antenna masts or towers, technical building or a part thereof which is intended for the placement of associated facilities or equipment;

2.10. **access network** – a part of the public electronic communications network which connects the core network with the termination point (the subscriber line and device in which the termination point is inserted is an access network component);

2.11. **broadband Internet access service** – public Internet access service with the data upload and download speed between the electronic communications network termination point and the Internet Exchange point of the Republic of Latvia of not less than 256 kilobits per second (hereinafter – kbps);

2.12. **public payphone service** – an electronic communications service provided by the electronic communications merchant for payment (for example, with coins, pre-paid card, credit card etc.), using the electronic communications equipment installed in public areas;

2.13. **premium rate electronic messaging service** – an electronic communications service provided through the use of a short code and ensuring the sending and receipt of SMS (Short Message Service) within an electronic communications network between the end-user termination points of electronic communications merchants of the Republic of Latvia in the territory of the Republic of Latvia for an increased fee;

2.14. **radio or television programme transmission service in public electronic communications networks** – a public electronic communications service which ensures the transmission of radio or television programme signals to users through the use of a public electronic communications network;

2.14.1 **radio or television programme transmission service using a specialised software – application**– a radio or television programme transmission service providing a user access to radio or television programmes through the use a terminal equipment with a specialised software or application;

2.15. **radio trunking service** – an electronic communications service for a limited group of users where the sharing of radio frequency channels is used for voice and data transmission and where the transmission and reception of signals is mainly taking place in a simplex mode and the method specified in the recommendation of the International Telecommunications Union ITU-T E.164 is not used for the identification of terminal equipment;

2.16. **international voice telephony service** – a voice telephony service provided from the termination point of the end-user of an electronic communications merchant of the Republic of Latvia in the territory of the Republic of Latvia to the termination point of the end-user of a foreign electronic communications merchant outside the territory of the Republic of Latvia;

2.17. **machine to machine communications** – data transmission service for communication between devices (in cars, meters, electronic devices, navigation devices, etc.) or applications with partly or wholly automated data and information transmission;

2.18. **narrowband Internet access service** – public Internet access service with the data upload and download speed between the electronic communications network termination point and the Internet Exchange point of the Republic of Latvia of up to 256 kbps;

2.19. **roaming service** – an electronic communications service which ensures the receipt of electronic communications services, including making and receipt of calls, sending and receipt of electronic messages, data transmission and Internet access using the terminal equipment with a possibility to identify the user when the user registers in the mobile electronic communications network of a foreign operator, and also when a user of foreign operator or another operator of the Republic of Latvia registers in the mobile electronic communications network of the Republic of Latvia;

2.20. **virtual mobile electronic communications network**– a mobile communications network partially or completely ensured by another electronic communications merchant for the provision of electronic communications services;

2.21. **virtual mobile operator**–an electronic communications merchant which uses a virtual mobile electronic communications network for the provision of electronic communications services by exercising the right of use to the assigned or sub-assigned numbering.

*[20 December 2018]*

3. The list of electronic communications networks prior to ensuring of which the merchant shall send the Regulator the notification on merchant registration (Annex 1):

3.1. ensuring of a fixed electronic communications network for the provision of electronic communications services;

3.2. ensuring of a mobile electronic communications network for the provision of electronic communications services.

4. Electronic communications services within a fixed or mobile electronic communications network, including a virtual mobile electronic communications network, prior to commencing the provision of which the merchant shall send the Regulator the notification on merchant registration (Annex 1):

4.1. voice telephony service:

4.1.1. domestic voice telephony service;

4.1.2. international voice telephony service, voice telephony roaming service;

4.1.3. voice telephony service using a specialised software – an application;

4.1.4. radio trunking service;

4.2. public payphone service;

4.3. public transmission service of data and electronic messages:

4.3.1. data transmission service;

4.3.2. electronic messaging service;

4.3.3. electronic messaging service using a specialised software – an application;

4.3.4. premium rate electronic messaging service;

4.3.5. data transmission roaming service;

4.3.6. electronic messaging roaming service;

4.3.7. machine to machine communications5;

4.4. leased line service;

4.5. public Internet access service;

4.5.1. narrowband Internet access service;

4.5.2. broadband Internet access service;

4.5.3. Internet access roaming service;

4.6. radio or television programme transmission service;

4.7. access services:

4.7.1. access to the core electronic communications network;

4.7.2. access to the access electronic communications network;

4.7.3. access to associated facilities;

4.7.4. bitstream access;

4.8. interconnection service.

