

ABA Project on the Administrative Law of the European Union: Part II
Telecommunication Regulation Field Report

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I. Introduction

1. Until relatively recently, telecommunications in the EU was essentially characterized by State monopolies. This began to evolve in the early 1980's with the privatization of some national operators and the introduction, albeit very limited, of competition in some Member States. Such competition was triggered essentially by the introduction and application of information technology in the telecommunications sector. In 1987, the Commission issued a Green Paper setting forth the grounds for a legal framework

liberalizing and harmonizing the telecommunications sector. Today, EU telecommunications is mainly privatized and liberalized, with a similar body of rules applying across the EU. However, with a few exceptions, the 25 incumbent operators still maintain very strong market position in many markets.

2. This wide-reaching achievement was built upon successive legislative interventions, primarily launched by the European Commission. As set out above, regulation of the telecommunications sector mainly sought to liberalize and harmonize an industry controlled by State monopolies. The opening up of the market remains largely based on the following three pillars: (1) progressive liberalization of a former monopoly sector, (2) accompanying harmonization measures, and (3) the application of competition rules.
3. These three pillars have been enacted through both legislation (Directives and Regulations) and soft law (Recommendations, Opinions, Guidelines and Standardization). The implementation of the legislative initiatives is done and monitored by the Commission and national telecommunications regulatory authorities.
4. This Chapter discusses those rulemaking tools and procedures. Section II provides an overview of the legislative grounds and procedures with a particular focus on comitology and on the many consultation procedures, discussing essentially procedural aspects but complementing with policy issues where appropriate. Section III describes the use and importance of soft law. Section IV discusses the implementation of the telecommunications regulations by the Commission and the national regulatory authorities, and Section V summarizes the latest legislative review and introduces the coming legislative review.

II. Legislation

A. Historical overview

5. Prior to addressing the applicable legislative procedures for regulating the telecommunications sector, an overview will be given of the main regulatory achievements to date.

6. As set out above, the market in Europe was traditionally dominated by both State-owned telecommunications operators enjoying national monopolies and by national suppliers of equipment conforming to locally set standards. The Commission's policy has taken a two-pronged approach: (i) "Liberalization" – to break down monopolies, to create an internal market in the Community, and to lower barriers to entry for entering suppliers of services and equipment, and (ii) "Harmonization" – establishing equivalent trading conditions across the Community such that operators can compete on equal footing.

7. Briefly, the liberalization and harmonization process has undergone three successive stages:
 - A first stage, beginning in 1984, aimed at creating a common ground for development, placing focus on common industry standards, common industry-wide research groups (at the European level), and the development of common European positions in the international telecommunications sector.

 - The second stage, triggered by the release of the Commission's Green Paper on Telecommunications³ (the "1987 Telecommunications Green Paper") in June 1987, is further discussed below. This Green Paper set the stage for a broad debate on the liberalization and harmonization of telecommunications in the EU and resulted in the liberalization of all telecommunications services by 1 January 1998 through the "1998 Regulatory Package".

 - The third stage, initiated by rapid changes in technology, convergence, and an increasingly competitive and liberalized market, led the Commission to create a new regulatory framework for electronic communications, which has applied since July 2003 (the "New Regulatory Framework").

8. An overview of the main legislative acts adopted to date and in force is set out in Annex 1.

³ Communication by the Commission - Green Paper on the development of the common market for telecommunications services and equipment - Towards a dynamic European economy (COM (1987) 290) of 30 June 1987.

B. Legislative antecedents

1. Introduction

9. Green Papers are discussion papers published by the Commission on a specific policy area. These are primarily documents addressed to interested parties (*e.g.*, organizations and individuals) who are invited to participate in a process of consultation and debate. In many cases, these papers constitute the triggering event for future regulation.
10. Starting with the 1987 Telecommunications Green Paper, such discussion documents have been used extensively to initiate public consultation in the telecommunications field.

2. Green Paper and Consultation

11. The 1987 Telecommunications Green Paper set out 10 positions, with the goal of creating both a strong telecommunications infrastructure and efficient services, on favorable terms, which would be harmonized throughout the EU and within an open competitive environment.
12. The 1987 Telecommunications Green Paper generated considerable public comment and debate, with a substantial consensus in favor of most of its principal recommendations. Subsequent to the in-depth consultative process that followed its publication, the Council of Ministers⁴ endorsed the main outline and timetable for implementation of a single market for telecommunications in Europe, inviting the Commission to propose measures necessary to pursue the goals set out in the Green Paper.

C. Legal Basis

1. EU Council and Commission Directives

13. The EU Council of Ministers ("Council"), composed of representatives of the governments of each Member State, is the EU's primary policy and legislative institution

⁴ Council Resolution of 30 June 1988 on the development of the common market for telecommunications services and equipment up to 1992 [1988] OJ C 257/1.

and operates by issuing Regulations, Directives and Decisions. Nevertheless, most decision-making requires initial proposal from the Commission (and often consultation with the Economic and Social Committee, "EESC").

14. The Commission consists of 25 Commissioners, each assisted by a "cabinet" that performs an advisory and coordinating role. The Commission is divided into several sectors, each responsible for a particular area of policy ("Directorate-Generals" or "DGs") and several specialized services. Three DGs have particular competencies in the area of electronic communications:

- DG Information Society and Media;
- DG Competition; and
- DG Internal Market.

15. The Commission, like the Council, has powers to issue Regulations, Directives and Decisions and to make recommendations and deliver opinions. By contrast to the Council's powers, however, the Commission's powers (including its direct legislative power) are limited. It seems that the Commission will launch the process at the end of 2005, inviting all interested parties to make themselves known and to give their observations to the Commission.

2. Commission Directives: Article 86(3) of the EC Treaty as a legal basis for legislation

16. As set out above, the Council is primarily empowered to legislate. However, Article 86 (3) EC, set out below, provides the Commission with direct power to legislate by adopting Directives to ensure the application of Article 86 EC. In fact, the progressive liberalization of the market has essentially been brought about by the European Commission's use of its powers under Article 86 EC. The use of such legal basis to abolish monopolies was unprecedented and felt to be necessary in order to liberalize the markets in a timeframe consistent with technological developments and with similar reforms undertaken in other parts of the world.

