

Translation

Promulgation order No. 680 of 23 June 2004

Promulgation Order on Act on Radio Frequencies¹

Promulgation of Act No. 421 of 6 June 2002 on Radio Frequencies amended in accordance with article 101 in Act No. 1052 of 17 December 2002 and article 2 in Act No. 225 of 31 march 2004

PART 1

Scope of application

1.-(1) This Act shall apply to the use of radio frequencies and reception of radio signals.

(2) In connection with supervision, the Act shall furthermore apply to interference to apparatus caused by:

- 1) the use of frequencies, and
- 2) other electromagnetic phenomena.

(3) Radio frequencies shall mean electromagnetic waves in the frequency range up to 3000 GHz propagated in space without artificial guide.

PART 2

General framework for frequency planning

Spectrum policy framework mandate

2.-(1) The Minister for Science, Technology and Innovation shall lay down a spectrum policy framework mandate following a proposal from the National IT and Telecom Agency, cf. subsection (3). The spectrum policy framework mandate shall contain guidelines for the National IT and Telecom Agency's general prioritization of the use of frequencies in Denmark.

¹ The Act contains rules that implement parts of Directive 2002/20/EC of 7 March 2002 of the European Parliament and of the Council on the authorization of electronic communications networks and services (Official Journal 2002 no. L 108, p. 21) and parts of Directive 2002/21/EC of 7 March 2002 of the European Parliament and of the Council on a common regulatory framework for electronic communications networks and services (Official Journal 2002 no. L 108, p. 33).

(2) A spectrum policy framework mandate shall be applicable until replaced by a new spectrum policy framework mandate.

(3) The National IT and Telecom Agency shall submit a proposal for the spectrum policy framework mandate to the Minister for Science, Technology and Innovation not later than 1 November each year.

(4) When laying down the spectrum policy framework mandate, the Minister for Science, Technology and Innovation may depart from the National IT and Telecom Agency's proposal.

National frequency plan

3.-(1) The National IT and Telecom Agency shall lay down a frequency plan containing an overview of the framework for using and inter-prioritizing all radio frequencies.

(2) The frequency plan shall be laid down within the framework of the spectrum policy framework mandate, cf. section 2, on the basis of international frequency cooperation and cooperation within the EU, and on the basis of administrative regulations issued in pursuance of this Act.

PART 3

Issue of licences

Licensing requirements

4.-(1) Radio frequencies shall solely be used on the basis of licences issued by the National IT and Telecom Agency, subject to subsections (2)-(4).

(2) The National IT and Telecom Agency shall lay down more specific rules under which radio frequencies, notwithstanding subsection (1), can be used without a licence, including restrictions on such use.

(3) Following discussions with the national defence authorities, the National IT and Telecom Agency may lay down rules about the use of radio frequencies by the national defence force, including rules under which radio frequencies, notwithstanding subsection (1), may be used by the national defence force without a licence.

(4) Notwithstanding subsection (1), radio frequencies in radio installations solely intended for reception can be used without a licence.

Issue of licences successively as licence applications are received

5.-(1) The National IT and Telecom Agency will issue licences successively as applications for licences is received, subject to subsection (2) and section 6. In case several applications for the same licence are received simultaneously, the licence shall be issued by lot.

(2) The National IT and Telecom Agency may postpone the issue of licences according to subsection (1) for the purpose of examining whether frequency scarcity is in evidence, cf. subsection (3).

(3) Frequency scarcity is in evidence where the National IT and Telecom Agency deems that the aggregate demand for radio frequencies in a given frequency band allocated for a specific use:

- 1) cannot be met (current frequency scarcity), or
- 2) may be expected within a short period of time to be incapable of being met (future frequency scarcity).

Issue of licences following public tenders or auctions

6.-(1) When the National IT and Telecom Agency has ascertained that frequency scarcity is in evidence, cf. section 5(3), the Agency shall recommend to the Minister for Science, Technology and Innovation that the Minister decide to implement a public tender or hold an auction as a basis for issuing licences.

