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**Law**

of 17 March 2006

**on Electronic Communications  
(Communications Act)**

*informal translation from the German version*

I hereby grant my consent to the following Resolution adopted by Parliament:

**I. General provisions**

Article 1

*Purpose*

1) The purpose of this Act is to create a coherent and future-oriented framework for electronic communications in the interest of social and technological progress.

2) In particular, it serves:

- a) to ensure the supply of the population with electronic communications networks and services at a high level, including universal service;
- b) to ensure the freedom of choice of users and especially consumers, by promoting effective competition in the provision of electronic communications networks and the offering of electronic communications services;
- c) the protection of users and especially consumers;
- d) the efficient management of electronic communications resources;
- e) to facilitate efficient infrastructure investments and innovation.

3) This Act serves to implement the following EEA enactments:

- a) Commission Directive 2002/77/EC of 16 September 2002 on competition in the markets for electronic communications networks and services ("Competition Directive"; EEA Compendium of Laws: Annex XI – 5cg.01);
- b) Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services ("Framework Directive"; EEA Compendium of Laws: Annex XI – 5cl.01);
- c) Directive 2002/20/EC of the European Parliament and of the Council of 7 March 2002 on the authorization of electronic communications networks and services ("Authorisation Directive"; EEA Compendium of Laws: Annex XI – 5ck.01);
- d) Directive 2002/22/EC of the European Parliament and of the Council of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services ("Universal Service Directive"; EEA Compendium of Laws: Annex XI – 5cm.01);
- e) Directive 2002/19/EC of the European Parliament and of the Council of 7 March 2002 on access to, and interconnection of, electronic communications networks and associated facilities ("Access Directive"; EEA Compendium of Laws: Annex XI – 5cj.01);
- f) Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector ("Directive on Privacy and Electronic Communications"; EEA Compendium of Laws: Annex XI – 5ha.01);
- g) Directive 1999/5/EC of the European Parliament and of the Council of 9 March 1999 on radio equipment and telecommunications terminal equipment and the mutual recognition of their conformity ("R&TTE Directive"; EEA Compendium of Laws: Annex II – Chap. XVIII – 4zg.01);
- h) Directive 98/84/EC of the European Parliament and of the Council of 20 November 1998 on the legal protection of services based on, or consisting of, conditional access ("Conditional Access Directive"; EEA Compendium of Laws: Annex XI – 5j.01);
- i) Directive 2006/24/EC of the European Parliament and of the Council of 15 March 2006 on the retention of data generated or processed in connection with the provision of publicly available electronic

communications services or of public communications networks and amending Directive 2002/58/EC (OJ L 105 of 13 April 2006, p. 54);<sup>1</sup>

- k) Commission Directive 2008/63/EC of 20 June 2008 on competition in the markets in telecommunications terminal equipment (OJ L 105 of 21 June 2008, p. 20).<sup>2</sup>

4) It also contains the necessary provisions for implementing Regulation (EC) No 717/2007 of the European Parliament and of the Council of 27 June 2007 on roaming on public mobile telephone networks within the Community and amending Directive 2002/21/EC ("Roaming Regulation"; EEA Compendium of Laws: Annex XI – 5cu.01) in the version of Regulation (EC) No 544/2009 of 29 June 2009 (EEA Compendium of Laws: Annex XI – 5cu.02).<sup>3</sup>

## Article 2

### *Scope*

1) This Act shall apply to electronic communications.

2) On a complementary basis, it shall apply to fact patterns falling within the scope of specialized legislation. In particular, this includes legal provisions governing:

- a) electronic commerce (e-commerce);
- b) electronic signatures;
- c) the activity of e-money institutions;
- d) distance selling;
- e) protection of the population from the effects of non-ionizing electromagnetic radiation;
- f) consumer protection;
- g) data protection;
- h) marketability of goods;
- i) competition.

3) This Act shall not apply to the contents of electronic communications services, especially the contents of broadcasting services.

<sup>1</sup> Article 1 paragraph 3(i) inserted by LGBl. 2010 No. 111.

<sup>2</sup> Article 1 paragraph 3(k) inserted by LGBl. 2010 No. 111.

<sup>3</sup> Article 1 paragraph 4 inserted by LGBl. 2010 No. 111.

## Article 3

*Definitions; designations*

1) For the purposes of this Act, the following definitions shall apply:

1. "electronic communications" means any transmission, emission or reception of signs, signals, writing, images and sounds or intelligence of any nature by wire, radio, optical or other electromagnetic systems, including satellite systems;
2. "provider" means anyone who commercially offers third parties an electronic communications service (service provider) or who provides networks and/or associated facilities or has an authorization for this purpose (operator);
3. "undertaking with significant market power" means an undertaking which, either individually or jointly with others, enjoys a position equivalent to dominance, that is to say a position of economic strength affording it the power to behave to an appreciable extent independently of competitors, customers and ultimately consumers;
4. "user" means anyone using or requesting a publicly available electronic communications service or using communications terminal equipment;
5. "subscriber" means anyone who is party to a contract with the service provider of publicly available electronic communications services for the supply of such services;
6. "end-user" means a user not providing public communications networks or publicly available electronic communications services;
7. "consumer" means any natural person who uses or requests a publicly available electronic communications service for purposes which are outside his or her trade, business or profession;
8. "electronic communications service" means a service normally provided for remuneration which consists wholly or mainly in the conveyance of signals on electronic communications networks, including telecommunications services and transmission services in networks used for broadcasting. It does not include information society services, as defined in the legislation on electronic commerce, which do not consist wholly or mainly in the conveyance of signals on electronic communications networks.
9. "universal service" means a minimum set of services, to be determined by every Contracting Party to the EEA Agreement pursuant to the Universal Service Directive, of specified quality which is available to all users regardless of their geographical location and, in the light of specific national conditions, at an affordable price;

10. "publicly available electronic communications service" means an electronic communications service made available to the general public, including a publicly available telephone service;
11. "publicly available telephone service" means a publicly available electronic communications service for originating and receiving national and international calls and access to emergency services through a number or numbers in a national or international telephone numbering plan. In addition, such a service may, where relevant, include one or more of the following services:
  - a) the provision of operator assistance;
  - b) directory enquiry services;
  - c) directories;
  - d) provision of public pay telephones;
  - e) provision of service under special terms, provision of special facilities for customers with disabilities or with special social needs; and/or
  - f) provision of non-geographic services;
12. "broadcasting service" means an electronic communications service transmitting broadcasts as defined by the Media Act. In particular, this includes radio and television services as defined by EEA law;
13. "electronic communications network" means transmission systems and, where applicable, switching or routing equipment and other resources which permit the conveyance of signals by wire, by radio, by optical or by electromagnetic means, including satellite networks, fixed (circuit- and packet-switched, including Internet) and mobile communications networks, electricity cable systems, to the extent that they are used for the purpose of transmitting signals, networks used for broadcasting services, including cable television networks, irrespective of the type of information conveyed;
14. "associated facilities" means those facilities associated with an electronic communications network and/or an electronic communications service which enable and/or support the provision of services via that network and/or service. This includes conditional access systems and electronic programme guides;

15. "public communications network" means an electronic communications network used wholly or mainly for the provision of publicly available electronic communications services. This includes telecommunications networks as referred to in the R&TTE Directive;
16. "access network" means the passive network elements and associated facilities consisting of cable route, copper cable, optical fibre cable, and switch (passive access network);
17. "provision of an electronic communications network" means the establishment, operation, control or making available of such a network;
18. "public telephone network" means an electronic communications network which is used to provide publicly available telephone services; it supports the transfer between network termination points of speech communications, and also other forms of communication, such as facsimile and data;
19. "cable television network" means any mainly wire-based infrastructure established primarily for the delivery and/or distribution of broadcasting services to the public;
20. "satellite network" means a configuration of two or more earth stations which interwork by means of a satellite;
21. "network termination point" means the physical point at which a subscriber is provided with access to a public communications network; in the case of networks involving switching or routing, the NTP is identified by means of a specific network address, which may be linked to a calling number or name;
22. "local loop" means the physical circuit connecting the network termination point at the subscriber's premises to the main distribution frame or equivalent facility in the fixed public telephone network;
23. "public pay telephone" means a telephone available to the general public, for the use of which the means of payment may include coins and/or credit/debit cards and/or pre-payment cards, including cards for use with dialling codes;
24. "leased line" means the facilities which provide for transmission capacity between network termination points and which do not include switching functions which the user can control as part of the leased line provision;
25. "minimum set of leased lines" means the minimum set of leased lines according to the list of standards published in the Official Journal of the European Union pursuant to article 17 of the Framework Directive;
26. "access" means the making available of facilities and/or services, to another undertaking, under defined conditions, on either an exclusive or

non-exclusive basis, for the purpose of providing electronic communications services. It covers inter alia access to:

- a) network elements and associated facilities, which may involve the connection of equipment, by fixed or non-fixed means (in particular this includes access to the local loop and to facilities and services necessary to provide services over the local loop);
  - b) physical infrastructure including buildings, ducts and masts;
  - c) relevant software systems including operational support systems;
  - d) access to number translation or systems offering equivalent functionality;
  - e) fixed and mobile networks, in particular for roaming;
  - f) conditional access systems for digital television services;
  - g) virtual network services;
27. "interconnection" means the physical and logical linking of public communications networks used by the same or a different undertaking in order to allow the users of one undertaking to communicate with users of the same or another undertaking, or to access services provided by another undertaking. Services may be provided by the parties involved or other parties who have access to the network. Interconnection is a specific type of access implemented between public network operators;
28. "communications infrastructure resources" means the network elements required for the establishment, expansion, provision and maintenance of an electronic communications network and the associated facilities as referred to in point 26(a), the physical infrastructure as referred to in point 26(b), and the real property and associated easements;
29. "radio spectrum" means electromagnetic waves with frequencies between 3 kHz and 3000 GHz;
30. "harmful interference" means a danger for the functioning of a radionavigation service or of other safety services or any other serious degradation of a radiocommunications service operating in accordance with international treaty law and/or this Act, especially obstruction or repeated interruption thereof;
31. "means of identification" means parameters serving to identify providers, users, systems, functions, locations, lines, networks, services or communications facilities. In particular, means of identification include numbers, names and addresses for electronic communications as well as combinations thereof.
32. "geographic number" means a number from the national numbering plan where part of its digit structure contains geographic significance used

- for routing calls to the physical location of the network termination point;
33. "non-geographic number" means a number from the national numbering plan that is not a geographic number. It may include inter alia mobile, freephone and premium rate numbers;
  34. "scarce resources" means resources for electronic communication, especially means of identification and frequencies, where for a particular range of which the demand is greater than the supply;
  35. "communications system" means a system designated for electronic communications, including communications terminal equipment;
  36. "communications terminal equipment" means a product enabling communication or a relevant component thereof which is intended to be connected directly or indirectly by any means whatsoever to interfaces of public communications networks, including terminal equipment as referred to in article 1(1) of Directive 2008/63/EC;<sup>4</sup>
  37. "radio equipment" means a product, or relevant component thereof, capable of communication by means of the emission and/or reception of radio waves utilising the part of the radio spectrum allocated to terrestrial/space radiocommunication;
  38. "apparatus" means any equipment that is either radio equipment or communications terminal equipment or both;
  39. "equipment class" means a class identifying particular types of apparatus which under the R&TTE Directive are considered similar and those interfaces for which the apparatus is designed. Apparatus may belong to more than one equipment class;
  40. "essential requirements" means requirements as referred to in article 3 of the R&TTE Directive;
  41. "protected service" means a broadcast or an information society service provided against remuneration and on the basis of conditional access, including conditional access to the above services considered as a service in its own right;
  42. "conditional access (conditional access system)" means any technical measure and/or arrangement whereby access to the protected service in an intelligible form is made conditional upon prior individual authorisation;
  43. "bypass device" means any equipment or software designed or adapted to give access to a protected service in an intelligible form without the authorisation of the service provider;

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<sup>4</sup> Article 3 paragraph 1(36) amended by LGBl. 2010 No. 111.



