

Electronic communications: common regulatory framework for networks and services, access, interconnection and authorisation. 'Telecoms Package'

2007/0247(COD) - 13/11/2007 - Legislative proposal

PURPOSE: to reform the EU's regulatory framework for electronic communications networks and services with a view to completing the internal market for electronic communications.

PROPOSED ACT: Directive of the European Parliament and of the Council.

CONTEXT: in June 2006, the Commission presented a report to the European Parliament and the Council on the functioning of the regulatory framework for electronic communications networks and services. The report noted that the framework had yielded considerable benefits, but that the internal market for electronic communications was still not complete, as many aspects continue to be regulated at national level. The current fragmentation hinders investment and is detrimental to consumers and operators. This calls for a substantial reform of the regulatory framework in order to strengthen and complete the internal market.

More specifically, the objectives of the present reform are three-fold:

1. Moving towards a more efficient management of spectrum so as to facilitate access to spectrum for operators and to foster innovation.
2. Ensuring that, where regulation remains necessary, this is more efficient and simpler both for operators and for national regulatory authorities (NRAs).
3. Making a decisive step towards more consistency in the application of EU rules in order to complete the internal market for electronic communications.

This reform proposal covers changes to the Framework (2002/21/EC), Authorisation (2002/19/EC) and Access (2002/20/EC) Directives. It is part of a package of reforms that also includes:

- a proposal concerning amendments to the 'Universal Service' Directive (2002/22/EC) and the processing of personal data and the protection of privacy in the electronic communications sector (2002/58/EC), (see [COD/2007/0248](#));
- a proposal for a Regulation creating a new European Electronic Communications Market Authority (see [COD/2007/0249](#)).

CONTENT: This legislative reform proposal aims to adjust the regulatory framework for ecommunications by improving its effectiveness, reducing the administrative resources needed for implementing economic regulation (the market analysis procedure) and making access to radio frequencies simpler and more efficient.

Framework Directive: the main proposed amendments are the following:

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Reforming spectrum management: a more flexible approach is needed to exploit the economic potential and realise the societal and environmental benefits of improved spectrum usage. In order to allow more flexibility to take account of market needs, the Commission proposes making technology neutrality a binding principle, and introduces the principle of service neutrality, with the possibility for exceptions to the principle in limited cases such as meeting general interest objectives. The principle of spectrum tradability can be imposed in commonly defined. The changes also introduce a transitional phase and allow the Commission to take implementing measures via the comitology procedure to coordinate the application of the new principles for internal market purposes.

- **Improving the consistency of regulation of the internal market in electronic communications.** This will be achieved by a stronger role for the Commission in remedies imposed by NRAs, which will be combined with the close involvement of the new Electronic Communications Market Authority to ensure that the joint expertise of NRAs can be effectively harnessed and efficiently taken into account in the final Commission decision.
- **Strengthening security and integrity, for the benefit of users of e-communications.** Obligations in this field are reinforced to ensure the reliable and secure use of e-communications. The Authority will contribute to the harmonisation of appropriate technical and organisational security measures by providing expert advice to the Commission. New provisions extend the scope of integrity requirements beyond telephone networks to cover mobile and IP networks.

Authorisation Directive: the main proposed changes are as follows:

- aligning the Directive to the new policy for spectrum;
- creating an efficient procedure for firms needing rights of use to provide cross-European services; and
- ensuring a smooth transition to the introduction of spectrum trading.

Access Directive: the main proposed change is the introduction of functional separation as a remedy that can be imposed by NRAs, subject to approval by the Commission, which has to seek the advice of the new Authority to this end.