1 Framework

1.1 When did Sweden first liberalise telecommunications networks and/or services?

The Swedish liberalisation started already in 1981 when the analogue mobile system NMT (Nordic Mobile Telephony) was introduced and also a private company offered mobile services. From there the development towards liberalisation has continued, beginning in 1991 when third parties were given access to the incumbent operators’ network. In 1993 the market for telecommunication networks and services was further opened for fixed telecommunication and the Swedish State transformed Televerket from a state-owned public utility into a limited company and changed the name to Telia AB (now TeliaSonera). In 2000 Telia became a publicly traded company in which the Swedish State remains the majority owner.

1.2 Has Sweden fully implemented the EU 2003 regulatory framework? If Sweden has not fully implemented the new regulatory framework, have proceedings been brought against Sweden by the European Commission and if so, for which contraventions?

Sweden has fully implemented the EU 2003 regulatory framework, foremost by the Act on Electronic Communications (2003:389).

1.3 Please give an overview of the different laws and regulations governing the operation of electronic communications networks and the provision of electronic communication services.

The Act on Electronic Communications comprises electronic communication networks and services. The technical infrastructure is covered by the act while it is not applicable on the delivered content.

1.4 Please describe the regulatory framework, in terms of regulatory authorities and associated agencies, e.g. national competition authority (where different).

Sweden’s regulatory authority in the area is the Post and Telecommunications Agency (Swedish: Post- och telestyrelsen) (PTS). The PTS is responsible for all telecommunication networks and services, including the issuing of permissions and licenses and also for the monitoring of the competition on the market. The Swedish Competition Authority is the general competition agency that handles all matters related to the competition legislation including those associated with the telecommunication market. Issues relating to broadcasting are handled by the Swedish Radio and TV Authority.

1.5 Which principal aspects of electronic communications regulation fall under the supervision of the national regulatory authority for electronic communications?

The PTS is the national regulatory authority for electronic communications and their primary tasks are related to four areas:

- consumer interests, i.e. information work and the overall mission to ensure well functioning telecom services to the public;
- efficient competition, i.e. analysing the market, identifying SMP and decide appropriate obligations;
- efficient utilisation of resources, which is accomplished by distributing telephone numbers from the numbering plan and regulate the use of frequency; and
- safe communication, mainly achieved by working with user security, IT-incidents and integrity.

In order to be able to regulate and control the market the PTS has the authority to among other things impose sanctions and issue licenses.

1.6 In order to be properly authorised to provide electronic communications networks and services, is a registration, declaration or notification required and if so to whom and for which purposes? What rules or conditions, if any, may be attached to a registration, declaration or notification?

Commercial suppliers of public communications networks and publicly available electronic communications services in Sweden are subject to an obligation to notify PTS before the operation commences. Those who were notified or holding a license under the Telecommunication Act does not have to make a new notification. A license may require further conditions.

1.7 Are any network operators or service providers subject to rules governing their operations over and above rules and conditions governing authorisations and imposing SMP obligations, for example under competition law?

All companies which provide telecommunication services are subject to the general competition legislation as well as the sector-specific regulation.
1.8 How and to what extent is content delivered over electronic communications networks regulated and by whom?

The delivered content is regulated by several parliamentary acts.

1.9 Which (SMP) markets have been notified to the European Commission under Article 7 of the Framework Directive?

Several markets have been notified such as leased lines, call origination, call termination, transit services, mobile termination, wholesale broadband access, wholesale unbundled access, access fixed network, wholesale termination of leased lines, access and call origination on public mobile telephone networks and international roaming.

2 Licensing

2.1 If a licence or other authorisation is required to install or operate electronic communications networks or provide services over them, please briefly describe the process and timescales.

Most notifications and authorisations are handled within a few weeks by PTS. A license may depending on the circumstances take longer time. If it is a public tender (such as i.a. for 3G the handling time usually are a few months).

2.2 What other requirements, permits or approvals must be met or obtained before networks may be installed or operated and services provided?

An operator may need building permits for installing the infrastructure required for providing networks and services, inter alia cables, masts, antennas and base stations. Approvals from lords or land owners might also be needed.

2.3 May licences or other authorisations be transferred and if so under what conditions?

Licenses may be transferred with the permission from the PTS according to the Act on Electronic Communication under the conditions that the transferee meet the initial conditions, that the competition is not affected negatively, that the transfer does not lead a changed use of the spectrum or that there is no other reasons against a transfer.

2.4 What is the usual or typical stated duration of licences or other authorisations?

A license is typically for a stated period of time considering several circumstances such as future usage and expected technical developments. A license to use numbers is not imposed with any time limit.

3 Public and Private Works

3.1 Are there specific legal or administrative provisions dealing with access to public and private land in order to install telecommunications infrastructure?

