

Law of the Republic of Azerbaijan on Telecommunication

This Law sets legal, economic and organizational grounds of activity in field of telecommunication in the Republic of Azerbaijan and regulates purposeful planning and use of telecommunication resources.

Chapter I

General provisions

Article 1. Major ideas

1.0. Following ideas are used in this Law:

1.0.1. telecommunication – transmission and reception of signal sound and image via electric or electromagnet communication means (cable, optic and radio connection and other means);

1.0.2. telecommunication net – sum of different means and units united in one technical and technologic system to assure telecommunication;

1.0.3. telecommunication net of general use – telecommunication net or a part of it assuring connection to all users and considered for respective rules, standards, rendering services and rendering telecommunication services available for use of subscriber upon payment terms;

1.0.4. telecommunication service – activity implemented via corresponding telecommunication net to meet need of legal, physical persons and other subjects acting upon legal bases for telecommunication;

1.0.5. universal telecommunication service – sum of telecommunication services available for all users;

1.0.6. telecommunication means – devices, software used for creation of nets and systems, doing telecommunication service;

1.0.7. telecommunication units – building, tower and other engineering–technical units used for installation of nets and systems, doing telecommunication service;

1.0.8. telecommunication operator (hereinafter – operator) – legal person doing telecommunication service in legal manner via telecommunication net owned by it or physical person dealing with entrepreneurship;

1.0.9. telecommunication provider (hereinafter – provider) – legal person doing telecommunication service using net of operator or physical person dealing with

entrepreneurship;

1.0.10. last point of telecommunication net (hereinafter – last point) – point where subscribers are connected or can be connected to telecommunication net;

1.0.11. last telecommunication device (hereinafter – last device) – devices (phone unit, computer etc) attached to connection points of telecommunication net for use of telecommunication service;

1.0.12. telecommunication service user (hereinafter – user) – person using telecommunication service on legal bases;

1.0.13. telecommunication service subscriber (hereinafter – subscriber) – person using telecommunication service upon contract signed with operator, provider;

1.0.14. number resource – sum or a part of codes (numbering versions) available for use in telecommunication and considered for digital, literal signing or combination of those signs, for identification of telecommunication net and (or) its centers or last points;

1.0.15. specializing code – figures and (or) signs applied to identify operator, provider and subscriber;

1.0.16. traffic – sum of signals (information) transmitted in telecommunication net or among telecommunication nets;

1.0.17. electromagnet compliance – capacity of radio electronic means and (or) high–frequency units to work in quality approved in circumstance of surrounding electromagnet not impeding other radio electronic means and (or) high–frequency units;

1.0.18. radiofrequency – components of electromagnetic waves system freely distributed in open space (air);

1.0.19. high–level domain of country code – sign reflecting national segment belonging to the country in global Internet net.

Article 2. Assignment of telecommunication

Telecommunication, part of production and social infrastructure of country, assures needs of state power bodies, physical and legal persons, diplomatic mission of foreign states in the Republic of Azerbaijan and branches and offices of international organizations for telecommunication services.

Article 3. Main principles and directions of telecommunication activity

3.1. Telecommunication activity is carried out upon following principles:

3.1.1. protection of equality and legal concerns of providers, operators and users;

3.1.2. assurance of confidentiality of reception and transmission of information by special assigned telecommunication nets and means;

3.1.3. assurance of security of net operations;

3.1.4. adjusting tariff policy;

3.1.5. protection of integrity of telecommunication net;

3.1.6. effectiveness of cooperation of telecommunication nets;

3.1.7. effective use of radiofrequencies, number resources and short codes;

3.1.8. inaccessibility of monopoly in telecommunication service market and assurance of healthy competition;

3.1.9. assurance of transparency and openness in decision-making.

3.1.10. separation of state adjustment functions of economic functions in field of telecommunication;

3.1.11. international cooperation in field of telecommunication.

3.2. Telecommunication activity is carried out upon following directions:

3.2.1. formation and implementation of one state policy.

3.2.2. implementation of state adjustment;

3.2.3. promoting development of field of telecommunication and its integration to international telecommunication nets;

3.2.4. creating conditions required for meeting needs for telecommunication services in state management, defense, national security of country and public safety protection;

3.2.5. assurance of standing operation of telecommunication nets in state of emergency;

3.2.6. regulating interconnection relations among operators;

3.2.7. formation of national information resources;

3.2.8. implementation of state control on observation of requirements set by legislation;

Article 4. Objects and subjects of telecommunication activity

4.1. Existing information space, telecommunication means and units within scope of interests of state power bodies, physical and legal persons, diplomatic mission of foreign states in the Republic of Azerbaijan and branches and offices of international organizations are considered telecommunication units.