*[20 December 2018]*

5. The merchant has the right to ensure the electronic communications network referred to in Paragraph 3 of this Regulation for the provision of electronic communications services in the territory of the Republic of Latvia or to provide the electronic communications service referred to in Paragraph 4 of this Regulation to users in the territory of the Republic of Latvia, if such merchant has sent the notification on merchant registration (Annex 1) to the Regulator.

6. The Regulator shall ensure public access to the list of electronic communications merchants on the website of the Regulator www.sprk.gov.lv.

7. The merchant shall submit information regarding the provided electronic communications services and electronic communications networks used for the provision of services (Annex 3) in the following cases:

7.1. upon commencing the provision of electronic communications services laid down in Paragraph 4 of this Regulation;

7.2. upon terminating the provision of any of the electronic communications services laid down in Paragraph 4 of this Regulation;

7.3. upon a request of the Regulator within the time period specified by it.

8. The electronic communications merchant shall submit the notification on the termination of activities of an electronic communications merchant (Annex 2) to the Regulator not later than 30 days before the ensuring of electronic communications networks and provision of electronic communications services is terminated for all users, indicating the date of termination.

*[20 December 2018]*

9. The Regulator has the right to request the merchant to clarify the information included in the notification on merchant registration (Annex 1) and notification on the termination of activities of an electronic communications merchant (Annex 2).

10. The Regulator shall exclude the electronic communications merchant from the list of electronic communications merchants in the following cases:

10.1. after receipt of a written notification from the electronic communications merchant, if the merchant has paid the State fee for the regulation of public utilities and submitted information associated with the calculation of the State fee to the Regulator;

10.2. the activity of the electronic communications merchant has been suspended on the basis of an entry in the Commercial Register;

10.3. the electronic communications merchant has been excluded from the Commercial Register;

10.4. the operation in the provision of electronic communications services and ensuring of electronic communications network has been suspended and the electronic communications merchant has been deprived of the right to provide electronic communications services and ensure electronic communications networks by the decision of the Regulator.

11. The Regulator shall publish on the website www.sprk.gov.lv information regarding the merchant for which the operation in the provision of electronic communications services and ensuring of electronic communications network has been suspended and which has been deprived of the right to provide electronic communications services and ensure electronic communications networks by the decision of the Regulator.

12. The merchants registered in the list of electronic communications services until the day of coming into force of this Regulation shall submit, by 1 February 2018, information to the Regulator regarding the services provided and electronic communications networks used for the provision of the service (Annex 3).

13. Decision No. 1/9 of the Public Utilities Commission of 4 June 2015, Regulations Regarding Registration of Electronic Communications Merchants and the List of Electronic Communications Networks and Services (Latvijas Vēstnesis, 2015, No. 113), is repealed.

14. This Regulation shall come into force on 1 January 2018.

**Informative Reference to European Union Directive**

This Regulation contains legal norms arising from the following European Union Directives:

1) Directive 2002/20/EC of the European Parliament and of the Council of 7 March 2002 on the authorisation of electronic communications networks and services (Authorisation Directive);

2) Directive 2009/140/EC of the European Parliament and of the Council of 25 November 2009 amending Directives 2002/21/EC on a common regulatory framework for electronic communications networks and services, 2002/19/EC on access to, and interconnection of, electronic communications networks and associated facilities, and 2002/20/EC on the authorisation of electronic communications networks and services.

Chair of the Board of the Public Utilities Commission R. Irklis

**Annex 1**

Decision No. 1/32 of the Board of the Public Utilities Commission

30 November 2017

**Notification on Merchant Registration**

From the moment the notification on merchant registration is sent, the provisions of general authorisation shall be binding to the merchant.

Name of the merchant:

|  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Unified registration number |  |  |  |  |  |  |  |  |  |  |  |

Merchant’s website:

Telephone:

E-mail address:

|  |  |
| --- | --- |
|  | I agree that the Regulator shall send documents and notifications to the electronic mail address indicated in this notification on merchant registration, using the official electronic mail address of the Regulator sprk@sprk.gov.lv, in accordance with Section 9, Paragraph two of the Law on Notification, and they shall be deemed as notified on the second working day after sending thereof. The Regulator and the merchant may also use other means of notification specified in the Law on Notification in their mutual communication. |
|  | I am informed that the information regarding the calculated State fee for the regulation of public utilities must be submitted to the Regulator in accordance with the procedures and within the time period specified by it not later than within 30 days after the notification on merchant registration has been sent. |

Date

|  |  |  |
| --- | --- | --- |
|  |  |  |
| Person entitled to represent the merchant \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |  | /signature and full name thereof/ |
|  |  |  |
| /given name, surname, telephone number of the person who prepared the document/ |  |  |

