

## ***The telecommunications act***

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The Telecommunications Act of 23 June 1995.

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Legal authenticity remains with the original Norwegian version.

## **Chapter 1 Scope and extent, purpose, definitions etc. ➡**

### **Section 1-1 Scope of the Act ➡**

This Act covers all telecommunications activities. The Act does not apply to radio broadcasting and television programme activities or onward transmission of programmes in radio broadcasting and television transmission networks. The King may in cases of doubt decide which activities are telecommunications activities.

### ***Section 1-2 Extent of the Act ➡***

The King decides to which extent this Act applies to Jan Mayen and Norwegian dependencies and also lays down such exceptions and special provisions as are pursuant to international agreements that have been ratified by Norway, or which are necessary due to local conditions.

This Act also applies to seagoing vessels and aircraft registered in Norway, and to installations and devices of any kind in connection with petroleum activities on the continental shelf.

The telecommunications authority may issue regulations limiting the extent of this Act and prescribe rules concerning the application of this Act to foreign-registered vessels in Norwegian territorial waters and to foreign-registered aircraft in Norwegian air space.

### ***Section 1-3 Purpose of the Act ➡***

The purpose of this Act is to promote:

- a) fulfilment of national needs for telecommunications and efficient utilisation of resources
- b) nationwide offerings of basic telecommunications services on equal terms
- c) technical quality and security
- d) access to open telecommunications networks and services
- e) co-ordination of telecommunications networks and services
- f) telecommunications services adapted to needs
- g) consumer interests
- h) protection of data and privacy.

### ***Section 1-4 Essential requirements ➡***

Essential requirements pursuant to this Act are:

- a) security for life and health
- b) network integrity, including data protection
- c) electromagnetic compatibility
- d) appropriate use of the electromagnetic frequency spectrum

e) interconnection of telecommunications equipment and public telecommunications networks

f) interoperability of telecommunications equipment through public telecommunications networks in justified cases.

When justified by strong reasons the telecommunications authority may decide that other considerations shall be added to the list of essential requirements.

### **Section 1-5 Telecommunications authority ➡**

In this Act "telecommunications authority" means the King, the Ministry, the Norwegian Telecommunications Authority Complaints and Advisory Board and the Norwegian Telecommunications Authority. The King determines the division of functions within the telecommunications authority, and may determine that other public bodies or private persons shall exercise telecommunications authority in limited areas.

### **Section 1-6 Definitions ➡**

For the purposes of this Act -

a) "telecommunications" means the transmission of voice, text, visual images or other data by means of light, radio signals or other electromagnetic signals in a communications system for transmission of signals;

b) "telecommunications organisation" means a person, or one or more private or public bodies that has been granted special rights to establish a public telecommunications network or offer a public telecommunications service;

c) "service provider" means a person or one or more private or public bodies that offers a telecommunications service not subject to licensing; a telecommunications organisation is considered to be a service provider when the telecommunications organisation offers such telecommunications service;

d) "user" means a person, or one or more private or public bodies entering into an agreement on access to telecommunications networks or services for own use or loan purposes (end user), or in order to direct offerings at others (service provider);

e) "telecommunications network" means a network for the conveyance and distribution of signals between defined termination points by wire, by radio, by optical or by other electromagnetic means;

f) "telecommunications service" means a commercial offering of telecommunications wholly or partly by means of transmission in a telecommunications network, with the exception of radio broadcasting and television;

g) "public telecommunications network" and "public telecommunications service" means a telecommunications network or telecommunications service accessible to the general public or intended for use by the general public;

h) "leased lines" means leased telecommunications facilities in a telecommunications network which do not include user-controlled switching, and which are not the lessee's subleasing of capacity (resale);

i) "telecommunications equipment" means apparatus, terminal, radio equipment or other technical device, including software, which can be used for telecommunications purposes or are intended for such use. Radio equipment is a device that conveys or by other means emits signals (radio transmitter) as well as devices which receive signals (radio receiver). Apparatus which only receives radio broadcasting and television programmes is not telecommunications equipment;

