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Only the Faroese version of the text has legal validity

Act on Electronic Communications Networks and Services

Chapter 1

Purpose, scope, and definitions

Purpose

1. The purpose of this Act is to promote an efficient and innovative market for electronic communications networks and services for the benefit of end-users.

Scope

2. This Act shall apply to those who provide electronic communications networks or services, owners of electronic communications networks, providers of telecommunication terminal equipment that is used for mobile telephony services, providers of payphones, providers of number information databases and registers, providers of information and content services, providers of conditional access systems, and holders of industrial property rights to conditional access products and systems.
 - (2) This Act shall apply to the use and supervision of radio frequencies.
 - (3) This Act shall apply throughout the territory of the Faroe Islands, including Faroese territorial waters. It is also applicable to all Faroese registered ships and aircrafts, including oil and gas offshore facilities operating in Faroese territorial waters.
 - (4) This Act shall not apply to internal electronic communication in businesses or households.

Definitions

3. For the purpose of this Act, the following definitions shall apply:
 - 1) *Telecommunications*: emission, transmission, or reception of signs, signals, writing, images, sound or other messages of whatever kind via optics, radio signals, or other electromagnetic systems within a communications network.
 - 2) *Electronic communications network*: Any form of radio frequency or cable-based telecommunications infrastructure used for handling electronic communications services.

- 3) *Electronic communications service*: Service consisting wholly or mainly of electronic conveyance of communications in the form of sound, images, text or combinations thereof, by means of radio or telecommunications techniques, between network termination points, including two-way and one-way communications.
- 4) *Public electronic communications network or service*: Electronic communications network or service as mentioned in nos. 2 and 3 made available to a number of end-users or providers of electronic communications networks or services that have not been specified in advance.
- 5) *Information and content service*: Any form of electronic provision of information or content to which other end-users get access via electronic communications networks or services on the basis of an individual request.
- 6) *End-user*: User of electronic communications networks or services who does not make such electronic communications networks or services available to other parties on a commercial basis.
- 7) *Subscriber number*: Any number included in the overall Faroese numbering plan and which can be reassigned to an end-user.
- 8) *Provider*: Any person who makes products, electronic communications networks or services governed by this Act available to other parties on a commercial basis.
- 9) *Commercial provider*: A provider as mentioned in no. 8 who offers products or electronic communications networks or services as its main service or as a non-accessory part of its business.
- 10) *SMP provider*: A provider as mentioned in no. 8 who has significant market power.
- 11) *Network access*: Access to a provider's electronic communications networks or services and associated facilities on specified conditions for another provider for the purpose of providing electronic communications networks or services.
- 12) *Interconnection*: A form of network access established between providers of electronic communications networks or services, consisting of physical and logical linking of electronic communications networks, used by the same or a different undertaking to allow communication or to get access to electronic communications services.
- 13) *Interoperability*: The ability to send and receive data between interconnected networks providing the level of quality expected by the end-user customer without any negative impact to the sending and or receiving networks.

- 14) *Termination*: To route a telephone call received at the connection point between two electronic communications networks to the called end-user.
- 15) *Network termination point*: The boundary between the regulatory framework for electronic communication networks and services and the regulation of telecommunication terminal equipment. It is the physical point at which a subscriber is provided with access to a public communications network. In the case of networks involving switching or routing, the network termination point is identified by means of a specific network address, which may be linked to a subscriber number or name.
- 16) *Access network*: The part of the electronic communications network that connects the end-user to the electronic communications network via a local switching point, including cables, equipment, and other assets.
- 17) *Telecommunication terminal equipment*: A product enabling communication or a relevant component thereof that is intended to be connected directly or indirectly by any means whatsoever to network termination points of public electronic communications networks.
- 18) *Multiplex operator*: A provider of an electronic communications network or service or the owner of an electronic communications network who operates digital terrestrial television.
- 19) *Conditional access system*: Any technical measure or arrangement whereby access to a protected radio or television broadcasting service in intelligible form is made conditional upon subscription or other forms of prior individual authorisation.

Chapter 2

General authorisation

General authorisations to establish, operate, and provide public electronic communications networks and services

4. Commercial providers must have a general authorisation in order to establish, operate, and provide public electronic communications networks and services. Applications for general authorisations shall be sent to the Telecommunications Authority.
 - (2) Only Faroese registered companies, or branches of foreign companies that are registered in the Faroe Islands may be issued general authorisations.
 - (3) General authorisations are not exclusive, and may be granted other commercial providers under similar or the same conditions.
 - (4) No one may operate as a commercial provider before a general authorisation is issued. This also applies to installations as referred to in section 50.

The contents of general authorisations

5. General authorisations must contain the purpose, the permissible location, and the arrangement of the electronic communications networks and services related to the general authorisation.

- (2) General authorisations may contain rules and requirements, including the following:
 - 1) that the general authorisation has limited duration
 - 2) that the authorised provider has to comply with certain standards and approvals
 - 3) that the authorised provider has to comply with international rules and requirements stipulated by international telecommunications authorities and international associations, and
 - 4) that the authorised provider has to notify the Telecommunications Authority regarding significant changes in the provider's activity, including technologies or networks taken into or out of service, or important services that are initiated or closed.

Administrative matters related to the issuance of general authorisations

6. The Telecommunications Authority administers and has the authority to issue general authorisations pursuant to section 4 and 5.
 - (2) General authorisations shall be issued based on objective, transparent, and non-discriminatory conditions.
 - (3) The Telecommunications Authority may, without compensation, amend conditions in general authorisations already issued in order to comply with legislative changes or international obligations.
 - (4) The Telecommunications Authority shall determine who is considered a commercial provider, which networks are considered public, and may forgo the authorisation requirement, as referred to in section 4 subsection (1) and (2), such exemption to be issued either en bloc for a group or according to application.
 - (5) The Telecommunications Authority shall maintain and update a public register of issued general authorisations.
 - (6) The Minister may promulgate specific regulations on the administration and issuance of general authorisations, including rules regarding which providers are considered commercial, which networks are considered public, and rules regarding exemptions, as referred to in subsection (4).

Chapter 3

Sector-specific competitive regulation

Common obligations and rights

7. Providers of public electronic communications networks or services have a right and an obligation to negotiate agreements with each other on interconnection, and to ensure interoperability, for the purpose of providing publicly available electronic communications networks or services.
 - (2) The Telecommunications Authority may impose obligations to the extent necessary to ensure connection between end-users, to create interoperability in relation to services, or to interconnect networks.
 - (3) Agreements on network access and interconnection shall be made on commercial terms.

