

REGULATION No. 401 of 16 February 2004: Regulation on Electronic Communications Networks and Services (Electronic Communications Regulation)

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Regulation on Electronic Communications Networks and Services (Electronic Communication Regulation)

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Additional statutory authority: Delegated Decision No. 619 of 14 June 2013:

EEA references: Annex XIV, No. 13a (Directive 2002/77/EC), Annex XI No. 5cf (Decision 676/2002/EC, No. 5cg (Directive 2002/77/EC), No. 5cj (Directive 2002/19/EC, Directive 2002/21/EC), No. 5ck (Directive 2002/20/EC), No. 5cm (Directive 2002/22/EC), No. 5ha (Directive 2002/58/EC), No. 5cu (Regulation (EC) No. 717/2007, Regulation (EU) No. 531/2012), No. 5cp (Regulation (EC) No. 460/2004), No. 5oa (Regulation (EC) No. 733/2002, Regulation (EC) No. 375/2003, Regulation (EC) No. 874/2004, Regulation (EC) No. 1654/2005, Regulation (EC) No. 1255/2007 and Regulation (EC) No. 560/2009) to the EEA Agreement.

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Chapter 1. Preliminary regulations

Section 1-1. Substantive scope

This Regulation applies to rights and obligations for access to electronic communications networks by suppliers and other users and to offers of electronic communications services.

Section 1-2. Duty to register

Systems, operation and offers of access to electronic communications networks used for offering public electronic communication services, offer of public telephone services and offer of transmission capacity, must be notified to the Norwegian Post and Telecommunications Authority. This also applies to the type of network used for broadcasting purposes.

The notification shall include written information on:

1. the provider's name, Norwegian company registration number and address, contact person, any cooperation partners regarding expansion and supply of public telephone services, etc.
2. the geographic scope and location of the electronic communications network, including connections outside Norway
3. specifications for the technical interface to the electronic communications network
4. access offered to electronic communications networks, fixed or mobile public telephone services or transmission capacity

The Norwegian Post and Telecommunications Authority may prepare further requirements for information that must be provided during registration, including preparation of a standard form to be used for offers in accordance with the first paragraph. If the control perspective or important statistical purposes so dictate, the Norwegian Post and Telecommunications Authority may make changes in respect to which information must be provided during registration.

Offers pursuant to the first paragraph may be initiated once the registration has been sent to the Norwegian Post and Telecommunications Authority.

Changes to information must be notified to the Post and Telecommunications Authority as soon as possible.

0 Amended by Regulation No. 740 of 20 June 2013 (in force 1 July 2013).

Section 1-3. *Requirements for the construction of networks*

Electronic communications networks must be constructed such that the end-user cannot affect another end-user's electronic communication with the result that this constitutes a risk of reduced service quality or the possibility of wire-tapping. The requirement applies to the extent appropriate for electronic communications networks for use in mobile communications.

For systems using coaxial cable-based networks, the network section to which the end-user connects is arranged in a star structure. It is not permitted to implement receiver connections in the connection between the star points.

Electronic communication networks that do not satisfy the requirement in the first and second paragraphs cannot be used for conveying two-way electronic communication services.

A network owner is obligated to document how the network is constructed and shall keep documentation prepared by the company that installs or maintains the network, with the exception of networks that comprise a single household, cf. Section 9 of Regulation No. 200 of 4 March 2005 concerning authorisation for installers of electronic communications networks and radio equipment (Authorisation Regulation) Section 9, so that it is available for inspection as long as the installation is in operation, cf. Section 10-4.

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

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

Section 1-5. *Requirements for publication of interface specifications*

Providers of access to electronics communication networks used for offering public electronic communications networks and providers of this type of service shall publish technical specifications for the offered interface. Publication shall take place before the service supplied over the interface is made publicly available. The requirement for publication also applies to updates and modifications of the interface.

Specifications pursuant to the first paragraph shall be sufficiently detailed that they can be used to construct terminal equipment in a way that allows the equipment to be used for all electronic communications services supplied over the offered interface. The specifications shall include all information necessary for the manufacturer, according to own choice, shall be able to carry out the relevant tests against the relevant requirements as a result of Section 8-1 of the Electronic Communications Act.

Section 1-6. *Quality*

Providers with a universal service obligation pursuant to Section 5-1 of the first paragraph of the Electronic Communications Act shall measure and announce whether the quality of the services subject to a universal service obligation is in accordance with the criteria, definitions and measuring methods in ETSI EG 202 057 as long as the criteria are relevant to the service. Information on the measured quality shall be sent to the Authority on a prescribed form every half-year on a prescribed date and shall be published by the provider. The Authority may issue regulations regarding the publication.

The provider, in accordance with the first paragraph, may be ordered to measure and provide information above what is stated above as a result of ETSI EG 202 057.

0 Amended by Regulations No. 40 of 14 January 2008 (in force 15 January 2008), No. 740 of 20 June 2013 (in force 1 July 2013).

Section 1-7. *Terms of supply*

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

The information shall, inter alia, contain information on

1. the provider's name and address
2. what the public telephone service comprises, including additional services
3. rates for access, use and maintenance, including fixed and variable charges, discounts and special price plans.
4. compensation and reimbursement schemes
5. opt-out schemes for directory enquiry services and premium rate services
6. maintenance services
7. standard terms of supply, including any conditions regarding duration
8. Complaints schemes.

If the provider offers services subject to a universal service obligation, the information shall also contain information on the services subject to a universal service obligation and which rights such services provide end-users.

0 Amended by Regulation No. 740 of 20 June 2013 (in force 1 July 2013).

Section 1-8. *Agreement*

The provider of public electronic communications services shall offer end-users agreements for subscription services, including prepaid card services. The agreement shall, inter alia, contain information on:

1. the provider's name and address
2. the scope of the contract, including relevant information about networks and services, quality parameters, maintenance conditions and date of connection
3. rates and where to access updated information about rates
4. duration of the contract and conditions for renewal and termination
5. location for storage of data with a retention obligation pursuant to Section 2-7a of the Electronic Communications Act.
6. compensation and reimbursement schemes in the event of quality non conformance or non-delivery

7. opt-out schemes for directory enquiry services and premium rate services
8. procedure for complaints handling

The agreement can be amended or terminated in accordance to Section 2-4 of the Electronic Communications Act. When moving data storage site for data with a retention obligation, to another country, the end user shall be notified at least one month before the move takes place.

