



European Commission

The new regulatory framework for Electronic Communications Networks and Services in the European Union – Institutional aspects

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**DG Information Society
Communication Services : Policy and Regulatory
Framework**





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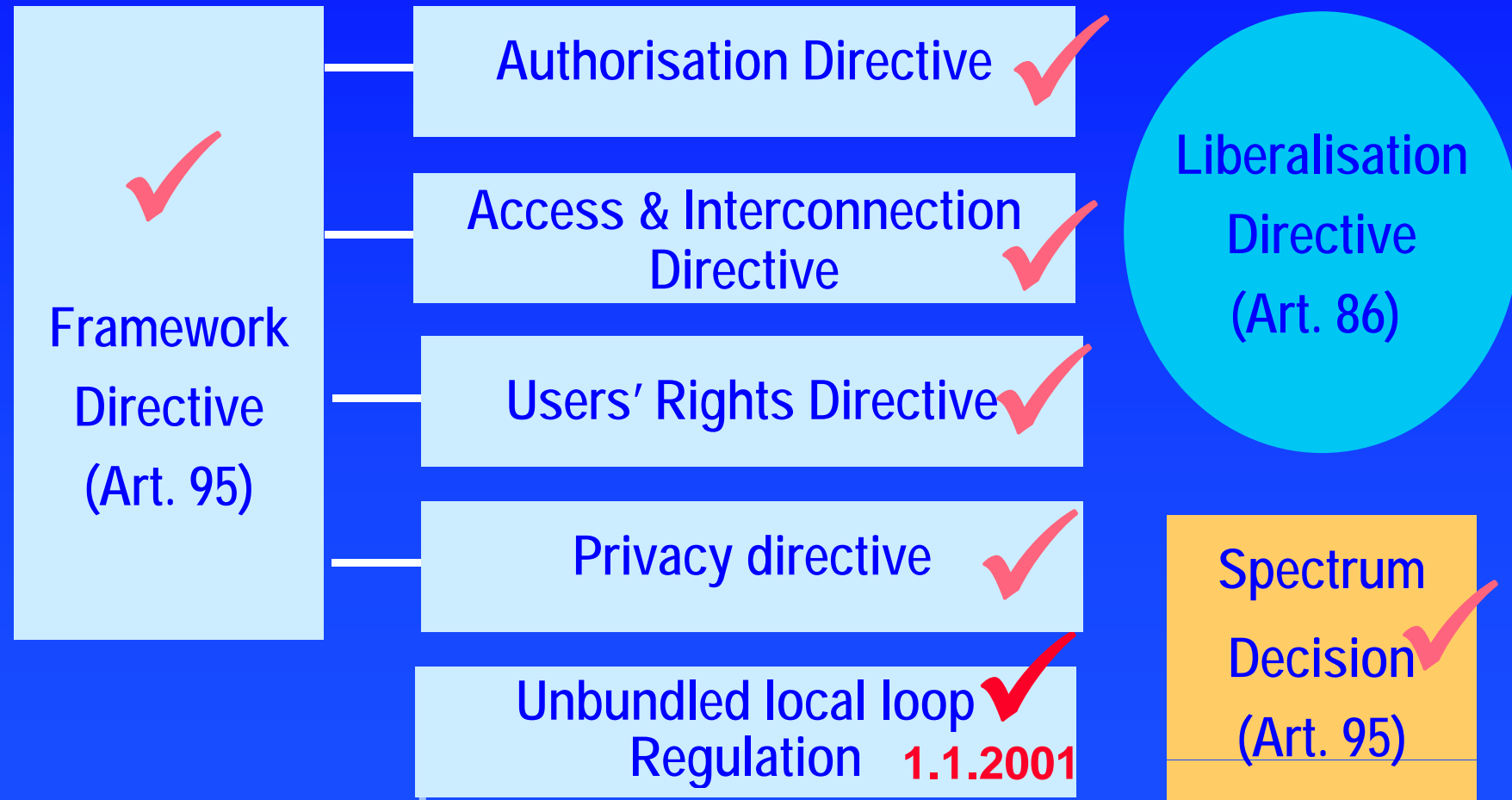
**A “competitive and dynamic
knowledge-based economy”**

demands

**“an inexpensive, world-class
communications infrastructure”**



The new package





Contents

- ◆ **Objectives and principles of EU framework**
- ◆ **Areas of cooperation between national regulatory authorities and Commission**
- ◆ **Institutional arrangements**



Objectives of the regulatory framework for e-communications

- ◆ **Promote competition**
(as the best means to achieve innovation, choice, quality, value for money)
- ◆ **Promote the interests of the citizen,**
(universal service, consumer protection, privacy, dispute resolution)
- ◆ **Promote a single European market**