17. Pursuant to Article 86(3) EC, "*the Commission shall ensure the application of the provision of this article and shall, where necessary, address appropriate directives or decisions to Member States.*" In the case of public undertakings and undertakings to which Member States grant special and exclusive rights, Article 86 (1) generally prohibits the Member States from enacting or maintaining in force any measures contrary to the rules contained in the EC Treaty, and in particular in relation to those rules provided in Article 12 EC (internal market) and Articles 81 to 89 EC (competition). As regards undertakings entrusted with the operation of services of general economic interest, Article 86(2) EC provides that such undertakings are to be subject to such rules (particularly the rules on competition), in so far as the application of such rules does not obstruct the performance, in law or in fact, of the particular tasks assigned to them. However, this is subject to the condition that the development of trade not be affected to such an extent as to be contrary to the Community's interests.
18. The Commission considered that by giving special and exclusive rights to certain public enterprises to produce telecommunications equipment, provide telecommunications services, or operate networks, this breached EC Treaty competition and internal market rules. Accordingly, the Commission issued a series of Directives on the basis of Article 86(3) EC to ensure competition in these areas. Examples include:
- Commission Directive 88/301/EEC of 16 May 1988 on competition in the markets in telecommunications terminal equipment ("Terminal Equipment Directive")⁵;
 - Commission Directive 90/388/EEC of 28 June 1990 on competition in the markets for telecommunications services⁶

⁵ [1988] OJ L 131/73.

⁶ [1990] OJ L 192/10; as amended by Commission Directive 94/46/EC of 13 October 1994 amending Directive 88/301/EEC and Directive 90/388/EEC in particular with regard to satellite communications [1994] OJ L 268/21, Commission Directive 95/51/EC of 18 October 1995 amending Directive 90/388/EEC with regard to the abolition of the restrictions on the use of cable television networks for the provision of already liberalized telecommunications services [1995] OJ L 256/49, Commission Directive 96/2/EC of 16 January 1996 amending Directive 90/388/EEC with regard to mobile and personal communications [1996] OJ L 20/59, Commission Directive 96/19/EC of 13 March 1996 amending Directive 90/388/EEC with regard to the implementation of full competition in telecommunications markets [1996] OJ L 74/13,

- Commission Directive 96/19/EC of 13 March 1996 amending Directive 90/388/EEC with regard to the implementation of full competition in telecommunications markets⁷.
19. However, the use of Article 86 (3) for what was regarded as a legislative reform was controversial and the French Government challenged the Commission's power to issue the Directives under Article 86(3) EC before the European Court of Justice. Similarly, the Belgian, German, Greek and Italian governments intervened in the proceedings in support of the measures sought by the French Republic.
20. The scope of the powers conferred to the Commission in Article 86(3) lay at the heart of the dispute. More particularly, the countries concerned alleged the following:
- Erroneous legal basis. With respect to the procedure used, the Commission should have initiated a procedure pursuant to Article 226 EC (Member State failure to act), instead of adopting a Directive under Article 86 EC. Indeed, these Member States asserted that the scope of Article 86(3) EC is intended to enable the Commission to inform Member States of the means that must be used to ensure how compliance with the Treaty is to be achieved, in cases where this is unclear. However, where a State measure is clearly contrary to the Treaty, recourse should be made to Article 226 to bring an end to the State measure.
 - Commission exceeded powers. As regards the Commission's competencies, by adopting the Terminal Equipment Directive, the Commission over-reached the supervisory powers conferred upon it by Article 86(3) of the EC Treaty. Article 86(3) presupposes the existence of special and exclusive rights. Thus, by claiming that the mere maintenance of such exclusive rights constitutes, in itself, a

(continued...)

Commission Directive 1999/64/EC of 23 June 1999 amending Directive 90/388/EEC in order to ensure that telecommunications networks and cable TV networks owned by a single operator are separate legal entities [1999] OJ L 175/39.

⁷ [1996] OJ L 74/13.

measure within the meaning of Article 86, this disregards the ambit of the provision.

- Sole competence of the Council. In addition, these Member States alleged that a policy on the restructuring of the telecommunications sector falls within the Council's sole competence, pursuant to Article 95. Moreover, the Terminal Equipment Directive would be contrary to Article 83, in that the Council has exclusive competence to issue rules for the application of Articles 81 and 82 of the EC Treaty (competition law rules) in specific sectors.

21. With respect to the procedural issues, the Court held that Article 86(3) enables the Commission to set out, in general terms, the obligations arising under Article 86(1) by way of adopting directives. The Commission exercised this power by defining, in concrete terms, the obligations to be imposed on Member States without taking into consideration the particular situation existing in each of the various Member States.
22. With respect to the first argument on the Commission's competencies, the Court held that the Commission's supervisory powers include the ability to specify obligations that arise under the Treaty. In addition, even though Article 86 presupposes the existence of specific and exclusive rights, the Court found that it could not be assumed that all such rights are necessarily compatible with the EC Treaty.
23. With respect to the scope of Articles 95 and 83 of the EC Treaty, the Court compared these provisions with Article 86, taking into account their subject-matter and purpose. The Court concluded that Article 95 relates to the "*adoption of measures for the approximation of the provisions laid down by law, regulation or administrative action in Member States which have as their object the establishment and functioning of the internal market. Article 87 is concerned with the adoption of any appropriate regulations or directives to give effect to the principles set out in Articles 85 and 86, that is to say the competition rules applicable to all undertakings.*" With respect to Article 86(3), however, the Court emphasized that "[...] *it is concerned with measures adopted by the Member States in relation to undertakings with which they have specific links referred to in the provisions of that article. It is only with regard to such measures that*

Article 90 [86] imposes on the Commission a duty of supervision which may, where necessary, be exercised through the adoption of directives and decisions addressed to the Member States. It must therefore be held that the subject-matter of the power conferred on the Commission by Article 90(3) [86] is different from, and more specific than, that of powers conferred on the Council by either Article 100a [95] or Article 87 [83]."
(emphasis added)

24. The Court therefore confirmed that Article 86(3) allowed the Commission to specify general obligations that public undertakings must comply with under the EC Treaty, by way of the adoption of Directives.
25. It should nonetheless be added that the Commission has only used its powers under Article 86 in a limited number of occasions, and not without extensive consultation with the Council and the Parliament, as discussed below. Most recently, it has not had recourse to this legislative tool in the electronic communications sector.

3. Council Directives: Article 95 Procedure for adoption of a legislative measure

26. Alongside the use of Article 86 for the adoption of Directives, a series of Council and European Parliament Directives adopted under Articles 95 have set forth detailed harmonization laws to ensure that the aims and principles set out in the Article 86 Directives are upheld.
27. Article 95 empowers the Council to "*adopt the measures for the approximation of the provisions laid down by law, regulation or administrative action in Member States which have as their object the establishment and functioning of the internal market*". Most telecommunications directives are Article 95 Directives⁸.

⁸ Although some Directives were also based on Article 47 and 55 (freedom to provide services) of the EC Treaty.