0 Amended by Regulation No. 740 of 20 June 2013 (in force 1 July 2013).

Section 1-9. Invoice

Unless otherwise agreed, the provider of electronic communications services shall offer subscribers unitemised invoices.

Upon request from the subscriber, the provider shall itemise the invoice such that the invoice can be checked against actual use. Providers may demand a cost-oriented rate for this type of itemisation.

The Norwegian Post and Telecommunications Authority may lay down more detailed guidelines for itemisation of invoices, including the minimum level of what shall be offered at no additional 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 pre-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 change of pre-selected provider 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 e-mail, 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.

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

Section 1-11. *Actions with absence of payment*

Measures aimed at end-users in the event of missing payment shall be proportionate and non-discriminatory. Providers shall provide end-users with at least one payment reminder before initiating closure or other restrictions on use. Closure or other restrictions on use can be initiated a minimum of one month after a payment reminder has been issued and pre-notification of the measure has been communicated to the end-user. As far as technically possible, only the affected services should be closed. The end-user should be able to call emergency services even if outgoing calls are blocked, cf. Section 2-6 of the Electronic Communications Act.

0 Amended by Regulation No. 740 of 20 June 2013 (in force 1 July 2013).

Chapter 2. Access, interconnection, etc.

Section 2-1. *Product and service market*

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

Section 2-2. *Access*

Orders pursuant to Section 4-1 of the Electronic Communications Act on accommodating all reasonable requests for providing access to electronic communications networks and services, may include:

1. access to fixed access networks, including bit stream access
2. access to mobile networks for virtual providers
3. access to mobile networks in areas where the requesting provider does not have coverage
4. Wholesale Line Rental (WLR)

Obligations for interconnection resulting from Section 4-2 of the Electronic Communications Act. Obligation for other access resulting from Sections 4-3 to 4-5 of the Electronic Communications Act.

0 Amended by Regulations No. 40 of 14 January 2008 (in force 15 January 2008), No. 740 of 20 June 2013 (in force 1 July 2013).

Section 2-3. (Repealed 1 July 2013 by Regulation No. 740 of 20 June 2013).

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

Obligation pursuant to Section 4-5, first paragraph of the Electronic Communications Act to accommodate any reasonable request for providing 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:

1. operating support
2. databases for obtaining information before ordering
3. delivery
4. order
5. maintenance
6. fault handling
7. invoicing

Section 2-5. *Reference offer on access to fixed access network and publication*

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 of infrastructure and associated facilities to which it is relevant to offer access
2. information on location of where access pursuant to no. 1 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 restrictions of use
6. Terms of supply for full and shared access to fixed access networks, including:
 - a) delivery date
 - b) compensation for failure to meet agreed delivery date
 - c) service level
 - d) fault handling procedures
 - e) quality parameters
 - f) standard contractual terms

g) rates 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 fixed access networks pursuant to Section 4-5 second paragraph of the Electronic Communications Act shall publish information on conditions for access pursuant to Section 2-4.

0 Amended by Regulation No. 740 of 20 June 2013 (in force 1 July 2013).

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

Providers with significant market power in markets for full and shared access to fixed access networks pursuant to Section 4-4, fifth paragraph or providers on whom co-location is imposed pursuant to Section 4-4, fourth paragraph of the Electronic Communications Act shall also publish information for the offer of co-location regarding:

1. where co-location can be offered, and if practically possible, the free capacity
2. which form of co-location can be offered, including:
 - a) physical co-location
 - b) co-location in close-lying structures
 - c) virtual co-location
3. any restrictions on equipment which can be co-located
4. security procedures
5. access control procedures for representatives from competing providers
6. security standards
7. guidelines for the allocation of space if space is limited
8. conditions for the contracting party's right to visit the premises, if co-location is requested.

Information pursuant to nos. 1 and 2 also applies to planned expansions and other changes.

Information in accordance with no. 1 may be limited to the affected parties taking into consideration the need for public security.

0 Amended by Regulation No. 740 of 20 June 2013 (in force 1 July 2013).

Section 2-6a. *Functional separation*

Orders for functional separation shall contain:

1. information on the nature and level of separation including the legal status of the separated business entity
2. description of the assets of the separated business entity, and the products or services to be supplied by that entity
3. governance arrangements to ensure the independence between the separated business entities
4. rules for ensuring compliance with the obligations
5. rules for ensuring transparency of operational procedures,, in particular towards other stakeholders
6. a monitoring program to ensure compliance with the obligations, including the publication of an annual report.

The order shall follow the procedures in Section 9-2 and Section 9-3 of the Electronic Communications Act.

0 Inserted by Regulation No. 740 of 20 June 2013 (in force 1 July 2013).

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

Annex XI point 5cu of the EEA Agreement (Regulation (EU) No 531/2012 of the European Parliament and of the Council of 13 June 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.

0 Inserted by Regulation No. 40 of 14 January 2008 (in force 15 January 2008). Amended by Regulation No. 1667 of 18 December 2009 as amended by Regulation No. 391 of 15 March 2010 (in force 1 April 2010). Amended by Regulation No. 728 of 2 July 2012 (repeal of previous wording in force 1 July 2012, new wording in force 7 December 2012, cf. Regulation No. 1163 of 7 December 2012).

Chapter 3. Carrier pre-selection and portability

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

Providers with significant market power in the market for access to public telephone services in fixed networks can be ordered to offer carrier pre-selection with use of prefix for individual calls. Carrier pre-selection refers to technical solutions where end-users who have entered contracts with other providers of public telephone services may choose this for forwarding calls by entering a prefix before the requested number. Prefix refers to a four-figure number in the number system 15xx.

Providers with a significant market power in the market for access to public telephone services in fixed networks can be ordered to offer carrier pre-selection. Carrier pre-selection refers to carrier selection where end-users have entered contracts with other providers of public telephone services regarding automatic forwarding of calls without the use of a prefix to each call. Use of prefix for individual calls shall, when such a service is available for end-users, override carrier pre-selection.