(2) On the basis of the National IT and Telecom Agency's recommendation under subsection (1), the Minister for Science, Technology and Innovation may decide that:

- 1) the National IT and Telecom Agency should implement a public tender of licences, cf. section 7, or
- 2) the National IT and Telecom Agency should hold an auction of licences, cf. section 8.

(3) If the Minister for Science, Technology and Innovation has made a decision according to subsection (2), the National IT and Telecom Agency will issue licences after having implemented a public tender or held an auction, cf. sections 7 and 8.

7.-(1) The Minister for Science, Technology and Innovation shall lay down detailed rules for the public tender, cf. section 6(2), no. 1. Such rules may include:

- 1) the types and number of licences to be included in the tender,
- 2) duration and renewal of licences,
- 3) form of tender, including any initial round seeking indications of interest, tender documents, tendering procedure, and rules specifying the conditions for taking part in the tender,
- 4) minimum requirements,
- 5) the criteria to which weight may be given in evaluating the tenders submitted, including the mutual comparison of tenders,

- 6) allocation of licences,
- 7) tenderer behaviour that may restrict or is intended to restrict competition in connection with the tender,
- 8) compensation and sanctions for violating rules specified for the tender, by way of exclusion from the tender, revocation of licences already issued, and penalties,
- 9) that the rules of sections 22-25, for a specified period, will not be applicable to licences issued by public tendering,
- 10) that the participants in the public tender have to pay the costs associated with the National IT and Telecom Agency's preparation and implementation of the tender and with the issue of licences, and
- 11) deposit.

(2) If a public tendering procedure results in a number of tenders which is lower than or equal to the number of licences put out to tender, the National IT and Telecom Agency shall issue licences directly to the party or parties that have submitted a tender which satisfies the rules specified as conditions for taking part in the tendering procedure.

8.-(1) The Minister for Science, Technology and Innovation shall lay down detailed rules for the auction, cf. section 6(2), no. 2. Such rules may include:

- 1) the types and number of licences to be included in the auction,
- 2) duration and renewal of licences,
- 3) form of auction, auction documents, holding of auction, and rules specifying the conditions for taking part in the auction,
- 4) minimum requirements,
- 5) deposit and bank guarantee,
- 6) minimum bid sum and reserve price,
- 7) allocation of licences,
- 8) terms of payment for the licences,
- 9) bidder behaviour that may restrict or is intended to restrict competition in connection with the auction,
- 10) compensation and sanctions for violating rules specified for the auction, by way of exclusion from the auction, revocation of licences already issued, and penalties,

- 11) that the rules of sections 22-25, for a specified period, will not be applicable to licences issued by auction, and
- 12) that the participants in the auction have to pay the costs associated with the National IT and Telecom Agency's preparation and holding of the auction and with the issue of licences.

(2) The Minister for Science, Technology and Innovation may lay down rules prescribing that the auction be implemented on the basis of auction terms drawn up by the National IT and Telecom Agency and agreed between the Agency and the bidders. The Minister for Science, Technology and Innovation shall lay down specific rules for the National IT and Telecom Agency's activities in connection with such an auction. In this context, rules may be laid down in respect of the conditions referred to in subsection (1), as well as:

- 1) the content of the auction agreement,
- 2) compensation and sanctions for violating the auction agreement, by way of exclusion from the auction, revocation of licences already issued, and penalties, and
- 3) waiver of the right to claim any form of compensation other than monetary claims.

Waiting lists

9. The National IT and Telecom Agency shall lay down rules on the use of waiting lists in connection with licence applications.

Test and development licences

10.-(1) The National IT and Telecom Agency may issue test and development licences for the purpose of testing a specified technology or service.

(2) In connection with the issue of licences for testing and development, the National IT and Telecom Agency may allow frequency use, which is not in conformity with the frequency plan, cf. section 3.

(3) The National IT and Telecom Agency shall lay down terms for test and development licences.

(4) To protect against harmful interference to existing services, the National IT and Telecom Agency may alter terms laid down under subsection (3).

(5) The National IT and Telecom Agency may designate specific radio frequencies for testing and development in the frequency plan, cf. section 3.