D. Legislative procedure

1. Commission Article 86(3) Directives

28. As set out above, the Commission's limited power under Article 86(3) is thus different from and more specific than the European Parliament or the Council's power to adopt directives.
29. While the Commission has sole power to adopt these Article 86(3) Directives, it has nevertheless always cautiously used this instrument. Generally, these initiatives have been in response to concerns expressed by the Council or Parliament. The Commission has always considered it critical that this instrument be used as part of a transparent procedure involving the widest possible dialogue with the other Union institutions, Member States and interested parties.
30. During the initial assessment period, the Commission has generally published Green Papers or discussion papers towards encouraging debate at the public consultation stage. The Commission then adopts a draft directive in view of the outcome of the consultations, expert reports, and other information obtained by the Commission. These draft directives are then presented for comments to the Parliament, the Economic and Social Committee, the Committee of the Regions, and the Member States. The draft text is also published in the Official Journal of the European Communities to allow other interested parties such as the telecommunications operators, equipment manufacturers and user groups to furnish their comments.
31. The Commission's adoption of the final Article 86(3) directive is, in any case, preceded by a careful review of comments received, and particularly those from the European Parliament, the Economic and Social Committee, and the Committee of the Regions. The discussions held during the course of the preparation of the directives on cable television networks, mobile communications, and the full liberalization of telecommunications are good illustrations of this approach.

2. Council Article 95 Directives

32. Most Council Article 95 Directives are taken pursuant to the procedure set out in Article 251 of the EC Treaty (most directives of the New Regulatory Framework). Article 251 of the EC Treaty calls for the following procedural steps:

- The Commission submits a **proposal** for a legislative measure (*e.g.*, a Directive, Decision, or Regulation) to the European Parliament and the Council. The proposal is also submitted to the Economic and Social Committee and, where necessary, the Committee of the Regions.
- The European Parliament adopts an **Opinion** at First Reading on the proposal submitted by the Commission.
- The EP Opinion is based on a Report submitted to the EP Plenary session by the appropriate Standing Committee. Within the Committee, a Rapporteur is appointed to draft the Report incorporating the various proposals for amendments submitted by MEPs, together with the corresponding justifications. The names of EP Rapporteurs for the specific proposals are provided in the panel for each measure.
- The Commission communicates its position on the **EP First Reading** amendments, and may submit a **modified proposal**.
- The Council adopts a **Common Position** on the measure, taking into account of the EP Opinion at First Reading and the Commission's modified proposal. The Council also consults the Economic and Social Committee and, where appropriate, the Committee of the Regions.
- The Commission gives its **position on the Council Common position**. The Council provides the EP with a statement of its **reasons** for the changes introduced in the Common Position. These documents, together with the Council Common Position, are transmitted to the EP for the Second Reading.
- At its **second reading**, the EP may accept, reject, or propose modifications to the Council Common Position.

- Where the EP proposes amendments to the Council Common Position, the Commission gives its **Opinion** on the EP second reading amendments, and may submit a **re-examined proposal**.
- Where the Council does not accept the EP second reading amendments, a **conciliation committee** is set up with a view to agreeing a Joint text. The Joint Text is submitted to the Council and EP for approval.
- If the **Joint text** is approved by both EP and Council, the measure is adopted and published in the Official Journal. If the Joint Text is not approved by both institutions, the measure fails.

E. Comitology

1. Introduction

33. Pursuant to Article 202 of the EC Treaty, the Council shall "*confer on the Commission, in acts which the Council adopts, powers for the implementation of the rules which the Council lays down*". As such, EU regulation is often not enacted as legislation by the Council and the Parliament, but as implementing measures under the Commission's executive duties, provided that the Council has conferred such executive power to the Commission.
34. In conferring implementing powers, the Council may impose certain conditions⁹. In general, the Council sets such conditions by collaborating with a committee established by the Council in accordance with the Council's Comitology Decisions¹⁰. In its second Comitology Decision, the Council distinguished three types of committees, according to different procedures and varying levels of legislative control over the Commission, each of which must be consulted prior to implementing legislation:

⁹ Article 202 EC Treaty expressly provides that "*The Council may impose certain requirements in respect of the exercise of these powers*".

¹⁰ Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission [1999] OJ L 184/23, repealing Council Decision 87/373 of 13 July 1987 [1987] OJ L 197/33.

- Advisory committees: the Commission must take "*utmost account of the opinion*" of such committees and inform them of the manner in which their opinion have been taken into account, but the Commission is not bound by the committees' advice. Opinions by the committees are delivered upon simple majority.
 - Management committees: if the measures are not consistent with the committee's opinion delivered by qualified majority, the Commission may still adopt these measures, but must communicate such measures to the Council, which is entitled to modify them.
 - Regulatory committees: if the measures are not approved by the committee, voting by qualified majority, the Commission must refer the proposal back to the Council, which takes a decision by qualified majority.
35. All committees are composed of representatives of the Member States and chaired by the Commission.

2. ONP and Comcom

a) ONP Committee

36. The ONP Committee, which traces its origins to a group of senior Member State officials specialized in telecommunications who were consulted by the Commission on the original plans for liberalization of the telecommunications sector, was established in 1990 under the ONP Framework Directive¹¹. It deals with a wide array of issues arising from the ONP Directives (*e.g.*, on leased lines, voice telephony and interconnection). It enables Member States to seek guidance and clarification from the Commission on particular issues arising when implementing the Directives. The Committee is a "mixed" committee, exercising both advisory and regulatory functions, depending on the issues to be decided. The Committee was closely involved in the preparation of important

¹¹ Council Directive 90/387/EEC of 28 June 1990 on the establishment of the internal market for telecommunications services through the implementation of open network provision [1990] OJ L 192/1. Corrigendum [1993] OJ L 085/28.

elements of market regulation, such as the Commission Recommendations on Interconnection, the annual Leased Line Report, and implementation of the Regulation on Local Loop Unbundling.

b) Licensing Committee

37. The Licensing Committee was established under the Licensing Directive 97/13/EC¹². It exercises both advisory and regulatory functions. The Committee is principally involved in the harmonization of licensing conditions and the establishment of a "one-stop shopping procedure" for licensing, as well as reviewing the need for harmonization of spectrum. It is consulted (as an advisory committee) on the mandates submitted by the Commission to CEPT/ECTRA and CEPT/ERC, and gives a formal opinion as a regulatory committee on final proposals for decisions on harmonized conditions to be applied in Member States.

c) Communications Committee

38. The Communications Committee was established under the New Regulatory Framework, replacing the ONP and Licensing Committees. The committee assists the Commission in carrying out its executive powers under the New Regulatory Framework. The committee exercises its function through advisory and regulatory procedures in accordance with the Council Comitology Decision.
39. Among the tasks entrusted to the Communications Committee is the promotion of discussion between Member States and the Commission on all regulatory issues concerning electronic communications. An important aspect of these discussions is the implementation of the New Regulatory Framework. Member States have an opportunity to explain to the Commission how the European regulation is implemented at national level. The Communications Committee also provides a channel for the Commission to

¹² Directive 97/13/EC of the European Parliament and of the Council of 10 April 1997 on a common framework for general authorizations and individual licences in the field of telecommunications services [1997] OJ L 117/15.

transfer to the Member States information gathered through enquiries, studies or negotiation at international level.