44. "transnational markets" means markets identified in accordance with article 15 of the Framework Directive covering the EEA or a substantial part thereof;
45. "call" means a connection established by means of a publicly available telephone service allowing two-way communication in real time;
- 45a. "unsuccessful call attempt" means a communication where a telephone call has been successfully connected but not answered or there has been a network management intervention;<sup>5</sup>
46. "traffic data" means any data processed for the purpose of the conveyance of a communication on an electronic communications network or for the billing thereof;
47. "location data" means any data processed in an electronic communications network, indicating the geographic position of the terminal equipment of a user of a publicly available electronic communications service;
48. "subscriber data" means all personal data required for the establishment, processing, modification or termination of the contractual relationship between the user and the provider or for the production and publication of directories, especially name or business name and mailing address of the subscriber as well as relevant means of identification;<sup>6</sup>
- 48a. "retained data" means traffic, location and subscriber data generated or processed when a subscriber accesses a public communications network or for the billing thereof, including the data of unsuccessful call attempts, where such data is stored in the process of supplying telephone services or logged in the process of supplying Internet services;<sup>7</sup>
49. "content data" means the contents of conveyed communications;
50. "communication" means any information exchanged or conveyed between a finite number of parties by means of a publicly available electronic communications service. This does not include any information conveyed as part of a broadcasting service to the public over an electronic communications network except to the extent that the information can be related to the identifiable subscriber or user receiving the information;
51. "value added service" means any service which requires the processing of traffic data beyond what is necessary for the transmission of a communication or the billing thereof;

<sup>5</sup> Article 3 paragraph 1(45a) inserted by LGBl. 2010 No. 111.

<sup>6</sup> Article 3 paragraph 1(48) amended by LGBl. 2010 No. 111.

<sup>7</sup> Article 3 paragraph 1(48a) inserted by LGBl. 2010 No. 111.

52. "electronic mail" means any text, voice, sound or image message sent over a public communications network which can be stored in the network or in the recipient's terminal equipment until it is collected by the recipient;
53. "abbreviated dialling services" means services which have characteristics of premium rate services, but use a special number category with abbreviated (short-code) numbers;<sup>8</sup>
54. "abbreviated dialling data services" means abbreviated dialling services that serve to transmit non-voice content by way of electronic communication and that are not information society services within the meaning of the E-Commerce Act;<sup>9</sup>
55. "premium rate services" means services provided in addition to communications services that are billed to the caller together with the communications service and that cannot be allocated to another number category;<sup>10</sup>
56. "mobile communications services" means communications services between mobile and fixed stations;<sup>11</sup>
57. "numbers" means character strings used for purposes of addressing in electronic communications networks;<sup>12</sup>
58. "number category" means the totality of all numbers of a number space for a specific service or specific technical addressing;<sup>13</sup>
59. "number space" means the totality of all numbers used for a specific type of addressing;<sup>14</sup>
60. "number range" means the subset of a number space made available for a number category;<sup>15</sup>
61. "calling number" means a number which, when called in the public telephone service, can establish a connection to a specific destination;<sup>16</sup>
62. "calling number range" means a subset of the number space made available for a number category for the public telephone network;<sup>17</sup>

<sup>8</sup> Article 3 paragraph 1(53) inserted by LGBl. 2010 No. 111.

<sup>9</sup> Article 3 paragraph 1(54) inserted by LGBl. 2010 No. 111.

<sup>10</sup> Article 3 paragraph 1(55) inserted by LGBl. 2010 No. 111.

<sup>11</sup> Article 3 paragraph 1(56) inserted by LGBl. 2010 No. 111.

<sup>12</sup> Article 3 paragraph 1(57) inserted by LGBl. 2010 No. 111.

<sup>13</sup> Article 3 paragraph 1(58) inserted by LGBl. 2010 No. 111.

<sup>14</sup> Article 3 paragraph 1(59) inserted by LGBl. 2010 No. 111.

<sup>15</sup> Article 3 paragraph 1(60) inserted by LGBl. 2010 No. 111.

<sup>16</sup> Article 3 paragraph 1(61) inserted by LGBl. 2010 No. 111.

<sup>17</sup> Article 3 paragraph 1(62) inserted by LGBl. 2010 No. 111.

63. "calling number block" means a closed number range, whereby all calling numbers covered begin with a specific identical sequence of digits;<sup>18</sup>
64. "right of use" means the right granted by the regulatory authority to a provider for use of specific means of identification;<sup>19</sup>
65. "assignee" means a person who enjoys the right of use for specific means of identifications or frequencies;<sup>20</sup>
66. "assignment owner" means a service provider who has been granted the right of use for specific means of identification by the regulatory authority;<sup>21</sup>
67. "individual right to use frequencies" means the right of exclusive use of specific frequencies granted to a person;<sup>22</sup>
68. "collective right to use frequencies" means the right of exclusive use of specific frequencies granted to several persons;<sup>23</sup>

2) International treaty law, especially EEA law, shall be drawn on *mutatis mutandis* to interpret the definitions.

3) The terms designating persons and functions in this Act shall apply to both female and male genders.

## II. Electronic communications networks and services

### Article 4

#### *Principle*

Within legal limits, everyone shall be free:

- a) to provide electronic communications networks;
- b) to offer electronic communications services;
- c) to use electronic communications networks and services.

<sup>18</sup> Article 3 paragraph 1(63) inserted by LGBl. 2010 No. 111.

<sup>19</sup> Article 3 paragraph 1(64) inserted by LGBl. 2010 No. 111.

<sup>20</sup> Article 3 paragraph 1(65) inserted by LGBl. 2010 No. 111.

<sup>21</sup> Article 3 paragraph 1(66) inserted by LGBl. 2010 No. 111.

<sup>22</sup> Article 3 paragraph 1(67) inserted by LGBl. 2010 No. 111.

<sup>23</sup> Article 3 paragraph 1(68) inserted by LGBl. 2010 No. 111.

## Article 5

*Regulation*

1) The provision of electronic communications networks and the offering of electronic communications services shall be subject to regulation in accordance with this Act and the associated ordinances.

2) Regulation shall take the following principles into account:

- a) creation of favourable conditions for competition;
- b) transparency, objectivity, non-discrimination and proportionality;
- c) technology neutrality to the greatest extent possible;
- d) promotion of interoperability of electronic communications services;
- e) protection of public health and the environment;
- f) maintenance of public security, order and morality;
- g) data protection;
- h) consideration of the advantages of self-regulation.
- i) maintenance of the international reachability of Liechtenstein.<sup>24</sup>

3) Where possible, regulation may take account of the free flow of information, the plurality of media, cultural diversity and protection of consumers and minors.

## Article 6

*Provision of electronic communications networks and offering of electronic communications services*

1) After consulting the regulatory authority and taking account of the principles set out in the Authorisation Directive, the Government shall regulate the provision of electronic communications networks and the offering of electronic communications services by way of an ordinance.

2) The ordinance referred to in paragraph 1 shall, in accordance with article 6 of the Authorisation Directive, set out in particular:

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<sup>24</sup> Article 5 paragraph 2(i) inserted by LGBl. 2010 No. 111.

- a) the rights and duties relating to universal service in accordance with Chapter III;
- b) the rights and duties relating to regulation in accordance with Chapter IV;
- c) the application of standards in accordance with Chapter VIII;
- d) the rights and duties relating to transparency in accordance with Chapter X;
- e) the rights and duties relating to communications secrecy, data protection and participation duties in accordance with Chapter XI;
- f) the assurance of interoperability of digital interactive television services in accordance with article 18 of the Framework Directive and the usability of conditional access systems and other communications terminal equipment for digital broadcasting services in accordance with article 6 of the Access Directive.

### **III. Basic supply**

#### **A. General provisions**

##### Article 7

###### *Principle*

1) The State shall ensure a reliable and permanent supply of electronic communications services and networks that are necessary for fulfilling the communication needs of the population and the economy (basic supply).

2) Basic supply is ensured by:

- a) guaranteeing universal service (articles 9 to 13) and any supplementary services (article 14); and
- b) making the necessary infrastructure available (article 15).

##### Article 8

###### *Freedom of choice of end-user*

Every end-user shall be free to use electronic communications services of any provider of the end-user's choice without having to make use of the universal service or any supplementary services.

## B. Universal service

### Article 9

#### *Principle*

1) The purpose of universal service is to ensure that, in accordance with article 3 of the Universal Service Directive, all end-users:

- a) have, on a permanent basis, a minimum set of services of specified quality at an affordable price and subject to fair and reasonable market conditions at their disposal; and
- b) as subscribers, have similar framework conditions at their disposal as subscribers of the universal service in other Contracting Parties to the EEA Agreement.

2) By ordinance, the Government may, without prejudice to the provisions governing special regulatory measures (article 23) and in accordance with article 9 of the Universal Service Directive, specify the provision of special tariff options, uniform rates, and compliance with price caps for services of the minimum set of services in accordance with article 10, provided this is necessary to ensure the affordability of these services.<sup>25</sup>

### Article 10

#### *Minimum set of services*

1) By ordinance, the Government shall specify the content of the minimum set of services in accordance with article 9(a).

2) The minimum set of services shall in particular include:

- a) the provision of a local loop at every reasonable fixed location in order to enable the supply of electronic communications services in accordance with subparagraphs (b) and (c);
- b) the publicly available telephone service with data transmission for broadband services at a guaranteed transmission rate to be specified by the Government;<sup>26</sup>
- c) a directory enquiry service;

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<sup>25</sup> Article 9 paragraph 2 inserted by LGBl. 2010 No. 111.

<sup>26</sup> Article 10 paragraph 2(b) amended by LGBl. 2010 No. 111.

- d) the free inclusion of every subscriber of a publicly available telephone service in a comprehensive directory covering all providers;
- e) the provision of public pay telephones and the guarantee of free access to emergency services without any means of payment.

3) The compiler of a directory as referred to in paragraph 2(d) shall ensure that:

- a) every subscriber is given the free opportunity to reject inclusion in the directory in writing;
- b) in the preparation of the directory, the subscriber information of different providers of publicly available telephone services are treated equally; and
- c) the current version of directory is published in electronic form and each year in printed form and is sent free of charge to every household.

#### Article 11

##### *Designation of undertakings*

1) Taking account of specific national circumstances, especially the need to supply the entire territory of the State, the Government shall by decree designate one or more undertakings to provide universal services (universal service providers).

2) Before the Government designates one or more undertakings, it shall:

- a) define an efficient and low-cost concept, especially with regard to division of responsibilities for ensuring universal services, and publish an explanation of this concept in an appropriate manner. The purpose of the concrete specification of the division of responsibilities is in particular to promote effective competition, taking account of the specific national circumstances;
- b) grant all potential undertakings the opportunity the participation in the procedure.

3) The name or business name of a designated undertaking shall be published by the Government in an appropriate manner.

4) The Government shall provide further details by ordinance.

## Article 12

*Type and scope of provision*

By ordinance, the Government shall regulate the type and scope of provision of the universal service in accordance with articles 3 to 14 of the Universal Service Directive, especially in regard to:

- a) the application of characteristics, parameters, definitions and performance targets as well as measurement procedures regarding their quality, which are specified by the regulatory authority with respect to the services;
- b) the ordering of reviews of the performance data by the regulatory authority with respect to the quality of services, especially by consulting independent experts at the expense of the provider;
- c) securing access to and use of public telephone services at affordable subscriber prices. This is accomplished in particular through supervision by the regulatory authority concerning the tariff structure and, in justified cases, by imposing price caps, tariff options, or tariff bundles for the benefit of low-income persons or persons with special social needs;
- d) supervision by the regulatory authority concerning the permissibility of provisions in contracts between the provider and subscribers, in particular of contractual provisions relating to verification of expenses by the subscriber;
- e) securing the provision of facilities and services in accordance with article 10 paragraph 2 of the Universal Service Directive by the provider in question so that the subscriber can verify expenses. Such facilities shall in particular enable the subscriber to monitor and control his expenses and thereby avoid unwarranted disconnection of service;
- f) securing sufficient supply of the country with public pay telephones;
- g) securing facilitated access to electronic communications services at affordable conditions for persons with disabilities, including consideration of access to such services by means of public pay telephones;
- h) approval of the design of the directory referred to in article 10 paragraph 2(d) by the regulatory authority and the modalities concerning inclusion and non-inclusion of subscriber information in accordance with article 12 of the Directive on Privacy and Electronic Communications;
- i) the creation of transparency for the benefit of the end-user, especially through imposition by the regulatory authority of publication duties for providers of the universal service with respect to measures in accordance with subparagraphs (a) to (g);



- k) specification of a fair and transparent allocation procedure for imposition of contributions in accordance with article 13 paragraph 2(a);
- l) the protection of the rights of end-users within the framework of provision of the universal service.

#### Article 13

##### *Financing*

1) The provision of the universal service shall in particular honour the principles of efficiency and cost recovery.

2) If, on the basis of sufficient information to be disclosed by the universal service provider in question and to be verified by one or more experts, the regulatory authority determines that the provision of the universal service constitutes an unreasonable financial burden for one of the providers, it may:

- a) impose a contribution to uncovered net costs for the provision of the universal service upon other providers of the universal service or providers of publicly available electronic communications networks or services;
- b) recommend that the Government reimburse uncovered net costs with State support.

3) Pursuant to the recommendation in accordance with paragraph 2(b), the Government may apply to Parliament for the required financial resources.

4) The Government shall provide further details by ordinance, in accordance with articles 12 to 14 of the Universal Service Directive and article 6 of the Competition Directive.