(6) The National IT and Telecom Agency shall lay down detailed rules for the use of radio frequencies as mentioned in subsection (5), including whether such frequencies may be used without a licence.

PART 4

Licences and use of radio frequencies

Terms for using licences

11. In connection with the issue of licences, the National IT and Telecom Agency shall specify terms for the use of licences. Such terms may include:

- 1) radio engineering requirements, e.g.
 - a) maximum emitted power,
 - b) maximum height of antenna and antenna characteristics,
 - c) modulation types and spectral width,
 - d) frequency stability,
- 2) requirements for the purpose of avoiding interference,
- 3) requirements with the aim of realizing international frequency cooperation and cooperation within the EU,
- 4) restrictions regarding the geographical extension of the application area of the licences issued,
- 5) requirements with the aim of meeting broader societal needs.

12.-(1) In connection with the issue of licences by public tendering, cf. section 6(3), the National IT and Telecom Agency shall specify:

- 1) terms as mentioned in section 11,
- 2) terms in accordance with the tenders submitted, and
- 3) terms corresponding to the minimum requirements laid down under section 7(1).

(2) When issuing licences following a public tendering procedure that has resulted in fewer tenders than the number of licences put out to tender, the National IT and Telecom Agency may solely specify terms as mentioned in subsection (1), nos. 1 and 3.

(3) If the National IT and Telecom Agency has issued fewer licences than the number designated for implementing a public tender or holding an auction, the Agency shall meet requests from holders of licences issued on the basis of a previously completed public tendering procedure for licences in the same radio frequency band designated for the same

specific use to the effect that the terms to be met by the licence holders in question be set at the minimum requirements applicable to the original public tender.

13.-(1) Terms as mentioned in section 12(1), no. 2, may only be extended to apply for a maximum period of one year after the date by which the coverage requirement or deployment requirement specified in the licence has been reached. However, such terms shall be valid for a minimum period of two years after the issue of the licence.

(2) Notwithstanding subsection (1), the National IT and Telecom Agency, when issuing the licences, may specify terms for the entire licence period if the total number of licences issued for a specific use, together with any other competing services provided, is not deemed by the Agency to ensure sufficient competition in the relevant market.

(3) For public tenders where terms have been specified under subsection (2), the National IT and Telecom Agency may decide during the licence period that the terms be cancelled. It shall be a condition of such cancellation that the period specified in subsection (1) has expired and that the Agency considers that developments in the overall competitive situation justify the cancellation.

14. In connection with the issue of licences by auction, cf. section 6(3), the National IT and Telecom Agency shall specify:

- 1) terms as mentioned in section 11, and
- 2) terms corresponding to the minimum requirements laid down under section 8(1).

15.-(1) Subject to a notice of one year, the National IT and Telecom Agency may specify new terms for using a licence under section 11.

(2) In addition to subsection (1), the National IT and Telecom Agency may specify new terms for using a licence on the basis of an order issued under section 39(1).

Duration, renewal and transfer

16. The National IT and Telecom Agency shall lay down rules on the duration of the individual categories of licences, unless otherwise prescribed in rules issued under section 7(1) or section 8(1).

17.-(1) On the expiry of a licence, the licence holder shall submit a new application if it is desired to continue the frequency use, unless otherwise prescribed in rules issued under section 7(1) or section 8(1).

(2) Notwithstanding subsection (1), the National IT and Telecom Agency may lay down simplified procedures for renewal of licences, unless otherwise prescribed in rules issued under section 7(1) or section 8(1).

18.-(1) Licences can be transferred to other parties if the licence holder has obtained the National IT and Telecom Agency's approval thereof prior to the transfer.

(2) Transfers under subsection (1) shall also include indirect transfers, including the transfer of shares, stock or other ownership interests that involve changes with regard to the controlling influence over the licence holder.

Use of radio frequencies

19. The National IT and Telecom Agency shall lay down rules on the obligation to observe secrecy in connection with the use of radio frequencies and reception of radio signals.

20. It shall not be permitted to use radio frequencies for broadcasting radio and television programmes on the open sea or in the airspace above this.

