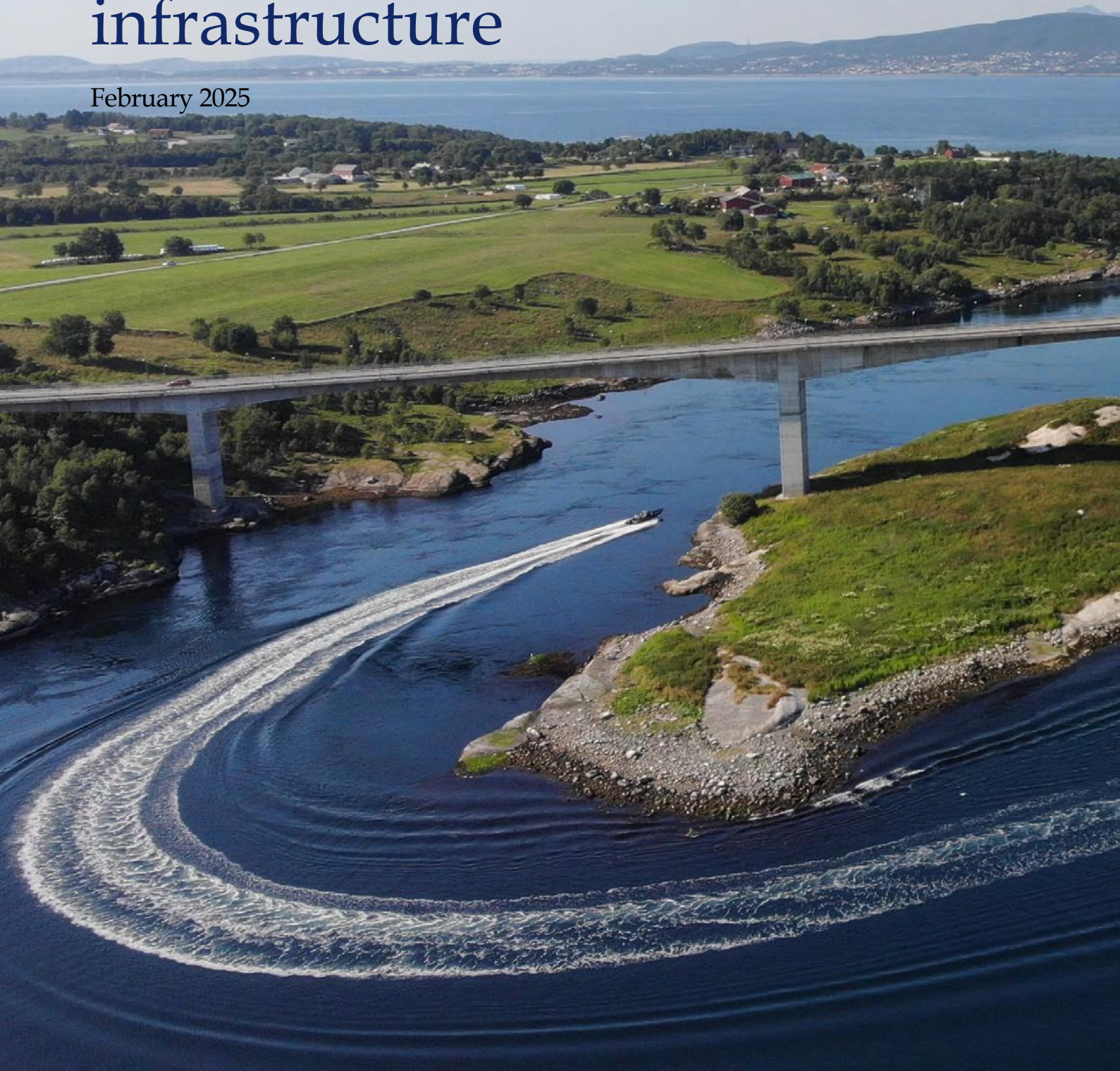


Guidelines for public sector bodies providing access for mobile network infrastructure

February 2025





Summary

The Norwegian Communications Authority (Nkom) has prepared this guide for municipalities, county authorities and other public sector bodies who receive applications from mobile operators for access to buildings and land for mobile network infrastructure.

The white paper "Vår digitale grunnmur" highlights the role of the public sector in helping to ensure that all citizens throughout the country, public and private enterprises and critical sectors of society benefit from a well-developed infrastructure for mobile networks. A uniform practice for access and pricing of access to public buildings and land, is important to achieve this. With this guide, Nkom provides specific recommendations to public sector bodies providing access for mobile network infrastructure. The aim of the guide is to contribute to streamlining the processes in the public sector, through more uniform practice and pricing of access.