#### Article 14

##### *Supplementary services*

1) After carrying out a public consultation, the Government may by ordinance expand the minimum set of services included in the universal service by adding supplementary, publicly available electronic communications services (supplementary services).

2) The purpose of supplementary services shall be to enable the user to access a recognized service widespread among end-users internationally:

- a) the provision of which is not or not sufficiently ensured under normal conditions of competition; and
- b) the lack of which at reasonable fixed locations constitutes or would constitute a significant economic or social burden.

3) By ordinance, the Government shall designate one or more providers to provide each supplementary service and shall publish the names or business names thereof in an appropriate manner. Article 11 paragraph 2, article 13 paragraphs 1 and 2(b) and article 15 shall apply *mutatis mutandis*.

4) The Government shall provide further details by ordinance, in particular the scope, characteristics, parameters, definitions and performance targets as well as measurement procedures for ensuring the quality of the supplementary services.

### **C. Infrastructure for provision of the universal service**

#### Article 15

##### *Availability of the required infrastructure*

1) The Government shall make available to the providers of the universal service and to other providers the network elements in the possession or under the control of the State which are required for provision of the universal service. The conditions for use of the required infrastructure shall be published in an appropriate manner.

2) The use of the required infrastructure for the provision of electronic communications networks and offering of electronic communications services shall be subject to regulation.

3) The Government may, in whole or in part, delegate management of the required infrastructure to third parties.

4) The ownership and control of the required infrastructure may be transferred to third parties, provided that provision of the universal service is ensured. Such a transfer shall require approval by Parliament.

## IV. Regulation

### A. General provisions

#### Article 16

##### *Minimum requirements for public communications networks and services*<sup>27</sup>

1) Operators of public communications networks must ensure that, in terms of the establishment, functioning, associated facilities and organization of the network operations and with respect to the provision of electronic communications services, the networks:

- a) comply with the recognized technical rules, especially in regard to the safety of electronic communications services, safe network operations, network integrity, and the avoidance of electromagnetic interference with other networks, the interoperability of services, and the limitation of exposure of the population to electromagnetic fields; and
- b) comply with the interface specifications published by the regulatory authority and with the technical requirements imposed by the authority, including those concerning interconnection and interoperability.<sup>28</sup>

2) Operators of public telephone networks and providers of publicly available telephone services must ensure:<sup>29</sup>

- a) access to emergency and enquiry services, including guarantee of access using public pay telephones in the case of fixed networks;
- b) number portability in accordance with the Liechtenstein Numbering Plan referred to in article 29 paragraph 3, to the extent technically possible and economically feasible;
- c) for emergency calls: the transmission of information regarding the location of the caller to the emergency services, to the extent technically possible;
- d) the option of suppressing caller and callee identification when calls are placed;
- e) the option of deactivating the automatic forwarding of calls to the terminal equipment of the subscriber initiated by a third party;

<sup>27</sup> Article 16 heading amended by LGBl. 2010 No. 111.

<sup>28</sup> Article 16 paragraph 1(b) amended by LGBl. 2010 No. 111.

<sup>29</sup> Article 16 paragraph 2 introductory sentence amended by LGBl. 2010 No. 111.

- f) the use of European harmonized numbers and other internationally harmonized numbers, provided that the latter have been included in the Liechtenstein Numbering Plan;
- g) access to non-geographic numbers in other Contracting Parties to the EEA Agreement and Switzerland, to the extent technically possible and economically feasible;

3) The Government shall provide further details by ordinance in accordance with article 7 paragraph 3 and articles 17 and 18 of the Framework Directive, articles 5 and 6 of the Access Directive, articles 24 to 30 of the Universal Service Directive, and articles 3, 4, 8 to 11 and 15 of the Directive on Privacy and Electronic Communications.

#### Article 17

##### *Integrity and availability of electronic communications networks and publicly available telephone services*

1) Providers of publicly available telephone services at fixed locations shall take all appropriate measures for maintaining network integrity, the availability of public fixed telephone networks and publicly available telephone services at fixed locations and for ensuring uninterrupted access to emergency services. The Government may provide further details in accordance with article 23 of the Universal Service Directive.

2) In the event of a complete breakdown of the public communications network or in the event of disaster, the Government shall take all measures to ensure the availability of that communications network and publicly available telephone services at fixed locations.

## Article 18

*Negotiation and confidentiality obligation*

1) Every operator of a public communication network shall be obligated, upon request by other operators of public communications networks, to negotiate fairly on interconnection for the purpose of providing publicly available electronic communications services, in order to guarantee electronic communications among users and the provision of electronic communications services and their interoperability.<sup>30</sup>

2) An undertaking which, before or after a negotiation pursuant to a request in accordance with paragraph 1 or a obligation under article 23 paragraph 1(d) to grant interconnection or other network access, receives information from or concerning another undertaking, may use such information only for the purpose for which it was made available. This information shall be treated confidentially. It may not be forwarded to third parties, especially subsidiary undertakings or business partners. This provision is subject to cases where the forwarding of information is necessary to honour the request for interconnection or access. In such cases, the undertaking must ensure that the information received does not give rise to a competitive advantage for the recipient.<sup>31</sup>

3) The Government shall provide further details by ordinance in accordance with articles 4 to 8 of the Access Directive and article 30 paragraph 2 of the Universal Service Directive.

## Article 19

*Minimum protection requirements of providers*

1) Providers of publicly available electronic communications services must:

- a) publish and continuously update information concerning the quality of their services in accordance with the criteria, parameters, definitions and measurement procedures defined by the regulatory authority;
- b) taking account of data protection provisions, offer subscribers the options of itemized and non-itemized billing;
- c) make available adequate technical possibilities for protecting the sensitive interests of end-users, especially with regard to data protection and controlling of expenses. In particular, this includes:

<sup>30</sup> Article 18 paragraph 1 amended by LGBl. 2010 No. 111.

<sup>31</sup> Article 18 paragraph 2 amended by LGBl. 2010 No. 111.

1. the use of conditional access;
  2. the use of value limits;
  3. the use of time limits for connections with special services as referred to in recommendation E.164 of the International Telecommunication Union;
  4. the prevention of automatic dialler programmes falling within the scope of the prohibition under article 30f paragraph 1; and<sup>32</sup>
  5. the availability of payment information for users and subscribers.
- d) in relation to consumers:
1. when applying for such services, offer the conclusion of a written subscriber contract concerning the service or services in question;
  2. furnish with other information concerning the provision of services, especially standard price and standard tariff information, as well as concerning fulfilment of their obligations in regard to communications secrecy, data protection, and participation duties (Chapter XI).
- 2) Providers of publicly available telephone services must furthermore:
- a) record subscriber data for the provision of publicly available enquiry services and directories and make them available to providers of publicly available enquiry services and publishers of directories;
  - b) in relation to end-users:
    1. grant access to operator assistance and subscriber enquiry services;
    2. offer the services and benefits referred to in article 16 paragraph 2; in particular the services referred to in article 16 paragraph 2(a), (c), (d) and (e) must be free of charge;
  - c) by way of subscriber contracts for the connection with the public telephone network and/or access to that network, grant consumers the right to cancel the contract within one month without paying contractual penalties in the event that envisaged, significant changes to the contract terms to the detriment of the consumer are announced.
- 3) The rights of a subscriber pursuant to article 12 of the Directive on Privacy and Electronic Communications relating to free written refusal of inclusion of the subscriber's personal data in a directory and the verification, correction and withdrawal thereof shall not be affected by paragraph 2(a).
- 4) The Government shall provide further details by ordinance, especially concerning the manner of publications and the protection of the rights of users,

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<sup>32</sup> Article 19 paragraph 1(c)(4) amended by LGBI. 2010 No. 111.

in accordance with articles 20 to 22, 25 to 28 and 30 of the Universal Service Directive as well as articles 3 to 12 and 15 of the Directive on Privacy and Electronic Communications. In particular, it may extend the rights of consumers referred to in paragraph 1 to other end-users.

## **B. Special regulation**

### Article 20

#### *Principle*

1) To the extent that and as long as there is no effective competition, the regulatory authority shall, in accordance with articles 7, 8 and 14 to 16 of the Framework Directive, take measures to eliminate or reduce the negative consequences of the lack of competition for providers and users in the market for public communications networks and publicly available electronic communications services (special regulation). For this purpose, the regulatory authority shall observe the decisions of the EFTA Surveillance Authority in accordance with article 7 paragraph 4 of the Framework Directive and shall, to the greatest possible extent, take account of the relevant recommendations and guidelines thereof.

2) The special regulation shall be carried out in accordance with this section, in that obligations in accordance with article 23 may be imposed upon undertakings which, on the basis of a market analysis, are identified as undertakings with significant market power. Measures of special regulation shall in any event be limited to the fact patterns described in articles 6 and 8 to 13 of the Access Directive or articles 17 to 19 of the Universal Service Directive and which lead to a lack of competition.

3) By ordinance, the Government shall provide further details regarding special regulation, especially concerning the protection of the associated rights of providers and users vis-à-vis an undertaking upon which obligations in accordance with article 23 have been imposed.

### Article 21

#### *Market definition and market analysis*

1) The regulatory authority shall define the materially and territorially relevant communications markets (market definition) in accordance with competition law and article 15, paragraph 3 of the Framework Directive and

taking the fullest possible account of the recommendation of the EFTA Surveillance Authority concerning relevant product and service markets. Before the regulatory authority defines markets deviating from the recommendations of the EFTA Surveillance Authority, it shall ensure that the following criteria are met:

- a) Substantial and persistent obstacles to access of a structural, legal or regulatory nature exist.
- b) The market does not tend toward effective competition within the relevant time period. When taking this criterion as a basis, the status of competition behind the barriers to access shall be reviewed.
- c) Competition law alone does not suffice to adequately counter the market failure in question.<sup>33</sup>

2) The regulatory authority shall regularly review the competitive conditions in the defined markets (market analysis) *ex officio*, taking fullest possible account of the guidelines of the EFTA Surveillance Authority relating to market analysis and the determination of significant market power.<sup>34</sup>

3) In the case of transnational markets within the EEA as determined in accordance with article 15 paragraph 4 of the Framework Directive, the regulatory authority shall carry out the market analysis together with the relevant national regulatory authorities of the other Contracting Parties to the EEA Agreement. By mutual agreement with those authorities, it shall determine whether measures should be taken pursuant to the market analysis and whether, either alone or in cooperation with one or more of the relevant authorities, it should take such special regulatory measures.

4) The regulatory authority shall publish the final results of the market definition and market analysis in electronic form.<sup>35</sup>

## Article 22

### *Preconditions*

1) An undertaking may be made subject to special regulation only if the regulatory authority concludes, on the basis of the market analysis in accordance with article 21, that:

- a) no effective competition exists in one or more of the defined markets;

<sup>33</sup> Article 21 paragraph 1 amended by LGBl. 2010 No. 111.

<sup>34</sup> Article 21 paragraph 2 amended by LGBl. 2010 No. 111.

<sup>35</sup> Article 21 paragraph 4 amended by LGBl. 2010 No. 111.



- b) the undertaking in question, alone or together with others, has a position in one or more of the defined markets tantamount to dominance;
- c) the identified lack of competition can be eliminated using special regulatory measures in accordance with article 23.

2) An undertaking to which to preconditions for special regulation referred to in paragraph 1 apply in relation to a defined market may also be made subject to special regulation with respect to the neighbouring defined market if the market analysis shows that the connections between the two markets allow the position tantamount to dominance to be transferred from one market to the other, thus strengthening the overall market power of the undertaking.

#### Article 23

##### *Measures*

1) Special regulation shall be carried out by imposing duties by way of decree (special regulatory measures). The regulatory authority may in particular oblige an undertaking subject to special regulation:

- a) to apply fair, reasonable and transparent terms of business in accordance with article 17 of the Universal Service Directive with respect to the electronic communications service in question. In particular, the following obligations may be imposed upon the undertaking in question:
  - 1. to define objectively verifiable cost-oriented prices on the basis of separate bookkeeping and cost accounting;
  - 2. to limit tariffs and prices;
  - 3. to unbundle tariffs;
- b) to make available, in part or in whole, the minimum set of leased lines in accordance with article 18 of the Universal Service Directive, provided that the undertaking already makes part of the minimum set of leased lines available;
- c) to ensure operator access codes and operator selection according to cost-oriented price conditions in accordance with article 19 of the Universal Service Directive, provided that the undertaking provides connections to the public telephone network and the use thereof at fixed locations;
- d) to grant interconnection and access to the required extent to other operators of public communications networks in accordance with articles 8 to 13 of the Access Directive, provided that the undertaking operates a public communications network. Information received for this purpose

from or concerning other undertakings shall be subject to the confidentiality obligation set out in article 18, paragraph 2.<sup>36</sup>

2) Before imposing any obligations under paragraph 1(a), the regulatory authority shall determine whether the goals of special regulation could also be achieved by way of measures set out in paragraph 1(c) or (d).

