

REGULATION
on the Rulings Committee for Electronic Communication and Postal Affairs

Article 1

Sphere of application.

This regulation lays down the role and field of competence of the Rulings Committee for Electronic Communications and Postal Affairs, its appointment, referral fee, complaint deadlines, legal consequences of a complaint, procedure, content of rulings, publication of Committee rulings, procedural costs, referral to a court and other issues pertaining to the work environment of the Committee.

Article 2

Role

The role of the Rulings Committee is to resolve in an efficient, professional and impartial manner, complaints submitted to the committee resulting from decisions made by the Post and Telecom Administration. The Committee works independently.

The Rulings Committee rules on referable decisions made by the Post and Telecom Administration at the request of a party having special, significant and legally protected interests at stake, whether the complaint is about procedural matters or the substance of referred decision.

The rulings of the Committee represent the final administrative appeal and cannot be referred to the Minister of Transport. Referral to a court prevents the Rulings Committee from having the authority to initiate procedures. If a case is referred to a court while under the Committee's consideration, the Committee shall dismiss the case as soon as the referral to a court is made known to the Committee.

Article 3

Structure of the Rulings Committee

The Rulings Committee shall be comprised of three persons appointed by the Minister of Transport and Communication and an equal number of alternates. The Chairman and Vice Chairman shall fulfil the conditions of eligibility for Supreme Court judges. Normally the Committee consists of a Chairman and a Vice Chairman and one additional committee member. The Vice Chairman stands in for the Chairman if the latter is unable to perform his duties. The Committee shall be appointed to a four year term.

Article 4

Organisation of daily activities, place of establishment, staff and hired services

The Chairman of the Rulings Committee is in charge of the committee's activities and is responsible for them. He handles the external representation of the Committee.

The Chairman decides whether and, if applicable, what the place of establishment of the Rulings Committee should be, after consulting with the Minister.

Subject to the Minister's approval, the Committee may hire staff or have an independent party manage the Committee's secretariat. Compensation to such parties shall be paid by the State Treasury.

If a case is unusually complex, the Committee may call upon council and assistance of experts, if it is deemed necessary. These experts shall work with the Committee on terms decided by the Chairman, who determines the compensation they receive for their work. Efforts shall be made to keep such expert consultation expenses at a minimum. If it is evident that the cost of expert assistance will be significant, the Committee shall seek the opinions of the parties who possibly will be responsible for bearing the cost of the procedure, before

seeking the expert assistance. Expenses resulting from expert consultation are part of the cost of the procedures, cf. Article 12.

Article 5

Deadline for complaint

Complaints shall be directed to the Rulings Committee within four weeks from the time the complaining party was made aware of the decision of the Post and Telecom Administration. With regard to electronic communications undertakings and postal operators, the referral period shall commence on the day when the decision is published on the homepage of the Post and Telecom Administration. Complaints received after the four week referral period shall under normal circumstances be dismissed, unless there are valid grounds for the delay of the complaint or some important reasons for initiating procedure.

A complaint shall be regarded as having been lodged in time, if the letter containing it is received by a higher administrative authority or has been delivered to the postal service before the deadline expires.

Article 6

Referral fee

A complaint made by an electronic communications undertaking or postal operator shall include a referral fee in the amount of 150,000 ISK which will be refunded if the Committee rules in its favour. The Ruling Committee shall not consider any complaints unless the referral fee is included.

The users of electronic communication and postal services shall not be subjected to a referral fee. The costs associated with their referrals to the Rulings Committee shall be paid from the State Treasury.

Article 7

Formulation of a complaint

A complaint shall be made in writing and supplemented with necessary material. The complaint shall be accompanied by an original or a copy of the decision by the Post and Telecom Administration, which forms the basis of the complaint, and information about the complaining party.

The complaint shall include information about what matters in the relevant decision of the Post and Telecom Administration the complaint refers to, along with the demands of the complaining party, description of the case facts, reasons for the case and arguments.