Chair of the Board of the Public Utilities Commission R. Irklis

**Annex 2**

Decision No. 1/32 of the Board of the Public Utilities Commission

30 November 2017

**Notification on the Termination of Activities of an Electronic Communications Merchant**

Name of the merchant:

|  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Unified registration number |  |  |  |  |  |  |  |  |  |  |  |

Telephone:

E-mail address:

|  |  |
| --- | --- |
|  | I certify that the end-users are informed about the termination of the electronic communications services in accordance with the procedures laid down in the laws and regulations until the notification on the termination of activities of an electronic communications merchant has been submitted to the Regulator. |
|  | I certify that at the time when the notification on the termination of activities is sent the State fee for the regulation of public utilities has been paid. |
|  | I agree that the Regulator shall send documents and notifications to the electronic mail address indicated in this notification on the termination of activities, using the official electronic mail address of the Regulator sprk@sprk.gov.lv, in accordance with Section 9, Paragraph two of the Law on Notification, and they shall be deemed as notified on the second working day after sending thereof. The Regulator and the merchant may also use other means of notification specified in the Law on Notification in their mutual communication. |
|  | I agree that on the basis of such notification on the termination of activities all the user rights to use the Regulator’s System for the Input and Processing of Merchant’s Information are revoked. |
|  | I confirm that the information provided is true and I am aware that I may be held liable, according to laws and regulations, for the provision of false information in accordance with Section 158.3 of the Latvian Administrative Violations Code. |

Date

|  |  |  |
| --- | --- | --- |
|  |  |  |
| Person entitled to represent the merchant \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |  | /signature and full name thereof/ |
|  |  |  |
| /given name, surname, telephone number of the person who prepared the document/ |  |  |

Chair of the Board of the Public Utilities Commission R. Irklis

**Annex 3**

Decision No. 1/32 of the Board of the Public Utilities Commission

30 November 2017

*[20 December 2018]*

**Information Regarding the Provided Electronic Communications Services and Electronic Communications Networks Used for the Provision of the Service**

