

Dispute Settlement Procedures within Europe



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Maria Hägglöf, ERO, hagglof@ero.dk

Factors of Importance in the Dispute Resolution Process

- **Timescale for resolution**
 - *Uncertainty affects the investment decisions, and delays increase the economical impacts of the dispute*
 - **Suitable time for NRA to make an appropriate investigation**

- **Transparency of the process and the resolution**
 - *The competitive advantage of obtaining valuable transaction-related information increases and requires a certain degree of confidentiality*
 - **The importance of access to information for the NRA investigation**
 - *Increased knowledge and predictability of the "contracting environment" will reduce the incitements of disputes emerging*

- **Enforcement of NRA decisions**
 - **The binding nature of a NRA decision**
 - *Appeal procedures*

Five levels of transparency of the process and resolution



Closed to the NRA only – *In general only the draft determination*

Closed to the parties involved - *In general information of the process*

***Open to third part upon request/or third part have the right to be informed** – *the national jurisdictions in the Nordic countries and the Netherlands are based on the principle of public access to documents and processes of all of the national public administrations*

Open considered as public information – *In general always the decisions*

Published information -*The NRA decisions are published in half of the countries*

Confidentiality



- **The NRAs have, with some exceptions, the authority to finally confirm the confidentiality of the information.**
- **Three general types of confidential information could be identified among the countries:**
 - 1) *Personal data, information covered by national legislation regarding privacy, data protection laws, etc.*
 - 2) *Information that might have an impact on the national state security*
 - 3) *Commercial or industrial confidential information*

Enforcement of NRA Decisions

Country	Binding NRA decision suspended by appeal		Binding NRA decision In general	NRA sanctions of the non complainant party	Appeal			Review right
	In general	Court decision			NRA first instance	Court first instance	Appeal body	
Austria		X	X ¹	none		X		yes
Belgium ²			X	Fines and licence revocation		X		yes
Bulgaria			X	finances or license revocation		X		yes
Croatia			X	finances		X		yes
Czech Republic	X		X	penalty sanctions interconnection	X			yes
Denmark			X	issue of order & fines			X	yes
Finland			X	conditional fine		X		yes
Hungary		X		finances & other necessary enforcement actions		X		yes
Iceland			X	Fines or licence revocation			X	yes
Ireland		X		amendment, suspension or revocation of the license, or other specific measures	X	X ³		yes

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Workshop on Dispute Resolution

7

Conclusion: Dispute prevention

- ✓ Well-defined dispute resolution processes and appropriate resolutions
- ✓ Learning from dispute resolution transmitted to the incentive structure
- ✓ Enforcement of the dispute settlement resolution
- ✓ Tracking abuses of market power and anti-competitive behaviour, or abuse of consumer rights

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8



For more information

European Radiocommunications Office:

<http://www.ero.dk>

**The European Conference of Postal and
Telecommunications Administrations (CEPT):**

<http://www.cept.org>



Thank you for your attention