0 Amended by Regulation No. 740 of 20 June 2013 (in force 1 July 2013).

Section 3-2. *Requirement for offer of carrier pre-selection*

Providers that are ordered to offer carrier pre-selection 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 assistance services in the 18xx number system and national information services in the 17x number system.
2. Carrier pre-selection covering all international traffic.

Offers of other electronic communications services shall not mean unnecessary restrictions on the right to carrier pre-selection.

0 Amended by Regulations No. 40 of 14 January 2008 (in force 15 January 2008), No. 740 of 20 June 2013 (in force 1 July 2013).

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

Carrier pre-selection shall be established or changed within five working days after correct requests are received. The existing provider shall notify the pre-selected provider that the migration has been carried out on the first working day after this has been done at the latest. The providers may agree longer implementation times.

Information on customer relations given between providers in connection with fixed pre-selection shall not be passed on to anyone who does not need the information or for use in sales and marketing purposes without the consent of the end-user in accordance with the Personal Data Act.

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

Section 3-4. *Responsibility for costs concerning carrier pre-selection*

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

Pursuant to Section 3-1, second paragraph providers can demand costs in connection with establishment or change to carrier pre-selection covered by pre-selected providers. End-users shall not be invoiced specifically for this, cf. Section 4-11 of the Electronic Communications Act.

Section 3-5. *Obligation for provider number portability*

Provider number portability refers to the end-user's right to keep the same number in the E.164-range when switching providers of electronic communications services. Providers who use numbers in the E.164-range, cf. Section 16 of the Numbering Regulation, shall release the number to another provider to which the end-user requests the number to be migrated. The obligation for provider portability does not extend to number ranges allocated for GSM-R and the emergency network (TETRA).

0 Amended by Regulations No. 40 of 14 January 2008 (in force 15 January 2008), No. 740 of 20 June 2013 (in force 1 July 2013).

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

Pursuant to Section 3-5, the recipient provider shall collect written authorisation from the end-user before porting, cf. Section 1-10.

The donor provider shall carry out the porting of a number for end-users by the end of the following working day after the donor provider has received the correct request from the recipient provider. The donor provider shall provide notification to the recipient provider that porting has been carried out on the first working day after this has been done at the latest.

End-users may request a longer implementation time. The recipient provider shall also inform the end-user of practical conditions, including postal consignments, which mean that the end-user may agree a longer implementation time.

The donor and recipient provider shall ensure that the loss of service during the porting process shall not exceed one working day. The providers shall ensure that calls to ported numbers terminate in the correct network, with no significant loss of quality.

0 Amended by Regulation No. 740 of 20 June 2013 (in force 1 July 2013).

Section 3-7. *Responsibility for costs concerning provider number portability*

All providers shall cover their own costs for handling provider portability, for example, during upgrades of exchanges and support services and during testing and staff training. The donor provider may demand coverage of the costs of transferring numbers from the recipient provider. End-users shall not be invoiced specifically 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 providers technical services with functionality such that the content provider's digitally transmitted services can be received by authorised viewers and 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 an open software interface in accordance with relevant standards or specifications. Software interfaces refers to 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.

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

Section 4-2. *Requirements for holders of intangible rights to conditional access control products and access control 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, reasonable 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 that makes it possible to connect to other conditional access services or
2. equipment and software for another conditional access service, provided that the licensee fulfils the 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*

Regardless of the transmission method, conditional access services shall have a technical design that allows cost efficient transfer to another access control service such that the user of the electronic communication network can have full control of the service using this type of conditional access service.

Section 4-4. *Requirements for routing and forwarding public digital television services in wide-screen format*

Electronic communications networks and services for transmission of public digital television services shall be able to be used for routing and forwarding of public digital television services in wide-screen format. Providers of electronic communications networks that receive and forward public digital television services in wide-screen format shall not make any changes to the format.

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

User equipment for digital radio and television offered for sale, rent or which is made available must be able to:

1. decode digital radio and television signals in accordance with the European encryption algorithm, cf. DVB Common Scrambling Algorithm referred to in ETSI Technical Report No. 289 of October 1996 and
2. render signals that are transmitted un-coded, under the condition that the tenant at the location where the user equipment is rented, upholds the applicable rental agreement.

Section 4-6. *Requirements for televisions*

Analogue television apparatus with built-in screen diagonal greater than 42 cm and which are offered for sale or rental, shall be equipped with at least one open connection point with associated interfaces that follow standards from a recognized European standardization body. The connection point shall ensure easy connection of additional equipment, including decoders, digital receivers and other equipment specified for digital radio and television services.

Digital television apparatus with built-in screen diagonal greater than 30 cm and which are offered for sale or rental, shall be equipped with at least one open connection point with associated interfaces that either follow standards from a recognized European standardization body, or which is consistent with an established industry standard. The connection point shall ensure simple connection of additional equipment such that all parts of a digital radio or television signal are transmitted, including information related to interactive services and access control services.

Chapter 5. Universal service obligations

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

Providers with 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 for any location with a permanent year-round resident or business.

With connection outside normal delivery areas, the provider may demand the customer covers extra costs for the connection. Normal delivery area refers to locations with year-round business and associated permanent year-round resident. Where established infrastructure is in place for continued supply, the status as normal delivery area does not change with loss of the business. In such event, the relevant services established at the time of loss of the business shall be delivered.

The costs for the end-user if the provider fulfills any part of the universal service obligation with wireless connection shall not exceed the end-user's cost for connection to a fixed network.

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

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

Section 5-2. *Public payment telephones*

Providers with a universal service obligation pursuant to Section 5-1, first paragraph, no. 2 of the Electronic Communications Act shall offer public payment telephones in the normal delivery area. There shall be a sufficient number of payment telephones to meet the reasonable needs of the end-users. The payment telephones shall be of sufficient quality and be accessible for disabled people/persons in order to meet the end-users' needs.

Public payment telephones shall cover both cash and card telephones.

It shall be possible to call public payment telephones. The telephone's number shall be displayed on the telephone.

Section 5-3. *Directory enquiry services*

Providers with universal service obligation pursuant to Section 5-1, first paragraph no. 3 of the Electronic Communications Act, shall offer directory

enquiry services that include all end-users of public telephone services, with the exception of end-users who have opted out, cf. Section 6-2, second paragraph. Providers with universal service obligation shall also offer international directory enquiry services that include subscribers to public telephone services in other countries. The services shall be available to all users.

