

# Telecoms and Media

An overview of regulation in 46 jurisdictions worldwide

# 2012

Contributing editors: Laurent Garzaniti and Natasha Good

 **Freshfields Bruckhaus Deringer**



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# Sweden

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## Communications policy

### 1 Policy

Summarise the regulatory framework for the telecoms and media sector. What is the policymaking procedure? Has the EU regulatory framework (including the market reviews) been fully transposed into your national law, as far as currently required?

The Swedish Electronic Communications Act (2003:389) implements the European regulatory framework for Electronic Communications Networks and Services, which consists of the Framework Directive (2002/21/EC), the Authorisation Directive (2002/20/EC), the Access Directive (2002/19/EC), the Universal Service Directive (2002/22/EC) and the Directive on Privacy and Electronic Communications (2002/58/EC).

In November 2009, the European Parliament, following a proposal by the European Commission, passed legislation (Directive 2009/140/EC and 2009/136/EC) amending certain directives within the EU regulatory framework to enhance competition and to strengthen consumer rights in Europe's telecoms markets and to facilitate access to high-speed broadband internet connections (the Amendment Directives). To implement the Amendment Directives, the Swedish government issued a bill proposing certain amendments to the Electronic Communications Act that came into force on 1 July 2011 (for further details, see question 20).

The overall policy for the telecoms sector is that private individuals, legal entities and public authorities should have access to efficient telecoms services at the lowest possible cost. The Electronic Communications Act expressly states that private individuals and public authorities should have access to secure and effective electronic communications and the widest possible choice regarding the selection of electronic communications services and their price.

The EU regulatory framework lays down a considerable part of regulatory policies in the telecoms sector. The Swedish parliament enacts the policies and the Swedish government issues regulations to ensure the correct implementation of the relevant legislation. These regulations are then implemented and carried out by the regulatory authorities. The main regulatory authority in this field is the Swedish National Post and Telecom Agency (the PTA) and the Swedish Broadcasting Commission (the SBC).

The main legislation covering broadcasting is the Radio and Television Act (2010:696) (Radio and Television Act). The Radio and Television Act was updated in 2010 to implement the Audio-visual Media Services Directive (2007/65/EC). The overall policy for the media sector is to promote diversification and variety to promote democratic values and freedom of speech and of the press. The main regulatory authority in this field is the Swedish Broadcasting Authority (the SBA).

The EU regulatory framework and the market reviews have been transposed into Swedish law. The PTA has also carried out the second generation of market reviews, and all markets listed in the European Commission's recommendation have been completed

during 2011. In addition, in the second generation of market reviews the PTA has also reviewed and completed the market for transit services in a fixed public telephone network and the market for broadcasting transmission services, to deliver broadcast content to end-users.

Due to an amendment to the Electronic Communications Act that came into force during 2012, the PTA now has to carry out market reviews every third year. As a consequence, the PTA has recently commenced the third round of market reviews. Since the PTA has so far only carried out initial hearings regarding the market reviews, it is too early to draw any conclusions about what to expect from the upcoming decisions that will follow from the reviews. However, since the differences between the first and second round of decisions were quite small it is now expected that the third round will result in more differences compared to previous decisions.

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### 2 Convergence

Has the telecoms-specific regulation been amended to take account of the convergence of telecoms, media and IT? Are there different legal definitions of 'telecoms' and 'media'?

The Electronic Communications Act, which entered into force on 25 July 2003, is the first piece of legislation aimed at taking account of the convergence. The Electronic Communications Act regulates all measures by which signals can be transferred: wire, radio waves, optic transmission and other electromagnetic transfers, regardless of the type of information or content transferred. The government is continually investigating further measures to converge these regulations.

There is no general legal definition of telecoms or media in Swedish legislation.

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### 3 Broadcasting sector

Is broadcasting regulated separately from telecoms? If so, how?

In addition to the Electronic Communications Act, the broadcasting of radio and television programmes that is aimed at the general public, and that is intended to be received through technical devices, is regulated in the Radio and Television Act. The content of radio and television programmes is regulated by various acts, but primarily in the Radio and Television Act.

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## Telecoms regulation – general

### 4 WTO Basic Telecommunications Agreement

Has your jurisdiction committed to the WTO Basic Telecommunications Agreement and, if so, with what exceptions?

Sweden has committed to the WTO Basic Telecommunications Agreement without any exceptions.

**5 Public/private ownership**

What proportion of any telecoms operator is owned by the state or private enterprise?

The dominant telecoms operator in Sweden in relation to both fixed and mobile telecoms is TeliaSonera AB.

TeliaSonera AB was founded in the early 1990s (then named Telia AB) when the government's telecoms office Televerket (which was partly an operator and partly a regulatory body) was restructured to become a wholly state-owned limited liability company. Since summer 2000, it has been a publicly traded company. Telia AB and the Finnish telecoms operator Sonera Oyj were merged during autumn 2002. The name of the merged company is TeliaSonera AB. Until recently, the Swedish state owned 45.3 per cent of TeliaSonera AB and the Finnish state 13.7 per cent. However, in May 2007 the Swedish state announced that it had sold 8 per cent of its shares in the company, leaving it with 37.3 per cent of the shares.

The current government has declared that the state should decrease its ownership in state-owned companies that are operating in competitive markets. However, the government has not presented any plans to make any additional sales of shares in TeliaSonera.

**6 Foreign ownership**

Do foreign ownership restrictions apply to authorisation to provide telecoms services?

No.

**7 Fixed, mobile and satellite services**

Comparatively, how are fixed, mobile and satellite services regulated? Under what conditions may public telephone services be provided?

Fixed and mobile telecoms services are regulated mainly by the Electronic Communications Act. Since mobile telecoms services require the use of a radio transmitter, a licence (RF licence) is required to make use of spectrum or use a radio transmitter (with some exceptions). The Electronic Communications Act also regulates the provision of telecoms messages by satellite. A permit is required to uplink transmissions to satellites. Broadcasting by satellite is regulated by the Radio and Television Act and a party operating satellite transmission for the broadcasting of radio and television, as well as a provider of satellite transmission capacity for that purpose, must register with the SBA.

To provide publicly available telephone services, the operator must notify its operations to the PTA. Furthermore, if the operator uses numbers from the national numbering plan, a licence is required. A numbering licence may be subject to conditions relating to, for example, the types of services for which the number should be used.

**8 Satellite facilities and submarine cables**

In addition to the requirements under question 7, do other rules apply to the establishment and operation of satellite earth station facilities and the landing of submarine cables?