Infrastructure is generally subject to the provisions established in the detailed Development Plans and Area Regulations. Normally the operation also requires building permit (granted by the local municipalities) and sometimes permission in accordance with the Environmental Code. In the Utility Easements Act the right to use land for cables or other equipment needed to form a network is dependent on whether a permit would be contrary to the detailed Development Plans and nature conservation regulations. The decision is made by the Cadastral Authority and in some cases damages for the use of land will be paid according to the Expropriation Act.

3.2 Do any specific rules exist which assist in securing or enforcing rights of way over public or private land, for the installation of network infrastructure?

See the answer under question 3.1 above. The right to use may also follow from the Swedish Land Code.

3.3 Is there a specific planning or zoning regime that applies to the installation of network infrastructure?

There are no special rules regarding network infrastructure. However, the Planning and Building Act is the general legislation that is applicable to secure the right to use private and public land for installation of network infrastructure. The Planning and Building Act is administrated by local municipalities.

3.4 Are there any rules requiring established operators to share their infrastructure, e.g. masts, sites, ducts or cables?

The PTS have imposed special obligations to share their infrastructure on SMP operators under the Act on Electronic Communications. The Act does also give PTS possibilities to demand sharing of infrastructure.

4 Access and Interconnection

4.1 Is network-to-network interconnection and access mandated, and what are the criteria for qualifying for the benefits of interconnection?

In Sweden all operators who provide a public communications network or intend to do so have the right to negotiate interconnection with another operator of a public communication network. Furthermore, SMP operators have specific obligations such as (i) publishing certain information, (ii) not applying discriminating conditions, (iii) disclosing interconnection and access and (iv) imposing reasonable demands and administering cost oriented prices. In order to provide the PTS with additional tools to create competition in the telecommunication area, during 2008, a possibility to oblige an operator to separate their businesses involving interconnection from other business areas in the company, so-called functional separation, were included in the Act on Electronic Communication.

4.2 How are interconnection or access disputes resolved? Does the national regulatory have jurisdiction to adjudicate and impose a legally binding solution?

The PTS can resolve disputes under the Act on Electronic Communication, for example disputes regarding interconnection
fees and terms in relating agreements. The dispute resolution will start on the request by an operator and is not supposed to last more than 4 months, unless the nature of the case demands it. In the process, PTS has to consider both the parties and the publics’ interests underlying the Act. The dispute resolution results in a binding decision that may be appealed to the County Administrative Court and further to the Administrative Court of Appeal where a leave to appeal is needed. In order to enhance efficiency the Administrative Court of Appeal became the final instance according to a change in the Act (entered into force on 1 January 2008).

5.3 Are there any rules governing use and retention of customer call information?

The main rule is today that the operator should destroy customer call information. After implementation of the data retention directive this rule will change to the opposite which means that the operator will be required to save customer traffic data (not the content of messages/calls) for one year. It should be noted that information about subscriptions, the contents of a message or other information regarding a specific electronic message for example traffic data are subject to confidentiality. The confidentiality can according to the Act on Electronic Communication be disregarded in special circumstances, e.g. service or in the event of crime suspicion. This rule does not impose an obligation to save the information, just to, if possible, provide it after a court decision.

6. Numbering

6.1 How are telephone numbers and network identifying codes allocated and by whom?

The PTS is responsible for and establishes the national numbering plan. After an application they grant a license for number series or solitary numbers to the operators which allocate numbers to the subscribers.

6.2 Are there any special rules which govern the use of telephone numbers?

The granting of licenses is regulated in the Act on Electronic Communication and in PTS’s regulations.

6.3 How are telephone numbers made available for network use and how are such numbers activated for use by customers?

See question 6.1.

6.4 What are the basic rules applicable to the ‘porting’ (i.e. transfer) of telephone numbers (fixed and mobile).

Subscribers are allowed to keep their number when changing operator.

7. Fees

7.1 What fees and levies are payable and to whom with respect to the grant of a licence or other authorisation for the installation or use of network infrastructure or the provision of communication services?

For operations which require notification and have an annual turnover exceeding MSEK 5, the annual fee is 0.144 per cent of the turnover. If the annual turnover is less than MSEK 5, the annual fee

operators are required to keep a reference offer for unbundled access to the facilities and its local loop on cost based prices. Such offer shall be based on non-discriminatory terms and conditions and contain a description of the components of the offer.

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is set to SEK 1,000.
All operators owning a public telecoms network of public interest and with an annual turnover exceeding MSEK 30 must also pay a ‘readiness’ fee of 0.17 per cent of the annual turnover.
Radio transmitter licensees must pay a yearly fee and may have to pay an administrative fee for receiving the license. The fee for radio transmitters varies depending on the type and capacity of the transmitter.
A holder of a permit to use numbers from the national numbering plan must pay a yearly fee. The fee varies depending on the type of number and to which area the number belongs.
Operator, notified under the Act on Electronic Communications, must pay an annual fee for the PTS’s surveillance of radio- and terminal equipment. The fee is 0.00375 per cent of the annual turnover exceeding MSEK 5, however minimum SEK 2,000. If the annual turnover is less than MSEK 5, the annual fee is set to SEK 50.
Radio transmitter licensees must also pay an annual fee for the PTS’s surveillance of radio- and terminal equipment. The annual surveillance fee is set depending on the type of transmitter used.
All fees are paid to PTS.

