

Telecommunications

08. September 2013. 16. November 2016.

1. In the context of the EU-facilitated dialogue, both sides agree that Kosovo shall be allocated a 3 digit dial code from the ITU in line with the standards and principles and timetable of the ITU. The two sides agreed that a mutually accepted modality will be found regarding this process within three months, with EU facilitation as necessary.

The aim is that the migration period relating to the dial code should end by January 2015. After this date, this dial code from the ITU will be used by all operators in Kosovo. Operators from both parties will reduce costs to local charges for citizens.

2. Regulators in both sides will agree technical agreements to harmonize the use of spectrum for GSM and television signal, including digital terrestrial broadcasting with the aim of ensuring mutually uninterrupted provision of services based on the principles of ITU and avoiding harmful interference between the mobile operators of both sides with a view to reducing costs to citizens. They will also enter into a harmonization process for digital frequencies.

3. On fixed telephony a full license for fixed telecommunications services will be issued to a NewCo, subsidiary of a Serbian company registered in accordance with the Kosovar regulatory framework.

4. On mobile telephony the Kosovo authorities will permit the new company a temporary authorization, under Kosovo regulatory framework for current operations limited to the current infrastructure on the ground. This temporary authorization will not expire before January 2015.

The temporary authorization will expire once the Kosovo authorities issue a new full, unrestricted, mobile telephone license as a result of a tender/auction. The tender will be organized in line with EU Standards.

5. Although Postal services were not part of these discussions both sides agree to discuss them at a later stage.

6. An implementation group will be formed with EU facilitation as necessary in order to draft a full Action plan for the implementation of the Agreement. Once the above arrangements have entered into force, the implementation group may discuss, at the request of either side, any other issues relating to these arrangements. The full implementation process will commence upon receipt of written acceptance of Action plan.

TELECOMS ACTION PLAN

	Tasks	Responsible	Start	Deadline	Comment
6	An implementation group will be formed, with EU facilitation as necessary, in order to draft a full Action plan for the implementation of the Agreement. Once the above arrangements have entered into force, the implementation group may discuss, at the request of either side, any other issues relating to these arrangements. The full implementation process will commence upon receipt of written acceptance of Action plan.	Core group			Any request for a possible modification to NewCo mobile infrastructure may be raised under these discussions.
6.1	Nomination of contact persons / creation of 3 sub-groups 1. Regulator co-operation 2. Operators 3. Postal services	Core group	15/01	15/01	
6.2	Drafting action plan	Core group	15/01	29/6	
6.3	Written acceptance of action plan	Core group political framework		1/09	
1.0	In the context of the EU-facilitated dialogue, both sides agree that Kosovo shall be allocated a 3-digit dial code from the ITU in line with the standards and principles and timetable of the ITU, The two sides agreed that a mutually accepted modality will be found regarding this process within three months, with EU facilitation as necessary.	Core group			
1.1	Approach to the ITU with EU facilitation as necessary	Core Group	15/11		It is agreed that Austria sends the letter to the ITU to initiate this procedure. The text of this letter is in Annex 2 to this Action Plan
1.2	Allocation of 3-digit dial code Both parties agree Kosovo will have the sole responsibility for implementing this code, after Kosovo is allocated this 3-digit code by the ITU. ITU will communicate with RAEPC as the sole administrator of this code if necessary.	Core Group		15/01/2016	The ITU publishes its bulletins on the 1 st and the 15 th of the month. The text of the ITU bulletin is in Annex 1 to this Action Plan. The denomination of Kosovo in the ITU's technical annexes is in Annex 3 to this Action Plan.