4.2. All state power bodies, physical and legal persons, diplomatic mission of foreign states in the Republic of Azerbaijan and branches and offices of international organizations doing telecommunication services, regulating and using these services are subjects of telecommunication activity. Relations among subjects of telecommunication activity are established upon requirements and contracts set by legislation.

4.3. Objects and subjects of telecommunication activity can exist within or beyond territory of the Republic of Azerbaijan according to legislation of the Republic of Azerbaijan and international treaties it has supported.

Article 5. Legislation on telecommunication

5.1. Legislation on telecommunication consists of Constitution of the Republic of Azerbaijan, this Law, other normative acts and international treaties supported by the Republic of Azerbaijan.

5.2. Relations concerning TV and radio transmission are regulated by Law of the Republic of Azerbaijan 'On TV and radio transmission', this Law and other normative acts.

Chapter II

Regulation of telecommunication activity

Article 6. State regulation of telecommunication activity

6.1. Regulation of telecommunication activity of the Republic of Azerbaijan belongs to authority of state and implemented in following directions:

6.1.1. organizing use of number resource;

6.1.2. licensing telecommunication activity;

6.1.3. certification in field of telecommunication;

6.1.4. application of tariffs for use of telecommunication services and radiofrequencies;

6.1.5. regulation of healthy competition and antimonopoly activity in field of telecommunication;

6.1.6. organization of use of radiofrequencies;

6.1.7. regulation of interconnection among operators;

6.1.8. other regulation directions set by legislation.

Article 7. Organization of use of number resource

7.1. Number resource of country, country code, high-level domain of country code belongs to state. regulation of number resources within territory of country is exclusive right of state.

7.2. Number resource is allocated to operator, provider to meet need of users for telecommunication services.

7.3. Number resource is given to term or permanent use upon paid grounds according to contract signed between corresponding executive power body and operator, provider.

7.4. Allocation of number resources to telecommunication operator, provider is carried out by corresponding executive power body considering following principles and according to rules of allocation of number resources developed:

7.4.1. enlarging existing logistics of operator, provider;

7.4.2. not violating technologic activity regime of operator, provider;

7.4.3. promoting healthy competition;

7.4.4. not limiting right of users to use existing telecommunication services.

7.5. Granting number resource can be denied only in cases set by legislation and complaint from this denial can be submitted to court.

7.6. Information on allocation of number resource to operator, provider, changing or taking it back is not commercial secret.

7.7. Number resource allocated to operator, provider or a part of that can be given to another operator, provider only by permission of corresponding executive power body.

7.8. While reorganization of legal person documents on number resource allocated to that, application of legal successor is approved once again upon joint application of a few successors if they exist not demanding repeated payment. Disputes among legal successors over number resource are settled by court.

7.9. Rules of division and use of number resources of one telecommunication nets in mutual connection in country, as well number resources of Azerbaijan segment (country code) of international telecommunication net is set by corresponding executive power body. That body considers approved numbering system and plan, recommendations of international organizations in which the Republic of Azerbaijan is member.

7.10. Rules of registration, use of domain titles of country code are regulated jointly by corresponding executive power body and respective bodies according to international norms.

7.11. If initial use term of number resource given to operator, provider is over until this Law comes into force, user of that number resource is entitled to preference in signing contract on use of corresponding number resource for next term.

Article 8. Licensing the telecommunication activity

Licensing in field of telecommunication is regulated by legislation of the Republic of Azerbaijan.

Article 9. Certification in field of telecommunication

9.1. Telecommunication means and units used in telecommunication nets of general use must be certified according to legislation.

9.2. Use of telecommunication means and units without compliance certificate in telecommunication nets of general use is forbidden.

9.3. Holding necessary technical test of telecommunication means and units, giving opinion on technical and security parameters is carried out by legislation of the Republic of Azerbaijan.

9.4. Certification of telecommunication means and units is carried out by corresponding executive power body.

9.5. Certification of telecommunication services of general use is carried out voluntarily.

9.6. Rules of certification in field of telecommunication are set by corresponding executive power body.

Article 10. Application of tariffs for use of telecommunication services and radiofrequencies

10.1. Tariffs for use of telecommunication services and radiofrequencies are adjusted by legislation of the Republic of Azerbaijan.

