[BA] Law on Communications

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Due to the Parliamentary Assembly's failure to adopt the Law on Communications (a draft version has been awaiting action by the Council of Ministers for the last eighteen months), and bearing in mind the importance of such regulations in the context of fostering a competitive environment for the telecommunications sector, which should attract foreign investments aimed at stopping a deepening of the economic and social crisis in the country, the High Representative has enacted the Law on Communications of Bosnia and Herzegovina (No. 52/02, 21 October 2002).

Just a reminder that in March 2001 the former High Representative issued a Decision creating a single regulator for the communications sector in BiH, combining regulatory responsibilities for telecommunications, formerly under the Telecommunications Regulatory Agency (TRA), with those for broadcasting, formerly under the Independent Media Commission (IMC)(see IRIS 2002-3: 12, IRIS 2001-4: 4). The single Communications Regulatory Agency (CRA), as an independent state-level agency, has continued the ongoing work of the IMC and the TRA, but it needed to be placed on a formal legal footing.

The Law on Communications of BiH shall replace the Telecommunications Law of BiH (Official Gazette of BiH No. 10799), and will enter into force pursuant to Article 50, but on an interim basis, until the Parliamentary Assembly of BiH adopts the same in due form, without amendment and with no conditions attached.

The body of Law consists of XI chapters and 50 articles:

- I. Introduction and General Provisions

- II. General Provisions for Telecommunications Infrastructures

- III. Telecommunications Services

- IV. Universal Telecommunications Services

- V. Telecommunications Market Competition

- VI. Addressing and Numbering

- VII. Provisions on Radio Frequency Spectrum

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- VIII. Radio and Telecommunications Terminal Equipment

- IX. Communications Regulatory Agency

- X. Procedural Provisions

- XI. Transitional and Final Provisions

Article 1 - Scope of the Law, deserves to be cited: 1. This Law regulates communications in Bosnia and Herzegovina, and the establishment and work of the Communications Regulatory Agency of Bosnia and Herzegovina in accordance with the Constitution of Bosnia and Herzegovina, which provides for the establishment and operation of common and international communications facilities. 2. Communications shall include telecommunications, radio, broadcasting (including cable television) and associated services and facilities. 3. This Law is without prejudice to telecommunications equipment installed and operated exclusively for the purpose of public security and defense and for the Communications Regulatory Agency. However, the frequency used by such equipment shall be agreed with the Communications regulatory Agency.

This Law clearly imposes responsibilities on the state-level institutions of BiH with respect to the communications sector. This Decision should represent an important step forward on the road to creating a market-oriented communications sector in the country, which primarily means a viable industry, lower prices and better services for all citizens.

OHR Press Release, "High Representative Enacts Key Economic Legislation", 21 October 2002

http://www.ohr.int/ohr-dept/presso/pressr/default.asp?content_id=28192

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