(4) Notwithstanding subsection (3), providers of public electronic communications networks or services on whom obligations have been imposed under subsection (2), section 10 or rules issued under section 17 (2), shall offer other providers of public electronic communications networks or services agreements on network access and interconnection on terms and conditions consistent with the obligations imposed on the provider.

(5) Providers of electronic communications networks or services shall treat information received in the process of negotiating network access or interconnection arrangements as confidential, and must not pass such information on to others for whom such confidential information could provide a competitive advantage, including, but not limited to, a provider's own departments, subsidiaries, or partners.

(6) The Telecommunications Authority may decide whether there is a reasonable request in specific cases for establishing or modifying an agreement on network access or interconnection pursuant to obligations imposed under subsection (2), section 10 or rules issued under section 17 (2).

Significant market power

8. Providers with general authorisations who have market shares in excess of 50% within relevant markets shall be identified as SMP providers by the Telecommunications Authority. The Telecommunications Authority determines which markets are considered relevant.

(2) The purchase, sale or lease of services within the wholesale market between authorised providers, as referred to in section 4, that are not intended for resale or production is also considered a part of the wholesale market.

(3) The Telecommunications Authority may designate an SMP provider within a specific market to be an SMP provider in a related market, when the links between the two markets are such as to allow market power held in one market to be leveraged on the other market.

(4) The Telecommunications Authority may, under special circumstances, designate a provider to be an SMP provider, even though the provider's market share within the relevant market is lower than 50%.

(5) The Telecommunications Authority shall publish which providers are SMP providers.

Obligations for the purpose of regulating providers with Significant Market Power

9. The Telecommunications Authority may promulgate specific regulations stipulating that providers with Significant Market Power (SMP) on whom an obligation to provide network access has been imposed, and providers of public electronic communications networks or services using such network access shall meet technical or operational conditions when necessary to ensure normal operation of the network.

10. The Telecommunications Authority may impose on SMP providers one or more of following obligations:

- 1) Network access, cf. section 11.
- 2) Non-discrimination, cf. section 12.

- 3) Transparency, cf. section 13.
- 4) Accounting separation, cf. section 14.
- 5) Price control, cf. section 15.
- 6) Functional separation, cf. section 16.

(2) In special cases, the Telecommunications Authority may impose other obligations on SMP providers than those mentioned in subsection (1), nos. 1-6.

(3) In each individual decision, the Telecommunications Authority shall specify the extent and content of the obligation.

(4) Providers with significant market power on whom obligations have been imposed in accordance with this section shall notify the Telecommunications Authority about organisational or structural changes essential to the obligations imposed.

Network access obligation

11. Network access obligation means an obligation imposed on providers with significant market power to offer actual or virtual network access to specified parts of the provider's network elements, services and associated facilities. The obligation may include all circumstances that are necessary for network access, including:

- 1) Circumstances necessary in order to work as a service provider without being an owner of a network,
- 2) To offer co-location, virtual co-location or other forms of shared use of associated facilities, including shared use of buildings, entries to buildings, building wiring, masts, antennas and other constructs, ducts, conduits, manholes and cabinets, and
- 3) The imposition of universal service obligations relative to certain wholesale services.

Obligation of non-discrimination

12. The obligation of non-discrimination means an obligation imposed on providers with significant market power to ensure that they apply equivalent conditions and prices in equivalent circumstances to other providers of public electronic communications networks and services providing equivalent services, and that they provide services and information to others under the same conditions, at the same prices and of the same quality as they provide for their own services, or those of their subsidiaries or partners.

(2) If an obligation of transparency is imposed on a provider with significant market power, where the provider is required to publish information on new products and coming changes in the existing provision thereof, cf. section 13, the Telecommunications Authority may issue a market decision requiring that a new or modified wholesale product falling within a network access obligation, cf. section 11, shall not be sold internally or externally for a specified period.

Obligation of transparency

13. The obligation of transparency means an obligation imposed on providers with significant market power to publish specified information.

(2) If an obligation of non-discrimination is imposed on a provider with significant market power, cf. section 12, the provider may be required to publish a reference offer, which shall be sufficiently unbundled to ensure that other providers of public electronic communications networks or services are not required to pay for facilities that are not necessary for the network access requested, giving a description of the relevant offerings broken down into components and the associated terms and conditions, including prices.

(3) Where an obligation as mentioned in section 11 has been imposed on a provider with significant market power, a reference offer about this shall be published.

(4) The Telecommunications Authority may promulgate specific rules about reference offers, including content, etc.

(5) Providers with significant market power shall prove that their reference offers are being administered towards others under the same conditions as for themselves.

Obligation of accounting separation

14. The obligation of accounting separation means an obligation imposed on providers with significant market power to prepare accounts for specified activities related to network access.

(2) The Telecommunications Authority may promulgate specific rules about accounting.

(3) Subject to confidentiality regulations and directives, including rules in the Public Administration Act and the Act on the Processing of Personal Data, the Telecommunications Authority may publish accounting information, including information on revenues.

Obligation of price control

15. The obligation of price control means an obligation imposed on providers with significant market power to meet pricing requirements when they sustain prices at an excessively high level, or apply a price squeeze, to the detriment of end-users.

(2) The Telecommunications Authority determines which price control methods are to be adopted, and may promulgate specific rules about price control methods.

(3) The Telecommunications Authority may require the use of a cost accounting system in order to support price control and the price control method in which the provider has been compelled to follow. The Telecommunications Authority may stipulate specific rules about the use of a cost accounting system, including the publication thereof.

(4) The provider with significant market power shall let a third party, independent of the provider, check that cost accounting under subsection (3) is performed in accordance with the obligation imposed, and issue a statement of compliance. The Telecommunications Authority may publish the statement of compliance.

Obligation of functional separation

16. The obligation of functional separation means that in a market a provider with significant market power operating within different production and distribution stages shall place activities related to the wholesale provision of relevant access products in an independently operating business entity.

(2) In exceptional cases only, and subject to the Minister's consent, the Telecommunications Authority may impose an obligation of functional separation on providers with significant market power if:

- 1) Important and persisting competition problems or market failures in relation to the wholesale provision of certain access products are identified, and
 - 2) It is concluded that other obligations have failed to achieve effective competition.
- (3) Providers with significant market power within one or more wholesale markets determined by the Telecommunications Authority, cf. § 8, who own cable networks, including cable networks from abroad, are obliged to operate such networks in an independent legal entity.
- (4) Subsection (3) does not restrict the extent to which the Telecommunications Authority may impose obligations, even though the obligations reach across legal entities in the same group of companies.

