

Act on Electronic Communications Office of Iceland

2021 no. 75 25 June

■ Article 1 *Electronic Communications Office of Iceland*

ECOI is an independent institution, administratively in the remit of the minister.

■ Article 2 *Role*

ECOI deals with administration and supervision of implementation of electronic communications and network security issues, including:

- a. implementation of electronic communications legislation;
- b. implementation of legislation on security of network and information systems for critical infrastructure;
- c. implementation of legislation on Icelandic country code top-level domain;
- d. implementation of the law on measures for the cost-effective development of high-speed telecommunications networks;
- e. implementation of surveillance with Act on eID and trust services for electronic commerce.

ECOI shall oversee that the implementation and operations that it has been prescribed to oversee by law, are in accordance with the law, regulations, rules, conditions or decisions that apply to the operations in question and that the operations are in other respects in accordance with healthy and normal business practices.

ECOI monitors and has an overview of distribution and characteristics of electronic communications infrastructure in this country.

■ Article 3 *Objectives*

With its operations, ECOI shall support accessible, rapid, economic, efficient and secure electronic communications. The Administration shall take into account regional considerations and environmental considerations in its operations.

The Administration shall support security of the public, undertakings and the community as a whole in the field of electronic communications and network security. Special emphasis shall be placed on response capability of the Cyber Surveillance Team and on service to the community the public and undertakings.

The Administration shall endeavour to increase protection and options for users and support active competition and efficient investments in the electronic communications market.

In its operations, the Administration shall support innovation, adoption and practical implementation of electronic communications technology in this country for the purpose of maximising positive impact of the technology on competition status and development progress in the community.

■ Article 4 *Director and staff*

The minister appoints the director of ECOI for a term of five years in each instance. He shall have a university education that can be utilised in the job and have the relevant knowledge and experience. The director is responsible for operations and running of ECOI, for developing emphases, for organisation, tasks, working practices and shall be responsible for daily management of the Administration.

The staff of ECOI may not serve on the boards of or be employed by undertakings or other parties whom they are to supervise. They may not have interests in or financial connections with such parties or their associations.

■ Article 5 *Personal data protection*

ECOI is authorised to process personal data, i.e. information deemed necessary for investigation of cases handled by ECOI pursuant to this Act, having fulfilled legal conditions on personal data protection and the processing of personal information.

■ Article 6 *Competition*

ECOI shall support competition in the field of electronic communications services and prevent unfair business practices, for instance by:

- a. combating distortion or limitation of competition on the electronic communications market;
- b. supporting the efficient use of frequencies and numbers and maintaining effective management of the use of these resources;
- c. contributing to ensuring non-discriminatory treatment of cases that relate to electronic communications undertakings in similar circumstances;
- d. protecting technological neutrality of electronic communications facilities and service as applicable;
- e. supporting efficient investments in innovation in new and improved infrastructure, among other things, by ensuring through the imposition of obligations for access that account is taken of the risk when making investments and by supporting cooperation in roll-out of networks, without however distorting competition;
- f. paying appropriate attention to potentially differing conditions for competition in infrastructure and to the position of users in varying regions;
- g. only imposing ex-ante obligations on parties to the extent necessary to ensure active and non-transitory competition for the benefit of end-users and lighten or withdraw such obligations as soon as that condition is fulfilled.

■ Article 7 *Universal service and other public interests*

ECOI shall protect public interests, among other things by:

- a. working to ensure that all Icelanders have access to universal service;
- b. supporting the protection of end user rights in their dealings with electronic communications undertakings;
- c. working on measures to protect personal data and personal privacy;
- d. contributing to the publication of clear information for users and transparent tariffs and terms and conditions for public electronic communications service;
- e. ensuring user interests to the extent possible, including individual social groups, for example, the disabled;
- f. ensuring that the integrity, reliability and security of public communications networks are maintained;
- g. supporting the strengthening of network security, among other things with instructions and education.

■ Article 8 *Security and civil defence*

ECOI shall support development of electronic communications networks in this country such that they build on best practice and newest standards and that without exception, reliability and security considerations are taken into account, including in the development of new electronic communications infrastructure.

ECOI shall support reliable electronic communications in the interests of civil defence, emergency communications and network security, and shall be an adviser to the authorities when a civil defence situation is imminent, is taking place or has ended. ECOI shall furthermore support security and resilience of electronic communications infrastructure, civil and national security and coordinated response in special circumstances, as applicable, with instructions on measures pursuant to paragraphs 4 and 5 of article 47 of the Act on ECOI no. 81/2003.