3) If, on the basis of a new market analysis, the regulatory authority determines that the preconditions set out in article 22 paragraph 1 no longer obtain in one or more of the defined markets (article 21), then it shall lift the decree in question to the appropriate extent and shall grant an appropriate transitional period.

4) The regulatory authority shall publish decrees pursuant to paragraphs 1 and 3 in an appropriate manner.

#### Article 24

##### *Consultation*

1) If the regulatory authority intends to take special regulatory measures that are expected to have a substantial impact on the market in question, it shall announce this intention to interested parties and give them the opportunity to comment within a reasonable time period. For this purpose, a public consultation (articles 46 et seq.) may be carried out.

2) If the regulatory authority intends to take special regulatory measures that are expected to impact the trade between Contracting Parties to the EEA Agreement, then it shall in advance consult the EFTA Surveillance Authority and other national regulatory authorities in accordance with article 7 of the Framework Directive.

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<sup>36</sup> Article 23 paragraph 1(d) amended by LGBl. 2010 No. 111.

## V. Access to communications infrastructure resources

### Article 25

#### *Principle*

1) Operators not already subject to relevant duties imposed pursuant to article 23 paragraph 1(d) shall, in accordance with this Chapter, provide other operators access to communications infrastructure resources.

2) The Government shall, in accordance with article 12 of the Framework Directive and articles 5 and 8 of the Access Directive, provide further details concerning access to communications infrastructure resources as referred to in articles 26 and 27.

### Article 26

#### *Obligation to grant access*

1) Upon justified request, operators shall grant other operators access to communications infrastructure resources, provided that:

- a) the granting of access is reasonable, in particular:
  1. the granting of access does not give rise to any significant curtailment of the affected rights of use of the requested operator or third parties and no equivalent alternative exists;
  2. the requesting operator participates adequately in the associated costs or makes other concessions, in particular with respect to adequate cooperation in the operation and maintenance of the facilities in question;
- b) net integrity and security are ensured.

2) Access must be granted in particular by way of the shared use of real property, transmission rights and rights of way as well as appropriate facilities, including physical collocation of such facilities.

3) Article 18 paragraph 2 shall apply *mutatis mutandis* to information received by a operator from another operator or concerning another undertaking in connection with the granting of access.

4) In its written justification, the requesting operator shall show credibly that the preconditions set out in paragraph 1 obtain and, where necessary, make a binding declaration.

## Article 27

*Order by the regulatory authority*

1) To the extent that and as long as no access to communications infrastructure resources has been granted, despite existence of the preconditions set out in article 26, the regulatory authority shall, on application or in justified cases *ex officio*, order by decree that access shall be granted. In this regard, it shall take into account whether the granting of access will significantly benefit the concerns of environmental protection, limitation of the exposure of the population to electromagnetic fields, or spatial planning.

2) Article 24 shall apply *mutatis mutandis*.

## Article 28

*Expropriation*

In justified cases, expropriation may be carried out for the purpose of establishing or expanding public communications networks, in the form of transfer of ownership or granting of easements, especially transmission rights and rights of way, in accordance with the Expropriation Procedure Act.

**VI. Means of identification**

## Article 29

*Sovereignty and competences*

1) The sovereignty over means of identification shall appertain to the State, irrespective of any rights of use relating to them. The assignment of means of identification for specific purposes of use shall be the responsibility of the Government by way of ordinance.<sup>37</sup>

2) The regulatory authority shall manage the means of identification. In this regard, it shall in particular observe the following principles:

a) guarantee of sufficient availability of means of identification for providers and users;

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<sup>37</sup> Article 29 paragraph 1 amended by LGBI. 2010 No. 111.

- b) guarantee of efficient use of means of identification, taking into account the demand for specific electronic communications services;
- c) consideration of harmonized means of identification and harmonized conditions for their use.
- d) protection of the users of means of identification.<sup>38</sup>

3) By ordinance, the Government shall issue plans and accompanying reference documents for the use of means of identification, including a Liechtenstein Numbering Plan.<sup>39</sup>

#### Article 30<sup>40</sup>

##### *Rights of use*

1) Rights of use for means of identification shall, upon application and in the case of scarce resources also pursuant to a tender procedure, be assigned and registered by decree of the regulatory authority, subject to deviating provisions. The assignment shall provide an entitlement to use the means of identification covered by the assignment, in accordance with the applicable law and the assignment decree including ancillary provisions (rights of use for means of identification).

2) The regulatory authority may supplement the assignment decree with ancillary provisions. Ancillary provisions may in particular govern requirements and conditions of use, amendment, transfer, revocation and expiry of rights of use for means of identification as well as obligations under Parts A and C of the Annex to the Authorisation Directive.

3) The regulatory authority may grant an assignment owner the right to manage subordinate means of identification autonomously, provided that the assignment owner:

- a) does not act in a discriminatory manner toward other providers with respect to access to the assignment owner's services; and
- b) notifies the regulatory authority on a monthly basis in written form who is using the means of identification managed by the assignment owner and for what purpose.

4) Fees shall be charged for the use of means of identification.

<sup>38</sup> Article 29 paragraph 2(d) amended by LGBl. 2010 No. 111.

<sup>39</sup> Article 29 paragraph 3 amended by LGBl. 2010 No. 111.

<sup>40</sup> Article 30 amended by LGBl. 2010 No. 111.

5) Assignment, registration, amendment, transfer, revocation and expiry of a right of use for a means of identification shall not give rise to a claim to compensation.

6) Officially assigned rights of use for means of identification may be transferred only upon application of the assignment owner by the regulatory authority to another registered provider in accordance with paragraph 1.

7) By way of an ordinance, the Government shall provide further details concerning the use of means of identification, especially concerning the assignment, registration, amendment, transfer, revocation and expiry of rights of use for means of identification, the autonomous management of subordinate means of identification and the charging of fees, in accordance with article 10 of the Framework Directive, articles 5 and 6 of the Authorisation Directive, and the other relevant international provisions and recommendations.

8) The Government may set out exemptions from the fee requirement referred to in paragraph 4 for certain means of identification.

#### Article 30a<sup>41</sup>

##### *Declaration of price*

1) Anyone offering or advertising premium rate services to end-users shall declare the price to be paid for the use of the service by the minute or per use, including any taxes and other price components.

2) By ordinance, the Government shall provide further details concerning the obligation to declare the price, especially relevant price thresholds, form and content of the declaration, and supplemental indications.

3) By ordinance, the Government may expand the obligation to declare prices to include other services, provided that this is necessary to protect end-users.

#### Article 30b<sup>42</sup>

##### *Announcement of price*

1) In the case of voice-based premium rate services, the entity defining the price to be paid by the end-user for the use of the service shall, before the

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<sup>41</sup> Article 30a inserted by LGBl. 2010 No. 111.

<sup>42</sup> Article 30b inserted by LGBl. 2010 No. 111.

payment obligation commences, announce the price to be paid for the use of the service by the minute or per use, including any taxes and other price components.

2) By ordinance, the Government shall provide further details concerning the obligation to announce the price, especially relevant price thresholds, time, duration and content of the announcement, and supplemental indications.

3) By ordinance, the Government may.

- a) define different modalities for announcement of the price for certain services, provided that technical developments make this necessary;
- b) expand the obligation to announce prices to include other voice services, provided that this is necessary to protect end-users.

#### Article 30c<sup>43</sup>

##### *Display of price*

1) In the case of abbreviated dialling data services, the entity defining the price to be paid by the end-user for the use of the service shall, before the payment obligation commences, display the price to be paid for the use of the service, including any taxes and other price components, in a clearly visible and easily legible manner, and have receipt of that information confirmed by the end-user.

2) By ordinance, the Government shall provide further details concerning the obligation to display the price, especially relevant price thresholds, form and content of the display, and supplemental indications.

3) By ordinance, the Government may.

- a) define exemptions from the obligation to display the price, provided that no danger of misuse exists or the entity subject to the obligation takes appropriate measures to protect the end-user;
- b) expand the obligation to display prices to include other data services, provided that this is necessary to protect end-users.

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<sup>43</sup> Article 30c inserted by LGBl. 2010 No. 111.

Article 30d<sup>44</sup>*Price caps and billing modalities*

1) By ordinance, the Government may, without prejudice to the provisions concerning special regulatory measures (article 23), define price caps and billing modalities for certain calling number ranges, provided that this is necessary to protect end-users. The price caps and billing modalities shall be based on the general development of the market.

2) The Government may provide for exemptions from the price caps and billing modalities defined in accordance with paragraph 1, provided that no danger of misuse exists or the entity subject to the obligation takes appropriate measures to protect the end-user.

3) By ordinance, the Government may, without prejudice to the provisions concerning special regulatory measures (article 23), define price caps for interconnection fees, provided that this is necessary for structuring the number space.

Article 30e<sup>45</sup>*Connection release*

1) By ordinance, the Government may define with respect to certain calling number ranges that every operator carrying such a calling number must release every connection to that number billed according to time after a certain duration.

2) The Government may provide for exemptions from the obligation to release connections set out in paragraph 1, provided that no danger of misuse exists or the entity subject to the obligation takes appropriate measures to protect the end-user.

Article 30f<sup>46</sup>*Dialler programmes*

1) Dialler programmes establishing connections to a number where contents are billed in addition to the electronic communications service may not be used.

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<sup>44</sup> Article 30d inserted by LGBl. 2010 No. 111.

<sup>45</sup> Article 30e inserted by LGBl. 2010 No. 111.

<sup>46</sup> Article 30f inserted by LGBl. 2010 No. 111.



2) By ordinance, the Government may provide for exemptions from the prohibition set out in paragraph 1, provided that no danger of misuse exists or the entity subject to the obligation takes appropriate measures to protect the end-user.

Article 30g<sup>47</sup>

*Collect calls*

1) No payments may be made to the caller on the basis of telephone connections for which the fee for the connection is billed to the callee (collect call).

2) By ordinance, the Government shall provide further details concerning collect calls, including the maintenance of a list containing calling numbers which providers must block for collect calls services.

Article 30h<sup>48</sup>

*Right to information*

1) Every user may demand information in writing from the assignment owner who has the right of use for a certain calling number concerning the name and the mailing address:

- a) of every provider that offers or has offered electronic communications services via the calling number in question; and
- b) of every operator that carries or has carried the calling number in question of the electronic communications service in question.

2) By ordinance, the Government shall provide further details concerning the right to information set out in paragraph 1, especially the processing of the required data as well as the form and deadline of the request for information and the granting of information.

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<sup>47</sup> Article 30g inserted by LGBl. 2010 No. 111.

<sup>48</sup> Article 30h inserted by LGBl. 2010 No. 111.

Article 30i<sup>49</sup>*Forfeit of right to fee*

1) The end-user shall not be required to pay a fee if the entity subject to the obligation has violated:

- a) the obligation to announce the price set out in article 30b;
- b) the obligation to display the price set out in article 30c;
- c) the price caps and billing modalities set out in article 30d;
- d) the obligation to release the connection set out in article 30e;
- e) the prohibition of diallers set out in article 30f;
- f) the prohibition of certain collect call services set out in article 30g;
- g) the obligation to provide information set out in article 30h.

2) By ordinance, the Government shall provide further details concerning assertion of the rights referred to in paragraph 1.

Article 30k<sup>50</sup>*Transmission of calling number*

1) Providers of electronic communications services enabling subscribers to establish outgoing connections must ensure that, as the calling number of the caller, a complete nationally significant calling number is transmitted and identified as such when establishing the connection. Liechtenstein calling numbers not assigned for fixed network or mobile communications services in the Liechtenstein Numbering Plan may not be transmitted as the calling number of the caller.

2) By ordinance, the Government shall provide further details concerning transmission of the calling number, especially the manner and scope of permissible transmission.

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<sup>49</sup> Article 30i inserted by LGBl. 2010 No. 111.

<sup>50</sup> Article 30k inserted by LGBl. 2010 No. 111.

Article 30l<sup>51</sup>*International freephone service*

Calls to 00800 numbers must be free of charge for the caller, without prejudice to fees charges for making use of terminal equipment.

Article 30m<sup>52</sup>*Combating misuse of calling numbers*

1) Any entity carrying calling numbers in its electronic communications network is required:

- a) to notify the assignment owner in writing that any unlawful use or misuse of calling numbers as well as the transmission of certain information or other services is prohibited by law;
- b) to take appropriate technical and organizational measures to obtain indications of unlawful use or misuse of calling numbers on the basis of the traffic data.

2) If a operator has indications that a calling number implemented in its electronic communications network is being used unlawfully or misused, it is required to notify this to the assignment owner immediately.

