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Telecommunications Act (TCA)

of 30 April 1997 (Status as of 1 July 2021)

*The Federal Assembly of the Swiss Confederation,
based on Article 92 of the Constitution^{1,2}
and having regard to the Federal Council Dispatch of 10 June 1996³,
decrees:*

Chapter 1 General Provisions

Art. 1 Aim

¹ The aim of this Act is to ensure that a range of cost-effective, high quality, and nationally and internationally competitive telecommunications services is available to private individuals and the business community.

² It shall in particular:

- a. ensure that a reliable universal service is provided, at affordable prices, for all sections of the population in all parts of the country;
- b. ensure that telecommunications traffic is free from interference and respects personal and incorporeal property rights;
- c. allow effective competition in the provision of telecommunications services;
- d.⁴ protect users of telecommunications services from unfair advertising and from abuse associated with value-added services;
- e.⁵ protect children and minors from the risks that arise from using telecommunications services.

AS 1997 2187

¹ SR 101

² Amended by No I of the FA of 22 March 2019, in force since 1 Jan. 2021 (AS 2020 6159; BBl 2017 6559).

³ BBl 1996 III 1405

⁴ Inserted by No I of the FA of 24 March 2006 (AS 2007 921; BBl 2003 7951). Amended by No I of the FA of 22 March 2019, in force since 1 July 2021 (AS 2020 6159; BBl 2017 6559).

⁵ Inserted by No I of the FA of 22 March 2019, in force since 1 Jan. 2021 (AS 2020 6159; BBl 2017 6559).

Art. 2⁶ Subject

This Act shall regulate the transmission of information by means of telecommunications techniques, including the transmission of radio and television programme services, provided the Federal Act of 24 March 2006⁷ on Radio and Television (RTVA) does not prescribe otherwise.

Art. 3 Definitions

In this Act:

- a. *information* means signs, signals, characters, images, sounds and any other form of representation addressed to human or other living beings or to machines;
- b. *telecommunications service* means transmission of information for third parties by means of telecommunications techniques;
- c. *transmission by means of telecommunications techniques* means sending or receiving of information, by lines or radio, by means of electrical, magnetic or optical signals or other electromagnetic signals;
- c^{bis},⁸ *public telephony service* means a telecommunications service for the transmission of speech in real time by means of one or more addressing resources provided for this purpose in a national or international numbering plan;
- c^{ter},⁹ *value-added service* means a service provided by means of a telecommunications service and charged to the customers by their telecommunications service provider in addition to telecommunications services;
- d. *telecommunications installations* means apparatus, lines or equipment intended for the transmission of information by means of telecommunications techniques or used for that purpose;
- d^{bis}, and d^{ter},¹⁰ ...
- e.¹¹ *interconnection* means establishment of access by the connection of the installations and services of two telecommunications service providers, enabling them to operate together logically and in accordance with telecommunications techniques and allowing access to the services of third parties;

⁶ Amended by Annex No II 2 of the FA of 24 March 2006 on Radio and Television, in force since 1 Apr. 2007 (AS **2007** 737; BBl **2003** 1569).

⁷ SR **784.40**

⁸ Inserted by No I of the FA of 22 March 2019, in force since 1 Jan. 2021 (AS **2020** 6159; BBl **2017** 6559).

⁹ Inserted by No I of the FA of 22 March 2019, in force since 1 Jan. 2021 (AS **2020** 6159; BBl **2017** 6559).

¹⁰ Inserted by No I of the FA of 24 March 2006 (AS **2007** 921; BBl **2003** 7951). Repealed by No I of the FA of 22 March 2019, with effect from 1 Jan. 2021 (AS **2020** 6159; BBl **2017** 6559).

¹¹ Amended by No I of the FA of 24 March 2006, in force since 1 Apr. 2007 (AS **2007** 921; BBl **2003** 7951).

- e^{bis}.¹² *leased lines* means provision of transparent transmission capacities via point-to-point connections;
- e^{ter}.¹³ *cable ducts* means underground pipes in which lines for transmission of information by telecommunications techniques are conveyed, including the access shafts;
- f.¹⁴ *addressing resource* means a sequence of digits, letters, signs or other information that enable the persons taking part in a telecommunications operation, as well as the computer processes, machines, apparatus or telecommunications installations involved, to be identified;
- g.¹⁵ *directory data* means information that identifies or designates a customer in relation to an individually assigned addressing element and which is used in order to publish a directory or is required for the provision of a telecommunications service;
- h.¹⁶ *radio and television programme service* means sequence of programmes as defined in Article 2 RTVA¹⁷.

Chapter 2 Telecommunications Services

Section 1 Common Provisions

Art. 3a¹⁸ Evaluation report

¹ The Federal Council shall submit a report to the Federal Assembly every three years on:

- a. the development of investments made throughout Switzerland;
- b. the development of the universal provision of services;
- c. the quality and the prices of the telecommunications services on offer;
- d. the development of network competition;
- e. the costs and granting of access to the local loop, irrespective of the technology underlying these connections.

