

**Divisão da Sociedade da Informação**  
**24/3/2015**

**Resposta ao Ofício nº 259/2015/GAB-SAL-MJ (Processo nº 08027.000032/2015-11)**

**Informações recebidas de Embaixadas do Brasil no exterior**

**NORUEGA**

“Descrevo, a seguir, a regulamentação aplicada pela Noruega acerca do uso da Internet e proteção de dados pessoais.

1. O modelo norueguês de regulação da neutralidade de rede é baseado em uma abordagem corregulatória. As diretrizes foram redigidas pela Autoridade Norueguesa de Telecomunicações (NKOM, na sigla em norueguês), em conjunto com outros atores relevantes, como provedores de Internet, provedores de consumo e entidades de proteção do consumidor. Os princípios têm por objetivo garantir que a Internet permaneça uma plataforma livre e não-discriminatória, mas não possuem força de lei.

2. Os princípios da neutralidade de rede no modelo norueguês são: 1) os usuários têm direito a uma conexão de Internet com capacidade e qualidade predefinidas; 2) os usuários têm direito a uma conexão que os permita acessar e receber conteúdos, utilizar serviços e aplicativos e conectar hardware e software de sua livre escolha; 3) os usuários têm direito a uma rede livre de discriminação quanto a conteúdo, aplicação ou serviço. Tais princípios, no entanto, não cobrem atividades perigosas ou ilegais, e não impedem, por exemplo, o bloqueio de IPs ligados a pornografia infantil ou o monitoramento de serviços P2P usados para transferência de conteúdo protegido por direito autoral.

3. O modelo atual norueguês é baseado num sistema de "soft law", o que deverá mudar quando forem finalizadas as discussões sobre neutralidade de rede no âmbito da União Europeia. A Noruega, que faz parte da EEA, passará a adotar as regras europeias quando essas entrarem em vigor.

4. Quanto à proteção de dados pessoais, a Lei de Dados Pessoais, de 14 de abril de 2000, regula a coleta e o uso dessas informações. O texto integral da lei, em inglês, está disponível em "[www.datatilsynet.no/Global/english/Personal\\_Data\\_Act\\_20120420.pdf](http://www.datatilsynet.no/Global/english/Personal_Data_Act_20120420.pdf)".

5. A Agência responsável por aplicar a Lei de Dados Pessoais é a Autoridade Norueguesa de Proteção de Dados (Datatilsynet, em norueguês), vinculada ao Ministério de Governo Local e Administração. O Datatilsynet conta com 40 funcionários e é dividido em 4 departamentos. O orçamento da agência em 2014 foi de NOK 38 milhões (cerca de US\$ 4,6 milhões), dos quais 70% correspondem a salários e o restante a despesas operacionais.

6. O Datatilsynet é responsável por manter o registro público de todo o processamento de dados que deve ser reportado ao Governo norueguês; processar os pedidos de licença e receber notificações; verificar se os estatutos e regulamentos aplicados à proteção de dados estão sendo aplicados; acompanhar acontecimentos nacionais e internacionais que

interfiram no processamento de dados; identificar riscos à proteção da privacidade e prover consultoria em assuntos relacionados à proteção da privacidade."

# The Electronic Communications Act

[Unofficial translation from Norwegian for information only. Legal authenticity remains with the original Norwegian version]

**Date:** Act No. 83 of 4 July 2003

**Ministry:** Ministry of Transport and Communications

**Published:** In 2003 part 10

**Entry into force:** 25 July 2003, 1 November 2004

**Amends:** Act No. 10 of 22 May 1902, Act No. 5 of 24 June 1915, Act No. 6 of 13 August 1915, Act No. 1 of 9 July 1923, Act No. 11 of 17 July 1925, Act No. 3 of 23 October 1959, Act No. 66 of 19 June 1969, Act No. 47 of 16 June 1972, Act No. 77 of 21 December 1979, Act No. 25 of 22 May 1981, Act No. 39 of 23 June 1995, Act No. 50 of 25 June 1999, Act No. 69 of 16 July 1999

**Most recently amended:** Act No. 2 of 11 January 2008 from 15 January 2008.

## The Electronic Communications Act.

### Chapter 1. Introductory provisions

**Section 1-1.** *Purpose*

**Section 1-2.** *Subject scope*

**Section 1-3.** *Geographic scope*

**Section 1-4.** *Authority under the Act*

**Section 1-5.** *Definitions*

### Chapter 2. General provisions

**Section 2-1.** *Duty to register*

**Section 2-2.** *Measurement of and information on quality*

**Section 2-3.** *Requirements for networks, services, associated equipment and installations*

**Section 2-4.** *Terms of supply*

**Section 2-5.** *Permitted restrictions on use*

**Section 2-6.** *Calls to the emergency call services and geographic locating of emergency calls*

**Section 2-7.** *Communications protection etc.*

**Section 2-8.** *Facilitating statutory access to information*

**Section 2-9.** *Duty of confidentiality*

**Section 2-10.** *Security and preparedness*

**Section 2-11.** *Ensuring continuity of supply in the event of provider bankruptcy etc.*

**Section 2-12.** *Premium rate services*

**Section 2-13.** *Maritime accounting authorities*

**Section 2-14.** *Installers*

### Chapter 3. Significant market power

**Section 3-1.** *Significant market power*

**Section 3-2.** *Relevant markets*

**Section 3-3.** *Market analysis and designation of providers with significant market power*

**Section 3-4.** *Obligations on providers with significant market power*

### Chapter 4. Access etc.

**Section 4-1.** *Access*

- Section 4-2.** *Interconnection*
- Section 4-3.** *Access to radio and television*
- Section 4-4.** *Co-location and other shared utilisation of infrastructure*
- Section 4-5.** *Information and support systems*
- Section 4-6.** *Publication and reference offers*
- Section 4-7.** *Non-discrimination*
- Section 4-8.** *Structural and accounting separation*
- Section 4-9.** *Price and accounting controls*
- Section 4-10.** *Regulation of end-user services*
- Section 4-11.** *Carrier pre-selection and carrier selection using a prefix*
- Section 4-12.** *Minimum set of leased lines*
- Section 4-13.** *Duty of confidentiality regarding access and interconnection*
- Section 4-14.** *International roaming on mobile networks*

## **Chapter 5. Universal service obligation and special social obligations**

- Section 5-1.** *Universal service obligation*
- Section 5-2.** *Financing of the universal service obligation*
- Section 5-3.** *Special social obligations*

## **Chapter 6. Spectrum management and orbital slots**

- Section 6-1.** *National Table of Frequency Allocations*
- Section 6-2.** *Spectrum licences*
- Section 6-3.** *Conditions attached to licences*
- Section 6-4.** *Procedures for limiting the number of spectrum licences*
- Section 6-5.** *Transfer of spectrum licences*
- Section 6-6.** *Satellite orbital slots*
- Section 6-7.** *Recourse*

## **Chapter 7. Management of numbers, names and addresses**

- Section 7-1.** *Plans for numbers, names and addresses. Authorisation for use*
- Section 7-2.** *Orders regarding the use of numbers, names and addresses*
- Section 7-3.** *Number portability*
- Section 7-4.** *Numbers, names and address information*
- Section 7-5.** *Databases*

## **Chapter 8. Regarding approved equipment, import, sale and use**

- Section 8-1.** *Right to possess, sell and use radio and terminal equipment*
- Section 8-2.** *Notified body*

## **Chapter 9. Rules of procedure**

- Section 9-1.** *Regarding the Public Administration Act (forvaltningsloven)*
- Section 9-2.** *Consultation on individual decisions*
- Section 9-3.** *Consultation procedure*
- Section 9-4.** *Processing time for applications for spectrum licences*
- Section 9-5.** *Processing time for applications for the use of numbers*
- Section 9-6.** *Exchange of confidential information between the Authority and the competition authorities*
- Section 9-7.** *Provision of information subject to a duty of confidentiality to another authority*
- Section 9-8.** *Exceptions to the duty of confidentiality*

## **Chapter 10. Supervision**

**Section 10-1.** *Supervision*

**Section 10-2.** *Limitation on power to issue instructions*

**Section 10-3.** *Duty to provide information*

**Section 10-4.** *Cooperation on supervision*

**Section 10-5.** *Internal control*

**Section 10-6.** *Orders to take corrective action and make changes, etc.*

**Section 10-7.** *Coercive fines*

**Section 10-8.** *Revocation*

**Section 10-9.** *Closure*

**Section 10-10.** *Orders to stop the sale of radio and terminal equipment and to recall same*

**Section 10-11.** *Invalidity*

**Section 10-12.** *Reimbursement between providers*

**Section 10-13.** *Administrative fines*

## **Chapter 11. Resolution of conflicts and appeals**

**Section 11-1.** *Mediation in conflicts between providers*

**Section 11-2.** *Resolution of conflicts in disputes between providers*

**Section 11-3.** *Conflicts across national borders*

**Section 11-4.** *Arbitration*

**Section 11-5.** *The Consumer Complaints Board (Brukerklagenemnda) for Electronic Communications*

**Section 11-6.** *Appeal against individual decision*

**Section 11-7.** *Reversal*

## **Chapter 12. Administrative charges, fees, expropriation and penalties**

**Section 12-1.** *Administrative charges*

**Section 12-2.** *Fees*

**Section 12-3.** *Compulsory purchases*

**Section 12-4.** *Penalties*

## **Chapter 13. Concluding provisions**

**Section 13-1.** *Entry into force*

**Section 13-2.** *Transitional regulations*

**Section 13-3.** *Amendments to other Acts*

## **Electronic Communications Act**

Cf. Annex XI (Directive 2002/19/EC, 2002/20/EC, Directive 2002/20/EC, Directive 2002/21/EC, Directive 2002/22/EC, Directive 2002/58/EC, Directive 2002/77/EC and Decision No. 676/2002/EC) to the EEA Agreement.

## **Chapter 1. Introductory provisions**

### **Section 1-1. Purpose**

The purpose of the Act is to secure good, reasonably priced and future-oriented electronic communications services for the users throughout the country through efficient use of society's resources by facilitating sustainable competition, as well as fostering industrial development and innovation.

**Section 1-2. *Subject scope***

The Act applies to activity connected with the transmission of electronic communications and the associated infrastructure, services, equipment and installations. Management and use of the electromagnetic spectrum and numbers, names and addresses are covered. The same applies to all radiation of electromagnetic waves from electronic communications and all inadvertent radiation of electromagnetic waves that may interfere with electronic communications.

King may by individual decision or regulations determine what shall be considered to fall within the subject scope of the Act.

Amended by Act No. 2 of 11 January 2008 (in force 15 January 2008 pursuant to Decree No. 8 of 11 January 2008).

**Section 1-3. *Geographic scope***

The Act also applies to Norwegian ships and aircraft and to installations and devices of whatever nature connected to petroleum activity on the continental shelf.

The King shall determine to what extent the Act applies to Jan Mayen, the Dependencies and the Antarctic and lay down the rules for exceptions and special provisions resulting from international agreements to which Norway is party or that are necessary because of local circumstances.

The King may limit the Act's geographic scope and lay down provisions on the Act's application to foreign-registered ships in Norwegian territorial waters and foreign-registered aircraft in Norwegian airspace.

**Section 1-4. *Authority under the Act***

The Authority under the Act is the King, the Ministry and the Norwegian Post and Telecommunications Authority. The King may determine the allocation of functions within the Authority, and may determine that other public or non-public entities shall have authority in limited areas under the Act.

**Section 1-5. *Definitions***

In this Act the following definitions shall apply:

1. electronic communications: transmission of sound, text, pictures or other data using electromagnetic signals in free space or by cable in a system for signal transmission.
2. electronic communications network: electronic communications system that includes radio equipment, switches, other connection and routing equipment, associated equipment or functions.
3. network termination point: connection point between an electronic communications network and terminal equipment.
4. electronic communications service: service that wholly or primarily comprises conveyance of electronic communications and that is normally provided for a fee.
5. telephone service: electronic communications service that transmits speech between terminal equipment connected to network termination points in an electronic communications network.

6. leased lines: electronic communications service in the form of permanently established capacity for signal transmission as a factor input for service production or as transmission between different geographic addresses for end-users.
7. public electronic communications service: electronic communications service that is accessible to the public or intended for use by the public.
8. terminal equipment: product or parts of a product that may be used for electronic communications and that are intended for direct or indirect connection to a network termination point in an electronic communications network.
9. radio equipment: product or parts of a product that intentionally radiate or receive electromagnetic waves transmitted in free space, except a receiver of analogue broadcasting.
10. interconnection: function that facilitates conveyance of traffic between providers so that end-users may communicate with each other and have access to public electronic communications services independently of provider connection.
11. co-location: shared use of property in the form of premises, masts, cable conduits, etc., used or to be used to locate equipment for electronic communications.
12. user: any natural or legal person that uses an electronic communications network or service for own use or as a factor input to production of other services.
13. end-user: any natural or legal person that concludes an agreement on access to an electronic communications network or service for own use or hire.
14. provider: any natural or legal person that offers others access to an electronic communications network or service.
15. premium rate service: content service paid for in advance or in arrears that is offered over electronic communications networks and that is billed along with an electronic communications service.

Amended by Act No. 2 of 11 January 2008 (in force 15 January 2008 pursuant to Decree No. 8 of 11 January 2008).

## **Chapter 2. General provisions**

### **Section 2-1. *Duty to register***

The Authority may issue regulations on the duty to register for a provider of an electronic communications network or public electronic communications service if it is necessary to maintain supervision of the market. Providers subject to a duty to register shall register the activity with the Authority no later than at the time the activity commences.

### **Section 2-2. *Measurement of and information on quality***

Providers of public electronic communications services shall measure quality and provide information on the quality of service that is offered to the end-user.

The Authority may issue regulations on methods of measurement and information requirements.

**Section 2-3. *Requirements for networks, services, associated equipment and installations***

The Authority may impose requirements for electronic communications networks, services, associated equipment, installations and the use of standards to ensure interoperability between networks and services, quality, efficient utilisation of capacity in networks that are used by more than one provider and to protect life and health or avoid harmful interference.

The Authority may issue regulations or individual decisions on the matters governed by the first paragraph, including ordering providers to take action to prevent and limit the quantity of bulk electronic messages (“spam”), malicious software (“malware”) and similar.

Amended by Act No. 2 of 11 January 2008 (in force 15 January 2008 pursuant to Decree No. 8 of 11 January 2008).

**Section 2-4. *Terms of supply***

Providers of public electronic communications services to end-users may be required to prepare and publish terms of supply for such provision.

Providers of electronic communications networks that are used for public electronic communications services and providers of such services may change or close access to networks or services at the earliest one month after notice has been given of the change or closure. Users who do not accept new terms of supply may cancel the agreement with immediate effect. In the notice to the user information shall be given on the right to cancel the agreement.

The Authority may issue regulations on terms of supply.

**Section 2-5. *Permitted restrictions on use***

The Authority may order providers to implement restrictions on use on electronic communications networks and services in the interest of national security or other important societal consideration.

Providers shall implement necessary restrictions on use in emergency situations that involve serious threats to life or health, safety or public order or danger of sabotage against networks or services.

Providers may immediately disconnect radio and terminal equipment when it is necessary in the interest of communication security or the network’s integrity and provided the provider offers an alternative solution without delay. The costs of providing an alternative solution shall be borne by the provider.

The Authority may give providers permission to deny connection or to disconnect radio and terminal equipment that does not satisfy requirements in accordance with Section 8-1, or that causes harmful interference or serious damage to the network.

The Authority shall be notified immediately in the event of disconnection. If possible, the provider shall notify the Authority, stating the reasons, on other restrictions on use. If possible, the provider shall notify affected end-users and other affected providers of any disconnection or other restrictions on use, while stating the reasons. Affected end-users and providers shall be given the right to respond to restrictions on use.