3) The assignment owner is required to immediately clarify any suspicion of unlawful use or misuse of a calling number and, where necessary, to take appropriate measures to stop the unlawful use or misuse and to prevent it from being repeated. In the case of repeated or serious violations, it is required to deactivate the calling number.

4) By ordinance, the Government shall provide further details concerning the misuse of calling numbers, especially the type and scope of measures referred to in paragraphs 1 and 3.

Article 30n<sup>53</sup>*Prohibition of circumvention*

The provisions set out in articles 30a to 30m shall also apply when they are circumvented by other kinds of arrangements.

<sup>51</sup> Article 30l inserted by LGBl. 2010 No. 111.

<sup>52</sup> Article 30m inserted by LGBl. 2010 No. 111.

<sup>53</sup> Article 30n inserted by LGBl. 2010 No. 111.

Article 30o<sup>54</sup>*Right to elimination, cessation and indemnification*

1) Anyone using calling numbers unlawfully or misusing them shall be required to eliminate and cease the unlawful use or misuse with respect to the concerned parties. The concerned parties are those adversely affected by the unlawful use or the misuse.

2) If the concerned party has suffered damage due to the unlawful use or misuse of a calling number, the following shall be jointly and severally liable:

- a) the assignment owner with the right to use the calling number in question;
- b) every provider that offers or has offered electronic communications services via the calling number in question; and
- c) every operator that has or had implemented the calling number in question or the electronic communications service in question.

3) The persons referred to in paragraph 2 shall be exempt from liability if they prove that the damage was caused by a judicially punishable act of a third party or at least gross negligence of the concerned party, without any fault on the part of the person or another person for whom the person is responsible.

4) Limitations of the material rights to elimination, cessation and indemnification shall be excluded.

Article 30p<sup>55</sup>*Legal venue*

The Liechtenstein Court of Justice shall have jurisdiction for lawsuits concerning elimination, cessation and indemnification.

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<sup>54</sup> Article 30o inserted by LGBl. 2010 No. 111.

<sup>55</sup> Article 30p inserted by LGBl. 2010 No. 111.

## VII. Frequencies

### Article 31<sup>56</sup>

#### *Sovereignty and competences*

1) The sovereignty over the radio spectrum shall appertain to the State, irrespective of any rights of use relating to them. The Government shall ensure that the use of the entire radio spectrum serves the interests of the population and the economy. In particular, it shall ensure that sufficient frequencies are available for emergency services and broadcasting services.

2) By way of an ordinance, the Government shall assign certain frequency ranges for use for one or more purposes (service categories) or by one or more systems under precisely defined conditions. The assignment of frequencies shall take into account the current state of technology and the relevant international provisions and recommendations.

3) Management of the rights to use frequencies and the technical monitoring of radio equipment shall be the responsibility of the regulatory authority.

4) By ordinance, the Government shall provide further details on the management and use of the radio spectrum, the assignment of frequencies, the management of rights to use frequencies, and the technical monitoring of radio equipment in accordance with article 9 of the Framework Directive, articles 5 to 8 of the Authorisation Directive and other relevant international provisions and recommendations.

### Article 32

#### *Principles of spectrum management*

1) In its management of the radio spectrum, the Government shall in particular take the following principles into account:<sup>57</sup>

- a) ensuring open and effective access to the radio spectrum, taking account of the promotion of competition;
- b) guaranteeing efficient use of the radio spectrum;
- c) consideration of harmonized frequencies and harmonized conditions for their use;

<sup>56</sup> Article 31 amended by LGBl. 2010 No. 111.

<sup>57</sup> Article 32 paragraph 1 introductory sentence amended by LGBl. 2010 No. 111.

- d) prevention of harmful interference;
- e) protection of public health and the environment.
- f) coordination of the management and use of the radio spectrum with third States (frequency coordination);<sup>58</sup>
- g) guaranteeing adequate planning and legal certainty with respect to use of frequencies;<sup>59</sup>
- h) promotion of shared use of frequencies to a technically feasible and economically reasonable extent.<sup>60</sup>

2) By ordinance, the Government shall issue plans and accompanying reference documents for the use of frequencies, including a Liechtenstein Frequency Assignment Plan. Such plans and accompanying reference documents shall in particular specify the conditions for frequency use, taking account of the current state of technology and the relevant international provisions and requirements.<sup>61</sup>

#### Article 33<sup>62</sup>

##### *Rights of use*

1) Individual rights to use frequencies shall, upon application and in the case of scarce resources also pursuant to a tender procedure, be assigned and registered by decree of the regulatory authority. The assignment shall provide an entitlement to exclusive use of the frequencies covered by the assignment, in accordance with the applicable law and the assignment decree including ancillary provisions (individual right to use frequencies).

2) Collective rights to use frequencies shall be assigned and registered by general decree of the regulatory authority. The assignment shall provide an entitlement to shared use of the frequencies covered by the assignment, in accordance with the applicable law and the assignment decree including ancillary provisions (collective right to use frequencies).

3) The regulatory authority may supplement the assignment decree with ancillary provisions. Ancillary provisions may in particular govern requirements and conditions of frequency use, the operation of radio equipment as well as amendment, transfer, revocation and expiry of rights to

<sup>58</sup> Article 32 paragraph 1(f) inserted by LGBl. 2010 No. 111.

<sup>59</sup> Article 32 paragraph 1(g) inserted by LGBl. 2010 No. 111.

<sup>60</sup> Article 32 paragraph 1(h) inserted by LGBl. 2010 No. 111.

<sup>61</sup> Article 32 paragraph 2 amended by LGBl. 2010 No. 111.

<sup>62</sup> Article 33 amended by LGBl. 2010 No. 111.

use frequencies and obligations under Parts A and B of the Annex to the Authorisation Directive.

4) Fees shall be charged for the use of frequencies.

5) Assignment, registration, amendment, transfer, revocation and expiry of a right to use a frequency shall not give rise to a claim to compensation.

6) By way of an ordinance, the Government shall provide further details concerning the use of frequencies, especially concerning the assignment, registration, amendment, transfer, revocation and expiry of rights to use frequencies as well as the charging of fees, in accordance with article 9 of the Framework Directive, articles 5 to 8 of the Authorisation Directive, and the other relevant international provisions and recommendations.

7) The Government may set out exemptions from the fee requirement referred to in paragraph 4.

## VIII. Technical requirements and standards

### Article 34

#### *Standards*

1) To the technically required extent, the regulatory authority shall promote the application of standards published in the Official Journal of the European Journal pursuant to article 17 of the Framework Directive. This may in particular be done by publishing reference documents including interface specifications and the making information available for providers. These standards are in particular intended to serve the provision of electronic communications services and the definition of technical interfaces and/or network functions, in order to ensure the interoperability of electronic communications services and offer users a greater selection.

2) Until publication of standards pursuant to article 17 of the Framework Directive, the regulatory authority shall, to the technically required extent, promote the application of standards of the European standards organizations or, where no such organizations exist, the standards or recommendations of the International Telecommunication Union, the International Organization for Standardization or the International Electrotechnical Commission.

3) By ordinance, the Government shall set out the European standards or specifications binding upon EEA members in accordance with article 17 paragraph 3 of the Framework Directive and, with respect to the

interoperability of digital television sets intended for consumers, in accordance with article 24 of the Universal Service Directive.

## **IX. Apparatus and bypass devices<sup>63</sup>**

### **A. Apparatus<sup>64</sup>**

#### Article 35

##### *Principle*

1) Unless otherwise specified in this Section, the provisions of the Law on the Marketability of Goods shall apply to the placing of apparatus on the market.<sup>65</sup>

2) Apparatus may be placed freely on the market, put into service and operated for their intended purpose, provided that they meet the provisions of this Section and the fundamental requirements under the R&TTE Directive. By ordinance, the Government shall provide further details in accordance with articles 1, 3, 5 to 8 and 10 of the R&TTE Directive.<sup>66</sup>

3) Articles 36 to 38 shall not apply to apparatus that are receive-only equipment for broadcasting services. The Government shall provide further details by ordinance in accordance with article 18 of the Framework Directive and article 24 of the Universal Service Directive, especially concerning:<sup>67</sup>

- a) ensuring the interoperability of digital telephone sets;
- b) the use of conditional access systems for digital television sets;
- c) the applicability of European standards for the reception of digital interactive television services and the associated obligations.

<sup>63</sup> Title preceding article 35 amended by LGBl. 2010 No. 111.

<sup>64</sup> Title preceding article 35 amended by LGBl. 2010 No. 111.

<sup>65</sup> Article 35 paragraph 1 amended by LGBl. 2010 No. 111.

<sup>66</sup> Article 35 paragraph 2 amended by LGBl. 2010 No. 111.

<sup>67</sup> Article 35 paragraph 3 introductory sentence amended by LGBl. 2010 No. 111.



## Article 36

*Placing on the market, putting into service and operation*

1) Placing on the market, putting into service and operation of apparatus shall take place in accordance with the measures set out in paragraph 4 and article 9 of the R&TTE Directive (safeguards).<sup>68</sup>

2) Where harmonized European standards for apparatus exist that are considered binding, then such terminal equipment may only be placed on the market, put into service or operated where it complies with these standards.<sup>69</sup>

3) Furthermore, anyone who places an apparatus on the market must provide users with the necessary information on the intended use, together with a declaration of conformity.<sup>70</sup>

4) On application or *ex officio*, the regulatory authority may take measures to:

- a) ensure the connection of apparatus to a public communications network by means of the appropriate interfaces. For this purpose, the regulatory authorities may order operators to grant connection and impose obligations upon them with respect to the publication and availability of specifications;
- b) eliminate:
  1. damage to an electronic communications network due to operation of an apparatus;
  2. harm to an electronic communications network, its operation or its use due to operation of an apparatus; or
  3. harmful interference due to operation of an apparatus.<sup>71</sup>

5) The Government shall provide further details by ordinance in accordance with articles 1 and 3 to 9 of the R&TTE Directive.

<sup>68</sup> Article 36 paragraph 1 amended by LGBl. 2010 No. 111.

<sup>69</sup> Article 36 paragraph 2 amended by LGBl. 2010 No. 111.

<sup>70</sup> Article 36 paragraph 3 amended by LGBl. 2010 No. 111.

<sup>71</sup> Article 36 paragraph 4 amended by LGBl. 2010 No. 111.

## Article 37

*Marking and proof of conformity*

1) Apparatus complying with all relevant essential requirements shall bear the EC conformity marking before being placed on the market.<sup>72</sup>

2) The manufacturer or the person responsible for placing the apparatus on the market shall furnish proof of conformity of an apparatus. This shall be done by transmitting certificates of conformity, type tests, certifications, manufacturer declarations or other certificates of conformity of a Contracting Party to the EEA Agreement, Switzerland or, in the case of European harmonized standards, a third State that has concluded an agreement on mutual recognition with the European Commission.<sup>73</sup>

3) The Government shall provide further details by ordinance in accordance with article 12 of the R&TTE Directive.

## Article 38

*Subsequent inspection*

1) The regulatory authority may, with or without warning, inspect apparatus placed on the market at any time with respect to their conformity.<sup>74</sup>

2) To the extent required for the inspection, the regulatory authority may:

- a) take samples;
- b) demand relevant proofs;
- c) carry out tests;
- d) carry out measurements;
- e) review business records;
- f) enter, inspect and, where necessary, seal business and storage rooms;
- g) demand information on apparatus inventories; or<sup>75</sup>
- h) order the provisional deactivation or removal or seizure of apparatus.<sup>76</sup>

3) Inspections may be carried out by the regulatory authority or by third parties mandated by the regulatory authority.

<sup>72</sup> Article 37 paragraph 1 amended by LGBl. 2010 No. 111.

<sup>73</sup> Article 37 paragraph 2 amended by LGBl. 2010 No. 111.

<sup>74</sup> Article 38 paragraph 1 amended by LGBl. 2010 No. 111.

<sup>75</sup> Article 38 paragraph 2(g) amended by LGBl. 2010 No. 111.

<sup>76</sup> Article 38 paragraph 2(h) amended by LGBl. 2010 No. 111.

4) After an inspection revealing an irregularity, the regulatory may, by decree:

- a) prohibit placing on the market or putting into service of apparatus not in conformity; or<sup>77</sup>
- b) order the definite deactivation, removal or seizure of apparatus.<sup>78</sup>

5) The procedure is governed by the provisions of the National Administration Act.

## **B. Bypass devices**

### Article 39

#### *Prohibited activities*

1) The manufacture, distribution, sale, rental or lease and possession of bypass devices as well as their installation, maintenance, repair or exchange are prohibited, to the extent commercial purposes are pursued thereby.

2) Likewise, to the extent commercial purposes are pursued thereby, advertising and other measures to promote placing on the market of bypass devices, especially direct marketing, sponsoring and public outreach are prohibited.

3) The prohibitions set out in paragraphs 1 and 2 cover all acts committed or realized in Liechtenstein, irrespective of where the person or entity violating the prohibition is domiciled.