j) "internal telecommunications network" means a telecommunications network which is located within foundation walls or a limited geographical area (residential or enterprise network), and which is intended to be or may be connected to the public telecommunications network;

k) "closed telecommunications network" means a telecommunications network belonging to a person, or one or more private or public bodies, which is for own use and which is not connected to a public telecommunications network or which may not be used for transmission of signals outside the country's borders;

l) "broadcasting network" means a telecommunications network which is used for radio broadcasting and television purposes only. This includes nationwide or geographically limited radio networks and transmission networks for radio broadcasting and television;

m) "radio activity" means any establishment and use of radio equipment for emission, transmission or reception of radio signals, including broadcasting, navigation, telemetry and remote control and for medical, industrial or scientific use or other intended or unintended effects of use of radio equipment whereby the functions of other equipment or apparatus are affected. Light beam connections in free space used for telecommunications purposes may be regarded as radio activity.

## **Chapter 2 Telecommunications organisations** ➔

### **Section 2-1 Telecommunications networks and use of networks subject to licensing** ➔

No-one may establish, have at his disposal or operate a public telecommunications network without authorisation from the King.

No-one may make a closed telecommunications network accessible to others without authorisation from the King; this also applies to the offering of leased lines and the utilisation of a broadcasting network for telecommunications services. The telecommunications authority may issue regulations on establishment and operation of telecommunications networks that are subject to licensing, also on exemption from such obligation.

### **Section 2-2 Service offerings subject to licensing** ➔

No-one may offer public voice telephony or leased lines to the general public without authorisation from the King.

The King may prescribe a licensing obligation for offering of other telecommunications services which are important for fulfilling national telecommunications needs.

The telecommunications authority may issue regulations telecommunications services that are subject to a licensing obligation and on services which a telecommunications organisation offers in addition to such services, also on exemption from licensing obligations.

### **Section 2-3 Licence conditions ➡**

Conditions may be attached to a licence pursuant to sections 2-1 and 2-2. Such conditions may include:

- a) geographical coverage of a telecommunications network or service
- b) interconnection and co-ordination of telecommunications networks and services
- c) use of numbers, addresses etc., according to numbering plans
- d) use of standards
- e) calculation of tariffs and tariff fixing and accounting-systems requirements
- f) requirements on subscription contract conditions and exemptions from published conditions
- g) interconnection of terrestrial and satellite telecommunications networks on specified conditions
- h) charges for access to a telecommunications network or service which is operated by another telecommunications organisation. The King may attach other conditions to the licence.

The telecommunications authority may issue regulations on licence conditions, also on charges for access to networks and services as mentioned under litera h).

### **Section 2-4 Open telecommunications networks and services ➡**

Access to a telecommunications network or service operated by a telecommunications organisation, or by a representative of such telecommunications organisation, shall be open and non-discriminatory. The contract conditions shall be based on objective criteria and shall be transparent and readily accessible to the general public.

The telecommunications authority may issue regulations on open telecommunications networks and services.

### **Section 2-5 Permitted restrictions on use ➡**

A telecommunications organisation may implement restrictions on use consisting in complete refusal of access to the telecommunications network or telecommunications services, interruption or disconnection from the network or the service, or limitation of service functions, when this is necessary in the interest of telecommunications security or the integrity of the network, or because the telecommunications equipment or the use of the equipment has not been approved pursuant to chapters 4 or 5. A telecommunications organisation may also implement restrictions on use as a consequence of

telecommunication services or networks being licensed.

In emergency situations that involve serious threats to health, security or public order, or the risk of sabotage to networks or services, the telecommunications organisation shall implement necessary restrictions on use.

The telecommunications authority may order a telecommunications organisation to implement restrictions on use in the interest of national security, enforcement of licence obligations or other important social interests.

