

Telecommunication and Post

Introduction

The Armenian legislation in the field of telecommunication and post is almost in full incompliance with that of the EU, except for certain legal rules on general legal framework of telecommunication and post, data protection, payment systems and postal services.

The EU legislation on telecommunication and post regulates issues relating to the general legal framework of telecommunication and post, telecommunication action plan, internet, network security, data protection, electronic commerce, radio frequency, payment systems, postal services, information society.

The mentioned issues in Armenia are regulated by the laws on Electronic Communication¹, Public Services Regulatory Body², Personal Data³, Electronic Document and Electronic Signature⁴, Television and Radio⁵, Postal Communication⁶, as well as decrees of the Government of Armenia on the Approval of the re-edited and amended version of No. 60 License of ArmenTel Closed Joint-Stock Company⁷ and on the Approval of tender results for provision mobile communication services throughout Armenia and granting licenses⁸, the Order of the Minister of Transport and Communication on Tariffs of postal communication services. Despite the considerable number of legal acts, they do not fully provide for the EU legislative requirements.

Based on the screening results, it should be mentioned that there is a gap in the current legal framework for telecommunication and post, particularly in regard to the sectors of universal telecommunication services, licensing, unbundled access to the local loop, electronic commerce, post services and personal data.

Within the framework of this Programme, it is envisaged to completely approximate the Chapter "Telecommunication and Post" with the requirements of the EU legislation by 2009.

Y2006

To approximate the currently enforced law on Electronic Document and Signature with the EU requirements, a draft law on making amendments to the RoA Law on Electronic Document and Electronic Signature shall be elaborated during 2006, on the basis of the Directive 1999/93/EC of the European Parliament and of the Council of 13 December 1999.

Y2007

For the regulation of issues relating to the frequency band to be designated for the coordinated introduction of digital cordless telecommunications (DECT), a draft order of the Minister of Transport and Communication of Armenia on "the Frequency band to be designated for the coordinated introduction of digital cordless telecommunications (DECT)"

¹ HO-197, 17.02.1998

² HO-18, 25.12.2003

³ HO-422, 08.10.2002

⁴ HO-40, 14.12.2004

⁵ HO-293, 28.12.2001

⁶ HO-46, 14.12.2004

⁷ No 1465-N, 03.11.2004

⁸ No 1480-A, 11.05.2004

shall be elaborated during the 2nd quarter of 2007 based on the Council Directive 91/287/EEC of 3 June 1991.

Based on the main provisions of the Council Directive 87/372/EEC of 25 June 1987, a draft order of the Minister of Transport and Communication on the frequency bands to be reserved for the coordinated introduction of cellular digital land-based mobile communications shall be elaborated,.

To regulate issues relating to the radio equipment and telecommunications terminal equipment and the mutual recognition of their conformity, amendments shall be made to the Government Decree N2228-N⁹ of 15 December 2005 on “the Approval of technical regulation of radio equipment and telecommunications terminal equipment” on the basis of the provisions of the Directive 1999/5/EC of the European Parliament and of the Council of 9 March 1999.

It is envisaged to elaborate a draft law on making amendments to the RoA Law on Personal Data, as well as a draft Government Decree on the Protection of individuals with regard to the processing of personal data and the free movement of such data, on the basis of the Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995.

The Armenian legal acts mentioned below shall be approximated with the relevant EU legislation. In case of their absence, new legal acts shall be elaborated with the following schedule.

The RoA Law on Electronic Communications has been adopted based on the fundamental principles and approaches of the Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002, and the former Law on Telecommunication is no longer in force. Both laws are aimed at regulating issues relating to the common regulatory framework for electronic communications networks and services in regard to the currently existing legislative gap. The elaboration activities of both laws shall be carried out by the end of the first quarter of 2007.

During the first quarter of 2007, a draft law on making amendments to the RoA Law on Personal data and a draft law on the protection of privacy in the electronic communications sector shall be elaborated in compliance with the main provisions of the Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002.