40. The New Regulatory Framework also entrusts the Communications Committee with the responsibility to provide a forum for discussion in situations where a national regulatory authority envisages a decision to adopt a regulatory measure with an impact on trade between Member States. Given that such decisions may influence activities outside the national territory, an opportunity must be provided to organize a discussion among the representatives of the Member States. Such discussions take place within the Communications Committee. On the basis of the consultative opinion of the committee, a decision has to be taken by the Commission. The Commission may request the national regulatory authority to withdraw its draft measure.

d) Radio Spectrum Committee

41. The Radio Spectrum Committee (RSC) was also established under the New Regulatory Framework. It may advise the Commission and also decide on “technical implementing measures” set forth by the Commission through advisory and regulatory procedures in accordance with the Council Comitology Decision.

3. Other Committees

42. The New Regulatory Framework also created various new working groups aimed at assisting the Commission to ensure a correct and harmonized implementation of the framework. The most important of these is the Radio Spectrum Policy Group.
43. The Radio Spectrum Policy Group (RSPG) was established under Commission Decision 2002/622/EC¹³, pursuant to the adoption of the Radio Spectrum Decision 676/2002/EC¹⁴. The RSPG's mandate is to “*assist and advise the Commission on radio spectrum policy issues, on co-ordination of policy approaches and, where appropriate, on harmonised*

¹³ Commission Decision 2002/622/EC of 26 July 2002 establishing a Radio Spectrum Policy Group [2002] OJ L 198/49.

¹⁴ Decision 676/2002/EC of the European Parliament and of the Council of 7 March 2002 on a regulatory framework for radio spectrum policy in the European Community (Radio Spectrum Decision) [2002] OJ L 108/1.

conditions with regard to the availability and efficient use of radio spectrum necessary for the establishment and functioning of the internal market”.

44. Members of the RSPG are representatives of the Member States and of the Commission. The role of the RSPG is advisory and its terms of reference place considerable emphasis on the importance of consultation. Article 5 of the Decision establishing the RSPG provides that: *“The group shall consult extensively and at an early stage with market participants, consumers and end-users in an open and transparent manner”*. It provides a platform for Member States, the Commission, and stakeholders to coordinate the use of radio spectrum.

F. New Regulatory Framework

45. In response to the conclusions of the special European Council of Lisbon of 23 - 24 March 2000, and pursuant to the Communication on the results of the public consultation on the Communication on the 1999 Communications Review, the Commission proposed a package of measures in July 2000 for a new regulatory framework for electronic communications networks and services. The package consists of five proposed EP and Council directives under Article 95, one Commission directive to be adopted under Article 86, and one proposed Commission Decision on a regulatory framework for radio spectrum.
46. In addition, the Commission proposed an EP and Council Regulation for unbundled access to the local loop, which was adopted in December 2000 and entered into force on 2 January 2001¹⁵. The Commission's proposal for a Regulation for unbundled access to the local loop was adopted by the EP and Council in December 2000 and has been in force since 2 January 2001.

¹⁵ Regulation No 2887/2000 of the European Parliament and of the Council of 18 December 2000 on unbundled access to the local loop [2000] OJ L336/4.

47. Before submitting these proposals, the Commission examined the impact of convergence on this sector and conducted an examination of use in the Community of radio spectrum by Member States and by non-governmental bodies.
48. The New Regulatory Framework is intended to provide a coherent, reliable and flexible approach to the regulation of electronic communication networks and services in fast moving markets. The directives provide a lighter regulatory touch where markets have become more competitive, yet seek to ensure that a minimum of services are available to all users at an affordable price and that basic consumer rights continue to be protected.
49. The New Regulatory Framework comprises essentially the following directives:
- Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services¹⁶ (the "Framework Directive");
 - Directive 2002/19/EC of the European Parliament and of the Council of 7 March 2002 on access to and interconnection of electronic communications networks and associated facilities¹⁷ (the "Access Directive");
 - Directive 2002/22/EC of the European Parliament and of the Council of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services¹⁸ (the "Universal Service Directive");
 - Directive 2002/20/EC of the European Parliament and of the Council of 7 March 2002 on the authorisation of electronic communications networks and services¹⁹ (the "Authorisation Directive");

¹⁶ [2002] OJ L 108/33.

¹⁷ [2002] OJ L 108/7.

¹⁸ [2002] OJ L 108/51.

¹⁹ [2002] OJ L 108/20.

III. Soft Law

A. Recommendations, Opinions and Guidelines

50. The Council and the Commission may issue Recommendations and Opinions at any time. However, pursuant to Article 249, paragraph 5 of the EC Treaty, these have no binding force. There is no real distinction between Recommendations and Opinions, although opinions generally express a view with regard to a question put before an institution. Recommendations are widespread in relation to telecommunications. They are often accompanied by an explanatory memorandum providing the underlying reasoning for the formulation of recommendations. Examples include:

- Commission Recommendation of 11 February 2003 on relevant product and service markets within the electronic communications sector susceptible to *ex ante* regulation in accordance with the Framework Directive²⁰ (discussed below);
- Commission Recommendation of 23 July 2003 on notifications, time limits and consultations provided for in Article 7 of Directive 2002/21/EC of the European Parliament and of the Council on a common regulatory framework for electronic communications networks and services (2003/561/EC)²¹;
- Recommendation on the Provision of leased lines in the European Union (Part 2 - Pricing aspects of wholesale leased lines part circuits)²².

51. In addition, the Commission also issues guidelines, which are non-binding. These guidelines are generally used to provide guidance in the application of legislation to a particular industry sector. Examples include:

²⁰ Notified under document number C(2003) 497) [2003] OJ L114/45.

²¹ Notified under document number C(2003) 2647) [2003] L190/13.

²² C(2005) 951 final.

- Guidelines on market analysis and the assessment of significant market power under the Community regulatory framework for electronic communications networks and services²³
- Commission Guidelines on the application of EEC competition rules in the telecommunications sector²⁴.

B. Communications

52. The Commission also presents its proposed policy in any given area in the form of a Communication to the Council (and the Parliament). Although non-binding, Communications serve as a useful indicator of the lines of action that the Commission intends to take. The most significant examples of these include the 1987 Telecommunications Green Paper, and the Commission Communication on the principles and guidelines for the Community's audiovisual policy in the digital age²⁵.