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

Section 5-4. *Telephone directory*

Providers with a universal service obligation pursuant to Section 5-1, first paragraph, no. 4 of the Electronic Communications Act shall offer a directory that contains an appropriate overview of all end-users of public telephone services in fixed and mobile networks. The directory shall also include an overview of prepaid card customers.

The telephone directory shall be offered in electronic format and is updated regularly, at the latest before the end of the third working day after the information is received. The telephone directory shall be user-friendly and easily accessible.

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

0 Amended by Regulation No. 1667 of 18 December 2009 (in force 1 January 2010).

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

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

This type of service may, inter alia, include access to adapted terminal equipment and services that put these users in a position equal to that of other end-users, including:

1. access to alternative telephone solutions for those with impaired speech and hearing. This type of access may include text telephone services and discount and reimbursement schemes from the use of such services. When using picture telephones or voice equipment, the discount and reimbursement schemes for these types of service will replace discount and reimbursement schemes for use of text telephone services.
2. discount and reimbursement schemes for the blind and visually impaired with

use of the directory enquiry service.

3. overview of terminal equipment and services for disabled persons.

Section 5-6. *Overview and control of end-user expenses etc.*

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

1. restriction of call access to a pre-defined selection of numbers, following a request from end-users
2. blocking of certain types of incoming or outgoing calls or numbers, following a request from the end-user
3. partial payment of connection fees.

The Authority may order providers with a universal service obligation pursuant to Section 5-1 of the Electronic Communications Act to offer pre-paid subscriptions.

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

0 Amended by Regulation No. 740 of 20 June 2013 (in force 1 July 2013).

Section 5-7. *Calculation of costs of universal service obligations*

If providers with a universal service obligation pursuant to Section 5-1 of the Electronic Communications Act request coverage of costs pursuant to Section 5-2 of the same Act, the provider shall document the net cost of delivery. The net cost is calculated as the difference between the net operating cost the provider has with this type of universal service obligation and the net operating cost the provider would have had without this universal service obligation. The calculation shall include benefits from intellectual property rights, including branded products. The net costs shall be calculated specifically for each universal service obligation service.

The Norwegian Post and Telecommunications Authority shall determine what is calculated as a net cost of delivery and decides on whether this constitutes an unreasonable burden. The department determines whether financing schemes shall be initiated. The account forming the basis for the calculation of net cost shall be approved by the Norwegian Post and Telecommunications Authority or an independent body appointed by the Post and Telecommunications Authority. Calculation of net cost shall be public.

Section 5-8. *Financing of the universal service obligations*

The Norwegian Post and Telecommunications Authority can order providers to contribute to the financing of universal service obligation services. The Norwegian Post and Telecommunications Authority may exempt providers with a small market share, which have offered services for a short time or which have revenues under a set limit, from inclusion in the financing scheme.

The individual services subject to the universal subject obligation shall be financed individually, and separate financing schemes may be established for each service. The costs are divided between providers according to market share, service offer, etc. Providers participating in the financing scheme shall receive information on the amount of the financing, including their own share.

The financing scheme shall be managed by the Norwegian Post and Telecommunications Authority or an independent body appointed by the Post and Telecommunications Authority.

Section 5-9. *Reporting*

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

Section 5-10. *Restriction of connection sales*

Providers with a universal service obligation pursuant to Section 5-1 of the Electronic Communications Act shall offer universal service obligation services under terms and conditions so that end-users do not pay for services, functions or benefits that are not necessary for the service requested. Terms and conditions shall be non-discriminatory, transparent and publicly available.

Chapter 5a. Premium rate services

0 Chapter 5a inserted by Regulation No. 40 of 14 January 2008 (in force 15 July 2008).

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

Premium rate telephone services may only be offered over special number series determined by the Authority, cf. Section 7-1 of the Electronic Communications Act.

0 Inserted by Regulation No. 40 of 14 January 2008 (in force 1 July 2008).

Section 5a-2. *Cost controls*

Providers shall offer end-users the option of limited access to premium rate services free of charge. End-users shall be able to block:

1. all access to premium rate services
2. a pre-defined selection of numbers
3. use of premium rate services in Norway above a specified amount per month.

The lowest amount limit per subscription shall not be higher than NOK 250. The provider shall inform end-users that the specified amount limit has been reached, and the provider shall as far as possible ensure that further use of premium rate services is blocked. If providers cannot offer this type of amount limitation, other premium rate services than directory enquiries may only be offered after agreement with end-user.

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

0 Inserted by Regulation No. 40 of 14 January 2008 (in force 1 July 2008), amended by Regulation No. 740 of 20 June 2013 (in force 1 July 2013).

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

Providers shall inform end-users of their right to block the use of premium rate services and of the various limits for blocking free of charge, 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 directoryenquiry services, where rate information may be provided afterwards.

0 Inserted by Regulation No. 40 of 14 January 2008 (in force 1 July 2008).

Section 5a-4. *Fund-raising campaigns*

Providers shall ensure that fund-raising campaigns organised as a premium rate service are registered with The Norwegian Control Committee for Fund-raising or that there is a statement from an external auditor confirming satisfactory accounting and control functions.

0 Inserted by Regulation No. 40 of 14 January 2008 (in force 1 July 2008).

Section 5a-5 *Requirements regarding the content of the service etc.*

Content provided as a premium rate service must be legal, including that it does not contain 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 coarse 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 option of registering the date of birth of a user of a mobile phone.

0 Inserted by Regulation No. 40 of 14 January 2008 (in force 1 July 2008).

Section 5a-6. *Complaints scheme*

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

The handling of complaints regarding premium rate services shall follow the complaints scheme 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 complaint scheme in Section 10-1.

The complaints scheme shall be financed by the providers that offer or forwards premium rate services, and bills the end-users. Information regarding the complaints scheme shall be made public regularly in an appropriate manner.