Digital radio and television services

17. The Telecommunications Authority may promulgate rules requiring multiplex operators to offer access to application program interfaces (APIs) and to electronic program guides (EPGs) on a fair, reasonable and non-discriminatory basis to the extent that this is necessary to ensure access by end-users to digital radio and television broadcasting services.

(2) The Telecommunications Authority may promulgate rules on the following:

- 1) Requirements to be met by providers of conditional access services regarding conditions for using conditional access systems and conditions for the providers' presentation of accounts.
- 2) Terms for transferring the right of use to patents or trademarks regarding conditional access systems and products for these.

Providers of cable and terrestrial TV

18. A provider of public electronic communications networks or services may not operate its cable or terrestrial TV networks and other public electronic communications networks within the same legal entity, if the provider has significant market power as mentioned in section 8.

(2) The Telecommunications Authority may, if it is warranted by the competitive situation, promulgate specific rules to the effect that the requirement in subsection (1) shall not be applicable.

Chapter 4

Co-location, etc. and expropriation

Co-location, sharing, etc.

19. The Minister may, if justified in the light of the environment, public health, public security or to meet planning objectives, promulgate regulations requiring providers of electronic communications networks to give other providers of electronic communications networks access to co-location and sharing of network elements and other facilities in the electronic communications network.

(2) The Minister may promulgate regulations regarding the inspection of agreements about co-location, supervision, alternative dispute resolution, cost allocation, imposition of enforcement fines, and complaints procedures in connection with rules stipulated under subsection (1).

Expropriation

- 20.** The Minister may assert eminent domain over privately-held land in cases where it is deemed necessary and in the public interest in order to ensure a well-functioning and appropriate public communications network, and if it is not possible to purchase the land.
- (2) Expropriation, cf. subsection (1), shall be consistent with the Act governing the obligation to transfer land for public roads, harbours, and landing areas, including public schools in the Faroe Islands.
- (3) The Minister may transfer a provider of electronic communications networks or services property rights to or use of the land taken by eminent domain, in situations referenced in subsection (1).

Chapter 5

End-users and universal service obligation etc.

Basic end-users' rights

- 21.** The Minister may promulgate regulations for the purpose of requiring that owners of electronic communications networks and providers of electronic communications networks or services ensure end-users have access to make calls to the public emergency service (112), directory enquiry services, text telephone services, and any other electronic communications services vital to society, including disabled persons' access to the public emergency service.
- 22.** The Minister may promulgate regulations for the purpose of requiring that providers of electronic communications networks or services ensure a number of basic end-user rights in connection with agreements on delivery of electronic communications networks or services to end-users.
- (2) Rules and regulations promulgated under subsection (1) may include provisions on an end-user's right to a contract, the content of the contract, terminal equipment, technical interfaces, and how to deal with complaints. In this connection, the Minister may promulgate specific regulations about the obligation to make special functions and facilities available to end-users, free of charge where applicable, and to draw the attention of end-users to these, as well as the obligation to inform end-users about the ways in which personal data can be protected, and the obligation to distribute public interest information about lawful and unlawful use of electronic communications services etc.
- (3) In promulgating regulations under subsection (1), the Minister may determine that these should only apply to certain types of contractual relationships, including agreements with non-commercial end-users, and that it should not be possible to contravene or circumvent such regulations by contract. Furthermore, the Minister may promulgate specific regulations regarding the extent to which the Telecommunications Authority may grant exemptions from the requirements.

(4) The Telecommunications Authority may stipulate minimum requirements to be met by providers regarding the quality of their electronic communications services, and may specify how the quality is to be measured.

(5) The Telecommunications Authority may stipulate rules for the purpose of requiring providers of electronic communications networks or services to end-users to publish information about prices, standard terms and conditions, quality, fees, etc. for the services they offer, and rules about the duty of providers to give information to the end-user.

(6) The Telecommunications Authority may stipulate rules regarding the requirements to be met by providers of electronic communications networks or services to end-users regarding access to electronic communications services, choice of providers, etc. by special user groups, including disabled persons.

(7) The Telecommunications Authority may stipulate rules for the purpose of requiring providers of electronic communications networks or services to ensure end-users the ability to access and distribute information and to run applications and services of their choice.

(8) For the purpose of preventing fraud or misuse in connection with the use of specific numbers or services, the Telecommunications Authority may stipulate rules ordering providers of electronic communications networks or services to end-users to block access to such numbers or services and require that the provider should withhold relevant interconnection or other service revenues.

(9) Providers who have been granted allocated number resources shall provide an end-user who so requests a digitalised and itemised bill for free. If the bill is printed and sent in paper, the cost must not exceed the cost to provide said copy (marginal cost).

23. The Minister may promulgate regulations for the purpose of requiring that providers of telecommunications terminal equipment used for mobile communications services to ensure basic, end-user rights in connection with agreements on delivery of telecommunications terminal equipment to end-users. In doing so, the Minister may promulgate specific regulations regarding maximum commitment periods in connection with facilities in telecommunications terminal equipment.

(2) In promulgating said regulations under subsection (1), the Minister may determine that the regulations should only apply to certain types of contractual relationships, including agreements with non-commercial end-users, and that it should not be possible to circumvent said regulations by contract.

24. The Telecommunications Authority may stipulate rules for the establishment and operation of payphones or other access to public voice telephony, containing minimum requirements for the provision of payphones or other access to public voice telephony, including rules to meet the special needs of disabled end-users.