10.2. Free use of any telecommunication nets by all legal and physical persons is guaranteed to call specialized first aid services in the Republic of Azerbaijan (fire protection, police, ambulance, gas and electric breakdown service, other services set by legislation). Operators, providers and their officials restricting these rights of users bear responsibility by legislation.

Article 11. Regulation of healthy competition and antimonopoly activity in field of telecommunication

11.1. Operators, providers, other legal and physical persons operating in field of telecommunication, as well device producers and suppliers are equal subjects in creation and development of telecommunication nets.

11.2. Operator, provider dominating according to antimonopoly legislation in corresponding telecommunication service market must obey the following terms in activity:

11.2.1. Dominating operator must create equal conditions on connection of nets and traffic exchange for interconnection with other operators doing same service to assure equal access to telecommunication service market;

11.2.2. except cases set by legislation, dominating operator, provider cannot deny connection of another operator, provider to its net upon contract for interconnection goals;

11.2.3. except cases set by legislation, dominating operator, provider leases lines (channels) to other operators, providers via its net upon contract;

11.2.4. corresponding executive power body sets special requirements on corresponding activity of dominating operator, provider.

11.3. corresponding executive power bodies take actions set by legislation to prevent unfair competition and monopoly in field of telecommunication.

11.4. Persons admitting unfair competition, violation of users' interests and rights, or any illegal acts bear responsibility by legislation.

Article 12. Regulation of interconnection among operators

12.1. Interconnection among operators is implemented upon contract (hereinafter – interconnection contract).

12.2. Interconnection contract must include technical, economic issues set by corresponding executive power body and not against terms (internet connection fees, share division during transmission of traffic in mutual interconnection, payments for calls made to specialized first aid services etc) and other issues set by parts of the contract.

12.3. Operators must sign interconnection contract with every telecommunication net of general use no later than 2 months. If no agreement is gained with any operator for time given, interconnection contract must be signed between parts and corresponding executive power body during 7 working days considering object of dispute and upon terms set. Disputes concerning signing the interconnection contract are settled in court.

12.4. Rules of connection to and use of telecommunication net of general use are set by corresponding executive power body.

Article 13. Organization of use of radiofrequencies

13.1. In levels set by international treaties supported by the Republic of Azerbaijan, radiofrequencies that can be used for operation of radio electron means or high frequency units belongs to state and their regulation is exclusive right of state.

13.2. Radiofrequencies are allocated for use by corresponding executive power body by legislation.

13.3. Setting rules of use of radiofrequencies, radio electron means and units for civil purpose in this field, control on their fulfillment and monitoring of electromagnetic field of telecommunication means is carried out by corresponding executive power body.

13.4. Radiofrequencies are allocated taking the following into consideration:

13.4.1. frequency one allocation scheme and radiofrequencies spectra prospective use plan;

13.4.2. change of radiofrequencies allocated to separate subjects on condition of their transition to other radiofrequencies to meet needs of state power, defense, security and safety protection bodies;

13.5. Frequency one allocation scheme is reviewed at least once 4 years and radiofrequencies spectra prospective use plan at least once 10 years and approved by corresponding executive

power body not restricting rights granted for frequency diapasons allocated.

13.6. Lump sum and term payments are set considering purpose of use of radiofrequencies, number, stripe of radiofrequencies and radio electron means. Rule of setting, division and use of lump sum and term payments are set by corresponding executive power body by normative legal acts.

13.7. Rule of prevention of interferences caused by all types of radio transmitters and other radiofrequency units is set by corresponding executive power body.

13.8. Use of radiofrequencies for TV and radio broadcast needs is regulated by corresponding executive power body.

Chapter III

State control on the organization of telecommunication activity and the activity

Article 14. Organization of telecommunication activity

14.0. Organization of telecommunication activity in the Republic of Azerbaijan is implemented on following directions:

14.0.1. implementation of public control on activity in field of telecommunication;

14.0.2. participation in development of one state policy and scientific–technical programs in field of telecommunication and implementation of them by legislation;

14.0.3. setting standards of telecommunication services;

14.0.4. setting types of telecommunication services and their characteristics;

Article 15. Management of telecommunication nets in martial law and state of emergency

15.1. In martial law and state of emergency telecommunication nets are managed by corresponding executive power body in centralized way.

15.2. Temporary governing bodies can be established in the Republic of Azerbaijan upon normative–legal acts to remove incidents causing declaration of martial law and state of emergency and their consequences.