Municipalities and county authorities can, in their role as planning authorities, facilitate the efficient development of digital infrastructure. The guide provides the following recommendations:

- Nkom recommends that municipalities and county authorities draw up a clear strategy and plan for how they can facilitate citizens have access to digital infrastructure, including mobile networks. Clear and positive guidelines are important to achieve uniform practices for access and efficient roll-out.
- Nkom recommends that the requirements set by public sector bodies for exposure from electromagnetic fields, shall be based on the exposure limits that apply in Norway. Furthermore, Nkom recommends that public sector bodies familiarize themselves with and use information from the Norwegian Radiation and Nuclear Safety Authority as a basis for informing citizens about research on health effects.

In order to achieve uniform and efficient case processing for applications for access to public buildings and land for mobile network infrastructure, Nkom recommends:

- An easily accessible standard for necessary documentation.
- A dedicated point of contact responsible for dialogue with mobile operators.
- Clarification meeting and inspection early in the process.
- Early guidance on what measures are necessary to alleviate aesthetic challenges.
- At least 10 years duration of rental agreements. In the event of a transfer of buildings and land, the agreements should be arranged so that the tenancy continues.
- The agreement should include clarifications regarding access to location and responsibilities related to installation, maintenance and in the event of any damage to buildings and facilities.
- Rejection is justified and followed by guidance on necessary changes and measures for the application to be acceptable, possibly an offer of alternative locations.
- Clarify the mobile operators' wishes and needs related to power supply and include the chosen solution in the lease agreement.

The guide also provides recommendations for determining remuneration for access to public buildings and land for mobile networks:

- Nkom recommends that remuneration for access to public buildings and land be based on use value, normally limited to administrative costs, with the possibility of additional charge for actual costs related to installation and any necessary capacity expansion. The principles for remuneration must be applied uniformly to all mobile operators requesting access.

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1. THE ROLE OF THE PUBLIC SECTOR AS A FACILITATOR

A well-developed digital infrastructure for electronic communication is fundamental to preventing digital divisions and digital exclusion. This is crucial for all citizens, public and private enterprises and critical sectors of society to be able to participate in the digital society and take advantage of the opportunities it provides for efficiency, simplification, innovation and value creation. An example of such innovation and streamlining can be e-health services.

Norway currently has good mobile networks with very high quality. However, technological development is happening rapidly, and continuous upgrades and investments are needed to maintain this position.

To support the development towards sustainable competition in the mobile market, the Government has set a goal of having at least three full-fledged mobile networks in the national digitalisation strategy up to 2030. The Government has also set a goal of facilitating further development where the population lives, works and travels. In the digitalisation strategy, the Government also emphasizes that increased area coverage for mobile networks is important for the country's preparedness and security. The work to expand the mobile networks with 5G is well underway and will continue in the years ahead.

Full utilization of 5G technology requires significant investments in coverage, speed and capacity. This means that there will be a need both to upgrade existing base stations and to set up many new base stations.

The public sector has an important role to play in helping to ensure that all citizens throughout the country, public and private enterprises and critical sectors of society can benefit from a well-developed infrastructure for mobile networks. This has been highlighted in the white paper "Vår digitale grunnmur". It states that municipalities and county authorities have an important social responsibility to facilitate the development of mobile networks throughout the country, both as planning authorities, development bodies and landowners.¹ The white paper also highlights that the municipalities and county authorities have important physical infrastructure for electronic communication, such as buildings, rows of poles, roads and areas. Other public sector bodies also have properties that can be central locations for mobile operators². It is therefore important to strive for the most uniform practice possible for access to deployment and pricing of access in public buildings and on public land.

It is also stated in the white paper that all applications for access to public land and public buildings for installation of equipment shall be processed according to objective, transparent and non-discriminatory criteria, so that access is granted on equal terms for all tenderers.

1. [Notify. St. 28 \(2020–2021\) - regjeringen.no, chapter 7.5.2](#)

2. The guide uses the term mobile operator to refer to players who develop their own radio network for mobile communication.

Equal conditions for all providers are key to facilitating sustainable competition between mobile operators.

When the public sector contributes to facilitating well-developed infrastructure for all mobile networks³, this contributes to strengthening societal security by ensuring the robustness and security of the digital networks. services are strengthened. The Government has also decided that the communication solution of the future for emergency and preparedness bodies will be based on the use of public mobile networks, rather than an upgrade of the existing emergency network infrastructure. Future public warning systems will also use public mobile networks. The public mobile networks are therefore becoming an increasingly important input factor for critical societal functions, which also underpins the need for efficient processes for access to public buildings and land.

There are no provisions in the Electronic Communications Act or other regulations that directly regulate access for mobile networks infrastructure to public buildings and land. Such access is based on an agreement between mobile operators and municipalities, county authorities and other public sector bodies. Consequently, this is not an area that is regulated by the provisions of the Public Administration Act.

In order to facilitate uniform and efficient processes in municipalities, county authorities and other public sector bodies who receive applications for access for base stations on public buildings and land, Nkom has prepared this guide. The guide covers a number of matters related to case processing and determination of remuneration, as well as overall strategies and planning.