*Secrecy of electronic communications, information security,
processing of personal data, assistance for interception, etc.*

- 25.** Owners of electronic communications networks and providers of electronic communications networks or services and their employees and former employees, including employees at the Telecommunications Authority and the Commercial Appeals Board, shall not be entitled, without authorisation, to disclose or utilise information about other persons' use of the network or the service or the content thereof that comes to their knowledge in connection with the provision of electronic communications networks or services. The owners and providers in question shall take the measures necessary to ensure that information about other persons' use of the network or service or the content thereof will not be available to unauthorised persons.
- (2) The provisions of sections 152, 152a and 152d-152f of the Penal Code shall also be applicable to persons who are or have been in the service of an owner of electronic communications networks or a provider of electronic communications networks or services, or who are or have been engaged otherwise in tasks undertaken by agreement with said owners/providers.
- 26.** Providers of public electronic communications networks and services shall implement technical and administrative security measures concerning information security and the processing of personal data relating to electronic communications. Such measures may include measures for the purpose of managing the risks posed to information security, including the security of personal data, and ensuring a level of security that is appropriate to the risk presented.
- (2) Providers of public electronic communications networks and services are required to notify the Telecommunications Authority in case of an information security breach having significant impact on the operation of networks and services and in the case of a personal data breach. In special circumstances, the Minister may determine that said requirement also extends to the notification of others beyond the Telecommunications Authority.
- (3) The Minister may promulgate regulations stipulating that providers of electronic communications networks and services adhere to stipulated minimum requirements for the processing of personal data via electronic communications networks or services, and the supervision of compliance with such rules and regulations. Such regulations may also include requirements regarding the following:
- 1) Calling line identification, automatic call forwarding and itemised billing
 - 2) Storage and processing of traffic data and location data in connection with electronic communications.
- (4) The Minister may promulgate regulations stipulating that providers of electronic communications networks or services adhere to minimum requirements for information security in connection with the provision of electronic communications networks and services.
- 27.** For the purpose of protecting end-users, the Minister may promulgate regulations stipulating the requirements regarding the storage of information about natural and legal persons on end-users' terminal equipment and access to information stored on end-users' terminal equipment.

The obligation to have technical equipment for certain interventions

- 28.** Providers of electronic communications networks or services who have received a general authorisation as mentioned in § 4, shall ensure, without expense to the country, including the police, that the technical equipment and the technical systems used by the provider are arranged in such a manner that the police may access confidential communications via the interception of fixed telephony, mobile telephony, text messaging, and telecommunications observation, cf. chapter 70a of the Administration of Justice Act.
- (2) The Minister may promulgate specific regulations about the technical requirements to be met by the equipment and systems referenced in subsection (1).
- (3) The provider shall assist the police in conducting the interception of confidential communications in the cases referenced in subsection (1).
- (4) The Minister may assert an exemption from the requirements referenced in subsection (1) in special cases where technical or practical considerations so necessitate.
- (5) If the providers of electronic communications use a common solution to meet the requirements of subsection (1), the cost shall be divided pro rata consistent with their respective market share.
- 29.** Providers of electronic communications networks or services, who have received a general authorisation as mentioned in section 4, shall report and update data about telephone numbers and current providers to a common database, cf. section 38. Data shall be reported directly after an end-user's change of provider, cf. section 37. The obligation shall rest with the provider who takes over the contractual relationship with the end-user, and shall also include cases in which the end-user is transferred without using the procedures for number portability.
- 30.** When requested by the police, providers of electronic communications networks or services to end-users shall supply data identifying an end-user's access to electronic communications networks or services.

Universal service obligation (USO)

- 31.** The universal service obligation is intended to ensure all end-users access to a number of basic electronic communications services on reasonable terms and at reasonable prices.
- (2) The universal service obligation shall be ensured by the Telecommunication Authority designating one or more USO providers, who are required to offer:
- 1) Access to a public electronic communications network at a fixed location;
 - 2) Access to a publicly-available, voice telephony service via the electronic communications network referenced in no. 1;
 - 3) Special USO services for certain defined groups of persons with disabilities;
 - 4) A complete telephone number directory and a national telephone directory enquiry service.
- (3) The Minister may promulgate regulations stipulating that the universal service obligation should include services other than those mentioned in subsection (2).
- (4) The Minister may promulgate regulations stipulating that one or more of the USO services:

- 1) shall no longer be provided as an element in the universal service obligation, or
 - 2) shall not, or shall only to a limited extent, be provided to new customers as an element of the universal service obligation.
- (5) The Minister may promulgate regulations regarding:
- 1) The extent of USO services, including the facilities and functions to be made available, and
 - 2) The designation of USO providers. The regulations may include details on how the designation should be made, designation via public tendering, and the duration of the designation;
 - 3) The framework for specifying terms on how the providers should manage their universal service obligation. Such regulations may include requirements for the content of terms, e.g., quality requirements for the services to be delivered by the designated USO providers, and requirements regarding quality measurements and the publication thereof;
 - 4) The obligations of the designated USO providers required to satisfy the need for ensuring basic end-user rights in connection with the provision and delivery of USO services. The regulations may stipulate requirements for the contents of the contract regulating the relationship between a USO provider and an end-user, including:
 - a) requirements for compensation and refund protocols to be used in case quality requirements are not complied with, and
 - b) requirements to be met by any contract terms for providing security.
- (6) Providers designated as USO providers shall deliver or provide the services falling under the universal service obligation to any person who so requests, unless the person requesting said service has repeatedly and grossly misused the USO service, and there is a significant risk of future misuse of the respective USO service.
- (7) An USO provider is obliged to inform an end-user about the possibility to appeal, as mentioned in section 70, including the time-limit for appeal and the appeal authority, if the USO provider does not deliver the required USO services.

Maximum prices for USO services

- 32.** The Minister may promulgate specific regulations about the calculation of maximum prices, including that prices for USO services shall be the same all over the country, and the framework for the Telecommunications Authority's necessary powers to determine maximum prices.
- (2) The Minister may determine that the Telecommunications Authority should determine maximum prices for one or more of the USO services mentioned in section 31(2) or prescribed in section 31(3). The prices must not be lower than the cost to provide USO services. The calculation of maximum prices does not apply to the extent that USO services are to be offered free of charge under international commitments.

Financing of universal service obligation

- 33.** USO providers designated under section 31 subsection (2) or (3) shall be entitled to be compensated for any documented net costs incurred in providing USO services, if the Telecommunications Authority considers that the provision of universal service represents an

unfair burden on the designated USO provider. Net costs shall not be covered if the USO provider's prices are abnormally low in relation to the service.

(2) The Telecommunications Authority shall make a decision as to the extent the requirements for compensation, as referenced in subsection (1), are present, and for the calculation and stipulation of net costs. The Telecommunications Authority shall arrange a possible collection and settlement of the net costs.

(3) Providers who provide services that are in accord with the services mentioned in section 31(1), nos. 1 and 2, are obliged co-finance the USO provider's net costs, as determined by the Telecommunication Authority pursuant to subsection 2. This obligation also applies to the USO provider itself.

(4) The Government shall cover USO providers' net costs that arise from the provision of USO services mentioned in section 31(3).