Article 16. Preference in use of telecommunication nets and means in martial law and state of emergency

16.1. In martial law and state of emergency authorized state power bodies are by legislation of the Republic of Azerbaijan entitled to preference in use of necessary telecommunication nets, units and means and can stop, limit their use or apply special rules for use of communication.

16.2. In the event of accident, epidemics, epizooties and natural disasters operators, providers must prefer exchange of information on urgent actions regarding assurance of state management, defense and security of country.

Article 17. State control on telecommunication activity

17.1. State control on observation of requirements of legislation on telecommunication is carried out by respective executive power body.

17.2. Implementation of state control on activity in field of telecommunication is set by corresponding executive power body.

17.3. Corresponding executive power body implementing observation of legislation on telecommunication takes actions within its authorities on persons violating requirements of legislation.

17.4. Complaint can be made to the court of misuse by body implementing observation of legislation on telecommunication of its authorities.

Chapter IV

Telecommunication nets and services

Article 18. Structure and classification of telecommunication net

18.1. Corresponding executive power body sets organizational and technical structure of telecommunication nets within territory of the Republic of Azerbaijan for their normal management and maintenance in correct regime of use.

18.2. Telecommunication nets have following classification concerning structure:

18.2.1. telecommunication net of general use;

18.2.2. telecommunication net of physical and legal persons;

18.2.3. telecommunication net of special purpose;

18.2.4. TV and radio broadcast net.

Article 19. Telecommunication net of general use

19.1. Telecommunication net of general use is organized upon interconnection contracts signed between operators to do telecommunication services based on sole principles to the users.

19.2. Except cases set by legislation, there is no limit for use of services of telecommunication net of general.

19.3. Telecommunication operators take actions upon policy set by corresponding executive power body to develop, improve and effectively and confidently use telecommunication nets of general use.

Article 20. Telecommunication nets of physical and legal persons

20.1. Physical, legal persons can create telecommunication nets by legislation to meet their internal needs.

20.2. Telecommunication nets of physical and legal persons can be connected to telecommunication nets of general use upon contract. Such connection is realized upon certificate submitted on compliance of telecommunication means and units of individual telecommunication nets with standards and norms considered for telecommunication means and units of telecommunication net of general use.

20.3. Rules of connection of telecommunication nets to telecommunication net of general use are set by corresponding executive power body.

20.4. If telecommunication net is connected to telecommunication net of general use it is considered transferred to telecommunication net category.

20.5. Corporative telecommunication nets can be created as department, intraproductive and technologic telecommunication nets.

20.6. Intraproductive and technologic telecommunication nets assure effectiveness and confidentiality in management and observation of intraproductive ties and technologic processes of institutions and organizations and other subjects not connecting to telecommunication net of general use. Such telecommunication nets are installed according to telecommunication standards on condition not to damage telecommunication net of general use and cannot do telecommunication services to meet needs of strange users.

Article 21. Telecommunication net of special purpose

21.1. Telecommunication nets of special purpose can be created at state power bodies.

21.2. Rule of installation, use of telecommunication nets of special purpose of state power bodies, assurance of their security, ordering on them is set by corresponding executive power body.

21.3. If telecommunication nets of special purpose of state power bodies are connected to telecommunication nets of general use, limits transferred to telecommunication nets of general use and in use of its services are kept.

Article 22. TV and radio broadcast net

TV and radio broadcast net and TV and radio broadcast via this net is regulated by Law of the Republic of Azerbaijan 'On TV and radio broadcast'.

Article 23. Types of telecommunication service

23.0. Telecommunication service consists of following classification:

23.0.1. phone (wired);

23.0.2. cellular (mobile);

23.0.3. paging;

23.0.4. radio trunk and wireless phone;

23.0.5 domestic and international telecommunication;

23.0.6. Internet service;

23.0.7. TV and radio broadcast services;

23.0.8. universal telecommunication services;

23.0.9. other telecommunication services set by legislation.

Article 24. Phone (wired)

Phone (wired) service – telecommunication service done using inactive (stationary) last device.

Article 25. Cellular (mobile) service

Cellular (mobile) service – telecommunication service done by application of radio technologies keeping identification code of mobile station freely acting in frame of all last points of telecommunication net.

Article 26. Paging service

Paging service – telecommunication service done via individual radio call system assuring unilateral transmission of information to user.

