

CONFIRMATION OF THE RECEIPT OF A TELECOMMUNICATIONS NOTIFICATION

An operator of public telecommunications is obliged to submit a written telecommunications notification to the Finnish Communications Regulatory Authority. Pursuant to section 15 of the Communications Market Act (393/2003), the Finnish Communications Regulatory Authority shall give confirmation of the receipt of a telecommunications notification upon the request of the telecommunications operator. The confirmation shall indicate the rights and obligations of telecommunications operators in Finland under the Communications Market Act.

The rights of telecommunications operators under the Communications Market Act

General rights

5 § Announcing that a licence is available for application

9 § Material requirements for a licence

10 § Content of a licence

- A telecommunications operator has the right to apply for a licence for the purposes of telecommunications subject to a licence when the licence has been announced to be available for application.

48 § Numbering decisions

- A telecommunications operator has the right to receive a decision from the Finnish Communications Regulatory Authority on the distribution of a number or identifier, in principle, within three weeks in compliance with the procedure identified in the Act.

94 § Costs of contingency preparations

98 § Costs incurred in assisting public authorities

100 § Right to install a telecommunications cable

107 § Right to undertake construction work in an area belonging to another

118 § Obligation to consult

- The authority has to consult parties representing telecommunications operators in matters identified in the section of the Act.

126 § Resolution of disputes by the Finnish Communications Regulatory Authority

127 § Appeal

- Appeal against decisions of the Ministry of Transport and Communications and the Finnish Communications Regulatory Authority taken under the Communications Market Act

Conditions and restrictions on the use of the mentioned rights are identified in the Act.

Rights in relation to other telecommunications operators

Telecommunications operators have the right to receive access and other rights from those telecommunications operators on whom the below mentioned obligations have been imposed, under the conditions and restrictions identified in the Act or the decision. The obligations concerning the relinquishing of access rights, interconnection, pricing and other conditions as referred to in the Communications Market Act or in decisions under the Act, are, in principle, general. In addition to general obligations, a telecommunications operator may receive new obligations to other telecommunications operators or the following obligations may be imposed on it.

34 § Obligation to organize national roaming

36 § Obligation to organize international roaming

- Upon application by another telecommunications operator, the Finnish Communications Regulatory Authority may impose on an operator with significant market power an obligation to organize roaming.

85 § Requirement of cost-orientation and non-discrimination

Conditions and restrictions on the use of the mentioned rights are identified in the Act.

Rights in relation to the users

60 § Right to refuse an agreement for a subscriber connection to a fixed telephone network

61 § Deposit, security and balance limit required from a consumer

71 § Amending an agreement

72 § Restriction on the use of a subscriber connection for reasons attributable to the telecommunications operator

73 § Closure of a subscriber connection or restriction on its use for reasons attributable to the user

75 § Cancellation and giving notice of termination of a subscriber connection agreement

78 § Right of a telecommunications operator to restrict the use of a subscriber connection for receiving another service

Conditions and restrictions on the use of the mentioned rights are identified in the Act.

The obligations of telecommunications operators under the Communications Market Act

In the Communications Market Act, obligations concerning all telecommunications operators are imposed as well as certain obligations concerning telecommunications operators operating in a fixed and mobile network. Obligations are imposed on telecommunications operators in the following decrees, decisions and regulations under the law:

- Decrees of the Ministry of Transport and Communications
- Decisions of the Finnish Communications Regulatory Authority on significant market power
- Other decisions of the Finnish Communications Regulatory Authority
- Technical orders of the Finnish Communications Regulatory Authority

Information on effective decisions and regulations are available on the webpages of the Finnish Communications Regulatory Authority at www.ficora.fi .

General obligations under the Communications Market Act concerning all telecommunications operators

13 § Telecommunications subject to notification

14 § Telecommunications notification

- A written telecommunications notification of operating public telecommunications must be submitted to the Finnish Communications Regulatory Authority

15 a § - 15 c § Supervision fee

- A telecommunications operator subject to notification or licence is required to pay to the Finnish Communications Regulatory Authority an annual supervision fee.

39 § *Interconnection obligations of a telecommunications operator*

- A telecommunications operator has an obligation to negotiate on interconnection with another telecommunications operator.