To further harmonise the licensing procedure of companies and services in telecommunication sector with that of the EU, it is envisaged to elaborate a draft law on making amendments to the RoA Law on Licensing, as well as a draft decision of the Public Services Regulatory Commission of Armenia on the Approval of the authorisation procedure of electronic communications networks and services, based on the Directive 2002/20/EC of the European Parliament and of the Council of 7 March 2002 on the authorization of electronic communications networks and services (Authorization Directive). The approximation of the mentioned legal acts shall be carried out during the third quarter of 2007.

To define the procedure for granting unbundled access to the local loop, a draft decision of the Public Services Regulatory Commission of Armenia on Granting unbundled access to the local loop shall be elaborated on the basis of the approaches of the Regulation (EC) No 2887/2000 of the European Parliament and of the Council of 18 December 2000.

⁹ 2228-N, 12.12.2005

Y2008

During the first quarter of 2008, amendments shall be made to the RoA Law on Electronic Communication on the basis of the Directive 2002/19/EC of the European Parliament and of the Council of 7 March 2002.

Y2009

To lay down common rules for the development of the internal market of postal services and improvement of the quality of services, new draft laws on making amendments to the RoA Law on Postal Communication as well to the Law on Public Services Regulatory Body shall be elaborated. The mentioned laws shall be elaborated during the second quarter of 2009, on the basis of the main provisions of Directive 97/67/EC of the European Parliament and of the Council of 15 December 1997.

During the second quarter of 2009, it is envisaged to elaborate a draft law on Electronic Commerce, which will regulate the currently existing electronic commerce. The said law shall be elaborated according to the Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000.

Except for legislative amendments to be carried out in 2007, it is foreseen to establish a Network and Information Security Agency under the Ministry of Transport and Communication during the fourth quarter of the same year. The Agency shall be established according to the main provisions of the Regulation (EC) No 460/2004 of the European Parliament and of the Council of 10 March 2004

Based on the principles of the Directive 2002/22/EC of the European Parliament and of the Council of 7 March 2002 (Universal Service Directive), a relevant legal act on “Universal service and users' rights relating to telecommunication and post” shall be elaborated during the third quarter of 2009.

1.1 Legislative compliance

0	1	2	3	4	5	6
NN	Measure	EU Legal Source	Responsible Institution	Submission Date	Necessary Resources (man/days)	EU Technical Assistance
2006						
1.	Elaboration of a draft law on making amendments to the RoA Law on Electronic document and electronic signature	Directive 1999/93/EC of the European Parliament and of the Council of 13 December 1999 on a Community framework for electronic signatures	Ministry of Trade and Economic Development of Armenia, (Ministry of Finance and Economy of Armenia)	4 th quarter	31	Expertise, consultancy
TOTAL					31	
2007						
2.	Elaboration of a draft order of the Ministry of Transport and Communication of Armenia on the frequency band to be designated for the coordinated introduction of digital cordless telecommunications (DECT)	Council Directive 91/287/EEC of 3 June 1991 on the frequency band to be designated for the coordinated introduction of digital European cordless telecommunications (DECT) into the Community	Ministry of Transport and Communication of Armenia	2 nd quarter	15	Expertise, consultancy
3.	Elaboration of a draft order of Ministry of Transport and Communication of Armenia on the frequency bands to be reserved for the coordinated introduction of public cellular digital land-based mobile	Council Directive 87/372/EEC of 25 June 1987 on the frequency bands to be reserved for the coordinated introduction of public pan-European cellular digital land-based mobile communications in the Community	Ministry of Transport and Communication of Armenia	2 nd quarter	15	Expertise, consultancy