To set up satellite earth station facilities or to lay cables, the operator needs to obtain the relevant permission to use the land or building where such a facility is to be situated or where such a cable is to be laid. The Swedish Land Code states several scenarios in which the operator can, by agreement with the property owner, enjoy access to, and use of, the land. The right of use for the laying of cables and devices forming part of an electronic communications network (not necessarily connected via cable, but also via radio link) may also be created by way of a utility easement under the Utility Easements Act (1973:1144), provided that they serve a public purpose. A utility easement is established by the Cadastral Authority and is not necessarily subject to the consent of the property owner. Antennae,

towers and other establishments normally require building permits and, in some cases, environmental notification to the environmental authority.

In addition to the above-mentioned general requirements, the laying of submarine cables requires various permits. Generally, permission is needed for the use of public water areas. A special permit is required if the work involves any act of interference with the seabed (for example, digging or filling out). It is often necessary to obtain an exemption from the relevant shore protection regulations prior to laying cables in most shore areas.

Additional permits may be required depending on where the cable is intended to be laid; permits are needed to lay cables on the Swedish continental shelf or across the Swedish territorial border. Obtaining all requisite permits can be a lengthy process.

**9 Universal service obligations and financing**

Are there any universal service obligations? How is provision of these services financed?

Universal service obligations (USO) can either be provided through a decision by the PTA to designate a service provider or through public procurement. In 2005, the PTA ordered TeliaSonera (the former monopoly provider) to meet reasonable requests for access to the public telephone network at an affordable price. TeliaSonera appealed against the PTA's decision and the County Administrative Court in Stockholm annulled the decision on 5 February 2007. Therefore, there is no operator designated to provide telephony services today as a USO service. The alternative at hand is therefore procurement with state resources.

The PTA has pointed out that tangible solutions must be implemented and has therefore proposed a model to the government for the long-term financing of access to basic services where the market is unable to offer them. The proposal is based on a fund solution for which the government has the main responsibility, but where the operators also contribute to its financing.

**10 Operator exclusivity and limits on licence numbers**

Are there any services granted exclusively to one operator or for which there are only a limited number of licences? If so, how long do such entitlements last?

No operator has an exclusive right to provide any service. In Sweden, licences are only required for the use of radio spectrum and telephone numbers from the national numbering plan. Since both radio spectrum and telephone numbers are a scarce resource, the number of licences can be limited. This is often the case for radio frequency licences.

**11 Structural or functional separation**

Is there a legal basis for requiring structural or functional separation between an operator's network and service activities? Has structural or functional separation been introduced or is it being contemplated?

There is no legal basis for a structural separation (ie, separation of the ownership). However, there is legislation regarding functional separation that entered into force on 1 July 2008. The legislation gives the PTA the power, if necessary, to make a decision regarding the functional separation of network and service production on the part of an operator that has a significant influence in the access network market. Functional separation, as opposed to structural separation, does not affect the actual ownership of the separated network.

Functional separation has from time to time been heavily debated in Sweden. However, there have not yet been any attempts from the PTA to make use of this very severe regulatory tool.

**12 Number portability**

Is number portability across networks possible? If so, is it obligatory?

Number portability has been used in Sweden since 1999. Under the Electronic Communications Act an operator must ensure that the telephone network allows a subscriber to retain his or her telephone number when changing service provider.

Under the Electronic Communications Act, an operator must ensure that their telephone network allows for a subscriber to retain his or her telephone number when changing to another service provider. Due to an amendment to the Electronic Communications Act that came into force on 1 July 2011 this requirement has become more stringent. It is now stipulated in the Act that the porting and subsequent activation of numbers must be carried out within the shortest possible time and that, under all circumstances, a new number must be activated within one working day from the date that a subscriber signs an agreement to port a number to a new operator. In the case of delay or the prevention of porting, a subscriber will be entitled to compensation from the operator.

**13 Authorisation timescale**

Are licences or other authorisations required? How long does the licensing authority take to grant such licences or authorisations?

The operation of electronic communications networks and the provision of electronic communications services do not require any licences from a regulatory body. However, operators that provide public communication networks and publicly available electronic communications services must notify the PTA prior to the commencement of business activities.

The use of radio transmitters and telephone numbers from the national numbering plan on the other hand, requires a licence from the PTA. In cases of shortage of frequencies, licences are allocated by the PTA in a public tender process.

It normally takes the PTA anywhere between a few days and three weeks to process a notification, provided that the notification is correct and complete. The PTA should, pursuant to the Electronic Communications Act, process an application for a radio transmitter licence within six weeks. When processing applications under an open tender procedure, the time limit may be extended by up to eight months. With regards to applications for use of numbers from the national numbering plan, the PTA should process an application within three weeks. However, if the applications are processed under an open tender procedure, the time limit may be extended by three weeks.

**14 Licence duration**

What is the normal duration of licences?

Licences to use radio transmitters (RF licences) are granted for a certain term. The term depends on the kind of transmitter and the individual circumstances; there is no 'normal' duration of licences. When determining the duration and other terms for the licence, the PTA shall take into particular consideration the future changes in the use of radio transmission, the time for the transmitters' intended use, the technical developments that could be expected, the time expected to reach a reasonable economic return from the equipment and any other licences necessary for the use of the radio transmitter. Licences to use numbers from the national numbering plan are not limited in time.

**15 Fees**

What fees are payable for each type of authorisation?

For operations requiring notification, the annual fee is 1,000 kronor if the annual turnover for the operation does not exceed 5 million

kronor. For operations with a higher annual turnover, the annual fee is 0.165 per cent of the turnover. Also, all notified operators with a turnover of more than 30 million kronor must pay a 'preparedness fee' (relating to grave peacetime threats to and strains on electronic communications) corresponding to 0.15 per cent of the annual turnover.

Anyone holding a radio transmitter licence must pay an annual fee and possibly an administrative fee for receiving the licence. Liability to pay the administrative fee depends on whether the application for the licence results in frequency planning work for the PTA. The size of the fees for radio transmitters varies, depending on the type and capacity of the transmitter.

Anyone holding a permit to use numbers from the national numbering plan must pay an annual fee, the size of which varies depending on the type of number and to which area the number belongs.

Any operator that is under an obligation to notify or holds a licence to use a radio transmitter under the Electronic Communications Act must also pay an annual fee for the PTA's surveillance of radio and terminal equipment. For operations under such a notification obligation, the fee corresponds to 0.004 per cent of the annual turnover provided that the turnover is 5 million kronor or more; if it is less, the fee is 100 kronor. For radio transmitter licences, the annual surveillance fee depends on the type of transmitter used.