(5) The Minister may promulgate regulations about how the USO provider's substantiated net costs shall be calculated, the procedures for compensating said net costs, and which providers are required to pay pursuant to subsection 3 and 4, relative to the services referenced in section 31(2), nos. 1 or 2, or in accord with the services determined by the Minister pursuant to section 31(3),

Notification obligation

34. A USO provider intending to transfer its local access network or a substantial part thereof to a separate legal entity under different ownership shall notify the Telecommunications Authority thereof in advance and without undue delay, so as to allow the Authority to assess how the intended transfer will affect the provision of USO services as mentioned in section 31(2), nos. 1 and 2.

Chapter 6 Numbering

Numbering plan

35. The Telecommunications Authority shall draw up, announce and administer an overall Faroese numbering plan that contains an allocation of the overall numbering resources, comprising numbers, number series, codes and addresses to be used in connection with the provision of electronic communications networks or services. In the numbering plan, numbering resources shall *inter alia* be designated for:

- 1) Short codes to be used for *inter alia* public emergency services, directory enquiry services, or other services of social value;
- 2) Provision of electronic communications networks or services with special tariff conditions;
- 3) Reservation for the purpose of later use, including reservation for the purpose of rearranging the numbering plan;
- 4) Provision of free telephone numbers accessible without charge to the end-user;
- 5) Provision of numbers where the provider of electronic communications networks or services, as an integral part of charging for the call, is also responsible for recording the

usage of an underlying information or content service, as well as invoicing and billing this to the end-user.

(2) The Telecommunications Authority shall allocate numbers, number series, codes, and addresses to those who have been granted a general authorisation according to section 4 to provide electronic communications networks and services, or USO services.

(3) The Telecommunications Authority may stipulate specific rules about the composition, publication, and administration of the numbering plan, including as well rules regarding deployment, assignment, modification, revocation and, withdrawal of numbers, number series, codes, and addresses.

(4) Numbers and electronic addresses may not be used before they are allocated by the Telecommunications Authority.

(5) Providers who have received allocated numbers, and then reassign them to end-users, shall deliver a copy of their number database to anyone who asks for it. The price for providing such a copy must not exceed the cost to provide said copy (marginal cost).

Number charges

36. The Telecommunications Authority may collect number charges from providers who have been assigned numbers, number series, codes or addresses.

(2) Charges as mentioned in subsection (1) shall be fixed annually in the National Budget and be published by the Telecommunications Authority.

(3) The duty to pay the number charges mentioned in subsection (1) shall at all times rest on the provider to whom the Telecommunications Authority has assigned the numbers, number series, codes or addresses in question, irrespective of whether or not the use thereof has been left to end-users, or to other providers of electronic communications networks or services.

Number portability

37. Providers of electronic communications networks or services shall ensure that end-users will be able to retain their subscriber numbers when changing between providers within the same kind of service, fixed networks and mobile networks respectively, including VoIP.

(2) Providers shall accept all requests from end-users regarding number portability.

(3) Providers may, under special circumstances, for example, in case of debt, refuse number portability.

(4) It shall be possible for end-users to have subscriber numbers ported no later than by the end of the next working day following reception of the request by the transferring provider.

However, porting of subscriber numbers shall not be made earlier than the date in which the end-user's subscription under the provider intended to receive the subscriber numbers has been activated.

(5) An end-user who has requested porting of subscriber numbers shall not be bound to await expiry of any commitment period or notice of termination before porting is effected.

(6) An end-user who has requested porting of a subscriber number shall not be released from any possible obligations enumerated in the subscriber contract with the provider with whom the

end-user wholly or partially terminates his/her customer relationship, including the payment to be made during any commitment period or termination notice period.

(7) Providers with whom the end-user has a customer relationship shall not be entitled to claim any special payment from the end-user in connection with number porting.

(8) Providers who transfer numbers as an element in number porting may not charge other providers a fee for this in excess of the costs directly incurred by the provider in transferring the numbers, and the ensuing payments of the number charge.

(9) The Telecommunications Authority may lay down specific rules about number portability, including rules and procedures in connection with porting, refusal to port, a commitment period, compensation, time of delivery, appeals authority etc.

38. A number database shall be established. Providers of electronic communications networks or services shall ensure that other providers have access, via a database, to be informed of the provider to whom a subscriber number has been transferred, so as to enable correct routing of calls to ported subscriber numbers.

(2) The Telecommunications Authority may stipulate specific rules about the establishment of the number database, and the development of a system for the purpose of promoting number portability, including the terms of payment, the transfer, upon the submission of public tenders, to a third party the development and operation of the number database, etc.

(3) If the providers of electronic communications networks or services establish or use a common solution to fulfil the conditions set out in section 37 and 38(1), the Telecommunications Authority may determine that the related expenses shall be divided pro rata among the providers consistent with their respective market share.

Routing of calls

39. The providers of electronic communications networks or services shall ensure correct routing of calls to subscriber numbers that are within the overall numbering plan, including calls to subscriber numbers governed by the rules on number portability.

(2) The obligation in subsection (1) shall not include calls to numbers with special charging, if the recipient of the call has chosen to limit access to such calling.

(3) The Telecommunications Authority may stipulate specific rules on how, and on what terms, porting of numbers and routing of calls between providers of electronic communications networks or services, cf. subsection (1), should be arranged, including rules on how porting and routing should be managed when a number is retained by the end-user in case of several successive changes between providers of public electronic communications networks or services, as well as any supplementary requirements for the content of interconnection agreements in this regard.

(4) The Telecommunications Authority may stipulate specific rules about the payment and terms that may be imposed by providers of electronic communications networks or services or third parties on other providers of electronic communications networks or services in connection with database lookup by such other providers for the purpose of ensuring correct routing of calls to numbers that are governed by the rules on number portability.

The utilising of number information data

40. The providers of electronic communications networks or services who reassign subscriber numbers to end-users shall deliver number information data to all parties who so wish, containing name, address, occupation (if applicable), subscriber number and the category of service for which the subscriber number is used.
- (2) The Telecommunications Authority shall stipulate specific rules relative to the minimum requirements for collecting and passing on number information data, the appearance of such data, the updating of said information, etc. and the extent of the obligations that may be imposed on providers of number information databases and registers in relation to end-users.
- (3) An end-user may request that its number information data not be disclosed in connection with the provision of directory enquiry services. Such a request also implies that the end-user's number information data shall not be passed on to third parties.
- (4) Notwithstanding subsection (3),
- 1) number information data may always be passed on to other providers of electronic communications networks or services for the purpose of signalling, and
 - 2) number information data shall always be passed on to the USO provider's nationwide directory enquiry service, cf. section 31(2), no. 4.
- (5) The information referenced in subsection (5), no. 2 may be passed on exclusively by the USO provider's nationwide directory enquiry service when required by public emergency services, police, and the courts.
- (6) An end-user may demand that providers of general and publicly available number information databases and registers include the end-user in all such number information databases and registers when the end-user's number information is relevant to the purpose of the number information database or register. At the request of an end-user, providers of number information databases and registers shall provide the end-user access to verify the end-user's own number information data maintained by the provider concerned.
- (7) Providers shall inform the end-user, free of charge, about the purpose(s) of the database or register and about any further usage possibilities based on search functions embedded in electronic versions, before the end-user is included in the database or register and before any modification of such purpose(s) or usage possibilities is initiated.