3. Infrastructure for mobile networks will typically be base stations with radio equipment, antennas, masts, cables and cabins/rooms for technical connection.

2. SCOPE OF THE GUIDE

The guide is aimed at municipalities, county authorities and other public sector bodies who dispose of areas, buildings and land⁴ that are suitable for the placement of infrastructure for mobile communication. Other public sector bodies mean municipal and state-owned enterprises such as NyeVeier, BaneNor, Avinor, the Norwegian Defence Estates Agency and Statsbygg.

Some public sector bodies may have special needs and requirements that must be taken into account beyond what is stated in the guide. However, all public sector bodies have an important social responsibility to facilitate the development of mobile networks, and the principles in this guide should therefore be followed by these bodies as far as possible.

In the following, the guidelines use both the terms "Public sector bodies" and "application recipients" for municipalities, county authorities and other public sector bodies.

This guide does not cover indoor coverage. Indoor coverage raises a number of other questions than those addressed in this guide. This guide addresses issues related to access to public areas/locations, while indoor coverage often includes questions related to who should own indoor infrastructure and how to ensure that all mobile operators can access infrastructure for indoor coverage, i.e. the interaction between different bodies. Nkom is working on issues relating to indoor coverage separately and in dialogue with operators, property developers, companies and suppliers.

Municipalities and county authorities also play an important role in facilitating by virtue of their responsibility as planning authorities. The guide's chapter on strategy and plans is aimed at the opportunities to influence the facilitation through their management responsibility.

4. Land will also include infrastructure such as lampposts, bus shelters, etc. that the relevant body has at its disposal.



3. OVERALL FACILITATION FOR MOBILE NETWORKS

STRATEGY AND PLAN

Nkom recommends that municipalities and county authorities draw up a clear strategy and plan for how they can facilitate that citizens have good access to digital infrastructure including mobile networks. Clear and positive guidelines are important to achieve uniform practices for access and efficient development.

Through overarching local and regional strategies and plans, municipalities and county authorities can facilitate the efficient development of infrastructure for mobile networks. In June 2023, the Government presented "National expectations for regional and municipal planning 2023-2027". Digital infrastructure is highlighted as a basis for welfare and sustainable value creation, where regional and municipal planning are important tools for facilitating green industries and the transition to a more circular economy, ensuring good infrastructure and contributing to restructuring.

However, political decisions and plans sometimes prevent the placement of base stations. One example is a decision that mobile equipment is not wanted on public buildings and land. In other cases, restrictions have been included for the placement of infrastructure for mobile networks in municipal land-use plans, which in practice means that the establishment of infrastructure for mobile networks requires an exemption under the Planning and Building Act.⁵ In many cases, such regulations are justified by fear of electromagnetic fields (EMFs), commonly referred to as radiation. However, good coverage reduces the phone's emitted power. Access to buildings can optimize the location of base stations and thus actually reduce exposure from mobile communications. Restrictions in political decisions/plans can therefore in practice work against the intention to limit radiation. This is discussed in more detail below.

The municipality can increase flexibility in the processing of building applications by facilitating the use of the exemption provision in Section 20 (5) of the Planning and Building Act. Nkom encourages the municipalities to consider whether it is possible to facilitate access by using this provision in certain cases.

If the land-use plans in practice mean that every case concerning the establishment of infrastructure for mobile networks requires an exemption under the Planning and Building Act, this means that such cases must be treated as a deviation or an exception, with the possible consequence that the processing will be less uniform and to a greater extent based on discretion and individual assessments. The social importance of the population having good access to digital infrastructure should in such cases generally be given considerable weight in the assessment of exemptions.

5. <https://lovdata.no/dokument/NL/lov/2008-06-27-71>

EXPOSURE TO ELECTROMAGNETIC FIELDS (EMF)

Nkom recommends that the requirements set by public sector bodies for exposure from electromagnetic fields, shall be based on the exposure limits that apply in Norway. Furthermore, Nkom recommends that public sector bodies familiarise themselves with and use information from the Norwegian Radiation and Nuclear Safety Authority as a basis for informing citizens about research on health effects.

All wireless equipment emits electromagnetic fields. Such electromagnetic fields are often referred to as radiation in everyday speech. There are strict limits for how much exposure the population can be exposed to, and in Norway, recommended limits are set through the Radiation Protection Regulations⁶, which are administered by the Norwegian Radiation and Nuclear Safety Authority (DSA). In addition to exposure limits, there is a provision in the Radiation Protection Regulations that all exposure of humans is kept as low as good practice indicates – see the section below on "Measurements and exposure level to EMF". The limits are based on recommendations given by the International Commission on Protection against Non-Ionizing Radiation (ICNIRP⁷), recognized by the World Health Organization (WHO). Nkom and DSA collaborate on the field of EMF from wireless technology. Nkom adheres to these limits when measuring exposure, and DSA monitors research and provides general advice and guidance on any health effects.⁸

EMF Measurements and Exposure Level

Nkom has carried out a number of measurements on wireless technology across the country. The measurements were carried out where people travel a lot or have a stay over time, e.g. in public places, schools, kindergartens, private homes and workplaces. The measurement results show that we are normally exposed to levels around a few thousandths (per thousandth) of the exposure limits in the vast majority of places. Mobile operators carefully consider the location of the base stations and antennas in each case to ensure good coverage, while keeping exposure levels as low as good practice suggests. The antennas of the base stations are directional and mainly send the signals straight ahead. Directly above, below, behind and to the sides, the exposure from a base station is therefore minimal. The level of exposure is reduced by distance, by building stock, trees, etc.