**16 Modification and assignment of licence**

How may licences be modified? Are licences assignable or able to be pledged as security for financing purposes?

A licence to use radio transmitters or to use numbers from the national numbering plan may be revoked or modified after notification if the licence holder does not comply with the Electronic Communications Act or any of the terms or regulations given under the Act. A licence to use a radio transmitter may also be modified if the operator does not meet the licence conditions, for example, if it uses radio transmitters to a lesser extent than what is stated in the licence conditions. In such cases, the PTA is allowed to revoke the licence provided that there are no special reasons why it should not, or if the result can be achieved through a modification of the licence terms. However, the licence holder must be given reasonable time, and in any event not less than one month, to rectify any faults. The PTA shall notify the licence holder about any breaches and give the licence holder the opportunity to rectify such breaches within a reasonable amount of time. Such reasonable amount of time may not be less than one month, except in the case of repeated cases of breach.

In addition to the foregoing, a licence to use a radio transmitter or to use numbers from the national numbering plan may be revoked or modified immediately if:

- a licence necessary under a different act has expired or been terminated;
- the licence has, in some important respect, been affected by wrongful information from the licence holder;
- there have been changes in radio technology or if the use of RFs has changed as a result of international treaties to which Sweden is a party and the treaty would hinder the granting of a licence with the same conditions;
- the licence holder does not pay a fee after having been reminded to pay; or
- the licence holder asks the PTA to revoke the licence.

A licence may be revoked in accordance with the first three bullet points only if the purpose of the revocation cannot equally well be satisfied by the licence conditions being modified. A licence may also be modified by the PTA if it is transferred from one holder to another.

Even though it is theoretically possible to pledge or use a licence to use a radio transmitter as security, in practice it is not possible since a licence may be revoked by the PTA.

**17 Retail tariffs**

Are national retail tariffs regulated? If so, which operators' tariffs are regulated and how?

A telecoms operator that has significant market power on a defined end-user market may be obliged to limit its tariffs if other measures to enable effective competition have failed. However, at the moment there is no such retail regulation.

An exception to this is the general obligation in the Electronic Communications Act that states that a provider of a public telephony service is required to assist in emergency calls being conveyed free of charge for the user.

**18 Customer terms and conditions**

Must customer terms and conditions be filed with, or approved by, the regulator or other body? Are customer terms and conditions subject to specific rules?

There are no specific regulations concerning such information issued by the national regulator. However, there are some general rules in the Electronic Communications Act about the formation of agreements that stipulate that a contract between an end-user and a party that provides electronic communications services or a connection to a public telephone network shall contain information about:

- the provider's name and address;
- the services to be provided;
- the level of quality that is offered;
- the period of supply;
- the maintenance services that are offered;
- detailed prices and tariffs;
- how information on applicable tariffs and maintenance charges can be obtained;
- the term of the contract;
- conditions for extension and termination of the service;
- conditions for extension and termination of the contract;
- conditions for compensation if services are not provided according to the contract; and
- how dispute resolution proceedings for consumers out of court can be commenced.

Furthermore, if a party that provides subscribers with electronic communications services wishes to amend the contract, the subscriber must be notified of the amendment at least one month before it enters into force. Finally, a party that provides a public telephony service must make information about applicable prices, tariffs and general terms for access to and the use of the telephony service available to the public.

**19 Next-Generation Access networks**

How are NGA networks regulated?

There is currently no specific regulation concerning next-generation access networks. The general provisions set out in the Electronic Communications Act apply. It should also be noted that since the market regulation for local loop unbundling (LLU) is technology-neutral, it is applicable to NGAs (provided that it falls under the market definition) as well as the ordinary PSTN access network.

**20 Changes to telecoms law**

Are any major changes planned to the telecoms laws?

There are no major changes planned to the Swedish telecoms laws during 2012. However, on a European level, we may expect to see some changes. For example, the Data Retention Directive is expected to be renegotiated and since Sweden has not yet implemented, and therefore has no practical experience of, the first Data Retention

Directive (see question 48), it is difficult to predict how changes to this directive will affect Swedish legislation. In addition, the European Commission is expected to release a strategy for an electronic internal market within the European Union. This strategy will most likely affect the Swedish government in its work but it is too soon to say whether it will result in any changes to the Swedish telecoms laws.

For the purpose of implementing the Amendment Directives (see question 1), the Swedish government published a bill with amendments to the Electronic Communications Act that entered into force as of 1 July 2011. Some of the amendments will result in orders from the PTA that may imply changes for the industry during 2012. For example, under the new bill the PTA may order an operator to share wiring inside buildings (up to the first concentration or distribution point where this is located outside the building) with other operators, where this is justified on the grounds that the duplication of the infrastructure would be economically inefficient or physically impracticable. The bill proposes that network holders and holders of rights shall be entitled to market-price compensation from the party obtaining access. So far, the PTA has not made any orders but we may expect that some will be issued.

In addition, to prevent the degradation of services and the hindering or slowing down of network traffic, the new bill has authorised the PTA to set minimum quality standards on services provided by operators of public communications networks. Well in advance of establishing such standards, the PTA must provide the European Commission with a summary of the grounds for any such action and the proposed standards and courses of action. This information shall also be made available to the Body of European Regulators for Electronic Communications (BEREC). The PTA has not yet presented any minimum quality standards but since there have been several cases of severe weather conditions that have affected the functionality of the telecoms network negatively, we may expect that the PTA will present some sort of minimum quality standards on services that may impact the industry.

**Telecoms regulation – Mobile****21 Radio frequency (RF) requirements**

For wireless services, are radio frequency (RF) licences required in addition to telecoms services authorisations and are they available on a competitive or non-competitive basis? How are RF licences allocated? Do RF licences restrict the use of the licensed spectrum?

The Electronic Communications Act states that a licence is required for the use of radio frequencies, and that the provider of a publicly available electronic network (wireless or not) has to notify the PTA prior to providing services over the network. If it is anticipated that new or substantially revised wireless services will attract an interest that exceeds the number of licences that can be granted as a result of limitations in the frequency spectrum, the PTA will deal with applications by an open tender procedure. In the most recent allocations of frequencies, licences have been awarded on a technology-neutral basis, so it has not been a prerequisite that the licence should be used for a specific technology. RF licences may be traded after permission from the PTA.