Article 27. Radio trunk and wireless phone service

Radio trunk and wireless phone service – telecommunication service done by application of radio technologies keeping identification code and freely acting in frame of all last points of telecommunication net of last device of user connection to one switchboard center.

Article 28. Domestic and international telecommunication

Domestic telecommunication service – services done for creation of telecommunication via different means (cable, radio relay, satellite etc) inside country, among cities and districts of republic, from country to abroad and vice versa regarding international telecommunication service.

Article 29. Internet telecommunication service

Internet telecommunication service – telecommunication service done in global information net upon Internet protocol set by international standards.

Article 30. TV and radio broadcast services

TV and radio broadcast services are regulated by Law of the Republic of Azerbaijan ‘On TV and radio broadcast’.

Article 31. Universal telecommunication service

31.1. Universal telecommunication service – telecommunication service that must be done by operators, providers for any telecommunication service user within all the territory of the Republic of Azerbaijan for certain time and in high quality, for reasonable price.

31.2. State guarantees doing of universal telecommunication service.

31.3. Classification, formation, quality, term of universal service and other requirements are set by corresponding executive power body taking the following principles into consideration:

31.3.1. at least one monetary phone (or phone in collective use) must be installed in every settlement to assure free of charge contact with firefighting, police, ambulance, gas–electric accident service and other specialized first aid services stated in legislation;

31.3.2. in all cases time spent to get to universal telecommunication service not using vehicle must not exceed the time set by corresponding executive power body.

31.4. Doing universal telecommunication service is carried out by operator, provider selected as a result of contest held in a way set by legislation, and if the contest is not held, by telecommunication operator assigned to do universal services.

31.5. The rule to allocate funds the operator, provider needs to do universal telecommunication service or to reimburse (compensation) the funds spent for this purpose is set by corresponding executive power body.

31.6. Requirements of this Article are applied even if the same services are done by other persons in corresponding settlement.

31.7. Tariffs and rules of calculation on universal telecommunication services provided by operators, providers are regulated upon contract signed between corresponding executive power body and operator.

Chapter V

Rights, duties and responsibilities of telecommunication subjects

Article 32. Rights of operators and providers

32.1. Operators have the following rights:

32.1.1. to plan and develop (enlarge) its telecommunication nets;

32.1.2. to buy and use number resources and radiofrequencies according to legislation;

32.1.3. to independently set tariffs for telecommunication services they do and rule of payment, if no other rule is set by legislation;

32.1.4. to give identification codes to subscribers from number resource allocated;

32.1.5. to stop doing telecommunication services to subscribers not obeying the rules of use set in contract concluded between operator and subscriber;

32.1.6. to stop its activity in field of telecommunication by legislation (or to put an end to its activity);

32.1.7. to implement other rights set by legislation.

32.2. Providers have the following rights:

32.2.1. to join telecommunication net in general use and do services upon contract signed with corresponding operator;

32.2.2. to use number resources and radiofrequencies in proper legal manner;

32.2.3. to independently set tariffs for telecommunication services they do and rule of payment, if no other rule is set by legislation;

32.2.4. to implement other rights set by legislation.

Article 33. Duties of operators and providers

33.1. Operators have the following duties:

33.1.1. to operate in field of telecommunication according to normative legal acts;

33.1.2. to fulfill its duties arisen from contract signed with subscriber;

33.1.3. not to violate consumer rights;

33.1.4. to sign interconnection contracts;

33.1.5. to do telecommunication services in quality meeting standards, norms and rules set;

33.1.6. to obey directing the traffic to normative legal acts;

33.1.7. to assure free of charge use of telecommunication nets for calling specialized first aid services by subscribers and users;

33.1.8. to maximally assure contact with specialized first aid services even if doing telecommunication service is limited;

33.1.9. to promote inspection of telecommunication means and units in site of use by authorized official of corresponding executive power body in proper legal manner;

33.1.10. other duties set by legislation.

33.2. Duties given in Article 33.1 of this Law relate to providers as well, except Article 32.1.4 of this Law.

Article 34. Rights and duties of subscribers

34.1. Subscribers have the following rights:

34.1.1. to freely choose operator, provider;

34.1.2. to demand high quality telecommunication services;

34.1.3. to complain in legal manner of acts of operator, provider;

34.1.4. to implement other rights set by legislation.