1.5	The aim is that the migration period relating to the dial code should end by January 2015. After this date, this dial code from the ITU will be used by all operators in Kosovo. Operators from both parties will reduce costs to local charges for citizens.	Core Group Regulator co- operation Operators	1/04/2016	1/07/2017	Will also need to involve NewCo. (see point 3 and 4 below: only operators authorised by RAEPC will be able to operate in Kosovo).
1.6	Migration strategy to be drafted by RAEPC, including new numbering plan under the new dial code. RAEPC will ensure that there is no overlap between the parties of the fixed and mobile numbering plan. The migration strategy will emphasise that this dial code will be used by all operators in Kosovo.	RAEPC Regulator co- operation	01/01/2016	1/04/2016	If any operator requires an additional delay, it may present a request to RAEPC. NewCo will be enabled, by means of a technical solution to allow its subscribers not to use the Serbian international dialling code when calling from Kosovo.
1.7	Operators from both parties will reduce costs to local charges for citizens, in accordance in EU practices. Both sides will ensure that there will be no institutional, legal or procedural obstacles to do so.	Regulator co- operation Operators	1/10	01/02/2016	
2.0	Regulators in both sides will agree technical agreements to harmonise the use of spectrum for GSM, and television signal, including digital terrestrial broadcasting, with the aim of ensuring mutually uninterrupted provision of services based on the principles of ITU and avoiding harmful interference between services. Each Party commits not to cover the border/boundary of the other Party intentionally.	Regulator co- operation.			
2.1	Definition of technical data to be exchanged for point 2.2	Regulator co- operation	01/09	15/09	After this date, data to be exchanged continuously and when needed
2.2	Regulators will sign technical agreements to harmonise the use of radio frequency spectrum for mobile telephony with a view to avoid intentional interference between services and not to cover the border / boundary of the other party intentionally.	Regulator co- operation Agreements to be approved by core group	15/09	01/03/2016	After this date, data to be exchanged continuously and when needed.
2.5	The regulators will also encourage and facilitate the process of interconnection and roaming agreement between the mobile operators of both sides with a view to reducing costs to citizens. They will also enter into a harmonisation process for digital frequencies.	Regulator co- operation			

2.6	Regulators will encourage their existing fixed operators to enter into interconnection agreements with the fixed operators of the other party. Regulators will encourage their existing mobile operators to enter into interconnection and roaming agreements with the mobile operators of the other party.		1/10	1/02/2016	These agreements should take account of other regional initiatives which will promote reducing roaming fees for all of the operators authorised by regulators from both sides. Also linked with 1.7
2.7	Regulators will sign technical agreement on the harmonisation of the digital and analogue broadcasting spectrum with a view to avoid intentional interference between services and not to cover the border / boundary of the other party intentionally.	Regulator co-operation Agreements to be approved by core group	1/10	01/03/2016	Other responsible institutions should be involved. Procedures mentioned above will leave enough bandwidth for multiplex for existing broadcasting for Serbian population
3.0	On fixed telephony, a full license for fixed telecommunications services will be issued to a NewCo, subsidiary of a Serbian company registered in accordance with the Kosovan regulatory framework.				The current fixed active telecommunications infrastructure should be regularly maintained until the license is granted in 3.4
3.1	Definition of NewCo (inventory, services, infrastructure, and network expansion, mode of function of the NewCo before and during the migration period according to point 1.5) and legal establishment	Operator Draft to be approved by core group	1/09	01/12	
3.2	Registration of NewCo in Kosovo, in accordance with the Kosovan legal framework	Core Group	13/5	31/08	It is agreed that there will be one company, a subsidiary of the Serbian company, that will apply for both the fixed license and the temporary authorisation for mobile operations. Deadline to grant the company a business license in accordance with Kosovan legal and regulatory framework.
3.3	Application to RAEPK Regulator for authorisation for fixed telecommunications services	Regulator co-operation Operators	15/11		Deadline in accordance with Kosovan legal and regulatory framework.

3.4	<p>Issuing authorisation</p> <p>This authorisation will be delivered to the EU facilitator by 01/01/2016, to enter into force only when handed over to the operator. The EU facilitator will hand it over to the operator when Kosovo shall be allocated a 3-digit dial code from the ITU.</p>	RAEPC		15/01/2016	Timetable to issue the license application according to Kosovan regulatory framework	
3.5	<p>Transfer of fixed assets (as defined in 3.1) and employees to the NewCo</p>	Regulator operation Operators To be approved by core group	co-	26/08	15/12	<p>The EU will facilitate the transfer of fixed assets to be used by the NewCo.</p> <p>The assets currently used by the Serbian company (as defined in 3.2) will be transferred to the NewCo.</p>
4.0	<p>On mobile telephony, the Kosovo authorities will permit the new company a temporary authorisation, under Kosovo regulatory framework, for current operations, limited to the current infrastructure on the ground. This temporary authorisation will not expire before January 2015.</p> <p>The temporary authorisation will expire once the Kosovo authorities issue a new full, unrestricted, mobile telephone license as a result of a tender / auction. The tender will be organised in line with EU Standards.</p>					<p>The current fixed active telecommunications infrastructure of NewCo should be regularly maintained until the license is granted in 4.2</p>
4.1	<p>Submission of request for temporary authorisation</p>	Regulator operation Operators	co-	15/11		<p>This submission should be made at the same time as the Austrian letter is sent to the ITU – see 1.1</p>
4.2	<p>Issuing temporary authorisation.</p> <p>This temporary authorisation will be delivered to the EU facilitator, by 01/01/2016 to enter into force only when handed over to the operator. The EU facilitator will hand it over to the operator when Kosovo shall be allocated a 3-digit dial code from the ITU.</p> <p>This temporary authorisation will not expire before 01/03/2017</p>	RAEPC			15/01/2016	<p>This authorisation is delivered on the same day as the ITU code is allocated to Kosovo (see point 1.2).</p>
4.3	<p>Negotiation of interconnection agreement between NewCo and other authorised operators.</p>	Regulator operation Operators	co-	01/10	01/02/2016	