Restrictions on use shall be notified to whom they may concern. In the event of restrictions on use pursuant to the second paragraph, the telecommunications authority shall also be notified.

Restrictions on use for reasons other than those stated in this section shall require the approval of the telecommunications authorities.

The telecommunications authority may issue regulations with regard to restrictions on use.

### ***Section 2-6 The subscription contract ➡***

A telecommunications organisation shall prepare subscription contract conditions for public telecommunications services providing information about the time-limit for delivery and fault repair, service quality and conditions for access to and use of the services.

Subscription contract conditions shall be published.

The telecommunications organisation may alter or close public telecommunications services no earlier than two months after giving notice of alteration or closure of the service.

The telecommunications authority may issue regulations on subscription contract conditions.

## **Chapter 3 Service providers ➡**

### ***Section 3-1 Registration of service providers ➡***

The telecommunications authority may issue regulations on the obligation of service providers to register and on such registration.

### ***Section 3-2 Assignment of numbers. Use of numbering plans ➡***

The telecommunications authority may assign numbers or number series, including names and addresses, in accordance with numbering plans.

The telecommunications authority may order public telecommunications services providers to make use of numbering plans. The telecommunications authority may issue regulations on assignment of numbers and on use of numbering plans.

### ***Section 3-3 Use of standards and interoperability ➡***

The telecommunications authority may order public telecommunications services providers to make use of standards or in other ways adjust the service offering with a view to ensuring interoperability of telecommunications networks or services.

The telecommunications authority may issue regulations on the use of standards and interoperability.

### ***Section 3-4 Approval of service offerings ➡***

The telecommunications authority may issue regulations to the effect that service offerings shall be subject to approval in accordance with requirements laid down in such regulations. Implementation of measures may be ordered with the purpose of ensuring nationwide coverage of service offerings or other important social interests, including the obligation to establish interoperability with other telecommunications services, and contribute to the establishment of international lines.

Approval may be revoked if the requirements are no longer satisfied.

### ***Section 3-5 Providers of basic telecommunications services ➡***

The telecommunications authority may order providers of basic telecommunications services to implement measures to ensure the fulfilment of national telecommunications needs, including the obligation to establish nationwide coverage of service offerings, and enter into co-operation with other national or international service providers or telecommunications organisations.

The King may determine what is a basic telecommunications service.

### ***Section 3-6 The service provider's contracts ➡***

The telecommunications authority may issue regulations to the effect that open access pursuant to section 2-4 shall apply to public telecommunications services. It may be determined that sections 2-5 and 2-6 shall apply correspondingly to public providers of telecommunications services.

## ***Chapter 4 Telecommunications equipment. Approval, import, sales, etc. ➡***

### ***Section 4-1 Scope ➡***

The provisions of this chapter apply to all categories of telecommunications equipment, cf. section 1-6, litera i), unless exceptions have been made by the telecommunications authority.

### ***Section 4-2 Approval of telecommunications equipment ➡***

Telecommunications equipment shall be approved by the telecommunications authority unless it carries a valid label in accordance with a certificate of conformity, cf. section 4-3.



Telecommunications equipment which shall be approved is as follows:

- a) all radio equipment unless exceptions are made
- b) other telecommunications equipment that may be connected to or operated together with public telecommunications networks or is intended for such use.

Telecommunications equipment shall, however, not be type-approved if it according to its labelling is solely intended for connection to non-public telecommunications networks.

All equipment with the same type-designation as the approved item of equipment shall be labelled as determined by the telecommunications authority.

The telecommunications authority may except telecommunications equipment from the approval obligation provided the equipment is labelled as determined by the telecommunications authority. The telecommunications authority may issue regulations on approval or labelling of telecommunications equipment, and regarding who may apply for such approval, and may furthermore decide that documentation upon which approval is based may also be used later subject to prescribed conditions.

