



Guidelines for identifying revenues subject to the financing contribution requirement – Telecommunications

Introduction

1. This overview of revenue types to be included in the calculation of financing contributions cannot be regarded as conclusive or exhaustive; instead, this document should merely be regarded as an orientation. The categorization of relevant services largely corresponds to the structure for "General approvals and revocation" as provided for in the eRTR Portal.
2. Certain positions may contain overlaps in content; as a result, RTR would like to note explicitly that a given revenue type is only to be included once in such cases. The danger of counting revenues redundantly is relevant in particular with regard to revenues from the provision of public telephone services and revenues from public Internet communication services.
3. All revenues are to be indicated as net revenues (i.e., excluding VAT).
4. Pursuant to the applicable legal basis,¹ the collection of financial contributions is required to be calculated based on **all revenues** achieved through the provision of telecommunications services in Austria. This means that **internal revenues are also** to be taken into account, in other words revenues that are generated between affiliated undertakings which are nonetheless legally independent. Thus, unlike for example in the case of the Cartels Act (*Kartellgesetz*), calculation is not to be based on a business perspective; rather, the service relationship is relevant, which is also used as the basis for calculating value-added tax.

The following revenues from **public telephone services at fixed locations and for mobile subscribers and related services** (at the retail and wholesale level) [Item 1.1 in the spreadsheet] are subject to the financing contribution requirement in any case:

Telephone services at fixed locations

- Revenues from basic monthly fees for public voice telephony
- Revenues from the setup of subscriber lines
- Connection fees (online services and public pay telephones)
- Revenues from Voice over IP telephone services
- Revenues from call shops
- Retail/reselling revenues from the sale of calling cards (if part of core business purpose)
- Revenues from the resale of minutes
- Revenues from wholesale line rental
- Revenues from origination, termination and transit

¹Art. 34 KommAustria Act (*KommAustria-Gesetz*), Federal Law Gazette I 32/2001 as amended.

- Revenues from additional services (f.e.: display the number, call forwarding, proceeds from the number portability,..)
- Revenues from other fees and charges² (f.e.: reactivation of the connection after a lock,..)

Mobile telephone services

- Revenues from activation charges, monthly base fees and connection fees for voice and data services (including SMS, MMS, mobile Internet access, roaming)
- Revenues from the resale of minutes
- Revenues from origination, termination and transit
- Revenues from national roaming, international roaming and the sale of airtime
- Revenues from additional services (f.e.: display the number, call forwarding, voice mail, proceeds from the number portability,..)
- Revenues from miscellaneous fees² (f.e.: service flat, lock of the sim card, additional sim card, ...)

The following revenues from **public Internet communications services** (Item 1.2 in the spreadsheet) are subject to the financing contribution requirement in any case:

- Revenues³ from the provision of Internet access, regardless of the technology used
- Revenues³ from the transmission and transfer of data, regardless of the technology used
- Revenues³ from the provision of transmission and transfer capacity, regardless of the technology used
- Revenues³ from the provision of facilities in order to transmit and transfer data.

In addition, revenues from **other public communications services** (at the wholesale and retail level) [Item 1.3 in the spreadsheet] are also subject to the financing contribution requirement.

Examples include revenues from the provision of transmission capacity at the wholesale level which cannot be classified as public leased-line services or public Internet communications services (e.g., point to multi-point links, certain Ethernet products, Customers special locations (indoor supply service), etc.).

² Please indicate total revenues. If not all of the revenues in this section arise entirely or predominantly from the provision of communications services (the transmission of signals via communications networks as defined in Art. 3 No. 9 TKG 2003), then please indicate the portions of revenues to which this does not apply and include a justification of these circumstances.

³ Please indicate total revenues. If not all of the revenues in this section arise entirely or predominantly from the provision of communications services (the transmission of signals via communications networks as defined in Art. 3 No. 9 TKG 2003), then please indicate which portions of revenues do not arise entirely or predominantly from the provision of such communications services, and include a justification of these circumstances. This might be the case, for example, with bundled products or additional product offers, such as the provision of storage capacity for web sites or fees for software which is not directly related to the transmission of data.

The following revenues from **public leased-line services (retail and wholesale level)** [Item 1.4 in the spreadsheet] are subject to the financing contribution requirement in any case:

- Revenues from setup charges, ongoing fees and other fees for national leased lines on the retail market or the wholesale markets for terminating and trunk segments
- Revenues from international leased lines (on the retail market or the wholesale markets for terminating and trunk segments) as long as one end is located in Austria
- Direct-access connections from the customer to the own network

For the purpose of clarification: **examples of revenues not subject to the financing contribution requirement**

In addition to the information above, several examples are given here of revenues currently not subject to the financing contribution requirement.

Example: value-added components of value-added services

This refers to that part of the service fee paid by the end user (rate charged in the target network) which is ultimately retained by the service provider (service component). Other services related to value-added services, on the other hand, are subject to the financing contribution requirement. This applies equally to routing services as well as, for example, to setting up service numbers and to origination or any transit services involved.

With information services, accordingly, the only components subject to the financing contribution requirement are the partial service of origination, setting up the information service in a third-party network, termination and any other services for forwarding the call, but not the revenue from the service itself.

Other services not subject to the financing contribution requirement:

Only a few examples can be given here:

- Provision of IT backup services
- Consulting and marketing services, compiling statistics
- Mobile configuration service
- Payment software systems
- Surcharge for SMS payment (eg for donations) for the collection risk
- Cloud services
- Revenueshare from Preinstallments of Apps
- Commissions for accessory products sold in the shop
- Leasing fees for a telephone exchange
- Insurance for end-user devices
- etc