Nkom has a Radiation Calculator⁹, where the user gets a theoretical calculation of the exposure from all the base stations within a given radius.

When 5G was introduced, Nkom has measured the exposure from 5G base stations. The levels measured are low, up to a few percent of the limit value. There is no difference in the way you are exposed to electromagnetic fields in 5G compared to 4G, but there is a difference in the measurement method.

6. [Regulations relating to radiation protection and the use of radiation \(Radiation Protection Regulations\) - Lovdata](#), §§ 5 and 6

7. <https://www.icnirp.org/>

8. [Mobile & Wireless - DSA](#)

9. <https://finnsenderen.no/#/straaling>

The transmission pattern of a 4G base station can be compared to a flashlight that continuously illuminates a given area, regardless of whether there are mobile data users there or not. It transmits with a specific power, and during measurements, it is the level that is sent down to the mobile phone that is measured (downlink). A 5G base station is made up of several moving beams, and so it is more complicated to take measurements. The level of exposure from such a base station varies with the traffic load (usage). Measurements carried out by Nkom show that exposure increases marginally (from 2.76 per thousand to 3.26 per thousand) by measuring with and without traffic congestion. We have not yet observed a marked increase in exposure levels with the introduction of 5G, compared to previous technologies, and the levels are still low. Measurement reports from measurements around the country are available on Nkom's website ¹⁰.

Public sector bodies who enter into an access agreement may stipulate requirements in the agreement with the mobile operator that the limits for EMF must be complied with and, if necessary, ask the mobile operators to carry out a measurement after installation if the antenna is placed in such a way that it is likely that the recommended EMF level can be exceeded where people normally travel.

Nkom also points out that there are separate limits for installers and similar groups who work closely with installations. More information can be found in a separate brochure prepared by Nkom and DSA¹¹.

Exposure from mobile phone

Of the common wireless sources, it is our own mobile phone held to the ear that exposes us the most, but the exposure levels are still below the limits. A mobile phone is energy efficient and only transmits with the power necessary to make contact with the nearest base station. If there is poor coverage, the phone automatically turns up the volume and the exposure from the phone increases. If you are close to a base station, it will ensure both good coverage and less exposure. In this way, good access to buildings and good coverage can also reduce exposure from wireless communication.

Tests of exposure from 5G phones showed that all of them were within the regulations. ¹²,

10. <https://www.nkom.no/fysiske-nett-og-infrastruktur/elektromagnetisk-straling#mlerapporter>

11. [Installers and Electromagnetic Fields by National Communications Authority - Issuu](#)

12. https://www.nkom.no/fysiske-nett-og-infrastruktur/elektromagnetisk-straling#test_av_5gtelefoner



4. GOOD PRACTICE FOR CASE PROCESSING AND ENTERING INTO AGREEMENTS

Nkom has gathered experience from mobile operators, municipalities and county authorities related to the processing of applications for access for mobile network infrastructure on public buildings and land. Based on these experiences, we have selected a "best practice" in various areas. Further in the guide, municipalities, county authorities and other public sector bodies in this context are often referred to as "application recipient" or "lessor".

The guide does not have specific recommendations on time limits, but instead aims to provide concrete suggestions for measures that can streamline case processing.

DOCUMENTATION WHEN APPLYING

Nkom recommends that the application recipient establishes a standard for what documentation they need, and that this is made easily accessible.

Standardized procedures for the relevant documentation that mobile operators must attach to an application can streamline case processing. Predictability of the information necessary to process the application will save time for both the mobile operators and the application recipient. The need for information may vary depending on whether it concerns the letting of areas on buildings or land.

For placement on ground, such information may be, for example:

- Map with coordinates/location of the base station
- Approximate height of mast
- Drawing of mast and cabin
- Information about the transmission of electricity and fiber to the base station
- Information about the need for physical access to the infrastructure
- Information about the possibility of sharing passive infrastructure (masts, cabins, etc.) with several operators
- Wind load calculations using common antenna masts
- Draft lease agreement
- Implementation plan for establishment

For placement on buildings, such information can be, for example:

- Drawings/photomontage with placement of equipment on building
- Information about space requirements, including needs in the interior technical room (preferably illustration)
- Information about the transmission of electricity and fiber to the base station, as well as power consumption and cooling needs
- Information about the need for physical access to the infrastructure
- Wind load calculations using common antenna masts
- Draft lease agreement
- Implementation plan for establishment



POINT OF CONTACT

Nkom recommends that public sector bodies establish a dedicated contact point responsible for dialogue with mobile operators regarding mobile coverage and access for mobile network infrastructure.

