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Guide to the "Registration Form for Providing Telecommunications Services"

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Introduction

Purpose of the guide

The guide is intended to explain the questions on the “Registration Form for Providing Telecommunication Services” and give an overview of the obligations which must be taken into account for the provision of telecommunication services.

Obligation to register

The principles of a telecommunication services provider’s obligation to register are regulated in art. 4 of the Law on Telecommunications (LTC):

Art. 4 Obligation to register

¹ Anyone providing a telecommunication service must report this to the Federal Office of Communications (OFCOM). The Federal Office registers the notified telecommunication services providers.

² In particular, the Federal Council may provide for exceptions for telecommunication services of minor technical and economic significance.

³ It regulates the details of registration as well as the regular updating of the list of telecommunication services providers.

In order to comply with this obligation to register, a telecommunication services provider must register with the Federal Office of Communications using the registration form. The registration form establishes on the one hand the nature, method and purpose of the service provision and on the other the services and interfaces to be provided by the provider. The registration form is split into four sections:

- Part 1 records the profile of the service provider;
- Part 2 states the telecommunication services which will be provided by the provider;
- Part 3 enables network interfaces to be declared;
- Part 4 provides information on the dissemination of radio and television programmes.

Who is a telecommunication services provider?

In accordance with the provisions of the LTC, a telecommunication services provider is any natural or legal person who transmits or arranges to transmit information for third parties and assumes responsibility for the provision of the agreed service in respect of these third parties within the framework of a contractual relationship.

If information is transmitted by means of telecommunications techniques **exclusively for internal use** and therefore **not** for the benefit of third parties, according to the legal definition the provider is not providing a telecommunication service and is therefore not subject to registration. In the terms of the law, the following are also not deemed to be a telecommunication service: the transmission of information by means of telecommunications techniques within one and the same undertaking, between parent and subsidiary companies, within a group (operation of the internal company network), within corporations regulated by public law and between them, if the provider of the telecommunication service is itself part of the undertaking, the group or the public-law corporation.

Use of the frequency spectrum

If the frequency spectrum is used to provide the telecommunication service, a radiocommunication licence is generally required. With regard to the allocation of frequencies, if insufficient frequencies are available for all present or foreseeable future interested parties, a public invitation to tender is carried out. If sufficient frequencies are available for the provision of telecommunication services for all present or foreseeable future interested parties, the licence is awarded on application.

Definitions

- **Telecommunication service**

A telecommunication service involves the electrical, magnetic, optical or other electromagnetic sending or receiving of information via wires or radio **for third parties**.

- **Telecommunication services provider**

A telecommunication services provider is any natural or legal person who transmits or arranges to transmit information for third parties and assumes responsibility for the provision of the agreed service in respect of these third parties within the framework of a contractual relationship.

- **User interfaces of telecommunications networks**

The user interface is the physical network termination point (NTP) or service access point via which users obtain access to a telecommunication service (cf. art 2 d DTE).

Abbreviations

ATM	Asynchronous Transfer Mode
CATV	Cable television (Community Antenna Television)
DAB	Digital Audio Broadcasting
DAB-T	Digital Audio Broadcasting - Terrestrial
DVB-H	Digital Video Broadcasting - Handheld
DVB-T	Digital Video Broadcasting - Terrestrial
ETSI	European Telecommunications Standards Institute
GSM	Global System for Mobile communications
IP	Internet Protocol
ISDN	Integrated Services Digital Network
ITU	International Telecommunication Union
MPLS	Multiprotocol Label Switching
NTP	Network Termination Point
PDH	Plesiochronous Digital Hierarchy
POTS	Plain Old Telephone System
PSTN	Public Switched Telephone Network
SDH	Synchronous Digital Hierarchy
UMTS	Universal Mobile Telecommunications System
VoIP	Voice over Internet Protocol
WLAN	Wireless Local Area Network
xDSL	... Digital Subscriber Line (ADSL, VDSL, HDSL, etc.)

Legal basis

The following legal foundations are referred to in the present guide:

- Law on Telecommunications of 30 April 1997 (**LTC**; SR 784.10)
- Decree of 9 March 2007 on Telecommunication Services (**DTS**; SR 784.101.2)
- Decree of 14 June 2002 on Telecommunication Equipment (**DTE**); SR 784.101.2)
- Federal Communications Commission Decree of 17 November 1997 on the Law on Telecommunication (SR 784.101.112)
- Decree of 9 March 2007 on Frequency Management and Radiocommunication Licences (**FMRL**; SR 784.102.1)
- Federal Law of 6 October 2000 on the Monitoring of Post and Telecommunications (**LMPT**; SR 780.1)
- Decree of 31 October 2001 on Monitoring of Post and Telecommunications (**DMPT**; SR 780.11)
- Federal Law of 24 March 2006 on Radio and Television (**LRTV**; 784.40)
- Decree on Radio and Television of 9 March 2007 (**DRTV**; 784.401)

Registration form

Addresses and signature

In accordance with art. 5 DTS, telecommunication services providers based abroad must designate a correspondence address in Switzerland to which communications, writs and official decisions among other things may be delivered with legal force. This address must be entered in the field "Address in Switzerland for legally valid delivery of all official correspondence".