0 Inserted by Regulation No. 40 of 14 January 2008 (in force 1 July 2008).

Chapter 6. Numbers, names and addresses

0 Amended by Regulation No. 487 of 16 May 2013.

Section 6-1. *Number display/Calling Line Identification*

Providers of public telephone services shall offer number display as far as it is technically possible, economically justifiable and not in conflict with any requirements laid down in or pursuant to the Personal Data Act.

Calling end-users shall be able to opt out of display of own number, in other words, A-numbers, both in general and for individual calls. End-users shall be able

to order advance rejection of calls where the calling end-user has opted out of displaying A-numbers.

Providers of public telephone services shall, as far as it is technically possible and economically justifiable, block calls where the calling end-user does not have the right to use the A-number, or where the A number cannot be routed.

The called end-user shall be able to prevent number display where the call is terminated, in other words, the B-number, including with call-forward.

Providers of public telephone services shall, as far as possible, make data and signals available to ensure number display for interconnection with other providers.

The right to opt out pursuant to the first point in the second paragraph does not apply for calls to the emergency services, cf. Section 2-6 of the Electronic Communications Act. The right to opt out may be temporarily rescinded upon request from end-users who consider themselves the subject of telephone harassment. Providers shall retain the calling end-users' identification details and make these available to the Police for investigation purposes when conditions for access to such data exist.

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

0 Amended by Regulation No. 740 of 20 June 2013 (in force 1 July 2013).

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

Providers of public telephone services shall maintain an overview of each end-user's name, address and number/address for services. The list shall contain information enabling clear identification of those registered and information enabling the geographic localisation 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 payment telephones shall include the address.

Providers of public telephone services shall, free of charge and before listing takes place, inform end-users of the objective of publicly accessible printed or electronic information systems on which information regarding end-users is displayed, and if possible use of information as a result of search options in electronic information systems.

End-users shall be able to check, correct and withdraw registered information free of charge. End-users can opt out completely or partially of having information on their number, name or address made available to the general public. Providers of

public telephone services should inform end-users that opting out of the directory system may be done free of charge.

Providers of directory enquiries services shall delete information on end-users who have unlisted numbers and who have opted out of available printed or electronic information systems during the first update.

Information systems may only be used for searching for information on the basis of the user's name, address, number/address for services without the prior consent of the registered party.

Providers of information services shall ensure that the information system is in agreement with the Personal Data Act and that no information is given in breach of the duty of confidentiality.

0 Amended by Regulations No. 40 of 14 January 2008 (in force 15 January 2008), No. 740 of 20 June 2013 (in force 1 July 2013).

Section 6-2a. *Requirements for information on geographic localisation of emergency calls*

Information for the geographic localisation of emergency calls shall at a minimum include:

1. telephone number
2. end-user's or if applicable the registered user's, last name, first name, middle name or company name.
3. registered address.

For calls from mobile telephones, in addition to the information in the first paragraph, information on the mobile terminal's location shall also be transmitted to the emergency services. The accuracy shall correspond to a minimum of that achieved by combining the base station's estimated coverage area, sector specification and calculation of the terminal's distance from the base station, in other words, so-called timing advance. Simplified estimated coverage maps should be sent to the emergency services.

For calls from IP telephones, in addition to the information in the first paragraph, information that the transmitted address cf. the first paragraph no. 3, may differ from actual location, must be transmitted.

0 Inserted by Regulation No. 740 of 20 June 2013 (in force 1 July 2013).

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

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

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

1. Unique ID; date of birth or company registration number
2. user's last name, first name(s) and middle name(s) for personal users or company names. 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 on end-users who have opted out of having information on their own number, name or address made available to the general public pursuant to Section 6-2, third paragraph, shall not be transmitted.

When transmitting information, information must be provided on new listings, changes to existing information and deletion of registration. Deletion is indicated as alteration of previously transmitted information. 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.

Transmitter and receiver cover their own costs of corrections with transfer of information. Receivers shall cover the costs of the actual transmission.

Transmitter and receiver shall ensure the quality of the personal information in relation to the processing objective. Unless otherwise agreed, updated directory enquiry information shall be delivered once per working day in electronic format as mass information and shall comply with Standard format ISO 8859-1.

Obligations pursuant to this provision do not rescind the end-user's rights as set out in or pursuant to the Personal Data Act.

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

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

Providers of public telephone services shall offer the option for blocking outgoing calls, direct dial-in functions and call-forwarding.

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

Providers of public telephone services shall offer use of tone signalisation to the extent that this is technically possible and economically justifiable. To the extent possible, the provider shall make data and signals available to facilitate the offer of tone signalisation 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 reciprocally implement one another's number systems free of charge to make end-to-end connectivity possible.

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

Section 6-6. *Secret numbers*

Providers of public telephone service that offers end-users the Secret number service shall ensure that the service contains a minimum of:

1. full opt-out on information on the end-user's number, name and address being made available to the general public, cf. Section 6-2, third paragraph.
2. opt-out on displaying own number (hidden A number display), cf. Section 6-1, second paragraph.

Providers may in addition offer concealed numbers on invoices, restriction of access to subscription information within the provider's organisation etc.

End-users with Secret number shall present unambiguous identification when requesting changes to their subscription information with the provider.

When porting Secret numbers, the donor provider shall inform the recipient provider that the number has a Secret status, cf. Section 3-5. Functions pursuant to the first paragraph shall be maintained by the recipient provider.

When establishing, changing and porting Secret numbers, end-users shall be informed of the service's content in writing. On termination of the service, written information concerning this shall be sent to the end-user before implementation.

0 Inserted by Regulation No. 740 of 20 June 2013 (in force 1 July 2013).

Section 6-7. *Implementation of regulations from the top level domain .eu*

Annex XI No. 5oa (Regulation (EC) No. 733/2002 of 22 April 2002, Regulation (EC) No. 375/2003 of 21 May 2003, Regulation (EC) NO. 874/2004 of 28 April 2004, Regulation (EC) No. 1654/2005 of 10 October 2005, Regulation (EC) No. 1255/2007 of 25 October 2007 and Regulation (EC) No. 560/2009 of 26 June 2009 laying down public policy rules concerning the implementation and functions of the .eu top level domain and the principles governing registration) to the EEA agreement, applies as a regulation with the adjustments resulting from Annex XI, protocol 1 to the Agreement and the Agreement in general.