#### ***Section 4-3 Certificate of conformity ➡***

A certificate to the effect that telecommunications equipment in accordance with conformity specifications complies with rules laid down in international agreements ratified by Norway, may be issued by a body appointed by the Ministry. Manufacturers of telecommunications equipment may issue a declaration based on an approved quality assurance system. All telecommunications equipment with the same type description pursuant to the certificate of conformity, shall be labelled as determined.

The telecommunications authority may issue regulations on the implementation of this section.

#### ***Section 4-4 Refusal of approval. Revocation ➡***

The telecommunications authority may refuse type approval of telecommunications equipment which does not comply with the essential requirements pursuant to section 1-4.

The telecommunications authority may revoke a type-approval if the telecommunications equipment or the labelling is altered after the approval is given, if the equipment no longer complies with the essential requirements pursuant to section 1-4, or if other major conditions for approval are no longer satisfied.

Revocation of type-approval includes all telecommunications equipment with the same type designation, unless the reason for the revocation is that the equipment or the labelling is altered after approval was given.

#### ***Section 4-5 Prohibition of import, sale, etc., and use of telecommunications equipment ➡***

It is prohibited to import telecommunications equipment for own use, to offer, to sell, or in any other way to transfer the equipment to others if the equipment is not type-approved or labelled as prescribed by the telecommunications authority pursuant to section 4-2, or

carries a valid label pursuant to a certificate of conformity, cf. section 4-3. The same prohibition applies to connection of telecommunications equipment to public telecommunications networks, including interoperability with public networks, as well as possession, establishment or use of radio equipment, unless the equipment is excepted from the approval obligation. It is prohibited to connect telecommunications equipment to public networks when the equipment is not intended for such use. It is prohibited to transfer radio equipment that is subject to licensing to others than those who can document possession of the necessary authorisation.

The prohibition pursuant to this section also includes equipment which does not comply with the essential security requirements pursuant to section 1-4.

The telecommunications authority may issue regulations on the implementation of the prohibitions laid down in this section.

### ***Section 4-6 Registration of equipment dealers and telecommunications equipment ➡***

The telecommunications authority may issue regulations to the effect that anyone who on a commercial basis offers, sells or in any other way transfers telecommunications equipment to others, shall be registered.

The telecommunications authority may issue regulations to the effect that telecommunications equipment which is marketed or which is sold on a commercial basis or is in any other way transferred to others shall be registered within a prescribed deadline.

## **Chapter 5 Radio activities. Licence to use radio equipment, frequency allocation, etc. ➡**

### ***Section 5-1 Scope ➡***

The provisions of this chapter apply to all radio activities, cf. section 1-6 litera m), unless exceptions have been made by the telecommunications authority.

### ***Section 5-2 Frequency allocation ➡***

The telecommunications authority allocates radio frequencies for radio activities within the framework of actual or planned use of frequencies. Consideration may be given to future frequency needs. The telecommunications authority may issue regulations on frequency allocations.

### ***Section 5-3 Licence to use radio equipment ➡***

Radio equipment may only be possessed, established or used when a licence has been issued by the telecommunications authority. Conditions may be attached to the licence, inter alia with regard to the power of the transmitter, location of equipment, band width, area of coverage and connection to the public telecommunications networks.

The telecommunications authority may issue regulations on establishment and use of radio equipment.

### ***Section 5-4 Licence for radio system ➡***

A system with interoperating radio equipment may only be possessed, established or used provided a licence has been issued by the telecommunications authority. Conditions may be attached to the licence, including the requirement to implement security measures to prevent illegal use of the system.

The telecommunications authority may issue regulations on establishment and use of radio systems.

### ***Section 5-5 Refusal of licences. Revocation ➡***

The telecommunications authority may refuse to issue a licence or an allocation pursuant to this chapter when this is justified by fundamental telecommunications policy considerations, cf. section 1-3, or by essential requirements pursuant to section 1-4, or because a licence to establish or operate a telecommunications network or service has not been obtained. A licence may also be refused if the radio equipment fails to comply with the requirements set forth in or pursuant to chapter 4.

