

Service Provision under the General Licence (WAS/RLAN)

An operator is a legal or natural person who **provides or is authorised to provide a public communication service or to make available a public communication network or associated equipment** (Article 5, paragraph 1, point 47 of the Electronic Communications Act (Official Gazette no. 76/22, 14/24; hereinafter: ZEK)). A public electronic communication service is a service that is, in principle, provided for a fee, and consists wholly or largely of the transmission of signals in electronic communication networks, including telecommunications services, **and is publicly available on a commercial basis**. The term "commercial basis" refers to any form of payment made for the service, whether direct or indirect payment via membership fees or other similar forms of indirect payment.

According to Article 9 of the Act on Local and Regional Self-Government (Official Gazette no. 33/01, 60/01, 129/05, 109/07, 125/08, 36/09, 36/09, 150/11, 144/12, 19/13, 137/15, 123/17, 98/19, 144/20), **cities, municipalities, and counties** are legal entities. In order to perform economic, social, communal, and other activities designated by law as public services, they establish public institutions and other legal entities. Furthermore, Article 59, paragraph 4 of the ZEK stipulates that certain requirements should be met if the Republic of Croatia or a local or regional self-government unit holds ownership of or control over legal entities managing electronic communication networks and/or providing electronic communication services,. Specifically, the bodies responsible for granting licences for the construction and use of electronic communication networks and infrastructure, as well as associated equipment, must be structurally separate from those exercising ownership or supervisory powers over such legal entities, by the principle of non-discrimination.

Associations are registered in the register of associations, and the Associations Act (Official Gazette no. 74/14, 70/17, 98/19, and 151/22) also defines them as legal entities. Operator obligations under Article 24, paragraph 4 of the ZEK require that an entrepreneur who exercises rights and obligations based on a general authorisation must inform the Croatian Regulatory Authority for Network Industries (HAKOM) electronically, at least 15 days in advance, about the start of operation, changes, and cessation of providing electronic communication networks and/or services. The entrepreneur may start providing networks and/or services after delivering the prior notification to HAKOM. The prior notifications are submitted through the [system e-Operator](#).

Operators are required to comply with the provisions of the Electronic Communications Act (ZEK), particularly the following:

- Chapter III related to the rights of end-users
- Chapter IV related to data protection and security of electronic communications

According to Article 52, paragraph 1 of the ZEK, operators of public communication networks and publicly available electronic communication services, as well as legal and natural persons conducting electronic communication network and service activities under special regulations within the Republic of Croatia, must ensure that their activities align with national security interests. This should be done following the law regulating the security and intelligence system of the Republic of Croatia. Additionally, they are required, at their own expense, to ensure and maintain the function of secret monitoring for the operational-technical body responsible for activating and managing the secret monitoring of electronic communications.

According to the Ordinance on the Payment of Operating Fees for HAKOM's Operations (Official Gazette no. 154/22, 72/23) operators are required to pay a fee expressed as a percentage of the total annual gross income they earned in the previous calendar year from providing electronic communication networks and services on the market. The fee is payable on the portion of the operator's gross annual income from electronic communication network and service activities that exceeds EUR 995,421.06 at a rate of **0.45%**.

If an RF spectrum is used in the provision of services, it may be used in accordance with the issued licence for the use of the RF spectrum. If the spectrum is used based on granted general licences, it is necessary to adhere to the limitations specified in the relevant general licences, such as limitations on calculated power, use in indoor/outdoor spaces, and so on. The method of issuing a licence for a specific part of the spectrum is defined in [the Radio Frequency Spectrum Allocation Table](#).

If the spectrum is used under a general licence that includes the obligation to report, the operator is required to notify HAKOM of the geographic location and technical data for each installed radio station or any changes to the parameters of an existing radio station before beginning operations. WAS/RLAN radio stations are reported via the [e-Prijava RP](#) application.

The general licences related to the free RF spectrum that can be used to provide internet access services include:

[OD-16 \(2400-2438.5 MHz\)](#)

[OD-85b \(5150-5250 MHz\)](#)

[OD-86b \(5250-5350 MHz\)](#)

[OD-201a \(5470–5725 MHz\)](#)

[OD-231 \(57–71 GHz\)](#)

[OD-232 \(57–71 GHz\)](#)

HAKOM has also granted other general licences enabling the operation of WAS/RLAN devices; however, these relate to operation in indoor spaces or for connecting portable user devices with integrated antennas nearby, not for providing services. All granted general licences can be found at this [link](#).

Operators are obliged to report all devices operating under these general licences. In summary, if a public electronic communication service is provided for a **fee** (either direct or indirect), a legal or natural person (**business, company, association**) must submit a prior notice to HAKOM, thereby becoming an operator. An operator using the spectrum based on a general licence must **report each installed radio station for which a notification is required under that general licence**.

Public institutions and other legal entities established by cities, municipalities, counties, hotels, restaurants, and other entities offering free wireless internet access without any form of compensation—direct or indirect—are not required to register with HAKOM to provide such services under the mentioned regulations. However, if the service is provided by another legal or natural person to whom these entities pay a fee, that legal or natural person must become an operator and fulfil the obligations by regulations.