0 Inserted by Regulation No. 487 of 16 May 2013, amended by Regulation No. 740 of 20 June 2013 (in force 1 July 2013, previously Section 6-6).

Chapter 7. Communications protection etc.

Section 7-1. *Processing of traffic data*

Providers shall maintain secrecy regarding traffic data pursuant to Section 2-9 of the Electronic Communications Act, and shall delete or make anonymous traffic data pursuant to Section 2-7, third paragraph of the Electronic Communications Act. Traffic data refers to data that is necessary to transmit communication in an electronic communication network, or for invoicing of such transmission.

Location data are traffic data when the data are displayed by the use of electronic communications networks or services and specifies the geographic location of the terminal equipment. Location data may be both traffic data and signalling data, cf. Section 7-2. Location data refers to data specifying the geographic location of terminal equipment.

Processing of traffic data by the provider may only be carried out by persons working with invoicing, traffic control, customer queries, marketing of electronic communications services or disclosure of illegal use of electronic communications. Such persons must have authorisation to carry out the work from the provider of

electronic communications network or service. Processing shall be restricted to that which is necessary for performance of specified work tasks.

Other processing of traffic data than what is listed in Section 2-7, third paragraph, first point, including processing for marketing purposes, requires consent from the user, cf. Section 2-7, third paragraph, point 2 of the Electronic Communications Act.

0 Amended by Regulation No. 740 of 20 June 2013 (in force 1 July 2013).

Section 7-2. *Processing of signalling data*

Providers shall maintain secrecy regarding signalling data pursuant to Section 2-9 of the Electronic Communications Act, and shall delete or anonymize such data pursuant to Section 2-7, third paragraph of the Electronic Communications Act. Signalling data refers to data that is generated between the terminal and available base station and specifies the terminal's geographic location when it is switched on without conveying any traffic data.

Processing of signalling data by the provider may only be carried out by persons with authorisation from the provider of the electronic communication network or service. Processing shall be limited to that which is necessary for delivery of the service to which the user has consented.

0 Amended by Regulation No. 740 of 20 June 2013 (in force 1 July 2013).

Section 7-3. (Repealed 1 July 2013 by Regulation No. 740 of 20 June 2013).

Section 7-4. *Consent*

Consent pursuant to Section 7-1 and Section 7-2 refers to consent as it is used in the Personal Data Act. When obtaining consent the provider shall inform the user of the type of traffic and localisation data to which the processing applies, of the duration of the processing, of the objective of the processing and whether localisation data is believed to be deliverable to providers of services pursuant to Section 7-2, second paragraph. Users shall, using simple and free-of-charge schemes, be able to rescind their consent at any time.

It shall also be possible to temporarily rescind consent pursuant to Section 7-2 for each individual connection to the electronic communications network, or for each individual use of the service.

0 Amended by Regulation No. 740 of 20 June 2013 (in force 1 July 2013).

Section 7-5. *Information to subscriber or user concerning routing of national traffic*

The provider's duty of confidentiality pursuant to Section 2-9 of the Electronic Communications Act does not prevent the provider producing or conveying national electronic communication by using electronic communications networks and services or associated facilities beyond Norway's borders, but within the EFTA/EEA area if the subscriber or user is informed about this. The information shall specify the county in which the provider's production or conveyance shall take place.

The Norwegian Post and Communications Authority may by individual decision grant permission for the provision to apply correspondingly outside the EFTA/EEA area. Requirements for permission also apply to planned re-routing outside the EFTA/EEA area during transmission breakdown in the regular connections. Requirements for permission does not apply to short-term re-routing outside the EFTA/EEA area during unforeseen transmission breakdown in the regular connections.

Providers shall inform the Norwegian Post and Telecommunications Authority of conditions mentioned in the first and second paragraphs.

Satellite telephone services are not covered by the provision.

0 Amended by Regulation No. 740 of 20 June 2013 (in force 1 July 2013).

Chapter 8. Security and preparedness

Section 8-1. (Repealed 1 July 2013 by Regulation No. 740 of 20 June 2013).

Section 8-2. *Preparedness plans and training etc.*

Providers shall prepare and maintain plans and implement measures to maintain a justifiable security in the electronic communications network in order to:

1. ensure satisfactory service offer and execution of own preparedness tasks,
2. execution of the duties resulting from Section 8-4, first paragraph.

The provider shall, on request from the Norwegian Post and Telecommunications Authority, supply plans pursuant to the first paragraph, as well as the risk and vulnerability assessments that form the basis for plans and measures. The Norwegian Post and Telecommunications Authority carries out supervision of the plans and may set requirements for the form and content.

Providers shall, on request, participate in preparedness exercises arranged by the Authority.

0 Amended by Regulation No. 740 of 20 June 2013 (in force 1 July 2013).

Section 8-3. *National autonomy*

The Norwegian Post and Telecommunications Authority may, in crisis and preparedness situations, impose on the provider to carry out operation and maintenance of the service offer with personnel and technical solutions that are located within Norwegian territory.

In force when the Ministry decides.

0 Amended by Regulation No. 740 of 20 June 2013 (in force 1 July 2013).

Section 8-4. *Prioritisation of service offer*

In the event of operational shut-down on restoration the provider shall prioritise consideration for end-users with responsibility for citizens' life and health over commercial considerations.

On restoration following an operational shut-down, the Authority may in special cases, as far as is necessary to ensure the public interest require the provider to give priority to actors important to the community.

0 Amended by Regulation No. 740 of 20 June 2013 (in force 1 July 2013).

Section 8-5. *Notification*

The provider shall notify the Norwegian Post and Telecommunications Authority of events that may substantially reduce or has reduced the availability of electronic communications services.

The Norwegian Post and Telecommunications Authority may establish further procedures for notification.

0 Amended by Regulation No. 740 of 20 June 2013 (in force 1 July 2013).

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

Plans pursuant to Section 2-11 of the Electronic Communications Act, 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 as a minimum contain:

1. provider's name, company registration 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 point of the Electronic Communications Act
3. procedures for notifying the authorities in the event of a petition for debt settlement proceedings or bankruptcy
4. overview of electronic communications networks and services that are part of their own infrastructure, including leased transmission capacity and
5. overview of their own users with responsibility for citizen's lives and health.

