

## EU – Regulatory Framework for Electronic Communications

The convergence of the telecommunications, media and information technology sectors makes a new approach to regulation necessary. The new EU regulatory framework is designed to cover all transmission networks and services. The framework consists of the following instruments:

- **Framework Directive** setting out the main principles, objectives and procedures for an EU regulatory policy regarding the provision of electronic communications services and networks.
- **Access and Interconnection Directive** stipulating procedures and principles for imposing pro-competitive obligations regarding access to and interconnection of networks on operators with significant market power.
- **Authorisation Directive** introducing a system of general authorisation, instead of individual or class licences, to facilitate entry in the market and reduce administrative burdens on operators.
- **Universal Service Directive** requiring a minimum level of availability and affordability of basic electronic communications services and guaranteeing a set of basic rights for users and consumers of electronic communications services.
- **Electronic Communications Privacy Directive** setting out rules for the protection of privacy and of personal data processed in relation to communications over public communication networks.
- **Radio Spectrum Decision** establishes principles and procedures for the development and implementation of an internal and external EU radio spectrum policy.
- **Commission Competition Directive** consolidating the legal measures that have liberalised the telecommunications sector over the years.

In addition to these basic instruments, the Commission has adopted additional measures that will play an important role in the functioning of the new framework :

- **Commission guidelines on market analysis and the assessment of significant market power** setting out a common methodology and principles for the national regulatory authorities charged with these tasks.
- **Commission recommendation on relevant markets** defining a list of 17 sub-markets to be examined by national regulatory authorities.

The new framework is designed to ensure that ex-ante regulation is applied only where the level of competition in defined markets is considered to be insufficient on the basis of an analysis consistent with competition law methodology. Newly emerging markets should also be free from regulation, in principle. This approach is to boost competition at the level of networks and platform, and to give National Regulatory Authorities the tools to mandate access to networks where justified by a lack of competitive pressure on dominant operators.

The European Council and Parliament set a legal deadline of 24 July 2003 for the transposition of the main provisions of the new framework. As of 1 November, 8 member states had taken action to incorporate the Framework, Access, Authorisation and Universal Services Directives into national law: Denmark, Spain, Ireland, Italy, Austria, Finland, Sweden and the UK.