Restrictions on use pursuant to the second paragraph shall be terminated as soon as the emergency situation is over, and in accordance with the third and fourth paragraphs as soon as the end-user establishes that the necessary permission has been obtained or illegal radio and terminal equipment is disconnected from the network.

In situations other than those mentioned in the second and the third paragraphs implementation of restrictions on use requires permission from the Authority.

The Authority may issue regulations on restrictions on use and on exceptions to the requirement for permission.

**Section 2-6.** *Calls to the emergency call services and geographic locating of emergency calls*

It shall be possible to make calls to the emergency services' emergency call service from all terminals connected to public telephone services.

It shall be possible to make calls to the emergency services' emergency call service from terminals directly or indirectly connected to public telephone services free of charge and without the use of coins, cards, codes or other means of access. Numbers to emergency call services shall be displayed and readily visible in or by publicly accessible terminals for telephone services.

Providers of public telephone services and owners of electronic communications networks used to supply public telephone services shall ensure that the telephone number and necessary information for geographic locating of emergency calls is transmitted for all calls to the emergency services without payment by the end-user.

The same shall apply even if the end-user has an agreement for an unpublished telephone number or has blocked the display of the calling number on equipment of the end-user called.

On application, providers of public telephone services may be given time-limited exceptions to the duty to offer caller location information.

The Authority may issue regulations on calls to emergency call services and geographic locating of emergency calls.

**Section 2-7.** *Communications protection etc.*

The provider shall implement the necessary security measures for the protection of communications in the provider's electronic communications networks and services. In the event of a particular risk of breach of security the provider shall inform the subscriber of the risk.

Traffic data shall be deleted or rendered anonymous as soon as they are no longer necessary for communications or invoicing purposes, unless otherwise determined by or pursuant to law. Any other processing of traffic data requires the consent of the user.

The Authority may issue regulations on matters governed by the first and the second paragraphs.

**Section 2-8.** *Facilitating statutory access to information*

Providers of electronic communications networks that are used for public electronic communications services and providers of such services shall operate networks and services in a manner that ensures statutory access to information on end-users and electronic communications.

The provider's operating expenses connected with fulfilling this duty to facilitate access to information will be met by the State in regard to those additional costs resulting from providing these services.

The Authority may issue regulations on this duty in accordance with the first paragraph, including the duty to store traffic data for a specified period.

### **Section 2-9. *Duty of confidentiality***

Providers and installers have a duty to maintain secrecy of the content of electronic communications and others' use of electronic communications, including information on technical systems and methods. They have a duty to implement measures to prevent others than those to whom the information applies from obtaining knowledge of such information. Nor may the information be utilised for their own purposes or in service or work for others, with the exception of statistical information on network traffic that is rendered anonymous and does not provide information on systems or technical solutions.

The duty of confidentiality pursuant to the first paragraph also applies to anyone performing work or services for providers of electronic communications networks or services, installers, technical control bodies or the Authority, also after the individual has ceased performing such work or service.

The duty of confidentiality is not an obstacle to information being given to the prosecuting authority or the police on telephone numbers unpublished according to contract or other subscription information, as well as electronic communications addresses. The same applies to giving evidence in courts of law. Nor is the duty of confidentiality an obstacle to information as mentioned in the first paragraph being given to another authority pursuant to law.

A request from the prosecuting authority or the police for information as described in the third paragraph shall be complied with unless special circumstances make this inadvisable.

The Authority may issue regulations on the duty of confidentiality, on the extent of the exception pursuant to the third paragraph and the duty of notification pursuant to the fourth paragraph.

Any other statutory duty of confidentiality applies in addition to this section.

### **Section 2-10. *Security and preparedness***

Providers shall offer electronic communications networks and services with the necessary security for the users in peacetime, crises and war. Providers shall maintain the necessary preparedness and entities important to the community shall be prioritised when necessary. Providers shall communicate important messages from the State authority.

To ensure the fulfilment of national requirements for electronic communications security the Authority may issue regulations, issue individual decisions or conclude agreements that providers shall implement measures pursuant to the first paragraph. Such measures may include *inter alia*:

1. introduction of special functions and services in electronic communications networks, operating systems and operating organisations
2. contingency planning and preparedness plans, including contributing to national preparedness plans and participation in drills
3. physically securing of important installations in electronic communications networks

The Authority may order providers to enter into cooperation with other national or international activity when this is laid down in an international agreement.

In principle, providers shall meet costs of security and preparedness measures pursuant to this section. Providers' actual additional costs connected with provision of security and preparedness measures will be reimbursed by the State on the basis of satisfactory documentation furnished by providers. "Additional cost" means the cost that would not materialise in the absence of this provision, beyond the cost of a purely commercial solution.

Providers may be refused access to the market if this is necessary in the interest of public safety, health or other special circumstances.

Amended by Act No. 2 of 11 January 2008 (in force 15 January 2008 pursuant to Decree No. 8 of 11 January 2008).

**Section 2-11.** *Ensuring continuity of supply in the event of provider bankruptcy etc.*

Providers shall make plans that ensure continuity of supply to their own customers for a minimum of two weeks in the event of bankruptcy, the opening of debt settlement proceedings or as a consequence of suspension of payments. Such plans may comprise insurance schemes, agreements on cooperation between providers, private reserve schemes or similar.

The plans and any amendments to them shall be sent to the Authority. The Authority shall ensure statutory compliance of plans and may set requirements regarding their content. The Authority may relieve providers of electronic communications networks and services from the duty to prepare plans.

A provider shall inform the Authority of any petition for debt settlement proceedings or bankruptcy that the provider sends to the District Court. The District Court is immediately to inform the Authority of debt negotiations or bankruptcy proceedings that are opened in relation to a provider.

When, as a consequence of the commencement of bankruptcy proceedings in regard to a provider, a danger arises of cessation of operations, in particular cases the Authority may, to the extent that it is necessary to safeguard the users' communications, order continued operation for up to two weeks, including ordering the estate in bankruptcy to take over all or part of the debtor's current contracts. In consideration of whether such an order shall be given, account shall be taken of whether important societal interests will suffer as a consequence of a cessation of operations. Account is also to be taken of the estate's finances. The same applies if the commencement of debt settlement proceedings pursuant to the Bankruptcy Act would otherwise lead to cessation of operations.

Ordered operation pursuant to the fourth paragraph shall have no effect on the estate's right to choose whether it will assume the debtor's contracts pursuant to Section 7-3 of the Satisfaction of Claims Act (dekningsloven), or on the estate's liability pursuant to Section 7-4 of the Satisfaction of Claims Act, after the expiry of the order. Contractually determined notice periods and time limits for notice in Section 7-6, first paragraph, of the Satisfaction of Claims Act are not an obstacle to an order being given to assume current contracts for a period as stated in the fourth paragraph of this section.

The Authority may issue regulations on the plans pursuant to the first paragraph, exceptions to the duty to prepare plans and ensuring continuity of supply in situations as mentioned in the fourth paragraph.

**Section 2-12. *Premium rate services***

The Authority may issue regulations on premium rate services, including on complaint and supervision procedures for such services and on the funding of such procedures.

Amended by Act No. 2 of 11 January 2008 (in force 15 January 2008 pursuant to Decree No. 8 of 11 January 2008).

**Section 2-13. *Maritime accounting authorities***

Providers of clearing and payment services in connection with the use of electronic communications services from ships (maritime accounting authorities) must register with the Authority in order to be able to provide clearing and payment services to Norwegian ships.

The Authority may issue regulations on registration of maritime accounting authorities and requirements for the practice of these, including orders to furnish security for any liability the enterprise may incur while carrying out the activity, duration and cessation and limitation of the number of operations that may be registered or be approved.

**Section 2-14. *Installers***

Providers of installation, maintenance or connection of electronic communications networks or equipment for electronic communications shall be qualified and licensed by the Authority. The same applies to anyone who, for business purposes, performs installation, maintenance or connection for own use.

Providers of access to electronic communications networks shall use installers as mentioned in the first paragraph for installation, maintenance and connection of networks. The Authority may rescind permission if in their operations installers do not comply with requirements determined in or pursuant to this Act.

The Authority may issue regulations on requirements for installers.

## **Chapter 3. Significant market power**

**Section 3-1. *Significant market power***

A provider has significant market power when the provider individually or jointly with others has economic strength in a relevant market affording the provider the power to behave to an appreciable extent independently of competitors, customers and consumers. Significant market power in one market may result in a provider having significant market power in a closely related market.

The Authority may issue regulations on significant market power.

**Section 3-2. *Relevant markets***

The Authority shall define relevant product and services markets and geographic markets in accordance with the EFTA Surveillance Authority's recommendations on relevant product and services markets in the area of the electronic communications.

When pursuant to the first paragraph the Authority defines markets that deviate from previously defined common European markets, the consultation procedure in Section 9-3 shall be followed.

**Section 3-3. *Market analysis and designation of providers with significant market power***

The Authority shall carry out market analyses in accordance with the EFTA Surveillance Authority's guidelines for market analyses and assessment of significant market power in the area of electronic communications. The Authority will designate, maintain or rescind designation of a provider with significant market power on the basis of market analyses.

The Authority may issue regulations on market analyses.

**Section 3-4. *Obligations on providers with significant market power***

A provider who has significant market power shall be subject to one or more specific obligations that follow from Sections 4-1, 4-4, 4-5, 4-6, 4-7, 4-8, 4-9 and 4-10.

In exceptional circumstances the Authority may impose obligations on a provider who has significant market power beyond those that follow from Sections 4-1, 4-4, 4-5, 4-6, 4-7, 4-8, 4-9 and 4-10. In such cases the EFTA Surveillance Authority shall be consulted.

Obligations pursuant to the first and second paragraphs that are imposed in the individual case shall be appropriate to promote sustainable competition as well as facilitate national and international development in the market. The Authority may amend obligations imposed.

The Authority may issue regulations on obligations imposed on a provider with significant market power.

Amended by Act No. 2 of 11 January 2008 (in force 15 January 2008 pursuant to Decree No. 8 of 11 January 2008).

## **Chapter 4. Access etc.**

**Section 4-1. *Access***

The Authority may direct a provider with significant market power to meet any reasonable request to enter into or amend an agreement on access to electronic communications networks and services.

In considering whether a request is reasonable an assessment shall be undertaken *inter alia* of the provider's interest in control over his own infrastructure against the need to give others the access necessary to be able to offer competing services. In the assessment of what is necessary account shall be taken of whether in the light of developments in the market it is technically and commercially possible to install or use competing infrastructure. In the assessment of whether a request is reasonable account shall also be taken of:

1. available capacity
2. the provider's investment in relation to the risk with which the investment has been associated
3. sustainable competition
4. the need to sustain the network's integrity
5. intellectual property rights
6. establishment of pan-European services.

A provider with significant market power shall document and justify a refusal of a request for access.

If necessary to ensure end-to-end connectivity, the Authority may impose access obligations on any provider. Such obligations may include an obligation to conclude an agreement. Orders pursuant to this paragraph shall follow the procedures in Sections 9-2 and 9-3.

The Authority may issue regulations on access, including technical and administrative terms for access.

#### **Section 4-2. *Interconnection***

Any provider of access to electronic communications networks and services has the right and obligation to negotiate with other providers on interconnection for the provision of public electronic communications services.

If necessary to ensure end-to-end connectivity, the Authority may impose interconnection obligations on any provider. Such obligations may include an obligation to conclude an agreement. Orders pursuant to this paragraph shall follow the procedures in Sections 9-2 and 9-3.

Within those areas in which the provider has significant market power, the provider shall meet any reasonable request to enter into or amend an agreement on interconnection. In the assessment of whether a request is reasonable, an evaluation shall be undertaken pursuant to Section 4-1, second paragraph. A provider with significant market power as regards the products shall document and justify rejection of a request for interconnection.

The Authority may issue regulations on interconnection.

#### **Section 4-3. *Access to radio and television***

Providers of conditional access services for digital radio and television shall meet any reasonable request for access from content suppliers. The terms of access shall be objective, reasonable and non-discriminatory, be based on objective criteria and be publicly accessible. Providers shall document and justify refusals of requests for access. The same requirements may be imposed on a provider of other functions that may limit access to digital radio and television.

The Authority may make exceptions to the requirement in the first paragraph if a market analysis shows that a provider does not have significant market power in the relevant market, and the access to digital radio and television services will not be reduced.

The Authority may issue regulations on conditional access services and other functions that may limit access to radio and television, including laying down requirements for transmission and reception of digital television services and television programmes and impose requirements on the holder of intellectual property rights to products and conditional access services to be consistent.

#### **Section 4-4. *Co-location and other shared utilisation of infrastructure***

The Authority may impose on a provider who obtains the right of compulsory purchase in accordance with Section 12-3 an obligation to give other providers without corresponding rights access to co-location.

The Authority may impose shared utilisation of infrastructure on providers when considerations of effective use of resources, the interests of health, the environment or safety or other societal interests warrant that duplication of infrastructure should be avoided.

The Authority may impose on a provider with significant market power an obligation to meet a reasonable request for co-location or other shared utilisation of infrastructure within the market where the provider has significant market power, when this is appropriate to promote sustainable competition.

A provider with significant market power in the market for the products full and shared access to the fixed access network shall offer co-location to other providers on reasonable request for such access.

In the assessment of whether a request is reasonable pursuant to the third and the fourth paragraphs an assessment shall be performed pursuant to Section 4-1, second paragraph. Providers with significant market power shall document and justify refusals of requests for co-location and other shared utilisation of infrastructure.

Orders pursuant to the first, second and third paragraphs will follow the procedure in Section 9-2.

The Authority may issue regulations on co-location and on shared utilisation of infrastructure.

Amended by Act No. 2 of 11 January 2008 (in force 15 January 2008 pursuant to Decree No. 8 of 11 January 2008).

#### **Section 4-5. Information and support systems**

The Authority may impose on a provider with significant market power an obligation to meet any reasonable request to provide access to information and support systems if such access is necessary for the requester to be able to supply competing services. In considering whether a request is reasonable an assessment shall be undertaken pursuant to Section 4-1, second paragraph.

A provider with significant market power in the market for the products full and shared access to the fixed access network shall provide access to information and support systems.

The Authority may issue regulations on access to information and support systems.

Amended by Act No. 2 of 11 January 2008 (in force 15 January 2008 pursuant to Decree No. 8 of 11 January 2008).

#### **Section 4-6. Publication and reference offers**

The Authority may order a provider with significant market power to publish specified information or prepare and publish reference offers for electronic communications networks and services. The duty to publish specified information may *inter alia* include:

1. financial information
2. technical specifications, including interfaces used at the network termination points, as well as which standards are used
3. network characteristics
4. prices
5. other terms and conditions for supply and use.

The Authority may require that offers pursuant the first paragraph are sufficiently unbundled into individual elements with associated terms based on market needs so that the user is not bound to accept services, functions or outputs that have not been requested.

A provider with significant market power in the market for the products full and shared access to the fixed access network shall prepare a reference offer for access to the fixed access network. The offer shall be sufficiently unbundled so that the requester does not pay for services, functions or outputs that have not been requested.

The Authority may issue orders on where, how and on what terms the information shall be made publicly accessible, as well as order changes in the reference offer.

The Authority may issue regulations on publication and reference offers.

Amended by Act No. 2 of 11 January 2008 (in force 15 January 2008 pursuant to Decree No. 8 of 11 January 2008).

#### **Section 4-7. *Non-discrimination***

The Authority may order a provider with significant market power to offer interconnection and access to external providers on non-discriminatory terms.

The Authority may order a provider with significant market power to offer interconnection and access to other providers on the same or equivalent terms and of the same or equivalent quality as provided for internal operations, subsidiaries or partnerships.

On request internal utilisation shall be reported to the Authority, cf. Section 10-3.

The Authority may issue regulations on non-discrimination.