Spectrum management methods

21.-(1) When the National IT and Telecom Agency has noted that frequency scarcity is in evidence, cf. section 5(3), the spectrum management methods mentioned in sections 22-25 may be applied in respect of licences already issued.

(2) The application of a spectrum management method shall be subject to the following:

- 1) that it is in accordance with the spectrum policy framework mandate, cf. section 2, and
- 2) that the method is implemented on transparent, objective and non-discriminatory terms.

(3) Spectrum management methods may be used in separate geographical areas.

(4) Spectrum management methods may be used within parts of the radio frequencies designated for a specific use.

22.-(1) The National IT and Telecom Agency may require licence holders to change to more spectrally efficient methods of utilization or technologies.

(2) The National IT and Telecom Agency shall set timescales for implementing requirements for changing to more spectrally efficient methods of utilization, which allow licence holders a minimum, notice of one year. When there is a current scarcity of frequencies, which, in essential areas, prevents the public provision of services for, which there is a substantial demand, or there is a current scarcity of frequencies which restricts or distorts competition, the National IT and Telecom Agency may exceptionally set a notice shorter than one year.

(3) Prior to requiring a change to more spectrally efficient methods of utilization or technologies, the National IT and Telecom Agency may lay down detailed rules for using this method.

23.-(1) The National IT and Telecom Agency may impose requirements on licence holders restricting the use of radio frequencies.

(2) The National IT and Telecom Agency shall set timescales for implementing requirements restricting the use of radio frequencies which allow licence holders a minimum notice of one year. When there is a current scarcity of frequencies, which, in essential areas, prevents the public provision of services for, which there is a substantial demand, or there is a current scarcity of frequencies, which restricts or distorts competition, the National IT and Telecom Agency may exceptionally set a notice shorter than one year.

(3) Prior to requiring a restriction on the use of radio frequencies, the National IT and Telecom Agency may lay down detailed rules for using this method.

24.-(1) The National IT and Telecom Agency may redistribute licences already issued.

(2) The National IT and Telecom Agency shall set timescales for carrying out redistribution, which allow licence holders a minimum, notice of one year. When there is a current scarcity of frequencies, which, in essential areas, prevents the public provision of services for, which there is a substantial demand, or there is a current scarcity of frequencies, which restricts or distorts competition, the National IT and Telecom Agency may exceptionally set a notice shorter than one year.

(3) Prior to redistribution, the National IT and Telecom Agency may lay down detailed rules for using this method.

25.-(1) The National IT and Telecom Agency may withdraw licences already issued.

(2) The National IT and Telecom Agency shall set timescales for implementing withdrawal, which allow licence holders a minimum, notice of one year. When there is a current scarcity of frequencies, which, in essential areas, prevents the public provision of services for, which there is a substantial demand, or there is a current scarcity of frequencies, which restricts or distorts competition, the National IT and Telecom Agency may exceptionally set a notice shorter than one year.

(3) Prior to the withdrawal, the National IT and Telecom Agency may lay down detailed rules for using this method.

Cessation and revocation of licences

26. A licence shall cease if the licence holder enters into liquidation or goes into bankruptcy.

27. The National IT and Telecom Agency may revoke a licence if the licence holder fails to pay frequency charges due, cf. section 48.

28. The National IT and Telecom Agency may revoke a licence if the licence holder, grossly and repeatedly, violates the Act or the rules and terms for the licence laid down in pursuance thereof.

Examinations

29.-(1) The National IT and Telecom Agency may lay down rules under which the use of radio frequencies will be conditional on an examination having been passed. The National IT and Telecom Agency shall specify rules for such examinations.

(2) The National IT and Telecom Agency may lay down rules under which examinations held by other public authorities, including foreign authorities, and private persons are recognized.

(3) The National IT and Telecom Agency may lay down special rules for derogating from the examination procedure in the case of examinations to be passed by disabled persons.

Call signs

30. The National IT and Telecom Agency shall lay down rules on the issue and use of call signs and other forms of identification numbers for the purpose of spectrum management.