**22 Radio spectrum**

Is there a regulatory framework for the assignment of unused radio spectrum (refarming)? Do RF licences generally specify the permitted use of the licensed spectrum or can RF licences for some spectrum leave the permitted use unrestricted?

The assignment of unused radio spectrum is regulated in Sweden. The use of radio spectrum is regulated by a frequency plan issued by the PTA. The frequency plan states that certain frequencies should be used for certain purposes, for example, mobile broadband. The

plan is based on international standards issued by the International Telecommunication Union. As stated in question 21, use of radio transmitters requires a licence. Should a licence holder not use a radio transmitter to the extent stated in the licence conditions, the licence may under certain circumstances be revoked (see question 16).

In 2006, the PTA presented a spectrum policy regarding the allotment of spectrum. The PTA sets out in the policy that licences to use radio transmitters should be as technology and service-neutral as possible. During the past three years, the PTA has also awarded technology and service-neutral licences in the 800MHz, 900MHz, 1.8GHz and 2.6GHz bands.

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### 23 Spectrum trading

Is licensed RF spectrum tradable?

Assigning (including trading) the right to use spectrum has been permitted in Sweden since 2003. However, an assignment requires the consent of the PTA. Only a small number of licences have been assigned between parties and therefore Sweden is yet to be regarded as having a true spectrum market due to the low number of trades.

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### 24 Mobile virtual network operator (MVNO) and national roaming traffic

Are any mobile network operators expressly obliged to carry MVNO or national roaming traffic?

There are no regulations forcing a mobile network operator to carry MVNO or national roaming traffic. However, the number of MVNO arrangements based on commercial agreements is increasing.

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### 25 Mobile call termination

Does the originating calling party or the receiving party pay for the charges to terminate a call on mobile networks? Is call termination regulated, and, if so, how?

The calling party, as opposed to the receiving party, pays all fees connected with a call to its operator. The originating operator pays fees to the terminating operator for use of the terminating operator's network. Call termination is regulated under the Electronic Communications Act. An operator that has significant market power in a particular market may be ordered by the PTA to satisfy reasonable requirements on access to and the use of the operator's network.

In its market reviews, the PTA has identified the market for voice call termination on individual mobile network as a relevant market to regulate. The current regulated mobile termination rate is 0.21 kronor.

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### 26 International mobile roaming

Are wholesale and retail charges for international mobile roaming regulated?

There are no Swedish regulations in place on charges for international roaming. However, European Regulations No. 717/2007, regarding international mobile roaming, and No. 544/2009, regarding data roaming, are applicable. The regulation:

- limits the price for sending a text message while abroad in another EU country at €0.11. Receiving an SMS in another EU country will remain free of charge;
- reduces the cost of surfing the web and downloading movies or video programmes with a mobile phone while abroad by introducing a maximum wholesale cap of €0.50 per megabyte downloaded;
- the new rules will also protect consumers from bill shocks by introducing a cut-off mechanism once the bill reaches €50, unless they choose another cut-off limit;
- further reduces prices for mobile roaming calls with a maximum tariff of €0.35 for making a call and €0.11 for receiving one;

- introduces per-second billing after the first 30 seconds for calls made and immediately for calls received; and
- ensures that customers are kept adequately informed of the charges that apply for data-roaming services.

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### 27 Next-generation mobile services

Is there any regulation for the roll-out of 3G, 3.5G or 4G mobile service

The regulations that apply to the roll-out of 3G, 3.5G or 4G mobile services are largely the same as those that apply to the roll-out of the telecoms network generally. Specific requirements are normally included in the licence conditions. Over the past two years, the PTA has awarded new licences in the 800MHz, 900MHz, 1.8GHz and 2.6GHz bands that have not been exclusive for one specific technology. There have been some requirements for geographic coverage in the 800MHz and the 900MHz licence to ensure the existence of voice and data services in all parts of Sweden.

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### Telecoms regulation – fixed infrastructure

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#### 28 Cable networks

Is ownership of cable networks, in particular by telecoms operators, restricted?

There are no such restrictions other than those that may apply under general competition law.

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#### 29 Local loop

Is there any specific rule regarding access to the local loop or local loop unbundling? What type of local loop is covered?

An operator that has significant power in a particular market (for example, in the market for wholesale (physical) network infrastructure access in the LLU market) may have obligations imposed on it. An operator may thus be ordered to satisfy reasonable requirements on access to and the use of the network and associated facilities with the aim of providing electronic communications services. An obligation relating to access to a public telephone network between a main distribution frame or a similar interconnection point and a subscriber's fixed network termination point shall be combined with an obligation to publicise a reference offer. Furthermore, an operator may also be ordered to apply non-discriminatory conditions in its operations and to account separately and report specified operations with links to interconnection and other forms of access. An operator may also be ordered to observe cost coverage or apply cost-orientated or other pricing for specified types of interconnection and other forms of access. The former incumbent, TeliaSonera, has been ordered by the PTA to grant access to LLU. Since 2010, the LLU order is technology-neutral and applies to both copper and fibre access networks. The PTA has recently initiated a review of the current market obligations. It is as yet too soon to draw any conclusions about what to expect from the review and if it will imply any changes as regards access to LLU.

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#### 30 Interconnection and access

How is interconnection regulated? Can the regulator intervene to resolve disputes between operators? Are wholesale (interconnect) prices controlled and, if so, how? Are wholesale access services regulated, and, if so, how?

An operator of a public communication network is obliged to negotiate on interconnection with anyone providing or planning to provide publicly available electronic communications services. An operator controlling access to end-users may be forced to provide interconnection services. The fees for interconnection services may be regulated by the PTA, which is empowered to put a limit on the interconnection

tariffs. PTA has for 2012 revised the basic interconnect tariffs and notified that the following average tariffs shall apply: 0.0233 kronor for local segments and 0.0254 kronor for metro segments, with yearly fixed fees ranging from 8,300 to 16,600 kronor.

An operator controlling access to a physical network infrastructure may be ordered to grant access to a third-party operator. See question 29. The PTA has notified TeliaSonera that the average fee for 2012 for fully unbundled access should be 265 kronor per quarter and 102 kronor for shared access per quarter.

The PTA may intervene to resolve disputes regarding wholesale interconnection and access services on the basis of complaints from operators, as well as on the basis of its role as supervisory authority.

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## Telecoms regulation – internet services

### 31 Internet services

How are internet services, including voice over the internet, regulated?