4) This article is subject to the provisions under customs treaty law concerning the import, export and transit of bypass devices.

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<sup>77</sup> Article 38 paragraph 4(a) amended by LGBl. 2010 No. 111.

<sup>78</sup> Article 38 paragraph 4(b) amended by LGBl. 2010 No. 111.

## X. Transparency

### A. Information activities of the regulatory authority

#### Article 40<sup>79</sup>

##### *Announcement of measures with substantial impact*

Measures by the regulatory authority expected to have a substantial impact on the market in question or particular groups of users shall be announced in electronic form, unless there are predominant countervailing public or private interests.

#### Article 41

##### *Publication of other information*

1) The regulatory authority may, in conformity with data protection legislation, official secrecy, and professional, commercial and business secrecy, publish information concerning regulation and market supervision in an appropriate manner.<sup>80</sup>

- a) information transmitted to the regulatory authority in accordance with article 44;
- b) market analyses;
- c) technical and administrative information.

2) The regulatory authority shall designate a uniform source for information referred to in paragraph 1 and shall publish the source in an appropriate manner.

#### Article 42

##### *Promotion of the provision of information*

1) The regulatory authority shall promote the provision of information, in order to enable consumer and, where appropriate, other end-users of public communications services to undertake an independent evaluation of the tariffs and prices of alternative offers.

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<sup>79</sup> Article 40 amended by LGBl. 2010 No. 111.

<sup>80</sup> Article 41 paragraph 1 introductory sentence amended by LGBl. 2010 No. 111.

2) The Government shall provide further details by ordinance in accordance with article 21 of the Universal Service Directive.

## **B. Notification and information obligations of providers**

### Article 43

#### *Notification obligation*

1) By way of an ordinance, the Government may designate electronic communications networks and services whose provision, operation, offering and discontinuation must be notified to the regulatory authority. In justified cases, it may also prohibit provision, operation, offering and discontinuation of such networks or services until the time of receipt of the notice by the regulatory authority.

2) The notification obligation under paragraph 1 shall encompass:

- a) a declaration by the legal or natural person in question that the person intends to take up or discontinue the designated activity; and
- b) notification of the minimum information necessary for the regulatory authority to compile a register or directory of those subject to the notification obligation. This notification must include:
  1. information for identifying the person subject to the notification obligation;
  2. the name of at least one contact person for the person subject to the notification obligation;
  3. the mailing address of the person subject to the notification obligation and of the contact person(s);<sup>81</sup>
  4. a brief description of the network or service in question; and
  5. the date of expected provision, putting into service, offering or discontinuation of the network or service in question.
- c) every change to information subject to notification under subparagraphs (a) and (b).<sup>82</sup>

3) Notification under paragraph 1 does not release the person concerned from compliance with commercial provisions.

<sup>81</sup> Article 43 paragraph 2(b)(3) amended by LGBl. 2010 No. 111.

<sup>82</sup> Article 43 paragraph 2(c) inserted by LGBl. 2010 No. 111.

4) The Government shall provide further details concerning the notification obligation by ordinance.

#### Article 44

##### *Information obligation vis-à-vis the regulatory authority*

1) Providers must disclose information to the regulatory authority, especially financial and statistical data as well as data for statistical purposes, in the form and time period specified in the decree. The disclosure shall be free of charge.

2) Providers may not refuse disclosure of information on the grounds of professional, commercial or business secrecy.

3) The regulatory authority may publish the information disclosed to it under paragraph 1 in an appropriate manner and with due regard to information and data protection legislation.

4) By ordinance, the Government may provide further details concerning the disclosure of information and the use thereof, especially within the framework of cooperation between the regulatory authority and other national regulatory authorities and with the EFTA Surveillance Authority, in accordance with article 5 of the Framework Directive, articles 10 and 11 of the Authorisation Directive and article 10 of Directive 2006/24/EC.<sup>83</sup>

#### Article 45

##### *Information obligation vis-à-vis other providers and users*

1) In justified cases and with due regard to professional, commercial and business secrecy, the regulatory authority may oblige providers to furnish other providers and/or users with certain information.

2) The Government shall provide further details by ordinance in accordance with article 5 of the Framework Directive, article 11 of the Authorisation Directive, and articles 21 and 22 of the Universal Service Directive.

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<sup>83</sup> Article 44 paragraph 4 amended by LGBl. 2010 No. 111.

### **C. Public consultation**

#### Article 46

##### *Principle*

1) If the regulatory authority intends to take measures or issue recommendations that are expected to have a substantial impact on the market in question, it may permit interested parties affected or the general public to comment on the content of the envisaged measures or recommendations as part of a public consultation.

2) In accordance with article 41 paragraph 2, the regulatory authority shall publish essential information about public consultations.

3) In justified cases, especially in cases of wantonness or lack of justified interest, the regulatory authority may refuse to receive comments and participation in public hearings.

4) The Government shall provide further details by ordinance, especially concerning mandatory public consultations.

#### Article 47

##### *Participation*

1) Participation in a public consultation does not give rise to any further legal entitlements.

2) Residence or domicile in a Contracting Party to the EEA Agreement or Switzerland shall be required for participation in a public consultation.

### **XI. Communications secrecy; data protection; participation obligations**

#### Article 48

##### *Communications secrecy*

1) All traffic, location and content data of an electronic communication, especially of calls, including attempted connections, as well as electronic mail, shall be subject to communications secrecy.

2) To protect communications secrecy, all providers and all persons participating in the activities of a provider shall be subject to the communications secrecy requirement, unless legal exceptions provide otherwise.

#### Article 49

##### *Data protection*

1) Unless otherwise provided by this Act, data protection legislation shall apply, especially with regard to legal remedies.

2) The processing of traffic, location, content or subscriber data by a provider shall be permissible only to the absolutely necessary extent in the case of:

- a) fulfilment of obligations under articles 30a to 30o, 44, 45 and 51 to 53 as well as the provisions in the associated ordinances;<sup>84</sup>
- b) the existence of express consent by the affected user;
- c) the provisional lifting of the suppression of calling number displays in connection with the receipt of emergency calls or the tracking of malicious or harassing calls;
- d) the transmission of a communication or the provision of an information society service expressly demanded by a subscriber or user;
- e) the billing of fees and interconnection payments.<sup>85</sup>

3) Data recorded or saved pursuant to paragraph 2 shall in any event be deleted or anonymised as soon as they are no longer absolutely necessary for the relevant purposes.

4) Every provider shall be required to provide sufficient information in a suitable form to the provider's subscribers and users regarding the data the provider intends to process, the legal basis and the purposes of the processing, the length of time the data will be recorded or stored, and the possible uses for which the data may be made available. This information shall be provided at the latest at the beginning of the contractual relationship.

5) The Government shall provide further details by ordinance in accordance with articles 3 to 6, 9, 10, 12, 14 and 15 of the Directive on Privacy and Electronic Communications.

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<sup>84</sup> Article 49 paragraph 2(a) amended by LGBl. 2010 No. 111.

<sup>85</sup> Article 49 paragraph 2(e) amended by LGBl. 2010 No. 111.



## Article 50

*Unsolicited communications*

1) The transmission of communications for the purpose of direct marketing by means of automated calling systems without human intervention (automated calling systems), facsimile machines or electronic mail shall be impermissible except where:

- a) the recipient has expressly given consent to the transmission in advance; or
- b) the recipient is a customer of the transmitter and has given the transmitter his or her electronic contact details as set out in article 13 paragraph 2 of the Directive on Privacy and Electronic Communications and has not initially or subsequently denied the use thereof for that purpose.

2) To obtain consent as referred to in paragraph 1(a), the transmitter of the direct marketing may, on a one-off basis, send electronic mail with a request to that effect. The request must, in explicit, clear and obvious form, indicate that the recipient is entitled:

- a) to refuse any further transmission of communications; and
- b) revoke consent at any time.

3) Providers must take appropriate technical and organizational measures to protect users from unsolicited communications to the best possible extent and free of charge.

4) Notwithstanding paragraph 1, the transmission of communications for the purpose of direct marketing shall in any event be impermissible if:

- a) the contact details were identified on a random basis;
- b) the transmitter knew or should have known of the refusal by the recipient in question on the basis of:
  - 1. a filter or similar system;
  - 2. a refusal notice connected with the contact details;
  - 3. a notification by the regulatory authority pursuant to a report in accordance with article 66; or
- c) the transmission otherwise violates Liechtenstein legal provisions.

5) Permissible communication for the purpose of direct marketing must include:

- a) the identity of the transmitter in a simple and unambiguously identifiable manner;

- b) the valid e-mail address of the transmitter, to which the recipient can address a demand to cease the transmission of such communications;
- c) the valid mailing address of the transmitter; and<sup>86</sup>
- d) a header that unambiguously describes the content of the message and, in the case of immoral content, prevents access to such content without prior consent of the recipient.

6) The Government shall provide further details by ordinance in accordance with articles 4, 13 and 15 of the Directive on Privacy and Electronic Communications.

#### Article 51

##### *Participation in the determination of a location*

1) In the event of an immediate danger to the physical integrity of a person, the National Police shall be authorized to determine the location of a specific mobile communications network connection for purposes of deploying emergency, rescue or security forces. Operators of mobile communications networks shall be required to immediately help determine such a location.<sup>87</sup>

2) The National Police shall immediately notify the owner of the mobile communications network connection of the fact that determination of the location was attempted or successful.

3) All data obtained on the basis of the attempted or successful determination of the location may not be used for other purposes.

3a) For services rendered in accordance with paragraph 1, operators shall be entitled to compensation as determined by the Government by ordinance.<sup>88</sup>

4) In the case of wrongful determination of a location, the owner of the mobile communications network connection shall be entitled to adequate compensation. The procedure shall be governed by the provisions of the Official Liability Act.

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<sup>86</sup> Article 50 paragraph 5(c) amended by LGBl. 2010 No. 111.

<sup>87</sup> Article 51 paragraph 1 amended by LGBl. 2010 No. 111.

<sup>88</sup> Article 51 paragraph 3a inserted by LGBl. 2010 No. 111.

*Participation in a surveillance*<sup>89</sup>

## Article 52

*a) Principle*<sup>90</sup>

1) Providers of publicly available electronic communications services and operators of a public communications network shall be required:<sup>91</sup>

- a) to provide appropriate technical possibilities to enable the competent authorities to monitor an electronic communication in accordance with the provisions of the Code of Criminal Procedure;<sup>92</sup>
- b) to participate to the required extent in the surveillance of an electronic communication in accordance with the provisions of the Code of Criminal Procedure.
- c) to store retained data for the purpose of participating in a surveillance in accordance with article 52a.<sup>93</sup>

2) Repealed<sup>94</sup>

3) For services rendered in accordance with paragraph 1(b), providers shall be entitled to appropriate compensation.

4) The Government shall provide further details by ordinance, especially concerning:

- a) the provision, design and verification of the technical possibilities for surveillance of an electronic communication;<sup>95</sup>
- b) the protection of transmitted data against unauthorized access by third parties;
- c) the amount of compensation for the services rendered.

<sup>89</sup> Heading preceding article 52 inserted by LGBl. 2010 No. 111.

<sup>90</sup> Article 52 heading amended by LGBl. 2010 No. 111.

<sup>91</sup> Article 52 paragraph 1 introductory sentence amended by LGBl. 2010 No. 111.

<sup>92</sup> Article 52 paragraph 1(a) amended by LGBl. 2010 No. 111.

<sup>93</sup> Article 52 paragraph 1(c) inserted by LGBl. 2010 No. 111.

<sup>94</sup> Article 52 paragraph 2 repealed by LGBl. 2010 No. 111.

<sup>95</sup> Article 52 paragraph 4(a) amended by LGBl. 2010 No. 111.

Article 52a<sup>96</sup>*b) Storage of retained data*

1) Providers of publicly available electronic communications services and operators of a public communication network must store retained data for a period of six months from the time the communication process is terminated, to the extent the data have been generated or processed in the course of providing the communications service, for the purpose of participation in a surveillance. These data shall be deleted immediately upon expiry of this time period, without prejudice to article 49 paragraph 2.

2) Retained data shall be stored such that they and all other associated required information can be forwarded immediately to the authorities responsible for carrying out the surveillance of an electronic communication.

3) Retained data shall be of the same quality and subject to the same security and the same protection as the data available in the electronic communications network. Retained data shall be protected by appropriate technical and organizational measures against accidental alteration, unauthorized or unlawful storage, processing, access and disclosure. It must be ensured by appropriate technical and organizational measures that access to the retained data is reserved exclusively to specially authorized persons.

4) By ordinance, the Government shall provide further details concerning the storage of retained data, especially the data categories to be stored, as well as requirements relating to data protection and data security, in accordance with articles 5, 7 and 8 of Directive 2006/24/EC.