49 § *Numbering fee*

67 § *Agreement to receive a communications service*

- Minimum requirements for the agreement

68 § *User's right to select a content service provider*

- A telecommunications operator's terms of agreement may not restrict the user's right to choose a content service provider

69 § *Right to connect terminal equipment or a communications network to a public communications network*

- A telecommunications operator shall not prevent a user from connecting to a public communications network any radio or telecommunications terminal equipment or any communications network that is internal to a property or building and conform to the requirements of the law

71 § *Amendment of an agreement*

- A telecommunications operator shall notify the user of any change in the agreement terms

90 § *Obligation of a telecommunications operator to prepare for exceptional circumstances*

95 § *Obligation of a telecommunications operator to equip its systems for telecommunications interception and monitoring*

97 § *Obligation to supply information free of charge on the activities of a public authority*

99 § *Special provisions on public authority networks*

- A telecommunications operator shall connect a public authority network to a public communications network on request and without charge

102 § *Cable route plan*

- If parties do not reach an agreement on the installation of a telecommunications cable in an area owned or controlled by another, the telecommunications operator shall draw up a cable route plan

103 § *Publishing a cable route plan*

104 § *Opinion on a cable route plan*

108 § *Compensation for hindrance and damage*

- The property owner and holder has the right to receive full compensation for any hindrance or damage caused by the telecommunications operator's construction measures referred to in section 107

111 § *Work that presents a risk of damaging telecommunications cables*

- A telecommunications operator has the obligation to provide information on the location of telecommunications cables free of charge and the necessary information and instructions to avoid danger

112 § *Supplying information to a public authority*

116 § *Confidentiality of information between telecommunications operators*

- A telecommunications operator may use information on another telecommunications operator obtained in connection with the granting of access rights or interconnection only for the purpose for which it was given.

128 § *Quality requirements for communications networks and communications services*

- Includes the obligation to notify of a damage or disturbance in the communications network or services

131 § *Obligation to eliminate interference*

133 § *Provisions on terminal equipment*

- A telecommunications operator has an obligation to publish up-to-date technical specifications on the public communications network interfaces

136 § *Obligations imposed on a telecommunications operator that uses a decoding system*

137 § *Telecommunications contracting*

- A telecommunications contractor has an obligation to prepare a written notification for the Finnish Communications Regulatory Authority

137 a § *Telecommunications contracting fee*

- A telecommunications contractor has an obligation to pay to the Finnish Communications Regulatory Authority an annual telecommunications contracting fee

138 § *Liability for damages*

142 § *Transitional provisions on certain accounts and notifications*

- These relate to procedures when the Communications Market Act enters into force

Obligations under the Communications Market Act concerning certain telecommunications operators

Obligations of telecommunications operators operating in a telephone network:

- 51 § Obligations concerning telephone number portability*
 - By a decision under section 52, the Finnish Communications Regulatory Authority may issue technical orders on telephone number portability
- 53 § Telecommunications in the European Economic Area*
- 54 § Universal international access code*
- 55 § Universal emergency call number*
- 56 § Publicly available directory inquiry service*
- 57 § Providing a telephone directory service*
- 58 § Releasing contact information*
- 64 § User's right to tone dialling and calling line identification*
- 65 § Obligation of telecommunications operator to transmit calls in the European telephone numbering space*
- 66 § Public standard agreement terms and tariff information*
- 74 § Reopening a closed subscriber connection*
- 77 § Obligation of a telecommunications operator to restrict the use of a subscriber connection*
- 79 § User's right to restrict the use of a subscriber connection*
- 80 § Itemization in a telecommunications bill*
- 81 § Providing information on changes in numbering*

Obligations of telecommunications operators operating in a fixed telephone network:

- 59 § User's right to a subscriber connection for a fixed telephone network*
 - A telecommunications operator that has significant market power has an obligation to provide a subscriber connection in its operating area according to the requirements of the section of the law. If there is no SMP-operator, the obligation rests with the telecommunications operator with the largest market share in the area in question.
- 62 § User's right to select a telephone service provider (SMP only)*
- 91 § Priority functions and priority subscriber connections*
- 92 § Emergency switching*

Obligations of telecommunications operators operating in mobile network:

- 70 § Prohibition on tie-in sales*
- 76 § Obligation of a telecommunications operator to close a subscriber connection*

Obligations of telecommunications operators operating in cable television network

- 134 § Obligation to transmit programmes and services*

Obligations imposed by the decisions of the Finnish Communications Regulatory Authority

By a decision under section 18 of the Communications Market Act, the Finnish Communications Regulatory Authority may impose on an operator with significant market power (SMP) one or several of the below mentioned obligations. The Finnish Communications Regulatory Authority may, subject to the requirements and terms laid down in section 19 of the Act, impose some of these obligations also on a telecommunications operator that does not have significant market power. Obligations complying with sections 18 and 19 of the Act concern wholesale markets.