All public electronic communications services are covered by the Electronic Communications Act and may only be provided following notification to the PTA. Ordinary VoIP (ie, computer to computer) is normally not considered as a telephony service and therefore not regulated as a telephony service by the Electronic Communications Act. If VoIP is used as a telephony service then it may be covered by the Electronic Communications Act, and a licence would be required to be able to make use of the numbers in the national numbering plan.

### 32 Internet service provision

Are there limits on an internet service provider's freedom to control or prioritise the type or source of data that it delivers? Are there any other specific regulations or guidelines on net neutrality?

To prevent the degradation of services and hindering or slowing down of network traffic, the PTA may, under the Electronic Communications Act, set minimum quality standards on services provided by operators of public communications networks. Well in advance of establishing such standards, the PTA must provide the European Commission with a summary of the grounds for any such action and proposed standards and courses of action. Hence, the PTA may limit the internet service providers' freedom to control or prioritise the type or source of data provided. So far, the PTA has not yet presented any plans to introduce quality of service standards. In addition, further restrictions may be imposed under general competition law.

It should be noted that content blocking and the prioritisation of traffic do not yet appear to be widespread in Sweden. However, the market is developing quickly and network neutrality issues are increasingly discussed.

### 33 Financing of basic broadband and NGA networks

Is there a government financial scheme to promote basic broadband or NGA broadband penetration?

There is at the moment no government financial scheme to promote broadband penetration. The aim of the government is that broadband should be provided by private operators.

In 2011 the PTA initiated an innovative new approach to promote broadband penetration in rural areas: when the 800MHz frequency band was awarded, one of the licences in the band was conditioned, so as to require the operator or operators to cover and to provide broadband access to households and business facilities that do not have access to broadband at the moment. The maximum cost for such expansion has been limited to 300 million kronor in the licence conditions. This new approach from the PTA is an attempt to promote broadband access in rural areas. It has gained a lot of attention from both the industry and rural municipalities. For more information, see 'Update and trends'.

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## Media regulation

### 34 Ownership restrictions

Is the ownership or control of broadcasters restricted? May foreign investors participate in broadcasting activities in your jurisdiction?

There are no restrictions on the ownership and control of broadcasters in Sweden. Foreign investors can participate on equal terms with Swedish investors in these sectors. When granting a broadcasting licence, a condition may be issued to the effect that the ownership of and the influence in the company receiving the licence may only change in a minor way. Also, licences to broadcast community radio may only be granted to certain local legal entities such as non-profit making associations, for example, student associations or registered religious organisations, with ties to the geographical area that is covered by the broadcasting.

### 35 Cross-ownership

Are there any regulations in relation to the cross-ownership of media companies, including radio, television and newspapers? Is there any suggestion of change to regulation of such cross-ownership given the emergence of 'new media' platforms?

General competition law applies. Other than that, there are no regulations regarding cross-ownership of media companies in Sweden. Under the Competition Act, all agreements between companies that aim at significantly preventing, limiting or distorting competition in the market are forbidden. The same applies to agreements having such results. As this is a general rule, it consequently has several exceptions.

The emergence of new media platforms has not resulted in any attempts to restrict cross-ownership of media companies.

### 36 Licensing requirements

What are the licensing requirements for broadcasting, including the fees payable and the timescale for the necessary authorisations?

When broadcasting through the use of a radio transmitter situated within Sweden or on a Swedish ship or aircraft abroad, a licence is required under the Electronic Communications Act (see questions 7 and 13 for further details). The PTA normally processes an application for a radio communications licence within four months. For information regarding the PTA's fees, see question 15.

When using such radio transmitters for broadcasting, a licence issued by the SBA is also required for broadcasting television and radio. Licences to broadcast may only be granted to a broadcaster that has adequate financial and technical resources to broadcast during the entire term of the licence. The broadcasting of television and radio via cable or satellite does not require any licence, although the broadcasting via cable must be registered with the SBA (if it is not just retransmission), as must satellite broadcasting under certain circumstances. On-demand programming, web-TV and web-radio, if broadcast live or provided on demand, must be registered with the SBA. The SBA issues all licences to broadcast television other than public service radio and television licences, which are issued by the government. No fees, other than an application fee, are charged by the SBA for licences to broadcast digital terrestrial television.

So far, the SBA has not issued any licences to broadcast commercial digital radio. However, the SBA is working on a permit structure for digital radio and is planning to announce vacant permits during spring 2012.

An annual fee is charged when holding an analogue radio broadcasting licence. The size of the fee, as regards analogue commercial-radio, depends on the rules under which the licence was granted. According to the SBA, for licences granted prior to 1 July 2001, the fees range from 40,000 to 3.9 million kronor for 2011. The fee is 46,000 kronor per licence for licences granted after 1 July 2001.

The government has proposed that the fees for operators who broadcast analogue commercial radio be reduced by 12 million kronor in total from 2012, to further improve the conditions for commercial radio. This reduction should apply to those who received their licence prior to 1 July 2001 and it will be distributed proportionally in relation to the licence holder's share of the total fees.

Fourteen licences for commercial radio were granted in December 2010 through the new tender procedure under which a licence to broadcast analogue commercial radio is granted to the applicant who fulfils the fundamental requirements set out in the act and who has offered to pay the highest broadcast fee. The licensees made a one-time payment of slightly more than 60 million kronor in total for the licence period.

Community radio licence applications are handled through a special procedure and licences are necessary both from the SBA and the PTA.

### 37 Foreign programmes and local content requirements

Are there any regulations concerning the broadcasting of foreign-produced programmes? Do the rules require a minimum amount of local content? What types of media (eg, online, mobile content) are outside of this regime?

When broadcasting television via a satellite transmission or under a broadcasting licence, more than half the annual broadcast time must be reserved for programmes of European origin, and a minimum of 10 per cent of the annual broadcast time or the programming budget must be used for programmes of European origin produced by independent producers, unless there are special reasons to deviate from this rule. In addition, these television broadcasts must, to a considerable extent, contain programmes in the Swedish language, programmes with Swedish artists active in Sweden and works by Swedish authors active in Sweden, unless there are special reasons to deviate from this rule. The abovementioned regulations do not apply to broadcasting of television over cable. Providers of on-demand programming provided by means other than through cable must promote the production of and access to programmes of European origin in an appropriate manner where feasible.

Radio broadcasts under a government licence must, unless there are special reasons to deviate from this rule, contain a considerable proportion of programmes in the Swedish language, programmes with Swedish artists active in Sweden, and works by Swedes active in Sweden.

### 38 Advertising

How is broadcast media advertising regulated? Is online advertising subject to the same regulation?