|  |  |  |
| --- | --- | --- |
| **Name of the electronic communications merchant** |  |  |
|  |  |  |
| **Unified registration number** |  |  |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Electronic communications service** | | **Access network** | **Core network** | **Wholesale/**  **Retail** |
| **1. Voice telephony service** | | | | |
|  | 1.1. Domestic voice telephony service in a fixed electronic communications network | Own | Own | wholesale |
| Other | Other | retail |
| Name of the merchant: | Name of the merchant: | Territory\*: |
|  | 1.2. Domestic voice telephony service in a mobile electronic communications network | Own | Own | wholesale |
| Other | Other | retail |
| Name of the merchant: | Name of the merchant: | Territory\*: |
|  | 1.3. International voice telephony service in a fixed electronic communications network | Own | Own | wholesale |
| Other | Other | retail |
| Name of the merchant: | Name of the merchant: |  |
|  | 1.4. International voice telephony service in a mobile electronic communications network | Own | Own | wholesale |
| Other | Other | retail |
| Name of the merchant: | Name of the merchant: |  |
|  | 1.5. Voice telephony roaming service | Own | Own | wholesale |
| Other | Other | retail |
|  | 1.6. Voice telephony service using a specialised software – application | Own | Own | wholesale |
| Other | Other | retail |
| Type of the access network: | Name of the merchant: |  |
|  | 1.7. Radio trunking service | Own | Own | wholesale |
| Other | Other | retail |
| Name of the merchant: | Name of the merchant: | Territory\*: |
|  | **In retail, the voice telephony service is provided only to legal persons** for whom special provisions of the service level agreement are included in the agreement on electronic communications services\*\*. | | | |
|  | Resale of a voice telephony service\*\*\* | | | |
| **NOTES:** | | | | |
| **2. Public payphone service** | | | | |
|  | Public payphone service | Own | Own | retail |
| Other |  | Territory\*: |
| Name of the merchant: |  |
| **NOTES:** | | | | |
| **3. Public transmission service of data and electronic messages** | | | | |
|  | 3.1. Data transmission service in a fixed electronic communications network | Own | Own | wholesale |
| Other | Other | retail |
| Name of the merchant: | Name of the merchant: | Territory\*: |
|  | 3.2. Data transmission service in a mobile electronic communications network | Own | Own | wholesale |
| Other | Other | retail |
| Name of the merchant: | Name of the merchant: |  |
|  | 3.3. Electronic messaging service in a fixed network | Own | Own | wholesale |
| Other | Other | retail |
| Name of the merchant: | Name of the merchant: | Territory\*: |
|  | 3.4. Electronic messaging service in a mobile network | Own | Own | wholesale |
| Other | Other | retail |
| Name of the merchant: | Name of the merchant: | Territory\*: |
|  | 3.5. Electronic messaging service using a specialised software – application | Own | Own | wholesale |
| Other | Other | retail |
| Type of the access network: | Name of the merchant: |  |
|  | 3.6. Premium rate electronic messaging service | Own | Own | wholesale |
| Other | Other | retail |
|  | 3.7. Data transmission roaming service | Own | Own | wholesale |
| Other | Other | retail |
|  | 3.8. Electronic messaging roaming service | Own | Own | wholesale |
| Other | Other | retail |
|  | 3.9. Machine to machine communications | Own | Own | wholesale |
| Other | Other | retail |
|  | Resale of an electronic messaging service\*\*\* | | | |
| **NOTES:** | | | | |
| **4. Public Internet access service** | | | | |
|  | 4.1. Internet access service in a fixed electronic communications network | Own | Own | wholesale |
| Other | Other | retail |
| Name of the merchant: | Name of the merchant: | Territory\*: |
|  | 4.2. Internet access service in a mobile electronic communications network | Own | Own | wholesale |
| Other | Other | retail |
| Name of the merchant: | Name of the merchant: | Territory\*: |
|  | 4.3. Internet access roaming service | Own | Own | wholesale |
| Other | Other | retail |
|  | **In retail, the public Internet access service is provided only to legal persons** for whom special provisions of the service level agreement are included in the agreement on electronic communications services\*\*. | | | |
|  | Resale of the public Internet access service\*\*\* | | | |
| **NOTES:** | | | | |
| **5. Radio or television programme transmission service** | | | | |
|  | 5.1. Radio or television programme transmission service in a fixed electronic communications network | Own | Own | wholesale |
| Other | Other | retail |
| Name of the merchant: | Name of the merchant: | Territory\*: |
|  | 5.2. Radio or television programme transmission service in a mobile electronic communications network | Own | Own | wholesale |
| Other | Other | retail |
| Name of the merchant: | Name of the merchant: | Territory\*: |
|  | 5.3. Radio or television programme transmission service using a specialised software – application | Own | Own | wholesale |
| Other | Other | retail |
| Type of the access network: | Name of the merchant: |  |
|  | Resale of the radio or television programme transmission service\*\*\* | | | |
| **NOTES:** | | | | |
| **6. Leased line service** | | | | |
|  | Leased line service | Own | Own | wholesale |
| Other | Other | retail |
| **NOTES:** | | | | |
| **7. Interconnection service** | | | | |
|  | Interconnection service | | | |
| **NOTES:** | | | | |
| **8. Access service** | | | | |
|  | 8.1. Access to the core electronic communications network | | | |
|  | 8.2. Access to the access electronic communications network | | | |
|  | 8.3. Access to associated facilities | | | |
|  | 8.4. Bitstream access | | | |
| **NOTES:** | | | | |

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| --- | --- |
|  | **Electronic communications service which is not a regulated public service**i |
| **NOTES:** | |

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| --- | --- |
|  | **Electronic communications service provided abroad**ii |
| **NOTES:** | |
|  | |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Date \_\_\_\_. \_\_\_\_. \_\_\_\_\_\_\_\_\_. | |  |  |  |
|  | |  |  |  |
| Person entitled to represent the merchant \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | |  |  |  |
|  | |  | /signature and full name thereof/ |  |
| /given name, surname of the person who prepared the document/ | |  |  |  |
| telephone |  |  |  |  |
|  |  |  |  |  |
| e-mail |  |  |  |  |

\* The merchant shall indicate the territory where the relevant service is provided in conformity with the following division: the Republic of Latvia, Kurzeme region, Liepāja, Ventspils, Latgale region, Daugavpils, Rēzekne, Riga region, Riga, Jūrmala, Vidzeme region, Valmiera, Zemgale region, Jelgava, Jēkabpils. Detailed list of territories comprised in the regions is provided in the Cabinet Regulation No. 391 of 5 May 2009, Regulations Regarding the Territories of Planning Regions.

\*\* english – service level agreement (SLA).

\*\*\* Shall be completed by the merchant in cases when, by concluding the contract on the electronic communications service, it sells the end-user an electronic communications service of another operator without changing or affecting the properties and characteristics of such service.

i Shall be completed by the merchant only when the merchant does not provide a regulated electronic communications service,

ii Shall be completed by the merchant only when the merchant does not provide electronic communications services in the territory of the Republic of Latvia.