Numbering Rules Oversight

41. The Telecommunications Authority shall supervise compliance with the provisions of this Act relative to numbering, and may stipulate specific rules about number keeping, distribution of number information, numbering administration, updating, and data protection.

Chapter 7
Radio frequencies
Frequency plan

42. The Telecommunications Authority shall stipulate a Faroese frequency plan, and may promulgate specific rules and regulations regarding the administration and allocation of frequencies.

Licence for frequency use

43. Radio frequencies shall solely be used on the basis of a licence issued by the Telecommunications Authority, except in situations where a licence for frequency use is not demanded pursuant to rules stipulated in accordance with subsection (2). Licences for frequency use shall be issued to users or a limited group of users on the basis of an application.

(2) The Telecommunications Authority may stipulate specific rules under which certain radio frequencies can be used without a licence as mentioned in subsection (1).

(3) Licences for the use of frequencies may not be sold or transferred without prior permission from the Telecommunications Authority.

Licence terms

44. In connection with the issuance of frequency licences, the Telecommunications Authority shall stipulate terms and conditions for the use of radio frequencies. The frequency licenses shall include:

- 1) the duration, if the frequency licence is limited in time;
- 2) the particular network or technology for which the licence shall be used;
- 3) possible exclusive rights related to transmission of particular content or audio-visual services;
- 4) supervisory rules, and
- 5) rules regarding approval.

(2) In connection with the issuance of frequency licenses, the Telecommunications Authority may stipulate specific terms and conditions for the use of radio frequencies. Such terms and conditions may, for example, address:

- 1) requirements to comply with all rules regarding equipment, including the electromagnetic spectrum;
- 2) requirements to abide by the frequency plan;
- 3) technical radio standards, including
 - a) highest broadcast strength,
 - b) highest antenna height and other antenna-related factors,
 - c) electromagnetic modulation and bandwidth,
 - d) frequency configuration;
- 4) requirements based on interference and reception factors;
- 5) requirements that ensure that international provisions related to the frequency spectrum are observed, including the agreement on international frequency allocation;
- 6) limitations as a consequence of the geographical area wherein the frequencies may be used;
- 7) requirements to provide for specific community needs;

- 8) requirements of requisite examinations to be taken by users of specific frequencies,
 - 9) requirements to pay administrative fees when due;
 - 10) restrictions related to interconnection with the public communications network, and
 - 11) time limitations and restrictions related to the provision of commercial services.
- (3) In special cases, the Telecommunications Authority may modify terms for using radio frequencies during the licence period. The licensee must be informed of such changes at least one year in advance, unless urgent circumstances make it necessary to provide a shorter notice.
- (4) The Telecommunications Authority may refuse to allocate frequencies if other necessary licences required to operate an electronic communications network or service or a broadcasting enterprise are not obtained.
- (5) Allocated frequencies may be revoked, if important conditions regarding the allocation of a frequency licence is violated or lapses. The deadline is the same as mentioned in subsection (3).

Supervision

- 45.** The Telecommunications Authority shall ensure that the frequency spectrum is utilised in an efficient manner and in accordance with international agreements, and that the harmful interference of wireless signals is limited as much as possible.
- (2) The Telecommunications Authority may stipulate specific rules on frequencies, the use of frequencies, etc. in order to discharge the objectives of this Act.
- (3) The Telecommunications Authority shall stipulate rules relative to the requirement to observe confidentiality regarding all parties that receive radio signals without the signal being intended for the recipient or the general public.

Radio examinations, call signs and identification numbers

- 46.** The Telecommunications Authority may stipulate rules under which the use of radio frequencies in the amateur service and amateur-satellite service, aeronautical radio services and maritime radio services will be conditioned on the passing of an examination.
- (2) The Telecommunications Authority shall specify rules for examinations, as referenced in subsection (1).
- (3) The Telecommunications Authority shall stipulate rules on the issuance of call signs and identification numbers.
- (4) The Telecommunications Authority shall stipulate rules on the use of call signs and identification numbers.
- 47.** The Telecommunications Authority may stipulate rules under which other public authorities and private persons are authorised, wholly or partially, to undertake tasks under rules issued pursuant to section 46. However, this provision shall not extend to section 46, subsection (3).
- (2) The Minister may promulgate rules and regulations regarding the ability of the Telecommunications Authority to enter into further agreements on terms related to the tasks delegated to other public authorities or private persons pursuant subsection (1) or (3).

(3) The Minister may promulgate regulations under which public authorities authorised to discharge tasks under subsection (1) may stipulate rules referenced in sections 46 subsection (2) and (3).

(4) The Minister shall promulgate regulations regarding appeals to the Commercial Appeal Board pursuant to section 71(1) in the event that public authorities or private persons are authorised under subsection 1.

48. The Telecommunications Authority shall collect fees from licensees. The Minister shall promulgate regulations regarding said service fees, and may stipulate fees for the supervision of frequency licences, for example, an oversight fee.

49. The Telecommunications Authority may stipulate rules on fees for:

- 1) The holding of examinations and the issuance of certificates, including copies of certificates, cf. section 46(2);
- 2) the issuance of call signs and identification numbers, cf. section 46(3);
- 3) sending notice reminders in the case of failure to pay service fees, cf. nos. 1 and 2, and frequency charges, cf. section 48, and
- 4) quarterly subdivision of the payment for frequency service charges, cf. section 48.

(2) The Telecommunications Authority and other public authorities and private persons authorised to undertake tasks under section 47(1) shall collect fees as stipulated under subsection (1).

Chapter 8

Other aspects

Installation, removal, etc. of electronic communications networks

50. The owners or managers of real property shall permit the public telecommunications network to be installed in, on, or through said properties. In addition, they shall permit access to those individuals who, on behalf of the network provider, lay, operate, change, maintain, or remove the network wherein access to said property is necessary to accomplish the requisite work.