A dedicated contact point makes it easier to enter into a dialogue about needs and interests, and to make quick clarifications along the way, which will contribute to more efficient and uniform case processing.

The organization of such a contact point will depend on the resources available and how the municipality, county council or other public sector bodies are organized. In smaller municipalities, for example, it may be appropriate to establish a joint coordinating contact point in the county municipality. This must be decided by the individual public sector body depending on what works most effectively and with the aim of being available for effective dialogue. In larger municipalities with separate municipal enterprises, it can be challenging to establish a single point of contact. However, Nkom recommends that it be clearly stated on the website of the municipality, county council or other bodies how mobile operators can get in touch and establish a dialogue with the relevant contact person.

Depending on the decision-making competence of the contact person, it may also be appropriate to have a escalation point, i.e. an opportunity for the mobile operators to raise the case to a higher level, e.g. in the event of a lack of progress in the case.

INSPECTION

Nkom recommends that a clarification meeting and inspection be arranged early in the process.

During an inspection, it will be possible to clarify whether the location is suitable for a base station, including whether there is sufficient space¹³, access to electricity and internet access (e.g. fibre), as well as access, even before the application is submitted. Through dialogue early in the process, the parties will be able to shed light on their needs and clear up any ambiguities and misunderstandings. Even in cases where the application recipient does not immediately see a need for more base stations, a meeting should be held to clarify the need.

AESTHETIC CONSIDERATIONS

Nkom recommends that the application recipient provides guidance early in the process on what measures are necessary to remedy aesthetic challenges.

The placement of infrastructure for mobile networks may in some cases conflict with aesthetic considerations. If there are special aesthetic requirements that the mobile operators must take into account, this should be communicated as soon as possible. Measures taken by the mobile operators may include, for example, alternative considerations regarding location, colour, choice of materials and size, and the design of the mobile infrastructure.

13. The area requirement for buildings is normally limited, often 5-10 m² on roofs, possibly area on the façade, as well as a locked room (storage room) inside for technical equipment.

AGREEMENT LENGTH

Nkom recommends that access agreements for mobile network infrastructure and basic service agreements should be long-term and have a duration of at least 10 years. In the event of a transfer of buildings and land, the agreements should be structured so that the lease continues after the transfer.

Mobile network development is associated with extensive radio planning and major investments in infrastructure. In order to facilitate such investments, it is important that the conditions are predictable. This means that access agreements must be made long-term and that they have a duration of at least 10 years.

Renegotiation of fixed-term agreements has in some cases been highlighted as challenging, particularly with regard to remuneration. Nkom recommends that the starting point for renegotiation should be the recommendations on remuneration in this guide and any index adjustment.

In order to take predictability and continuity into account also in the event of a transfer of buildings and land to others, Nkom recommends that the agreements be arranged so that the tenancy is continued after the transfer.

ACCESS AND SECURITY

Nkom recommends that the agreement clarifies access to the location and responsibilities related to the installation and maintenance of the installations. Nkom further recommends that the agreement also specifies the responsibilities in case of any damage to buildings and facilities.

The mobile operators need quick access to the installed equipment. This may mean that the mobile operators are given the necessary keys or access cards, or that the mobile operators must be escorted if necessary. The access road must be passable, for example cleared before snow. In that case, the consideration may cover additional expenses that this imposes on the landlord.

However, public sector bodies who enter into an access agreement for mobile equipment may have special, legitimate reasons for imposing requirements for access to buildings and possibly restricting access. In such cases, clarifications may be made in the agreement regarding such access restrictions.

Who is responsible for security in connection with the installation and maintenance of infrastructure for mobile networks on public buildings, is a matter that may need to be clarified. The building owner/landlord is generally responsible for the security of the building. However, security around equipment and installation carried out by the mobile operator is normally the responsibility of the mobile operators and the landlord has expectations that the installations made by the mobile operators are prudent so that they do not involve unnecessary risk in connection with installation and maintenance.

REFUSAL

Nkom recommends that rejections are always justified and followed by guidance on necessary changes and measures for the application to be met, or possibly offers of alternative locations that can meet the need.

A lack of justification for rejecting an application for access or capacity expansion makes it difficult for mobile operators to adapt and take the necessary measures if possible. A justification should be formulated in such a way that it provides sufficient guidance so that the mobile operators have the opportunity to assess what measures can be taken. If the desired location is not possible, an alternative location should be offered in consultation with the mobile operator as an applicant.