When a civil defence situation has been declared, ECOI can give electronic communications undertakings instructions on measures to ensure electronic communications connections in a specific area, and also instructed that roaming service be opened.

■ Article 9 *Cyber Surveillance Team*

The ECOI Cyber Surveillance Team is a national security and response team for incidents and risks related to network and information security, threats, risks and incidents on the Internet in

this country, which performs the role of the CSIRT team for Iceland. The Cyber Surveillance Team is the contact for the Icelandic authorities in the international CSIRT teams cooperation. The Cyber Surveillance Team is intended to prevent and mitigate the risk of network attacks and other security incidents in the Icelandic network jurisdiction to the extent possible, and to resist and limit damage on the electronic communications market and to critical infrastructure in the understanding of the legislation governing security of network and information systems of critical infrastructure. The Cyber Surveillance Team endeavours to identify threats and incidents at their inception in the Icelandic network jurisdiction, to prevent and limit their spread and the damage that they may cause. The Cyber Surveillance Team coordinates response of parties to threats and incidents, in cooperation with the National Commissioner of Icelandic Police where applicable.

The staff of the Cyber Surveillance Team shall fulfil the conditions of security accreditation pursuant to article 24 of the Defence Act no. 34/2008. The same applies to other staff involved in network security matters at ECOI, and to the ministry designated with responsibility for issues related to network security.

The director of ECOI provides access authorisation to the Cyber Surveillance Team working premises. Access authorisation may be limited, denied or revoked for reasons of security if the general rules require this.

Only those who have a lawful purpose and valid access authorisation are authorised to have access to the Cyber Surveillance Team working premises.

■ Article 10 *Electronic communications network database*

ECOI operates a digital database on public electronic communications networks. Information shall be recorded in the database on location and technical characteristics of public electronic communications networks, both on active and passive system elements. Confidentiality shall be respected for information recorded in the database, see however paragraphs 4 and 5.

It is mandatory to provide ECOI with all information necessary for entering records in the database and for generating roll-out projections in the form decided by the Administration.

ECOI can issue rules on harmonised recording of information by electronic communications undertakings and can prepare a template that they shall use when collecting information.

ECOI is authorised to make use of information in the database in its operations, among other things for:

- a. monitoring of functionality, reliability, security and integrity of electronic communications networks;
- b. measures to find and present damaging electronic communications interference;
- c. making maps of coverage and roll-out projections for electronic communications networks and service;
- d. analysis of market failures as a premise for state aid;
- e. analysis of competition on electronic communications markets and studies of synergy opportunities when developing, operating and sharing electronic communications infrastructure.

It is authorised to request and use information from the database without charge for the purpose of status assessment and policy making in the field of electronic communications.

ECOI is authorised to give other appropriate authorities access to the database, in part or in whole, in order to work on projects and fulfil their obligations in the field of civil defence, public health and planning and environmental matters. Should the provision of access pursuant to item 2 entail costs, then they shall be borne by the authority requesting access.

It is authorised to open limited public access to the database, for example with respect to connections in varying areas, listed by addresses. Access to information shall nevertheless be limited if this is necessary in the light of network security and the reliability, of state security,

public health or public safety, confidentiality obligations, justifiable competition interests, operational and commercial secrets and personal data protection.

ECOI is authorised on the basis of a special service agreement, to delegate hosting and operation of the database to a third party, given that the appropriate requirements for security of information are met.

■ Article 11 *Coverage projections for high-speed networks*

ECOI shall prepare a comprehensive coverage map for high-speed networks at a minimum of three year intervals. The Administration can prepare regional coverage projections for high-speed networks. If a coverage projection shows that no electronic communications undertaking or official body plans to deploy such a network, or upgrade its network, in a specific area within a given timescale, the Administration shall publish such conclusions. ECOI is authorised to invite parties to declare plans for building or upgrading networks pursuant to paragraph 1, in the relevant area within the timescale in question. Should ECOI receive such a declaration, the Administration can investigate whether other parties have plans for development in the relevant area. In its invitations, the Administration shall specify the information that should accompany declarations from such parties.

ECOI shall deliver declarations of their plans pursuant to paragraph 2, with the reservation of confidentiality, to the appropriate authorities responsible for allocating public funds for build-up of high-speed networks and the making of regional plans, and they are obliged to take into account information pursuant to article 10 and to this provision. ECOI shall also take this provision into account when conducting its tasks in the field of frequency allocation and universal service.