	communications					
4.	Elaboration of a draft decree on making amendments to the Government Decree No. 2228-N of 15.12.2005 on the Approval of technical regulation of radio equipment and telecommunications terminal equipment	Directive 1999/5/EC of the European Parliament and of the Council of 9 March 1999 on radio equipment and telecommunications terminal equipment and the mutual recognition of their conformity	Ministry of Transport and Communication of Armenia	2 nd quarter	76	Expertise, consultancy
5.	Elaboration of a draft law on making amendments to the RoA Law on Personal Data	Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data	Ministry of Labour and Social Affairs of Armenia	2 nd quarter	77	Logistics, premises
6.	Elaboration of a draft law on making amendments to the RoA Law on Electronic Communication	Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services (Framework Directive)	Ministry of Transport and Communication of Armenia (Ministry of Justice of Armenia, Public Services Regulatory Commission of Armenia)	3 rd quarter	70	
7.	<ul style="list-style-type: none"> Elaboration of a draft law on making amendments to the RoA Law on Personal Data Elaboration of a draft law on Protection of privacy in the 	Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive	Ministry of Transport and Communication of Armenia (Public Services Regulatory Commission of Armenia)	3 rd quarter	37	Expertise, consultancy

	electronic communication sector	on privacy and electronic communications)				
8.	<ul style="list-style-type: none"> Elaboration of a draft law on making amendments to the RoA Law on Licensing Elaboration of a draft Governmental Decree on the Approval of the authorization procedure of electronic communications networks and services 	Directive 2002/20/EC of the European Parliament and of the Council of 7 March 2002 on the authorization of electronic communications networks and services (Authorization Directive)	Public Services Regulatory Commission of Armenia	3 rd quarter	37	Expertise, consultancy
9.	Elaboration of a draft decision of the Public Services Regulatory Commission of Armenia on granting unbundled access to the local loop	Regulation (EC) No 2887/2000 of the European Parliament and of the Council of 18 December 2000 on unbundled access to the local loop	Public Services Regulatory Commission of Armenia (Ministry of Transport and Communication of Armenia)	4 th quarter	25	Expertise, consultancy
TOTAL					352	
2008						
10.	Elaboration of a draft law on making amendments to the RoA Law on Electronic Communication	Directive 2002/19/EC of the European Parliament and of the Council of 7 March 2002 on access to, and interconnection of, electronic communications networks and associated facilities (Access Directive)	Ministry of Transport and Communication of Armenia (Public Services Regulatory Commission of Armenia)	1 st quarter	59	Expertise, consultancy
TOTAL					59	

2009						
11.	<ul style="list-style-type: none"> Elaboration of a draft law on making amendments to the RoA Law on Postal Communication Elaboration of a draft law on making amendments to the RoA Law on Public Services Regulatory Commission 	Directive 97/67/EC of the European Parliament and of the Council of 15 December 1997 on common rules for the development of the internal market of Community postal services and the improvement of quality of service	Ministry of Transport and Communication of Armenia (State Commission for Protection of Economic Competition of Armenia)	2 nd quarter	41	Expertise, consultancy
12.	Elaboration of a draft law on Electronic Commerce	Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic commerce')	Ministry of Trade and Economic Development of Armenia	2 nd quarter	61	Expertise, consultancy
13.	Elaboration of a relevant legal act on universal service and users' rights relating to telecommunication and post	Directive 2002/22/EC of the European Parliament and of the Council of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services (Universal Service Directive)	Ministry of Transport and Communication of Armenia, Public Services Regulatory Commission of Armenia	2 nd quarter	83	
TOTAL					186	
TOTAL					627	

1.2. Institutional Capacities

0	1	2	3	4
N/N	Institution	Reorganization	Training Needs	Technical Assistance Needs
1.	RoA Ministry of Trade and Economic Development RoA Ministry of Finance and Economy	-	Training courses on Electronic Signature (5 days / 2006)	Involvement of international experts
2.	RoA Ministry of Trade and Economic Development	-	Training courses on Electronic Commerce (3 days/2007)	Involvement of international experts
3.	RoA Ministry of Labour and Social Affairs	-	Training courses on Personal Data (5 days/2007)	Involvement of international experts
4.	RoA Ministry of Transport and Communication	Elaboration of a draft Governmental Decree on the Establishment of a Network and Information Security Agency under the Ministry of Transport and Communication of Armenia, according to the draft RoA Law on processing of personal data and the protection of privacy in the electronic communications sector	Courses on network and information security (10 days/2009)	Involvement of international experts