

INTERGOVERNMENTAL CONFERENCE ON THE
ACCESSION OF ICELAND TO THE EUROPEAN UNION

NEGOTIATING POSITION OF ICELAND

Chapter 10

Information Society and Media

Summary of the negotiating position

1. Chapter 10 on Information Society and Media is fully covered by the EEA Agreement. Iceland implements and applies EEA relevant *acquis* under this chapter on an ongoing basis.
2. Iceland accepts the *acquis communautaire* with respect to Chapter 10 on Information Society and Media as of 17 November 2010¹. Iceland will have implemented any outstanding *acquis*, as of that date, under this chapter by the date of accession.
3. Iceland has the legislative and institutional framework necessary to continue implementing the *acquis* in this chapter.
4. Iceland does not request special arrangements, derogations or transitional periods under this chapter.

EEA Agreement

Iceland has been a party to the agreement on the European Economic Area (EEA) since its entry into force in 1994. As a result, Iceland has participated in the single market for more than 16 years and implemented all relevant EU legislation with respect to the four freedoms, as well as in other important areas such as research and development, education, social policy, the environment, consumer protection, tourism and culture. The EFTA Surveillance Authority (ESA) regularly monitors Iceland's performance under the EEA Agreement and publishes information about Iceland's implementation record twice yearly in an internal market scoreboard.

In those chapters covered by the EEA, Iceland has built its legislative framework and institutional framework to comply with and implement relevant EU legislation. Chapter 10 on Information Society and Media is covered by the EEA Agreement.

Legislative framework

The legislative framework is in place to continue implementing the *acquis* in this chapter. Iceland already fulfils the requirements of the Digital Agenda for Europe and participates in the High Level Group on the Digital Agenda and in the Competitiveness and Innovation Framework Programme.

¹ Date of screening meeting (one meeting on this chapter)

Electronic Communications and Information Technologies

The main legislation on telecommunications is the Act on Electronic Communications No 81/2003 and the Act on Postal and Telecommunications Administration No 69/2003, with subsequent amendments. The main aim of the Act is to implement the European Telecommunications Regulatory “Package” by introducing practical and secure telecommunications, and ensuring that universal services are available for all users in Iceland. Moreover, numerous rules and regulations apply to telecommunications in order to further implement the legislation.

Iceland will require technical adaptation as regards Decision 2008/477/EC on the harmonisation of the 2500-2690 MHz frequency band, as this frequency band is in use for digital television broadcasting.

Iceland has a technical adaptation for Regulation (EC) No 544/2009 on roaming on public mobile networks. This adaptation concerns transactions of currencies that are determined by applying the European Central Bank exchange rate. In the absence of a published exchange rate of the euro to the Icelandic Krona by the ECB, the exchange rate published by the Central Bank of Iceland shall apply.

All directives in the area of telecommunications have been transposed into the Icelandic legal order with the exception of Directive 2006/24/EC on data retention.

Information Society Services

Iceland has transposed directives on electronic signatures, e-commerce, notification and conditional access. An amendment will be introduced to the telecommunications act in 2011 to extend legal protection to conditional access devices other than broadcasting service decoders, as required by Directive 98/84/EC on conditional access.

The government’s policy on information society for 2008-2012 is outlined in the policy document *‘Iceland, the e-nation’*. The aim of the policy is to offer user-friendly and efficient services in a single location. The policy builds on three pillars: service, efficiency and progress. Certain objectives are connected to each pillar, together with a list of measures. The main target group of the policy is individuals seeking service from the public administration.

In addition to the objectives stated in the policy on information society, the government has established objectives in various specific areas which are also important to pursue while implementing the policy. Examples include the initiative Simpler Iceland, eIDs, the Telecom Policy, plans of the Ministry of Health for electronic medical records and a health net, the strategy of the Ministry of Education regarding information technology in education, culture and science, the national government policy on free and open-source software, the strategy for effective government operations, and the Government Procurement Policy. Furthermore, the present policy is closely related to various environmental objectives, since telecommuting, teleconferencing, distance education and increased governmental services through the internet help reduce travel and thereby decrease pollution.

The policy for the Information Society 2008-2012 is comparable to *i2010 – A European Information Society for Growth and Employment*. The previous policy of the Government on the Information Society 2004-2007 was also comparable to eEurope.

Audiovisual Policy

Iceland is aligned with the EU *acquis communautaire* in the field of audiovisual policy. The legislative framework governing the audiovisual media services and television broadcasting is the Broadcasting Act No 53/2000. The amended Television without Frontiers Directive 97/36/EC was implemented by the Broadcasting Act. It is foreseen that the Audiovisual Media Services Directive (2010/13/EU) will be transposed into the Icelandic legal order by a new Media Act in 2011. In the EEA process, EEA/EFTA States have proposed an adaptation text concerning an extension of the prohibition on advertisements for alcoholic beverages that cover digital terrestrial television networks located on foreign territory whose content and language is directed at audiences in a respective EEA/EFTA State.

Institutional framework

The institutional framework is in place to continue to implement the *acquis* in this chapter.

Electronic Communications and Information Technologies

The regulatory framework for networks and services and radio spectrum policy are under the responsibility of the Ministry of the Interior.

The Post and Telecom Administration (PTA) is responsible for the administration of electronic communications and postal affairs, as provided for in the Act on the Post and Telecom Administration No 69/2003. The PTA is also responsible for spectrum management and the allocation of spectrums and numbers. The PTA has 24 staff members at present in five divisions; technical division, analytical division, legal division, operations division and director's office. The PTA is an independent institution under the administrative auspices of the Minister of Interior. The managing director of the PTA is appointed for a renewable five-year term by the Minister of Interior to direct the daily operations of the PTA. All major decisions of the PTA are discussed by its management board and approved/rejected by the managing director. The management board consists of the managing director and directors of technical, analytical and legal departments. Formal decisions and the execution of the PTA's annual work plan are carried out within the PTA without the involvement of the Ministry. Decisions of the PTA can be referred to the Appellate (Rulings) Committee or directly to the courts.

The administrative capacity in Iceland is sufficient to continue implementing the *acquis* under electronic communications and information technologies.

Information Society Services

The general organisational approach to information society services and eGovernment is based on a centralised policy but decentralised implementation. The formulation of policy and its implementation is coordinated by the Prime Minister's Office. There are two staff members in the Department of Information Society within the Prime Minister's Office. Implementation of the policy is undertaken by relevant ministries and institutions according to their role and subject. The Association of Local Authorities in Iceland is the forum for cooperation between the local authorities.

The administrative capacity in Iceland is sufficient to continue implementing the *acquis* under information society services.

Audiovisual Policy

The competent authority in the field of audiovisual policy is the Ministry of Education, Science and Culture. The Broadcast License Agency, which is appointed by the Minister of Education, Science and Culture, is a regulatory body but does not deal with audiovisual policy issues. The Agency grants legal and natural persons a temporary broadcast license and oversees compliance with rules pursuant to broadcast licenses. It also supervises the implementation of the Broadcasting Act, including the supervision of any broadcasts under Icelandic jurisdiction in accordance with Articles 2 and 3 of the Act.

The PTA arranges for the use of various sections of the frequency spectrum for broadcasting and assigns frequency rights to broadcasting companies and network operators.

The administrative capacity in Iceland is sufficient to continue implementing the *acquis* under audiovisual policy.

Acceptance of the *acquis*

Iceland accepts the *acquis communautaire* in chapter 10 on Information Society and Media as of 17 November 2010. No transitional periods, derogations or special solutions are requested under this chapter.