■ Article 12 *Progress and development of electronic communications networks*

ECOI shall support progress in the electronic communications market, among other things by facilitating more effective development of electronic communications which is based on sharing or cooperation, having taken into account competition considerations.

The Administration shall endeavour to show initiative and a forward-looking approach, shall closely monitor technology development at an international level and endeavour to have the capacity to take on the technical challenges and social changes that come with the fourth industrial revolution, IoT, artificial intelligence and other new technology on which electronic communications and network technology may be based.

■ Article 13 *Research, development work and education*

ECOI is authorised to participate in research and development work in its field of operations, including innovation projects.

ECOI shall support education in its field, among other things for the purpose of improving knowledge in the field of network security .

ECOI shall participate in developing the market for electronic communications and information technology, for instance by:

- a. working to remove obstacles to the provision of electronic communications networks, facilities and services connected with them, and electronic communications;
- b. encouraging the establishment and development of electronic communications networks and interoperability of services encompassing all EEA states;
- c. supporting efficient merging of electronic communications and information technology to the extent possible;
- d. contributing to the development of the information society and network security through focused promotion of criteria and of the adoption of new technology and working practices.

■ Article 14 *Consultancy to government*

ECOI shall serve as an advisor to the authorities and ministries in the field of electronic communications, network security issues, technical development in the field of electronic communications and security of network and information systems and shall monitor Iceland's

compliance at any given time with the obligations set out in international agreements in the fields in question. The Administration shall make proposals to the minister on necessary amendments to laws and regulations, should this be necessary.

■ Article 15 *Surveillance measures and penalties*

ECOI can demand of those with operations covered by legislation on electronic communications and other legislation within the remit of the Administration, that they provide all information deemed necessary for the investigation of individual cases including the ECOI role related to public interests and national security. In connection with surveillance and examination of cases pursuant to the provisions of the Electronic Communications Act not directed at electronic communications undertakings - individuals and legal entities are obliged to provide ECOI with all information and data that the Administration deems necessary.

Legislation on network on information systems for critical infrastructure prescribes on access to and processing of information used for operating the Cyber Surveillance Team and for surveillance of operations of digital infrastructure and the provision of digital service.

ECOI can demand information from electronic communications undertakings concerning general authorisation, rights or specific obligations, including:

- a. for systematic or case-by-case verification of compliance with requirements on contributions to an equalisation fund for universal services, on interoperability of services and interconnection of networks, and on usage fees for frequencies and numbers;
- b. for verification of compliance with conditions for general authorisations and rights where a complaint has been received or where ECOI has other reasons to believe that a condition is not complied with or when ECOI itself takes the initiative in an investigation;
- c. in connection with rules on procedures for granting rights to use frequencies and numbers and assessing applications to do so; and also for the purpose of supporting efficient use and control of the radio spectrum and number resource in accordance with the provisions of the Electronic Communications Act;
- d. for publication of comparative information on quality and prices of services for the benefit of consumers;
- e. for clearly defined statistical purposes or for participation in international cooperation, for example, in comparative research studies or audits;
- f. for market analysis, and
- g. in connection with geographical surveys on the coverage of electronic communications networks [and plans for building electronic communications networks]. 2)

With the exception of information pursuant to item c of paragraph 2, the information referred to in this article may not be demanded prior to or as a condition for market access. When ECOI requests this information from electronic communications undertakings, it must account for the purpose for which the information is to be used. Information given to ECOI pursuant to paragraphs 1 and 2 shall be accurate, adequate and updated.

As part of its surveillance, ECOI may require that it be provided with annual financial statements, interim financial statements, declarations of auditors or other similar information. The Administration may demand either oral or written information, within a reasonable time limit which it decides.

As part of its surveillance, ECOI is authorised to demand information and data on organisation of network and information security which in the opinion of the Administration is necessary for surveillance, including regular provision of reports. ECOI can summon individuals to give reports where the Administration believes them to have information on specific cases.

Because of the ECOI role with regards to public interests and national security, the Administration is authorised to demand information on owners, chain of owners and on those

parties that in reality have voting rights, board members, CEO and surveillance and management systems within an electronic communications undertaking.

Should ECOI be of the opinion that the financial position of an electronic communications undertaking is such that there is danger of the party in question failing to fulfil its obligations as prescribed in the general authorisation, rights or operating licence, it may demand that the situation be rectified within a specified period of time which the Administration decides.