In accordance with art. 59 LTC and art. 98ff DTS, all telecommunication services providers are required to provide data for the production of official telecommunication statistics.

OFCOM produces the official telecommunication statistics, in particular in order to

- perform an evaluation of the telecommunications legislation,
- take the necessary regulatory decisions and
- ensure the implementation of the universal service.

The contact for questions about telecommunications statistics must be shown on the 'Address and Signature' page of the registration form. If the contact address is different from the company's correspondence address, please advise OFCOM of this together with the e-mail address and telephone number.

Part 1: Obligation to register

General

Part 1 of the registration form is used to determine whether there is an obligation to register.

The expression "provision of a telecommunication service" is closely linked with the expression "for third parties". Only those who offer (provide) telecommunication services to third parties and do not therefore transmit information by means of telecommunications techniques for themselves are to be designated telecommunication services providers according to the provisions of the LTC. The answers to question 1 – 5 are intended to clarify whether a provider falls within the scope of the LTC as a result of the services offered and whether these are therefore telecommunication services or not.

If the evaluation of Part 1 shows that the telecommunication services provided are subject to the obligation to register, the telecommunication services cited in Part 2, the network interfaces listed in Part 3 and the locations covered as listed in Part 4 are registered and the telecommunication services provider is issued with a corresponding confirmation.

If the evaluation of Part 1 shows that the services provided are not subject to the obligation to register, this is communicated to the provider in writing.

Question 1 Customer relationship

A key factor for the provision of a telecommunication service, in addition to an existing customer relationship, is who bears the responsibility to the customer for the telecommunication services offered. A reseller which markets the telecommunication services on behalf of a third party (a telecommunication services provider), is as a rule unable to exercise any influence on the service. The provision of the telecommunication service and therefore the responsibility consequently remain with the third party issuing the order.

On the other hand, resellers which offer telecommunication services in their own name are considered to be telecommunication services providers. For a correct assessment, it is therefore important not only to know whether the telecommunication services are being sold in the name of a third party but also whether a reseller is offering the corresponding telecommunication service in its own name and therefore bearing the responsibility for it.

Question 2 Personal use

As already mentioned, a telecommunication service is the transmission of information by means of telecommunications techniques **for third parties**. If switching and/or transmission equipment is operated exclusively for personal use, the services provided do not fall within the scope of the LTC. This is the case if the electromagnetic sending and receiving of information provided for third parties is used exclusively to make contact with the provider itself or to make use of its services (information services, sales services, control of equipment, evaluation of signals and alarms).

Question 3 Scope of the telecommunication service

The exceptions cited in art. 2 DTS, such as the transmission of information within a building (letter a) or a property (letter b) are not deemed to be a telecommunication service.

Examples: shopping centres or airports which themselves provide telecommunication transmission for the leased buildings or have this undertaken in their name, and hotels which make telephones and internet access available to their guests via WLANs.

Nor does the transmission of information within a company or group (letter c) count as a telecommunication service if the provider is itself part of the company or group. Nor does the transmission of information within public-law corporations (letter d) count as a telecommunication service if the provider is itself part of the public-law corporation.

Question 4 Scientific applications

According to art. 3 para. 2 DTS, OFCOM may exempt from the obligation to register a telecommunication services provider of minor economic or technical significance if these telecommunication services are intended solely for scientific applications.

In this case, in addition to question 4, question 7 (Description) is also of particular importance. The scientific application must be clearly described there.

Question 5 Dissemination of radio and TV programmes

On the basis of the revised LTC and LRTV, the dissemination of radio and television programmes is also deemed to be a telecommunication service. Therefore, anyone disseminating **third-party** radio or television programs, i.e. to their customers or subscribers, is subject to the obligation to register.

On the other hand, anyone disseminating their own radio or television programmes within the framework of a corresponding licence is not providing a transmission for third parties and is therefore not providing a telecommunication service. It is not therefore subject to registration and need not mark anything in question 5 with a cross.

Question 6 Use of wireless transmission media

If the radio spectrum is used for electromagnetic transmission of information, a radiocommunication licence is generally required to do this. In an exceptional case, i.e. if the desired frequency use falls under one of the legitimate exceptions (cf. art. 8 FRL), OFCOM may allow the frequency to be used without a licence.