#### **Section 4-8. *Structural and accounting separation***

The Authority may order a provider with significant market power to put in place accounting separation between different business areas or between specified activities connected to interconnection and access.

A provider who provides access to access control systems for digital radio and television shall put in place accounting separation between such activity and other activity. If, after market analysis, cf. Section 3-3, the Authority finds that such an order is not proportionate the obligation for accounting separation shall be removed.

A provider with a business with sole or special rights in areas other than electronic communications may be ordered to organize his offering of electronic communications networks used for public electronic communications services and similar services to be separated out for accounting purposes or into a separate legal entity.

The Authority may order a provider who is vertically integrated to publish wholesale prices, as well as internal prices.

The Authority may issue orders on what accounting methods and principles shall be used.

Providers shall make financial information available on request, cf. Section 10-3.



The Authority may issue regulations on structural and accounting separation.

**Section 4-9. *Price and accounting controls***

The Authority may impose on a provider with significant market power pricing obligations for access and interconnection in cases where the provider may use his market position to the detriment of the end-users in the market by maintaining a disproportionately high price level, or by subjecting a competing provider to a margin squeeze.

The Authority may pursuant to the first paragraph impose on a provider the use of specific methods of price control. The Authority may order a provider to document that the prices are in accordance with the obligations.

The Authority may impose on a provider as mentioned in the first paragraph the use of specific systems for cost accounting. A description of the systems imposed for cost accounting, including an overview of the main categories for costs and what cost allocation rules are used, shall be made public. Confirmation that the cost accounts are in accordance with the system laid down for cost accounting shall be prepared by an external auditor and shall be published annually.

The Authority may issue regulations on price and accounting controls.

**Section 4-10. *Regulation of end-user services***

When obligations pursuant to Sections 4-1 to 4-9 and 4-11 will be insufficient for facilitating sustainable competition, the Authority may impose terms and conditions for providing end-user services on a provider with significant market power in the markets for end-user services. The terms and conditions may *inter alia* include publication, reference offers, non-discrimination, price and accounting controls and prohibition of unreasonable product bundling.

Amended by Act No. 2 of 11 January 2008 (in force 15 January 2008 pursuant to Decree No. 8 of 11 January 2008).

**Section 4-11. *Carrier pre-selection and carrier selection using a prefix***

A provider with significant market power in access to public telephone services provided at a fixed location and who controls access to end-users shall offer carrier pre-selection and carrier selection using a prefix at cost-oriented prices. The price for carrier selection shall be determined between the providers so that the end-user is not billed separately for this.

The Authority may issue regulations on carrier pre-selection and carrier selection using a prefix.

**Section 4-12. *Minimum set of leased lines***

A provider with significant market power in all or parts of the market for the minimum set of leased lines shall offer such leased lines to end-users on non-discriminatory terms. The Authority may order the provider to offer such leased lines at cost-oriented prices.

A provider pursuant to the first paragraph shall prepare and publish terms of supply for the minimum set. The Authority may make exceptions to the requirement for publication should it appear unreasonable.

The Authority may issue regulations on leased lines, including laying down the scope and content of the minimum set.

Amended by Act No. 2 of 11 January 2008 (in force 15 January 2008 pursuant to Decree No. 8 of 11 January 2008).

**Section 4-13. *Duty of confidentiality regarding access and interconnection***

Each provider is obliged to keep confidential information received from another provider prior to, during and subsequent to negotiations on access or interconnection agreements. Nor shall such information be used internally in own operations for a use other than the one intended when the information was submitted.

Inserted by Act No. 2 of 11 January 2008 (in force 15 January 2008 pursuant to Decree No. 8 of 11 January 2008).

**Section 4-14. *International roaming on mobile networks***

The Authority may issue regulations on international roaming on mobile networks, including the imposition of price obligations on providers.

Inserted by Act No. 2 of 11 January 2008 (in force 15 January 2008 pursuant to Decree No. 8 of 11 January 2008).

## **Chapter 5. Universal service obligation and special societal obligations**

**Section 5-1. *Universal service obligation***

The Authority may enter into contract with or designate by order one or more providers of electronic communications networks and services to secure provision of the following universal services.

1. access to public telephone services and digital electronic communications networks throughout the country
2. public pay telephones
3. directory enquiry services
4. telephone directories
5. special services for the disabled and other end-users with special needs.

The Authority may impose detailed requirements regarding the content of the obligation pursuant to the first paragraph, *inter alia* on prices to end-users, geographic unit prices, quality requirements for the services, measurement of quality and information.

The Authority may issue regulations on the universal service obligation.

**Section 5-2. *Financing of the universal service obligation***

When a provider pursuant to Section 5-1 incurs an unreasonable burden by meeting a universal service obligation and the provider so requests, the costs may be met by a financing fund. Together with the requirement for costs to be met the provider must forward a statement of the net costs connected with meeting the universal service obligation.

The Authority may order the provider to help to fund a financing fund. Competitive tendering shall be carried out if obligatory universal service is funded by a financing fund.

The Authority may issue regulations on the calculation of costs related to meeting the universal service obligation, a financing fund and obligations for providers of electronic communications networks and services to contribute to a financing fund or in another way to share the costs of meeting the universal service obligation.

**Section 5-3. *Special societal obligations***

The Authority may enter into contract with or designate by order one or more providers of electronic communications networks and services to ensure that the following special societal obligations are met:

1. provision of the emergency and safety services (coastal radio) to meet the obligations within the coastal radio's area of coverage that Norway has undertaken through international agreements
2. services in connection with Svalbard.

Additional costs of contracts or orders pursuant to this section shall be met by the State.

The Authority may issue regulations on special societal obligations pursuant to the first paragraph.

**Chapter 6. Spectrum management and orbital slots**

**Section 6-1. *National Table of Frequency Allocations***

The Authority shall establish the National Table of Frequency Allocations for use of the electromagnetic spectrum. The National Table of Frequency Allocations shall promote the efficient use of society's resources and the objective of avoiding harmful interference and shall be determined within the framework of international agreements to which Norway is party.

The National Table of Frequency Allocation shall be publicly available.

**Section 6-2. *Spectrum licences***

The frequencies in the electromagnetic spectrum may not be used unless licensed by the Authority.

When allocating frequencies, efficient use of society's resources through sustainable competition, free movement for services and harmonised use of the frequencies shall be taken into consideration.

The Authority may refuse to grant licences pursuant to the first paragraph when such refusal is owing to considerations stated in the second paragraph.

The Authority may issue regulations on the use of the spectrum.

Amended by Act No. 2 of 11 January 2008 (in force from the date determined by the King).

**Section 6-3. *Conditions attached to licences***

Conditions may be attached to frequency licences for the electronic spectrum. Such conditions may include:

1. statement of services, network type or technology for which the spectrum shall be used
2. actual and efficient use of the spectrum

3. geographic and population-related coverage
4. technical and operational matters to avoid harmful interference and to limit the risk posed by electromagnetic radiation
5. the duration of the licence
6. the right to transfer a licence
7. the licence fee
8. individual obligations in accordance with the service offered
9. obligations pursuant to relevant international agreements on the use of the spectrum.

**Section 6-4. *Procedures for limiting the number of spectrum licences***

The Authority may limit the number of spectrum licences if such limitation is necessary to safeguard the interests of the users and to facilitate sustainable competition. Any limitation of the number of spectrum licences shall be done in accordance with the following method:

1. interested parties shall be given the opportunity to comment in accordance with Section 9-2
2. a decision to limit the number of spectrum licences shall be justified and made public
3. interested parties shall be invited to apply for the available spectrum licences

In connection with the advertisement of a limited number of spectrum licences, the selection criteria shall be objective, transparent, non-discriminatory and proportionate.

**Section 6-5. *Transfer of spectrum licences***

The Authority may issue individual decisions that entitle the holder of a spectrum licence to transfer the licence.

Before any such transfer may take place, the holder of the licence shall inform the Authority of the planned transfer. The Authority may order transfers to be carried out in accordance with the procedures laid down, as well as in a manner that safeguards competition and a harmonised use of the spectrum pursuant to the National Table of Frequency Allocations.

The Authority shall publish information regarding transfers of spectrum licences.

The Authority may issue regulations on the right to and conditions for transferring of spectrum licences.

**Section 6-6. *Satellite orbital slots***

On request the Authority shall on open, transparent, objective and non-discriminatory terms, implement the registration of satellite orbital slots in the international register.

The Authority may issue regulations on requirements for the request and the registration process.

**Section 6-7. *Recourse***

Insofar as pursuant to international agreement Norway has paid compensation for damage caused by space objects, the Authority may claim recourse against the organisation responsible.

The party that requests registration of a satellite orbital slot must furnish security through insurance or a guarantee for an obligation to pay compensation that the Norwegian State may incur pursuant to international agreements to which Norway is party.

The Authority may issue regulations on the furnishing of security when registering a satellite orbital slot.

## **Chapter 7. Management of numbers, names and addresses**

### **Section 7-1. *Numbering plans, names and addresses. Authorisation for use***

The Authority determines numbering plans and plans for names and addresses for electronic communications networks and services.

The Authority may authorise the use of numbers, number series, names and addresses in accordance with the plans laid down. Numbers, number series, names and addresses may not be employed without Authority authorisation.

The Authority may designate other public bodies or private entities to administer numbers, names and addresses for specifically limited purposes, including addressing databases.

The Authority may issue regulations regarding authorisation to use numbers, names and addresses and on the use of numbering plans and plans for names and addresses and on detailed terms and conditions for a designated public body or private entity that administers numbers, names and addresses pursuant to the third paragraph.

The competency pursuant to the first to the fourth paragraphs also includes private numbers, names and address resources. The prohibition in the second paragraph, second sentence, does not include private resources.

Amended by Act No. 2 of 11 January 2008 (in force 15 January 2008 pursuant to Decree No. 8 of 11 January 2008).

### **Section 7-2. *Orders regarding the use of numbers, names and addresses***

The Authority may issue orders regarding the use and transfer of numbers, number series, names and addresses, as well as for using plans for numbers, names and addresses.

The Authority may issue detailed regulations for such orders.

### **Section 7-3. *Number portability***

Providers of public electronic communications services shall offer number portability in the form of provider portability at cost-oriented prices.

The Authority may issue regulations on number portability, including laying down obligations for providers of public electronic communications services to offer geographic portability and service portability.

### **Section 7-4. *Number, names and address information***

Providers are to report on a continual basis information regarding the use of numbers, names and addresses and associated end-users to providers of directory enquiry services and telephone directories, cf. Section 5-1, first paragraph.

The Authority may issue regulations on requirements for the provider's duties and end-users' rights in regard to directory enquiry services.

Amended by Act No. 2 of 11 January 2008 (in force 15 January 2008 pursuant to Decree No. 8 of 11 January 2008).

#### **Section 7-5. Databases**

The Authority may issue orders regarding the use of databases that are utilised in connection with electronic communications and contain information on or are connected to numbers, names or addresses.

The Authority may designate an organisation to administer such databases.

The Authority may issue regulations on the use of databases and on designation.

### **Chapter 8. Regarding approved equipment, import, sale and use**

#### **Section 8-1. Right to possess, sell and use radio and terminal equipment**

Radio and terminal equipment covered by international agreements to which Norway is a party and that meet requirements pursuant to such agreements may be owned, sold and used. Such requirements include requirements for safety regarding life and human health, requirements for electromagnetic compatibility, requirements for efficient use of the electromagnetic frequency spectrum, other requirements in regulations laid down in pursuance of the last paragraph and requirements for procedures and labelling. A spectrum licence pursuant to Section 6-2 must have been granted if necessary.

The possession, sale and use of radio and terminal equipment that is not covered by agreement pursuant to the first paragraph, require equipment approval from the Authority. The Authority may deny approval if the equipment does not fulfil the requirements as stated in the first paragraph. Terms and conditions may be imposed for equipment approval or exceptions may be made to the requirement for approval.

The Authority may issue regulations on requirements and terms and conditions for the sale and use of radio and terminal equipment and on registration of dealers in such equipment. Those registered pursuant to a regulation laid down in pursuance of this paragraph may import radio and terminal equipment even if the requirements in the first and second paragraphs are not met.

#### **Section 8-2. Notified body**

The Authority may issue regulations on requirements for notified bodies.

### **Chapter 9. Rules of Procedure**

#### **Section 9-1. Regarding the Public Administration Act (*forvaltningsloven*)**

Unless otherwise determined the Public Administration Act applies to procedures pursuant to this Act.

#### **Section 9-2. Consultation on individual decisions**

All interested parties shall be given the opportunity to comment within a reasonable period of time before an individual decision is made that may have significant effect on the relevant market. The same applies to individual decisions pursuant to Section 4-4, first to third paragraphs. The consultation does not apply to individual decisions issued in pursuance of Section 9-3, third paragraph, and Sections 11-2 and 11-3.

Draft individual decisions and comments as mentioned in the first paragraph are public, but nevertheless, information that is under a statutory duty of confidentiality shall be exempted from public disclosure. Section 5a, second paragraph, of the Freedom of Information Act (offentlighetsloven) applies correspondingly.

This section does not represent any limitation on the obligation to notify pursuant to Section 16 of the Public Administration Act.

To be amended by Act No. 16 of 19 May 2006 (in force from the date determined by the King).

### **Section 9-3. Consultation procedure**

When a decision pursuant to Sections 3-2, second paragraph, 3-3, 3-4, first paragraph, 4-1, fourth paragraph, and 4-2, second paragraph, may affect trade between the EEA countries, a reasoned draft decision shall be sent to the EFTA Surveillance Authority for consultation with a view to European harmonisation. The EFTA Surveillance Authority and other affected bodies within the EEA may comment on the draft decision within a period of one month after the start of the consultation procedure.

When the draft decision defines new markets or designates or rescinds designation of significant market power and the EFTA Surveillance Authority finds that it:

1. may affect trade between the EEA nations or
2. may comprise a barrier to trade contrary to the EEA Agreement or
3. the EFTA Surveillance Authority is in serious doubt as to whether the draft decision is in accordance with EEA law

the EFTA Surveillance Authority may, within three months of the consultation procedures starting, demand that the draft be withdrawn.

When in the interest of safeguarding competition or protecting the users' interests there is a need for an expeditious resolution, a decision may be made without consultation in advance. Such decisions shall, after they have been made, follow the procedure in the first and second paragraphs. The Authority may amend or rescind the decision in the context of the results from the consultation procedure.

This section did not go into force together with the rest of the Act (i.e. 25 July 2003) pursuant to Decree No. 879 of 4 July 2003, but from 1 November 2004 pursuant to Decree No. 1353 of 15 October 2004. Amended by Act No. 2 of 11 January 2008 (in force 15 January 2008 pursuant to Decree No. 8 of 11 January 2008).

### **Section 9-4. Processing time for applications for spectrum licences**

An application for a spectrum licence shall be decided on without undue delay and no later than six weeks from the application being received. In special cases processing time may be extended to eight months.

For applications that are covered by international legal obligations to coordinate spectrum use with other countries' use of the spectrum, the time limit runs from the time the Authority receives a response to its coordination enquiry.

### **Section 9-5. Processing time for applications for the use of numbers**

Applications for permission to use numbers that are reserved for particular purposes shall be decided without undue delay, and no later than three weeks from the application being received. The processing time for numbers that are to be allocated by auction or similar may be extended by up to three weeks.

**Section 9-6.** *Exchange of confidential information between the Authority and the competition authorities*

Notwithstanding the statutory duty of confidentiality the Authority and the competition authorities shall mutually and on request exchange the information that is necessary in accordance with Article 3(5) of Directive 2002/21/EC on a common framework for electronic communications networks and services.

The body that receives information pursuant to the first paragraph shall not, without the written agreement of the despatching body, allow access to information that at the time of the exchange was exempted from public disclosure by the despatching body pursuant to Sections 5 and 6 of the Freedom of Information Act (offentlighetsloven). The Authority shall not, without the consent of the competition authorities, allow access to information mentioned in Section 26 and 27 of the Competition Act.

