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Ordinance on Telecommunications Services (OTS)

of 9 March 2007 (Status as of 1 January 2022)

*The Swiss Federal Council,
based on the Telecommunications Act of 30 April 1997¹ (TCA),²
ordains:*

Chapter 1 Definitions

Art. 1

In this Ordinance:

- a. *user* means any person who uses the services of a provider of telecommunications services;
- b. *customer* means any person who has concluded a contract with a telecommunications service provider pertaining to the use of those services;
- c.³ ...
- d.⁴ *access price* price for access to the services and facilities of dominant providers in accordance with Article 11 paragraph 1 TCA.

Chapter 2 General Provisions on Telecommunications Services

Art. 2 Scope of the telecommunications service

Any person transmitting data:

- a. within a building;
- b. on a real property, on two adjacent or opposite real properties, separated by a road, path, railway line or watercourse;

AS 2007 2945

¹ SR 784.10

² Amended by No I of the O of 18 Nov. 2020, in force since 1 Jan. 2021 (AS 2020 6183).

³ Repealed by No I of the O of 18 Nov. 2020, with effect from 1 Jan. 2021 (AS 2020 6183).

⁴ Inserted by No I of the O of 14 March 2014, in force since 1 July 2014 (AS 2014 729).

- c. within an enterprise, between the parent company and subsidiaries or within a group;
- d. within statutory bodies and between them;
- e.⁵ when transmitting information free of charge within groups with no central organisation

shall not be deemed to provide a telecommunications service.

Art. 3⁶ Registration

¹ Telecommunications service providers shall submit the information required for registration to the Federal Office of Communications (OFCOM) and notify OFCOM of any changes to this information without delay.

² Registered providers which intend to permit registered or not yet registered providers to use resources as specified in Article 4 paragraph 1 TCA must notify OFCOM of this.

Art. 4⁷ Postal address in Switzerland

¹ Registered telecommunications service providers must provide a correspondence address in Switzerland to which communications, writs and official decisions in particular may be delivered with legal force, at the same time stating their standard business identification number in accordance with the Federal Act of 18 June 2010⁸ on the Business Identification Number.

² OFCOM shall publish the postal address. It may make the address available through an online search process.

Art. 5⁹ Provision of data in terms of administrative assistance

The Post and Telecommunications Surveillance Service shall provide OFCOM free of charge with the address data of telecommunications service providers known to it that may be of importance to the enforcement and evaluation of the telecommunications legislation.

Art. 6 Right to connect telecommunications terminal equipment

¹ The telecommunications service provider may not refuse to connect telecommunications terminal equipment to the corresponding interfaces for technical reasons if this telecommunications terminal equipment meets the requirements of Article 7 of the Ordinance of 25 November 2015¹⁰ on Telecommunications Installations¹¹ (TIO).

⁵ Inserted by No I of the O of 18 Nov. 2020, in force since 1 Jan. 2021 (AS **2020** 6183).

⁶ Amended by No I of the O of 18 Nov. 2020, in force since 1 Jan. 2021 (AS **2020** 6183).

⁷ Amended by No I of the O of 18 Nov. 2020, in force since 1 Jan. 2021 (AS **2020** 6183).

⁸ SR **431.03**

⁹ Amended by No I of the O of 18 Nov. 2020, in force since 1 Jan. 2021 (AS **2020** 6183).

¹⁰ SR **784.101.2**

¹¹ Title in accordance with Art. 43 para. 1 let. a of the O of 25 Nov. 2015 on Telecommunications Installations, in force since 13 June 2016 (AS **2016** 179).

² OFCOM may grant a telecommunications service provider approval to refuse or cease connection of telecommunications terminal equipment that corresponds to the requirements of Article 7 TIO or to cease the service for this equipment if there is a risk that the equipment will cause radio interference or that it will have a damaging effect on the network or network operation. OFCOM may also take other appropriate measures.

³ In an emergency, a provider may immediately disconnect telecommunications equipment from the network if the protection of the network so requires and if the user can be offered an alternative immediately and free of charge. The provider shall immediately inform OFCOM.

Art. 7¹² Interfaces for telecommunications networks and services

¹ Telecommunications service providers must publish the technical specifications of the interfaces required for physical access to telecommunications networks.

² They must on request inform OFCOM, customers and manufacturers of telecommunications installations and software for using telecommunications services of the types of interfaces they provide for the access service to the internet and for services, provided using the resources specified in Article 4 paragraph 1 TCA. They must provide the information free of charge within a reasonable time.

³ The information specified in paragraphs 1 and 2 must be sufficiently detailed so that the manufacture and use of telecommunications terminal equipment for the use of all services provided by the provider concerned using the corresponding interface is possible.

⁴ Providers must on request inform customers free of charge of the identification features and access data required for access to telecommunications networks and for using services in accordance with paragraphs 1 and 2.

⁵ OFCOM shall issue the required administrative and technical regulations

Art. 8¹³ Use of the frequency spectrum

The Ordinance of 18 November 2020¹⁴ on Using the Radio Frequency Spectrum applies to providers that use the frequency spectrum to provide their services.