A licence or an allocation may be revoked due to conditions as mentioned in the first paragraph or if other major conditions for the licence or the allocation are no longer satisfied. Frequency allocation may also be revoked pursuant to international agreements which Norway has ratified.

## ***Chapter 6 Regulations. Approval and registration of networks and fitters, etc. ➡***

### ***Section 6-1 Regulations on marketing ➡***

The telecommunications authority may issue regulations on marketing that are required for the implementation of this Act.

### ***Section 6-2 Regulations on technical requirements ➡***

The telecommunications authority may issue regulations in order to secure the essential requirements pursuant to section 1-4.

### ***Section 6-3 Regulations on standards ➡***

The telecommunications authority may issue regulations to the effect that technical standards or common technical provisions in an official language pursuant to international agreements shall be given the same effect as regulations.

### ***Section 6-4 Regulations on telecommunications networks ➡***

The telecommunications authority may issue regulations on the definition and scope of internal and closed networks, and on the establishment, operation and use of such networks, including registration and approval arrangements.

### ***Section 6-5 Approval of transmission networks for broadcasting ➡***

The telecommunications authority may issue regulations to the effect that establishment, operation and use of transmissions networks for broadcasting shall be subject to approval pursuant to requirements laid down in regulations. The approval may be revoked if the requirements are no longer complied with.

### ***Section 6-6 Authorisation of fitters and service engineers. Registration ➡***

The telecommunications authority may issue regulations to the effect that anyone who offers to instal or repair telecommunications networks or equipment, including transmission networks for broadcasting, shall require authorisation. The same applies to anyone who on a commercial basis is engaged in installation or repair services for own use. Fitters and service engineers may be ordered to enrol in a designated register. The telecommunications authority may revoke the authorisation if the fitter or service engineer in their activities do not comply with the requirements laid down in or pursuant to this Act.

## **Chapter 7 Supervision and control. Rectification, closure, security etc.**



### ***Section 7-1 Supervision and inspection ➡***

The telecommunications authority supervises compliance with the requirements laid down in or pursuant to this Act, and also supervises the telecommunications organisation's or the service provider's contracts with the users.

The telecommunications authority may in connection with such supervision carry out random checks and ensure that measurements and other control measures are taken. Inspection may be carried out without prior notice.

The telecommunications authority may issue regulations on supervision and inspection, also on costs in connection with inspections.

### ***Section 7-2 Obligation to assist during inspections ➡***

Anyone subjected to inspection shall ensure that the telecommunications authority has unimpeded access to the premises where telecommunications equipment or other devices falling within this Act are located.

The telecommunications authority may order the owner or the owner's representative to be present during the inspection. Necessary documentation shall be made available to the telecommunications authority.

Lack of cooperation during the control may result in closure of the telecommunications activity in question.

### ***Section 7-3 Internal control ➡***

The telecommunications authority may decide that internal control systems shall be

established to ensure that the requirements laid down in or pursuant to this Act are complied with. Documentation shall be drawn up showing that the requirements as to internal control are complied with. This documentation shall be available to the telecommunications authority.

The telecommunications authority may issue regulations on internal control and documentation.

#### ***Section 7-4 Rectification and alteration of contractual practice ➔***

If a telecommunications enterprise fails to comply with the requirements laid down in or pursuant to this Act, the telecommunications authority may order rectification within a stipulated deadline. If the order is not carried out, the licence, allocation or other approval issued pursuant to this Act, may be revoked. The telecommunications authority may demand that telecommunications organisations or service providers change their contractual practice in accordance with the requirements laid down in or pursuant to this Act.

#### ***Section 7-5 Closure ➔***

The telecommunications authority may implement closure of a telecommunications network, telecommunications service, telecommunications equipment or radio activity, when no licence, allocation or approval as prescribed by this Act has been granted, or when the activity may cause serious threats to health and security.