Use of radio frequencies for radio and TV purposes

31. The rules of sections 32 and 33 shall apply to radio frequencies designated for radio and TV purposes (broadcasting) in the frequency plan, cf. section 3.

32.-(1) The National IT and Telecom Agency's issue of a licence for radio or TV purposes is subject to the applicant being authorized to provide programme services or to distribute sound and picture programmes via terrestrial digital networks under the Radio and Television Broadcasting Act.

(2) A licence for radio or TV purposes issued by the National IT and Telecom Agency shall cease if the licence holder's authorization to provide programme services or to distribute sound and picture programmes via terrestrial digital networks under the Radio and Television Broadcasting Act has ceased or has been withdrawn for an indefinite duration.

33.-(1) As regards licences for radio and TV purposes, the National IT and Telecom Agency may specify terms based on media policy considerations in addition to the terms mentioned in section 11, subject to negotiation with the Minister of Culture.

(2) As regards licences for radio and TV purposes, the National IT and Telecom Agency may use the spectrum management methods mentioned in sections 22-25 for the purpose of meeting media policy considerations, subject to negotiation with the Minister of Culture.

Slettet: 1

Radiocommunications in special situations

34. The Minister for Science, Technology and Innovation may lay down rules on the use of radio frequencies during crises and in times of war, or during disasters and other extraordinary situations in times of peace.

35. When necessary on account of the security of the State, the Minister for Science, Technology and Innovation may prohibit the use of radio frequencies. It may be required that transmitting stations falling within such a prohibition be handed over to a public authority for deposit.

PART 5

Delivery of information

36. The National IT and Telecom Agency may require users of radio frequencies to deliver all information and all material deemed relevant for administration of this Act.

37.-(1) The National IT and Telecom Agency may require licence holders to deliver information and material about financial, statistical, frequency-related and other matters for the purpose of preparing reports, statistics, etc.

(2) The National IT and Telecom Agency may require that the information be delivered regularly by predetermined dates.

PART 6

The National IT and Telecom Agency's supervisory authority etc.

38. The National IT and Telecom Agency shall supervise compliance with this Act and the rules laid down in pursuance thereof or of terms of the licence issued in accordance with this Act.

39.-(1) In case of violations of this Act, of the rules laid down in pursuance thereof or of the terms of the licence, or for the purpose of eliminating interference to apparatus or to the use of frequencies, the National IT and Telecom Agency may order the owner or the user of apparatus to:

- 1) take the necessary measures, to bring the use of frequencies into conformity with this Act and the rules laid down in pursuance thereof or of the terms specified in the licence,
- 2) take the necessary measures, at his own expense, to eliminate interference, including repair, insertion of extra filters and correction of faults due to inadequate or defective installation or wrong operation of apparatus,
- 3) stop the operation of apparatus.

(2) In case of interference as mentioned in subsection (1) the National IT and Telecom Agency may:

- 1) carry out on-site examinations of apparatus, and
- 2) disconnect apparatus on-site, including sealing (blocking) of apparatus if the apparatus in question causes interference to other apparatus whose function is decisive for human life and health or for public utilities.

40.-(1) For the purpose of stopping interference as mentioned in section 39(1), caused by frequency use or by other electromagnetic phenomena, the National IT and Telecom Agency shall have access, on proper proof of identity and without a prior court order, to public and private property where this is deemed necessary.

(2) If necessary, the police will assist in ensuring access to public and private property as mentioned in subsection (1). Subject to agreement with the Minister of Justice, the Minister for Science, Technology and Innovation may lay down detailed rules about this.

(3) As soon as possible, and not later than 24 hours from the time when the National IT and Telecom Agency has obtained enforced access, cf. subsection (1), the Agency shall submit the matter to the court. The court will decide by an order whether the intervention can be approved. If the court finds that the intervention should not have been made, the court shall notify this to the Minister for Science, Technology and Innovation.

41. The National IT and Telecom Agency may monitor specific radio frequency bands for the purpose of:

- 1) detecting specific interference caused by frequency use or by other electromagnetic phenomena,
- 2) ensuring compliance with this Act and the rules and terms laid down in pursuance thereof,
- 3) ensuring fulfilment of international commitments.