4.4	Transfer of fixed assets for mobile telephony (as defined in 4.1) to the NewCo	Regulator operation Operators To be approved by core group	co- 26/08	15/12	
5.0	Although Postal services were not part of these discussions, both sides agree to discuss them at a later stage.	Postal Services group	01/12		

Working groups: Kosovo

Working Group on Regulator co-operation
Operators
Postal Services Group:

Mr. Ekrem Hoxha from RAEPC (ekrem.hoxha@art-ks.org)
Ilir Imeri (RAEPC)/ Mehdi Latifaj (PTK)
Mr. Sejdi Hoxha, Chief Executive Officer from Post of Kosovo (sejdi.hoxha@ptkonline.com)

Working groups: Serbia

Working Group on Regulator co-operation
Operators
Postal Services Group:

Mr. Milan Jankovic from RATEL /
Milan Aleksijevic (Telekom Srbija)
\$\$\$\$

Vladimir Dimitrijevic (Post of Serbia)

Annex 1: text of ITU bulletin

With the agreement of the Administration of the Republic of Serbia, the Director of TSB has assigned the following international codes to Kosovo:

E.164 Code (as defined in Recommendation ITU-TE. 164 section 4.1): 383

E.212 Code (as defined in Recommendation ITU-TE. 212 section 3.3): 221

Q.708 signalling area network code (SANC): 7-214

The Activation dates of these codes and the transition from the currently-used codes to these assigned codes will be advised later.

Annex 2: text of Austrian letter to the ITU

Dear Secretary-General,

In the framework of the EU-facilitated Dialogue between Kosovo and Serbia, I have the honour of requesting, on behalf of Serbia and Kosovo, that the International Telecommunications Union begins the process of allocating a 3 digit dial code to Kosovo.

As part of the aforementioned dialogue, the Prime Ministers of Kosovo and Serbia reached an agreement in September 2013 that Kosovo should be allocated a 3 digit dial code, in line with the standards and principles and timetable of the ITU. Both sides also agreed that a mutually accepted modality would be found regarding this process, with EU facilitation as necessary. I would like to inform you that this mutually accepted modality be that the Republic of Austria requests this code for Kosovo.

I would be grateful if you could proceed, as quickly as possible, to allocate one of the two unallocated codes (+383 or +384) for use by the Kosovo authorities. I would also be grateful if you could confirm that the ITU bulletin has been published.

Yours sincerely,

Annex 3: denomination of Kosovo in the ITU's technical annexes

In the technical annexes to the ITU's bulletins, Kosovo will be referred to as Kosovo* with the footnote "This designation is without prejudice to positions on status, and is in the line with UNSCR 1244 and the ICJ Opinion on the Kosovo declaration of independence."

Conclusions of the EU Facilitator on Telecoms, 13 November 2016

These conclusions are based on the agreed and signed September 2013 'Arrangements regarding Telecommunications' and the Action Plan deriving from those Arrangements.

Following a series of meetings under the EU-facilitated Dialogue on Telecoms, the parties agreed, on 13 November 2016, the following:

