

LAW AMENDING THE LAW ON ELECTRONIC COMMUNICATIONS
Official Gazette of the R. of Macedonia, No. 188 of 19.12.2014

Article 1

In the Law on Electronic Communications ('Official Gazette of the Republic of Macedonia', No. 39/14), in Article 5, paragraph (2), after indent 6, a new indent 7 shall be added and it shall read as follows:

'- promotes the importance and gives recommendations for the development of the network and information security;'

Article 2

Article 6 shall be amended and it shall read as follows:

(1) The Agency for Electronic Communications (hereinafter referred to as: the Agency) is an independent, non-profit regulatory body of the markets for electronic communications in the Republic of Macedonia and has the status of a legal entity with public authorisations determined by this Law.

(2) The Republic of Macedonia shall be the founder of the Agency. The Assembly of the Republic of Macedonia shall have the founding rights regarding the property and the assets for work of the Agency. The property and the assets for work of the Agency shall be used and managed by the Agency.

(3) The Agency shall not depend on any state body, or an organisation established by a state body, as well as on any other legal or natural entity providing electronic communication networks and/or services in the course of regulation of the markets for electronic communications and the settlement of disputes in accordance with this Law.

(4) The Agency shall perform the works pursuant to this Law and the provisions adopted on its bases, the Law on the General Administrative Procedure, if this Law does not prescribe otherwise, the Law on the Administrative Servants, other laws and strategic documents of the Republic of Macedonia, as well as the international agreements in the field of electronic communications concluded or ratified by the Republic of Macedonia.

(5) The Agency shall be established in Skopje.'

Article 3

In Article 8, after point 31), a new point 32) shall be added, and it shall read as follows:

'32) ensures an official national contact point and coordination in handling of security incidents in networks and information systems and identifies and ensures response to the security incidents and risks;'

Points 32) and 33) shall become points 33) and 34).

Article 4

In Article 11, after paragraph (7), a new paragraph (8) shall be added, and it shall read as follows:

(8) The annual programme of work of the Agency for the next year, referred to in paragraph (3), point b) of this Article may, in the course of the year, shall be changed, in a procedure planned for its adoption.

Article 5

In Article 18, paragraph (1), indents 7 and 8 shall be deleted:

Article 6

In Article 25, paragraph (1), in indent (4), at the end of the sentence, the word 'or' shall be added.

In indent 5, the word 'or' at the end of the sentence shall be replaced with a comma.

Indent 6 shall be deleted.

Article 7

After Article 26, a new Article 26-a shall be added, and it shall read as follows:

'Article 26-a

National Centre for Computer Incidents Response (MKD-CIRT)

1) Within the Agency, as a separate organisational unit, a National Centre for Computer Incidents Response (MKD-CIRT) shall be established as an official national contact and coordination point in handling the security incidents in networks and information systems identifying and ensuring response to security incidents and risks.

2) The director of the Agency, in cooperation with the minister in charge of the operations in the area of electronic communications shall adopt an annual programme for work of the National Centre for Computer Incidents Response (MKD-CIRT) and an annual report on the work of the National Centre for Computer Incidents Response and he/she shall submit them for adoption to the Government of the Republic of Macedonia.

3) The annual programme referred to in paragraph (2) of this Article shall be adopted by the Government of the Republic of Macedonia by 1 December of the current year at the latest, and the annual report referred to in paragraph (2) of this Article shall be adopted by the Government of the Republic of Macedonia by 31 March in the current year at the latest.

4) The employees in the separate organisational unit referred to in paragraph (1) of this Article shall have the status of administrative servants, according to the Law on Administrative Servants.'

Article 8

In Article 29, paragraph (1) shall be amended and it shall read as follows:

'(1) The Agency shall be financed by the financial means from the revenues from the fees determined in this Chapter of this Law for the purposes of covering the administrative expenses, i.e. ensuring appropriate financial and human resources with the aim that the Agency can conduct its tasks determined by this Law.'

Article 9

In Article 30, in paragraph (2), after the word 'up to', the word 'maximum' shall be added.

Article 10

In Article 49, in paragraph (1), the full stop at the end of the sentence shall be deleted and the following words shall be added: 'and enforceable.'

Article 11

In Article 60, in paragraph (3), point a) shall be amended and it shall read as follows: 'a) name and address of the operator;'

Article 12

After Article 75, a new Article 75-a shall be added, and it shall read as follows:

'Article 75-a

Prices for international roaming

(1) The Agency shall have the right, for the operators that possess public mobile communication networks and provide public mobile communication services, to determine the maximum prices of the services that they offer in roaming to customers from the countries with which the Republic of Macedonia has concluded an agreement for decrease of prices of the services in roaming in public mobile communication networks, on a reciprocal basis, which cannot be higher than the prices of the same services that are valid among the member states of the European Union.

(2) The maximum prices of the services referred to in paragraph (1) of this Article shall be determined by the Agency with a decision adopted according to Article 13 of this Law.

(3) In the decision referred to in paragraph (2) of this Article, the Agency shall determine as well the decrease of the existing prices of the roaming services referred to in paragraph (1) of this Article by the determined maximum prices from paragraph (2) of this Article, which shall be performed in a period of three years, starting from 2015.'

Article 13

In Article 121, in paragraph (3), the full stop at the end of the sentence shall be replaced by a comma and the following words shall be added: 'in an objective, transparent, non-discriminatory and proportionate manner.'

Article 14

In Article 151, in paragraph (1), in the first sentence, after the word 'numeration' the following words shall be added: 'in an objective, transparent and non-discriminatory manner.'

Article 15

In Article 166, in paragraph (4), the third sentence shall be deleted.

Article 16

In Article 180, paragraph (1), after point 4), a new point 5) shall be added, and it shall read as follows:

'5) shall not act upon the regulatory obligations imposed by the Agency for the wholesale and retail services offered in roaming (Article 75-a, paragraph (1));'

The points 5), 6), 7), 8), 9), 10), 11), 12), 13), 14), 15), 16), 17), 18), 19), 20), 21), 22), 23), 24), 25) and 26) shall become points 6), 7), 8), 9), 10), 11), 12), 13), 14), 15), 16), 17), 18), 19), 20), 21), 22), 23), 24), 25), 26) and 27).

Article 17

(1) The National Centre for Computer Incidents Response from Article 7 of this Law shall be established by 1 March 2015 at the latest.

(2) The annual programme for work of the National Centre for Computer Incidents Response for 2015 shall be adopted by the Government of the Republic of Macedonia by 1 July 2015 at the latest.

(3) The provision of Article 26-a, paragraph (4), determined in Article 7 of this Article shall be applied as of the day of the application of the Law on Administrative Servants ('Official Gazette of the Republic of Macedonia', No. 27/14).

Article 18

This Law shall enter into force on the day following the date of its publication in the 'Official Gazette of the Republic of Macedonia'.