

Article 59. The following amendments are made to Article 107 of the same Law, as last amended by the Law of 21 December 2021:

(1) paragraph 3 is supplemented by a new subparagraph, which reads as follows:

‘The uninterrupted access referred to in the second subparagraph shall be ensured, in particular, by means of a redundancy system for emergency calls, in accordance with the procedures laid down in Article 107/1/1.’;

(2) in the second subparagraph of paragraph 7, the words ‘or certain categories of them’ shall be inserted between the words ‘obligations on operators’ and the words ‘, on undertakings providing a network’.

Article 60. The following amendments are made to the first subparagraph of Article 107/1(4) of the same Law, inserted by the Law of 10 July 2012 and last amended by the Law of 21 December 2021:

(1) the words ‘related to the application of this Article’ shall be inserted between the words ‘The management costs of the fund’ and the words ‘shall be borne by the operators’;

(2) the words ‘pursuant to this Article’ shall be inserted between the words ‘which contribute to the fund’ and the words ‘, in proportion to their contribution’.

Article 61. In Title IV, Chapter 2, Section 2 of the same Law, Article 107/1/1 is inserted as follows:

‘Article 107/1/1. § 1. For the purposes of this Article, ‘redundancy system for emergency calls’ means the system which allows:

(1) the routing of emergency calls to emergency services offering on-site assistance via the networks of at least two separate operators each having at least one direct physical and logical link with all emergency call management centres, hereinafter ‘direct path’;

(2) the automated and immediate redirection in the event of an incident of emergency calls from one direct path to another direct path, hereinafter ‘redirection system’.

§ 2. The operators referred to in Article 107(3) shall enter into the necessary agreements and adapt their infrastructure in order to make use of a redundancy system for emergency calls made by their subscribers. They shall each implement this system through at least one direct interconnection with another operator and their own redirection system.

When, pursuant to the first subparagraph, an operator makes use of a redundancy system for emergency calls only by means of other operators’ direct paths, he shall distribute the emergency calls to be routed equally between these direct paths.

When, pursuant to the first subparagraph, an operator implements a redundancy system for emergency calls, inter alia, by means of his own direct path(s), he shall carry out automated tests, in order to verify the correct routing of these calls through the third party direct path(s) used. The King may define the modalities for the implementation of these tests, such as the frequency of these tests.

§ 3. The operators referred to in Article 107(3) shall not be subject to the obligations referred to in paragraph 2 if the number of numbers publicly assigned for number-based interpersonal communications services does not exceed, for more than three consecutive years, 1% of the total number of such numbers for all the operators referred to in Article 107(3) during those years. On the other hand, they shall enter into the necessary agreements to ensure that calls to emergency services offering on-site assistance made by their subscribers benefit directly or indirectly from a redundancy system for emergency calls from an operator subject to the obligation laid down in paragraph 2.

By 31 December each year at the latest, each operator referred to in Article 107(3) shall notify the Institute of the number of numbers publicly assigned for interpersonal communications services based on the numbering available to it on 1 September of the current year. If the threshold of 1% referred to in the first subparagraph is exceeded for more than three consecutive years, the Institute shall notify the operator concerned thereof. The obligations laid down in paragraph 2 shall apply to the operator concerned

from 12 months following that notification.

The King may modify the percentage referred to in the first subparagraph, after consulting the Institute.

§ 4. Where there is no redundancy system for emergency calls, the King shall designate the operators responsible for carrying out this particular public service mission by means of a tendering procedure.

The Minister for the Interior, in cooperation with the Minister for Telecommunications and the Minister for Public Health, is responsible for the organisation, monitoring and control of this tender procedure.

In the absence of the particular public service mission referred to in the first subparagraph at the end of the tendering procedure, the King shall designate the operators responsible for carrying out this mission, in accordance with the conditions laid down in Article 106(4).

This redundant routing system of emergency calls shall be accessible, on reasonable, proportionate and non-discriminatory terms, to all operators referred to in Article 107(3). The King may specify these conditions, after consulting the Institute.

§ 5. The costs incurred by the operators designated in accordance with paragraph 4, as from the entry into force of this Article, and directly linked to the construction, provision and maintenance of their direct paths, shall be borne by the operators referred to in Article 107(3), in proportion to the number of numbers publicly assigned to that operator for number-based interpersonal communications services on 1 September of the year in which those costs were incurred.

The King may specify the nature of the costs referred to in the first subparagraph. The King may also extend the list of such costs prior to the organisation of the tendering procedure referred to in paragraph 4, provided that this extension is limited to costs directly related to the provision to third parties of its redundancy system for emergency calls.

§ 6. The fund for emergency services offering on-site assistance set up under Article 107/1 shall be responsible for collecting the sums due pursuant to this Article by the operators referred to in Article 107(3), to reimburse each of these costs to the operator who incurred them and to reimburse the management costs referred to in paragraph 7 to the Institute.

§ 7. The management costs of the fund linked to the implementation of this Article shall be borne by the operators referred to in Article 107(3) in proportion to their contribution set out in paragraph 5.

Management costs shall mean all costs incurred by the Institute by allocating human, financial and material resources to the fund, including costs for the Institute arising from the use of external experts.

§ 8. The Institute shall verify and approve the costs referred to in paragraph 5, on the basis of the principles laid down by the King. The Institute may appoint an independent auditor to verify the costs referred to in paragraph 5. These costs shall be borne by the operators referred to in Article 107(3) in proportion to their contribution set out in paragraph 5.

The total amount of reimbursements may not exceed the total amount of costs approved by the Institute. The King shall lay down, by decree deliberated in the Council of Ministers, the modalities for the reimbursement of any overcompensation.'