Article 52b<sup>97</sup>*c) Verification of data protection*

1) The data protection office shall verify application of the provisions concerning data protection and data security in regard to data processed for the purpose of participation in a surveillance.

2) The providers of publicly available electronic communications services and operators of a publicly available communications network shall ensure that every enquiry and every participation in a surveillance is logged. This log shall include the following information:

a) the transmitted data categories;

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<sup>96</sup> Article 52a inserted by LGBl. 2010 No. 111.

<sup>97</sup> Article 52b inserted by LGBl. 2010 No. 111.

- b) the date and exact time of the transmission;
- c) a reference to the judicial order on which transmission of the data is based.

3) The log data shall be communicated immediately to the data protection office upon request. Log data may only be used for the purpose of verifying data protection by the data protection office and to ensure data security.

4) By ordinance, the Government shall provide further details concerning verification of data protection, especially the processing of log data, in accordance with articles 7 to 9 of Directive 2006/24/EC.

### Article 53

#### *Recording of and information concerning subscriber data*

1) Providers of publicly available communications services shall record all subscriber data as referred to in article 3 paragraph 1(48) irrespective of the type of contractual relationship and store them for the entire duration of the contractual relationship with the subscriber in question as well as six months after the termination thereof.<sup>98</sup>

2) With respect to the recorded subscriber data, providers are required to provide information without delay:

- a) to the investigating judge upon his order;
- b) to the National Police upon their written request, provided that they absolutely need the data to fulfil their legal responsibilities.

3) For services rendered in accordance with paragraphs 1 and 2, operators shall be entitled to compensation as determined by the Government by ordinance.<sup>99</sup>

4) The Government shall provide further details by ordinance, especially concerning the manner in which subscriber data is gathered.

<sup>98</sup> Article 53 paragraph 1 amended by LGBl. 2010 No. 111.

<sup>99</sup> Article 53 paragraph 3 amended by LGBl. 2010 No. 111.

## **XII. Organization and implementation**

### **A. Competence**

#### **1. Government**

##### Article 54

###### *Responsibilities*

1) The Government shall be responsible for execution of this Act, to the extent other authorities are not expressly entrusted therewith.

2) In particular, the Government shall be responsible for:

- a) designation of universal service providers (article 11);
- b) application to Parliament for reimbursement of uncovered net costs of the universal service provider (article 13);
- c) designation of providers of supplementary services (article 14);
- d) provision of the required infrastructure (article 15);
- e) taking measures in the event of a complete breakdown of the public communications network or in the event of disaster (article 17);
- f) assignment of means of identification for specific purposes of use (article 29);<sup>100</sup>
- g) disposal of the radio spectrum (article 31).<sup>101</sup>

#### **2. Regulatory authority**

##### Article 55

###### *Organization*

1) The Government shall determine or establish an office or a commission as the regulatory authority. The regulatory authority shall be furnished with the personnel, financial and material resources required to fulfil its responsibilities.

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<sup>100</sup> Article 54 paragraph 2(f) amended by LGBl. 2010 No. 111.

<sup>101</sup> Article 54 paragraph 2(g) inserted by LGBl. 2010 No. 111.

2) The regulatory authority shall not be bound by any instructions in the fulfilment of its regulatory responsibilities.

#### Article 56

##### *Responsibilities*

1) The regulatory authority shall be responsible for fulfilling all regulatory tasks that are assigned to it pursuant to EEA law as the national regulatory authority in the field of electronic communications, especially pursuant to articles 7 and 8 of the Framework Directive, and pursuant to legal provisions. These tasks include in particular:

- a) promotion and monitoring of effective competition in the field of electronic communications;
- b) supervision of compliance with the provisions of this Act and the associated ordinances;
- c) ordering of measures and supervision of their compliance;
- d) issuing of certifications in accordance with this Act and the associated ordinances;
- e) advising of the Government in all questions relating to electronic communications;
- f) preparation and issuing of plans, reference documents and interface specifications;
- g) maintenance of registers concerning notifications, assignments, authorizations and orders;
- h) special regulation in accordance with Chapter IV;
- i) ordering of granting of access in accordance with Chapter V;
- k) management of means of identification in accordance with Chapter VI;
- l) spectrum management in accordance with Chapter VII;
- m) promotion of standards in accordance with Chapter VIII;
- n) supervision of placing on the market, putting into service and operation of apparatus in accordance with Chapter IX;<sup>102</sup>
- o) creation of transparency in accordance with Chapter X;
- p) levy of usage and administration fees in accordance with article 60;
- q) market supervision in accordance with Chapter XIII;

<sup>102</sup> Article 56 paragraph 1(n) amended by LGBl. 2010 No. 111.

- r) notification of measures in accordance with EEA law.
- 2) The regulatory authority may, to the extent necessary for fulfilment of its responsibilities:
- a) consult domestic and foreign specialist organizations, especially for the assessment of technical questions;
  - b) work together with other national regulatory authorities and international organizations.

Article 57

*Reporting*

The regulatory authority shall prepare a report each year on its activities for the attention of the Government.

**B. Legal protection**

Article 58

*Complaint*

- 1) Decisions and decrees of the regulatory authority may be appealed by complaint to the Complaints Commission for Administrative Matters within 14 days of service.
- 2) Decisions and decrees of the Government or the Complaints Commission for Administrative Matters may be appealed by complaint to the Administrative Court within 14 days of service.
- 3) The powers of review of the Complaints Commission for Administrative Matters and of the Administrative Court shall be limited to questions of law and fact. Exercise of discretion shall be subject solely to legal review.
- 4) Unless otherwise specified by this Act, the provisions of the National Administration Act shall apply to the procedure.



## Article 59

*Dispute settlement*

1) Dispute settlement shall be carried out by the regulatory authority in the form of mediation between the parties or arbitration as set out in the Code of Civil Procedure.

2) In disputes concerning the rights of third parties in relation to Chapters III to VII and IX to XI, the affected party may request the regulatory authority to carry out a settlement procedure. Participation in a settlement procedure shall require domicile or residence in a Contracting Party to the EEA Agreement or Switzerland.

3) In the case of cross-border disputes, the regulatory authority may work together with other national regulatory authorities.

4) The Government shall provide further details by ordinance in accordance with articles 20 and 21 of the Framework Directive, article 5 paragraph 4 of the Access Directive, and article 34 of the Universal Service Directive.

**C. Fees**

## Article 60

*Levy of usage and administration fees*

- 1) The regulatory authority shall levy fees for:
- a) the use of means of identification and frequencies (usage fees); and
  - b) its activities (administration fees), especially in connection with:
    1. regulation of electronic communications networks and services;
    2. regulation associated with the provision of the universal service;
    3. special regulation;
    4. spectrum management and management of means of identification;
    5. granting of access to communications infrastructure resources;
    6. securing interoperability of digital television sets;
    7. use of conditional access systems;

8. supervision of placing on the market, putting into service and operation of apparatus;<sup>103</sup>
  9. dispute settlement.
- 2) In justified cases, the assessment of usage fees shall promote the optimal use of scarce resources.
- 3) The total revenue of administration fees may not exceed the total costs of the regulatory authority over the long run.
- 4) Each year, the regulatory authority shall publish, in an appropriate manner, a compilation of its total costs and the total usage and administration fees collected.
- 5) The Government shall provide further details by ordinance in accordance with articles 12 and 13 of the Authorisation Directive.

### **XIII. Market supervision**

#### Article 61

##### *Principle*

- 1) Market supervision shall be exercised by the regulatory authority in accordance with the provisions of this Chapter.
- 2) Unless otherwise specified in this Chapter, the National Administration Act shall apply to the exercise of market supervision, especially the provisions concerning enforcement of administrative decisions.
- 3) Within the framework of market supervision, the regulatory authority may require providers to give information concerning personal data, such as the name and mailing address of assignees, which is required for the execution of this Act, the associated ordinances, and the decisions and decrees based thereupon. In particular, it may demand information concerning personal data required for the case-by-case verification of obligations if a report (article 66) has been submitted or it otherwise assumes that duties have been violated or it carries out investigations of its own accord. Other provisions shall not be affected by the obligation to give information set out in sentence 2.<sup>104</sup>

<sup>103</sup> Article 60 paragraph 1(b)(8) amended by LGBl. 2010 No. 111.

<sup>104</sup> Article 61 paragraph 3 inserted by LGBl. 2010 No. 111.

## Article 62

*Orders*

1) If the regulatory authority has indications that a provider is violating provisions of this Act, the associated ordinances, or decisions or decrees based thereupon, it shall notify this to the provider and impose a deadline of one month to:

- a) comment on the notification; or
- b) restore a lawful state of affairs.

2) The regulatory authority may:

- a) reduce the deadline of one month set out in paragraph 1, if the provider in question agrees or has already repeatedly violated relevant provisions; or
- b) in justified cases and upon application, appropriately extend the deadline of one month set out in paragraph 1, if the provider is thereby expected to restore a lawful state of affairs.

3) Orders pursuant to paragraph 1 shall be issued with the threat of administrative enforcement. The threat shall expressly indicate the legal consequences of failure to comply with the order.

4) Within the framework of management of means of identification and spectrum management, the regulatory authority may in particular order that specific means of identification or frequencies must temporarily or permanently be deactivated.<sup>105</sup>

## Article 63

*Restoration of lawful state of affairs*

1) If the regulatory authority determines that, upon expiry of the deadline imposed in accordance with article 62, the provider has not restored a lawful state of affairs, it shall take all administrative enforcement measures required to restore a lawful state of affairs:

2) Measures in accordance with paragraph 1 shall be:

- a) ordering of substitute performance at the expense of the provider in question;
- b) imposition of a penalty for non-compliance.

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<sup>105</sup> Article 62 paragraph 4 amended by LGBl. 2010 No. 111.

3) If the measures referred to in paragraph 2 are unsuccessful, the regulatory authority may, in relation to a provider who seriously or repeatedly violates duties:

- a) prohibit the provision of electronic communications networks or electronic communications services;
- b) withdraw rights of use or suspend them for a time period specified by the regulatory authority.

4) If the danger of immediate and serious interference with the rights or the legally protected interests of other providers or users has been credibly asserted or if an immediate and serious threat to public interests exists, the regulatory authority may issue temporary injunctions to restore a lawful state of affairs. Interference with rights or legally protected interests shall in particular include economic or commercial disadvantages to third parties.<sup>106</sup>

#### Article 64

##### *Penalty for non-compliance*

Penalties for non-compliance shall be imposed by the regulatory authority in the form of monetary penalties of up to 10,000 francs for each day of non-compliance with the order in question.

#### Article 65

##### *Search and seizure*

1) To prevent public dangers to life, limb, health, safety or property, the regulatory authority may search public or private property, whether movable or immovable, or have such property searched by mandated third parties, in order to verify:

- a) compliance with the provisions under communications law and measures imposed by the regulatory authority with respect to the provision of electronic communications networks or electronic communications services;
- b) compliance with the recognized rules of technology with respect to the establishment or operation of communications facilities or the compliance of such facilities with the fundamental requirements concerning commerce in communications facilities.

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<sup>106</sup> Article 63 paragraph 4 amended by LGBI. 2010 No. 111.

2) The procedure shall be governed by the National Administration Act.

3) By means of direct administrative enforcement and subject to criminal prosecution by the competent authorities, the regulatory authority may seize or temporarily deactivate communications facilities that are operated unlawfully.

#### Article 66

##### *Reports*

Anyone may report alleged irregularities falling within the scope of this Act to the regulatory authority. Reports shall give rise to neither rights nor duties. Where necessary, the regulatory authority shall take the necessary measures.

### **XIV. Penal provisions**

#### Article 67

##### *Violation of users' rights*

1) Unless the offense is subject to more severe punishment under another provision, the Court of Justice shall punish with imprisonment of up to three months or with a monetary penalty of up to 180 daily rates for committing a misdemeanour anyone who, as a provider or participant (article 48 paragraph 2), commits one of the following offenses:

- a) notifies an unauthorized party of the fact or content of an electronic communication by certain persons or gives the unauthorized party the opportunity to gain access to facts covered by the confidentiality obligation;
- b) falsifies, incorrectly reproduces, alters, suppresses or incorrectly conveys a communication, or wrongfully withholds a communication from the authorized recipient.

2) The perpetrator shall only be prosecuted with the authorization of the injured party.

## Article 68

*Interference with public communications networks*

Unless the offense is subject to more severe punishment under another provision, the Court of Justice shall punish with imprisonment of up to six months or with a monetary penalty of up to 360 daily rates for committing a misdemeanour anyone who interferes with the operation of public communications networks or associated facilities.