PART 7

Delegation and right of instruction and exemption

42.-(1) The Minister for Science, Technology and Innovation may lay down rules under which other public authorities and private persons are authorized, wholly or partly, to carry out tasks for which rules may be prescribed by the National IT and Telecom Agency under sections 29 and 30.

(2) The Minister for Science, Technology and Innovation may lay down rules under which public authorities authorized to carry out tasks under subsection (1) may specify rules as mentioned in section 29(1), second sentence, section 29(2) and (3), and section 30.

43.-(1) The Minister for Science, Technology and Innovation shall not be in a position to give official orders to the National IT and Telecom Agency on the Agency's handling of authority functions in specific cases; on handling and decision of individual cases; on the National IT and Telecom Agency's issue of administrative regulations in areas where the Agency is authorized to do so; or on other supervisory activities of the National IT and Telecom Agency for the purpose of ensuring compliance with this Act and administrative regulations issued in pursuance thereof.

(2) The Minister for Science, Technology and Innovation may not grant exemptions from administrative regulations issued by the Minister in pursuance of this Act.

PART 8

Complaints procedure

44.-(1) Complaints about the National IT and Telecom Agency's decisions under this Act and rules issued in pursuance thereof, including complaints about the Agency's case administration, may be submitted to the Telecommunications Complaints Board, subject to sections 45 and 46.

(2) Complaints about decisions according to administrative regulations issued in pursuance of the Act made by public authorities authorized under section 42 may be submitted to the Telecommunications Complaints Board.

(3) The Telecommunications Complaints Board may require the parties to give all information deemed relevant for the purpose of processing cases.

(4) When making decisions, the Telecommunications Complaints Board may issue orders to licence holders.

45. Decisions made by the National IT and Telecom Agency pursuant to rules issued under sections 7 and 8 cannot be referred to other administrative authorities.

46.-(1) Complaints about the National IT and Telecom Agency's decisions regarding compliance with terms for provision of services to end-users and compliance with terms

regarding prices for this, cf. section 12(1) and section 13(1), including complaints about the Agency's case administration, may be submitted to the Telecommunications Consumer Board.

(2) The Telecommunications Consumer Board may require the parties to give all information deemed relevant for the purpose of processing cases.

(3) When making decisions, the Telecommunications Consumer Board may issue orders to licence holders.

47. Complaints about decisions made by private persons who, pursuant to rules issued under section 42(1), are authorized to carry out tasks for which the National IT and Telecom Agency may prescribe rules under sections 29 and 30, may be submitted to the National IT and Telecom Agency.

PART 9

Charges etc.

48.-(1) The National IT and Telecom Agency shall collect a frequency charge from licence holders.

(2) The amounts of the frequency charge mentioned in subsection (1) shall be fixed annually in the Finance Act and shall be published by the National IT and Telecom Agency.

49.-(1) The Minister for Science, Technology and Innovation shall lay down rules about fees for:

- 1) holding examinations and issuing certificates, including copies of certificates,
- 2) issuing call signs and other forms of identification numbers, and
- 3) sending reminders in case of failure to pay fees, cf. nos. 1 and 2, and frequency charges, cf. section 48.

(2) The National IT and Telecom Agency and the public authorities and private persons authorized to carry out tasks under section 42(1) shall collect fees as fixed under subsection (1).

PART 10

Sanctions and penalties

50.-(1) The National IT and Telecom Agency may impose enforcement fines on licence holders for the purpose of enforcing actions to be taken by the licence holder under the licence terms.

(2) For the purpose of enforcing delivery of information, the National IT and Telecom Agency may impose enforcement fines on any party required under sections 36 and 37 to deliver such information to the Agency.

(3) Distraint may be levied to recover enforcement fines, which will go to the Treasury.

51.-(1) The Telecommunications Complaints Board may impose enforcement fines on licence holders for the purpose of enforcing orders as mentioned in section 44(4).

(2) Distraint may be levied to recover enforcement fines, which will go to the Treasury.