In connection with closure it may be demanded that radio equipment may be dismantled and sealed. Closure may be effected without prior notice.

When it is deemed necessary, the telecommunications authority may demand assistance from the police to effect the closure and/or the sealing.

#### ***Section 7-6 Prohibition of marketing of telecommunications equipment. Withdrawal ➔***

If use of telecommunications equipment may involve threats to essential requirements pursuant to section 1-4, the telecommunications authority may order the manufacturer, importer or dealer to cease the offering and marketing of such equipment immediately, as well as to take measures to withdraw the equipment from the market. The telecommunications authority may also order immediate cessation of the offering and marketing of telecommunications equipment that do not carry a valid label pursuant to the provisions of section 4-2.

#### ***Section 7-7 Protection of telecommunications networks, etc ➔***

The telecommunications authority may order a telecommunications organisation, service provider, owner of radio system and user of radio equipment, as well as telecommunications networks and equipment fitters, to implement security measures in the interest of national security, protection of privacy, duty of confidentiality or other important social interests, including transmission of announcements from governmental authorities when this is of major importance. Costs and losses in connection with these measures shall be covered by the person who implements such measures. Orders regarding protection may be issued without prior notice.

The telecommunications authority may issue regulations on protection measures and on a telecommunications organisation's activities during a state of civil emergency or war.

## **Chapter 8 Control of open access to networks and services. Complaints** ➔

### ***Section 8-1 Control of open access to telecommunications networks and services*** ➔

A user may bring questions of whether a telecommunications organisation or a service provider has violated the requirements on open access to telecommunications networks and services before the telecommunications authority. Others with a legal interest in the case may also request a decision.

A user, a telecommunications organisation or a service provider whose complaint under the first paragraph has been disallowed, may bring the case before the EFTA supervisory agency. Submitting the case to the telecommunications authority does not preclude the right to bring action in the ordinary courts. Section 437 of the Civil Procedures Act does not apply.

The telecommunications authority may decide that questions regarding restrictions on use due to non-payment may be brought before the telecommunications authority. The telecommunications authority may issue regulations on the right to bring cases before the telecommunications authority and the EFTA supervisory agency, and on procedures and proceedings.

### ***Section 8-2 Complaints regarding closure of service*** ➔

An affected user may bring questions of change or closure of services before the telecommunications authority, who may order the telecommunications organisation or the service provider to postpone the date for termination of the contract pursuant to section 2-6, cf. section 3-6.

### ***Section 8-3 Regulations on the right to submit a complaint*** ➔

The telecommunications authority may issue regulations about complaints against individual decisions under this Act and on which is the pertinent appeal instance.

## **Chapter 9 Duty of disclosure, publication and duty of confidentiality** ➔

### ***Section 9-1 Duty of disclosure*** ➔

The telecommunications authority may demand the surrender of information necessary for the implementation of this Act or for tasks which are transferred to the telecommunications authority in connection with international agreements ratified by Norway, inter alia in order to investigate possible violations of this Act or regulations or decisions made pursuant to this Act.

The information may be requested to be surrendered in writing or orally within a stipulated

deadline from an individual or from groups of traders, organisations etc. If the deadline is not complied with, the licence, the approval or other allocation pursuant to this Act may be revoked.

The duty of confidentiality pursuant to section 9-3 or pursuant to the Public Administration Act shall not overcome the duty of disclosure as provided in this section.

The telecommunications authority shall maintain secrecy in relation to confidential information disclosed to it.

The telecommunications authority may issue regulations on the duty of disclosure.

### ***Section 9-2 Publication ➡***

Without prejudice to section 13, first paragraph, subparagraph 2, of the Administration Act, the telecommunications authority may publish information concerning a telecommunications organisation's or a service provider's contractual conditions to ensure that the requirements as regards open access to telecommunications networks and services are satisfied. Consideration shall be given to the trader's legitimate interest in preserving business secrets. Information concerning technical devices or solutions shall not be published.

