

Guidelines for notification of operations

In order to be able to provide communications networks and electronic services in Sweden it is necessary, in certain cases, for the operation to be notified to the National Post and Telecom Agency (PTS) before the operation commences. These Guidelines describe how notification is given and who is subject to a notification obligation under the Electronic Communications Act (LEK), (2003:389). These Guidelines are not exhaustive and further information is provided in LEK.

1. Introduction

As of the entry into force of LEK on 25 July 2003, more extensive requirements were introduced for notification to PTS for the provision of certain communications networks and communications services. At the same time, the licence obligation was eliminated for certain telecommunications operations. Under LEK, a licence is only required for the right to use radio frequencies and numbers.

Rights and obligations for those covered by LEK are prescribed by the Act and also by regulations and decisions made under the Act. Refer to PTS's website (www.pts.se) for these provisions.

Those who have been notified are under an obligation to notify PTS without delay if the operation subject to a notification obligation ceases. PTS will then de-register the notification.

2. Notification obligation

2.1 How is notification given?

Standard forms for notification are available on PTS's website (www.pts.se). PTS confirms that the notification has been registered when all details and documentation have been received.

2.2 Who is subject to a notification obligation?

According to Chapter 2, Section 1, LEK, there is a notification obligation for:

- a party who provides public communications networks of such a kind as are normally provided for in exchange for payment (hereafter referred to as networks subject to a notification obligation), and
- a party who provides publicly available electronic communications services (hereafter referred to as services subject to a notification obligation).

The decisive factor for the notification obligation is the provision of a network or a service, not its structure. The concepts are technology neutral.

As the notification obligation relates to the provision, it is the legal entity that provides a service subject to a notification obligation or a network subject to a notification obligation that shall give notice. In a group where several subsidiaries provide networks or services subject to a notification obligation, the respective legal entity shall give notice. If a company provides both networks and services subject to a notification obligation, the company shall give notice for both parts.

A corporate network and other kinds of private and closed networks are not subject to a notification obligation. Services that are offered to an extremely limited and exclusive circle of end-users are not subject to a notification obligation.

2.3 Provision of public electronic communications services

A publicly available electronic communications service is a service that is normally provided in exchange for payment and which completely or mainly constitutes the transmission of signals within electronic communications networks.

The service enables an end-user to communicate via a network. An end-user can be an undertaking or a private person that buys the publicly available electronic communications service.

2.4 Provision of public communications networks

A public communications network is a system for the transmission of signals which is completely or mainly used to provide public electronic communications services.

A network subject to a notification obligation is provided to its own organisation/company or to another operator. The organisation/operator can thereafter package an offer to an end-user (and thus provide services subject to a notification obligation) or sell capacity on to another operator (and thus provides in its turn a network subject to a notification obligation). It is thus not required that one owns a network to be subject to the notification obligation.

3. Instructions for completing the notification form

3.1 Information about the party notified

This information shall be completed with a current registration certificate from the Patent and Registration Office or similar. It is important that the information is updated in the event of changes of contact person, address or the like. Those notified are also subject to an obligation to immediately give notice if the operation ceases (so-called de-notification).

To be able to use some of PTS e-services it is required that the contact information includes a Swedish personal ID number. If you are not able to get a personal ID number you can still use the e-service by having a contact person with a Swedish personal ID number.

3.2 Categorisation public communications networks

A distinction is made in the notification form between access networks and other communications networks.

An access network is the network, or that part of a network, which connects the end-user to another communications network (see below). An access network is, in simple terms, that part of the network subject to a notification obligation that constitutes the physical part of the network that extends to the end-user.

Other communications networks comprise those networks to which the access network is connected to facilitate communications across large distances.

3.3 Categorisation public electronic communications services

Call service means a service for the transmission of voice and which gives what is experienced to be instantaneous two-way communication. Call services can be fixed and mobile telephony services, IP telephony and videoconference service.

Data communications service means a service for the transmission of data. Data communications services may comprise the provision of a link with the Internet, so-called Internet service. Another service may be a leased line and frame relay.

Other public electronic communications service means services that cannot be deemed to constitute data or call services.

3.4 Description of the operation

In this box a short description of the operation should be provided.

3.5 Details of start date and turnover

In box one, the start date for the operation subject to the notification obligation shall be stated. If the operation has not yet started, state the estimated start date. In box two, the turnover for the entire operation of the company shall be stated and in box three the turnover of the operation subject to the notification obligation. If the operation has not yet commenced, the turnover is specified as zero. This information then constitutes the basis for computation of fees.

3.6 Signing, etc.

The notification shall be signed by an authorised signatory and the original sent to PTS.

4. Charges for those notified

The Government prescribes by means of ordinances how PTS shall be financed. PTS's operations are funded by charges, which among other things mean that those who have been notified shall pay certain charges. PTS issues charges regulations annually, where the charges are determined. Currently, charges are regulated by PTSFS 2008:3. The charges regulations are revised annually. The information shown below relates to the year 2009.

The annual turnover forming the basis of charges refers to the turnover during the immediately preceding financial year of the operation referred to in the notification. It is prescribed by the provisions that different charges apply for

those notified having a turnover (for the operation subject to a notification obligation) exceeding or alternatively under SEK 5m.

Those subject to a notification obligation, shall when submitting the notification, pay a processing charge of 1 000 kronor. PTS will issue an invoice for this when the notification has been received.

Those whose annual turnover, for the operation subject to a notification obligation, is less than SEK 5m per year shall pay an annual charge which amounts to SEK 1000.

Those subject to a notification obligation with a turnover that is equal to or exceeds SEK 5m per year, for the operation subject to the notification obligation, shall pay an annual charge to PTS. This charge amounts to 0.144 per cent of the annual turnover of the operation subject to the notification obligation.

Those subject to a notification obligation with a turnover that is equal to or exceeds SEK 30 m per year, for the operation subject to the notification obligation, shall pay an annual emergency surcharge to PTS. This charge amounts to 0,150 per cent of the annual turnover of the operation subject to the notification obligation. For further details see www.pts.se, or contact PTS.

There is also a charge on radio and telecommunications terminal equipment, for further details see www.pts.se, or contact PTS.

In order for PTS to impose the correct annual charge for the forthcoming year, an information request is dispatched annually to those notified, which should be completed and returned to PTS.

If details of annual turnover are not received, are lacking or inadequate, the annual turnover may be estimated.

5. Number allocation

A special application is required for the allocation and reservation of number capacity. Application for number capacity can be done via PTS e-service for numbers or by filling out the application form and send it to PTS. The e-service and also guidelines and application forms can be obtained from our website: www.pts.se or by contacting PTS, adress above.

6. Use of radio transmitters

If the possession or use of a radio transmitter constitutes a precondition for the provision of a network or services, a special licence is required. Guidelines and standard forms for application for a radio licence can be obtained from our website: www.pts.se.