34.2. Subscribers have the following duties:

34.2.1. to obey the rules of use of telecommunication services set by legislation;

34.2.2. to connect last device complying with contracts signed with operator, provider, standards and other requirements set by legislation to telecommunication net;

34.2.3. not to admit acts dangerous for exploitation, integrity, interconnection, information security of telecommunication nets, electromagnetic compliance of radio electron means, complicating or making impossible the telecommunication services done for other subjects;

34.2.4. to obey terms of contracts signed with operator, provider, timely pay fees for telecommunication services they use;

34.2.5. to promote inspection of last device in site of use by authorized official of corresponding executive power body in proper legal manner;

34.2.6. other duties set by legislation.

Article 35. Protection of telecommunication nets, means and units

35.1. Protection of telecommunication nets, means and units in the Republic of Azerbaijan is guaranteed by state. Protection zone and stripes set by legislation are allocated to telecommunication nets, means and units.

35.2. Legal and physical persons dealing with project and construction must protect telecommunication nets, means and units existing in construction sites during construction, repair, reconstruction and restoration of buildings, nets, units.

35.3. Damage caused by non-agreed connection, interference and harm to telecommunication nets, means and units is fully reimbursed by accused persons to respective operator, provider.

35.4. Rules of protection of telecommunication nets, means and units are set by corresponding executive power body. Operators, providers can take actions of protection not against to these rules.

Article 36. Location of telecommunication means and units in other infrastructure establishments

36.1. Making main plans and designing dwelling points and complexes, administrative-public buildings to develop existing settlements, set new ones state power and local self governing bodies must allocate according to valid norms the fields in property of telecommunication means and units for construction of buildings to locate them. At the same time they must give special rooms and fields fitting technical norms to operators, providers for doing telecommunication services in dwelling or administrative buildings under construction.

36.2. Upon contract signed between owners of buildings, bridges, collectors, tunnels (including metro tunnels), motor and rail roads, other engineering units and technologic grounds and main net operator, installation, construction and exploitation of telecommunication nets and units in these establishments is assured according to existing norms.

36.3. State, local self governing bodies assure allocation of vehicles and special equipment required for implementation of urgent accident-technical works on restoration of telecommunication nets and units damaged.

Article 37. Electricity supply of telecommunication net

37.1. Telecommunication nets, means and units in the Republic of Azerbaijan, which are considered first category electricity consumers, must permanently be supplied via the only energy system of country.

37.2. To consistently operate operators, providers create supplementary energy sources.

Article 38. Assurance of confidentiality in telecommunication

38.1. Confidentiality of information transmitted via telecommunication nets in the Republic of Azerbaijan is protected by Constitution of the Republic of Azerbaijan and other normative legal acts.

38.2. Limit on confidentiality of information transmitted via telecommunication nets is admitted in cases set by legislation only.

38.3. Operators, providers must assure confidentiality of information transmitted via their nets.

38.4. Information on use of telecommunication nets can be provided in cases set by legislation only.

38.5. Disclosure of phone calls and information transmitted via other telecommunication means is admitted in cases set by legislation only.

38.6. Transmission of information containing state secret via telecommunication nets is regulated by legislation of the Republic of Azerbaijan.

Article 39. Interrelation between operators, providers and bodies implementing search activity

39.1. Operators, providers must promote in proper legal manner implementation of search actions, supply telecommunication nets with extra technical devices according to terms set by corresponding executive power body for this goal, solve organizational issues and keep methods used in implementation of these actions as secret.

39.2. Operator, provider bears responsibility for violation of these requirements in proper legal manner.

Article 40. Necessary requirements for contract signed with subscriber

40.1. Doing corresponding telecommunication services is carried out upon requirements of legislation and contract concluded between operator, provider and subscriber.

40.2. Except cases set by legislation, operator, provider cannot deny signing contract with subscriber applying for doing the telecommunication service fitting its technical facilities on doing such service.

40.3. Contract and other documents that are parts of that contain following provisions:

40.3.1. subscriber's identification code for using telecommunication service, and address of connection of last device of subscriber, if required;

40.3.2. service payment rule;

40.3.3. time and terms of connection of last device to telecommunication net and its use;

40.3.4. terms for stopping and annulling contract;

40.3.5. duties, rights and responsibilities of parts;

40.3.6. requirements for quality of telecommunication services;

40.3.7. technical service offered to subscriber;

40.3.8. rule to consider disputes;

40.3.9. consent (objection) of subscriber for statement of information related to it in inquiry information sources;

40.3.10. other terms not against to legislation.

40.4. If subscriber makes a suit on violation of terms of contract signed on telecommunication services, it cannot be deprived of telecommunication service while the suit is considered.