The answer to question 6 merely gives OFCOM an indication of the planned use of frequencies. In order to enable OFCOM to request the applicant to submit a corresponding licence application or allow it to use the frequency without a licence, under question 7 (Description) the applicant must describe the details of the planned frequency use.

Question 7 Description

Questions 1 – 6 deal with the basic questions associated with the LTC and the decrees. These questions and answers, however, are not as a rule adequate to appraise the telecommunication services to be provided. In order to represent the form of service provision more accurately, under question 7 a brief description of the type of services provided and the infrastructure necessary to do this should be given. This description is essential to allow a decision to be taken as to whether there is an obligation to register in borderline cases.

Part 2: Registering telecommunication services

General

OFCOM uses this form to register the telecommunication services which are offered or provided to third parties (own customer relationship) by the telecommunication services provider.

The provision of the “public telephone service” (question 1) is associated for telecommunication services providers with obligations which are not relevant in the case of merely providing telecommunication services according to questions 2 – 6. The following table gives an overview of the most important obligations:

Article	Obligation	Telecommunication services providers offering the public telephone service	Telecommunication services providers not offering the public telephone service
Art. 6 d LTC Art. 9 DTS	Apprenticeships	X	X
Art. 20 LTC Art. 27 - 30 DTS	Emergency call and call localisation	X	
Art. 21 LTC Art. 31 + 88 DTS	Access to subscriber directories	X	
Art. 21a LTC Art. 32 DTS	Interoperability / interconnection	X	
Art. 33 DTS	Services for the hearing impaired, visually impaired or persons with limited mobility	X	
Art. 40 + 41 DTS	Bar on outgoing calls to 090x and 0906 numbers	X	
Art. 28 para. 4 LTC ComCom decree	Number portability / carrier (pre)selection	X	
Art. 31 LTC FAV	Conformity of the telecommunications equipment operated	X	X
Art. 43 LTC Art. 80 DTS	Confidentiality obligation	X	X
Art. 44 LTC LSPT / DSPT	Surveillance of telecommunication traffic	X	X

Art. 45 LTC Art. 81 + 82 DTS	Obligation to provide information to subscribers	X	
Art. 45a LTC Art. 83 DTS	Spam	X	X
Art. 47 + 48 LTC Art. 90 – 96 DTS	Communication in extraordinary situations	X	X
Art. 59 LTC Art. 98 – 104 DTS	Obligation to provide information / telecommunication statistics	X	X

Question 1 Public telephone service

A cross must be entered next to this service category where a telecommunication services provider provides the voice service (transmission and/or switching of speech in real time) for third parties and in so doing offers the possibility of calling another public telephone service subscriber directly using a telephone number from the E.164 numbering plan (one-stage dialling) or being called by another subscriber in the same way.

- a) must be marked with a cross if the subscriber line is permanently installed at a specific location and the subscriber can use the service only at this location. The technology used (circuit-switching or VoIP) is not important in this context.
- b) must typically be marked with a cross if the subscriber can use the telephone service from any broadband connection (xDSL, CATV).
- c) must be marked with a cross if during the call the subscriber can move freely and change the radio cell or network providing him with the connection (typically in the case of GSM and UMTS).

Question 2 Other voice transmission

This service category must be marked with a cross if voice transmission is offered but not via the public telephone service.

- Examples:
- simplex and half-duplex connections
 - voice transmission with a long delay (not in real time)
 - multi-stage call set-up, e.g. via 080x or 090x numbers
 - voice transmission only within a specific user group (no connection to E.164 numbering plan subscribers)

Question 3 Constant bitrate transmission capacity

These service categories must be marked with a cross if the telecommunication services provider offers third parties network termination points with their own transmission equipment (e.g. modem, PDH, SDH). These service categories also apply if the underlying transmission media (copper, optical fibres, microwave) are leased from other providers. The crucial factor is whether an interface is offered in accordance with international standards for network termination points (NTP).

Example: A TSP enables customers with their own xDSL-transmission equipment (modems) to access leased copper lines and offers a 2048 Mbit/s structured transmission capacity at the NTP.

The 64 kbit/s and 2.048 Mbit/s (category 3a) services belong to the types of leased lines described in the annex to the decision of the Commission of the European Communities of 24 July 2003¹. On the basis of art. 34 DTS, the Communications Commission (ComCom) may oblige telecommunication services providers to offer these service categories in their coverage area if coverage is inadequate.