ECOI can, in investigating a case, make the necessary investigations at the place of business of an electronic communications undertaking which has been allocated rights, and seize documentation if there are cogent reasons to suspect a violation of this Act, of the Electronic Communications Act or of rules or decisions of ECOI. Such actions must comply with the provisions of the Code of Criminal Procedure concerning searches and seizure of objects. ECOI is authorised to seek the assistance of the police in surveillance and gathering of information necessary for surveillance.

Should an electronic communications undertaking fail to fulfil its obligations or to satisfy demands for improvements made by ECOI within a reasonable time limit, ECOI may revoke its rights to use frequencies or numbers or notify the electronic communications undertaking that it no longer enjoys general authorisation, after previously issuing a written warning.

Legislation on security of network and information systems for critical infrastructure prescribes on ECOI requirements for remedies with respect to digital infrastructure and to providers of digital service.

ECOI shall take measures to suspend the operations of an electronic communications undertaking which is proceeding without authorisation or which does not fulfil the requirements of laws or regulations concerning such operations. Daily fines may be applied to enforce this, see article 19.

The ECOI director may entrust other qualified parties with carrying out various aspects of an inspection performed by authorisation of this Act.

■ Article 16 *Resolution of electronic communications undertaking disputes*

Should disputes arise between undertakings operating public electronic communications networks or providing public electronic communications services, concerning obligations under the Electronic Communications Act, a party to the dispute may refer the case to ECOI. ECOI shall seek conciliation between the parties where the Administration considers this a feasible option. Should they fail to reach an agreement, it may resolve the dispute with a decision as rapidly as possible and no later than within four months, except in exceptional circumstances.

The ECOI decision shall be published, with the reservation of the obligation for business confidentiality.

If a dispute between an electronic communications undertaking in Iceland and an electronic communications undertaking in another EEA State, on something other than allocation of frequency rights, has an impact on business between states, ECOI shall collaborate on solving the dispute in accordance with obligations pursuant to the EEA Agreement. ECOI can endorse temporary measures in exceptional instances, either at the request of parties involved or at its own initiative, where it is necessary to respond swiftly to protect competition or the interests of end users. Case procedure pursuant to this article shall not prevent the dispute being referred to the courts.

If the parties to the dispute are from different states within the EEA, the electronic communications regulatory authorities of both countries shall co-operate to resolve the dispute.

ECOI may in certain instances intervene in disputes between parties on its own initiative in order to achieve the objectives of the Electronic Communications Act or other acts governing operations of the Administration.

ECOI is authorised to issue rules concerning procedures in cases referred to in this article.

■ Article 17 *Complaints*

Should consumers of electronic communications service, or other parties in whose interests it is that an electronic communications undertaking has breached its obligations pursuant to the Electronic Communications Act, or pursuant to conditions prescribed in general authorisations, in rights, in an operating licence or in defined universal service obligations, the party in question may submit a complaint to ECOI and request that it take action in the matter. ECOI shall seek the opinion of the electronic communications undertaking on the complaint and endeavour to swiftly resolve the dispute. Should they fail to reach an agreement, the dispute shall be resolved with a decision.

ECOI may issue rules concerning the resolution of such disputes.

■ Article 18 *Authority for provisional decisions*

Should ECOI deem it necessary to make a decision in individual cases without delay, where there is a danger that delaying a decision would cause a party to the case to lose its rights or suffer substantial financial damage, the Administration may make a provisional decision. ECOI shall initiate examination of the case as provided for in articles 16 or 17 within seven days of issuing a provisional decision, otherwise the decision shall be void.

■ Article 19 *Fines and collection*

When an electronic communications undertaking, another legal entity or an individual fails to comply with the provisions of this Act, with the Act on ECOI, with conditions for general authorisation, conditions for special rights, binding instructions or individual decisions of ECOI, or does not provide the information it is obliged to submit to the Administration, the Administration is authorised to impose daily fines to the amount of ISK 50,000-1,000,000 per day to ensure compliance with the Administration's instructions. Such finds are enforceable pursuant to item 5 of paragraph 1 of article 1 of the Act governing enforcement no. 90/1989. Referral to the Appellate Committee for Electronic Communications and Postal Affairs postpones enforcement, but the Committee's rulings are enforceable. In the same manner, civil fines decided by ECOI are according to electronic communications legislation, enforceable.

