

[YU] Licenses Required for Internet Service Providing

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Under Yugoslav Law no special license or approval was needed for a company to engage in Internet Service Providing (ISP). The Federal Law on Communication Systems from 1988, which has now expired, contained a provision giving the monopoly for «communications services» to the public PTT (Telekom) company, but in practice Internet was not considered to be a communication service under that monopoly provision and many Internet Service Providers were established. However, while establishing an Internet access point in mid March 1999, a company had been informed by the Telekom that «it cannot lease phone lines for Internet providing without a written license for that business activity issued by the Federal Ministry of Telecommunications».

On 22 January 1999, the Union of PTT of Yugoslavia had sent a query to the Federal Ministry of Telecommunications requesting its legal opinion with regard to leasing international links and phone lines for providing Internet services. In the query, which referred to the increasing number of requests for such leases, it was stressed that under the expired Law only Telekom could engage in providing Internet services, that many Internet Service Providers already exist in Yugoslavia, and that until a new Federal Law on Telecommunications is adopted, the Yugoslav PTT Union needs instructions on whether it may lease the links without formalities or must request some additional documents, i.e., licenses. In its reply sent on 11 February 1999 (NR. 4/1-03029/99-002) with a «VERY URGENT» note, the Federal Ministry of Telecommunications informed the Yugoslav PTT Union that it has exclusive competence to grant licenses to ISP. No legal grounds were stated to support its legal opinion. Apart from that, the Federal Ministry of Telecommunications stressed that the future regulations on this issue shall be construed in a manner that shall «take care of the interests of the Federal Republic of Yugoslavia and domestic enterprises». The proceedings for obtaining license for providing Internet Service are not regulated.