C. Standardization

1. New Approach

53. Uniform technical specifications are central to the operation of mutual type approval between Member States and to the development of a single European market to provide a strong domestic base for suppliers in Europe. To develop a truly competitive market in telecommunications services, infrastructure and termination equipment must operate on the same specified technical standards.
54. However, the Commission has not itself been directly involved in defining standards, but relies on competent standard-setting bodies. This was further endorsed by the so-called "New Approach" to such regulation.

²³ 2002/C 165/03 [2002] OJ C165/6.

²⁴ [1991] OJ C233/2.

²⁵ COM (1999) 657 final, section 3(2).

55. Council Resolution of 7 May 1985 on a New approach to technical harmonization and standards²⁶ formally endorsed the principle of referring to European standards within the relevant European regulatory work (Directives). It introduced, among other things, a clear separation of responsibilities between the EC legislator and the European standards bodies (CEN, CENELEC and ETSI) in the legal framework allowing for the free movement of goods. As such, EC directives define the "essential requirements", and the European standards bodies have the task of defining the technical specifications that will satisfy such essential requirements. Compliance with such specifications then provides a presumption of conformity with the essential requirements. These specifications are referred to as "harmonised standards".
56. A short description of these standard-setting bodies is provided below.

2. European Telecommunications Standardization Institute (ETSI)

57. ETSI was created in 1987 by the CEPT²⁷ in order to enhance and complement the Community's policy on telecommunications and information technology standards and to promote open international standardization.
58. Standards approved by the ETSI are known as European Telecommunications Standards (ETS).

3. European Committee for Electrotechnical Standardization (CENELEC)

59. CENELEC was created in 1973. Its mission is to prepare voluntary electrotechnical standards to promote the Single European Market for electrical and electronic goods and services by removing barriers to trade, creating new markets and cutting compliance costs.

²⁶ [1985] OJ C 136/1. See also Resolution of 18 June 1992 on the role of European standardization in the European economy [1992] OJ C 173/1.

²⁷ CEPT stands for "*Conférence Européenne des Postes et Télécommunication*". CEPT was established in 1959. Since 1992, CEPT has been composed of national authorities. It is to consider, in a European context, public policy and regulatory matters relating to posts and telecommunications and to foster the harmonization of regulations.

60. CENELEC is developing and achieving a coherent set of voluntary electrotechnical standards as a basis for the creation of the Single European Market/European Economic Area without internal frontiers for goods and services.

4. European Committee for Standardization (CEN)

61. CEN was founded in 1961 by the national standards bodies in the European Economic Community and EFTA countries. CEN is a multi-sectoral standardization organization, which is active in all fields except the electrotechnical and telecommunication fields.

IV. Implementation of telecommunications legislation

A. The Commission and NRAs

1. Commission

62. There are many bodies that play a role in the regulation of the telecommunications sector. However, the Commission and the national regulatory authorities ("NRAs") are the two main bodies responsible for implementation and enforcement of telecommunications legislation.
63. In general, it is the Commission's role to ensure that Member States implement and enforce directives in an effective and appropriate way. Directives require Member States to notify certain information to the Commission within certain time limits to facilitate verification of implementation. Since mid-1997, the Commission has issued a series of implementation reports assessing the state of implementation of telecommunications legislation in each Member State. Those reports not only monitor the transposition of the various directives into national law, but also assess the state of competition in national markets. They provide an excellent overview for the private sector of the regulatory positions in the various Member States. In the context of the preparation of such reports, the Commission has extensive contacts with Member States and operators, providing opportunities to the latter to bring concerns about the proper transposition of EU legislation into national law.

64. If the Commission considers that a Member State has failed to transpose, or has either incorrectly transposed or applied a transposed provision in a Directive, it may commence infringement proceedings against that Member State under Article 226 of the Treaty. This Article requires the Commission, after giving the Member State concerned the opportunity to submit its observations, to issue a “reasoned opinion”. If the Member State does not comply with that opinion, the Commission may bring the matter before the European Court of Justice, which can require the Member State to bring its national legislation into compliance with its Community obligations.
65. In the telecommunications sector, the Commission has already initiated Article 226 proceedings against various Member States for improper or untimely transposition of legislation.

2. NRAs

66. Member States must ensure that a directive's provisions are applicable in their territory, through transposition into national law, but Member States must also have flexibility in accomplishing this. In the telecommunications sector, NRAs have the primary responsibility for implementing and enforcing the EC regulatory framework. Thus, NRAs play a major role in the new regulatory regime, alongside the national competition authorities. They also play an important role in ensuring that rules are consistently applied in all Member States, in cooperation with other NRAs and the Commission. NRAs, in particular, must assess the level of effective competition in relevant markets, and determine the regulatory obligations to be imposed on players with significant market power.

a) Article 7 procedure: reconciling EU harmonization and flexibility for National Regulatory Authorities

67. One of the cornerstones of the continued liberalization of the telecommunications sector is the increased introduction of competition analysis principles in the telecommunications regulatory environment. The 1998 Regulatory package gave little space to the NRAs for policy and implementation. NRAs were legally constrained in imposing regulatory

obligations to the extent that (1) the relevant market, (2) the operators concerned (static criterion of 25% market share), and (3) the remedies were identified and set by the applicable legal framework.

68. The New Regulatory Framework, however, leaves considerably more scope for regulation by the NRAs. In this regard, NRAs must (i) define relevant markets; (ii) designate certain operators and service providers as having significant market power ("SMP") on these markets; and (iii) impose regulatory requirements (remedies) on these SMP operators, where such remedies could affect trade between Member States.
69. This decentralization of regulatory powers, however, raises harmonization concerns. The new framework sets out to address an important and difficult challenge: reconciling the seemingly contradictory aims of (i) harmonizing the regulatory framework across the EU and therefore strengthening the Single Market, while (ii) allowing for a much-needed degree of flexibility to reflect national particularities. To meet these concerns, the EU Regulatory Framework empowers the Commission to oversee the national regulatory measures by way of consultation and transparency procedures provided under Article 7 of the Framework Directive.
70. Article 7 of the Framework Directive requires NRAs to carry out market analyses to establish the state of competition in relevant communications markets and to identify any providers with SMP in these markets. Once an operator is deemed to have SMP, NRAs must identify the specific obligations that are appropriate to impose on such operator. Obligations can vary according to the nature and the source of the competition problem, which, combined with the wide range of potential remedies, allows for a high degree of tailor-made solutions to specific circumstances.
71. NRAs must, however, conduct a 'national' and a 'Community' consultation on the measures they intend to take. Pursuant to Article 7 of the Framework Directive, NRAs must make their draft regulatory decisions accessible to other NRAs and the Commission for comments. In most cases, other NRAs and the Commission have a period of one month within which they may make comments to the NRA concerned. However, when a draft measure may affect trade between Member States and either (i) aims at defining a

relevant market differing from those defined in the Commission's Recommendation on relevant markets, or (ii) decides whether to designate an undertaking as having SMP, the Commission may within an additional period of two months require the NRA concerned to withdraw the notified draft measure (the so-called 'veto powers' of the Commission). This would primarily occur on the grounds of incorrect application of the competition law principles enshrined in the new framework, such as 'market definition' and the assessment of single or collective dominance. The Commission has no veto right with regard to measures imposing remedies. However, access and interconnection remedies imposed by NRAs on SMP operators that are not listed in the Access Directive are subject to Commission authorization (Access Directive, Article 8(2)).