■ Article 20 *Appellate Committee for Electronic Communications and Postal Affairs*

ECOI decisions may be referred to a special committee, the Appellate Committee for Electronic Communications and Postal Affairs. The same applies to administrative decisions pursuant to the Act on Postal Service. The appeal must be received by the Appellate Committee within four weeks of the party learning of ECOI's decision. The Appellate Committee for Electronic Communications and Postal Affairs shall comprise three persons appointed by the minister and an equal number of deputies. The chair and deputy chair shall be qualified attorneys and shall have experience that is useful in resolving appeals in the field of electronic communications and postal affairs. At least one committee member shall have technical knowledge. The Committee shall be appointed for a four-year term. The Committee may call experts for advice.

Rulings by the Committee shall normally be issued within twelve weeks of the time it received the complaint.

Should a party not accept the Committee's ruling, he may submit the ruling to a court, but such litigation must be initiated within six months of the time the party concerned was informed of the Committee's ruling. In exceptional instances, ECOI can refer the Committee's ruling to a court. Initiation of litigation shall not postpone the entry into force of the Committee's ruling.

A party can refer an ECOI decision to the courts without first having referred it to the Appellate Committee. Such cases shall be brought within three months from the time that the party in question received information about the Administration's decision. Referral to the

courts does not postpone the legal impact of decisions by the Administration. Appeal direct to the courts hinders the Appellate Committee being authorised to take a case for processing. A fee shall be collected from electronic communications undertakings, network operators and postal services operators, for an appeal to the Appellate Committee and for case procedure before the Committee. The fee shall take into account costs for payments made to committee members, for case procedure before the Committee, work facilities, specialist assistance and gathering of data. Where a case is lost on fundamental issues, the party losing the case shall normally pay case costs. The Committee prescribes an amount and division of the fee in the wording of its ruling. It is not authorised to require payment from consumers of electronic communications services and of postal services, from ECOI or the Institute of Regional Development, pursuant to this provision. Fees according to this article are enforceable. Payments to the Appellate Committee for appeals by consumers of electronic communications service and for procedure before the Committee, shall be decided by the minister and are paid from the treasury. The Appellate Committee can, having received endorsement from the minister, appoint staff to the committee or entrust office management for the committee to an independent operator.

On a regular basis, at least once a year, ECOI shall publish a summary of the number and general content of appeals pursuant to paragraph 1, with the length of case procedure before the Appellate Committee and the number of rulings that authorise temporary measures. The summary may be published in the annual report pursuant to article 29.

■ Article 21 *Charging of fees etc.*

When allocating rights for the use of frequencies where the number of right holders needs to be limited, for example because of limited frequency band for the service in question and where allocation of frequencies takes place subsequent to an advertisement for planned allocation and bid for tenders, or when frequency is allocated on the basis of a call for tenders for uses other than electronic communications service, a separate fee shall be collected for the frequencies. The fee is decided by the cost of the allocation.

For the allocation of telephone numbers to electronic communications undertakings, an annual fee to the amount of ISK 10 shall be collected for each number. An annual fee of ISK 200,000 shall be collected additionally for four digit numbers, including prefixes and international network codes, independent of the number of digits in the code. An annual fee of ISK 1,000,000 shall be collected for three digit numbers.

Electronic communications undertakings shall pay an annual operations fee to ECOI to the amount of 0.38% of reported turnover. Reported turnover shall mean the operating income which these parties receive from the activity in question in this country. The operations fee shall cover costs of surveillance of operations in the field of electronic communications with the addition of costs for management, monitoring and implementation of the Electronic Communications Act. The operations fee is based on the calendar year immediately prior to the decision on the fee. Revenue shall be reported turnover in the year that it occurs.

Electronic communications undertakings shall submit information to ECOI on turnover subject to the fee no later than April 30 each year. If ECOI does not receive information within the specified time, the Administration is authorised to estimate turnover of the party in question.

Imposition of an operations fee pursuant to paragraph 3 shall take place no later than 15 May each year. ECOI shall inform regulated parties by letter about the imposition of fee.

The operations fee is paid with three equal instalments. It is paid such that the due date of the 1st four months is 1 June and the final due date is 15 July; due date for 2nd four months is 1 September and final due date 15 September, due date for 3rd four months is 1 December and final due date 15 December.

If the operations fee is paid later than the final due date of each payment, penalty interest is calculated on the payment from the due date in accordance with legislation on interest and price indexation.

If an electronic communications undertaking defaults on payment of the operations fee, ECOI is authorised to cancel the registration of the electronic communications undertaking in question.

ECOI is authorised to decide imposition of operations fee for specific parties where the base for imposition of the fee or other criteria for deciding the fee are not correct.