5. POWER SUPPLY

Nkom recommends that the application receiver clarifies the mobile operators' wishes and needs related to power supply early in the application process and includes the chosen solution in the agreement with the mobile operators.

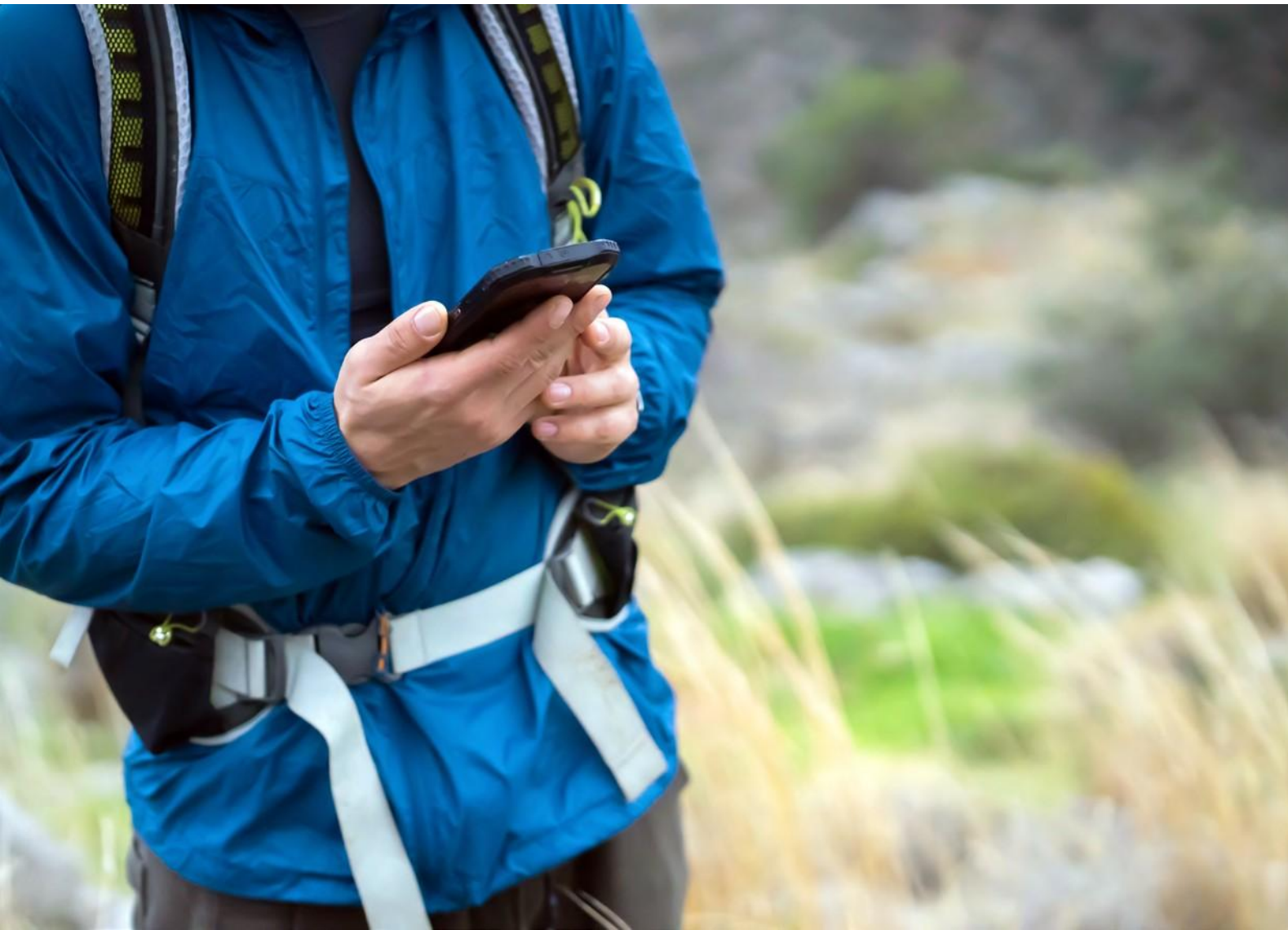
The mobile operators' installations are dependent on a sufficient and stable supply of power to be able to operate. The installation also normally needs to be cooled to maintain a consistent limited temperature. Measurement and invoicing of power consumption for installations on public buildings and land is done in various ways.

Nkom does not recommend a standard method for metering and billing power consumption, as this depends on what is physically appropriate and economically rational at the individual location. Where possible, separate electricity subscriptions for the mobile operators and electricity meters are often preferred by both parties, as this makes electricity consumption transparent and thus provides greater incentives for energy saving.

In cases where a separate electricity subscription is not physically possible or very expensive, the landlord can invoice the mobile operators on the basis of an installed serial meter that measures the mobile operators' consumption. In such cases, the mobile operators should pay for the meter and installation. The landlord should then use the same kWh price that the landlord pays to his energy supplier, or an average electricity price for the period.