40.5. If telecommunication services are limited or stopped because of any reason except emergencies and natural disasters operator, provider informs subscriber in advance of its reasons and time.

40.6. If operator, provider is reorganized, rights of subscriber stated by contract signed with previous operator, provider cannot be invalidly restricted obeying the requirements set by legislation.

40.7. Copy of contract applied by every operator, provider on doing telecommunication services to subscribers is controlled by corresponding executive power body.

Article 41. Reimbursement of damage caused by implementation of telecommunication activity

41.1. Damage caused by implementation of telecommunication activity to any subject is reimbursed in proper legal manner.

41.2. If number resource is changed because of enlargement, operators, providers must use number resource allocated, change number of net within time set and cover all costs for this.

41.3. Except errors occurred in telecommunication net in general use because of reasons depending on operator, provider, costs for removal of errors in lines of users of telecommunication services, its last device connected to telecommunication net in general use

are covered by user of telecommunication services.

Article 42. Allocation of telecommunication nets channels for state needs

42.1. Channels of telecommunication nets of general use and department are leased upon contract and by legislation to meet needs of state power, defense, security and law enforcement bodies of the Republic of Azerbaijan.

42.2. Operators, providers must assure allocation, reliability of telecommunication channels for needs of state power, defense, security and law enforcement bodies, take urgent actions for change and repair of telecommunication channels when they are damaged.

Article 43. Responsibility for offences in field of telecommunication activity

43.1. Accused persons bear responsibility in proper legal manner for violation of consumer rights, disobedience to existing standards and norms, contract terms during implementation of telecommunication activity and in other cases set by legislation.

43.2. Telecommunication activity subjects can be made answer for offences admitted by them upon law and existing contracts.

43.3. If legislation states no other rule, operators and providers bear no responsibility for contents of information transmitted via telecommunication nets.

Chapter VI

Economic grounds of activity in field of telecommunication

Article 44. Right to property on telecommunication nets and means

44.1. Telecommunication nets, units and means can be under state, municipality and private property.

44.2. Equal legal conditions are provided to operators, providers irrespective of form of state property.

44.3. Classification of telecommunication nets, units and means under state property is set by normative legal acts.

Article 45. Change of form of property concerning telecommunication nets, units and means

45.1. Form of property of telecommunication nets, units and means (including those in state property) can be changed in proper legal manner.

45.2. Any physical and legal persons can take part in privatization, leasing and management of state institutions operating in field of telecommunication by legislation of the Republic of Azerbaijan.

45.3. Change of form of property on telecommunication nets, units and means is admitted in proper legal manner on condition not to weaken their logistics and violate technologic activity, as well invalidly limit rights of legal and physical persons to use telecommunication services.

Article 46. Use of land and other immovable property for telecommunication needs

46.1. Telecommunication nets, units and means can be located in lands under state, municipality and private property.

46.2. Rules of allocation of land areas, setting protection zones and stripes, use of them is set by corresponding legislative acts.

46.3. Size of land areas given to physical and legal persons for telecommunication activity, protection zones and stripes is set according to rules of allocation of land for this type of activity and project-technical documents.

46.4. Move or reconstruction of telecommunication units during reconstruction of settlements, repair of buildings, roads, bridges, implementation of melioration works, processing of minerals fields and in other cases is carried out due to funds of customer according to existing standards and technical terms of telecommunication net owner.

46.5. Rules of construction, exploitation of telecommunication means and units and implementation of accident-restoration works in frontier areas of the Republic of Azerbaijan, frontier rivers, Azerbaijan sector of Caspian Sea (Lake) are set by corresponding executive power body.

46.6. Designing, construction, repair, reconstruction, installation and replacement of telecommunication nets and units is carried out according to corresponding state and field standards, norms and rules.

Article 47. Investment in development of telecommunication and sources to fund its activity

47.1. Investment in development of telecommunication is carried out by legislation of the Republic of Azerbaijan.

47.2. Decisions on investment in development of telecommunication are adopted in proper legal manner upon corresponding state programs and contracts.

47.3. According to programs on socio-economic development of corresponding areas the respective executive power bodies also take certain actions for development of telecommunication.

47.4. Involvement of foreign investments in development of telecommunication and their protection is assured according to corresponding legislation of the Republic of Azerbaijan and international treaties it supports.

47.5. Actions for development of telecommunication are financed due to budget and non-budget funds, funds of operators, providers, credits, grants and other sources not forbidden by legislation.

