



Why this form?

This is a form which is used to specify your company's activities in the field of electronic communications in the Netherlands.

Based on this notice the Authority for Consumers and Markets (hereafter ACM) will determine whether your company will be registered.

Why through ACM?

Under the terms of the Telecommunications Act [Telecommunicatiewet] (Tw) it is mandatory for providers of public electronic communication activities to notify ACM.

** Public electronic communications activities is the collective term which ACM uses for providers of public electronic communication services and networks, and of the related facilities.*

Company details

Company's name

Please note the name of the company which provides the activities or enters into contracts with customers. It may also be a subsidiary.

Chamber of Commerce
registration number:

Office address:

Postal address:

The postal address may be that of the company or its authorised representative.

Who may ACM contact?

Name of the contact person for
the purpose of registration:

_____ m f

E-mailaddress:

Telephone number:

Name of the contact person for
the payment of the annual fee

_____ m f

The person to whom ACM may address a request for the submission of turnover details.

Postal address:

E-mailaddress:

Telephone number: _____

Fax number: _____

Provision of public electronic communications activities

See addendum 1 Definitions and Explanation

Does your company provide public electronic communications services, a public electronic communications network or related facilities?

- Yes
 No

If so, specify since which date in the case of each category:

Public electronic communication services

 Public electronic communication network

 Related facilities

If not yet, specify as of which date in the case of each category:

Public electronic communication services

 Public electronic communication network

 Related facilities

What is the address of the website on which your company offers its services?

If your company does not have a website, please enclose a brochure or leaflet describing your services

What electronic communication services do you provide?

What target group do you envisage reaching with your services?

Do you supply any interested party or a limited, defined target group?

Do you wish to enter into an agreement as a service provider under your own name?

- Yes
 No

What electronic communication network do you offer?

Notification provision public electronic communications activities

Provide a description of your network and mention the most important network elements

Who controls the network and is responsible for admitting service providers?

Who manages the network and is responsible for its commercial exploitation?

What related facilities do you offer?

Signed

I declare that all of the details which I entered are true and correct. I am authorised to represent my company (evidence of this is shown in an extract from the Chamber of Commerce).

Name

Place and date

Signature

Please always enclose:

* An extract from the company register, not one sourced through the internet but one which is signed by an authorised Chamber of Commerce official and is not older than a year.

Please always inclose for a natural person:

* a copy of a valid passport or a european identity card

* a copy of the extract from the population register

please note: these extract must not be older than one year

You may email this form to: registratiebureau@acm.nl or send per post to:

Authority for Consumers & Markets
DTVP, Registration office
PO Box 16326
2500 BH The Hague
The Netherlands

Addendum 1: Definitions and Explanation

The definitions of electronic communication services, electronic communication networks (public or otherwise) and related facilities provided in Section 1.1 of Chapter 1 of the Telecommunications Act are as follows:

Definition of electronic communications service – Section 1.1(f) of Chapter 1 of the Telecommunications Act:

Electronic communication service: usually provided for a fee, this service consists entirely or predominantly of transmitting signals through electronic communication networks, including telecommunication services and transmission services on networks used for broadcasting purposes, though not the service that entails the supply or editorial verification of content transmitted with the aid of electronic communication networks and services. This does not include any services from the Knowledge Economy referred to in Section 1 of the Notification Directive, which does not consist entirely or predominantly of transmission of signals through electronic communications networks.

Definition of public electronic communications service – Section 1.1(g) of Chapter 1 of the Telecommunications Act

(Public) electronic communication service: electronic communication service that is available to the public.

Definition of electronic communications network – Section 1.1(e) of Chapter 1 of the Telecommunications Act

Electronic communication network: transmission systems, which are deemed to include switching or routing equipment and other resources that render it possible to transmit signals by means of cables, radio waves, fibre optic or other electromagnetic means, including satellite networks, fixed and mobile terrestrial networks, electricity networks in so far as they are used to transmit signals, networks for radio and television broadcasting, and cable television networks irrespective of the information transmitted.

Definition of public electronic communication network – Section 1.1(h) of Chapter 1 of the Telecommunications Act

Public electronic communication network: electronic communication network which is entirely or predominantly used to provide public electronic communication services, that are regarded as also including a network intended for transmitting programmes in so far as this is done for the public.

Definition of the provision of an electronic communication network – Section 1.1(i) of Chapter 1 of the Telecommunications Act

Providing an electronic communication network: building, exploiting, managing or making an electronic communication network available. Provider of a public electronic communications network. A provider of a public electronic communication network is any person who uses a public electronic communication network entirely or to supply public electronic communication services which are available to the public. You are deemed to manage a network if you are entitled to exercise control over those functions of the network which are required in order to use this to provide public telecommunication services or to supply 'bare communication capacity', and you also actually exercise such control. Only someone who may enter into an agreement with a customer in a legal sense can be a provider.

Definition of the provision of related facilities – Section 1.1(j) of Chapter 1 of the Telecommunications Act

Related facilities: any facilities relating to an electronic communication network or service which facilitates or supports the provision of services through that network or by means of that service, as well as any conditional access systems and electronic programme guides.

ACM assumes that, with the exception of conditional access systems, related facilities will generally be provided by those who provide electronic communication services or an electronic network.