No-one may request information from the telecommunications authority which is obtained pursuant to section 9-1 in connection with the procedures pursuant to section 8-1, unless a party is entitled to information pursuant to the first paragraph or pursuant to the Public Administration Act.

### ***Section 9-3 Duty of confidentiality ➡***

Telecommunications organisations, service providers and fitters are obliged to treat as confidential the contents of telecommunications and others' use of telecommunications, including information about technical devices and procedures. They are obliged to implement measures to prevent others than those whom such information concerns, from gaining access to such information by themselves. Neither may they make use of the information in their own activities or in the service of or employ of others, unless the information consists of statistical information on network traffic which is fully anonymised and which does not reveal information about devices or technical solutions.

The duty of confidentiality pursuant to the first paragraph also applies to everyone in the service or employ of a telecommunications organisation, a service provider, a fitter or the telecommunications authority. The duty of confidentiality also applies after the termination of the service or employment.

The telecommunications authority may issue regulations on the duty of confidentiality. Other statutory duty of confidentiality applies in addition to this section.

## ***Chapter 10 Fees and levies. Expropriation, coercive fines and penalties*** ➡

### ***Section 10-1 Fees and levies ➡***

The telecommunications authority may issue regulations on fees for licences, permits,

allocations or other administrative services rendered pursuant to this Act, and for registration and maintenance of registers established pursuant to this Act.

The telecommunications authority may order a telecommunications organisation or a service provider to pay levies to the Government.

The telecommunications authority may also order a telecommunications organisation or a service provider to pay charges to another telecommunications organisation or service provider for connection to a network or a telecommunications service.

The obligation to pay fees and levies pursuant to the second and third paragraphs may also be laid down in regulations by the telecommunications authority.

### **Section 10-2 Expropriation ➡**

A telecommunications organisation appointed by the King is entitled to place a telecommunications network, telecommunications equipment or other devices for telecommunications purposes on, over, through or under public or private property. Compensation shall be paid pursuant to the fourth paragraph.

The King may adopt a decision on, or give consent for, expropriation of ownership rights to or usufruct of real property for the placing of telecommunications networks, telecommunications equipment or other devices used for telecommunications purposes.

In order to safeguard the interests of the authorities or the subscribers through appropriate utilisation of resources for telecommunications purposes, the King may adopt a decision on, or give consent for, expropriation of ownership rights to or usufruct of telecommunications networks, telecommunications equipment or other devices used for telecommunications purposes. In this connection the King may adopt a decision on, or give consent for, expropriation of ownership rights to or usufruct of real property used in the operation of telecommunications networks, telecommunications equipment or other devices.

Compensation shall be paid for the burden which the expropriation decision may inflict upon the property owner or usufructuary. This does not, however, apply when the purpose is to connect the property to a public telecommunications network. The size of the compensation shall be determined by judicial assessment unless the parties reach agreement among themselves. The judicial assessment shall not delay the implementation of the expropriation decision.

The owner or usufructuary may demand that telecommunications networks, telecommunications equipment or other devices be moved, or removed from the property, when this is necessary in the interest of reasons of appropriate use of the property or usufruct. Unless agreement is achieved between the parties, such demand shall be settled by judicial assessment. The same applies in regard to demands, if any, for refund of compensation pursuant to the fourth paragraph in connection with the demand for alteration or removal.

The telecommunications authority may issue further regulations concerning when expropriation pursuant to this section may be implemented and the extent of such expropriation.

The telecommunications authority may also issue regulations on telecommunications organisations' rights pursuant to the first paragraph and on the extent of such rights. The provisions of Act no. 3 of 23 October 1959 on expropriation of real property shall apply



correspondingly insofar as appropriate.

A special permit is required pursuant to the Roads Act of 21 June 1963 no. 23 in order to place a telecommunications network or telecommunications equipment over, under, alongside or near a public road pursuant to the Roads Act.