ECOI can require payment from electronic communications undertakings or network operators according to an invoice for outlay costs, such as for specialist work, for specialised studies the Administration deems necessary for monitoring their operations and where a specific increase in costs can be attributed to incidents related to the undertaking.

The minister can issue a tariff for other service, that the ECOI has been designated to provide pursuant to this Act and to the Act on Electronic Communications. It is authorised to charge a fee based on the cost of the following tasks: registering undertakings, issue of licences and certificates, securing premises and examination of electronic communications equipment.

ECOI is also authorised to charge a fee for other service requested by parties. When deciding a fee pursuant to this article, it shall be based on costs for salary, salary related costs, driving, training and education, purchased specialist service, premises, work facilities, electronic communications, equipment and devices, management and support services, and international cooperation, with the addition of travel and accommodation resulting from this.

ECOI handles collection of charges pursuant to this article. Revenue from the charges is paid into the treasury with the exception of revenue pursuant to paragraphs 2, 10 and 11, which accrue to the Administration. On the basis of financial authorisation in the budget, the minister shall decide funding for the operation of ECOI which amounts to a minimum of the budget assessment of revenue and costs pursuant to this article and pursuant to article 22.

■ Article 22 *Fee for use of frequencies*

Parties that have been granted authority to use frequencies for wireless electronic communications shall pay an annual fee according to the following:

1 Radio stations with marine and aviation frequencies

- a. With medium and short wave (MF/HF) ISK 6,400.
- b. Without medium and short wave (only VHF) ISK 4,100.

2 Mobile station channels

- a. For each 25 kHz in tariff area 1: ISK 63,000.
- b. For each 25 kHz in tariff area 2 or 3: ISK 12,600.
- c. For shared channels 25% of the fee pursuant to items a and b is paid as applicable.
- d. Members of ICE-SAR Association pay 25% of the fee pursuant to item, pursuant to items a and b.

3 Earth stations

- a. Earth stations with transmission power exceeding 50 dBW: ISK 25,100.
- b. Earth stations for public electronic communications networks: ISK 25,100.

4 Fixed line connections

- a. Base fee for each fixed line connection: ISK 10,000.
- b. Additionally for each MHz: ISK 830.
- c. For each MHz with use of 64–66, 71–76 and 81–86 GHz: ISK 83.

A fee shall not be charged pursuant to a and b of this item when a fixed line connection is used as a local loop for a residence or undertaking.

5 Public mobile network (e.g. GSM, 3G, 4G and 5G).

- a. For each MHz under 2300 MHz: ISK 256,500.
- b. For each MHz between 2300 MHz and 10 GHz: ISK 128,250.

c. For each MHz over 10 GHz: ISK 25,650.

6 TETRA emergency and security network. For each MHz: ISK 64,100.

7 Wireless access network.

a. For each MHz in tariff area 1: ISK 33,800.

b. For each MHz in tariff area 2: ISK 22,500.

c. For each MHz in tariff area 3: ISK 2,300.

8 For each channel in television transmitter.

a. Tariff area 2, transmission power 1 kW and greater: ISK 119,000.

b. Tariff area 2, Transmission power 100-999 W: ISK 89,000.

c. Tariff area 2, Transmission power less than 100 W: ISK 59,300.

d. Tariff area 3, transmission power 1 kW and greater: ISK 29,700.

e. Tariff area 3, Transmission power 100-999 W: ISK 22,200.

f. Tariff area 3, Transmission power less than 100 W: ISK 14,800.

If the same channel is used in more than one transmitter in the same tariff area, the combined transmission power applies. Fee shall not be taken for operation of TV transmitters with power less than 2W, that serve areas with fewer than 100 inhabitants.

9 For each channel in audio transmitter.

a. Tariff area 2, transmission power 1 kW and greater: ISK 29,600.

b. Tariff area 2, Transmission power 100-999 W: ISK 22,200.

c. Tariff area 2, Transmission power less than 100 W: ISK 14,800.

d. Tariff area 3, transmission power 1 kW and greater: ISK 7,400.

e. Tariff area 3, Transmission power 100-999 W: ISK 5,600.

f. Tariff area 3, Transmission power less than 100 W: ISK 3,700.

If the same channel is used in more than one transmitter in the same tariff area, the combined transmission power applies. Fee shall not be taken for operation of audio transmitters with power less than 2W that serve areas with fewer than 100 inhabitants.