Conditional access system

Under the terms of Section 1(j) of the Telecommunications Act, this also includes a television decoder.

Addendum 2: Annual fee

ACM charges the providers of public electronic communications services in the Netherlands an annual fee to cover the costs of its regulatory activities. This fee is based on the providers' net turnover, referring to the net turnover for the calendar year two years preceding the year in which the fee is imposed (hereafter: the reference year). The fee that you are to pay for 2023 is thus based on your net turnover for 2021.

Net turnover refers to the turnover generated by the supply of goods and provision of services through the company of the legal person minus discounts and suchlike, and taxes levied on the turnover. It is not the entire amount of net turnover that is relevant, only that part of the turnover that a provider has achieved through the provision of public electronic communications services, public electronic communications networks and related facilities (hereinafter referred to as public electronic activities) in the Netherlands that fall under the notification obligation of Section 2.1 of the Dutch Telecommunications Act.

If a provider belongs to a group of undertakings within the meaning of Section 24b of Book 2 of the Dutch Civil Code, the obligation to submit a group turnover specification applies.² This means that the turnovers from the provision of public electronic communications activities in the Netherlands by all companies belonging to that group must be added up. Transactions between the companies belonging to that group (internal deliveries) are excluded from this calculation. According to Section 24b of Book 2 of the Dutch Civil Code, a group is an economic entity in which legal persons and partnerships are organizationally linked.

Group associations (or holdings) are legal persons and partnerships linked to each other in a group.

Providers are classified into two categories, depending on the level of their relevant turnover with a turnover threshold of EUR 2,000,000.⁴ Providers in the first category are charged in proportion to their relevant turnover. Providers in the second category are not charged a fee for ACM's regulatory activities.

Category	Turnover Threshold	Fee for ACM's regulatory work
1	Relevant net turnover \geq EUR 2.000.000,-	Percentage of the relevant net turnover
2	Relevant net turnover $<$ EUR 2.000.000,-	No fee due

The percentage is determined annually prior to 1 May in the ACM Regulation regarding the passing on of costs by ACM. The percentage for 2023 will therefore be determined before 1 May 2023 in the amended ACM Regulation regarding the passing on of costs by ACM.

Please, fill in the amount of the (relevant) net turnover:

In 2021 o total net turnover

 o relevant net turnover

of the undertaking noted above amounted to:

EUR -----

You are required to enclose the following details:

- In case of a total net turnover: a copy of your annual accounts stating the amount of your net turnover, showing the amount of your net turnover.

or

- In case of relevant net turnover: a detailed specification of your relevant net turnover, in which it has been made clear, and supported with reasons, which services and thereto-related turnover are considered not relevant. In addition, you are required to state the amount of your total net turnover.

¹ The definition as set out in Section 377, paragraph 6 of Book 2 of the Dutch Civil Code is applied.

² Pursuant to Section 13, paragraph 1 of the ACM decision regarding the passing on of costs by ACM.

³ See also: Sections 361, 379, 405 Dutch Civil Code Book 2; Section. 35, 46 WOR (Dutch Works Council Act).

⁴ Section 4 of the ACM Regulation regarding the passing on of costs by ACM (Dutch Official Gazette no. 36296).

Addendum 3: Indicative overview (not exhaustive)

Turnover achieved through the following activities is considered relevant:	Turnover achieved through the following activities is considered <i>not</i> relevant:
<ul style="list-style-type: none"> ◆ Internet access through e.g. dial-up (including diallers), xDSL, cable (broadcasting and otherwise) and satellite. ◆ Connecting and fixed subscriptions (including call bundles). ◆ Outgoing calls. ◆ International roaming (outgoing and incoming calls). ◆ Data services (including SMS, GPRS, UMTS, MMS and Fax, etc.). ◆ Accessing voice mail ◆ Redirecting call services (e.g. for certain types of interactive voice response systems and subscriber information services). ◆ Terminating calls (including FTA, MTA, VoIP in and routing calls to information numbers). ◆ Access (including access to a network for other providers and unbundled access). ◆ Originating calls (including VPN, CS, CPS, VOIP Out). ◆ Call transit (including local, inter-regional and other forms of call transit). ◆ Calls via information numbers with payment made through the operator or by means of a phone card. ◆ Transmission and transit of broadcasting programmes (radio and television). ◆ Making radio frequencies available to other parties to facilitate public electronic communication services. ◆ Paging services. ◆ Telex. ◆ Lease lines and other point-to-point connections. ◆ Bit stream. ◆ Webmail. ◆ Site sharing (antenna locations for broadcasting networks). ◆ Collocation (this refers to leasing space to facilitate or support the provision of electronic communication services). ◆ Systems for conditional access of encrypted television programmes. ◆ Electronic programme guides. 	<ul style="list-style-type: none"> ◆ Sale of substantive information by means of electronic communication such as 0800 and 090x information numbers and through SMS (provided the accountant confirms there is no turnover involved which is achieved by providing public electronic communication services). ◆ Turnover pertaining to the content of the programmes which are broadcast by broadcasting networks. ◆ Sale and lease of peripheral equipment. ◆ Sale and lease of software. ◆ Lease of hollow cable conduits. ◆ Web hosting. ◆ Legally stipulated wiretapping fees.