### ***Section 10-3 Coercive fines ➔***

To ensure that individual decisions pursuant to this Act are complied with, the telecommunications authority may decide that anyone subject to such decision shall pay a daily coercive fine to the state until the circumstances are rectified.

An order to pay a coercive fine is regarded as grounds for enforcement of distraint.

### ***Section 10-4 Penalties ➔***

Contraventions of the provisions of this Act, or regulations issued in pursuance of the Act are punishable by fines or by imprisonment not exceeding six months. Complicity is punishable in the same way. Punishable acts pursuant to this Act are regarded as misdemeanours.

Anyone who wilfully or by gross negligence breaches the duty of confidentiality pursuant to section 9-3 is punishable pursuant to the first paragraph. If the intention of such breach is to obtain unjustified gain for oneself or for others, or the intention is in any other way to make use of information protected by the duty of confidentiality pursuant to section 9-3, the penalty may be increased to imprisonment not exceeding 3 years.

## ***Chapter 11 Commencement. Amendments to other acts ➔***

### ***Section 11-1 Commencement and transitional provisions ➔***

This Act comes into force from the time the King decides. It may be decided that certain parts of the Act shall come into force at different points in time.

Individual decisions and regulations issued under acts which are repealed pursuant to section 11-2 shall remain in effect.

### ***Section 11-2 Amendments to other acts ➔***

From the commencement of this Act, the following amendments are made in other acts:

Act of 29 April 1899 on the sole right of the state to convey messages by means of telegraph lines and similar systems (Telegraph Act) is repealed.

Act no. 10 of 9 June 1903 on installations for telegraph, telephone and similar means of communication, is repealed.

Act of 24 July 1914 on supplements and amendments to Act of 29 April 1899 on the conveyance of messages by means of telegraph lines and similar systems and on the repeal of Act no. 2 of 16 July 1907 is repealed.

Act no. 3 of 18 August 1914 on defence secrets is amended as follows:

Section 5 shall read:

If someone is encountered in circumstances which may give grounds for suspicion that he has committed or intends to commit an act which is punishable under this Act, under the General Civil Penal Code sections 90 or 91 or under the Telecommunications Act of .... section 10-4, and he refuses to state to a public servant or a military officer on duty his name, nationality, position, trade and residence or gives incorrect information thereon in regard to his own person or others, he will be punished by fines or light detention or imprisonment not exceeding 6 months, unless a stricter penalty is applicable to the act.

Section 8 shall read:

Anyone who with sufficient cause is suspected of a criminal act against section 5 of this Act or against the Telecommunications Act of ..... section 10-4, may be apprehended and remanded in custody not only under the conditions mentioned in the Criminal Procedures Act sections 173 and 174, cf. section 184, second paragraph, but also under the conditions mentioned in the same act sections 171 and 174, cf. section 184, second paragraph, although the punishment is lighter than provided there.

Act no. 5 of 24 June 1915 on control of postal and telegraphic dispatches and of telephone conversations is amended as follows:

Section 1, second paragraph, shall read:

In time of peace, control may only be implemented in the case of persons who are suspected of some contravention of the Defence Secrets Act of 18 August 1914, the Civil Penal Code chapters 8, 9, 12, 13 or 14, the Telecommunications Act of ..... section 10-4, or Act of 14 May 1917 on the sale and export of foodstuffs etc., section 5.

Section 2 shall read:

The public servants or other employees who assist in control measures are obliged to treat as confidential any information they may gain thereby.

Act no. 1 of 9 July 1923 on the placing of signals and marks for measuring purposes, section 1, second paragraph, shall read:

The present Act does not apply to measuring operations carried out in accordance with the Telecommunications Act of ..... section 10-2. On the other hand it is applicable to measuring operations for works in river catchment basins, to measurements for land consolidation purposes and to measuring operations pursuant to the Roads Act.

Act no. 3 of 23 October 1959 on expropriation of real property section 30, subsection 2, shall read:

2. The Telecommunications Act of ..... section 10-2.