8 Submarine Cables

8.1 What are the main rules governing the bringing into [country’s] territorial waters, and the landing, of submarine cables? Are there any special authorisations required or fees to be paid with respect to submarine cables?
The permit for bringing submarine cables on the continental shelf within the Swedish Economic Zone is handled by the Swedish government. A permit is also required from the local Water Authority. Other permits, such as an exemption from the shore protection provisions and building permits are given by the County Administrative Board and the Municipal Board.

9 Radio Frequency Spectrum

9.1 Is the use of radio frequency spectrum specifically regulated and if so, by which authority?
Yes, the use of radio frequency spectrum is regulated by the PTS.

9.2 In the grant of spectrum rights are distinctions made between mobile, fixed and satellite usage?
Due to technology neutrality, distinctions are not directly made between mobile, fixed or satellite usage. However, a license is required for radio transmissions and a permit is required to uplink transmissions to satellites.

9.3 How is the installation of satellite earth stations and their use for up-linking and down-linking regulated?
Satellite broadcasts are regulated in the Radio and Television Act (1996:844). A permit is required for transmitting earth stations, while receive-only earth stations are permit free. Operating satellite transmissions and providing capacity for such transmissions requires a registration with the Radio and Television Authority.

9.4 How is the use of radio frequency spectrum authorised in Sweden? Do the procedures available include spectrum auctions and comparative selection of candidates?
The PTS deals with radio frequency license applications by open tender procedures if demand exceeds availability. Spectrum auctions and comparative selection of candidates, or a combination of them both, is used when deciding who will get a license.

9.5 Can the use of spectrum be made licence-exempt? If so, under what conditions?
The Swedish Police Service and the Swedish Armed Forces do not require any license to use radio communication. License is further not required for inter alia cellular phones, cordless phones, baby monitors, hearing aids and wireless LANs, if used within specified frequencies.

9.6 If licence or other authorisation fees are payable for the use of radio frequency spectrum, how are these applied and calculated?
See question 7.1.

9.7 Are spectrum licences able to be traded or sub-licensed and if so on what conditions?
Yes, licenses may be traded and sub-licensed however, only after the prior approval of the PTS. Approval will be given on the conditions that (i) the transferee fulfils the same requirements as the current licensee did when the license was first granted (ii) the transfer does not harm competition (iii) the transfer does not lead to any change of the use of the radio frequencies (iv) there is no other specific reason against it.

10 Interception

10.1 What are the essential rules applicable to the interception of messages, traffic data and other call records? Which rules apply to the retention of such call data, and over which period(s)?
The National Defence Radio Establishment, the Swedish national authority for signals Intelligence, will from 1 October 2009 onwards be able to intercept all wire and radio communication, due to a heavily debated law that will be taken in effect from the 1 January 2009. The law-proposal was passed the 18 June 2008. There is also a suggestion, the Swedish Government Official Report (2007:76), for implementing the Data Retention Directive 2006/24/EG.

11 The Internet

11.1 Are services over the Internet regulated in any different way to other electronic communications services? Which rules, if any, govern access to the Internet at a wholesale and/or retail level?
No, the Act on Electronic Communications is applicable also for Internet-services.
11.2 Are there any rules to prevent, restrict or otherwise govern Internet or email communications, in particular, marketing and advertising communications?

Yes, the Swedish Marketing Act (2008:486) is applicable for marketing over the Internet and per e-mail and also for text messages by cellular phones.

12 USO

12.1 Is there a concept of universal service obligation; if so how is this defined, regulated and funded?

Yes, the concept of USO is recognised under the Act on Electronic Communications. If deemed necessary, the PTS may appoint an operator suitable for the task to provide the service(s) in question. Universal services are *inter alia* access to fixed phones, directory of public telephone numbers and provision of pay phones.

13 Foreign Ownership Rules

13.1 Are there any rules restricting direct or indirect foreign ownership interests in electronic communications companies whether in fixed, mobile, satellite or other wireless operations?

No, there are no rules restricting direct or indirect foreign ownership in electronic communication companies.

14 Future Plans

14.1 Are there any imminent and significant changes to the legal and regulatory regime for electronic communications?

There are several changes to the Act on Electronic Communication. The most important changes are the possibility of so called functional separation which gives PTS the power to implement functional separation of vertically integrated telecommunications operators with significant market power. See also question 10.1 above.

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