72. Thus, the Article 7 consultation procedure is a decision-making procedure between authorities at national and Community level (NRAs and Commission) which does not provide for any formal means of participation by mobile operators or other concerned entities. Nonetheless, operators and other concerned parties are often given the opportunity to express their views on the draft measures at both national and EU-level.

b) The Article 7 Taskforce

73. The procedure described above implies the use of considerable resources and puts a heavy administrative burden on the Commission, given the strict deadlines set out in the new framework for carrying out such assessments. To manage the Community consultation, the Commission has established two Task Forces, one in the Competition DG and another one in the Information Society DG. The Task Forces carry out the duties that the new framework places on the Commission. Key responsibilities include the review and analysis of draft regulatory measures ('cases') notified by NRAs under the Community consultation.
74. The Task Forces also work very closely together and establish joint case teams in each case in order to meet the tight deadlines of the Article 7 consultation mechanism. Seven months before the Commission received its first notification on 4 August 2003, the Task Forces were created. The Task Forces are responsible for holding pre-notification meetings with NRAs. Such meetings are crucial for preparing for the actual notifications

of draft regulatory measures by NRAs, as they enable NRAs to present their positions and receive guidance from the Commission services on how best to proceed. The particular aim of such informal meetings is to identify those markets where the regulator intends to deviate from the Recommendation on relevant markets, and to preliminarily analyze the regulator's approach when designating companies as SMP.

75. Typically, several pre-notification meetings are necessary with a given regulator, as individual meetings cover specific market areas. In the notification phase of the Commission's cooperation with an NRA, case files are opened following formal notifications. On a daily basis, the centralized Article 7 Registry/("Grefe") (equipped with electronic archive), which is administratively attached to the Information Society DG, must inform the Heads of the Task Forces of new notifications received. The Heads of the Task Forces must then assign case teams, composed of case leaders, case handlers and case secretaries. Regular internal management meetings ensure a proper review of case allocations and case handling.

B. ERG

76. The European Regulators Group for electronic communications networks and services ("ERG") was created by Commission Decision 2002/627/EC, adopted on 29 July 2002²⁸. The ERG is composed of representatives of the NRAs of each Member State.
77. The Commission established the ERG to provide a suitable mechanism for encouraging cooperation and coordination between NRAs and the Commission, in order to promote the development of the internal market for electronic communications networks and services, and to seek to achieve consistent application, in all Member States, of the provisions set out in the Directives of the New Regulatory Framework. Among its primary missions, the ERG aims at ensuring a consistent application of the New

²⁸ Decision 2002/627/EC of 29 July 2002 establishing the European Regulators Group for Electronic Communications Networks and Services [2002] L200/38, as amended by Commission Decision of 14 September 2004 (2004/641/EC) [2004] L293/30.

Regulatory Framework for electronic communications and services, as established through coordination of the actions of the various national NRAs.

78. The ERG is an informal body which is not subject to the rules on committees. It is composed of the representatives of the NRAs and chaired by one of the representatives.

V. Legislative Review

A. **Review of the 1998 Regulatory Package**

79. In 1999, the Commission issued a Communication with respect to its review of the telecommunications market ("the 1999 Communications Review"). This Communication (the "Communication on the 1999 Communications Review")²⁹ was mainly based on the achievements of the liberalization of telecommunications and the regulatory framework established to oversee competition and other public interest objectives. The Communication on the 1999 Communications Review drew attention to the communications sector's central role in the economic, social and cultural life of the EU. It highlighted the dynamism of technological and market change in the sector, as illustrated by the technological convergence of the telecommunications, media and information technology sectors, and the emergence of the Internet. The Communication reviewed the current regulatory framework for the telecommunications sector, and made a series of policy proposals for a new framework to cover all communications infrastructure and associated services. These proposals covered eight key areas of regulatory policy: licensing and authorizations; access and interconnection; management of radio spectrum; universal service; user and consumer rights; numbering, naming and addressing; specific competition issues; and institutional issues.
80. Interested parties were invited to comment on the proposals by 15 February 2000. More than 200 responses were received from a wide range of interests from EU and elsewhere.

²⁹ See Commission Communication on the principles and guidelines for the Community's audiovisual policy in the digital age, COM (1999) 657 final, section 3(2).

In addition, over 550 people attended a two-day public hearing held by the Commission on 25 and 26 January 2000.

81. Following its consultation, the Commission issued a Communication³⁰ to the Council, the European Parliament, the Economic and Social Committee, the Committee of Regions and the public at large, which presented the main outcome of the consultation procedure and its conclusions on the content of its forthcoming proposals for the New Regulatory Framework.

B. Review of the New Regulatory Framework

82. Article 25 of the Framework Directive provides that:

"The Commission shall periodically review the functioning of this Directive and report to the European Parliament and to the Council, on the first occasion not later than three years after the date of application referred to in Article 28(1), second subparagraph. For this purpose, the Commission may request information from the Member States, which shall be supplied without undue delay".

83. The Directive being applicable since 24 July 2003, the first review report should be submitted to the Parliament and to the Council before 24 July 2006. Such a provision also appears in the other directives that are part of the actual regulatory framework (Access, Authorisation, and Universal Services directives).

84. Similarly, the Commission Recommendation on relevant markets³¹ ("Recommendation") provides that:

"The Commission will review the need for an update of this Recommendation no later than 30 June 2004 on the basis of market developments".

³⁰ Commission Communication on the results of the public consultation on the 1999 Communications Review and Orientations for the new Regulatory Framework, COM(2000)239 final.

³¹ Commission Recommendation of 11 February 2003 on relevant product and service markets within the electronic communications sector susceptible to ex ante regulation in accordance with Directive 2002/21/EC of the European Parliament and of the Council on a common regulatory framework for electronic communication networks and services [2003] OJ L114/45.