Amended by Act No.1 2 of 5 March 2004 (in force 1 May 2004 pursuant to Decree No. 479 of 5 March 2004).

**Section 9-7.** *Submission of information subject to a duty of confidentiality to another authority*

Notwithstanding the statutory duty of confidentiality the Authority shall submit information to the EFTA Surveillance Authority when a justified request has been made and the information is necessary and appropriate to the performance of tasks imposed by the EEA Agreement. The party to whom the information pertains shall be informed of the onward submission of confidential information if that information was originally obtained from that party.

To fulfil Norway's other contractual obligations to other states or international organisations the Authority may, notwithstanding the statutory duty of confidentiality, provide authorities in other states or corresponding bodies in international organisations with information that is necessary to facilitate the enforcement of Norwegian or the other state's or organisation's regulation of the electronic communications area.

When providing information pursuant to the first and the second paragraphs the Authority shall stipulate conditions that the information may be passed on only with the consent of the Authority and only for the purpose that the agreement encompasses.

The Authority may issue regulations on the provision of information.

**Section 9-8.** *Exceptions to the duty of confidentiality*

Notwithstanding Section 13, first paragraph, No. 2, of the Public Administration Act, or any contractual duty of confidentiality make available information on contractual terms to providers of electronic communications networks or services to the extent necessary to ensure that the requirements for access to electronic communications networks and services are met.

Correspondingly, information obtained in accordance with Section 10-3 may be made public if this may contribute to promoting sustainable competition.



In the event of publication pursuant to the first and the second paragraph, advance written notice shall be given and account shall be taken of the commercial organisation's justifiable interests in protecting trade secrets.

Confidential information on technical devices or solutions shall not be made public.

## **Chapter 10. Supervision**

### **Section 10-1. Supervision**

The Authority shall monitor compliance with requirements laid down in or in pursuance of the Act. The Authority may avail itself of the assistance of others in performing supervisory duties and may make spot-checks and perform measurements and other checks without prior notification.

The Authority may issue regulations on supervision.

### **Section 10-2. Limitation on power to issue instructions**

The Ministry may instruct the Norwegian Post and Telecommunications Authority to consider cases within the scope of the Act.

The Norwegian Post and Telecommunications Authority may not be instructed, either generally or in relation to the particular case, in its consideration of cases pursuant to Section 2-4, second paragraph, Sections 3-1 to 3-4 and Sections 4-1 to 4-10.

### **Section 10-3. Duty to provide information**

The Authority may demand information that is necessary for the implementation of this Act, decisions made pursuant to the Act, or obligations resulting from international agreements to which Norway has become a party.

On request from the Authority, providers shall submit information, including classified information on electronic communications networks and services and on infrastructure connected to the operating and control systems.

The Authority may require information to be submitted in writing or orally by a set deadline.

The duty of confidentiality for providers and installers pursuant to Section 2-9, other legislation, order or agreement, does not preclude the duty to provide information.

The Authority may issue regulations on the duty to provide information.

### **Section 10-4. Cooperation on supervision**

The party subject to supervision has an obligation to ensure that the Authority has unimpeded access to the business and to premises with equipment for electronic communications. Necessary documentation shall be made available to the Authority. The proprietor or his representative may be required to be present during inspections.

### **Section 10-5. Internal control**

The Authority may issue orders on the establishment or amendment of systems for internal control to ensure that the requirements laid down in or in pursuance of this Act are fulfilled.

Documentation shall be prepared showing that the requirements for internal control have been met. The documentation shall be available to the Authority.

The Authority may issue regulations on internal control and on documentation.

**Section 10-6. *Orders to take corrective action and make changes, etc.***

The Authority may issue orders to correct or cease unlawful activities and lay down conditions that must be met for the activity to be in accordance with requirements laid down in or in pursuance of this Act. This may include the Authority issuing orders to enter into agreements and regarding the terms and conditions in agreements between providers and between a provider and an end-user.

The Authority may take special action in the event of a breach of the terms of licences, the obligations of a provider with significant market power or the mandates of a provider under a universal service obligation and special societal obligation.

The Authority may order measures to prevent radiation that interferes with electronic communications, regardless of the type of device that is causing the interference. The actions ordered shall be proportionate, based on an overall assessment of the parties' interests and the interests of society.

Requirements to take corrective action or make changes pursuant to the first paragraph may be implemented no earlier than one month after the licensee has been informed that the activity is contrary to requirements laid down in or in pursuance of this Act. The time limit does not apply to requirements based on technical faults in equipment and installations. Nor does the time limit apply to a licensee who has already previously acted contrary to requirements laid down in or in pursuance of law.

Amended by Act No. 2 of 11 January 2008 (in force 15 January 2008 pursuant to Decree No. 8 of 11 January 2008).

**Section 10-7. *Coercive fines***

To ensure that requirements laid down in or in pursuance of this Act are met, the Authority may set a coercive fine to accrue for each day that passes until the unlawful activity ceases or an order in pursuance of this Act has been complied with.

The Authority decides when the fine will begin to accrue. In special cases the Authority may decide to reduce or waive the accrued coercive fine.

The Authority may issue regulations on coercive fines.

Amended by Act No. 2 of 11 January 2008 (in force 15 January 2008 pursuant to Decree No. 8 of 11 January 2008).

**Section 10-8. *Revocation***

In the event of a serious or repeated breach of the terms of a licence granted in pursuance of Chapters 6 and 7, the Authority may revoke the licence after it has issued an order pursuant to Sections 10-6 and 10-7 and the breach of the terms of the licence has not ceased. The Authority may revoke an amateur radio licence when the licensee has acted in violation of the Regulations concerning amateur radio licences.

In the event of serious or repeated breaches of the terms of licences granted in pursuance of Chapters 2 and 8, the Authority may revoke the licence after it has issued an order pursuant to Section 10-6 and the breach of the terms of the licence has not ceased.

Any licence granted in pursuance of this Act may be revoked immediately if breach of the terms constitutes an immediate and serious threat to safety or human health.

Amended by Act No. 2 of 11 January 2008 (in force 15 January 2008 pursuant to Decree No. 8 of 11 January 2008).

#### **Section 10-9. Closure**

The Authority may close down electronic communications networks and services and stop the use of radio and terminal equipment when the necessary licence pursuant to this Act has not been granted, when an order pursuant to Sections 10-6 and 10-7 has not been complied with or when continued operation or use may involve serious threats to safety regarding life or human health or cause harmful interference.

Closure may occur without prior notice if the activity may involve serious threats to life, human health or safety or cause harmful interference.

The Authority may require the assistance of the police when this is necessary to implement the closure.

#### **Section 10-10. Orders to stop the sale of radio and terminal equipment and to recall same**

The Authority may issue orders to stop the sale of radio and terminal equipment and to implement measures to recall devices that have been sold, if the devices may pose threats to safety regarding life or human health or electromagnetic compatibility, involve inappropriate use of the electromagnetic spectrum or conflict with other requirements in regulations laid down in pursuance of Section 8-1, third paragraph. An order to stop sales and the implementation of recall measures may be directed at the manufacturer, importer or dealer of the radio and terminal equipment.

The Authority may prohibit sale of equipment that is not in accordance with labelling requirements laid down in a regulation in pursuance of Section 8-1, third paragraph.

#### **Section 10-11. Invalidity**

An agreement that is contrary to this Act or with decisions under the Act is invalid between the parties.

The invalidity applies only in so far as obligations in accordance with this Act are contravened, unless it would be unreasonable pursuant to Section 36 of the Contracts Act (avtaleloven) to make the rest of the agreement applicable.

#### **Section 10-12. Reimbursement between providers**

A provider who has been overcharged in respect of a price obligation laid down in or in pursuance of this Act may demand reimbursement of the overcharged amount.

After a request by the party entitled to reimbursement the Authority may issue an individual decision ordering reimbursement between providers. In considering whether a decision should be made on reimbursement, the Authority shall take into account *inter alia* the magnitude of the amount

of reimbursement and whether in previous periods the service in question was undercharged for. The Authority's decision not to issue a decision ordering reimbursement may not be appealed against.

Interest shall be calculated on the claim for reimbursement in accordance with the Act relating to interest on overdue payments (forsinkelsesrenteloven). Until the interest on overdue payments begins to accrue, four hundred basis points over Norges Bank's money market rate shall be used as the interest rate.

Inserted by Act No. 2 of 11 January 2008 (in force 15 January pursuant to Decree No. 8 of 11 January 2008).

### **Section 10-13. Administrative fines**

The Authority may impose an administrative fine on natural persons or undertakings if the person, undertaking or anyone acting on behalf of the person or undertaking wilfully or negligently

1. violates Sections 2-2, first paragraph, 2-4 to 2-9, 2-14, 4-1, third paragraph, 4-2. first or third paragraph, 4-3, first paragraph, 4-4, fourth or fifth paragraph, 4-5, second paragraph, 4-6, third paragraph, 4-7, third paragraph, 4-8, second or sixth paragraph, 4-11, 4-12, first or second paragraph, 4-13, 6-2, 7-1, second paragraph, 7-3, first paragraph, 7-4, first paragraph, 8-1, second paragraph, or 10-4
2. violates regulations laid down in pursuance of Sections 2-1 to 2-9, 2-10, second paragraph, 2-12, 2-14, 4-1 to 4-8, 4-11, 4-12, 5-1, 6-2, 6-5, 7-1 to 7-4, 8-1, 10-3 or 10-5 when the regulations stipulate that the violation of the relevant provision will result in an administrative fine.
3. violates an individual decision issued in pursuance of Sections 2-3 to 2-5, 2-10, second paragraph, 4-1, 4-2, second paragraph, 4-4 first to third paragraphs, 4-5, first paragraph, 4-6, first, second or fourth paragraph, 4-7, first or second paragraph, 4-8, first, third to fifth paragraphs, 4-10, 5-3, 6-2, 6-5, second paragraph, 7-2, 7-5, 8-1, 10-4, 10-6 or 10-10
4. violates a decision laid down in pursuance of Section 10-3 or
5. provides incorrect or incomplete information to the Authority.

In determining the amount of the administrative fine, special weight shall be accorded the seriousness of the violation, the duration of the violation, manifest culpability and the undertaking's revenue.

An administrative fine is due for payment two months after the decision to impose it. A decision to impose an administrative fine is enforceable by attachment. If a civil action is brought against the State to examine the decision, its enforceability is suspended. The court may examine all aspects of the case.

The power to impose a fine is time-barred after five years. The time limit for imposing a fine is interrupted when the Authority notifies a natural person or undertaking that the party in question is suspected of violation of the Act or decisions issued in pursuance of the Act.

The Authority may issue regulations on determining the size of the administrative fine.

Inserted by Act No. 2 of 11 January 2008 (in force 15 January pursuant to Decree No. 8 of 11 January 2008).

## **Chapter 11. Resolution of conflicts and appeal**

**Section 11-1. *Mediation in conflicts between providers***

In conflicts between providers concerning obligations resulting from or in pursuance of this Act the Authority may on request by one party mediate to obtain agreement between the parties. The Authority may after consultation with the parties set deadlines and other terms and conditions in connection with the mediation. The Authority may break off the mediation at any time. The mediation period shall not exceed four months.

That a matter has been brought before the Authority pursuant to the first paragraph does not preclude leave for action before ordinary courts of law. Section 27 b of the Public Administration Act (forvaltningsloven) does not apply.

The Authority may issue regulations on mediation.

Amended by Act No. 90 of 17 June 2005 (in force 1 January 2008 pursuant to Resolution No. 88 of 26 January 2007).

**Section 11-2. *Resolution of conflicts in disputes between providers***

A dispute between providers concerning rights and obligations in accordance with individual decisions issued under the authority or in pursuance of this Act may be submitted to the Authority by one party for resolution.

A decision on the dispute shall be reached as soon as possible and by no later than four months after the matter is brought before the Authority. In special cases the deadline may be extended.

The Authority may refrain from making a decision if the conflict can be resolved by other means, cf. for example Section 11-1. If an attempt to resolve the conflict has continued for four months or has been broken off without result and the matter has not been brought before a court of law, the Authority shall, on a new request from one party, reach a decision in the matter, cf. the deadline in the second paragraph.

That a matter has been brought before the Authority pursuant to the first paragraph does not preclude leave for action before ordinary courts of law. Section 27 b of the Public Administration Act (forvaltningsloven) does not apply.

The Authority may issue regulations on resolution of conflict in disputes on individual decisions.

Amended by Act No. 90 of 17 June 2005 (in force 1 January 2008 pursuant to Resolution No. 88 of 26 January 2007).

**Section 11-3. *Conflicts across national borders***

A dispute concerning an electronic communications network or service that lies within more than one EEA state's jurisdiction may be brought before the Authority by one party if the object of the dispute is covered by Section 1-2. A dispute pursuant to Chapter 8 is not covered by this arrangement.

The Authority shall cooperate with the authorities of other states involved with a view to resolving the conflict. The authorities may agree to refrain from taking action on conflicts that may be resolved by other means. The providers shall be notified immediately of the decision.

If an attempt to reach resolution of a dispute that has continued for four months or has been broken off without result and the matter has not been brought before the court, the authorities of the states involved shall, on a new request from one party, cooperate in helping to resolve the conflict.

That a matter has been submitted to the Authority pursuant to the first paragraph does not preclude leave to bring a case before ordinary courts of law. Section 27 b of the Public Administration Act (forvaltningsloven) does not apply.

Amended by Act No. 90 of 17 June 2005 (in force 1 January 2008 pursuant to Resolution No. 88 of 26 January 2007).

#### **Section 11-4. Arbitration**

An agreement to settle conflicts concerning access to electronic communications networks and services through arbitration is binding only when the agreement on arbitration is concluded after the conflict arose.

An arbitration award does not prevent the Authority from imposing obligations or reaching other decisions in pursuance of the Act.

#### **Section 11-5. The Consumer Complaints Board (*Brukerklagenemnda*) for Electronic Communications**

The Consumer Complaints Board shall hear complaints from end-users regarding disputes between end-users and providers of electronic communications services, when the end-user is a natural person or a minor legal person. The Consumer Complaints Board shall ensure a reasonable, fair and expeditious consideration of such disputes. The organisation of the Board shall address the balance between industry and consumer interests.

An end-user may request Board consideration of any dispute in which the Board is competent, insofar as the end-user has an objective interest in obtaining the Board's opinion in the matter. Providers of electronic communications services that are covered by the complaints procedure are obliged to allow the Board to hear disputes with end-users. The Authority may exempt a provider or group of providers from the complaints procedure. As long as a dispute is being heard by the Board, a party may not bring it in before ordinary courts of law.

The Consumer Complaints Board shall be funded by the providers of services that are covered by the complaints procedure. Contributions owed are enforceable by attachment.

The Authority may stipulate in an individual decision or regulations further provisions regarding the Consumer Complaints Board, including further provisions on funding and the services that are to be covered by the complaints procedure and may define precisely and limit the Board's competence in regulations.

Amended by Act No. 2 of 11 January 2008 (in force 15 January 2008 pursuant to Decree No. 8 of 11 January 2008).

#### **Section 11-6. Appeal against individual decision**

The Ministry will decide on appeals against individual decisions the (Norwegian) Post and Telecommunications Authority makes on the authority or in pursuance of this Act.

The appeal shall be made before the Post and Telecommunications Authority, cf. Section 32 of the Public Administration Act (forvaltningsloven). The Post and Telecommunications Authority shall undertake the investigations for which the appeal gives grounds, cf. Section 33 of the Public Administration Act. If the conditions for hearing the appeal are not present it shall be rejected. If

there are no grounds for reversing the appeal, the matter shall be sent to the Ministry without undue delay.

The Ministry shall settle the appeal as soon as proper procedure makes it advisable, cf. Section 33 of the Public Administration Act.