Framework for NRA action

- ◆ **Unpredictability of markets**
 - ◆ **Need for legal certainty**
 - ◆ **Ensuring consistent application of the rules**
- **Flexibility for regulators**
 - **Clear objectives and procedures for regulators**
 - **Coordination of NRA actions**



Areas for cooperation

- ◆ Procedures under Art 7 of FW Directive
- ◆ Imposing obligations related to access and interconnection other other than those in Articles 9-13 of AI Directive
- ◆ Regulation of trans-national markets
- ◆ International discussions on numbering naming and addressing issues



Measures requiring consultation with other NRAs and with Commission (Art 7)

- ◆ **Defining a market for ex-ante regulation that differs from the Commission recommendation (FW Art 15)**
- ◆ **Removal, amendment or imposition of obligations on SMP operators (FW Art 16, AI Art 8, US Art 16)**
- ◆ **Obligations linked to end-to end connectivity, or accessibility to broadcasting services (AI Art 5.1)**
- ◆ **Technical or operational conditions linked to access obligations (AI Art 5.2)**

where such measures would affect trade between Member States



Deviating from obligations in Art 9-13 of AI Directive

- ◆ **In exceptional circumstances, NRA may request to apply a obligation not covered by Arts 9-13 of AI Directive**
- ◆ **Commission must take a decision authorising or preventing the NRA measure**
- ◆ **Commission must first consult the Communications Committee (advisory committee procedure)**



Obligations on undertakings with SMP

NRAs apply appropriate remedies for the specific problem, from the following list :

- ◆ **price control, including cost orientation**
- ◆ **transparency**
- ◆ **accounting separation**
- ◆ **non discrimination**
- ◆ **mandatory provision of specific facilities**
- ◆ **mandatory access to specific facilities**



Trans-national Markets

- ◆ **Following consultation with NRAs, Commission adopts Decision identifying such markets, with agreement of Communications Committee**
(regulatory committee procedure)
- ◆ **NRAs jointly conduct market analysis, and decide on any imposition, maintenance, amendment, or withdrawal of obligations, in a concerted fashion**

No trans-national markets yet identified



Numbering naming and addressing

Member States to coordinate their positions in international organisations and fora

- on issues related to numbering naming and addressing of electronic communications networks & services
- where appropriate to ensure full global interoperability of services



New Committees and Groups

- ◆ **Communications Committee and Radio Spectrum Committee (standard comitology committees)**
 - ◆ replace ONP Committee and Licensing Committee
 - ◆ Established by Art. 22 of 'Framework Directive' and by Art. 3 of Radio Spectrum Decision

- ◆ **Radio Spectrum Policy Group**
 - ◆ established by Commission Decision 2002/622/EC, 26 July 2002

- ◆ **European Regulators Group**
 - ◆ established by Commission Decision 2002/627/EC, 29 July 2002



The Radio Spectrum Policy Group

Aims

- ◆ to advise and assist the Commission on radio spectrum policy issues, on coordination of policy approaches and, where appropriate, on harmonised conditions with regard to the availability and efficient use of radio spectrum necessary for the establishment and functioning of the internal market



The Radio Spectrum Policy Group

Membership

- ◆ One high level governmental expert from each Member State as well as a high-level representative from the Commission
- ◆ EEA countries, candidate countries, EP, CEPT and ETSI participate as observers
- ◆ Others can be invited to observe
- ◆ Commission provides Secretariat



The European Regulators Group

Aims

- ◆ to advise and assist the Commission in consolidating the internal market for electronic communications networks and services.
- ◆ To provide an interface between national regulatory authorities and the Commission in such a way as to contribute to the development of the internal market and to the consistent application of the regulatory framework in all Member States



The European Regulators Group

Membership

- ◆ Heads of each relevant national regulatory authority in each Member State or their representatives
- ◆ EEA countries and candidate countries participate as observers
- ◆ Others can be invited to observe
- ◆ Commission is represented at all meetings and provides Secretariat



The European Regulators Group

Operational arrangements

- ◆ Group elects its own Chairman
- ◆ Group adopts its own rules of procedure
- ◆ Group must shall consult extensively and at an early stage with market participants, consumers and end-users in an open and transparent manner
- ◆ Group submits an annual report of its activities



Timeline

24 April 2002

Entry into force

25 July 2003

Date of application in all MS

15 months

NRAs transpose, but don't apply

NRAs do market analyses



For more information ...

On DG Information Society:

http://europa.eu.int/information_society/topics/telecoms/index_en.htm

On the new legislation:

http://europa.eu.int/information_society/topics/telecoms/regulatory/new_rf/index_en.htm

On Spectrum aspects:

http://isnewlook/information_society/topics/telecoms/radiospec/radio/index_en.htm