## Article 69

*Infringement of the right to controlled access*

1) Unless the offense is subject to more severe punishment under another provision, the Court of Justice shall punish with imprisonment of up to two years or with a monetary penalty of up to 360 daily rates for committing a misdemeanour anyone who, on a commercial basis (§ 70 of the Criminal Code), distributes, sells, rents or leases bypass devices.

2) The Court of Justice shall punish anyone in the same way who commercially manufactures bypass devices or acquires or possesses them with the intent of placing them on the market in the manner described in paragraph 1 or of allowing them to be used to help others gain access to a protected service.

3) Anyone who introduces, acquires or otherwise obtains bypass devices for private use shall not be punished as an accomplice (§ 12 of the Criminal Code).

4) The perpetrator shall only be prosecuted with the authorization of the injured party.

## Article 70

*Administrative infractions*

1) The regulatory authority shall punish with a fine of up to 20,000 francs for committing an infraction anyone who:

- a) as an operator of a public communications network, violations the negotiation and confidentiality obligation set out in article 18;
- b) as an operator fails to comply with an order by the regulatory authority pursuant to article 27 to grant access to communications infrastructure resources;

- c) uses means of identification or frequencies in a manner contrary to the assignment decree (articles 30 and 33);
- d) as a provider, violates the information obligation vis-à-vis other providers and/or users set out in article 45;
- e) violates the data protection provisions set out in article 49;
- f) transmits an unsolicited communication in violation of article 50;
- g) violates ordinance provisions the infraction of which has been declared punishable;

2) The regulatory authority shall punish with a fine of up to 50,000 francs for committing an infraction anyone who:

- a) provides, operates or offers an electronic communications network or an electronic communications service in a manner contrary to the provisions of this Act;
- b) surreptitiously obtains a decision or decree by the regulatory authority by providing incorrect or misleading information or by concealing essential facts or otherwise brings about an act or omission of the regulatory authority by such means;
- c) as a provider, violates the duties concerning the integrity and availability of electronic communications networks and publicly available telephone services in accordance with article 17;
- d) violates the duties imposed under article 23 paragraph 1;
- e) uses means of identification or frequencies without an assignment (articles 30 and 33);<sup>107</sup>
- e<sup>bis</sup>) manages subordinate means of identification in a manner contrary to the assignment decree (article 30 paragraph 3);<sup>108</sup>
- e<sup>ter</sup>) transfers officially assigned rights of use for means of identification in a manner contrary to article 30 paragraph 6;<sup>109</sup>
- f) places apparatus on the market in a manner contrary to the provisions of this Act and the associated ordinances;<sup>110</sup>
- g) affixes conformity markings to apparatus in a manner contrary to the provisions of this Act and the associated ordinances;<sup>111</sup>
- h) as an operator of mobile communications networks, violates the duty set out in article 51 paragraph 1;

<sup>107</sup> Article 70 paragraph 2(e) amended by LGBl. 2010 No. 111.

<sup>108</sup> Article 70 paragraph 2(e<sup>bis</sup>) inserted by LGBl. 2010 No. 111.

<sup>109</sup> Article 70 paragraph 2(e<sup>ter</sup>) inserted by LGBl. 2010 No. 111.

<sup>110</sup> Article 70 paragraph 2(f) amended by LGBl. 2010 No. 111.

<sup>111</sup> Article 70 paragraph 2(g) amended by LGBl. 2010 No. 111.

- i) as a provider, violates the duty set out in article 52 paragraph 1 or 2;
- k) as a provider of publicly available communications services, violates the duty set out in article 53 paragraph 1 or 2;
- l) fails to declare prices in accordance with article 30a or declares them incorrectly, incompletely or not in a timely manner;<sup>112</sup>
- m) fails to announce prices in accordance with article 30b or announces them incorrectly, incompletely or not in a timely manner;<sup>113</sup>
- n) fails to display prices in accordance with article 30c or displays them incorrectly, incompletely or not in a timely manner;<sup>114</sup>
- o) fails to comply with the defined price caps and billing modalities in accordance with article 30d;<sup>115</sup>
- p) fails to release a connection in accordance with article 30e or fails to do so in a timely manner;<sup>116</sup>
- q) employs a dialler programme in violation of article 30f;<sup>117</sup>
- r) offers collect call services in a manner contrary to article 30g;<sup>118</sup>
- s) transmits a calling number in a manner contrary to article 30k;<sup>119</sup>
- t) as an assignment owner, fails to take appropriate measures in accordance with article 30m paragraph 3;<sup>120</sup>
- u) fails to store or disclose retained data in accordance with article 52a;<sup>121</sup>
- v) as an operator, violates article 3, 4a, 4c or 6a, or as a home provider, violates article 4, 4b, 4c, 6 or 6a of the Roaming Ordinance.<sup>122</sup>

3) The regulatory authority shall punish with a fine of up to 50,000 francs for committing an infraction anyone who on a commercial basis and knowingly:

- a) installs, maintains, repairs or exchanges bypass devices;
- b) advertises the sale, rental or lease of bypass devices.

<sup>112</sup> Article 70 paragraph 2(l) inserted by LGBl. 2010 No. 111.

<sup>113</sup> Article 70 paragraph 2(m) inserted by LGBl. 2010 No. 111.

<sup>114</sup> Article 70 paragraph 2(n) inserted by LGBl. 2010 No. 111.

<sup>115</sup> Article 70 paragraph 2(o) inserted by LGBl. 2010 No. 111.

<sup>116</sup> Article 70 paragraph 2(p) inserted by LGBl. 2010 No. 111.

<sup>117</sup> Article 70 paragraph 2(q) inserted by LGBl. 2010 No. 111.

<sup>118</sup> Article 70 paragraph 2(r) inserted by LGBl. 2010 No. 111.

<sup>119</sup> Article 70 paragraph 2(s) inserted by LGBl. 2010 No. 111.

<sup>120</sup> Article 70 paragraph 2(t) inserted by LGBl. 2010 No. 111.

<sup>121</sup> Article 70 paragraph 2(u) inserted by LGBl. 2010 No. 111.

<sup>122</sup> Article 70 paragraph 2(v) inserted by LGBl. 2010 No. 111.



4) In the case of negligent commission of the administrative infractions set out in paragraphs 1 and 2, the maximum penalty shall be reduced by half.

5) When assessing fines pursuant to paragraphs 1 and 2, it shall be taken into account whether the offense has been committed on a commercial basis or repeatedly. If the offense has been committed on a commercial basis, the unlawful advantage obtained thereby, according to the results of the investigative proceedings, shall be taken into account in the assessment.

6) No administrative infraction according to paragraphs 1 to 3 has occurred if the act constitutes a punishable offense falling within the jurisdiction of the courts or is subject to more severe punishment under other administrative penalty provisions.

7) Objects used to commit the punishable act may be confiscated.

#### Article 71

##### *Liability*

If punishable acts are committed in the business operations of a legal person, a partnership or a sole proprietorship, the penal provisions shall apply to the person who have acted on its behalf or should have acted on its behalf, but with joint and several liability of the legal person, partnership or sole proprietorship for fines and costs.

#### Article 72

##### *Absorption of advantage*

1) Where an undertaking has failed to comply with an order under article 62 or has committed an administrative infraction under article 70 and has thereby obtained an economic advantage, the regulatory authority may order absorption of the economic advantage and order the undertaking to pay an equivalent amount of money.

2) Paragraph 1 shall not apply if the economic advantage is compensated by indemnification or other performances. To the extent the undertaking makes such performances only after absorption of the advantage, the absorbed money shall be reimbursed to the undertaking in the amount of the demonstrated payments.

3) If the enforcement of absorption of an advantage would be unduly harsh, the order shall be limited to a reasonable amount of money or waived entirely. It shall also be waived if the economic advantage is minor.

- 4) The amount of the economic advantage may be estimated. The amount to be absorbed shall be specified numerically.
- 5) The absorption of an advantage may only be ordered within a period of five years after cessation of the violation and at most for a duration of five years.
- 6) The procedure shall be governed by the provisions of the National Administration Act.

## **XV. Transitional provisions and final clauses**

### Article 73

#### *Transitional provisions*

- 1) The ordinances and other legal enactments issued pursuant to existing law shall remain in force until they are repealed pursuant to relevant legal enactments issued on the basis of this Act.
- 2) The assignment and registration of means of identification and frequencies existing at the time of entry into force of this Act shall remain intact.
- 3) The concessions existing at the time of entry into force of this Act shall remain intact until publication of the final results of the market analysis.
- 4) Individual license owners shall be released from the notification obligation set out in article 43 with respect to the licensed activities for the duration of the individual license.
- 5) The new law shall apply to proceedings pending at the time of entry into force of this Act.

### Article 74

#### *Changes to terminology*

- 1) In the title of Chapter IX and preceding § 103, in § 103 paragraphs 1 to 3, § 104 paragraphs 1, 2 and 4 and in § 286 of the Code of Criminal Procedure of 18 October 1998, Liechtenstein Law Gazette LGBl. 1988 No. 62, the following substitutions shall be made in the grammatically correct form:

- a) the term "telecommunication" by the term "electronic communications";
- b) the term "telecommunication system" by the term "communications system";
- c) the term "telecommunication authorities" by the term "providers within the meaning of the Communications Act";

2) In article 53 paragraph 2 of the Law of 16 June 2000 on the Value Added Tax, LGBl. 2000 No. 163, the term "telecommunication secrecy" shall be replaced by the term "communications secrecy".

3) In article 10 paragraph 3 of the Law of 29 November 1967 on the Railroads, LGBl. 1968 No. 3, the term "telecommunication system" shall be replaced by the term "communications system".

#### Article 75

##### *Repeal of existing law*

The following shall be repealed:

- a) Telecommunication Act of 20 June 1996, LGBl. 1996 No. 132;
- b) Promulgation of 25 February 1997 correcting Liechtenstein Law Gazette 1996 No. 132, LGBl. 1997 No. 68;
- c) Law of 21 October 1998 amending the Telecommunication Act, LGBl. 1998 No. 214;
- d) Law of 25 October 2000 amending the Telecommunication Act, LGBl. 2000 No. 253;
- e) Law of 25 October 2000 amending the Telecommunication Act, LGBl. 2000 No. 261;
- f) Law of 20 October 2004 amending the Telecommunication Act, LGBl. 2004 No. 269;
- g) Law of 5 November 1978 on Radio and Television, LGBl. 1978 No. 42;
- h) Law of 24 November 1999 amending the Law on Radio and Television, LGBl. 2000 No. 13;

#### Article 76

##### *Implementing ordinances*

The Government shall enact the ordinances necessary to implement this Act, in particular concerning:

- a) provision of electronic communications networks and offering of electronic communications services (article 6);
- b) the minimum set of services in the universal service and the designation of universal service providers (articles 10 and 11);
- c) provision of the universal service (article 12);
- d) financing of the universal service (article 13);
- e) services supplementary to the universal service (article 14);
- f) minimum requirements for public communications networks (article 16);
- g) the negotiation and confidentiality obligation (article 18);
- h) minimum protection requirements of providers (article 19);
- i) special regulation (article 20);
- k) access to communications infrastructure resources (article 25);
- l) means of identification (articles 29 to 30p);<sup>123</sup>
- m) frequencies (articles 31 to 33);<sup>124</sup>
- n) binding standards (article 34);
- o) apparatus (articles 35 to 37);<sup>125</sup>
- p) promotion of the provision of information (article 42);
- q) the notification obligation (article 43);
- r) the information and disclosure obligations of providers (articles 44 and 45);<sup>126</sup>
- s) public consultation (article 46);
- t) communications secrecy, data protection and participation obligations (articles 49 to 53);
- u) dispute resolution (article 59);
- v) the levy of usage and administration fees (article 60).

#### Article 77

##### *Entry into force*

This Act shall enter into force on the day of its promulgation.

<sup>123</sup> Article 76 paragraph 2(l) amended by LGBl. 2010 No. 111.

<sup>124</sup> Article 76 paragraph 2(m) amended by LGBl. 2010 No. 111.

<sup>125</sup> Article 76 paragraph 2(o) amended by LGBl. 2010 No. 111.

<sup>126</sup> Article 76 paragraph 2(r) amended by LGBl. 2010 No. 111.

On behalf of the Reigning Prince:  
signed *Alois*  
Hereditary Prince

signed *Otmar Hasler*  
Prime Minister

**Transitional provisions**

**784.10 Communications Act**

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of 17 March 2010  
**amending the**  
**Communications Act**

...

**II. Transitional provisions**

Article 1

*Purpose*

1) The rights of use for means of identification and frequencies existing at the time of entry into force of this Act<sup>127</sup> shall remain intact, but they shall be adjusted to the new law within six months of entry into force of this Act. The Government shall provide further details by ordinance.

2) Providers must record all subscriber data within six months of entry into force of the Act. After expiry of this period, the means of identification of non-registered subscribers shall be deactivated by the provider.

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<sup>127</sup> Entry into force: 1 May 2010.