The lessor can also invoice the mobile operators in advance for stipulated annual consumption at the agreed price. As a result of significant changes in consumption or price, it will then be appropriate to carry out annual post-settlement.

Measures to reduce power should be considered. From an environmental perspective, power-reducing measures are important, for example, power-emitting equipment can be placed so that cooling is unnecessary. Solar cells can also be used as a supplement in some places.



6. REMUNERATION

In many cases, relevant areas on roofs or outlying land will not be suitable for other uses. The mobile operators' area needs for buildings in urban settlements are often also limited, often 5-10 m² on roofs, possibly area on the façade, as well as a locked room (storage room) inside for technical equipment. If there are no other realistic alternative uses, the remuneration should be limited to the administrative costs associated with the rental and, if applicable, the remuneration for areas in the interior rooms for equipment. Additional costs incurred as a direct result of the placement, for example as a result of the mobile operators needing access to buildings or land, are reasonable to be invoiced in addition. If the building is to be renovated, rebuilt or ultimately demolished, it is reasonable for the mobile operators to take responsibility for dismantling and moving equipment if necessary.

In the event of a need for capacity expansion or adaptations/upgrades of the technical room, electricity, etc. in order to be able to meet a request for access, it is reasonable that the construction contribution is calculated based on the actual costs of the measure and is covered by the person or persons who need the capacity expansion. The construction contribution shall be reduced to the extent that it is of self-interest to the landlord. The most affordable and simplest measure should mainly be chosen. An alternative could be for the mobile operators to pay for this directly themselves.

The principle of use value for price determination shall be the starting point for a uniform practice.

BACKGROUND FOR SELECTED PRINCIPLES

There are no provisions in the Electronic Communications Act or other regulations that directly stipulate principles for remuneration for public sector bodies who rent out areas for the placement of ordinary base stations. However, in order to contribute to the Government's objectives for access to mobile and broadband networks in Norway, it is important that public sector bodies facilitate cost-effective development of mobile and broadband networks, including contributing to uniform practices for access on public buildings and land.

Market terms and use value

In the absence of provisions regulating the remuneration, the starting point for determining the remuneration is that it is determined on the basis of market principles. There are a number of agreements that have been entered into that can say something about existing remuneration for renting land, but information from mobile operators and public sector bodies indicates that the remuneration varies greatly and is not based on uniform principles.



Whether there is a market and a market price for the placement of equipment for mobile communication has been assessed in some expropriation cases. In such cases, it follows from Section 10-1 of the Electronic Communications Act that compensation must be paid for the burden that the expropriation decision is assumed to impose on the owner or the person entitled to use. Furthermore, it follows from Section 4 of the Expropriation Compensation Act that compensation shall be determined at the sale value, unless the use value is higher.

According to Supreme Court case-law, cf. I Rt. 2012-1608, it is a prerequisite for compensation according to sales value that there is a market in a legal sense. In this judgment, the Supreme Court unanimously concluded that there was no market for the deployment of equipment for base stations in uncultivated areas. In its reasoning, the Supreme Court mainly refers to the fact that there is no shortage of possible locations, and that there is no competition between the mobile operators to establish themselves in a particular location, as the practice is that competing networks provide space for each other in their masts (co-location). Furthermore, the Supreme Court pointed out that the Electronic Communications Act gives the authorities the authority to impose co-location when considerations of efficient use of resources, health, environment, safety or other societal considerations indicate that duplication of infrastructure should be avoided.

When it comes to the placement of antennas and equipment on buildings, including roof-tops, the same factors will, in Nkom's opinion, mainly apply. As a rule, there will be alternative locations for the providers to establish themselves in, and in practice there is no competition between mobile operators to place masts or antennas on a given building. The establishment of one operator does not normally prevent another operator from being allowed to establish itself. These circumstances led the Oslo District Court, in a case concerning the calculation of compensation for the right of use of land for a base station, to conclude that there is no market in the legal sense for the placement of antennas on buildings.

The consequence of the fact that there is no market, is that compensation is assessed according to use value. According to Section 6 of the Expropriation Compensation Act, the use value must correspond to the return on the property in the event of a foreseeable utilisation for which there is a real basis based on the conditions at the site.

Regulation of remuneration in other relevant areas

Both the Cable Regulations and rules in the new Electronic Communications Act on the placement of small cells are aimed at public sector bodies. The considerations underlying these rules also apply to the placement of other equipment for mobile communication on public buildings and land.

