Telecommunications: unbundled access to local loops of operators having significant market power

2000/0185(COD) - 18/12/2000 - Final act

PURPOSE : to adopt a regulation on unbundled access to the local loop. COMMUNITY MEASURE : Regulation 2887/2000/EC of the European Parliament and of the Council on unbundled access to the local loop. CONTENT : this Regulation aims at intensifying competition and stimulating technological innovation on the local access market, through the setting of harmonised conditions for unbundled access to the local loop, to foster the competitive provision of a wide range of electronic communications services. It shall apply without prejudice to the obligations of the notified operators to comply with the principle of non-discrimination, when using the fixed public telephone network in order to provide high speed access and transmission services to third parties in the same manner as they provide for their own services or to their associated companies, in accordance with Community provision. Notified operators shall publish from 31 December 2000, and keep updated, a reference offer for unbundled access to their local loops and related facilities. The offer shall be sufficiently unbundled so that the beneficiary does not have to pay for network elements or facilities which are not necessary for the supply of its services, and shall contain a description of the components of the offer, associated terms and conditions. They shall also from 31 December 2000 meet reasonable request from beneficiaries for unbundled access to their local loops and related facilities, under transparent, fair and non-discriminatory conditions. With regard to the national regulatory authority, it shall ensure that charging for the unbundled access to the local loop fosters fair and sustainable competition. This authority shall have the power to : - impose changes on the reference offer for unbundled access to the local loop and related facilities, including prices, where such changes are justified; and - require notified operators to supply information relevant for the implementation of this regulation; - the national regulatory authority may, where justified, intervene on its own initiative in order to ensure non-discrimination, fair competition, economic efficiency and maximum benefit for users; - when the national regulatory authority determines that the local access market is sufficiently competitive, it shall relieve the notified operators of the obligation laid down in Article 3(3) for the prices to be set on the basis of cost-orientation; - disputes between undertakings concerning issues included in this regulation shall be subject to the national dispute resolution procedures. ENTRY INTO FORCE : 01/01/2001.