¹² Inserted by No I of the FA of 24 March 2006, in force since 1 Apr. 2007 (AS 2007 921; BBl 2003 7951).

¹³ Inserted by No I of the FA of 24 March 2006, in force since 1 Apr. 2007 (AS 2007 921; BBl 2003 7951).

¹⁴ Amended by No I of the FA of 22 March 2019, in force since 1 Jan. 2021 (AS 2020 6159; BBl 2017 6559).

¹⁵ Amended by No I of the FA of 22 March 2019, in force since 1 Jan. 2021 (AS 2020 6159; BBl 2017 6559).

¹⁶ Inserted by Annex No II 2 of the FA of 24 March 2006 on Radio and Television, in force since 1 Apr. 2007 (AS 2007 737; BBl 2003 1569).

¹⁷ SR 784.40

¹⁸ Inserted by No I of the FA of 22 March 2019, in force since 1 Jan. 2021 (AS 2020 6159; BBl 2017 6559).

² If required, the Federal Council shall submit proposals to the Federal Assembly for promoting effective competition.

Art. 4¹⁹ Registration of telecommunications service providers

¹ The Federal Office of Communications (OFCOM) shall register telecommunications service providers that use any of the following resources intended for providing telecommunications services:

- a. radio frequencies whose use requires a licence;
- b. addressing resources that are managed at national level.

² Registered providers may allow other telecommunications service providers to use resources under paragraph 1 only if these other providers have registered beforehand.

³ OFCOM shall maintain and publish a list of registered providers and the telecommunications services that they offer.

⁴ The Federal Council shall regulate the details of registration.

Art. 5²⁰ Telecommunications service providers organised under foreign law

The competent authority may, subject to any international obligations to the contrary, prohibit telecommunications service providers organised under foreign law from using radio frequencies or addressing resources under Article 4 paragraph 1 unless reciprocal rights are granted.

Art. 6²¹ Telecommunications service providers with registered office or permanent settlement in Switzerland

Telecommunications service providers with a registered office or permanent settlement in Switzerland must:

- a. comply with the employment regulations and guarantee the conditions of employment customary in the industry;
- b. offer an appropriate number of vocational education and training places for apprentices.

¹⁹ Amended by No I of the FA of 22 March 2019, in force since 1 Jan. 2021 (AS 2020 6159; BBl 2017 6559).

²⁰ Amended by No I of the FA of 22 March 2019, in force since 1 Jan. 2021 (AS 2020 6159; BBl 2017 6559).

²¹ Amended by No I of the FA of 22 March 2019, in force since 1 Jan. 2021 (AS 2020 6159; BBl 2017 6559).

Art. 6a²² Blocking access to telecommunications services

Providers of telecommunications services must block the access to telephone and internet services for persons who have established a customer relationship that is not based on a subscription where these persons on establishing the customer relationship:

- a. have used the identity of a person who does not exist or who has not previously consented to establishing the customer relationship; or
- b. has failed to provide a document that meets the requirements imposed by the Federal Council under Article 23 paragraph 1 of the Federal Act of 18 March 2016²³ on the Surveillance of Postal and Telecommunications Traffic.

Art. 7–10²⁴**Art. 11²⁵** Granting of access by dominant providers

¹ Providers of telecommunications services that have a dominant position in the market must provide access to other providers in a transparent and non-discriminatory manner at cost-oriented prices in the following forms to their facilities and services:²⁶

- a.²⁷ fully unbundled access to the local loop in order to use the entire frequency spectrum of the twisted pair metallic line;
- b. and c.²⁸ ...
- d. interconnection;
- e. leased lines;
- f. access to cable ducts, provided these have sufficient capacity.

² They shall disclose the conditions and prices for their individual access services separately.

³ The Federal Council regulates the details.

²² Inserted by Annex No II 3 of the FA of 18 March 2016 on the Surveillance of Postal and Telecommunications Traffic, in force since 1 March 2018 (AS **2018** 117; BBl **2013** 2683).

²³ SR **780.1**

²⁴ Repealed by No I of the FA of 24 March 2006, with effect from 1 Apr. 2007 (AS **2007** 921; BBl **2003** 7951).

²⁵ Amended by Art. 106 para. 2 of the FA of 24 March 2006 on Radio and Television, in force since 1 Apr. 2007 (AS **2007** 737; BBl **2003** 1569).

²⁶ Amended by No I of the FA of 22 March 2019, in force since 1 Jan. 2021 (AS **2020** 6159; BBl **2017** 6559).

²⁷ Amended by No I of the FA of 22 March 2019, in force since 1 Jan. 2021 (AS **2020** 6159; BBl **2017** 6559).

²⁸ Repealed by No I of the FA of 22 March 2019, with effect from 1 Jan. 2021 (AS **2020** 6159; BBl **2017** 6559).