In special cases, the Norwegian Post and Telecommunications Authority may issue exemptions from the obligation to prepare plans.

0 Inserted by Regulations No. 40 of 14 January 2008 (in force 15 July 2008), amended by Regulation No. 740 of 20 June 2013 (in force 1 July 2013).

Section 8-7. *Implementation of Regulation on ENISA*

Annex XI point 5cp of the EEA Agreement (Regulation (EU) No 529/2013 of 21 May 2013 on the European Union Agency of 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.

0 Inserted by Regulation No. 40 of 14 January 2008 (in force 15 January 2008). Amended by Regulation No. 1667 of 18 December 2009 (in force 1 January 2010), No. 1112 of 29 November 2012, No. 946 of 3 July 2014.

Chapter 9. Private electronic communication networks

Section 9-1. *Connection points to other electronic communication networks*

Connection of private electronic communication networks, including private networks used by companies with a large geographic scope, with electronic communications networks used to offer public electronic communications services, shall, as far as possible, take place at a physical connection point. Private electronic communication networks refers to electronic communications networks from the connection point with the electronic communication network that is used to offer a public electronic communication service to the network termination point and in which the owner of the network uses the network themselves or lends it to others but does not offer electronic communications services to others.

Providers of electronic communications networks used to offer public electronic communications services shall, as far as possible, inform private network owners in the relevant local area of the access for connection to the network at a shared point. Local area refers, for example, to residence associations, business parks and neighbourhoods.

The connection point shall be designed such that the signal supplier can be changed and so that more than one electronic communication network used to offer public electronic communications services can be connected to the point. Electronic communications networks used to offer public electronic communications services shall be connected to private electronic communications networks such that only the capacity in the private electronic communications network that is necessary to convey the agreed signals and services is used.

Section 9-2. *Provider's option for offering services to users in private electronic communications networks*

Private electronic communications networks in the local area shall be established such that services from different providers shall be forwardable to the individual user.

Owner of private electronic communications networks in multi-unit residential buildings or complexes, commercial buildings, office premises, etc. is 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. Owner is also responsible for the individual resident and other end-users having access to services under the universal service obligation and functionality if they so wish, to at least as favourable terms as the provider of universal service obligation offer.

0 Amended by Regulation 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 communication services shall specify frequency ranges and capacity that shall be used for the individual service and signal type.

Providers shall not supply signals that use frequency ranges or capacity exceeding that which appears in the contract with the network owner.

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

Owners of private electronic communications networks undertake to maintain secrecy regarding the content of electronic communications and use of electronic

communication by others, in accordance with Section 2-9 of the Electronic Communications Act. Owners shall secure the network against unlawful wire-tapping and other unlawful access to information in the network. Connection points and splitters shall be secured against unauthorised access.

Section 9-5. *Quality requirements*

Private electronic communications network shall be professionally designed and of a satisfactory quality. Consideration shall be taken to which electronic communications services shall be conveyed, the networks to be connected and the requirements that provide for the transfer of private networks. The requirement is met if the specifications in relevant standards or corresponding quality are met.

The Norwegian Post and Telecommunications Authority may provide guidelines on standards and design of systems for signal reference ground.

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

The owner is responsible for installation, operation and maintenance of private electronic communications networks.

Owner shall use authorised installers for the installation, maintenance, interconnection of networks and connectivity to electronic communications networks used to offer public electronic communications services, cf. Section 2-14 of the Electronic Communications Act and the Authorisation Regulation.

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

Chapter 9a. Mobile-restricted zone

0 Inserted by Regulation No. 740 of 20 June 2013 (in force 1 July 2013).

Section 9a-1. *Creation of temporary mobile-restricted zones for the Norwegian Armed Forces and Police upon application*

Pursuant to Section 6-2a, third paragraph of the Electronic Communications Act, the Norwegian Armed Forces and Police may apply to the Norwegian Post and Telecommunications Authority for a licence in order to use frequencies allocated to others to establish a mobile-restricted zone for training purposes. The application is to be submitted to the Norwegian Post and Telecommunications Authority in such time as allows the Post and Telecommunications Authority the chance to inform affected licensors well in advance.

The Norwegian Post and Telecommunications Authority may grant a licence to the Armed Forces for permanent exercise areas. Mobile-restricted zones shall only

be used when exercise is taking place. The application is submitted for each exercise area and shall specify more detailed geographic limitations, the period of use and the frequency range.

The Norwegian Post and Telecommunications Authority may grant a licence to the Police for exercises in a suitable area. Mobile-restricted zones shall only be used when exercise is taking place. The application shall specify more detailed geographic limitations, the period of use and the frequency range.

When processing applications for the creation of a mobile-restricted zone, the Norwegian Post and Telecommunications Authority shall assess the applicant's needs against the consequences for electronic communications network used for public mobile communication. The assessment shall consider security, stability, degree of coverage and any restrictions on emergency calls. The use shall result in the least amount of harmful interference and cause end-users as few and short-term disruptions to communications as possible.

0 Inserted by Regulation No. 740 of 20 June 2013 (in force 1 July 2013).

Section 9a-2. *Creation of mobile-restricted zone for the Norwegian Directorate for Correctional Services upon application*

Pursuant to Section 6-2a, fourth paragraph of the Electronic Communications Act, the Norwegian Directorate for Correctional Services may apply to the Norwegian Post and Telecommunications Authority for a licence to use frequencies allocated to others. This type of licence may be granted within the geographical coverage area corresponding to the Norwegian Directorate for Correctional Services' prisons with a high security level. The application shall be submitted for each individual prison and contain an assessment of the options for using other tools than a mobile-restricted zone.

The choice of technical solution is made in consultation with the Norwegian Post and Telecommunications Authority and affected providers. Mobile-restricted zones shall be established so that they result in the least amount of harmful interference to the provider's electronic communication networks used for public mobile communications with the subsequent disadvantages to the end-user outside the applicable prisons.

Rules for processing applications apply corresponding to Section 9a-1, fourth paragraph.

0 Inserted by Regulation No. 740 of 20 June 2013 (in force 1 July 2013).

Chapter 10. Supervision, Appeals, etc.