The Wiring Regulations¹⁴ require that road authorities (state, county and municipality)¹⁵ shall contribute to public roads being able to be used for the establishment of other infrastructure. The Regulations apply to pipeline installations intended for electronic communication, service lines and associated draft pipes, among other things. The regulations contain provisions on coverage of costs. The Public Roads Authority can as a general principle, do not demand remuneration (rent) for pipes laid in road. The right of the road authority to claim reimbursement of its costs is limited to application processing and execution control during the construction period, cf. Section 18. On the other hand, the cable owner must pay for the relocation of the cable system when this is required as a result of road measures and it is necessary for the sake of the road interest, cf. § 16. As mentioned, these provisions apply to cable installations, such as fibre cables, along public roads, but the consideration of cost-effective development that lies behind the provisions also applies to the placement of infrastructure for mobile networks on public buildings and land. Nkom therefore believes it is relevant to highlight the principles in this context.

Section 10-4 of the Electronic Communications Act contains rules stating that state authorities, county authorities and municipalities must, as a general rule, comply with requests from tenderers to provide access to, among other things, buildings for the placement of small cells¹⁶. Such access shall be provided on non-discriminatory, transparent, fair and reasonable terms. It is clear from the comments in the preparatory works for the provision that the term "reasonable terms" entails a balancing of the interests of the provider of the electronic communications network and the owner of the physical infrastructure. What constitutes a reasonable remuneration will also have to be assessed on a case-by-case basis. However, it appears that the relevant remuneration should be limited to the administrative costs associated with the processing of the applications.

This provision applies directly to the placement of small cells. Infrastructure for small cells may be smaller and more discreet in design than other infrastructure for mobile networks that this guide is aimed at. However, Nkom believes that the close connection between small cells and other infrastructure for mobile networks, and that many of the same considerations apply, indicates that the provision is also relevant for other types of infrastructure for mobile networks.

7. [Regulations relating to case processing and responsibility in connection with the laying and moving of cables over, under and along public roads - Lovdata](#)

8. County authorities are the road authorities for county roads and municipalities for municipal roads.

9. Small cells are small, compact base stations with low output power and limited coverage area.

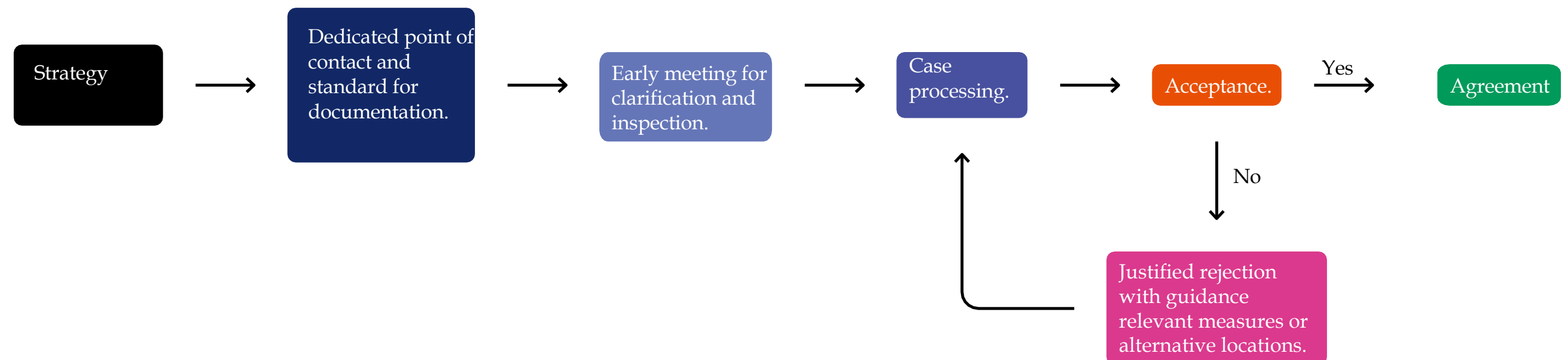
7. OTHER REGULATIONS IN THE AREA OF ELECTRONIC COMMUNICATIONS

The Broadband Development Act¹⁷, with the purpose of contributing to the cost-effective establishment of high-speed networks for electronic communications by ensuring access to passive physical infrastructure, among other things, may be applied in some specific cases. The Broadband Development Act applies to access to existing physical infrastructure and the coordination of various building and construction works. The Act sets out several conditions that must be met in order for the Act to be able to be applied. This applies, among other things, to the requirement that there is available suitable physical infrastructure. Public sector bodies that invest in physical infrastructure with a view to making it available to broadband developers will be covered by the Act. In such cases, requirements for fair and reasonable terms and dispute resolution will apply, among other things. Physical infrastructure that is suitable for the transmission of broadband, such as pipes, masts, cable ducts, culverts, inspection wells, manholes, cabinets, buildings or access to buildings, antenna installations, towers and poles, must be registered in the Ekomportalen¹⁸.

In the case of uncultivated land, the Act will not apply unless there are already transport roads in place.

Whether the Broadband Development Act applies must be assessed on a case-by-case basis.

STEP-BY-STEP ILLUSTRATION OF THE PROCESS



10. [Act relating to facilitation for the development of high-speed networks for electronic communications \(Broadband Development Act\) - Lovdata](#)

11. [Ecom portals \(nkom.no\)](#)





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