52.-(1) The Telecommunications Consumer Board may impose enforcement fines on licence holders for the purpose of enforcing orders as mentioned in section 46(3).

(2) Distraint may be levied to recover enforcement fines, which will go to the Treasury.

53.-(1) Any person who:

- 1) violates section 4(1), section 18(1), and section 20,
- 2) fails to comply with terms laid down under section 10(3) and sections 11-15,
- 3) fails to comply with orders issued under section 39(1), section 44(4), and section 46(3),
- 4) fails to deliver information under sections 36 and 37, or
- 5) violates EC regulations in the radio frequency area

shall be liable to a fine.

(2) Regulations issued under this Act may prescribe punishment in the form of fines in case the provisions of the regulations are violated.

(3) Criminal liability may be imposed on companies etc. (legal persons) under the rules of Part 5 of the Civil Penal Code.

54.-(1) As regards violation of section 20, the provisions of the Civil Penal Code on participation shall only be applicable with regard to:

- 1) any person who participates in the establishment or financial or technical operation of the station used or intended to be used for radio broadcasting for the station in question,

- 2) any person who, in the service of the owner or the user, participates in radio broadcasting for the station in question, and
- 3) any person who participates in radio broadcasting through financial or technical assistance, by ordering transmissions via the station, by taking or communicating orders for this, by managing the recording of programmes, by taking part in broadcasts on the vessel, by making premises or technical facilities available, or by delivery or transport of significance to such radio broadcasting.

(2) Violation of section 20 shall come under Danish penal authority, no matter whether the conditions of sections 6-9 of the Civil Penal Code have been met. However, acts committed outside the Danish State shall only be subject to Danish penal authority if:

- 1) the radio broadcasting station is established or operated for the purpose of, or is used for radio broadcasting that must be assumed to be intended for reception on Danish territory, or which causes interference to radio reception on Danish territory, or
- 2) the offender is a Danish national or resides in the Danish State or is a national of, or resides in Finland, Iceland, Norway or Sweden and is staying in Denmark.

PART 11

Coming into force and transitional provisions

55. This Act shall come into force on 1 July 2002.

56.-(1) The following Acts shall be repealed:

- 1) Act No. 394 of 10 June 1997 on Radiocommunications and Assignment of Radio Frequencies.
- 2) Act No. 468 of 12 June 1996 on Public Mobile Communications.

57.-(1) Rules issued under the Acts mentioned in section 56 or the Radiocommunications Act, cf. Consolidated Act No. 297 of 22 April 1992 as subsequently amended, shall remain in force until repealed or replaced by rules issued under the present Act.

(2) Licences issued under the Acts mentioned in section 56 or the Radiocommunications Act, cf. Consolidated Act No. 297 of 22 April 1992 as subsequently amended, shall remain in force.

(3) Licences issued under the Act mentioned in section 56, no. 2, (mobile licences) shall cease if licences issued under the Act mentioned in section 56, no. 1, or the Radiocommunications Act, cf. Consolidated Act No. 297 of 22 April 1992 as subsequently amended, (frequency licences) are no longer in force.

(4) This Act and rules issued in pursuance thereof shall apply to licences issued under the Acts mentioned in section 56 and the Radiocommunications Act, cf. Consolidated Act No. 297 of 22 April 1992 as subsequently amended.

(5) Notwithstanding subsection (4), licences issued by public tendering implemented according to the Acts mentioned in section 56 shall continue without application for periods equal to the number of years for which the licence was originally issued, unless the National IT and Telecom Agency revokes the licence subject to a notice of one year before expiry of the period. However, a licence may not be continued for periods exceeding 10 years.

58.-59 (Amending to other Acts excluded)

60. This Act shall not extend to the Faeroe Islands and Greenland except that all or any of the provisions hereof may be brought into force by Royal Decree for Greenland subject to any variations in their operation necessitated by the specific conditions prevailing in Greenland.

Act No. 1052 of 17 December 2002 contains the following provision on coming into force:

95. This Act shall come into force on 1 January 2003.

Act No. 225 of 31 March 2004 contains the following provision on coming into force:

4. This Act shall come into force on 1 April 2004