Advertising on television and radio is regulated in detail. Compliance with these rules is ensured by the SBA, the SBC, the consumer ombudsmen and other authorities, for example, the Medical Products Agency as regards advertising of certain medical products. The rules regarding advertising are found both in legislation and as conditions in the broadcasting licences. A licence may contain rules that prohibit advertising. It is stipulated in the Radio and Television Act that commercial advertising in television broadcasts, teletext and on-demand programming may not target children under the age of 12. In addition, commercial advertising in television broadcasts and on-demand programming may not appear immediately before or after a programme or part of a programme that is primarily directed at children under the age of 12.

The time during which advertising may be broadcast is also regulated and different rules apply to different types of programmes with regard to time and breaks for advertising. The advertising of tobacco and alcohol is also prohibited. In addition, advertising must be clearly identified as such. Before and after every instance of advertising in

television broadcasts and via on-demand programming, there should be a special indication that clearly differentiates the advertising from the rest of the content. Advertising exceeding 12 minutes per hour is prohibited, with minor exceptions. The total time of a commercial break on television on any given occasion may not be less than one minute after deducting the broadcast time for the advertising indication. Furthermore, individuals who play a prominent role in broadcasts that primarily involve news or news commentaries may not appear in advertising. Other restrictions also apply, including the provisions of the Marketing Act (2008:486) (Marketing Act) and specific legislation such as the Alcohol Act (2010:1622) and the Tobacco Act (1993:581). The advertising of tobacco and alcohol is prohibited. Commercial advertising of medicinal products and medical treatment is regulated as well.

The rules regarding advertising in television and radio apply to broadcasting over the internet as well. However, foreign broadcasters normally fall under the jurisdiction of the country in which they are established and are, in most cases (with some exceptions), not obliged to comply with Swedish regulations.

### 39 Must-carry obligations

Are there regulations specifying a basic package of programmes that must be carried by operators' broadcasting distribution networks, (ie, 'must-carry obligations')? Is there a mechanism for financing the costs of such obligations?

Operators of cable television must, if a significant number of households that are connected to the network use it as their main means of receiving television broadcasts, free of charge, carry programmes broadcast under licence from the government and intended to be received in the area free of charge. The must-carry obligation does not cover more than four channels broadcast simultaneously by licence holders whose operations are financed by television fees pursuant to the Act on Financing of Public Service Radio and Television (1989:41). In practice, as regards television, this concerns Sveriges Television (SVT). Up to 17 June 2010 SVT broadcast four channels simultaneously, SVT1, SVT2, SVTB/SVT24 and Kunskapskanalen, which meant that all of SVT's programmes were covered by the must-carry obligation. Since then, SVT has been granted broadcast licences for two additional channels, SVT1 HD and SVT2 HD.

Operators of cable television connecting more than 100 households must also, free of charge, carry programmes broadcast by one or several local cable channel organisations, which are appointed by the SBA.

The Copyright Act (1960:729) provides for a mandatory right to redistribute broadcasted television channels, in an unaltered and immediate way to cable households, provided that there is a contractual licence with a representative for the rights holder covering the necessary copyright clearances for the cable network retransmission. Under the current agreement between the operators of cable television and Copyswede (an umbrella collecting society) the operators bear the copyright costs for this retransmission. The agreement expires after 31 January 2012. According to a report recently published by the SBA it has received information implying that, in practice, the operators pass on the costs, in the first place to the landlords. In the same report, the SBA argues that SVT should, as far as possible, strive to clear the necessary copyright in relation to the retransmission, and also actively take part in the negotiations for an extended collective licence between the operators of cable television and Copyswede.

#### 40 Changes to the broadcasting laws

Are there any changes planned to the broadcasting laws? In particular, do the regulations relating to traditional broadcast activities also apply to broadcasting to mobile devices or are there specific rules for those services?

The main legislation covering broadcasting is the Radio and Television Act, which was updated in 2010 to implement the Audio-visual Media Services Directive (2007/65/EC). The update included, inter alia, the following changes:

- on-demand services are covered by the legislation, but are only subject to specific requirements;
- on-demand programming that includes violent or pornographic content must not be made available in a manner in which there is a considerable risk that children will be able to view the content (see question 41 for further details);
- providers of wireless on-demand services are subject to a general obligation to promote European content (see question 37 for further details);
- a media service provider of television broadcasts, on-demand programming or teletext other than through cable must, if decided by the government (as regards public service) or the SBA (in all other cases), devise the service in such a way that it becomes accessible for persons with functional impairments (see question 41 for further details);
- reduced requirements for the granting of radio and television broadcasting permits and in addition, it should be possible to transfer such permits under certain circumstances; and
- specific provisions restricting product placement and sponsorship has been introduced (see question 41 for further details).

The regulation that applies to traditional broadcasting also applies to broadcasting to mobile devices.

The following amendments to the Radio and Television Act have been proposed in a recently published white paper (Ds 2011:40):

- the above-mentioned obligation regarding accessibility for persons with functional impairments shall also apply for media service providers that provide television broadcasts or teletext through cable (ie, cable television or ip-TV); and
- in live broadcasting of sports events on television a commercial break that is less than one minute after deducting the broadcast time for the advertising indication should be allowed for exceptional reasons, and this should be possible even in other broadcasts on television (for example during a live broadcast during an election night where the commercial breaks need to last for less than one minute for viewers not to miss out on critical information).

The other proposals contained in the memorandum are primarily for clarification or of a linguistic nature. It is proposed that the amendments shall enter into force on 1 January 2013.

#### 41 Regulation of new media content

Is new media content and its delivery regulated differently from traditional broadcast media? How?

New media content is not regulated differently from traditional broadcast media. All Swedish radio and television companies that broadcast original broadcasts (ie, not just retransmissions) over the internet for the general public have to comply with the general provisions of the Radio and Television Act. Under the Radio and Television Act broadcasters must ensure, inter alia, that:

- programmes that are not commercial advertising do not promote commercial interests in an improper manner;
- programmes broadcast on television that contain depictions of violence of a realistic nature or pornographic images are preceded by a verbal warning (or contain a warning text continuously

displayed on the screen throughout the broadcast). Moreover, such programmes may not be broadcast at times when there is a considerable risk of children viewing the content; and

- on-demand programming that includes violent or pornographic content is not made available in a manner in which there is a considerable risk that children will be able to view the content.

Moreover, a media service provider of television broadcasts, on-demand programming or teletext other than through cable must devise the service in such a way that it becomes accessible for persons with functional impairments (for example, by providing text or audio description). This should be done if decided by the government (as regards public service), or by the SBA (in all other cases).

