

[CH] Draft revision of Telecommunications Act

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With the development of transmission techniques allowing ever faster access to the Internet, the telecoms world has seen unprecedented upheaval in recent years. In 2014, the Federal Council published a report on this trend, presenting the current state of the Swiss telecoms market. The report covered developments in international roaming, the protection of consumers and young people, and the neutrality of the Internet. The Federal Council noted that many issues were not adequately provided for in the current legislation, and that it therefore needed to be revised.

The Federal Council then drew up a draft revision of the Telecommunications Act for debate in Parliament. The draft contains a number of provisions aimed at stepping up consumer protection: more effective measures to combat telemarketing (“cold-calling”), customers’ right to be advised on technical means of protecting young people, and the obligation incumbent on service providers to provide their customer base with information on the quality of their services (including speed of access to the Internet). The draft legislation also enables the Federal Council to adopt measures to combat excessive international roaming charges.

Since 2007, cable telecom service providers have been required to guarantee completely unbundled access to the local loop if they occupy a dominant position in the market. The Federal Council feels that, with the development of optic fibre networks, this obligation ought to be extended to all types of fixed connection. Direct access to the customer inside buildings is also an essential condition for ensuring competition and free choice for consumers. The Federal Council is therefore proposing to grant operators the right to connect at entry points to buildings and joint use of telecom installations inside buildings.

The draft legislation also makes provision for relaxing a number of the obligations incumbent on telecom service providers. In particular, they would no longer be required to obtain a concession for using the frequency spectrum, or even to register with the Federal Communications Office (Office Fédéral de la Communication - OFCOM). The obligation to register would only apply to those providers who use specific public resources: radiocommunication frequencies subject to a concession or addressing resources such as blocks of telephone numbers. The new regulations would also authorise concession holders to

conclude cooperation agreements for the joint use of mobile communication.

Lastly, the draft legislation makes provision for enshrining in the Act a certain number of principles concerning the management of domain names, including the extensions “.ch” and “.swiss”. The Federal Council also proposes the creation of a specific legal basis for blocking Internet sites containing pornography, and requiring telecom service providers to take steps to protect against cyberattacks.

Message du Conseil fédéral concernant la révision de la loi sur les télécommunications du 6 septembre 2017

<https://www.bakom.admin.ch/bakom/fr/page-daccueil/l-ofcom/organisation/bases-legales/lois-federales/revision-2017-de-la-ltc.html>