Tariff area specified in paragraph 1 shall be delineated as stated here below:

a. Tariff area 1: The whole country.

b. Tariff area 2: Capital City Area (Hafnarfjörður, Kópavogur, Garðabær, Reykjavík, Seltjarnarnes and Mosfellsbær).

c. Tariff area 3: Individual areas outside tariff area 2.

The due date for fees pursuant to this article is 1 March each year for use of frequencies in that same year. The holder of license for use of frequencies on the due date is responsible for the payment.

The annual payment for frequency fees shall be with reference to the date when the license for use of frequency comes into force, regardless of when use of the relevant frequency starts.

If license for use of frequency is issued after 1 March, the annual frequency fee shall be paid on issue of the license and payment shall then be made proportionately for the remainder of the year where the month of issue of the authority is counted as a complete month.

For an license that is in force for less than six months, a half-year fee shall be charged and for license to use frequencies for experimental purposes, the fee is ISK 50,000. Fees pursuant to this paragraph are paid on issue of the licence.

ECOI handles collection of charges pursuant to this article, which are paid to the treasury.

■ Article 23 *Other revenue*

ECOI is authorised to receive revenue from specialised service and work agreements, such as from research work and development projects.

Fees pursuant to paragraph 1 shall be decided in a reference tariff, issued by ECOI.

The minister endorses the tariff pursuant to this article.

■ Article 24 *Opinions of stakeholders*

Before ECOI makes a decision that has a significant impact on the relevant electronic communications market, the Administration shall give stakeholders the right to an opinion within reasonable time limits, which shall not be shorter than 30 days, except in exceptional instances. The conclusions of consultation procedures shall be available to all, to the extent that they do not contain information that is subject to confidentiality, according to law. ECOI shall issue rules on handling of information as referred to in this article and publication of the same.

Appropriate consideration should be given to consumers, not least people with disabilities, when deciding issues related to the rights of end users with respect to electronic communications service that shall be accessible to all. In rules pursuant to paragraph 1, it is permissible to prescribe a consultation arrangement which is accessible to end users with disabilities.

■ Article 25 *Obligation of confidentiality and relations with regulatory authorities*

ECOI staff are bound by confidentiality, pursuant to Chapter X of the Act on Administrative Procedures. The same shall apply to auditors and other specialists employed by the Administration. The obligation of confidentiality shall remain even after employment ends. All data and other information, for example, concerning business interests, gathered by the Administration in its surveillance or for other reasons shall be treated as confidential.

ECOI may publish statistical data on the volume of electronic communications and electronic communications undertakings must provide ECOI with such information.

Notwithstanding legal provisions on confidentiality, regulatory authorities in member states of the EEA and the WTO may be provided with information if this is either part of co-operation between states in monitoring activities of parties subject to surveillance or for resolving individual cases, and such provision of information is necessary in order to conduct the surveillance or tasks prescribed by law. The provisions of this paragraph shall also apply to exchange of information with regulatory authorities in this country. ECOI may thus only provide information to regulatory authorities as provided for in this paragraph if the party receiving the information is subject to similar obligations of confidentiality.

Legislation on security of network and information systems for critical infrastructure also covers handling of information and duty for confidentiality related to the role of ECOI as a regulatory and harmonising authority, and also as an operator of the Cyber Surveillance Team.

Confidentiality as provided for in this Act shall not prevent ECOI from providing representatives of the EFTA Surveillance Authority dealing with electronic communications issues with all information necessary for the implementation of the EEA Agreement.

ECOI is authorised to exchange information with comparable authorities within the EEA and with contracting parties of the WTO insofar as such information is not confidential.

ECOI may, in its work, demand information and data from other public authorities, including the tax and customs authorities, without regard to their obligations of confidentiality.

ECOI and the Competition Authority shall issue joint guidelines on handling and resolution of matters that could fall within the legal boundaries of legislation for electronic communications and competition. These rules shall be made public.

ECOI and the National Commissioner of Icelandic Police shall have reciprocal and active cooperation on network and information security, such as on response exercises and other measures that aim at supporting security and resilience of infrastructure.

■ Article 26 *Cooperation and consultation*

ECOI shall engage in cooperation and consultation with those parties, undertakings, associations and institutions that have connections with its operations.

ECOI is authorised to establish temporary working groups in individual fields of speciality within the Administration, including for the purpose of working on joint projects in

innovation, network security, and electronic communications, in order to support best practice in individual fields or where cooperation is necessary to achieve the objectives of legislation.

■ Article 27 *International cooperation*

ECOI participates in international cooperation and in preparing international rules in its field of operations as prescribed in law, in international agreements and according to government decisions.