Art. 9 Apprenticeships in vocational education and training¹⁵

¹ Telecommunications service providers with registered office or permanently established in Switzerland must at the latest 18 months after entering the market offer at least three per cent of positions in the telecommunications industry in Switzerland as apprenticeships for vocational education and training. Part-time positions shall be counted according to the full-time equivalent positions that they represent.¹⁶

¹² Amended by No I of the O of 18 Nov. 2020, in force since 1 Jan. 2021 (AS 2020 6183).

¹³ Amended by No I of the O of 18 Nov. 2020, in force since 1 Jan. 2021 (AS 2020 6183).

¹⁴ SR 784.102.1

¹⁵ Amended by No I of the O of 18 Nov. 2020, in force since 1 Jan. 2021 (AS 2020 6183).

¹⁶ Amended by No I of the O of 18 Nov. 2020, in force since 1 Jan. 2021 (AS 2020 6183).

² Providers may also fulfil this requirement in cooperation with third parties within the telecommunication industry.

Art. 10 Price transparency

¹ If, in the case of calls between customers of different providers of mobile telecommunications services, higher prices are charged than for calls to the same provider's customers, then the caller shall be informed of this when the connection is established, free of charge, without advertising and in simple terms. This also applies to calls between different customer groups of the same provider. Providers must make it possible for their customers to forgo the indication free of charge.

^{1bis} If customers are charged higher prices for calls to numbers in company-wide telecommunications networks than for calls to numbers with geographical codes, customers shall be informed of this when the connection is established, free of charge, without advertising and in simple terms. Providers must make it possible for their customers to forgo the indication free of charge.¹⁷

² In the case of offerings of telecommunications services with limited free or discounted elements, the provider must make it possible for customers to inform themselves of the consumed or remaining elements free of charge.

³ Paragraphs 1–2 do not apply to calls to value-added services, international connections and the use of foreign mobile communications networks (international roaming).¹⁸

Art. 10a¹⁹ International roaming: Obligations to provide information

¹ On conclusion of the contract, on the activation or reactivation of roaming services and at least once a year, mobile communications providers must inform their customers, in writing and in a manner that is easy to understand, about the conditions and modalities of international roaming, and in particular:

- a. on how and where customers can find the currently applicable tariffs and the tariff options for price reductions;
- b. about the possibility of setting a cost limit and of blocking access;
- c. about the possibility of deactivating and reactivating the information when switching to a foreign mobile communications;
- d. about the possibility of not receiving all the information required when switching to a foreign mobile communications.

² When switching to a foreign mobile communications networks, they shall inform their customers immediately, free of charge and in a manner which is easy to understand, of the maximum costs of the following international roaming services which may be incurred:

¹⁷ Inserted by No I of the O of 5 Nov. 2014, in force since 1 July 2015 (AS **2014** 4161).

¹⁸ Amended by No I of the O of 18 Nov. 2020, in force since 1 Jan. 2021 (AS **2020** 6183).

¹⁹ Inserted by No I of the O of 4 Nov. 2009 (AS **2009** 5821). Amended by No I of the O of 18 Nov. 2020, in force since 1 July 2021 (AS **2020** 6183).

- a. calls to Switzerland;
- b. incoming calls;
- c. local calls;
- d. sending of SMS;
- e. data transmission including sending of MMS.

³ They shall enable their customers to deactivate and reactivate the information when switching to a foreign mobile communications networks simply and free of charge. They must inform their customers of this option on conclusion of the contract and at least once a year thereafter.

⁴ When selling a terminal device that cannot display the information on switching to a foreign mobile communications network for technical reasons, they shall, in addition to the information in accordance with paragraph 1, draw the attention of customers to subscriptions and options for price reductions for the terminal device in question.

Art. 10b²⁰ International Roaming: Use

¹ Mobile communications providers shall only enable the use of roaming services after a cost limit has been set. Customers must be able to adjust the cost limit subsequently.

² Providers shall enable their customers to deactivate and reactivate access to roaming services at any time simply and free of charge.

³ Providers shall deactivate roaming services in aircraft, on ships and by satellite by default and irrespective of whether the service is enabled in accordance with paragraph 1. The activation and deactivation of these roaming services must be possible independently of deactivation and reactivation under paragraph 2.

⁴ Providers must not actively obstruct or prevent their customers from using roaming services offered by third-party providers.

Art. 10c²¹ International Roaming: Charges

¹ When calculating the charges or credit usage for outgoing and incoming international roaming calls, the following applies:

- a. Calls are charged by the second, with the exception of the first 30 seconds of outgoing calls.
- b. The final amount may be rounded up to the nearest 10 cents.

² When calculating the charges or credit usage for providing international roaming data services, the following applies:

- a. The service is charged per kilobyte.

²⁰ Inserted by No I of the O of 18 Nov. 2020, in force since 1 July 2021 (AS 2020 6183).

²¹ Inserted by No I of the O of 18 Nov. 2020, in force since 1 July 2021 (AS 2020 6183).