(2) The providers of networks shall, in consultation with the relevant owners or managers, determine where the network shall be placed and how the work shall be undertaken. Said work shall not unduly impact or inconvenience the relevant owners or managers. If no agreement is reached among the parties, the Telecommunications Authority shall rule upon the issue.

(3) The Telecommunications Authority may determine the position of the network termination point.

(4) In the event that the work undertaken pursuant to this section results in any disruption or inconvenience regarding the property, said disruption shall be rectified. In the event of any damage, losses suffered as a result of said damage shall be indemnified.

(5) The Telecommunications Authority may demand that providers offer financial and technical guarantees in relation to work on or in connection with infrastructure on others' property.

Protection of the network

51. Building and construction work, excavation or other activity that could damage or disrupt an electronic communications network shall not take place unless the one responsible for said activity prior to such activity has obtained information about the network and has organised said activity in conjunction with the network provider.

(2) In the event that the activity damages or disrupts the electronic communications network, as referenced in subsection (1), those in charge shall cease and desist such activity in order to limit said damage or disruption and shall notify the network provider without delay.

(3) Those found responsible for the damage or disruption shall indemnify the loss caused by the damage or disruption.

Vital electronic communications in emergency situations and other extraordinary situations

52. Under emergency conditions that threaten the health, security and public order of the country, the Minister may implement the necessary procedures to completely or partially suspend the use of the electronic communications network and related electronic communications equipment, apart from the transmission receivers that are only enabled to receive radio or television signals.

(2) The Minister may restrict the right of use in the event that it is necessary to safeguard the electronic communications network. These restrictions in the right of use shall be promulgated to the relevant parties immediately. In addition, the Telecommunications Authority shall be informed of the restriction.

(3) The Minister may promulgate specific regulations regarding restrictions in the right of use if it is deemed necessary in order to secure electronic communications in emergency situations and other extraordinary situations, without expense to the Government.

Unauthorised access to information and content services

53. It shall not be permitted as a commercial activity to manufacture, import, sell, own or change decoders or other decoding equipment the purpose of which is to give unauthorised access to information and content services that are normally subject to payment. The advertisement or other promotion of such equipment is not permitted.

Chapter 9

Authority, supervision, and empowerment

The Minister

54. The authority in the electronic communications sector is with the Minister who shall ensure that the objectives of this Act are followed.

55. The Minister may empower a governmental authority established under the Ministry or, following negotiation with the Minister concerned, other governmental authorities, to exercise the powers conferred on the Minister under this Act.

(2) The Minister may promulgate regulations on the right to appeal decisions made by virtue of empowerment under subsection (1), including that decisions shall not be appealable.

(3) Following negotiation with the Minister concerned, the Minister may promulgate regulations regarding the exercise of the powers that another governmental authority is authorised to exercise under subsection (1).

- 56.** The Minister shall not directly intervene in the handling of specific cases by the Telecommunications Authority, nor in the handling and decisions made in an individual case, nor in the drafting of administrative rules pursuant to this Act, nor in other oversight activities undertaken by the Telecommunications Authority to ensure compliance with this Act and the rules and regulations promulgated under this Act. (2) The Minister may not give official orders to public or private entities authorised pursuant to section 47(1) to undertake tasks, wholly or partly, regarding specific cases and tasks that the public or private entity has been granted authority to carry out.
- (3) The Minister may not grant exemptions from administrative regulations promulgated by the Minister under this Act.

Telecommunications oversight

- 57.** Unless otherwise stipulated, the Telecommunications Authority shall enter decisions pursuant to this Act, and supervise compliance with the provisions of this Act, including that providers of electronic communications networks and services comply with their obligations.
- (2) The Telecommunications Authority may make a provisional decision if the Telecommunications Authority does not receive information or material pursuant to section 58(2), and if justified by the circumstances.
- (3) If necessary, the Telecommunications Authority may seek the assistance of the police to carry out its oversight responsibilities as stipulated in section 58, 61(1), and 62(1), and to promote the initiatives referenced in section 60. The Minister may promulgate specific regulations regarding access to the police by the Telecommunications Authority.
- (4) Regulations promulgated by the Telecommunications Authority pursuant to this Act shall be announced in the official government gazette.
- 58.** The Telecommunications Authority may undertake random checks and measurements, and may set up monitoring and telemetry equipment in connection with this undertaking, if necessary. Said supervisory and monitoring tasks may be conducted, if necessary, without prior notice.
- (2) The Telecommunications Authority may collect all data and information necessary in order to accomplish its supervisory and monitoring tasks, including accounts, accounting documents, etc. The Authority may also demand delivery of data and information on a regular basis, and may determine content, production, electronic delivery, delivery time, etc.

Requirements for electronic communications equipment

- 59.** The Telecommunications Authority shall stipulate rules on requirements, including standards and approvals, with which electronic communications equipment must comply.

(2) Electronic communications equipment that does not comply with the requirements established by the Telecommunications Authority, may not be imported, sold, or used without the permission of the Telecommunications Authority.

Reparation of defects or malfunctions

60. The Telecommunications Authority may give notice that defective or malfunctioning public electronic communications networks, services, equipment, etc. shall be repaired or corrected. Those who receive such notices have the responsibility to initiate the necessary actions within the time-limit set out by the Authority.

(2) In the event that notices from the Telecommunications Authority are not complied with, the Authority may suspend or shut down the electronic communications network, service or equipment. If the need arises, the Authority may decide to repair the network, service or equipment, and thereafter send the bill to the one responsible. The Authority may, if deemed necessary, require that the telecommunications network or equipment be dismantled.

Access to premises and means of transport

61. In connection with control investigations, the Telecommunications Authority shall have access to the premises and means of transport, including the electronic communications networks, service or equipment.

Access associated with disturbance

62. In emergency situations that threaten life and health, without a court order and after showing valid proof of identity, the Telecommunications Authority may, gain access to public and private property for the purpose of stopping the disruption of services, radio equipment, telecommunications terminal equipment, and electrical and electronic equipment.

(2) The Telecommunications Authority shall submit said case to the court as soon as possible but no later than 24 hours after the Authority has been granted access pursuant to subsection (1). The court shall determine whether the intervention is legitimate. In case the intervention is found unwarranted, the court shall notify the Minister.

Chapter 10

Fees

63. The expenses of the Telecommunications Authority, less income derived from the sale of goods and services, and interest, shall be recouped from fees levied on undertakings that receive a general authorisation pursuant to section 4.

