[KZ] New Telecommunications Law

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On 5 July 2004 the President of Kazakhstan signed into law the Statute on Telecommunications. The new Act replaces the Statute on Telecommunications of 18 May 1999. The Statute comprises 42 Articles divided into 10 chapters.

The Statute establishes the competences of government bodies in the telecommunications sphere, stipulates the procedure for allocation of frequencies, and provides for functioning, development and cooperation of telecommunication networks, sets up procedures for the protection of telecommunication devices, structures and networks, guaranties security of radio-frequency spectra and orbital slots for telecommunication satellites.

According to the Statute, the government engages in law-making, licensing and control over compliance with the law in the sphere of telecommunications. Use of the radio spectrum shall be exercised in accordance with the following rules: licensing of frequencies, payment for the use of frequencies, inadmissibility of a frequency assignment without time limitation, openness of the procedures concerning allocation and use of frequencies (Article 12 para 1). The Statute stipulates compulsory competition procedures for the licensing of television and radio broadcasting. Unlike other telecommunications licenses, those in radio and television broadcasting are to be granted by the authorized body in the sphere of mass media, ie by the Ministry of Information (Article 19 para 1). The government body authorized in the telecommunications sphere shall grant - in coordination with the Ministry of Information - permission to use a frequency reserved for radio or television broadcasting to an entity holding a television or a radio broadcasting license. The Statute includes the exhaustive list of grounds for a refusal to grant such a permission (Article 12 para 7).

The Statute introduces a number of measures aimed at the intensification of control over telecommunications security. All telecommunications networks in the Republic of Kazakhstan shall be considered as a united telecommunications network (Article 21). Unified rules for interaction between all telecommunications networks within this united network shall be adopted. Investigatory bodies of law enforcement agencies are authorized to suspend activities of telecommunications networks or means of communication without an order granted by a prosecutor or a court where the networks and means are used for criminal purposes (Article 15).

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Chapter 7 of the Statute is devoted to universal telecommunication services. Such services shall be provided at affordable prices, irrespectively of place of residence of users, and with a view to the on-going development of telecom facilities. The list of and tariffs for these universal services shall be adopted by the Government of the Republic of Kazakhstan.

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