85. On 2 July 2004, the Commission mentioned that the first review of the markets within the new regulatory framework is expected by the end of 2005: "*Updating the Recommendation at the end of 2005, rather than in June 2004, will provide a period of stability and legal certainty for market players and will lead to a more meaningful assessment of the relevant markets*"³².
86. The various directives and the Recommendation do not lay down the process to be followed by the Commission in view of the review.
87. Based on the review of the 1998 regulatory package, one can expect that the Commission will organise a large public debate on the basis of a Communication to the Parliament, the Council, the Economic and Social Committee and the Committee of the Regions, presenting its preliminary views and the guidelines for the review of the present regulatory framework.
88. In terms of timing, Commissioner Viviane Reding (DG Infosoc) announced in a speech to the Center for European Policy Studies Taskforce on Electronic Communications that the Commission was working towards the publication of a Communication on the functioning of the framework by July 2006. The publication of the Communication will most likely be preceded by an invitation (end 2005) to all interested parties to make themselves known and to give their observations to the Commission. The Commissioner further announced that the publication will launch a public consultation which will end in the autumn of 2006. The Commission intends to make a legislative proposal by end 2006.
89. The Commissioner also indicated that, at the same time, its services will be working on a revised version of the Recommendation. The Commission plans to call for input in December 2005 and to release a draft Recommendation for public consultation by July 2006.

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<http://europa.eu.int/rapid/pressReleasesAction.do?reference=IP/04/845&format=HTML&aged=1&language=EN&guiLanguage=en>

Annex 1

Overview of the main legislative acts adopted to date

I Regulations of the European Parliament and/or the Council

- Regulation No 2887/2000 of the European Parliament and of the Council of 18 December 2000 on unbundled access to the local loop [2000] OJ L 336/4
- Regulation No 1182/71 of the Council of 3 June 1971 determining the rules applicable to periods, dates and time limits [1971] OJ L 124/1 (English special edition: Series I Chapter 1971(II) page 354)

II Directives of the European Parliament and the Council

- Directive 2002/21/EC of 7 March 2002 on a common regulatory framework for electronic communications networks and services (Framework Directive) [2002] OJ L 108/33
- Directive 2002/20/EC of 7 March 2002 on the authorisation of electronic communications networks and services (Authorisation Directive) [2002] OJ L 108/21
- Directive 2002/19/EC of 7 March 2002 on access to, and interconnection of, electronic networks and associated facilities (Access Directive) [2002] OJ L 108/7
- Directive 2002/22/EC of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services (Universal Service Directive) [2002] OJ L 108/51

- Directive 2002/58/EC of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications) [2002] OJ L 201/37

III Council Decisions

- Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission [1999] OJ L 184/23

IV Commission Decisions

- Decision 2002/627/EC of 29 July 2002 establishing the European Regulators Group for Electronic Communications Networks and Services [2002] L 200/38, as amended by Commission Decision 2004/641/EC of 14 September 2004 [2004] L 293/30

V Commission Directives

- Directive 88/301/EEC of 16 May 1988 on competition in the markets in telecommunications terminal equipment [1988] OJ L 131/73
- Commission Directive 90/388/EEC of 28 June 1990 on competition in the markets for telecommunications services [1990] OJ L 192/10
- Commission Directive 94/46/EC of 13 October 1994 amending Directive 88/301/EEC and Directive 90/388/EEC in particular with regard to satellite communications [1994] OJ L 268/21
- Commission Directive 95/51/EC of 18 October 1995 amending Directive 90/388/EEC with regard to the abolition of the restrictions on the use of cable television networks for the provision of already liberalized telecommunications services [1995] OJ L 256/49

- Commission Directive 96/2/EC of 16 January 1996 amending Directive 90/388/EEC with regard to mobile and personal communications [1996] OJ L 20/59
- Commission Directive 96/19/EC of 13 March 1996 amending Directive 90/388/EEC with regard to the implementation of full competition in telecommunications markets [1996] OJ L 74/13
- Commission Directive 1999/64/EC of 23 June 1999 amending Directive 90/388/EEC in order to ensure that telecommunications networks and cable TV networks owned by a single operator are separate legal entities [1999] OJ L 175/39
- Commission Directive 2002/77/EC of 16 September 2002 on competition in the markets for electronic communications networks and services [2002] L 249/21

VI Commission Recommendations

- Commission Recommendation of 25 May 2000 on unbundled access to the local loop: enabling the competitive provision of a full range of electronic communications services including broadband multimedia and high-speed Internet (2000/417/EC) (notified under document number C(2000) 1259) [2000] OJ L 156/44
- Recommendation of 11 February 2003 on relevant product and service markets within the electronic communications sector susceptible to ex ante regulation in accordance with the Framework Directive (2003/311/EC) (notified under document number C(2003) 497) [2003] OJ L 114/45 - see also the Explanatory Memorandum
- Commission Recommendation of 23 July 2003 on notifications, time limits and consultations provided for in Article 7 of Directive 2002/21/EC of the European Parliament and of the Council on a common regulatory framework for electronic communications networks and services (2003/561/EC) (notified under document number C(2003) 2647) [2003] L 190/13

VII Commission Notices

- Commission Notice on the definition of relevant market for the purposes of Community competition law (97/C 372/03) [1997] OJ C 372/5
- Notice on the application of the competition rules to access agreements in the telecommunications sector [1998] OJ C 265/2
- Communication concerning the review under competition rules of the joint provision of telecommunications and cable TV networks by a single operator and the abolition of restrictions on the provision of cable TV capacity over telecommunications networks (98/C 71/04) [1998] OJ C 71/4

VIII Commission Guidelines

- Commission Guidelines on the application of EEC competition rules in the telecommunications sector [1991] OJ C 233/2
- Guidelines on market analysis and the assessment of significant market power under the Community regulatory framework for electronic communications networks and services (2002/C 165/03) [2002] OJ C 165/6

Annex 2

European Commission
Directorate General for Information Society and Media Commissioner: Mrs Viviane Reding website : http://europa.eu.int/information_society/index_en.htm
Address : Belgium Information Society and Media Directorate-General European Commission B-1049 Brussels Luxembourg Information Society and Media Directorate-General European Commission L-2920 Luxembourg General Enquiries: Information Resource Centre European Commission BU 24 0/41 Rue de la Loi 200 B-1049 Brussels Tel: +32 (0)2 299 9399 Fax: +32 (0)2 299 9499 info-desk@cec.eu.int
Relevant Units
Unit B1 - Policy Development and regulatory Framework

The units develops policy for electronic communications services, including telecoms, digital radio and TV and next generation networks.

The main outputs are draft proposals for directives (such as the five European Parliament and Council directives constituting the main pillar of the current EU regulatory framework), recommendations and other regulatory instruments.