(2) By assessing fees for a calendar year, the expenses of the Telecommunications Authority, pursuant to subsection (1), shall be distributed among the holders of general authorisations in proportion to their respective market share of total net sales during the previous calendar year that are based on the general authorisation pursuant to section 4.

- 64.** No later than 1 November of each year, providers who have received a general authorisation pursuant to section 4 shall submit audited information on net sales for the previous year pursuant to section 63(2).
- (2) Providers who have received a general authorisation pursuant to section 4 shall pay fees pursuant to section 63 for a full calendar year, even in cases where the provider has had the general authorisation for only a part of the year.
- (3) If two or more undertakings are merged, the continuing undertaking shall pay the fees of the terminated undertaking.
- (4) If an undertaking ceases in any way other than referenced in subsection (3) or the undertaking relinquishes its general authorisation, or it is cancelled, the undertaking shall pay the minimum fee pursuant to section 65(1).
- 65.** All providers with general authorisations are required to pay a minimum fee of DDK 2,000.
- (2) In February of each year, the Telecommunications Authority shall invoice for the fee for the previous calendar year.
- (3) The fees can be collected by distraint.
- (4) In special cases, the fee may be reduced by the Telecommunications Authority.
- 66.** The Minister may promulgate specific regulations regarding fees, including regulations regarding information requirements, definitions of services and deliveries covered by the fees, assessment of market share, regulations on collection, etc.

Chapter 11

Communication

- 67.** The Minister may promulgate regulations to the effect that written communication to the Telecommunications Authority and the Commercial Appeals Board regarding matters that are covered by this Act or by rules issued pursuant to this Act shall be submitted digitally.
- (2) The Minister may promulgate specific regulations on digital communication, including the use of specific IT systems, special digital formats and digital signatures, etc.
- (3) A digital message shall be deemed delivered when it is available to the receiver of the message.
- 68.** The Minister may promulgate regulations to the effect that the authorities may issue decisions and other documents pursuant to this Act or regulations/rules issued pursuant to this Act without signatures, with mechanically or similarly reproduced signatures, or the use of a technique that ensures the unambiguous identification of the person who has issued the decision or document. Such decisions and documents shall be equivalent to decisions and documents with personal signatures.
- 69.** In the event that this Act, or regulations issued pursuant to this Act, requires a document issued by parties other than a government authority as referenced in section 67(1) to be signed, this

requirement may be met by the use of a technique that clearly identifies the person who has issued the document. Such documents shall be deemed equivalent to documents with a personal signature.

Chapter 12

Appeal

- 70.** Appeals may be submitted to the Telecommunications Authority regarding the activity of providers of electronic communications networks and services under this Act.
- (2) The time-limit for an appeal is four weeks from the date upon which the appellant knew or should have known of the circumstances upon which the appeal is grounded.
- (3) Providers of electronic communications networks and services who have received a general authorisation pursuant to section 4 shall provide information to end-users in contracts and visibly on their website regarding the opportunity to appeal, the time-limit for an appeal, and the relevant appeals authority pursuant to this provision.
- 71.** The Commercial Appeals Board shall enter a decision in those cases that are submitted to the Appeals Board, pursuant to this Act, or the regulations/rules promulgated pursuant to this Act.
- (2) Decisions of the Telecommunications Authority may be submitted to the Commercial Appeals Board, who shall take the final administrative decision in the matter. The time limit for an appeal is four weeks from the date the appellant gains knowledge of the decision of the Telecommunications Authority.

Chapter 13

Sanctions and penalty provisions

Daily or weekly fines

- 72.** Unless more severe penalties may be imposed under other legislation, the Telecommunications Authority may impose daily or weekly fines on parties who do not submit or who do not submit in a timely manner the information the Telecommunications Authority may require under section 58(2), or who do not follow instructions or decisions entered by the Telecommunications Authority, until the failure is corrected.

Revocation

- 73.** The Telecommunications Authority may revoke allocated general authorisations, frequency licences and number resources, if the provider with gross negligence:
- 1) fails to comply with the obligations, requirements, or conditions in general authorisations, number allocations, and frequency licences referred to in sections 4-6, section 35 subsection (4) and (5), section 43(3), and section 44 subsection 1 and 2, or
 - 2) violates the rules stipulated under section 6(6), section 35(3), section 45(2), section 46, section 48, and section 49(1);
 - 3) fails to comply with decisions taken under the authority of this enabling Act.

Penalties

- 74.** If more severe penalties are not available under other legislation, a fine shall be imposed on:
- 1) those who violate section 4(4), section 7(5), section 25(1), section 28(3), section 30, section 40 subsection (3-6), section 43(1), or section 52 subsection (1) and (2);
 - 2) those who fail to comply with the requirements stipulated in section 10(2), nos. 2 and 3;
 - 3) those who wilfully or with gross negligence violate section 50 subsection (1) and (2), section 51 subsection (1) and (2), or section 53;
 - 4) the USO provider who, in special circumstances, fails to comply with the rules, terms and maximum prices pursuant to section 31(6), or maximum prices fixed under section 32, or
 - 5) those who fail to comply with the terms stipulated under section 5(2), and section 44 subsection (1) and (2).
- (2) Violation of the rules stipulated under section 21, section 26(3), section 27, section, 45(3), section 46, section 49(1), or section 52(3) may be fined.
- (3) USO providers who fail to comply with the requirements stipulated under section 31 subsection (1) and (2), or rules stipulated under section 31 subsections (3) - (5) may, in special circumstances, be punished by fine.
- (4) Criminal liability is imposed on companies and other legal persons under the rules stipulated in Part 5 of the Penal code.
- (5) In assessing the penalty under subsection (1), no. 2 above, in addition to the general rules stipulated in Part 10 of the Penal Code, the legal entity's turnover during the last year shall be taken into account before a judgement is obtained or a fine imposed.

Chapter 14

Entry into effect and transitional provisions

- 75.** This act shall enter into force on 1 January 2016.
- (2) At the same time, the Act on Telecommunications, cf. Act No. 79 of 23 May 1997, shall be rescinded.
- (3) Administrative regulations and decisions, including concessions, frequency licences, and allocated numbers that have been issued, made or maintained under the Act on Telecommunications, cf. Act No. 79 of 23 May 1997, or regulations/rules issued in pursuance thereof, shall remain in full force and effect until otherwise annulled or rescinded.
- (4) The expenses of the Telecommunications Authority for 2015 shall be paid on the basis of statements, assessments, etc., as referenced in Chapter 10, sections 63-66.