If the complaint does not fulfil the requirements in Article 1 and 2, the Rulings Committee shall recommend to the complaining party to amend its deficiencies within an appropriate deadline. If the complaining party does not adhere to this, the Rulings Committee shall dismiss the complaint.

Complaints resulting from procedural issues of the Post and Telecom Administration should generally not be referred to the Rulings Committee before the Post and Telecom Administration has made a final decision in a case. If the complaint concerns the procedural speed of the Post and Telecom Administration, the Committee can rule on this aspect of the case before the Administration has made a final decision.

Article 8

Legal consequences of a complaint

A complaint to the Rulings Committee does not postpone the legal consequences of a decision by the Post and Telecom Administration.

Under exceptional circumstances, the Rulings Committee is authorised, following a request from a party to a case, to postpone the legal consequences of the referred decision while the complaint is under

consideration, in accordance with the Administrative Procedures Act. The Post and Telecom Administration shall be given the opportunity to express its opinion of such a request in writing before a decision is reached.

Article 9

Procedural matters

The procedural matters of the Rulings Committee shall be in accordance with Article 13 of the Act on the Post and Telecom Administration, No. 69/2003. The procedure before the Committee does otherwise follow Section VII and VIII of the Administrative Procedures Act and this Regulation.

The Rulings Committee shall initiate its procedure immediately after receiving the complaint.

Should a complaint be accepted for procedure, the Committee gives the parties to the case, the Post and Telecom Administration and others which the Committee considers having special, significant legally protected interests at stake, the opportunity to submit their opinion in writing about the content of the complaint before the appropriate deadline. Appropriate deadline in this context may be two to three weeks, depending on the specifics of the case.

The Rulings Committee is normally authorised to recommend to the parties to a case and/or the Post and Telecom Administration, to submit further material or information for clarification if it does not consider the facts of the case to be sufficiently clear, and impose specific deadlines for that purpose.

The Committee shall rule on a case once it has received the material specified in paragraph 2-4. If the relevant material has not been submitted to the Rulings Committee before the deadline, the Committee is authorised to give a ruling based on the available material, as it considers the facts of the case to be sufficiently clear.

The Rulings Committee shall impose deadlines, which ensure timely processing of the referred cases. If a party to the case has not submitted relevant material before the imposed deadline, a decision can be made, even though it may be to the detriment of the party in question.

Article 10

Oral representation

The Chairman of the Rulings Committee decides whether to allow oral representation in a case, and he shall inform the parties to the case and the Post and Telecom Administration about his decision without delay. The Chairman shall convene a meeting in a verifiable way.

The option of oral representation is primarily considered if the case is complex, includes problematic issues, is of special importance or involves fundamental matters concerning electronic communications law or postal affairs.

If oral representation is allowed, it takes place in a location determined by the Chairman of the Committee.

If the Rulings Committee allows oral representation, a party to the case is not allowed to restate its demands, claim new grounds for the case or submit new material during the oral representation, unless there are valid reasons why such information was not included in the complaint. If the Rulings Committee permits the above mentioned information, the Committee shall give the parties to the case, the Post and Telecom Administration and others that may have a legitimate interests at stake, the opportunity to respond to it. To this end, the Committee is authorised to postpone the case.

Article 11

Treatment of confidential information

If there are other parties to the case, apart from the complaining party and the Post and Telecom Administration, the Rulings Committee shall ensure that materials related to the case, which are distributed to the parties, do not include information on significant financial or business interests of the parties or others, which is reasonable and appropriate not to make public.

Article 12

Procedural costs

Procedural costs refer to the expenses of the Committee resulting from the handling of a complaint. This includes the cost of compensation to the Committee members, cost of the procedures before the committee, work facilities, expert assistance and data collection, with regard to the referral fee.

If a case is fundamentally lost, the losing party shall normally pay the cost of the procedures before the Committee. The Rulings Committee decides the amount and division of the procedural cost in its ruling, cf. Article 14.

The users of electronic communication and postal services shall not be subjected to pay procedural costs in accordance with this Article. Expenses due to them shall be determined by the Minister and paid by the State Treasury.