23 Obligation to relinquish access rights to a mobile network (SMP only)

24 § Obligation to lease out part of a local loop and equipment facilities

- 1) a local loop or part thereof
- 2) part of the local loop capacity for shared use
- 3) part of the local loop transmission capacity for shared use
- 4) equipment facilities if this is necessary to install minor equipment items essential for using a local loop.

In addition, an SMP-operator may be imposed other obligations necessary for the technical implementation of the above mentioned obligations

25 § Obligation to provide line rental of a leased line (SMP only)

26 § Obligation to lease out an antenna site and cable duct

27 § Obligation to relinquish cable television network capacity (SMP only)

28 § Obligation to lease out part of a terrestrial mass communications network (SMP only)

29 § Obligation to relinquish capacity in a terrestrial mass communications network (SMP only)

30 § Obligation to relinquish access rights to smart card capacity (SMP only)

31 § Obligation to relinquish access rights to an electronic programme guide

32 § Obligation to relinquish access rights to a programming interface for a television or radio system

33 § Obligation to publish delivery terms and tariff information

- Concerns information that is important with regard to a leasing obligation, access rights or interconnection, such as information on service delivery terms, tariff information and agreements made, excluding business secrets and confidential information

34 § Obligation to organize national roaming as referred to in conditions under section 35 (SMP only)

36 § Obligation to organize international roaming (SMP only)

37 § Pricing and other terms for relinquishing access rights and for interconnection

- A telecommunications operator has an obligation to specify the prices to be charged for relinquishing access rights, roaming or interconnection so as to ensure that the prices are either cost-oriented and non-discriminatory or cost-oriented and non-discriminatory, and that it shall also otherwise apply non-discriminatory terms

- A network operator on which an obligation to observe cost-oriented pricing has been imposed may under section 24 charge a fee for the shared use of a local loop amounting at most to half of the fee charged by the operator for an equivalent local loop

39 § Interconnection obligations of a telecommunications operator

- A telecommunications operator on which the Finnish Communications Regulatory Authority has imposed under section 39 an interconnection obligation shall comply with the provisions of sections 40-42 and section 45 unless an agreement can otherwise be reached on the content of the interconnection obligation. An operator that has this obligation shall also comply with provisions of sections 43 and 44, which cannot be disregarded by making a mutual agreement.

40 § Establishing interconnection

41 § Interconnection of international telecommunications services

42 § Interconnection of mobile network services

43 § Charge for the use of a telephone network

- Concerns an SMP-operator that has been imposed an obligation of cost-oriented or non-discriminatory pricing

44 § Prohibition on bulk discounts

45 § Collection of telecommunications fees

62 § User's right to select a telephone service provider

- The obligation may be imposed on an SMP-operator operating in a mobile network as far as international calls are concerned

82 § Obligation to publish information on service quality

84 § Requirement of cost-orientation and non-discrimination

86 § Pricing clarification obligation and cost accounting

87 § Cost-accounting procedures

88 § Obligation to monitor cost-accounting procedures

- If the obligation of cost-accounting procedures is imposed, an approved and independent auditor referred to in the Auditing Act (936/1994) shall inspect the cost-accounting procedures of a telecommunications operator in conjunction with the operator's auditing process.

89 § Accounting separation obligation

- If the accounting separation obligation is imposed, the telecommunications operator's auditor shall inspect the accounting separation calculations and give an opinion on them to the telecommunications operator.

20 § Obligations imposed on a telecommunications operator in a retail market

- If the Finnish Communications Regulatory Authority finds that the obligations imposed on an operator with significant market power in the wholesale market do not sufficiently promote competition in the retail market, but that the imposition of additional obligations is necessary to secure efficient competition, the Finnish Communications Regulatory Authority shall, by decision and where necessary, impose additional obligations referred to in subsection 2 to section 20 on the retail market operator with significant market power.

If necessary, the Finnish Communications Regulatory Authority gives case-specific guidelines on how to apply the rights and obligations of a telecommunications operator under the Communications Market Act.