As a general rule product placement is not allowed in television or in programmes in on-demand programming. However, media service providers may broadcast films, TV series, sport programmes and light entertainment programmes with product placement if:

- the programmes do not promote commercial interests in an improper manner;
- the programmes are not mainly directed at children under the age of 12; and
- the programmes do not contain product placement of alcoholic beverages and tobacco products, other products from companies whose principal activity is the manufacture or sale of alcoholic beverages and tobacco products, or medicinal products and treatments that are only available by prescription.

Also, when product placement is present in a programme, information regarding this should be communicated both at the beginning and the end of the programme, as well as when the programme begins again after an interruption for advertising.

Programmes in television broadcasts, teletext, on-demand programming or in radio broadcasts may not be sponsored by any party whose principal activity is the manufacture or sale of alcoholic beverages or tobacco products, and programming that mainly concerns the news or that contains news commentary may not be sponsored at all. Moreover, there are restrictions in relation to pharmaceutical companies' sponsoring of a programme in a television broadcast, teletext or on-demand programming.

As to the provisions on advertising, see question 38 for further details.

#### 42 Digital switchover

When is the switchover from analogue to digital broadcasting required or when did it occur? How will radio frequencies freed up by the switchover be reallocated?

The digital switchover has already been completed in Sweden. Analogue broadcasting in the Stockholm region was replaced by digital broadcasting in March 2007, and the digital switchover in Sweden was completed in February 2008.

The government authorised the PTA to allocate 72MHz of the radio frequencies that have been made available as a result of the switchover. The allocation of frequencies was carried out in an auction in February 2011.

#### 43 Digital formats

Does regulation restrict how broadcasters can use their spectrum (multichannelling, high definition, data services)?

The licence for broadcasting that is issued by the SBA sets out the terms and conditions for how broadcasters may use their spectrum.

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**Regulatory agencies**
**44 Regulatory agencies**

Which body or bodies regulate the communications sector? Is the telecoms regulator separate from the broadcasting regulator?

The PTA is the governmental authority for all matters related to telecoms, IT, radio and postal markets. The PTA's mission is to ensure that the postal and telecoms markets are functioning well and that the Swedish public is provided with efficient services. Moreover, it actively promotes healthy competition and supervises the markets. The PTA also monitors operators' compliance with legislation and may issue orders linked to conditional fines to ensure compliance. Moreover, the PTA may issue regulations and licence conditions. In addition, the PTA deals with notifications and licence applications and is responsible for the Swedish numbering plan and allocates number resources to telecoms operators and RFs.

The SBA is the governmental authority for the broadcasting market and grants licences for broadcasting services, designates local cable broadcasting companies, issues regulations on television standards and exercises a supervisory role in this area. The SBA also monitors developments in the media field. Moreover, the SBA registers all entities carrying out transmission activities under the Radio and TV Act and administers fees for local commercial radio and terrestrial television financed by advertising. In its supervisory capacity, the SBA may impose sanctions if the transmission activities provisions are not complied with.

The Swedish Competition Authority is a regulatory authority indirectly related to the telecoms and broadcasting markets. The Competition Authority's objective is to promote effective competition in the private and public sectors, including in the telecoms and broadcasting markets, for the benefit of consumers. It applies competition legislation, deals with applications, controls mergers and acts against infringements of the Competition Act. It also provides appropriate information concerning competition policy and the application of competition legislation.

**45 Establishment of regulatory agencies**

How is each regulator established and to what extent is it independent of network operators, service providers and government?

The PTA is a government agency that acts independently of the government. The PTA is independent of network operations and services. The PTA has offices in Stockholm (head office), Malmö, Gothenburg, Luleå and Kiruna. Most employees are based in Stockholm.

The SBA and the Competition Authority are government agencies that act independently of the government. Their offices are located in Stockholm.

**46 Appeal procedure**

How can decisions of the regulators be challenged and on what bases?

Parties affected by the PTA's or SBA's decisions may in general appeal to the administrative court of Stockholm. Appeals may be based on questions of fact and law. Leave is required when appealing the county administrative court's decisions to the administrative court of appeal and subsequently to the Supreme Administrative Court. In some cases, the decisions of the administrative court of appeal are final.

Decisions by the Competition Authority may in general be appealed to the Stockholm District Court or the Swedish Market Court. The Market Court's decisions are final.

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**Data retention, interception and use**
**47 Interception and data protection**

Do any special rules require operators to assist government in certain conditions to intercept telecommunications messages? Explain the interaction between interception and data protection and privacy laws.

The Electronic Communications Act requires that operators and service providers pursue their operations so that court decisions to intercept telecoms messages may be executed without the execution being disclosed, and that the content of and information about the intercepted messages is made easily available to the police and prosecuting authorities. In addition, the operators must cooperate with the Swedish National Defence Radio Establishment as regards the collecting of all international voice and data traffic for processing. However, operators process personal data and are bound by and must comply with the Personal Data Act, for which the Data Inspection Board is the relevant public authority.

**48 Data retention and disclosure obligations**

What are the obligations for operators and service providers to retain customer data? What are the corresponding disclosure obligations? Will they be compensated for their efforts?

No general obligation for operators to retain their customers' traffic data currently exists. The implementation of the Data Retention Directive has been delayed in Sweden. In December 2010, the government presented a bill to implement the directive into Swedish law. The proposed legislation would require each network operator or service provider to collect and store certain traffic data generated in its operations during a six-month period to comply with statutory provisions for law and enforcement purposes. Operators are not entitled to compensation for necessary technical adjustments in the network to allow for such collection and storage, but they will be entitled to reasonable compensation for information requests from law enforcement requirements. However, on 16 March 2011 the Swedish parliament resolved to postpone its vote on the proposed implementing legislation, as the bill was considered as limiting fundamental rights and freedoms in the Swedish constitution. As such, the bill will not be considered by the parliament until March 2012, and it is therefore unclear at the moment when the directive will be implemented.

**49 Unsolicited communications**

Does regulation prohibit unsolicited communications (eg, by e-mail, SMS)? Are there exceptions to the prohibition?

The Swedish Marketing Act prohibits unsolicited advertising to private individuals sent by automatic systems for individual communication, such as e-mail and SMS, namely an opt-in solution. However, should the marketing entity have received the e-mail address of a private individual in a previous commercial transaction, marketing to that individual by e-mail is permitted, provided that the individual has not objected to such marketing; the marketing relates to the marketing entity's own or similar products; and the individual is provided with a free-of-charge and easily available option to decline the use of his or her e-mail address for marketing purposes when the e-mail address is provided to the marketing entity and at each following marketing event (opt-out).