Only the Ministry may make the decisions mentioned in Section 42 of the Public Administration Act.

Decisions made by the Ministry may not be appealed against to the King unless otherwise follows from Section 28, third paragraph, of the Public Administration Act.

Amended by Act No. 2 of 11 January 2008 (in force 15 January pursuant to Decree No. 8 of 11 January 2008).

### **Section 11-7. *Reversal***

The Ministry may reverse or rescind decisions issued by Post and Telecommunications Authority's in accordance with Section 35, first paragraph, of the Public Administration Act (forvaltningsloven).

Except when they concern matters of principle or of major social significance, cf. third paragraph, the Ministry may reverse or rescind decisions in accordance with Section 35, third and fifth paragraph, of the Public Administration Act.

In matters of principle or of major social significance, the King in Council may reverse or rescind decisions in accordance with Section 35, third and fifth paragraph, of the Public Administration Act.

Notification that the Ministry has taken up a decision for consideration must be sent to the parties within four weeks. Notification that a decision has been amended or set aside must be sent to the parties within three months. The time limits pursuant to this paragraph run from the date of the Post and Telecommunications Authority's decision.

Amended by Act No. 2 of 11 January 2008 (in force 15 January pursuant to Decree No. 8 of 11 January 2008).

## **Chapter 12. Administrative charges, fees, compulsory purchase and penalties**

### **Section 12-1. *Administrative charges***

The Post and Telecommunications Authority may impose administrative charges to cover costs connected with the administrative tasks pursuant to this Act.

Administrative charges may be imposed on providers of electronic communications networks and services and those engaged in markets for equipment for electronic communications. The same applies to those receiving spectrum licences, numbers, names and address resources.

The imposition of administrative charges shall cover the Post and Telecommunications Authority's relevant costs. The costs and revenue side of the Post and Telecommunications Authority's budget shall be published annually.

Orders relating to administrative charges are enforceable by attachment.

The Authority may issue regulations on administrative charges to the Post and Telecommunications Authority.

**Section 12-2. Fees**

To promote efficient use of resources fees may be required for spectrum rights and numbers, names and address resources. The fees may be laid down by decision or as payment from auctions or other competitive selection procedures.

Claims for fees are enforceable by attachment.

The Authority may issue regulations on fees, including how to demand payment and how the fees shall be collected.

**Section 12-3. Compulsory purchase**

The King may issue a decision or give his consent to undertake the compulsory purchase of title to or right of use of real property for the installation of electronic communications networks and equipment for electronic communications.

To protect the public interest or the users' interests in an appropriate use of resources that are used or may be used for electronic communications, the King may issue a decision or give consent to undertake the compulsory purchase of title to or the right of use of electronic communications networks and equipment for electronic communications. In this connection the King may also decide or give consent to undertake the compulsory purchase of title to or the right of use of real property that is used in the operation of electronic communications networks and electronic communications equipment.

Compensation shall be paid for the burden the decision to undertake a compulsory purchase is assumed to place on the owner or holder of the right of use. This does not however apply if the objective is to connect the property to an electronic communications network. The compensation is set by appraisal, unless the parties reach agreement. The appraisal shall be directed by a rural police authority, execution and enforcement commissioner or police station chief with civil judicature duties. Nevertheless, the King may however make a decision for an individual case that the appraisal shall be held as a judicial appraisal. The appraisal has no delaying effect on implementation of the compulsory purchase decision.

An owner or holder of the right of use may demand that electronic communications networks and equipment for electronic communications be moved or removed from the property if this is necessary in the interest of appropriate utilisation of the property or right of use. In the absence of agreement the requirement shall be decided by appraisal. The same applies to any claim for repayment of compensation received pursuant to the third paragraph in connection with demands for moving or removal.

The sections of Act No. 3 of 23 October 1959 relating to compensation for expropriation of real property apply correspondingly to the extent relevant. The Authority may issue detailed regulations on when compulsory purchase pursuant to in this section may occur and on the extent of the encroachment.



Special permission in accordance with the Roads Act (veglova) is required to place electronic communications networks or equipment for electronic communications over, under, along or near a public road, when this is laid down in the Roads Act.

Amended by Act No. 53 of 25 June 2004 (in force 1 January 2006 pursuant to Resolution No. 901 of 19 August 2005) as amended by Act No. 84 of 17 June 2005.

#### **Section 12-4. Penalties**

Anyone who wilfully or negligently

- 1 violates Sections 2-5, second paragraph, cf. sixth paragraph, or fifth paragraph, 2-6, first or second paragraph, 2-7 to 2-9, 2-13, 4-7, third paragraph, 4-8, sixth paragraph, 6-2, 7-1 or 8-1.
- 2 violates regulations laid down in pursuance of Sections 2-3, 2-7 to 2-9, 2-10, second paragraph, 2-13, 6-2, 7-1 or 8-1.
- 3 violates an individual decision issued in pursuance of Sections 2-3, 2-5 first paragraph, 2-10, second paragraph, 3-4, 4-1, 4-2, second paragraph, 4-4 first to third paragraphs, 4-5, first paragraph, 4-6, first, second or fourth paragraph, 4-7, first or second paragraph, 4-8, first, or third to fifth paragraph, 4-9, first to third paragraph, 4-10, 6-2, 7-1, 7-2, 8-1 or 10-6 or
- 4 provides incorrect or incomplete information to the Authority, cf. Section 10-3.

shall be liable to fines or imprisonment not exceeding six months.

If the intent of violating Section 2-9 is to obtain an unjustified gain for oneself or another, or if the perpetrator with this intention otherwise exploits information that is covered by the duty of confidentiality, imprisonment not exceeding three years may be imposed.

Complicity is subject to the same penalties.

Amended by Act No. 2 of 11 January 2008 (in force 15 January 2008 pursuant to Decree No. 8 of 11 January 2008).

### **Chapter 13. Concluding provisions**

#### **Section 13-1. Entry into force**

The Act applies from the date decided by the King<sup>1</sup>. The King may bring into force individual provisions at different times.

From the same date Act No. 39 of 23 June 1995 relating to telecommunications (teleloven) and Act No. 50 of 25 June 1999 relating to standards in transmission of television signals are repealed.

<sup>1</sup> From 25 July 2003 pursuant to Decree No. 879 of 4 July 2003, with the exception of Section 9-3, which entered into force of 1 November 2004 pursuant to Decree No. 1353 of 15 October 2004.

#### **Section 13-2. Transitional provisions**

Individual decisions and regulations issued under the authority of the Telecommunications Act or older Acts of law in the area of electronic communications which are in force on the entry into force of this Act shall continue to apply. This includes the continuance of obligations imposed on providers with significant market power on the authority or pursuance of law, until a market analysis has been performed and new individual decisions on the authority of this Act are implemented. If necessary the authorities may issue a decision to remove obligations from providers with significant market power.

National frequency allocation tables and national numbering plans as laid down on the authority of the Telecommunications Act or the Telegraphy Act (telegrafloven) which are in force when this Act enters into force shall continue to be in force.

Appeals that are being heard by appeal bodies when the Act enters into force shall be dealt with pursuant to this Act. Mediation that has commenced when the Act enters into force shall follow the provisions of the Telecommunications Act.

### **Section 13-3. Amendments to other Acts**

From the date the Act enters into force the following amendments shall be made to other Acts of law:

1. Section 151b, first paragraph, of Act no. 10 of 22 May 1902, the General Civil Penal Code shall read:

Any person who by destroying, damaging or putting out of action any data collection or any installation for supplying power, broadcasting, electronic communications or other communication or transport causes comprehensive disturbance in the public administration or in community life in general shall be liable to imprisonment for a term not exceeding 10 years.

2. Section 1, second paragraph, of Act No. 5 of 24 June 1915 relating to the monitoring of postal and telegraph transmissions and of telephone conversations:

Outside of time of war the surveillance may only be employed in relation to persons suspected of some contravention of the Act of 18 August 1914 relating to defence secrets, Chapters 8, 9, 12, 13 or 14 of the General Civil Penal Code, Section 12-4 of Act No. 83 of 4 July 2003 relating to electronic communications, or Section 5 of Act of 14 May 1917 relating to the sale and export of foodstuffs etc.

3. Section 204 No. 2, second and third sentences, of Act No. 6 of 13 August 1915 relating to the legal procedure for the settlement of disputes shall read:

The same applies to a witness who has a duty of confidentiality as a consequence of service or work for a family care centre, postal agency, providers or installers of electronic communications networks or services, or the State airport company. The same also applies to a witness who has a statutory duty of confidentiality as a consequence of service or work in a technical control body.

The current third sentence will become the new fourth sentence.

4. Section 1, second paragraph, of Act No. 1 of 9 July 1923 relating to the positioning of signals and markers for surveying purposes shall read:

This Act does not apply to surveying carried out according to Section 13-3 of Act No. 83 of 4 July 2003 relating to electronic communications. Conversely it applies to surveying carried out in connection with work on the watercourses, in connection with land consolidation and under the Road Act.

5. Section 3 of Act No. 11 of 17 July 1925 relating to Svalbard shall read:

The laws relating to public servants, payment for public procurements, coinage, measurement and weights, the arrangement of nationwide postal despatches, electronic communications, worker safety, and work disputes shall apply to Svalbard with those amendments that the King lays down in the interest of local conditions.

6. Section 30, No. 2, of Act No. 3 of 23 October 1959 relating to expropriation of real estate shall read:

2. Section 12-3 of Act No. 83 of 4 July 2003 relating to electronic communications.

7. In Act No. 66 of 19 June 1969 relating to value added tax the following amendments are made:

Section 5 b, third paragraph, shall read:

The exceptions in the first paragraph do not apply when the services are sold or provided by a provider of electronic communications using electronic communications services and the consideration for the service is collected by the party that provides the communications service.

Section 48a shall read:

When special considerations make it necessary and there are suspicions of contravention of provisions given in or pursuant to this Act, the Directorate of Taxes (Skattedirektoratet) or someone authorised by the Directorate, may direct the provider of access to electronic communications networks or services to provide information on the name and address of a subscriber who does not have a public telephone number, facsimile number or personal messenger number.

8. Section 2b, first paragraph, of Act No. 47 of 16 June 1972 relating to the control of marketing and contract terms (markedsføringsloven) shall read:

It is prohibited for business purposes to direct marketing approaches to consumers using electronic communications methods that allow individual communications, such as for example electronic mail, text messaging to mobile telephones, facsimiles or an automated calling system (call machine) without the recipient's agreement in advance.

9. Section 74, ninth paragraph, of Act No. 77 of 21 December 1979 relating to land consolidation etc. other provisions shall read:

The parties otherwise pay the severance costs except fixed office expenses, postage, electronic communications and pay, travel and subsistence for the public servants.

10. In Act No. 25 of 22 May 1981 relating to legal procedure in criminal cases the following amendments are made:

Section 118, first paragraph, second sentence shall read:

The same applies to a witness who has a duty of confidentiality as a consequence of service or work for a family counselling office, a postal agency, providers of access to electronic

communication networks or electronic communication services, electronic communication electrician or the State airport company (*Avinor*).

Section 211, first paragraph, shall read:

Any letter, telegram or other communication that is in the possession of a postal agency or any provider of access to an electronic communication network or electronic communication services may be seized pursuant a court order if such communication may pursuant to the provisions of sections 203 and 204 be seized from the recipient, and the suspicion is directed to an act punishable pursuant to statute with imprisonment for a term exceeding six months.

Section 216 a, third paragraph, shall read:

Communications surveillance may consist of audio\* surveillance of conversations or other communications conducted to and from specific telephones, computers or other apparatus for electronic communication which the suspect possesses or which it may be assumed to use.

11. Act No. 50 of 1 July 1999 relating to standards of transmission of television signals is repealed.

12. Section 2, first paragraph, litra c, of Act No. 69 of 16 July 1999 relating to public procurement shall read:

- c. Legal persons that run enterprises in the water supply, energy, transport or electronic communications sectors to the extent that they engage in procurement connected to these areas of activity. However, this applies only to the extent that such a legal person
  - 1. is given special or exclusive rights by public authorities to run the enterprise or
  - 2. is controlled by a public authorities.

# Regulations on Electronic Communications Networks and Services (Ecom Regulations)

**Statutory authority:** Laid down by the Norwegian Ministry of Transport and Communications on 16 February 2004 in pursuance of Sections 2-1 to 2-10, 2-14, 3-1, 4-1, 4-3, 4-5, 4-6, 4-11, 4-12, 5-1, 5-2, 7-1, 7-3, 7-4, 8-1 and 11-5 of Act No. 83 of 4 July 2003 relating to electronic communications (cf. Royal Decree No. 881 of 4 July 2003).

**EEA references:** Annex XIV, point 13 (Directive 2002/77/EC), and Annex XI, point 5c (Directive 2002/19/EC), (Directive 2002/20/EC), (Directive 2002/21/EC), (Directive 2002/22/EC) and (Directive 2002/58/EC), point 5cu (Regulation (EC) No. 717/2007) and point 5cp (Regulation (EC) No. 460/2004), of the EEA Agreement.

**Amendments:** Amended by Regulations No. 1136 of 22 July 2004 (entry into force), No. 40 of 14 January 2008

## Chapter 1. Introductory provisions

### Section 1-1. *Scope*

These regulations apply to the rights and obligations regarding access for providers and other users to electronic communications networks and the provision of electronic communications services.

### Section 1-2. *Duty to register*

The installation, operation and provision of access to electronic communications networks which are used for the provision of public electronic communications services, the provision of public telephone services and of leased lines shall be notified to the Norwegian Post and Telecommunications Authority. This also applies to such networks that are used for broadcasting purposes.

The notification shall provide written information on:

1. the provider's name and address, contact person and any co-operation/joint venture partners involved in the development and supply of public telephone services etc.
2. the electronic communication network's geographic extent and location, including international connections
3. specifications of the technical interfaces to electronic communications networks
4. whether access is being offered to electronic communications networks, fixed or mobile public telephone services or leased lines.

The Norwegian Post and Telecommunications Authority may draw up more detailed requirements concerning the information to be provided at the time of registration, including drawing up a standard form to be used for provision of services pursuant to the first paragraph. If necessary for the purpose of verification or control or for important statistical purposes, the Norwegian Post and Telecommunications Authority may make changes with regard to what information shall be provided at the time of registration.

Provision of services pursuant to the first paragraph may be actuated once registration has been sent to the Norwegian Post and Telecommunications Authority.

Changes regarding the information shall be notified to the Norwegian Post and Telecommunications Authority as soon as possible.

### Section 1-3. *Requirements with regard to the construction of networks*

Electronic communications networks shall be constructed in such a way that end-users will not be able to affect the electronic communications of other end-users with the result that there is a risk of reduced quality or possibility of interception. This requirement applies to the extent that it is applicable to electronic communications networks for the use of mobile communications.

When installing coaxial cable-based networks, the part of the network to which the end-user is connected shall be placed in a star structure. It is not permitted to insert receiver connections into the connection between

the star points.

Electronic communications networks that fail to meet the requirements pursuant to the first and second paragraphs cannot be used for the provision of two-way electronic communications services.

Network owners are obliged to document how the network is constructed and shall keep documentation prepared by the undertaking that installs or maintains the network, with the exception of networks that comprise a single household, cf. Regulations No. 200 of 4 March 2005 concerning authorisation for installers of electronic communications networks and radio equipment (Authorisation Regulations), so that it is available for inspection as long as the installation is in operation, cf. Section 10-4.

Amended by Regulations No. 40 of 14 January 2008 (in force 15 January 2008).

**Section 1-4.** (Repealed 15 January 2008, cf. Regulations No. 40 of 14 January 2008).

**Section 1-5.** *Requirement to publish interface specifications*

Providers of access to electronic communications networks which are used for public electronic communications services and providers of such services shall publish the technical specifications of interfaces offered. The publication shall take place before the service, which is provided via the interface, is made publicly available. The publication requirement also applies to the updating and modification of interfaces.