Section 10-1. *The Consumer Complaints Board for Electronic Communications (BKN)*

The Consumer Complaints Board shall consider complaints from end-users regarding disputes with providers relating universal service obligations, agreements to purchase another public telephone service and Internet access. Such disputes may pertain to the conclusion and fulfilment of the subscription agreement, quality, billing and compensation. 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.

Providers shall inform end-users in writing of their right to appeal to the Consumer Complaints Board in the event of rejection of a complaint.

The consumer's right to appeal is subsidiary, so that end-users must first address the appeal 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 appellant in writing of the expected time for handling the appeal within two weeks after the provider received the appeal, or
2. the provider did not provide a final reply to the appeal 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 further detailed instructions concerning the organisation of the Board and the rules of procedures.

0 Amended by Regulation 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 financed by the providers covered by Section 10-1, first paragraph by:

1. An annual basic fee of up to ten times the court fee
2. An appeal 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 no. 1 for providers with high relevant revenues and may differentiated the fee for these.

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

Appeal fees shall be in proportion to budgeted expenses. Fees for new providers 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 charge additional payments during the operating year, if this is necessary to ensure proper operation. A decision to demand additional payments shall be submitted to the Norwegian Post and Telecommunications Authority immediately for information.

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

Section 10-2. *The appellate instance*

Appeals against individual decisions made by the Norwegian Post and Telecommunications Authority are 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.

The Norwegian Post and Telecommunications Authority may impose an infringement fine on a natural person or undertakings if the person, undertaking or anyone acting on behalf of the person or undertaking, wilfully or negligently infringes Section 1-2, first and fourth paragraph, Section 1-6 to 1-8, Section 2-2, first paragraph, Section 2-4, Section 2-5, Section 2-6, first paragraph, Section 2-7, Section 3-1 to 3-6, Section 4-1, first paragraph, Section 4-2 to 4-4, Section 5-1, first and fourth paragraph, Section 5-3, Section 5-4, Section 5-5, first paragraph, Section 5-6, Section 5-8, first paragraph, Section 5-10, Section 5a-1 to 5a-5, Section 5a-6, first and third paragraphs, Section 6-2, Section 6-6, fourth paragraph, Section 7-1, Section 7-2 or Section 8-2 to 8-4, Section 8-5, first paragraph of the Electronic Communications Act.

0 Amended by Regulations No. 40 of 14 January 2008 (in force 15 January 2008), No. 740 of 20 June 2013 (in force 1 July 2013).

Section 10-3a. *Determining the amount of the infringement fine*

In determining the amount of the infringement fine, particular emphasis shall be accorded to the seriousness of the infringement, the duration of the infringement, manifest culpability and the undertaking's revenue.

In assessing the seriousness of the infringement, special consideration shall be taken of:

1. The nature of the infringement
2. the undertaking's gain
3. its actual impact on the market
4. the size of the affected market and
5. whether the infringer played a leading or passive role in the infringement.

Other variables that may affect the determination of the infringement fine include:

1. Whether agreements were implemented and actions taken
2. whether the undertaking could have prevented the infringement with guidelines, instruction, training, inspections or other measures,
3. the finances of the corporate group of which the undertaking is part of and
4. whether the undertaking has assisted the Authority in connection with investigating the infringement.

The Norwegian Post and Telecommunications Authority may impose an infringement fine of up to five per cent of the undertaking's revenue if the undertaking or anyone acting on behalf of the undertaking wilfully or negligently commits an infringement 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 infringer and the infringement concerns the member undertaking's activities, revenue is the total sales revenue of the members active in the markets affected by the infringement.

The Norwegian Post and Telecommunications Authority may impose on natural persons who wilfully or negligently commits infringements as mentioned in Section 10-13 of the Electronic Communications Act an infringement fine of up to thirty times the court fee.

The Norwegian Post and Telecommunications Authority may lay down in regulations a standardised infringement fine for infringement of up to 30 times the court fee for companies or anyone acting on behalf of an undertaking and for persons mentioned in the fourth paragraph.

⁰ Inserted by Regulations No. 40 of 14 January 2008 (in force 15 July 2008), amended by Regulation No. 740 of 20 June 2013 (in force 1 July 2013).

Section 10-4. *Dispensation*

The Norwegian Post and Telecommunications Authority may, in special cases, or when use appears unreasonable, make an exception to the provisions in this regulation.

Section 10-5. *Trial operation*

The Norwegian Post and Telecommunications Authority may, upon application, make time-limited exceptions from the provisions in this regulation for offers of access to electronic communications networks used to offer public electronic communications services and the offer of such services from a development and testing objective. The Norwegian Post and Telecommunications Authority may set conditions for exception pursuant to the first point.

The application shall include a technical description, information on the provisions for which exemption is being sought, the objective of the trial operation, conditions and rates in the trial period, duration of the trial project and information on any other participants in the trial operation. The Norwegian Post and Telecommunications Authority may require further information for use in processing the application. Providers that have been granted a licence for trial operation shall, at the end of the trial period, submit a report to the Norwegian Post and Telecommunications Authority regarding the experience of the service during the trial period.

Section 10-6. *Entry into force etc.*

The Regulation enters into force on 16 February 2004, with the exception of Section 1-4, Section 8-3 and Chapter 9 which enter into force when the Ministry decides.¹

Regulation No. 1259 of 5 December 1997 relating to public telecom networks and public telecom services, Regulation No. 163 of 14 February 2001 relating to cable TV networks, with the exception of Section 13, and Regulation 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 at the same time.

Regulation No. 40 of 14 January 2008 concerning amendments to the Electronic Communications Act enters into force on 15 January 2008, with the exception of Chapter 5a, Premium rate services, which enters into force on 1 July 2008.

Regulation No. 163 of 14 February 2001 concerning cable TV networks is repealed with effect from 15 January 2008.

Regulation No. 1087 of 17 September 2001 concerning auctioning licences for frequencies in the 900 and 1800 MHz bands is repealed with effect from 15 January 2008.

Regulation No. 190 of 3 March 1994 concerning premium rate services is repealed with effect from 1 July 2008.

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

1 Chapter 9 enters into force on 22 July 2004, cf. Regulation No 1136 of 22 July 2004.

Section 10-7. (Repealed 1 July 2013 by Regulation No. 740 of 20 June 2013).