If a party to the case refers the dispute to a court while the case is being considered by the Rulings Committee, the Committee may establish the procedural costs already incurred, with regard to the referral fee.

Fees provided for in this Article are enforceable by execution.

Article 13

Issuing of a ruling

A ruling by the Committee shall normally be available within twelve weeks from the time it received the complaint. If a case is extensive and complex and it is anticipated that the handling of it will take additional time, the committee shall report this to the parties of the case and inform them about the reasons for the delay and when a ruling is to be expected.

The strength of the vote of the Committee members determines the results of the case. Minority vote shall accompany the ruling. If the opinion of the Committee is split three ways, or results can not be determined through voting, the Chairman's vote is decisive.

Article 14

Content of a ruling

Rulings need to be given in writing and supported with arguments. They shall specify:

- a. When the case was referred,
- b. Names of the parties to the case,
- c. Demands of the parties to the case,
- d. The matter that needs to be resolved, including the referred decision,
- e. A short overview of the facts of the case and the disputed issues,
- f. The parties' principle reasons for the case and their legal basis,
- g. Arguments upon which the conclusions of the Committee were based,
- h. The ruling statement, including the division of procedural costs between electronic communications undertakings and/or postal operators.

The ruling shall include the premise of the Committee that its ruling needs to be submitted to a court within six months of the time the party concerned was informed of the Committee's ruling.

The minority opinion shall be published together with the opinion of the majority of the Committee.

The rulings shall be undersigned by all members of the Committee involved. The Chairman of the Committee is responsible for the writing and publishing of the rulings after the Committee has reached a conclusion about the content and ruling statement.

Article 15

Publication of rulings

Rulings shall be entered into a register or preserved in another secure way. The Rulings Committee can correct obvious errors in the ruling and ruling statement.

The Rulings Committee shall inform the parties of the case of its conclusion, in a verifiable way, without delay, once a conclusion has been reached. The Rulings Committee shall publish all its rulings officially on its homepage or entrust the Ministry of Transport with publishing the ruling in this fashion. The Rulings Committee is responsible for ensuring that published rulings do not include information on significant financial or business interests of the parties or others, which is reasonable and appropriate not to make public.

Article 16

Annual report

Every January, the Rulings Committee for Electronic Communication and Postal Affairs shall submit an annual report about its activities in the previous year.

Article 17

Withdrawal of Complaint

A party that refers a case to the Rulings Committee can withdraw its complaint at any time during the procedures. The complaining party shall nonetheless bear all costs resulting from the Committee's procedure up until the time of withdrawal.

Article 18

Referral to a court

Should a party remain unsatisfied with a ruling by the Committee, it may submit the ruling to a court on the condition that such litigation is initiated within six months of the time the party concerned was informed of the Committee's ruling. The Post and Telecom Administration can, in exceptional cases, submit a ruling of the Committee to a court on the condition of approval from the Minister. Initiation of litigation shall not postpone the implementation of the Committee's ruling.

A party can submit a decision of the Post and Telecom Administration directly to a court without first referring the case to the Rulings Committee. Such litigation shall be initiated within three months of the time the party concerned was informed of the Administration's decision. Initiation of litigation does not postpone the legal consequences of the decisions by the Administration.

Article 19

Confidentiality.

The members of the Rulings Committee, the Committee's staff, and experts working on its behalf, are not permitted to disclose to irrelevant parties anything that should not be made public, which they may come across in their work for the Committee, including information about business and operations of parties to a case. The obligation of confidentiality shall remain in force even though employment may cease.

Article 20

Entry into force and repeal

This regulation, which is issued in accordance with the authorisation in Article 7(13) of the Post and Telecom Administration Act, No. 69/2003, cf. Article 2 of Act No. 117/2008, enters into force forthwith.

As of the same time the Regulation about the Appellate Committee for Electronic Communications and Postal Affairs, No 378/1999 is repealed.

Ministry of Transport, 6 January 2009.

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