The specifications pursuant to the first paragraph shall be sufficiently detailed to be used for the construction of terminal equipment so that the equipment can be used for all electronic communications services that are offered via the offered interface. The specifications shall include all information that is necessary for the manufacturer to voluntarily carry out relevant tests with regard to the requirements that follow from Section 8-1 of the Electronic Communications Act.

**Section 1-6.** *Quality*

Providers of public telephone services or leased lines shall measure and report on the quality in accordance with criteria, definitions and measurement methods contained in ETSI EG 201 769-1. The measurement of telephone services in the mobile network are exempted from points 5.2, 5.3 and 5.6 to 5.8 and the measurement of transmission capacity from points 5.4 to 5.8 of the standard. Providers under a universal service obligation pursuant to Section 5-1, first paragraph, of the Electronic Communications Act shall measure and report on the quality of the universal services insofar as the criteria in ETSI EG 201 769-1 apply.

Providers pursuant to the first paragraph may also be required to measure and report beyond the requirements which follow from ETSI EG 201 769-1.

Information on the measured quality shall be sent to the Norwegian Post and Telecommunications Authority on a prescribed form every half year on a specified date and shall be published by the provider. The Norwegian Post and Telecommunications Authority give instructions concerning the publication.

The Norwegian Post and Telecommunications Authority may grant dispensation from the obligation under the first paragraph to providers with a low market share for the services concerned.

Amended by Regulations No. 40 of 14 January 2008 (in force 15 January 2008).

**Section 1-7.** *Terms of supply*

Providers of public telephone services shall publish clearly set out and updated information on terms of supply.

The information shall include information on *inter alia*:

1. the provider's name and address
2. what the public telephone services comprise, including additional services
3. prices for access, use and maintenance, including fixed and variable charges, discounts and special price

- plans
4. compensation and refund arrangements
  5. maintenance services
  6. standard terms of supply, including any terms relating to duration
  7. complaints procedures.

If a provider provides services under a universal services obligation the information shall also contain information on the universal services obligation and the rights such services give to end-users.

Providers of public telephone services shall have procedures for dealing with non-payment by end-users. The procedures shall be proportionate, non-discriminatory and published. The procedures shall include information on prior warning of restrictions on use or disconnection. Insofar as it is technically feasible, only the services concerned shall be blocked. End-users shall be able to call emergency call services even if the line is blocked for outgoing calls, cf. Section 2-6 of the Electronic Communications Act.

#### **Section 1-8. Contracts**

Providers of electronic communications networks used for public electronic communications services and providers of such services shall offer end-users contracts for the subscription services, including pre-paid card services. The contract shall include information on *inter alia*:

1. the provider's name and address
2. the scope of the contract, including relevant information on the network and services quality parameters, maintenance terms and date of connection
3. prices, including where to access updated information on prices
4. the duration of the contract and terms for renewal and termination
5. compensation and refund arrangements in the event of discrepancy concerning quality or non-delivery
6. complaints procedures.

Pursuant to Section 2-4, second paragraph, of the Electronic Communications Act, providers of electronic communications networks used for public electronic communications services or providers of such services shall give notice of changes in the contract at least one month before the changes are implemented. The duty to give notice applies to changes that must be assumed to have some significance for users. If the change is to the disadvantage of users, users shall at the same time be informed of the right to cancel the contract free of charge.

The second paragraph may be departed from in the case of non-consumer contracts.

#### **Section 1-9. Billing**

Unless otherwise agreed, providers of electronic communications services shall offer subscribers non-itemised billing.

Providers shall at the request of subscribers itemise billing so that the billing can be verified against actual use. Providers may claim a cost-oriented charge for such itemisation.

The Norwegian Post and Telecommunications Authority may lay down more detailed guidelines on the itemisation of billing, including a minimum level to be offered without extra charge.

#### **Section 1-10. Requirement for written authorisation**

In connection with the resale of subscriptions for electronic communications (e.g. Wholesale Line Rental) or when an agreement to provide telephone service or Internet access is concluded, the provider that receives an end-user shall obtain written authorisation from the end-user before switching providers.

The selected provider shall obtain written authorisation from the end-user before establishing carrier pre-selection. The obligation to obtain written authorisation applies correspondingly in the event of a change of pre-selected carrier or cessation of carrier pre-selection.

In connection with the use of provider portability, cf. Section 3-5, a provider that receives an end-user shall

obtain written authorisation from the end-user prior to migration.

Authorisation given by electronic mail (e-mail), short messaging service (SMS) or fax shall also be regarded as written authorisation. The authorisation shall contain affirmative consent and clear identification of the end-user. The authorisation shall be documented upon request.

The Norwegian Post and Telecommunications Authority may lay down more detailed requirements concerning the authorisation, including conditions for the use of e-mail and SMS.

Inserted by Regulations No. 40 of 14 January 2008 (in force 15 January 2008).

## **Chapter 2. Access, interconnection etc.**

### **Section 2-1. Product and services market**

The Norwegian Post and Telecommunications Authority shall publish on its website an updated list of relevant product and services markets pursuant to Section 3-2, cf. Section 3-1, of the Electronic Communications Act.

### **Section 2-2. Access**

Orders issued pursuant to Section 4-1 of the Electronic Communications Act to meet any reasonable request to provide access to electronic communications networks and services may include *inter alia*:

1. access to the fixed access network, including bitstream access
2. access to mobile networks for virtual providers
3. access to mobile networks in areas where the requesting providers do not have coverage
4. Wholesale Line Rental.

The interconnection obligation derives from Section 4-2 of the Electronic Communications Act. Other access obligations derive from Sections 4-3, 4-4 and 4-5 of the Electronic Communications Act.

Amended by Regulations No. 40 of 14 January 2008 (in force 15 January 2008).

### **Section 2-3. Minimum set of leased lines**

The minimum set of leased lines pursuant to Section 4-12 of the Electronic Communications Act) is:

1. ordinary quality voice bandwidth based on EN 300 448 and EN 300 451,
2. special quality voice bandwidth based on EN 300 451, EN 300 449 and EN 300 452,
3. 64 kbit/s digital based on EN 300 288 and EN 300 289,
4. 2048 kbit/s digital unstructured based on EN 300 418 and EN 300 247, and
5. 2048 kbit/s digital structured based on EN 300 418 and EN 300 419.

Amended by Regulations No. 40 of 14 January 2008 (in force 15 January 2008).

### **Section 2-4. Access to information and support systems**

The obligation pursuant to Section 4-5, first paragraph, of the Electronic Communications Act to meet any reasonable request to provide access to information and support systems if such access is necessary for the requester to be able to supply competing services may include access to systems for *inter alia*:

1. operational support
2. databases for obtaining information before ordering
3. delivery
4. orders
5. maintenance
6. fault handling
7. billing.

### **Section 2-5. Publication and reference offers for access to the fixed access network**



Providers with significant market power in the markets for full and shared access to the fixed access network pursuant to Section 4-6, third paragraph, of the Electronic Communications Act shall publish a reference offer that shall include:

1. information on the infrastructure to which access is offered
2. information on the location of areas where access can be offered
3. technical conditions for access to and use of the fixed access network,
4. procedures for orders and delivery
5. information on usage restrictions
6. supply conditions for full and shared access, including:
  - a) delivery time
  - b) compensation for failure to meet agreed delivery time
  - c) service level
  - d) fault handling procedures
  - e) procedures for recovering agreed service
  - f) quality parameters
  - g) standard terms and conditions of contract
  - h) prices for each service, function, infrastructure or other item covered by the offer.

Providers with significant market power in the markets for full and shared access to the fixed access network pursuant to Section 4-5, second paragraph, of the Electronic Communications Act shall publish information on access conditions pursuant to Section 2-4.

#### **Section 2-6. *Co-location and publication***

Providers with significant market power in the markets for full and shared access to the fixed access network pursuant to Section 4-4, fourth paragraph, of the Electronic Communications Act or pursuant to directions issued under Section 4-4, third paragraph, of the Electronic Communications Act shall also publish the following information in relation to offers of co-location:

1. information about where co-location can be provided
2. information about what form of co-location that can be provided; physical co-location, co-location in adjacent buildings or virtual co-location.
3. restrictions, if any, on equipment which can be co-located
4. security procedures
5. access control procedures for representatives from competing providers
6. safety standards
7. guidelines for the allocation of space if space is limited
8. if co-location has been requested, conditions for the contracting party's right to inspect premises.

Information in accordance with number 1 may be limited to the affected parties taking into consideration the need for public security.

#### **Section 2-7. *International roaming on mobile networks***

Annex XI point 5cu of the EEA Agreement (Regulation (EC) No. 717/2007 of the European Parliament and of the Council of 27 June 2007 on roaming on public mobile networks within the Community etc.) shall be applicable as regulations with the adaptations that follow from Annex XI, Protocol 1, to the Agreement and the Agreement in other respects.

Inserted by Regulations No. 40 of 14 January 2008 (in force 15 January 2008).

## **Chapter 3. Carrier selection and provider portability**

#### **Section 3-1. *Selection of alternative providers of public telephone services***

Providers of access to public telephone services on fixed networks with significant market power for such services shall offer carrier selection using a prefix for individual calls. "Carrier selection" means a technical solution where an end-user who has entered into an agreement with another provider of public telephone services

can select that provider to carry calls by dialling a prefix before the desired number. "Prefix" means a four-digit number in the number series 15xx.

Providers of access to public telephone services on fixed networks with significant market power for such services shall offer carrier pre-selection. "Carrier pre-selection" means carrier selection where the end-user has entered into an agreement with another provider of public telephone services to automatically carry calls without using a prefix for each call. When such a service is available to the end-user, the use of a prefix for individual calls shall override carrier pre-selection.

**Section 3-2. Requirements relating to carrier pre-selection service**

Providers pursuant to Section 3-1, second paragraph, shall offer:

1. Carrier pre-selection which includes all traffic to all numbers in the national numbering plan with the exception of traffic to standardised special numbers. The exemption for standardised special numbers does not apply to directory enquiry services in the number series 18xx and national information services in the number series 17x
2. Carrier pre-selection covering international traffic.

The provision of other electronic communications services shall not entail unnecessary limitations on the right to carrier pre-selection.

Amended by Regulations No. 40 of 14 January 2008 (in force 15 January 2008).

**Section 3-3. Implementation of carrier pre-selection**

Carrier pre-selection shall be in place or changed within five working days after a correct request has been received. The original provider shall inform the selected provider that the migration has been carried out no later than the first working day after implementation. The providers may agree on a longer implementation period.

Information on customer relations which is exchanged between providers in connection with carrier pre-selection shall not be disclosed to persons other than those who need the information or be used for sales and marketing purposes unless the end-user has given consent to this pursuant to the Norwegian Personal Data Act (personopplysningsloven).

Amended by Regulations No. 40 of 14 January 2008 (in force 15 January 2008).

**Section 3-4. Liability for the costs of carrier pre-selection**

Providers of public telephone services shall cover their own costs for the upgrading of exchanges and support systems and for the testing and training of staff in connection with carrier pre-selection.

Providers pursuant to Section 3-1, second paragraph, may claim costs in connection with the establishing or alteration of carrier pre-selection from the selected provider. End-users shall not be billed separately for this, cf. Section 4-11 of the Electronic Communications Act.

**Section 3-5. Obligation of service provider portability**

"Service provider portability" means the end-user's right to keep the same number, name or address when switching provider of electronic communications services. Providers who use five or eight digit numbers or standardised special numbers pursuant to Section 16 of the Numbering Regulation (nummerforskriften) shall release the number to the other provider to which the end-user requests the number to be migrated.

Amended by Regulations No. 40 of 14 January 2008 (in force 15 January 2008).

**Section 3-6. Implementation of provider portability**

The recipient provider pursuant to Section 3-5 shall obtain written authorisation from the end-user before migration. Authorisation given by electronic mail (e-mail), short message service (SMS) or fax shall also be regarded as written authorisation. The authorisation shall contain affirmative consent and clear identification of

the end-user. The authorisation shall be documented on request. The Norwegian Post and Telecommunications Authority may lay down more detailed requirements concerning the authorisation, including laying down conditions for the use of e-mail and SMS.

The original provider pursuant to Section 3-5 is under an obligation to carry out the migration of the number for a specific end-user to the recipient provider within five working days after receiving a correct request from the recipient provider. The original provider shall notify the recipient provider that the migration has been carried out no later than the first working day after the implementation. The providers may agree on a longer implementation period.

Providers shall ensure that calls to the migrated number terminate on the correct network with no significant loss of quality.

**Section 3-7. *Liability for the costs of provider portability***

Each provider shall cover its own costs in connection with provider portability, such as for the upgrading of exchanges and support systems and for the testing and training of staff. The original provider may claim the costs of the migration of numbers from the recipient provider. End-users shall not be billed separately for this.

## **Chapter 4. Access to radio and television**

**Section 4-1. *Requirements for providers of conditional access services etc.***

Providers of conditional access services for digital radio and television shall, regardless of the transmission method and in accordance with Section 4-3, first paragraph, and Section 4-8, second paragraph, of the Electronic Communications Act, offer all content suppliers technical services which enable the content supplier's digitally transmitted services to be received by authorised viewers or listeners with user equipment for digital radio or television administered by the provider.

The Norwegian Post and Telecommunications Authority may order providers of other access control functions for digital radio and television to use open software interfaces in accordance with relevant standards or specifications. "Software interfaces" means communications programs between the application program and the operating system, including Application Program Interface (API), which are used by content and service providers to be able to provide digital radio and television services.

Amended by Regulations No. 40 of 14 January 2008 (in force 15 January 2008).

**Section 4-2. *Requirements for owners of intangible rights to conditional access products and conditional access services***

When holders of intellectual property rights to conditional access products or conditional access services grant licences to producers of user equipment, this shall be done on objective, fair and non-discriminatory terms. The licensors cannot impose technical or commercial conditions for licensing which forbid or in any other way prevent the product itself from being equipped with:

1. a standardised interface which makes it possible to connect to other conditional access services, or
2. equipment and software for another conditional access service, provided that the licensee complies with relevant and reasonable terms which for the licensee ensure security for the transactions which are carried out by providers of conditional access services.

**Section 4-3. *Technical requirements for conditional access services***

Conditional access services shall, regardless of the transmission method, have a technical design that enables cost-effective transfer to another conditional access service so that providers of electronic communications networks can have full control over the services which use such conditional access services.

**Section 4-4. *Requirements for the distribution and redistribution of public digital television services in wide-screen format***

Electronic communications networks and services for the transmission of public digital television services shall be able to be used for the distribution and redistribution of public digital television services in wide-screen

format. Providers of electronic communications networks that receive and redistribute public digital television services in wide-screen format shall not make changes to the format.

**Section 4-5. Requirements for user equipment for digital radio and television**

User equipment for digital radio that is offered for sale or rent or is made available in any other way shall be able to:

1. decode digital radio and television signals in accordance with the European scrambling algorithm (cf. DVB Common Scrambling Algorithm referred to in ETSI Technical Report 289, October 1996), and
2. display signals which are transmitted unscrambled, provided that the person or company renting the equipment complies with the relevant rental agreement.

**Section 4-6. Requirements for television sets**

Analogue television sets with integral screens with a diagonal measurement of more than 42 cm which are offered for sale or rent shall be equipped with at least one open interface socket which complies with standards from a recognised European standardisation body. The socket shall ensure simple connection of peripherals, including decoders, digital receivers and other equipment that is specific to digital radio and television services.

Digital television sets with integral screens with a diagonal measurement of more than 30 cm which are offered for sale or rent shall have at least one open interface socket which either complies with standards from a recognised European standardisation organisation or conforms to an established industry standard. The socket shall ensure simple connection of peripherals so that all the elements of a digital radio or television signal are transmitted, including information relating to interactive services and conditional access services.