All advertisements sent by e-mail must contain a valid address to which the recipient can send an opt-out message. This also applies to advertisements sent to legal entities.

**Update and trends**

One of the targets set by the government in its Broadband Strategy for Sweden is that 'all households and businesses should have good opportunities to use electronic public services and other services via broadband'. To contribute to achieving this objective and to minimise the number of homes and places of business that do not have access to broadband in Sweden, at the beginning of 2011 the PTA presented a new and innovative approach. In an open invitation to apply for licences in the 800MHz-band, one licence block was subject to a condition on coverage and roll-out. The licence for this frequency block was assigned through a combination of a comparative selection procedure (beauty contest) and an auction. In the combined selection procedure, the bidders competed for the licence through binding offers of coverage. If several bidders promised coverage up to and including a ceiling amount of 300 million kronor, the auction could continue through binding monetary offers from the bidders.

Net4Mobility (a joint venture of Telenor and Tele2) placed the highest bid in the auction for the coverage frequency block and was awarded the licence. The company may now use the bid amount up to the ceiling amount to provide coverage.

The PTA is responsible for identifying those who are to receive coverage. The point of departure for this identification is permanent homes and fixed places of business that do not have access to data communications services with a particular bit rate. Identification will be based on information obtained by the PTA and processed to ascertain, among other things, whether the households and the businesses wish to have coverage. The households and businesses that, on request, state that they wish to have coverage will be included in a list of identified homes and places of business that the PTA will then send to the licence holder, Net4Mobility.

**Competition and merger control****50 Competition and telecoms and broadcasting regulation**

What is the scope of the general competition authority and the sectoral regulators in the telecoms, broadcasting and new media sectors? Are there mechanisms to avoid conflicting jurisdiction? Is there a specific mechanism to ensure the consistent application of competition and sectoral regulation? Are there special rules for this sector and how do competition regulators handle the interaction of old and new media?

In Sweden, the Competition Act applies to all companies, regardless of the sector in which they are engaged. Consequently, it applies to both new and old media. The Competition Act is, to a large extent, a mirror of EU competition law and focuses on certain types of actions not permitted by companies in general (such as cartels), as well as preventing mergers likely to lead to a significant impediment to effective competition, in particular through the creation of a dominant market position. The Competition Authority has jurisdiction over the Competition Act. Consequently, the Competition Authority has jurisdiction over telecoms companies as well as broadcasting companies concerning competition in general. In some cases, sector-specific Acts contain provisions with the purpose of promoting competition (as is the case with the Electronic Communications Act). The PTA has jurisdiction to supervise companies' compliance with the Electronic Communications Act (and the Competition Authority does not). Should a company, by acting in a certain way, breach both the Competition Act and the Electronic Communications Act, both authorities would have jurisdiction, but under the different Acts. In this respect, it should be noted that measures taken by the PTA under

the Electronic Communications Act must be reasonable and proportionate, and it is possible that measures taken by the Competition Authority would be taken into consideration. Other than the division of jurisdiction, no specific mechanisms ensure consistent application of competition and sector-specific regulation (see question 46).

**51 Competition law in the telecoms and broadcasting sectors**

Are anti-competitive practices in these sectors controlled by regulation or general competition law? Which regulator controls these practices?

In Sweden, anti-competitive practices and merger control are regulated by the Competition Act, which is modelled on EU competition law. The Competition Act contains prohibitions against anti-competitive cooperation and the abuse of a dominant position corresponding to articles 101 and 102 of the Treaty on the Functioning of the European Union (formerly articles 81 and 82 of the EC Treaty). In addition, the Competition Act sets out rules with respect to merger control, which to a large extent resemble those of the EU Merger Regulation. The Swedish Competition Authority has responsibility for the administration of and compliance with the Competition Act.

The Electronic Communications Act contains provisions to promote competition within markets regulated by the Act.

In addition to the responsibility of the Competition Authority, the PTA is obliged to promote sound competition within the telecoms market. In this respect the PTA cooperates with the Competition Authority. Although the PTA does not have any independent powers to take action against infringements of the Competition Act, the PTA may report possible infringements to the Competition Authority.



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The PTA also works on defining relevant markets and identifying operators that potentially have significant market power (SMP) within those markets. Should an operator be identified as having SMP, the PTA should issue certain obligations for that operator, to promote competition, such as granting access to the network on certain terms, if the PTA finds that competition within that market is not working properly. The PTA has established certain relevant markets and has, for some of them, identified an operator having SMP, and consequently issued obligations.

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#### 52 Jurisdictional thresholds for review

What are the jurisdictional thresholds and substantive tests for regulatory or competition law review of telecoms sector mergers, acquisitions and joint ventures? Do these differ for transactions in the broadcasting and new media sector?

The thresholds of the telecoms and broadcasting sectors are the same as those that apply under the Competition Act. A concentration shall be notified to the Swedish Competition Authority if:

- the combined aggregate turnover in Sweden of all the undertakings concerned in the preceding financial year exceeds 1 billion kronor; and
- at least two of the undertakings concerned had a turnover in Sweden the preceding financial year that exceeds 200 million kronor for each of the undertakings. Transactions leading to a significant impediment to effective competition in particular through the creation or strengthening of a dominant position are not permitted.

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#### Other

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#### 53 Merger control authorities

Which regulatory or competition authorities are responsible for the review of mergers, acquisitions and joint ventures in the telecoms, broadcasting and new media sectors?

The Competition Authority is responsible for the review of mergers, acquisitions and joint ventures in the telecoms, broadcasting and new media sectors. The PTA is responsible for approving transfers of licences (ie, licences to use radio transmitters and to use numbers in the national numbering plan) that are issued by the Authority, which could be of interest in such transactions.

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#### 54 Procedure and timescale

What are the procedures and associated timescales for review and approval of telecoms and broadcasting mergers, acquisitions and joint ventures?

No special procedures apply for the review and approval of mergers, acquisitions and joint ventures in the telecoms and broadcasting sectors (ie, the Competition Act also applies to those transactions).

The Competition Authority normally has 25 working days to review the proposed transaction, but should the transaction raise serious doubts, the review may be extended by three months. Should a proposed transaction require the transfer of a licence from one holder to another, this would require the approval of the relevant authority (such as the PTA or the SBA) (see question 16).

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