1. Mts d.o.o. will operate in compliance with the Kosovan legal and regulatory framework for telecommunications and the provisions detailed in these Conclusions. Once its licenses have been issued in accordance with points 3 and 4 of the 'Arrangements regarding Telecommunications', potential technical issues arising from the implementation of these licenses will be resolved directly between the company and ARKEP.
2. Mts d.o.o. will be allocated 60.000 numbers in the range 047X. Each customer will be allowed to use a 06X number in parallel with their 047X number and on the same SIM card. Should additional numbers be required, mts d.o.o. will request them to ARKEP.
3. It will be possible to reach every mts d.o.o. customer on both numbers equally during the validity of the temporary authorisation. The 06X number will be the primary number until the end of the migration period specified in line with the timeline under points 1.5 and 1.6 of the Action Plan. After this the 047x number will be the primary number. Mts d.o.o. will be responsible for ensuring the technical application of this dual numbering approach.
4. Mts d.o.o. will be responsible for allocating a new IMSI number to their mobile customers. These numbers will come from a designated block from the existing IMSI range 22003X, which will be reserved for customers in Kosovo.
5. Mts d.o.o. will be responsible for registering all its customers under Kosovan legal and regulatory framework (including giving them a new SIM card). This registration will begin 3 months after the temporary authorisation is issued. It shall last 3 months, and may be prolonged for a further 2 months if necessary.
6. Mts d.o.o. will be allowed to continue to use its existing core elements and IT platforms for its mobile operations.
7. Mts d.o.o.'s standalone operations for fixed telephony will be implemented within 17 months.
8. Until provisions under points 6 and 7 are met, requests for the lawful interception of mts d.o.o. mobile telephony users, as well as for mts d.o.o. fixed telephony users will be dealt with by competent institutions in accordance with the Mutual Legal Assistance arrangement.

9. Both sides agreed on thirty locations. Frequency bands have been agreed as follows: Mts d.o.o will be allocated the following frequency blocks:

- Frequency band 900 MHz: 2*3.2 MHz in 22 existing locations
- Frequency band 1800 MHz: 2*15 MHz in 17 existing locations in the northern part of Kosovo
- Frequency band 2100 MHz: 2*10 MHz in 17 existing locations in the northern part of Kosovo

This allocated frequency spectrum will be used for the provision of public mobile telephone services and mobile broadband services on a technologically neutral basis, i.e. 2G, 3G, 4G technology will be used in allocated spectrum on all existing sites (in accordance with Decision N°.04/88 for further liberalization of mobile broadband services, and Decision N°.400 of ARKEP on further liberalization of mobile broadband services through allowing the use new technologies which enable advanced mobile services).

A recalibration of frequencies and annual fee adjustment will be required for eight stations to be reflected in the temporary authorisation. The modalities for this will be agreed by both sides by 18 November 2016, within the framework of these conclusions.

10. For allocated spectrum on 900 MHz and 1800 MHz, Mts d.o.o will be paying on a quarterly basis, during temporary authorisation. The price will be calculated in accordance with relevant ARKEP methodology and decision for 900 MHz and 1800 MHz for non-restricted operator, approved on 22.10.2015. The current scaling factor of 3,34% of the annual fee and of the one-off fee is calculated on the basis of a 60,000 number block divided by the total population of Kosovo. For allocated spectrum on 2100 MHz, the same methodology will apply once this is regulated by ARKEP.

11. In accordance with point 3.5 of the Action Plan, the EU will facilitate the transfer of fixed assets to be used by Mts d.o.o. The assets currently used by Serbian company (as defined in 3.2) will be transferred to Mts d.o.o. These assets are transferred without any customs, taxes or charges, and free of any conditions or restrictions. Kosovo will issue a final and enforceable act for mts d.o.o to be able to manage its assets in a proper way (i.e. taking loan guarantees).

As regards the next steps:

- Mts d.o.o. will bring all the documentation required for an increase of capital to the Kosovo Business Registration Agency by 26/11. Mts d.o.o. will also submit all necessary documents to register their immovable assets by 26/11.
- The KBRA will issue the final approval for the increase of capital of Mts d.o.o. by 29/11, Registration of immovable assets will also be confirmed by 29/11.

The Kosovan side will facilitate this process.

Technical problems relating to the registration of immovable property at the municipal cadastral offices will not affect the overall timetable.

12. The above applicable conditions will be written into the license for fixed telephony services and the temporary authorisation for mobile services for mts d.o.o.. In accordance with the Telecoms Action Plan, these documents will be delivered to the EU facilitator by 29/11.

13. The Parties will review the content of the draft licenses, and the documents confirming the transfer of assets to mts d.o.o. (mentioned in point 11 above) and the draft letter that Serbia will send to the ITU agreeing that code +383 can be allocated to Kosovo. If these documents are in accordance with these Conclusions, by 3/12, Serbia will send a letter to the ITU agreeing that dialling code +383 can be allocated to Kosovo.

14. Upon publication of the code allocation in the bulletin of the ITU, the EU facilitator will hand over the license and temporary authorisation to mts d.o.o.

15. Immediately after the 3-digit dialling code is allocated to Kosovo, the EU will facilitate discussions on the remaining issues as defined in the updated Action Plan.

16. An implementation group, chaired by the EU, will regularly review implementation of the above provisions, upon request of one of the Parties.