## **Chapter 5. Universal service obligation**

**Section 5-1. Access to public telephone services and digital electronic communications networks**

Providers under a universal service obligation pursuant to Section 5-1, first paragraph, no. 1, of the Electronic Communications Act shall offer public telephone services and access to digital electronic communications networks to any location with permanent year-round settlement or industry.

For connection outside the ordinary supply area the provider may charge the customer for the additional connection cost. "Ordinary supply area" means locations with year-round industry and permanent year-round settlement connected therewith. The status of the ordinary supply area is not changed by the loss of industry where established infrastructure is available for continued supply. In such cases relevant services established at the time of the loss of industry shall be supplied.

The cost to the end-user of a provider fulfilling a universal service obligation by means of a wireless connection shall not exceed the cost to the end-user when connected to the fixed network.

For providers under a universal services obligation the universal services obligation shall apply up to the point of connection with private electronic communications networks, when the network owner has chosen another provider to provide service on the private electronic communications network.

Amended by Regulations No. 40 of 14 January 2008 (in force 15 January 2008).

**Section 5-2. Public pay telephones**

Providers under a universal service obligation pursuant to Section 5-1, first paragraph, no. 2, of the Electronic Communications Act shall offer public pay telephones in the ordinary supply area. There shall be a sufficient number of pay telephones to meet the end-users' reasonable requirements. The pay telephones shall be of sufficient quality and be adapted for disabled persons to meet the end-users' requirements.

Public pay telephones shall include both coin-operated and card telephones.

It shall be possible to make calls to public pay telephones. The number of the pay telephone shall be displayed by the telephone.

**Section 5-3. Directory enquiry services**

Providers under a universal services obligation pursuant to Section 5-1, first paragraph, no. 3, of the Electronic Communications Act shall offer directory enquiry services which cover all end-users of public telephone services with the exception of end-users who have blocked such services, cf. Section 6-2, second paragraph. Providers under a universal service obligation shall also offer international directory enquiry services that cover public telephone services in other countries. The services shall be available to all users.

Providers of directory enquiry services shall keep the directory enquiry system up-to-date.

**Section 5-4. Telephone directories**

Providers under a universal service obligation pursuant to Section 5-1, first paragraph, no. 4, of the Electronic Communications Act shall offer directories containing an appropriate list of all end-users of public telephone services on fixed and mobile networks. The directory shall also list prepayment card customers.

The telephone directory shall be published in printed and electronic form and be updated regularly, at least once a year.

Providers shall process information received from other providers of public telephone services in a non-discriminatory way.

**Section 5-5. Services for disabled persons and end-users with special needs**

Providers under a universal service obligation pursuant to Section 5-1, first paragraph, no. 5, of the Electronic Communications Act shall offer services to disabled persons and other end-users with special needs. Providers under a universal service obligation shall ensure that research and development connected with such services is continued.

Such services may include, *inter alia*, access to adapted terminal equipment and services that put these end-users on an equal footing with other end-users, including:

1. access to alternative telephone solutions for speech and hearing-impaired persons. Such access may include text telephone services and discount or refund schemes for the use of such services. When using videophones or speech synthesisers, the discount and refund schemes for such services may take the place of discount or refund schemes for the use of text telephone services,
2. discount or refund schemes for blind and partially-sighted persons for the use of directory enquiry services
3. lists of terminal equipment and services for disabled persons.

**Section 5-6. Monitoring and control of end-user's expenditure etc.**

Providers under a universal service obligation pursuant to Section 5-1 of the Electronic Communications Act shall, at no extra cost to the end-user, offer:

1. limitation of call access to a predefined selection of numbers at the request of the end-user
2. the blocking of particular types of incoming or outgoing calls or numbers at the request of the end-user
3. pre-payment
4. part payment of connection charges.

End-users shall be given the opportunity to set an upper limit on variable costs for the invoicing period concerned. If the costs exceed the set limit, the provider shall block outgoing calls without undue delay, unless the end-user agrees otherwise.

**Section 5-7. Calculation of costs for universal service obligation**

If a provider under a universal service obligation pursuant to Section 5-1 of the Electronic Communications Act requests cost compensation pursuant to Section 5-2 of the Electronic Communications Act, the provider shall document the net cost of the provision of such service. The net cost is calculated as the difference between the net operating costs that the provider has under a universal service obligation and the net operating costs which the provider would have had without the universal service obligation. In the calculation, the benefits of intellectual property rights, including brand names, shall be taken into account. The net cost shall be calculated separately for each universal service.

The Norwegian Post and Telecommunications Authority shall determine what is to be regarded as the net cost of provision and shall decide whether this constitutes an unreasonable burden. The Ministry shall decide whether a funding mechanism shall be introduced. Accounts used as a basis for the calculation of net cost shall be approved by the Norwegian Post and Telecommunications Authority or by an independent body designated by the Norwegian Post and Telecommunications Authority. The calculation of the net cost shall be published.

**Section 5-8. *Financing of universal service obligation***

The Norwegian Post and Telecommunications Authority may require providers to contribute to the financing of the universal service obligation. The Norwegian Post and Telecommunications Authority may exempt providers with small market shares who have offered services for a short time or have operating revenue below a set limit from being covered by the funding mechanism.

Each universal service shall be financed separately and different funding mechanisms may be set up for each service. The costs shall be divided between providers according to market share and ranges of service etc. Providers who shall participate in the funding mechanism shall receive information on the size of the funding, including their own share.

The funding mechanism shall be administered by the Norwegian Post and Telecommunications Authority or by an independent body designated by the Norwegian Post and Telecommunications Authority.

**Section 5-9. *Reporting***

The Norwegian Post and Telecommunications Authority may require annual reporting on the universal service obligation, cf. Section 5-1, second paragraph, of the Electronic Communications Act.

**Section 5-10. *Restriction on product bundling***

Providers under a universal service obligation pursuant to Section 5-1 of the Electronic Communications Act shall offer universal services on terms and conditions which are such that the end-user does not pay for services, functions or outputs which are not necessary for the services requested. Terms and conditions shall be non-discriminatory, transparent and publicly available.

## **Chapter 5a. Premium rate services**

Chapter 5a inserted by Regulations No. 40 of 14 January 2008 (in force 1 July 2008).

**Section 5a-1. *Premium rate services (telephone)***

Premium rate services, i.e. content, data services and value-added services that are subsequently charged to an end-user's telephone bill, may be offered only over special number series determined by the Authority, cf. Section 7-1 of the Electronic Communications Act.

Inserted by Regulations No. 40 of 14 January 2008 (in force 1 July 2008).  
Enters into force 1 July 2008.

**Section 5a-2. *Control of end-user's expenditure***

Providers shall offer end-users free of charge the ability to limit access to premium rate services. End-users shall be able to block access to premium rate services or a pre-defined selection of numbers.

End-users shall be able, free of charge and in a simple manner, to block the use of premium rate services in Norway above a given amount per month. The lowest limit for this amount shall not be higher than NOK 250. The end-users shall be informed that the specified amount has been reached, and the provider shall ensure as far as is possible that further use of premium rate services is blocked.

Providers shall ensure that an end-user, or user, if he is someone other than the end-user, free of charge and in a simple manner, is able to stop current agreements to provide a premium rate service. It shall be possible to stop current premium rate SMS services by sending the message "STOPP".

Inserted by Regulations No. 40 of 14 January 2008 (in force 1 July 2008).  
Enters into force 1 July 2008.

**Section 5a-3. *Duty to provide information***

Providers shall inform end-users free of charge of their right to block the use of premium rate services and of the various limits for blocking, cf. Section 5a-2. Providers shall ensure that users are informed of service rates free of charge. Rate information shall be provided in an appropriate manner for the user before a premium rate service is provided, with the exception of directory enquiry services, where rate information may be provided afterward.

Inserted by Regulations No. 40 of 14 January 2008 (in force 1 July 2008).  
Enters into force 1 July 2008.

**Section 5a-4. *Fundraising campaigns***

Providers shall ensure that fundraising campaigns organised as a premium rate service are registered with the Control Committee for Fundraising in Norway and that there is a statement from an external auditor confirming satisfactory accounting and control function.

Inserted by Regulations No. 40 of 14 January 2008 (in force 1 July 2008).  
Enters into force 1 July 2008.

**Section 5a-5. *Requirements for the service with regard to content etc.***

Content provided as a premium rate service must be legal, including not containing unlawful pornographic content or defamatory utterances or contravening rules relating to marketing, lotteries, privacy, intellectual property rights, etc.

Providers shall ensure in particular that minors (persons under the age of 18) are not offered premium rate services with gross depictions of violence or pornographic content. Providers offering services to minors shall have an agreement with content providers with special requirements for such services. Providers shall offer end-users the ability to register the date of birth of a user of a mobile phone.

Inserted by Regulations No. 40 of 14 January 2008 (in force 1 July 2008).  
Enters into force 1 July 2008.

**Section 5a-6. *Complaints procedure***

Providers shall have a satisfactory procedure for handling complaints regarding premium rate services.

The handling of complaints regarding premium rate services shall follow the complaints procedure in Section 10-1. In connection with complaints regarding content requirements for premium rate services, cf. Section 5a-5, second paragraph, the Norwegian Media Authority may be consulted. Complaints regarding the lawfulness of premium rate services pursuant to Section 5a-5, first paragraph, are not covered by the complaints procedure in Section 10-1.

The complaints procedure shall be funded by the providers that offer or further transmit premium rate services and that bill end-users. Information regarding the complaints scheme shall be made public regularly in an appropriate manner.

Inserted by Regulations No. 40 of 14 January 2008 (in force 1 July 2008).  
Enters into force 1 July 2008.

## **Chapter 6. Numbers**

**Section 6-1. *Calling line identification***

Providers of public telephone services shall offer calling line identification insofar as it is technically feasible, financially reasonable and not contrary to requirements laid down in or in pursuance of the Personal Data Act.

Calling-party end-users shall be able to block their number from being displayed (i.e. the calling line number), both as a general rule and for individual calls. End-users shall be able to order in advance the rejection of calls where the calling party end-user has blocked his number from being displayed.

Called party end-users shall be able to prevent the display of the number where the call is terminated (i.e. the called-party number), including in the case of call forwarding.

Providers of public telephone services shall insofar as possible make data and signals available to ensure calling-number identification via interconnection with other providers.

The right to block numbers from being displayed pursuant to the second paragraph, first sentence, does not apply to calls to emergency call services, cf. Section 2-6 of the Electronic Communications Act. The right to block numbers from being displayed may be restricted temporarily at the request of end-users who believe they are victims of telephone harassment. Providers shall store calling end-users' identification details/data and make these available to the police for the purpose of investigation if the conditions for access to such data exist.

Providers shall inform end-users of their rights and obligations pursuant to the first, second, third and fifth paragraphs.

#### **Section 6-2. Information on end-users**

Providers of public telephone services shall keep a list of each end-user's name, address and number/address for services required. The list shall contain information enabling the clear identification of those registered and information enabling the geographic locating of those registered in connection with emergency calls, cf. Section 6-3, second paragraph, and Section 2-6 of the Electronic Communications Act. Information on public pay telephones shall include the address.

Providers of public telephone services shall free of charge and before listing takes place inform end-users about the purpose of publicly available printed or electronic directories in which information about the end-user will appear and of the possible use of the information as a result of the search capabilities of electronic directories.

End-users shall be able to verify, correct or withdraw registered information free of charge. End-users may object in whole or in part to information about their number, name or address being disclosed to the public. Providers of public telephone services shall inform end-users that exclusion from the directory may be made free of charge.

End-users shall on request be able to have unpublished numbers.

Providers of directories shall delete information on end-users who have reserved against disclosure pursuant to the third or fourth paragraphs from publicly available printed or electronic directories at the first update.

Without prior consent from the registered party, the directory may only be used to search for information on the basis of the user's name, address or number/address for the service required.

Providers of directory enquiry services shall ensure that the directories comply with the Personal Data Act and that information is not provided in contravention of the duty of confidentiality.

Amended by Regulations No. 40 of 14 January 2008 (in force 15 January 2008).

#### **Section 6-3. Obligation to exchange directory enquiry information**

Providers of public telephone services are obliged in an objective, non-discriminatory manner and at cost-oriented prices to make directory enquiry information pursuant to Section 6-2 available on request to providers of directory enquiry services if the information is to be used for directory enquiry activities. Directory enquiry activities do not include value-added services for own or others' sales and marketing purposes for any use other than directory enquiries.



Directory enquiry information to be transmitted pursuant to the first paragraph is:

1. unique ID: date of birth or organisation number
2. user's last name, first name(s) and middle name(s) for personal users or company. When the legal owner of a subscription and the user are not the same, only the user's name shall be transmitted.
3. street name or postal address
4. house number
5. postal code
6. post office
7. telephone number, including specification of the main number, if this has been registered or reported by the end-user
8. user type: i.e. whether the number is used for a fixed-line telephone, mobile telephone or fax.

Directory enquiry information relating to end-users who have reserved against having information about their own number, name or address disclosed to the public pursuant to Section 6-2, third paragraph, shall not be transmitted.

When data is transmitted, information shall be provided as to whether it is a new registration, change to existing information or deletion of a registration. Deletion shall be shown as a change to previously transmitted data. Where the unique identity has more than one number, a change of number shall be specified as the deletion of the existing entry followed by a new entry,

The provider giving information and the recipient provider shall cover their own costs for facilitating the transmission of information. The recipient shall cover the cost of the actual transmission.

The provider giving information and the recipient provider shall ensure the quality of the personal data in relation to the purpose of the processing. Unless otherwise agreed, updated directory enquiry information shall be provided once each working day in electronic form as mass data and in accordance with the ISO 8859-1 standard format.

Obligations pursuant to this provision are without prejudice to end-user's rights laid down in or pursuant to the Personal Data Act.

Amended by Regulations No. 40 of 14 January 2008 (in force 1 July 2008)

#### **Section 6-4. *Additional functions connected with public telephone services***

Providers of public telephone services shall offer selective call barring of outgoing calls, direct in-dialling functions and call forwarding.

Providers of public telephone services shall free of charge make it possible for end-users to prevent the forwarding of calls by third parties to the end-user's terminal equipment.

Providers of public telephone services shall offer the use of tone dialling insofar as this is technically feasible and financially reasonable. Insofar as it is possible, providers shall make data and signals available to facilitate the offering of tone dialling via interconnection with other providers and for end-to-end signalling between terminal equipment.

#### **Section 6-5. *Implementation of number series***

Providers of public telephone services shall implement one another's number series reciprocally and free of charge to make end-to-end connectivity possible.

Inserted by Regulations No. 40 of 14 January 2008 (in force 15 January 2008).

## **Chapter 7. Communications protection etc.**

### **Section 7-1. *Processing of traffic data***

Providers shall keep traffic data confidential in accordance with Section 2-9 of the Electronic

Communications Act and shall delete traffic data or render it anonymous in accordance with Section 2-7, second paragraph, of the Electronic Communications Act. "Traffic data" means data that is necessary in order to transmit communications on an electronic communications network or for the billing of such transmission.

Processing of traffic data by providers may only be carried out by persons working in billing, traffic control, customer enquiries, marketing of electronic communications services or detection of improper use of electronic communications. The above-mentioned persons must have authorisation to carry out the work from providers of electronic communications networks or services. The processing shall be limited to what is necessary to perform the above-mentioned tasks.

Processing of traffic data other than that mentioned in Section 2-7, second paragraph, first sentence, of the Electronic Communications Act, including processing for marketing purposes, requires the consent of the user, cf. Section 2-7, second paragraph, second sentence, of the Electronic Communications Act.

#### **Section 7-2. Processing of location data**

Location data other than traffic data may only be processed in an anonymised form. "Location data" means data which is processed in an electronic communications network and which shows the geographic location of the terminal equipment being used by the user of a public electronic communications service.