47.6. Costs considered for telecommunication services of state power bodies and development of logistics of structures of telecommunication profile are included in corresponding budget funds allocated to those bodies.

47.7. Development of telecommunication nets owned by physical and legal persons is assured due to sources not forbidden by legislation.

Article 48. Development of information in connection with doing telecommunication services

48.1. Payments for doing telecommunication services are implemented upon information properly developed.

48.2. Operators, providers develop following information for use of telecommunication services or connection to net:

48.2.1. information making possible identification of subscriber or last device;

48.2.2. subscriber's address;

48.2.3. parameters upon which report of sum paid by subscriber for telecommunication services in general use is made;

48.2.4. major data for service item used (identification number, service use term, volume etc);

48.2.5. information on payments paid by user to the person doing telecommunication service in advance or partly;

48.2.6. warnings by the person doing telecommunication service and information on limits of telecommunication services.

48.3. Operator, provider must protect information stated in this Article and not give to third person (except respective subscriber) without legal base stated in legislation.

48.4. Operators, providers must store the information shown in this Article until term of suit set by civil legislation is over.

Article 49. Removal of consequences of fault in telecommunication nets

49.1. Works to remove consequences of faults in telecommunication nets are implemented upon mutual agreement with owner, leaser of land area, building or unit where telecommunication means are located. If assurance of state or public interests is required in state of emergency and urgency consent of those persons is not required for implementation of such works.

49.2. Damage caused during restoration and repair works must be reimbursed by legislation.

49.3. Works to remove consequences of faults in telecommunication nets include implementation of necessary actions for nature protection as well, beside restoration or reconstruction of telecommunication means damaged by fault.

Article 50. Import, export, production, sale and use of telecommunication means

Import, export, production, sale and use of telecommunication means is implemented by legislation.

Chapter VII

Characteristics of doing telecommunication services

Article 51. Language used in field of telecommunication

51.1. Operators, providers within the territory of the Republic of Azerbaijan carry out the clerical works in Azerbaijani language according to the legislation.

51.2. Addresses of written information received and transmitted by operators, providers within territory of the Republic of Azerbaijan are made in Azerbaijani language.

51.3. Information transmitted outside the country can be made in languages set by international treaties supported by the Republic of Azerbaijan.

Article 52. Account time in field of telecommunication

52.1. Only account time – Baku time is applied for telecommunication services in the Republic of

Azerbaijan.

52.2. Account time in field of international telecommunication is set according to international treaties supported by the Republic of Azerbaijan. If international treaties do not consider other rule, account time is set according to Universal Time.

Chapter VIII

International cooperation in field of telecommunication activity

Article 53. Grounds for international cooperation in field of telecommunication activity

53.1. International cooperation in field of telecommunication activity is carried out according to legislation of the Republic of Azerbaijan and international treaties supported by it, contracts signed between telecommunication operators and foreign telecommunication operators.

53.2. Corresponding executive power body establishes within its authorities mutual contacts with telecommunication bodies of other states, represents the Republic of Azerbaijan in international organizations and protects its interests.

53.3. Membership fees concerning participation of the Republic of Azerbaijan in international organizational in field of telecommunication are paid by legislation.

53.4. Activity of physical and legal persons of foreign states in field of telecommunication within the Republic of Azerbaijan is regulated upon legislation of the Republic of Azerbaijan and international treaties it has supported.

Article 54. Law applied on international cooperation in field of telecommunication activity

Contracts signed between physical and legal persons of the Republic of Azerbaijan partaking in implementation of international projects in field of telecommunication and foreign legal and physical persons must show the law applied.

Chapter IX

Settlement of disputes in field of telecommunication activity

Article 55. Settlement of disputes while using international telecommunication activity

Disputes between telecommunication operators, providers of the Republic of Azerbaijan and foreign states are settled upon international treaties supported by the Republic of Azerbaijan and contracts signed between the parts.

Article 56. Settlement of disputes related to implementation of telecommunication activity

56.1. Disputes among telecommunication activity subjects are settled in proper legal manner.

56.2. Disputes among operators because of interconnection, special access and rented lines, channels are settled by corresponding executive power body. Decision adopted on the dispute is published and text of that is submitted to the parts of the dispute. The part not agreeing with the decision adopted is entitled to apply to the court.

Ilham Aliyev,
President of the Republic of Azerbaijan.
Baku city, 14 June 2005.