¹ COMMISSION DECISION of 24 July 2003 on the minimum set of leased lines with harmonised characteristics and associated standards referred to in Article 18 of the Universal Service Directive (2003/548/EC)

Question 4 Variable bitrate transmission capacity

Telecommunication services providers who offer data packet switching services (packet switching, fast packet switching, frame switching, cell switching, etc.) with their own data networks (IP router, X.25-, ATM, FR-Switch, etc.) should mark this service category with a cross.

Example: A telecommunication services provider offers its customers a data transport network with Internet Protocol (IP) using leased transmission capacity with its own routers. An Ethernet LAN interface is offered as a customer interface (NTP).

Question 5 Dissemination of radio and TV programmes

Anyone who disseminates, for example, radio or television programmes, for example via a CATV network, an IP network or via DAB-T, BVD-T or DVB-H, must enter a cross here. Anyone who only disseminates radio or television programmes within the framework of a corresponding licence does not have to mark it with a cross. Nor does this category include providing a broadband connection which allows a radio or television programme to be downloaded from an independent third party over the internet.

Question 6 Other services

This service category covers telecommunications services which cannot be allocated to any of the above service categories. These are mainly services which are offered as additional or value-added services or application-orientated services for a pre-existing transport service.

If the telecommunication services provider offers services which are not allocated to any of the service categories listed above, it must declare these in Point 6. d).

Part 3: Notification of subscriber interfaces of telecommunications networks

General

In accordance with art. 7 DTS, telecommunication services providers are obliged to inform OFCOM of all interfaces they provide for access to telecommunication networks (network termination point, NTP) and to publish accurate and appropriate technical specifications.

Interfaces for access to other providers' equipment and services according to art. 11 LTC (e.g. interconnection interfaces) do not fall under this regulation.

The interface characteristics published by telecommunication services providers must be sufficiently detailed to enable terminal equipment to be developed which supports **all** services provided over the interface in question. Details should be given about the hardware (HW) and software (SW) requirements and about specific parameter settings for the basic services as well as for **all** additional services offered across this interface.

Telecommunication services providers must set up a link on their website through which the required information can be called up.

Notification of the interfaces must be made to OFCOM at least **4 weeks before the initial provision** of the services offered across these interfaces or before any changes to the services already offered.

If a telecommunications service is discontinued or is temporarily suspended, OFCOM must also be advised of this within **4 weeks**, at the latest, of the partial or complete discontinuation of this service, using the relevant form.

Further information on this subject can be found in the technical and administrative regulations on telecommunications network interfaces. These can be downloaded from the OFCOM website (www.bakom.admin.ch).

Note: Part 3 of the registration form must be completed **separately for each interface offered** (1 sheet per interface).

Question 1 Designation of interface at the Network Termination Point

The description of the interface should describe the interface at the network termination point in the most relevant manner. If there is a standard international description for the interface provided, this should be given in addition to the description of the service used.

Examples:

International description	Telecommunication services providers' service description
<ul style="list-style-type: none">• ISDN basic rate interface• Analogue connection (POTS)• 802.3	<ul style="list-style-type: none">• Digital connection• PSTN connection• Ethernet

Question 2 Telecommunication services

Under this point, the telecommunications services which are offered by the telecommunication services provider across this interface must be listed.

Examples: If in Question 1 an ISDN basic rate connection is specified, the following services might be listed under 2:

- voice transmission (64 kbit/s)
- data transmission (64 kbit/s)
- transparent data transmission (Bearer Service)

Note:

In accordance with article 7 DTS, a telecommunication services provider is obliged to publish accurate and appropriate technical interface specifications. The telecommunication services provider must on request provide OFCOM with information on the nature and manner of the publication of these specifications.

Part 4: Information on the dissemination of radio or television programmes

General

Part 4 is used to record additional information concerning the dissemination of radio or television programmes and must be completed if question 5. a) or 5. b) in Part 2 has been marked with a cross.

Question 1 Dissemination of radio and TV programmes

If the telecommunication services provider does not have a website on which the list of disseminated programmes can be consulted, a corresponding list must be attached to the registration form.

Note: Cable broadcasters of radio and television programmes are obliged to carry specific domestic and foreign programmes (art. 59 + 60 LRTV, art. 52ff DRTV). In addition, there are licensed broadcasters whose radio and television programmes may be disseminated only within the area covered by the licence.

Question 2 Preparation of radio and television programmes

If the programmes are obtained via the company's own head end (satellite/terrestrial reception), this must be noted and the location of the head end indicated. If the programmes are obtained from a different provider, its name must be specified.

Question 3 Locations covered

This question is used to record the connections present in the broadcasters' licence areas. The list may also be enclosed with the registration form in electronic form, e.g. as an Excel spreadsheet on a CD.