The limitation in the first paragraph does not apply if the user has given his consent and the processing only concerns the supply of a value added service which comprises more than the public telephone services. The processing shall be limited to that which is necessary to provide the service to which the user has consented.

Processing of location data other than traffic with the providers may only be carried out by persons with authorisation from providers of electronic communications networks or services, including providers of value added services which comprise more than the public telephone services, cf. second paragraph.

#### **Section 7-3. Processing of cookies etc.**

Electronic communications networks cannot be used for the storage of information on the user's communications equipment or to obtain access to such information unless the user has been informed by the controller in accordance with the Personal Data Act, including information on the purpose of the processing, and has been given an opportunity to object to the processing. However, this is not an obstacle to technical storage or access to information

1. exclusively for the purpose of transmitting or facilitating the transmission of communications on an electronic communications network
2. which is necessary to provide an information society service at the user's expressed request.

#### **Section 7-4. Consent**

The term "consent" pursuant to Section 7-1 and Section 7-2 corresponds to the term used in the Personal Data Act. When obtaining consent, the provider shall inform the user of the type of traffic or location data which the processing concerns, of the duration of the processing, of the purpose of the processing and whether it is intended that the location data shall be able to be disclosed to providers of services pursuant to Section 7-2, second paragraph. The user shall be able to withdraw his consent at any time by means of a simple system that is free of charge.

Consent pursuant to Section 7-2 shall also be able to be withdrawn temporarily for each individual connection to the electronic communications network or for each individual use of the service.

## **Chapter 8. Security and preparedness**

#### **Section 8-1. Obligation to have and to provide information**

Providers who:

1. provide essential electronic communications services to users who have socially critical functions  
or
2. provide transmission capacity and interconnection to providers covered by number 1

shall have a list of their own users who have socially critical functions and of electronic communications services which are necessary for the performance of such functions by the users. "Own users who have socially critical functions" means public or private users who have been entrusted by the authorities with tasks to maintain society's ability to function in the event of crises or emergencies and which are customers of the provider. "Crisis or emergencies" means situations in which the authorities consider it necessary to take special measures to maintain important social functions.

Users who have socially critical functions shall give providers pursuant to the first paragraph information on the electronic communications services necessary to perform these functions.

**Section 8-2. *Emergency preparedness plans and exercises***

Providers pursuant to Section 8-1, first paragraph, shall draw up and maintain plans and implement measures to maintain electronic communications services that are necessary for

1. the performance of their own emergency tasks
2. the performance of the emergency tasks with which own users who have socially critical functions are entrusted in a crisis or emergency situation.

Providers shall at the request of the Norwegian Post and Telecommunications Authority submit plans pursuant to the first paragraph. The Norwegian Post and Telecommunications Authority shall ensure that the plans comply with regulations and may set requirements with regard to their content.

Providers shall on request participate in emergency exercises arranged by the authority.

**Section 8-3. *National autonomy***

Providers pursuant to Section 8-1, first paragraph, shall in crisis or emergency situations be able to maintain essential services for users who have socially critical functions without operational support or electronic communications services located in other countries.

The Norwegian Post and Telecommunications Authority may in crisis or emergency situations order providers to carry out operation and maintenance of services using personnel and technical solutions which are located on Norwegian territory.

In force from a date determined by the Ministry.

**Section 8-4. *Prioritising of services***

Providers pursuant to Section 8-1, first paragraph, shall in crisis or emergency situations give priority to users who have socially critical functions. Providers pursuant to Section 8-1, first paragraph, number 2, shall in crisis or emergency situations give priority to providers pursuant to Section 8-1, first paragraph, number 1.

**Section 8-5. *Notification***

Providers pursuant to Section 8-1 shall notify the Norwegian Post and Telecommunications Authority of significant operational and technical problems that could reduce or have reduced the quality of services covered by this regulation.

**Section 8-6. *Plans in the event of bankruptcy***

Providers pursuant to Section 8-1, first paragraph, shall submit plans pursuant to Section 2-11 of the Electronic Communications Act. Plans for continued provision of electronic communications in the event of bankruptcy, opening of debt settlement proceedings or as a result of suspension of payments shall at minimum contain:

1. Provider's name, organisation number, address, telephone number, fax number, e-mail address and contact person
2. specification of measures for guaranteeing service to users for a minimum of two weeks in situations as mentioned in Section 2-11, first paragraph, first sentence, of Electronic Communications Act
3. routines for notifying the authorities in the event of a petition for debt settlement proceedings or bankruptcy

4. overview of electronic communications networks and services comprising own infrastructure, including leased lines
5. list of own users who have socially critical functions.

Plans shall be sent to the Norwegian Post and Telecommunications Authority each year by 31 December and in the event of any substantial changes in the information.

In special cases, the Authority may issue exemptions from the duty to prepare plans.

Inserted by Regulations No. 40 of 14 January 2008 (in force 15 January 2008).

#### **Section 8-7. Implementation of Regulation (EC) 460/2004**

Annex XI point 5cp of the EEA Agreement (Regulation (EC) No 460/2004 of 10 March 2004 establishing the European Network and Information Security Agency (ENISA)) shall be applicable as regulations with the adaptations that follow from Annex XI, Protocol 1, to the Agreement and the Agreement in other respects.

Inserted by Regulations No. 40 of 14 January 2008 (in force 15 January 2008).

## **Chapter 9. Private electronic communications networks**

### **Section 9-1. Point of connection with other electronic communications networks**

The interconnection of private electronic communications networks, including private networks for the use of companies with large geographic coverage, with electronic communication networks which are used for the provision of public electronic communications services shall, insofar as possible, take place at a single physical point of connection. "Private electronic communications network" means an electronic communications network from the point of connection to an electronic communications network used for the provision of public electronic communications services up to the network termination point where the owner has the network for his own use or leasing and does not offer electronic communications services to others.

Providers of electronic communications networks used to provide public electronic communications services shall, insofar as possible, inform private network owners in the local area concerned of the possibility of connecting to the network at a single common/joint point. "Local area" means, for example, housing association, business parks or neighbourhoods.

The point of connection shall be designed so that the signal provider can be changed and so that more than one electronic communications network which is used for the provision of public electronic communications services can be connected to the point. Electronic communications networks which are used for the provision of public electronic communications services shall be connected to private electronic communications networks in such a way that no more capacity is used in the private electronic communications network than what is necessary for the transmission of the agreed signals and services.

### **Section 9-2. Ability of providers to offer services to users in private electronic communications networks**

Private electronic communications networks in the local area shall be designed in such a way that services from various providers can be distributed to individual users.

Owners of private electronic communications networks in multi-unit residential buildings or complexes, commercial buildings, office premises, etc., are responsible for transmitting services to the individual resident and other end-users with the same quality that the provider of electronic communication services provides on the interface between the public and private networks. Owners are also responsible for the individual resident and other end-users having access to universal services and functionality if they should wish it, on at least as favourable terms as providers under a universal service obligation offer.

Amended by Regulations No. 40 of 14 January 2008 (in force 15 January 2008).

### **Section 9-3. Delivery of signals to other networks**

Agreements on signal delivery, signal type and use of electronic communications networks shall specify the

frequency range and capacity to be used for individual services and signal types.

Providers shall not supply signals that use a frequency range or capacity beyond what is specified in the agreement with the network owner.

**Section 9-4. *Duty of confidentiality and security***

Owners of private electronic communications networks are obliged to maintain confidentiality with regard to the content of electronic communications and the use of electronic communications by others in accordance with Section 2-9 of the Electronic Communications Act. Owners shall secure the network against unlawful interception and other unlawful access to information on the network. Points of connection and distributors shall be secured against access by unauthorised persons.

**Section 9-5. *Quality requirements***

Private electronic communications networks shall be professionally installed and be of satisfactory quality. Regard shall be paid to the type of electronic communications services to be conveyed, the networks to be connected and the requirements this entails for transmission in private networks. The requirement is fulfilled if the specifications in the relevant standards or equivalent quality levels are met

The Norwegian Post and Telecommunications Authority may provide guidance on standards for and the design of signal earth reference.

**Section 9-6. *Installation, operation and maintenance***

Owners are responsible for the installation, operation and maintenance of private electronic communications networks.

Owners shall use authorised installers for the installation, maintenance and interconnection of networks and connection to electronic communications networks which are used for the provision of electronic communications services, cf. Section 2-14 of the Electronic Communications Act and the Authorisation Regulation.

**Section 9-7.** (Repealed 15 January 2008, cf. Regulations No. 40 of 14 January 2008.)

## **Chapter 10. Supervision, complaints etc.**

**Section 10-1. *Norwegian Consumer Complaints Board for Electronic Communications***

The Consumer Complaints Board shall hear complaints from end-users regarding disputes with providers concerning universal service obligations, agreements to purchase another public telephone service and Internet access. Such disputes may pertain to the conclusion and fulfilment of subscription agreements, quality, billing and compensation, etc. The Board shall not deal with disputes concerning the boundaries of the universal service obligation.

New providers are obliged to report to the Consumer Complaints Board as soon as they begin to provide services as mentioned in the first paragraph.

As the consumer's right to complain is subsidiary, end-users must first direct complaints to the provider. Nevertheless, an end-user may bring the dispute directly before the Consumer Complaints Board if:

1. the provider did not notify the complainant in writing of the expected time for handling the complaint within two weeks after the provider received the complaint, or
2. the provider did not provide a final reply to the complaint within a reasonable period of time.

As long as a dispute is being heard by the Consumer Complaints Board, it may not be brought before ordinary courts of law.

The Norwegian Post and Telecommunications Authority may issue more detailed instructions on the organisation and case hearing procedure of the Board.

Amended by Regulations No. 40 of 14 January 2008 (in force 15 January 2008).

**Section 10-1a. *Funding of the Consumer Complaints Board***

The Consumer Complaints Board shall be funded by the providers covered Section 10-1, first paragraph, by:

1. an annual basic fee of up to ten times the court fee
2. a complaint fee apportioned among providers based on a proportional share of the number of written complaints the Consumer Complaints Board has received concerning the provider in question

The executive board of the Consumer Complaints Board may set an amount higher than in (1) for providers with high relevant revenues and may levy a differentiated fee on them.

By 1 December of each year the executive board of the Consumer Complaints Board shall prepare and adopt a budget for proper operations the following calendar year. The budget shall be submitted to the Norwegian Post and Telecommunications Authority immediately for information.

Complaint fees shall be in proportion to budgeted expenses. Fees for new operations shall be calculated on the basis of an average of fees paid in the budget for the most recent four-month period and be settled in proportion to the months remaining in the budget period. The executive board of the Consumer Complaints Board may, if necessary to ensure proper operation, charge additional payments during the operating year. A decision to require additional payments shall be submitted to the Norwegian Post and Telecommunications Authority immediately for information.

Inserted by Regulations No. 40 of 14 January 2008 (in force 15 January 2008).

**Section 10-2. *Administrative appeal body***

Appeals against individual decisions of the Norwegian Post and Telecommunications Authority shall be decided by the Ministry, cf. Section 11-6 of the Electronic Communications Act.

**Section 10-3. *Supervision and sanctions***

With the exception of Section 5a-5, second paragraph, the Norwegian Post and Telecommunications Authority shall monitor compliance with the implementation of these regulations and may impose sanctions pursuant to Chapter 10 of the Electronic Communications Act.

Amended by Regulations No. 40 of 14 January 2008 (in force 15 January 2008).

**Section 10-3a. *Determining the size of administrative fines***

In determining administrative fines, special weight shall be accorded the seriousness and duration of the violation, manifest culpability and the revenues of the undertaking concerned.

In assessing the seriousness of the violation, special consideration shall be taken of:

1. the nature of the violation
2. the undertaking's gain
3. its actual impact on the market
4. the size of the affected market and
5. whether the violator played a leading or passive role in the violation

Other factors that may affect the determination of the administrative fine for violations include:

1. whether agreements were implemented and actions taken
2. whether the undertaking could have prevented the violation with guidelines, instruction, training, inspections or other measures,
3. the finances of the corporate group the undertaking is a part of and
4. whether the undertaking has assisted the Authority in connection with investigating the violation.

The Norwegian Post and Telecommunications Authority may impose an administrative fine of up to 1 per cent of the undertaking's revenue of the undertaking or anyone acting on behalf of the undertaking who wilfully or negligently commits a violation as mentioned in Section 10-13 of the Electronic Communications Act. "Revenue" means the undertaking's total sales revenue for the most recent accounting year. When an association

of undertakings is the violator and the violation concerns the member undertakings' activities, revenue is the total sales revenue of the members active in the markets affected by the violation.

The Norwegian Post and Telecommunications Authority may impose on a natural person who wilfully or negligently commits violations as mentioned in Section 10-13 of the Electronic Communications Act an administrative fine of up to thirty times the court fee.

The Norwegian Post and Telecommunications Authority may lay down in regulations a standardised administrative fine for violation of up to 30 times the court fee for enterprises or anyone acting on behalf of an enterprise and for persons mentioned in the fourth paragraph.

Inserted by Regulations No. 40 of 14 January 2008 (in force 15 January 2008).

#### **Section 10-4. Dispensation**

In special cases or when their application would be unreasonable, the Norwegian Post and Telecommunications Authority may grant dispensations from provisions of these regulations.

#### **Section 10-5. Trial operation**

The Norwegian Post and Telecommunications Authority may upon application grant temporary dispensation from provisions of these regulations for the provision of access to electronic communications networks used for providing public electronic communications services or providing such services for the purpose of development and testing. The Norwegian Post and Telecommunications Authority may impose conditions for dispensation pursuant to the first sentence.

The application shall contain a technical description, information about the provisions dispensation is being applied for, the purpose of the trial operation, terms and conditions and prices during the trial period, the duration of the trial operation and information about any other participants in the trial operation. The Norwegian Post and Telecommunications Authority may require further information for use in processing the application. Providers who have been granted permission for trial operation shall at the end of the trial period send a report to the Norwegian Post and Telecommunications Authority on their experiences with the services during the trial operation.

#### **Section 10-6. Entry into force etc.**

These regulations shall enter into force on 16 February 2004, with the exception of Sections 1-4 and 8-3 and Chapter 9, which enter into force on a date determined by the Ministry.<sup>1</sup>

With effect from the same date Regulations No. 1259 of 5 December 1997 on public telecommunications networks and public telecommunications services, Regulations no. 163 of 14 February 2001 on cable TV networks, with the exception of Section 13, and Regulations no. 900 of 8 September 2000 on the settlement of disputes over the application of the Act on standards for the transmission of television signals shall be repealed.

Regulations No. 40 of 14 January 2008 concerning amendments to the Ecom Regulations enter into force on 15 January 2008, with the exception of Chapter 5a, Premium rate services, which enters into force on 1 July 2008.

Regulations No. 163 of 14 February 2001 concerning cable TV networks shall be repealed with effect from 15 January 2008.

Regulations No. 1087 of 17 September 2001 concerning auctioning licences for frequencies in the 900 and 1800 MHz bands shall be repealed with effect from 15 January 2008.

Regulations No. 190 of 3 March 1994 concerning premium rate services shall be repealed with effect from 1 July 2008.

Amended by Regulations No. 40 of 14 January 2008 (in force 15 January 2008).

<sup>1</sup> Chapter 9 in force 22 July 2004, cf. Regulations No. 1136 of 22 July 2004.

**Section 10-7.** *Transitional provisions*

Until the market analysis has been carried out and new obligations in pursuance of Sections 3-4, 4-2, 4-3, 4-11 and 4-12 of the Electronic Communications Act are put into effect, the obligations to which providers with significant market power are subject on the basis of Regulations No. 1259 of 5 December 1997 on public telecommunications networks and public telecommunications services shall continue to apply, cf. Section 13-2 of the Electronic Communications Act.