The Administration shall among other things:

- a. cooperate with other EEA regulatory authorities and the EFTA Surveillance Authority in order to establish harmonised surveillance practices and harmonised interpretation of legislation;
- b. prepare agreements with foreign states and international institutions, and as applicable participate in the making of such agreements;
- c. work on introduction and compliance with international agreements and EEA actions, and
- d. monitor that Iceland fulfils at any given time, the obligations prescribed in international agreements and the Administration shall be responsible for preparation and participation in international audits.

The Administration is authorised to participate in international cooperation in its field at its own initiative, in order to enhance its work, including with regards to network security issues and with regards to best practice in management of the Internet at an international level.

■ Article 28 *Relations with regulatory authorities in the EEA*

Prior to making a decision which will affect trade between states on the definition of electronic communications markets and their analysis, on obligations imposed on electronic communications undertakings with a significant market power, or on access and interconnection and changes to obligations on a retail market, ECOI must consult with the EFTA Surveillance Authority and regulatory authorities in individual EEA member states in accordance with obligations under the EEA Agreement.

Under exceptional circumstances a derogation may be made from the provisions of the paragraph 1, which shall be notified to EFTA Surveillance Authority and regulatory authorities in individual EEA member states without delay.

ECOI shall organise its surveillance with predictability in mind, by ensuring harmonised surveillance methodologies and by reviewing on a regular basis, having taken into account recognised criteria on best practice.

ECOI shall provide the EFTA Surveillance Authority with the general information which must be provided under the obligations of the EEA Agreement, such as concerning electronic communications markets, universal service and obligations imposed on undertakings.

■ Article 29 *Report*

ECOI shall publish a report annually on its operations, which shall among other things include decisions and length of case procedure, staffing, use of budget, use of operations charges and future vision. The report shall recount the status of the electronic communications market at any given time; among other things publish a list of electronic communications undertakings, information on the cost of universal service and as applicable on equalisation fund contributions, on benefits that undertakings subject to universal service obligations have had from this on the electronic communications market. There shall furthermore be general discussion on the status and development of network and information security in Iceland.

■ Article 30 *Regulations*

The minister is authorised to issue more detailed instructions in a regulation on operations of ECOI and on the implementation of this Act, which contains the instructions pursuant to this Act that shall or may be included in the regulation and relate to:

- a. implementation of ECOI surveillance;

- b. database of public electronic communications networks, see article 10, including on access to and publication of information from the database on public electronic communications networks and limitations to access, and also on the gathering and processing of information;
- c. ECOI role in the field of research and development work;
- d. Appellate Committee for Electronic Communications and Postal Affairs, see article 20, including working practices of the Committee, periods of notice, staff, expert assistance and scope of such assistance, office operations, place of work, case procedure, serving and enforceability, postponement of legal impact, publication of Committee rulings, appeal fee and costs for legal entities, division of costs and other elements related to the Committee's working environment;
- e. adoption of regulations of the European Parliament and Commission (EU) 2018/1971, from 11 December 2018 on the establishment of the Body of European Regulators for Electronic Communications or BEREC and the founding of the supporting Agency for Support for BEREC or BEREC Office, concerning amendments to the regulation (EU) 2015/2120, the annulment of regulation (EU) no. 1211/2009
- f. adoption of regulations of the European Parliament and Commission (EU) 2019/881 from 17 April 2019 on ENISA (the European Union Agency for Cybersecurity) and on information and communications technology, cybersecurity, certification and repealing Regulation (EU) No 526/2013 from 21 May 2013 concerning the European Union Agency for Network and Information Security (ENISA) etc.

Having consulted with ECOI and having received an opinion from Personal Data Protection and from the National Commissioner of Icelandic Police, as applicable, the minister issues more detailed instructions on operations of the Cyber Surveillance Team in a regulation. It shall among other things prescribe on:

- a. role, organisation and tasks of Cyber Surveillance Team;
- b. appointment and competence of Cyber Surveillance Team staff, including security accreditation;
- c. treatment of information and appropriate security measures, including vis-à-vis foreign partners;
- d. measures to ensure security and the destruction of data and other measures to ensure personal privacy;
- e. response exercises;
- f. cooperation with other authorities and institutions, and
- g. reporting on operations of Cyber Surveillance Team.

■ Article 31 *Entry into force*

This Act shall enter into force on 1 July 2021.

■ Article 32 *Amendments to other Acts ...*