Unit mailbox: INFSO-B1@cec.eu.int

Unit B2 - Implementation of the regulatory framework (I)

The unit is responsible for the implementation of the EU regulation in:

Austria, Cyprus, Czech Republic, Germany, Hungary, Latvia, Portugal, Slovakia, Spain, United Kingdom

The unit is also responsible for:

Questions of principle relating to the Framework, Access and Interconnection and Universal Service Directives

Coordination of infringement proceedings concerning the five directives

Management of the Communications Committee

Article 7 ('special regulatory procedure') taskforce (DG INFSO)

For all registered notifications, see <http://forum.europa.eu.int/Public/irc/infso/ecctf/home>

Unit mailbox: INFSO-B2@cec.eu.int

Unit B3 - Implementation of the regulatory framework (II)

The unit is responsible for the implementation of the EU regulation in:

Belgium, Denmark, Estonia, Finland, France, Greece, Ireland, Italy, Lithuania, Luxembourg, Malta, Netherlands, Poland, Slovenia, Sweden,

and for questions of principle relating to the Authorisations and e-Privacy Directives

Unit mailbox: INFSO-B3@cec.eu.int

Unit B4 - Radio Spectrum Policy

The unit is responsible for the development of radio spectrum policy pursuant to the Radio Spectrum Decision 676/2002/EC and implementation measures for EU radio spectrum policy; it represents the Commission in international organisations dealing with radio spectrum aspects, notably the CEPT and ITU.

Unit mailbox: INFSO-B4@cec.eu.int

Electronic communications and regulations

Information Society and Media Directorate-General
European Commission
B-1049 Brussels
Contact : infso-telecom@cec.eu.int

Radio Spectrum Committee (RSC) + RSPG

Information Society and Media Directorate-General
European Commission
B-1049 Brussels
Contact : Infso-RSC@cec.eu.int

Communications Committee

Information Society and Media Directorate-General
European Commission
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**e-Communications Consultation Task Force
(so-called "Article 7 Task Force")**

Information Society and Media Directorate-General
European Commission

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Head of Unit: Mrs Paraskevi Michou

Directorate General for COMPETITION

Commissioner: Mrs Neelie Kroes

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Contact : infocomp@cec.eu.int

http://europa.eu.int/comm/commission_barroso/kroes/cabinet/cabinet.pdf

Relevant Units

Unit C1 - Telecommunications and post; Information society coordination

As regards the regulatory framework, the unit oversees the Consolidated Services Directives and is responsible for the Article 7 ('special regulatory procedure') taskforce (DG COMP)

Unit mailbox; COMP-C1@cec.eu.int

"Article 7 Task Force"

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Head of Unit: Mr Eric Vanginderachter

Directorate General for Internal Market and Services

Commissioner: Mr. Charlie McCreevy

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http://europa.eu.int/comm/commission_barroso/mccreevy/cabinet/index_en.htm

Directorate General for Enterprise and Industry

Commissioner: Mr Günter Verheugen

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200, rue de la Loi

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Belgium

Contact : entr-webmaster@cec.eu.int

Website : http://www.europa.eu.int/comm/index_en.htm

Council of the European Union

Website : http://ue.eu.int/cms3_fo/showPage.ASP?lang=en

The Presidency of the Council is held for six months by each member state on a rotational basis.
For the moment, UK is heading the presidency.

Rue de la Loi, 175

B-1048 Bruxelles

Telephone (32-2) 285 61 11

Fax (32-2) 285 73 97

public.info@consilium.eu.int

As for contacting the Council committees, you need to contact the Permanent representation office of a Member state.

For Belgium : +32 2 233.21.11

European Economic and Social Committee (EESC)

Website : <http://www.esc.eu.int/pages/en/home.asp>

Address :

European Economic and Social Committee

99, rue Belliard

B-1040 BRUSSELS

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EU Court of Justice & Court of First Instance

Website : <http://www.curia.eu.int/en/transitpage.htm>

Address :

Cour de justice des Communautés européennes

L-2925 Luxembourg

Telephone switchboard: (352) 4303.1

fax: (352) 4303.2600

Registry of the Court of Justice:

Lodging of procedural documents

e-mail: ECJ.Registry@curia.eu.int

fax: (352) 433766

Registry of the Court of First Instance:

Lodging of procedural documents

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European Parliament

Website : http://www.europarl.eu.int/home/default_en.htm

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The Committee structure of the Parliament is not fixed and is able to respond flexibly to the new demands being placed on it by the EU. The number of committees changes with each Parliamentary term and the responsibilities of each committee can be changed as and when necessary. The make-up of each committee reflects the political balance of the full Parliament. The following is the full list of Parliamentary committees that were sitting in the first part of 2004:

- Agriculture
- Budgetary Control
- Budgets
- Citizens' Freedoms and Rights
- Constitutional Affairs
- Culture, Youth, Education, Media, Sport
- Development and Cooperation
- Economic and Monetary Affairs

- Employment, Social Affairs
- Environment, Public Health, Consumer Policy
- Fisheries
- Foreign Affairs, Human Rights, Common Security
- Industry, External Trade, Research, Energy
- Legal Affairs, Internal Market
- Petitions
- Regional Policy, Transport, Tourism
- Women's Rights, Equal Opportunities

CENELEC - the European Committee for Electrotechnical Standardization

Website : <http://www.cenelec.org/Cenelec/Homepage.htm>

Address :

35, Rue de Stassart

B-1050 Brussels, Belgium

Phone: +32 2 519 68 71

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Email info: info@cenelec.org

Email other purposes: general@cenelec.org

CEN - European Committee for Standardization

Website : <http://www.cenorm.be/cenorm/index.htm>

Address :

36, Rue de Stassart,

B-1050 Brussels, Belgium

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Email : infodesk@cenorm.be

ETSI - European Telecommunications Standards Institute.

Website : <http://www.etsi.org/>

Address :

ETSI Secretariat

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Helpdesk : helpdesk@etsi.org

CEPT - European Conference of Postal and Telecommunications

Administrations

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<http://www.rtr.at>

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IT-& Telestyrelsen

National IT & Telecom Agency

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Germany

Reg TP-Regierungsbehörde für Telekommunikation und Post

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D-53113 Bonn

<http://www.regtp.de>

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Greece

EETT-National Commission for Telecommunications and Post

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Spain

CMT-Comisión del Mercado de las Telecomunicaciones

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<http://www.cmt.es>

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ART-Autorité de Régulation des Télécommunications

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<http://www.art-telecom.fr>

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Commission for Communications Regulation

Block DEF, Abbey Court, Irish Life Centre

Lower Abbey Street

Dublin 1

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<http://www.odtr.ie>

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AGC-Autorità per le Garanzie nelle Comunicazioni

Centro Direzionale

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